

Integration of Psychological Aspects and Islamic Values in Domestic Dispute Mediation in Religious Courts

Sofia Gussevi ^{a,*}, Encup Supriatna ^b, Irfan Fahmi ^c, Ujang Abidin ^d, Maida Zahra ^e

^{a d e} STAI DR. KH. EZ. Muttaqien Purwakarta, Indonesia

^{b c} Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

^{*}sofia_gussevi@staimuttaqien.ac.id.

ABSTRAK

Kata kunci:

Mediasi, Aspek Psikologis, Sengketa Rumah Tangga, Komunikasi Interpersonal, Islah.

Mediasi merupakan salah satu bentuk penyelesaian sengketa alternatif (Alternative Dispute Resolution) yang berorientasi pada pencapaian kesepakatan damai antara para pihak yang bersengketa. Dalam konteks sengketa rumah tangga di Indonesia, mediasi memiliki peran strategis dalam upaya mencegah perceraihan serta menjaga keutuhan dan keharmonisan keluarga. Namun demikian, efektivitas proses mediasi tidak semata-mata ditentukan oleh aspek hukum dan prosedural, melainkan juga sangat dipengaruhi oleh kondisi dan dinamika psikologis para pihak yang terlibat. Penelitian ini bertujuan untuk menganalisis peran aspek psikologis dalam menentukan keberhasilan mediasi sengketa keluarga di lingkungan Pengadilan Agama di Indonesia. Penelitian ini merupakan penelitian hukum empiris dengan pendekatan kualitatif-sosiologis. Pengumpulan data dilakukan melalui wawancara mendalam dengan hakim, mediator, serta para pihak yang terlibat dalam proses mediasi di Pengadilan Agama Purwakarta, disertai dengan observasi langsung terhadap pelaksanaan sesi mediasi. Hasil penelitian menunjukkan bahwa mediator yang memiliki pemahaman terhadap dinamika psikologis para pihak lebih mampu menciptakan suasana mediasi yang kondusif, mengelola emosi secara efektif, serta memfasilitasi komunikasi yang konstruktif. Aspek psikologis terbukti memberikan kontribusi signifikan terhadap tercapainya kesepakatan damai serta keberlanjutan hubungan para pihak setelah proses mediasi. Oleh karena itu, integrasi pendekatan psikologis dalam pelatihan dan praktik mediasi perkara rumah tangga di Pengadilan Agama perlu diperkuat guna meningkatkan efektivitas penyelesaian sengketa keluarga secara damai, manusiawi, dan berkeadilan. Temuan ini sejalan dengan prinsip-prinsip hukum Islam, khususnya konsep islah (perdamaian) dan shulh (penyelesaian secara damai), serta tujuan maqāsid al-yāri‘ah, terutama hifz al-nasl (perlindungan terhadap keturunan dan keutuhan keluarga).

ABSTRACT

Keywords:

Mediation, Psychological Aspects, Family Disputes, Interpersonal Communication, Islah.

Mediation is a form of Alternative Dispute Resolution that aims to achieve amicable settlements between disputing parties. In the context of family disputes in Indonesia, mediation plays a strategic role in preventing divorce and maintaining family unity and harmony. However, the effectiveness of mediation is influenced not only by legal and procedural factors but also by the psychological conditions and dynamics of the parties involved. This study examines the role of psychological aspects in determining the success of family dispute mediation in the Religious Courts of Indonesia. Using an empirical legal research design with a qualitative sociological approach, primary data were collected through in-depth interviews with judges, mediators, and disputing parties at the Religious Court of Purwakarta, supported by direct observation of mediation sessions. The findings reveal that mediators who understand the psychological dynamics of the parties are more capable of creating a conducive mediation environment, managing emotions effectively, and facilitating constructive communication. Psychological aspects significantly contribute to the achievement of amicable agreements and to the sustainability of post-mediation relationships. Accordingly, the integration of psychological approaches into the

