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Islah and Judicial Mediation in Islamic Family Law: Interpersonal Communication Practices of Non-Judge Mediators in Divorce Cases

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ABSTRACT

This study analyzes the communication and interpersonal competence of non-judge mediators in divorce mediation at the Padangsidimpuan Religious Court and its relationship with judicial mediation procedures and the Islamic principle of islah. Using a qualitative descriptive-analytical empirical legal approach, primary data were collected through observation and in-depth interviews with two certified non-judge mediators (MN1 and MN2). Secondary sources included mediation records, annual court reports, regulations, and scholarly literature. Data were examined through reduction, thematic categorization, presentation, interpretation, and triangulation of sources and methods. The findings identify initial communication, active listening, exploration of interests, reframing, neutrality, emotional regulation, empathy, caucusing, and religious, sociocultural, and child-centered adaptation as key dimensions of mediator competence. Process outcomes are also influenced by good faith, openness, balanced participation, and the mediation environment. The study emphasizes communication competence that is responsive both to islah and judicial procedure. Because the principal empirical evidence concerns only two mediators at one court, the findings are contextual and are not intended for statistical generalization.

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INTRODUCTION

Divorce proceedings before the Religious Courts involve both legal and relational dimensions of family disputes. The dissolution of marriage not only terminates the legal relationship between spouses but also frequently entails questions of child custody, maintenance, marital property, extended-family relationships, and the psychological vulnerability of the parties. Resolving divorce disputes therefore requires a mechanism capable of managing conflict without reducing it to a contest between legal positions. In Indonesia, Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Courts establishes mediation as a mandatory stage in civil proceedings. The regulation defines the mediator as a neutral third party who assists disputants in identifying their interests, developing settlement options, and exploring agreement without adjudicating the dispute or imposing an outcome (Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan, 2016).

Indonesian scholarship suggests that the principal challenge in divorce mediation concerns not merely the existence of procedures but also their implementation and mediators' capabilities. (Andaryuni & Haika, 2018) demonstrate the influence of institutional conditions and party participation on mediation effectiveness, whereas (Bukido et al., 2019) emphasize the importance of social practices and case characteristics in assessing marital dispute resolution. Studies conducted after the introduction of the Supreme Court regulation likewise indicate that procedural compliance does not automatically produce reconciliation when parties are firmly committed to divorce or lack a genuine willingness to negotiate (Aditama, 2023); (Tama & Wahdini, 2022); (Syafri et al., 2026). These findings shift the analytical focus from whether mediation takes place to how mediators conduct a communicative, safe, and meaningful process.

Communication competence lies at the core of mediation, which operates through message exchange, exploration of interests, clarification of perceptions, and emotional regulation. Studies by (Barus et al., 2018) at the Lhokseumawe Sharia Court and (Syafaah & Lismawati, 2019) at the

Tulungagung Religious Court highlight the importance of two-way communication, empathy, clarity, neutrality, and caucusing. More recent research identifies openness, empathy, supportiveness, positivity, equality, active listening, questioning, reframing, clarification, and summarizing as relevant techniques in divorce mediation (Rusyandy, 2026). International empirical evidence associates reflective and elicitive mediator behavior with more favorable participant responses than overly directive approaches. Caucusing, however, requires contextual judgment because it may increase trust while producing particular relational consequences (Charkoudian et al., 2018).

In Islamic law, family reconciliation intersects with the principle of islah and the institution of hakam (arbitration or third-party intervention). Its normative foundations include Qur'an 4:35, which refers to appointing representatives from both families in cases of marital discord, and Qur'an 49:10, which emphasizes reconciliation in situations of conflict. These provisions are not institutionally equivalent to the role of mediators in contemporary courts; rather, they offer an ethical orientation toward peacemaking, preventing harm, and pursuing voluntarily acceptable solutions. (Salman, 2020) distinguishes court mediation from hakam while identifying opportunities for dialogue between the two. (Nastangin et al., 2022) interpret spiritual approaches, concern for children's futures, recollections of married life, problem framing, and caucusing as practices connected to the theory of islah. (Lidinillah & Aufa, 2023) likewise identify third-party intervention as important in resolving syiqaq (marital discord). Accordingly, this study treats islah as a substantive orientation toward peaceful, equitable, voluntary, and beneficial resolution, rather than an obligation to preserve marriage under all circumstances.