*training and practice of family mediation in the Religious Courts should be strengthened to enhance the effectiveness of family dispute resolution in a peaceful, humane, and just manner. This study aligns with the principles of Islamic law, particularly the concepts of *islah* (reconciliation) and *shubh* (amicable settlement), as well as the objectives of *maqāṣid al-shari‘ah*, especially *bifz al-nasl* (the protection of progeny and family integrity).*

Copyright © 2026 (Sofia Gussevi, et.al.). License **Muttaqien**: This work is licensed under the Creative Commons Attribution ShareAlike 4.0 International License. DOI: doi.org/10.52593/mtq.07.1.08
Manuscript accepted: December 03, 2025, revised: January 30, 2026, approved: January 31, 2026.



Introduction

Domestic dispute resolution is one of the biggest challenges in the legal and social system in Indonesia. Domestic disputes, including marital and divorce conflicts, are a very complex form of social conflict because they are not only related to legal aspects, but also involve emotional, interpersonal, and psychological dimensions. Based on the publication of BPS data, there are expected to be around 399,921 divorce cases in Indonesia in 2024, indicating that divorce remains a significant social phenomenon. Court data up to September 1, 2025, show 317,056 divorce judgments, almost equal to the total number of cases in 2024, while the broader national divorce trend, according to the Central Statistics Agency (BPS), has increased in recent years, largely due to communication issues and household disharmony.(Statistik, 2025)

Divorce is a form of conflict in family life that has various consequences, both from social and psychological aspects. This impact is not only felt by divorced married couples, but also affects children and the surrounding social environment. Based on data from the Directorate General of Religious Justice Agencies, divorce cases handled by Religious Courts in Indonesia have been increasing year by year. In the jurisdiction of the Purwakarta Religious Court, the number of divorce cases in 2025 will be recorded at 2,327 cases, consisting of talaq divorce and lawsuit divorce cases.(Purwakarta, 2026)

Divorce is avoided in principle but can be a last resort if the husband and wife have tried to resolve domestic problems through peaceful means, such as deliberation. In this process, the parties seeking divorce are given sufficient time, and the proceedings are conducted gradually, allowing time to make peace and resume domestic life as before. If the reconciliation efforts are fruitless and both parties feel that they are no longer able to maintain the integrity of the family, then the problem can be submitted to the court as a means to obtain a solution that is considered most appropriate (Gussevi, Novianty, & Supiana, Fathers' Obligations for Post-Divorce Child Support Rights, 2023).

In addressing these problems, mediation is seen as one of the more humane and effective dispute-resolution mechanisms. Mediation is a method of conflict resolution that involves a neutral third party, namely a mediator, to help the disputing parties reach a voluntary and peaceful agreement. In divorce cases, mediation not only helps resolve legal issues but also aims to minimize the social and psychological impact of divorce, especially on children (Raharjo, 2020). Therefore, mediation embodies strong human values and serves as an instrument for realizing restorative justice. (Zaitullah, 2020). In the Religious Court, mediation is a mandatory stage before the examination of divorce cases. Mediation is a form of *Alternative Dispute Resolution (ADR)* that focuses on dialogue, voluntariness, and mutual agreement between the parties to the dispute (Afandi, 2020). In Indonesia, mediation is legally regulated by the Supreme Court of Indonesia Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Courts, which requires that every civil case, including domestic cases, be resolved first through mediation.

From the perspective of Islamic law, mediation, also known as tahkim and shulh, is highly recommended as a dispute resolution mechanism. Allah SWT said in QS. An-Nisa': 35, "And if you are afraid of a dispute between the two (husband and wife), then send a peacemaker from the male family and a peacemaker from the female family." The Prophet PBUH also said that divorce is the halal matter that Allah hates the most (HR. Abu Dawud and Ibn Majah). Therefore, efforts to reconcile dissenting spouses (*islah*) are part of *maqasid al-sharia*, especially *hifdz al-nasl* (protection of offspring and family).