Padangsidimpuan provides a distinctive setting because local social and religious structures continue to interact closely with formal judicial mechanisms. (Hasanah & Mustafid, 2023) examine family conflict resolution in Padangsidimpuan through Islamic legal perspectives and efforts to minimize divorce, while (Sukri et al., 2024) investigate non-litigation mediation among Tablighi Jamaat families in the same area. In the broader North Sumatran context, (Matsum et al., 2022), (Nasution & Walisyah, 2024), and (Marpaung & Mukhsin, 2024) show that mediation practice is closely associated with mediator competence, party readiness, facilities, and the social environment. Most of these studies, however, focus on effectiveness, procedures, or general mediation strategies. Empirical analyses specifically mapping the communication and interpersonal competence of non-judge mediators and connecting it with islah remain limited.

This limitation constitutes the research gap addressed here. Rather than focusing solely on settlement rates or compliance with Supreme Court Regulation No. 1 of 2016, this study examines the micro-processes of mediation: how mediators initiate communication, listen and elicit interests, maintain neutrality, manage emotions, employ caucuses, and adapt religious, sociocultural, psychological, and child-centered approaches. These practices are examined through two complementary frameworks: the professional requirements of court-annexed mediation and the ethical orientation of islah in Islamic family law. The study's novelty lies in conceptualizing mediator capacity as an integrated competence comprising communicative, interpersonal, procedural, and context-sensitive dimensions, rather than simply speaking skills or administrative compliance. This framework supports a more substantive assessment of non-judge mediators while avoiding the assumption that success can be measured exclusively by case withdrawal. The unresolved gap is therefore not an absence of research on divorce mediation, but the insufficient integration of observable communicative actions, the procedural limits of mediator authority, and the ethics of islah within a single analytical framework. The specific contribution is a cross-cutting interpretation of these elements in the practice of two non-judge mediators, without asserting that communication skills directly cause higher settlement rates.

Against this background, the study aims to analyze the communication and interpersonal competence of non-judge mediators in divorce disputes at the Padangsidimpuan Religious Court, explain their techniques and approaches, and identify factors facilitating or hindering mediation. Theoretically, it contributes to scholarship on Islamic family-law mediation by positioning communication competence within contemporary practices of islah. Practically, the findings may inform training for non-judge mediators, particularly in active listening, reframing, emotional regulation, assessment of power imbalances, and proportionate use of caucuses.

RESEARCH METHOD

This study employs an empirical legal research design based on fieldwork and a qualitative descriptive-analytical approach. Research was conducted at the Padangsidimpuan Religious Court between November 2025 and January 2026. An empirical approach was selected because the principal object of inquiry is not merely the normative regulation of mediation but how non-judge mediators translate those rules into communication practices when handling divorce conflicts. Supreme Court Regulation No. 1 of 2016 provides the normative framework for examining mediator responsibilities, neutrality, good faith, and the use of caucuses, while islah supplies a substantive framework for interpreting the orientation toward peace in Islamic family disputes.

The primary participants were two certified non-judge mediators actively handling divorce mediation at the Padangsidimpuan Religious Court. They are identified as MN1 and MN2 to protect confidentiality. Purposive sampling was based on their certification, active involvement in divorce mediation at the research site, and ability to explain communication stages, techniques for exploring problems, emotional management, caucusing, and adaptation to the parties' backgrounds. Two informants were considered appropriate for a context-specific case study seeking an in-depth account of mediator practices at a single court, particularly because their accounts were compared with observations and documents. Nevertheless, the limited number of informants restricts the transferability of the findings. The results should therefore be interpreted as a contextual account of this court rather than a representation of all non-judge mediators in Indonesian Religious Courts. Supporting information came from observations of mediation and institutional documents, including annual reports for 2023, 2024, and 2025.

Primary data were collected through semi-structured in-depth interviews and observation. The interview guide addressed the opening of mediation, explanation of the mediator's role, listening techniques, identification of positions and interests, management of emotional conflict, reframing and clarification, caucusing, religious and sociocultural approaches, children's interests, and factors affecting the mediation process. Secondary sources comprised Supreme Court Regulation No. 1 of 2016, annual reports of the Padangsidimpuan Religious Court, and relevant Indonesian and international journal articles. Annual reports were used to establish institutional context, not to infer a causal relationship between mediator competence and case outcomes.

Thematic analysis proceeded in four stages. First, interview and observational material was reduced to information directly relevant to communication and interpersonal competence. Second, data were coded and organized into themes: initial rapport, active listening, exploration of interests, neutrality, emotional management, empathy, caucusing, contextual adaptation, and barriers. Third, findings were compared with the Supreme Court regulation and previous scholarship to identify convergences, differences, and possible extensions. Fourth, the findings were interpreted through the lens of islah to consider whether mediator practices fostered constructive communication, minimized harm, and created opportunities for voluntarily agreed solutions. These stages formed an iterative analytical sequence: empirical accounts were grouped by theme, interpreted in relation to procedural requirements, and subsequently assessed against the ethical orientation of islah. This sequence distinguishes observations from normative interpretation and avoids treating institutional settlement statistics as direct evidence of individual mediator performance.

Trustworthiness was addressed through source and methodological triangulation by comparing the accounts of MN1 and MN2, cross-checking them against observations and documents, and examining their consistency with procedural rules and prior studies. Mediators were anonymized, and the findings omit identifying information about the disputing parties or individual cases. The source manuscript does not explicitly document informant consent procedures or authorization for observation; accordingly, this study does not claim undocumented ethical procedures, and this reporting limitation should be addressed if supporting records are available. The analysis does not assess mediator effectiveness solely in terms of reconciliation rates. In divorce cases, meaningful outcomes may also include partial agreements on maintenance, child custody, property, or communication following separation. The analytical emphasis is therefore on process quality and mediators' ability to create a safe, neutral, and structured space for dialogue.

RESULTS AND DISCUSSION

The Mediation Context and the Position of Non-Judge Mediators

The findings indicate that non-judge mediators perform more than administrative functions. MN1 and MN2 begin by identifying central problems, structuring opportunities for each party to present their account, and mapping issues that remain open to negotiation. These commonly include continuation of the marriage, children, maintenance, and property. When reconciliation is no longer realistic, discussion may shift to the consequences of divorce. This practice is consistent with the mediator's role as a process facilitator rather than a decision-maker under Supreme Court Regulation No. 1 of 2016 (Interviews with MN1 and MN2, 2026; Mahkamah Agung Republik Indonesia, 2016).

These findings correspond with (Arif et al., 2025) and (Hariati, 2025), who describe divorce mediation as a structured process encompassing problem identification, formulation of alternatives, and reporting of outcomes. The Padangsidimpuan fieldwork, however, reveals an additional relational dimension: mediators must first reduce tension before procedural structures can function effectively. (Faizzati, 2023) and (Rahmawati & Dyana, 2024) similarly find that non-judge mediator strategies and caucusing are closely shaped by case dynamics rather than applied mechanically. Non-judge mediators can thus be understood as intermediaries between formal legal structures and the parties' interpersonal communication.

Establishing Initial Communication: Legitimacy, Safety, and Trust

The initial stage is crucial because parties often arrive with disappointment, anger, distrust, or firmly established decisions. According to the interviews, MN1 attempts to ease tension by inviting parties to recall positive periods in their marriage. This technique seeks to open dialogue rather than compel reconciliation. MN2 emphasizes introductions, explanation of certification and professional standing, neutrality, and confidentiality. Their different emphases reveal two simultaneous needs: emotional safety and procedural understanding of the mediator's role and authority (Interviews with MN1 and MN2, 2026). Because verbatim interview transcripts were not included in the source manuscript, findings are presented as attributed paraphrases rather than reconstructed direct quotations.

From a communication-theory perspective, openness and trust are prerequisites for parties to disclose interests that may differ from their formal claims. (Syafaah & Lismawati, 2019) identify empathy, respect, message clarity, and humility as elements of mediator communication, while (Barus et al., 2018) underscore two-way communication and separate meetings when appropriate. (Rusyandy, 2026) likewise identifies five dimensions of interpersonal communication: openness, empathy, supportiveness, positivity, and equality. The present findings support this literature while indicating that professional legitimacy, conveyed through explanations of certification, neutrality, and confidentiality, helps establish trust in a judicial setting.

From the perspective of islah, initial communication is more than an opening technique. It creates ethical conditions under which reconciliation or another resolution may emerge voluntarily. Islah involves repairing relationships or, at minimum, preventing conflict from causing greater harm. The success of the opening stage should therefore be assessed not solely by a change in the decision to divorce but also by whether parties become more willing to speak without intimidation and listen to one another.

Active Listening, Exploring Interests, and Reframing

Mediator communication competence is particularly evident in distinguishing positions from underlying interests. MN2 allows claimants and respondents to explain their perspectives in turn, while MN1 uses progressive questions to identify the issues considered most important, including children, maintenance, and property. Hostile statements are not necessarily repeated verbatim; instead, the mediator reformulates their substance in neutral language to prevent discussion from deteriorating into mutual blame (Interviews with MN1 and MN2, 2026).