However, in practice, the effectiveness of mediation in resolving domestic disputes has not been fully optimal (Gussevi, Rosadi, Saepullah, Muttaqin, & Alman, 2025). Many mediation processes end without an agreement because the parties remain trapped in negative emotions such as anger, disappointment, or a desire to exact revenge (Cahyani, 2021). This shows that the success of mediation is not determined solely by legal and procedural factors but is also greatly influenced by the parties' psychological factors.

The psychological aspect has a crucial role in shaping the individual's readiness to reconcile. Factors such as emotion regulation, empathy, motivation to resolve conflicts, and effective communication are the main determinants of the success of the mediation process (Rahmawati, 2022). When the parties can control their emotions and communicate effectively, the mediator can more easily help them find common ground. Conversely, when

this psychological aspect is ignored, mediation is at risk of failure because the communication tends to be defensive and self-serving.

The role of the mediator has also become very important in this context. Mediators not only function as legal facilitators, but also as managers of emotions and interpersonal relationships between the parties. The mediator's ability to understand psychological conditions, use empathy, and create a conducive mediation atmosphere will greatly determine the success of the process (Zehr, 2018). Mediators with a background in psychology can identify the parties' emotional dynamics and use communication techniques such as *active listening* and *reframing* to help them reach a fair and sustainable agreement.

Based on this description, it is clear that the integration between legal and psychological aspects is an important prerequisite for successful mediation of domestic disputes. This paper aims to comprehensively analyze the role of psychological aspects in increasing the effectiveness of household mediation in Indonesia. By combining psychological approaches in mediation practice, it is hoped that dispute resolution can be created that is not only oriented towards legal settlement, but also towards the restoration of emotional and social relationships between the parties to the dispute.

Previous research on mediation in Religious Courts has generally focused on procedural and formal legal aspects, but few have examined in depth the role of psychological factors in determining the success of mediation. This gap is what this research aims to fill.

Method

This research is empirical legal research (Soekanto, 2006), which views law as a social phenomenon that lives and develops in society. The main focus of the research is on the application of mediation rules (PERMA No. 1 of 2016) in the practice of settling divorce cases in Religious Courts. This approach was chosen to see firsthand the effectiveness of mediation implementation and to identify obstacles that arise in the field.

The research uses a qualitative sociological approach that treats law as social behavior observable through interactions between society and legal institutions (Mukti & Yulianto, 2020). Primary data were obtained through in-depth interviews with judges, mediators, clerks, and parties involved in the mediation process, as well as through direct observation of the mediation process at the Purwakarta Religious Court (Salim & Nurbani, 2013). The research informants consisted of 3 mediator judges, 2 non-judge mediators, 1 clerk, and 6

parties who had participated in mediation at the Purwakarta Religious Court. Secondary data are collected from primary legal materials, such as Law No. 7 of 1989 and its amendments, PERMA No. 1 of 2016, as well as secondary legal materials, including books, scientific journals, articles, court decisions, annual reports, case statistics, and official documentation from Badilag.

Data were collected using several techniques: semi-structured interviews (Moleong, 2019) to gain a direct perspective on the implementation and barriers to mediation, and participatory observation to examine relevant reports and documents. The researcher also used data from the official websites of the Purwakarta Religious Court and the Religious Justice Agency (Badilag) as additional sources.

After the data is collected, the analysis is carried out in a descriptive-qualitative manner (Sugiyono, 2019) through several stages. The first stage is data reduction, which involves sorting, selecting, and simplifying data to focus on information relevant to the research objectives. Furthermore, data are presented narratively and thematically to map patterns and trends that emerge from interviews, observations, and documentation studies. The researcher then interprets the data by relating the field findings to applicable theories and regulations, thereby providing a complete picture of the effectiveness and obstacles to implementing mediation. The final stage is to draw conclusions from these findings and prepare recommendations to address the problems identified in this study.

Thus, this method is expected to provide a comprehensive understanding of the reality of mediation in the settlement of divorce cases at the Purwakarta Religious Court, not only from a normative perspective but also from the social practices observed in the field.