These practices correspond to active listening, questioning, clarification, summarizing, and reframing. (Rusyandy, 2026) report that these techniques are widely used in divorce mediation and help maintain a focused process. (Charkoudian et al., 2018) also associate reflective and elicitive mediator behavior with more favorable participant outcomes than excessively directive styles. This is particularly important in family disputes, where premature advice may shift decision-making authority from the parties to the mediator.

The findings suggest that active listening serves two functions. Its diagnostic function helps mediators identify conflict sources, communication patterns, and opportunities for negotiation. Its relational function allows parties to feel heard, potentially reducing resistance to the process. The latter is particularly relevant to islah because imposed reconciliation is inconsistent with voluntary mediation. The mediator's task is not to endorse one account but to structure dialogue so that potentially compatible interests become visible.

Emotional Regulation and Interpersonal Competence

Divorce conflicts brought before the court are often highly escalated. MN1 reports temporarily suspending discussion when parties begin attacking each other or can no longer receive each other's messages. MN2 may likewise postpone a session until emotional conditions become more conducive. Such actions suggest that interpersonal competence is not simply persuasive ability; it also involves recognizing psychological conditions and determining when constructive communication can resume (Interviews with MN1 and MN2, 2026).

These findings align with Indonesian studies identifying prolonged conflict, determination to divorce, non-attendance, and third-party interference as major obstacles (Syafaah & Lismawati, 2019); (Basri et al., 2024); (Gussevi et al., 2025). International scholarship also emphasizes distinguishing ordinary family disputes from cases involving violence or power imbalances. (Jones & Aftab, 2023) caution that mandatory mediation in religious courts must be sensitive to domestic violence, while (Applegate et al., 2021), (Raines & Indovina, 2020), and (Jiang et al., 2023) highlight training and process design that account for intimate partner violence. This study lacks sufficient evidence to classify cases by domestic violence; its findings therefore support the need for risk assessment and attention to power imbalances before encouraging direct dialogue.

Emotional management should consequently be treated as a professional competence with ethical limits. Mediators may calm participants, alter the communication format, or conduct caucuses, but should not exert religious or moral pressure to preserve a marriage where serious safety risks or power imbalances exist. Islah does not necessarily require marital reconciliation; substantively, it may also entail ending conflict, protecting vulnerable parties, and reaching fair arrangements following divorce.

Caucusing as a Technique for Exploring Interests and Safeguarding Communication

MN1 and MN2 use caucuses according to circumstances. Separate meetings may be selected when one party struggles to speak openly in the other's presence, emotions intensify, or further exploration of claims and interests is needed. Caucusing creates space for disclosing matters that parties may be reluctant to raise jointly. The mediator then determines which information can be brought back into the joint session while respecting agreed confidentiality boundaries (Interviews with MN1 and MN2, 2026).

This practice is consistent with (Faizzati, 2023), who characterizes caucusing at the Malang Regency Religious Court as incidental and case-dependent. (Rahmawati & Dyana, 2024) likewise identifies caucusing as a strategy associated with improved mediation outcomes in Bojonegoro. Internationally, (Charkoudian et al., 2018) find that a greater proportion of caucus time may enhance trust in the mediator while also being associated with less favorable participant attitudes on certain dimensions. Caucusing should therefore not be treated as universally appropriate but as an instrument requiring a clear purpose.

Three caucus functions emerge from this study: a diagnostic function for exploring concealed interests, a de-escalation function for reducing emotional pressure, and a protective function for enabling participation where direct communication is unequal. Together, these functions extend the understanding of mediator interpersonal competence. Competence is not defined by caucus frequency, but by the judgment required to decide when separate meetings are necessary, protect confidentiality, and reintegrate relevant information into joint dialogue without creating perceptions of bias.

Religious, Sociocultural, and Child-Centered Approaches

Mediators in Padangsidimpuan do not employ a single communication model in every case. MN1 and MN2 adapt their approaches to the parties' backgrounds. In some circumstances, they refer to religious values concerning family responsibilities and the importance of resolving disputes

constructively. In the sociocultural context, mediators ask whether parties have previously sought assistance from relatives, customary leaders, hatobangon (local community elders), or village officials. Children's interests also provide a recurring focus when divorce affects custody, maintenance, and parental communication after separation (Interviews with MN1 and MN2, 2026).

Previous studies support this approach. (Nastangin et al., 2022) identify spirituality, children's futures, memories of married life, problem framing, and caucusing as mediation techniques viewed through islah. (Sebyar et al., 2025) demonstrate the significance of cultural values in divorce mediation in Panyabungan, while (Hasanah & Mustafid, 2023) emphasize Islamic-law-based family conflict resolution in Padangsidimpuan. The present findings reinforce the importance of cultural sensitivity among non-judge mediators, while distinguishing such sensitivity from submission to family or customary pressure.

Family members and local leaders may offer support, but they can also obstruct mediation when external actors dominate the parties' decisions. Sociocultural approaches must therefore respect party autonomy. Similarly, concern for children should not be used to compel reconciliation but to ensure that decisions account for continuity of care, children's needs, and reduced conflict after separation. (Crampton, 2022) shows that contemporary family mediation often extends beyond dispute settlement to the reorganization of family relationships after separation. A child-centered approach thus broadens the meaning of mediation success beyond withdrawal of the divorce petition.

Mediation Outcomes and Limits of Interpretation

Documentation from the Padangsidimpuan Religious Court shows variation in mediation caseloads and outcomes from 2023 to 2025. These figures provide institutional context for interpreting mediator practices. Success percentages are calculated relative to the number of cases referred to mediation in each year and are not used to claim a causal relationship with the competence of MN1 or MN2.

Year	Mediated	Successful	Unsuccessful	Unable to be mediated	Success rate (%)
2023	93	54	39	-	58.06
2024	104	53	49	2	50.96
2025	64	38	26	-	59.38

Table 1. Mediation Outcomes at the Padangsidimpuan Religious Court, 2023–2025

Source: Annual Reports of the Padangsidimpuan Religious Court for 2023, 2024, and 2025. In 2024, two cases were recorded as unable to proceed to mediation because of a lack of good faith; this category is therefore distinguished from cases in which substantive mediation occurred but did not produce an outcome classified as successful.

Descriptively, the proportion of cases classified as "successful" in the annual reports ranged from approximately 51% to 59% between 2023 and 2025. The present article retains the court's classification rather than interpreting it as the sole indicator of mediator success. The available reports do not consistently distinguish full from partial success across all three years. Accordingly, the figures are treated as institutional context rather than causal measures of MN1's or MN2's competence. The separate "unable to be mediated" category in 2024 reflects two cases in which substantive mediation could not proceed because of a lack of good faith. This distinction prevents comparisons across 2023–2025 from exceeding the information available in the reports. These observations accord with studies linking mediation outcomes to attendance, openness, and willingness to negotiate (Basri et al., 2024); (Jumik et al., 2024); (Syafri et al., 2026).

This study therefore rejects an approach that treats mediators as the sole determinants of success, particularly where mediation may produce partial agreements despite the continuation of divorce proceedings (Muhammad & Sanjaya, 2023). Communication skills may improve opportunities for dialogue, but they cannot eliminate party autonomy, histories of conflict, family pressure, or power imbalances. A more appropriate evaluative framework examines process quality: whether the mediator remains neutral, parties have reasonably balanced opportunities to speak, interests are explored, risks and emotions are managed, and the outcome reflects an informed decision by the parties.

Facilitating and Inhibiting Factors in Mediation

The most consistent facilitating factors in the field data include mediator competence, good faith, party openness, neutrality, confidentiality, sufficient time, and facilities that permit uninterrupted discussion. Competence entails not only procedural knowledge but also the ability to redirect communication from mutual accusations toward discussion of underlying interests. These findings resonate with (Mu'ap et al., 2026) on non-judge mediators in Lubuklinggau and (Syafri et al., 2026) on mediators' roles in managing divorce under Islamic law.

Barriers include intense emotional conflict, lack of good faith, absence of parties, interference from relatives or other third parties, unequal bargaining positions, and demands perceived as non-negotiable. (Nasution & Walisyah, 2024) and (Marpaung & Mukhsin, 2024) demonstrate that institutional and behavioral factors jointly shape mediation. (Jones & Aftab, 2023) further caution that power imbalances may be associated with domestic violence, requiring mediators to ensure that the pursuit of peace does not lead to unsafe or involuntary agreements.

On the basis of these findings, non-judge mediator competence can be conceptualized in four interrelated dimensions. First, communicative competence encompasses active listening, questioning, clarification, summarizing, and reframing. Second, interpersonal competence includes empathy, emotional management, trust-building, and sensitivity to power imbalances. Third, procedural competence involves neutrality, confidentiality, caucusing, time management, and awareness of the limits of mediator authority. Fourth, contextual competence entails the proportionate use of religious and sociocultural values and sustained attention to children's interests. This four-dimensional model constitutes the study's principal analytical contribution.