Results

The findings of this study provide a comprehensive overview of the role of psychological factors in enhancing the effectiveness of domestic dispute mediation in Indonesia, including at the Purwakarta Religious Court. Several key themes emerged through document analysis, literature review, interviews, and secondary data examinations, namely mediation in domestic disputes, psychological aspects that affect the mediation process, the role of mediators in managing psychological aspects, the implications of psychological aspects on mediation practices in Indonesia, and mediation from the perspective of Islamic law.

Mediation is a form of *Alternative Dispute Resolution (ADR)* that aims to reach a peaceful agreement outside the litigation process. In the context of family law in Indonesia, mediation is positioned as a preventive effort to reduce the divorce rate and maintain the sustainability of family relationships. This is formally regulated by the Supreme Court of Indonesia Regulation (PERMA) Number 1 of 2016 on Mediation Procedures in Court, which requires that every civil case, including domestic disputes, first undergo mediation before being heard in court.

According to research by Ismayawati, Aristoni, and Chaedar (Ismayawati, Aristoni, & Chaedar, 2024), family mediation in Indonesia and Malaysia shares the same goal: to promote peace grounded in Islamic and social values. However, they emphasized that the success of mediation depends not only on legal instruments but also on the parties' emotional and psychological readiness. In practice, mediation often faces challenges such as emotional imbalances, ego conflicts, and poor communication between husband and wife.

Based on an interview with Dr. Fakhrurazi, S.Ag., M.H.I., as the Mediator Judge of the Purwakarta Religious Court (Fakhrurazi, 2025), stated that: "Mediation in the Religious Court has a very important role, especially in domestic cases. Through mediation, the parties are given space to express their feelings and interests directly, so that often the root of the problem can be understood better than the formal and adversarial trial process".

In line with that, Drs H. Ihsan, M.H., as the Mediator Judge of the Purwakarta Religious Court (Ihsan, 2025), stated that: "The main challenge in mediation is when the parties come with still high emotions and a strong desire to separate. In conditions like this, mediators are required to have patience, empathy, and interpersonal communication skills so that the mediation process continues to run effectively and fairly".

Furthermore, Adam Iskandar, S. Ag., as the Registrar of the Purwakarta Religious Court (Iskandar, 2025), said that: "From the perspective of the clergy, mediation is a very important stage in the litigation process at the Religious Court. Mediation not only complies with the procedural provisions set out in the Supreme Court Regulations but also helps reduce the burden of trial cases when the parties reach a peaceful agreement. In practice, the registrar supports the smooth administration of mediation and ensures that the parties understand the stages and obligations involved in the mediation process. When mediation is effective, cases can be resolved more quickly, costs are lighter, and the relationship between the parties can be better maintained than a settlement through a judge's decision".

Regarding the mediation process at the Purwakarta Religious Court, A, as the Plaintiff in the Divorce Lawsuit (A, 2025) case, revealed: "During the mediation, I felt given the opportunity to express my feelings and reasons for filing the lawsuit. Although peace has not been achieved in the end, the mediation process has helped me understand my husband's position and views more openly."

The other party, B, as the Defendant in the Divorce Lawsuit (B, 2025) case, stated: "Mediation made me realize that our domestic problems are not only about the law, but also communication and emotions. The mediator tried to calm the atmosphere so that we could talk without blaming each other."

In a different case, C, as the Respondent in the case of Divorce Talak (C, 2025), said: "Initially, I came to mediation with high emotions. But after the mediator explained the purpose of the mediation and gave advice, I became calmer and was able to discuss with a cool head."

The other party, D, as the Applicant in the Talak Divorce case (D, 2025), stated: "In my opinion, mediation is quite helpful because we are guided to find a solution together. Even if the decision to divorce is still taken, at least mediation makes the process better and less conflictual."