Integrating Mediation Procedures and Islah: Contributions to Islamic Family Law

The integration of judicial procedures and islah must be substantive rather than merely adding religious advice to mediation sessions. Supreme Court Regulation No. 1 of 2016 establishes the procedural architecture of neutrality, good faith, confidentiality, party rights, and the permissible use of mediation techniques. Qur'an 4:35 provides a normative basis for third-party intervention in marital disputes, while Qur'an 49:10 frames islah as an orientation toward resolving conflict. This study interprets these sources as ethical guidance for preventing protracted disputes, reducing harm, and pursuing beneficial outcomes. At their intersection, non-judge mediators must ensure that dialogue remains fair, voluntary, and free from domination by either party. Islah thus enriches the substantive purpose of mediation, while the Supreme Court regulation safeguards its procedural and professional boundaries.

These findings are consistent with (Salman, 2020), who identifies possibilities for integrating mediation with hakam, but the present study adds communication as the connecting mechanism. Islah cannot be realized without communicative processes through which parties are heard and understand the consequences of their choices. Conversely, communication techniques without an ethical orientation risk becoming instruments of persuasion alone. Professionalism in Islamic family-law mediation should therefore be assessed through the ability to balance procedural effectiveness, party autonomy, protection of vulnerable participants, and the value of peace. Analytically, the Supreme Court regulation defines procedural limits concerning neutrality, voluntariness, and the mediator's facilitative role, whereas islah provides an ethical commitment to preventing harm and repairing social relations. They converge when mediators provide balanced speaking opportunities and facilitate options accepted by the parties. Yet they must not be conflated with a duty to reconcile spouses: when a marriage cannot be preserved, equitable arrangements concerning custody and maintenance may still embody the objectives of islah. Religious values should consequently inform deliberation while respecting autonomy, rather than pressure parties into particular decisions.

The practical implication is the need to strengthen training curricula for non-judge mediators. Certification programs should move beyond procedural rules and negotiation techniques to include simulations of active listening, reframing, high-conflict management, identification of power imbalances, caucusing, ethical use of religious advice, and drafting child-centered agreements. (Applegate et al., 2021) demonstrate the importance of combining manuals, training, and continuing consultation in handling higher-risk family disputes. A comparable approach could help ensure that mediator competence continues to develop after certification.

Academically, the findings indicate that success in divorce mediation should not be reduced to the proportion of withdrawn cases. Parties may still divorce while reducing conflict, agreeing on maintenance or parenting arrangements, or establishing communication boundaries after separation. (Crampton, 2022) and (Jiang et al., 2023) show that mediation may affect process quality and post-dispute relationships, not merely the achievement of a particular settlement. Research on mediation in Religious Courts should therefore consider partial agreements, process satisfaction, safety, post-mediation compliance, and the durability of agreements.

CONCLUSION

This study demonstrates that non-judge mediator competence in divorce mediation at the Padangsidimpuan Religious Court comprises four interrelated dimensions: communicative, interpersonal, procedural, and contextual. The practices of MN1 and MN2 highlight the roles of initial communication, active listening, exploration of interests, emotional regulation, and situational caucusing in sustaining constructive dialogue. Its contribution lies in showing how Supreme Court Regulation No. 1 of 2016 and the principle of islah can be integrated through neutral, voluntary, and welfare-oriented communication without equating peace with mandatory marital reconciliation. Mediation outcome data for 2023–2025 provide institutional context only and do not establish a causal effect of the two mediators' competence. In practice, mediator training should emphasize listening skills, reframing, emotional management, proportionate caucusing, and protection of party autonomy. Future studies should include more mediators and the perspectives of disputing parties to assess the transferability of these findings. Because the present study involved only two principal informants at a single court, its conclusions remain context-specific.

REFERENCES

Aditama, M. (2023). Mediasi dalam penyelesaian perkara perceraian di Pengadilan Agama pasca berlakunya Peraturan Mahkamah Agung Nomor 1 Tahun 2016. *Mitsaqan Ghalizan*, *1*(2), 21–33. https://doi.org/10.33084/mg.v1i2.5066

Andaryuni, L., & Haika, R. (2018). Efektivitas Perma Nomor 1 Tahun 2016 tentang prosedur mediasi di pengadilan dalam menekan angka cerai di Pengadilan Agama. *FENOMENA*, *10*(2), 95–116. https://doi.org/10.21093/fj.v10i2.1231

Applegate, A. G., Beck, C. J. A., Adams, J. M., Rossi, F. S., & Holtzworth-Munroe, A. (2021). Preparing mediators to mediate cases reporting high IPV in a randomized controlled trial: The importance of a mediation manual, training, and consultation. *Family Court Review*, *59*(4), 725–740. https://doi.org/10.1111/fcre.12605

Arif, A. F., Rizqa, N., Anisa, W. R., Rahmah, I. Y., Komariya, N., & Fatmadia, A. (2025). Peran mediator dalam menangani perkara perceraian di Pengadilan Agama Sidoarjo. *MASADIR: Jurnal Hukum Islam*, *5*(1), 1164–1184. https://doi.org/10.33754/masadir.v5i01.1793

Barus, A. S., Pratiwi, J. M., & Arifin, A. (2018). Komunikasi interpersonal hakim mediator dalam menyelesaikan perkara perceraian di Mahkamah Syariah Kota Lhokseumawe. *Jurnal Jurnalisme*, *7*(1), 86–108. https://doi.org/10.29103/jj.v7i1.2924

Basri, R. G. M., Malik, I., Sutisna, S., & Hambari, H. (2024). Effectiveness of the mediation process in resolving divorce cases at the Depok Religious Court. *MIZAN: Journal of Islamic Law*, *12*(1), 1–11. https://doi.org/10.32832/mizan.v12i1.20376

Bukido, R., Irwansyah, I., Irawan, J. N., & Makka, M. M. (2019). Settlement of marital disputes efficacy through mediation in the Manado Religious Court. *Jurnal IUS Kajian Hukum Dan Keadilan*, *7*(3), 374–383. https://doi.org/10.29303/ius.v7i3.696

Charkoudian, L., Walter, J. L., & Eisenberg, D. T. (2018). What works in custody mediation? Effectiveness of various mediator behaviors. *Family Court Review*, *56*(4), 544–571. https://doi.org/10.1111/fcre.12375

Crampton, A. (2022). "We make new families:" Findings from a family court mediation study. *Family Court Review*, *60*(3), 391–410. https://doi.org/10.1111/fcre.12663

Faizzati, S. D. (2023). Strategi mediator non hakim untuk mencapai keberhasilan dalam mediasi perceraian di Pengadilan Agama Bangil. *Al-Rasikh: Jurnal Hukum Islam*, *12*(2), 190–207. https://doi.org/10.38073/rasikh.v12i2.1801

Gussevi, S., Rosadi, A., Saepullah, U., Muttaqin, T., & Alman, J. F. (2025). The urgency of mediation

in resolving divorce disputes at the Religious Court of Purwakarta: Efforts to increase the effectiveness of case resolution and minimize social impact. *Muttaqien: Indonesian Journal of Multidiciplinary Islamic Studies*, *6*(2), 174–200. https://doi.org/10.52593/mtq.06.2.05

Hariati, S. (2025). Analisis peran mediasi dalam penyelesaian perkara perceraian di Pengadilan Agama Indonesia. *Unizar Law Review*, *8*(1), 103–111. https://doi.org/10.36679/ulr.v8i1.86

Hasanah, U., & Mustafid. (2023). Resolusi konflik keluarga dalam perspektif hukum Islam (Studi kasus peningkatan angka perceraian di Pengadilan Agama Kota Padangsidimpuan). *Syaksia: Jurnal Hukum Perdata Islam*, *23*(2), 164–181. https://doi.org/10.37035/syaksia.v23i2.7048

Jiang, L. J., Applegate, A. G., Tomlinson, C. S., Rossi, F. S., Beck, C. J., Adams, J. M., & Holtzworth-Munroe, A. (2023). Parents reporting partner violence: Reaching or not reaching agreement in mediation or litigating without mediation. *Conflict Resolution Quarterly*, *40*(4), 429–446. https://doi.org/10.1002/crq.21387

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, J., Muchtar, M. I., & Abidin, Z. (2024). 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

Lidinillah, A. M., & Aufa, M. N. (2023). Mediasi dalam penyelesaian sengketa perceraian alasan syiqaq. *Hakam: Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam*, *7*(1). https://doi.org/10.33650/jhi.v7i1.6066

Marpaung, D. A. I., & Mukhsin, A. (2024). Efektivitas mediasi dalam upaya penyelesaian perceraian di Pengadilan Agama Sei Rampah. *Amnesti: Jurnal Hukum*, *6*(2). https://doi.org/10.37729/amnesti.v6i2.5323

Matsum, H., Siregar, R. S., & Marpaung, R. A. S. (2022). Efektivitas mediasi online terhadap perkara perceraian di Pengadilan Agama Medan pada era pandemi Covid-19. *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial*, *10*(2), 437–454. https://doi.org/10.30868/am.v10i02.2603

Mu'ap, A., Fuadi, A., Fitriyani, & Turnip, A. C. (2026). Implementasi PERMA Nomor 1 Tahun 2016 tentang mediasi oleh mediator non hakim di Pengadilan Agama Lubuklinggau. *LAJOUR (Law Journal)*, *7*(2). https://doi.org/10.32767/lajour.v7i2.397

Muhammad, D., & Sanjaya, U. H. (2023). The role of mediation agreement of divorce which ended amicably (Case at Yogyakarta Religious Court). *Justitia Jurnal Hukum*, *6*(2). https://doi.org/10.30651/justitia.v6i2.17179

Nastangin, N., Al Latifa, S., & Huda, M. C. (2022). Peran mediator dalam penanganan perkara perceraian: Kajian dalam perspektif teori ishlah. *Istinbath: Jurnal Hukum*, *19*(2), 205–228. https://doi.org/10.32332/istinbath.v19i02.5048

Nasution, D., & Walisyah, T. (2024). Manajemen Pengadilan Agama dalam memediasi perceraian di Kota Medan. *Jurnal Indonesia: Manajemen Informatika Dan Komunikasi*, *5*(2), 1809–1818. https://doi.org/10.35870/jimik.v5i2.759

Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan (2016).

Rahmawati, A. N., & Dyana, B. (2024). Strategi mediator dalam perkara perceraian di Pengadilan Agama Bojonegoro tahun 2020–2023. *Familia: Jurnal Hukum Keluarga*, *5*(2), 118–134. https://doi.org/10.24239/familia.v5i2.248

Raines, S. S., & Indovina, V. (2020). How does domestic violence influence the likelihood of settlement in mediation? New data answers old questions. *Conflict Resolution Quarterly*, *37*(3), 195–205. https://doi.org/10.1002/crq.21274

Rusyandy, A. (2026). Komunikasi interpersonal mediator perkara perceraian. *Bandung Conference Series: Islamic Broadcast Communication*, *6*(2), 303–312. https://doi.org/10.29313/bcsibc.v6i2.25452

Salman, S. (2020). Implementation of mediation and hakam in divorce case in Religious Court. *International Journal of Nusantara Islam*, *8*(2). https://doi.org/10.15575/ijni.v8i2.12407

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

Sukri, A., Aziz Siregar, F., & Halomoan HSB, P. (2024). Efektivitas mediasi non litigasi dalam pencegahan kasus perceraian pada keluarga Jamaah Tablig di Kota Padangsidimpuan dan sekitarnya. *Jurnal Pendidikan Tambusai*, *8*(1), 14440–14448. https://doi.org/10.31004/jptam.v8i1.14428

Syafaah, D., & Lismawati. (2019). Komunikasi interpersonal mediator dalam proses mediasi perkara perceraian di Pengadilan Agama Tulungagung. *Al-I'lam: Jurnal Komunikasi Dan Penyiaran Islam*, *2*(2), 46–55. https://doi.org/10.31764/jail.v2i2.1259

Syafri, S., Safnul, D., & Silalahi, D. (2026). Peran mediator dalam penyelesaian perkara perceraian di Pengadilan Agama menurut hukum Islam. *Jurnal Tana Mana*, *6*(3). https://doi.org/10.33648/jtm.v6i3.1404

Tama, M. A., & Wahdini, M. (2022). Pelaksanaan mediasi dalam penyelesaian perkara perceraian di Pengadilan Agama Yogyakarta pasca berlakunya PERMA Nomor 1 Tahun 2016. *Jurnal Hadratul Madaniyah*, *9*(2). https://doi.org/10.33084/jhm.v9i2.4487

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AUTHOR CONTRIBUTION STATEMENT

KA conceptualized the study, conducted the field research and interviews, analyzed the data, and drafted the manuscript. H contributed to the research design, interpretation of the findings, and critical revision of the manuscript. RBH contributed to the theoretical analysis of *islah* in Islamic family law, reviewed the discussion, and revised the manuscript for intellectual content. All authors reviewed and approved the final version of the manuscript.

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