Based on observations of 6 mediation sessions conducted in October-December 2025, the success of the mediation process is strongly influenced by the mediator's ability to manage the parties' emotional dynamics. In a conducive mediation session, the mediator actively builds open interpersonal communication, provides a balanced opportunity for the parties to express their views and feelings, and uses a persuasive and empathetic approach. On the other hand, in less successful mediation sessions, the parties were still dominated by negative emotions, such as anger and disappointment, which made communication ineffective and made reaching an agreement difficult. These findings show that psychological aspects, especially emotional management and communication quality, have an important role in determining the effectiveness of mediation in the Purwakarta Religious Court.

These findings are in line with Wang's (Wang, Li, Zhang, & Chen, 2023) theory of emotion regulation, which states that *emotion regulation*, or the ability of individuals to manage emotions, is an important variable in the success of the conflict resolution process. When the disputing parties can calm themselves and regulate their emotions, the mediation process tends to be more constructive and focuses on finding solutions rather than blaming each

other. Therefore, in domestic disputes, mediation requires not only legal expertise but also psychological sensitivity from the mediator.

Mediators are responsible for understanding the parties' emotional states and managing the dynamics of interactions during the mediation process. Jiyeon An (An, Kim, & Lee, 2024) emphasized that perceived *family support* positively affects emotional well-being and can strengthen motivation to reconcile. Thus, the success of mediation in domestic disputes can be improved by an approach that considers psychological factors, empathy, and interpersonal communication.

In addition, a study by Sanna Ala-Kortesmaa (Ala-Kortesmaa, Hakanen, & Kaivola, 2024) shows that *active listening* by mediators can build mutual trust and improve communication between the parties in disputes. In family mediation, the mediator's ability to understand the emotional message behind the parties' words is crucial, as domestic conflicts often stem not only from rational disagreements but also from unresolved emotional wounds.

In the Indonesian context, the implementation of family mediation needs to be strengthened with training that integrates legal and psychological aspects. Sebyar (2025) found that differences in mediation outcomes among religious courts in Indonesia are largely due to variations in mediators' competence, particularly in psychological understanding and empathic communication. Thus, mediator training should ideally focus not only on legal procedures but also on the provision of psychosocial skills such as emotion regulation, empathy, and *trauma-informed communication*.

Based on this description, it can be concluded that domestic mediation is not just a formal legal process but also a psychological process that requires sensitivity, empathy, and emotional balance from all parties involved. A multidisciplinary approach that combines the principles of law, psychology, and Indonesia's socio-cultural values is key to increasing the effectiveness of mediation and encouraging the peaceful, fair, and sustainable resolution of family disputes.

Discussion

1. Psychological Aspects Affecting the Mediation Process

The psychological aspect has a very important role in determining the success of the mediation process, especially in the context of domestic disputes. Family conflicts are often

influenced not only by rational or legal factors but also by the parties' emotional states, perceptions, and subjective experiences. Therefore, understanding psychological factors is a must for mediators in building an effective and sustainable mediation process (Ismayawati, Aristoni, & Chaedar, 2024).

a. Emotional Regulation

The ability of individuals to regulate and express their emotions adaptively is a major factor that determines the dynamics of interaction in mediation. According to Rui Wang et al. (Wang, Li, Zhang, & Chen, 2023), emotion regulation mediates the relationship between stress and problem-solving abilities in interpersonal contexts. In domestic mediation, parties who can manage anger and frustration will find it easier to communicate and reach a compromise.

Mediators also play an important role in helping the parties identify the emotions they are experiencing. Techniques such as *emotion labeling* and *reframing* have been shown to reduce the intensity of conflict and increase the desire for reconciliation (Scafuto, Andolfi, & Caputi, *The Mediation Role of Emotion Regulation Strategies in Conflict Resolution*, 2024). Conversely, failure to manage emotions often leads parties to stay on the defensive and reject the proposed alternatives.

b. Empathy and Perspective-Taking

Empathy is the ability to understand and feel others' emotional states. In the context of mediation, empathy facilitates more open and honest two-way communication. An (An, Kim, & Lee, 2024) found that emotional support and empathic perceptions among family members improve psychological well-being and reduce hostility during conflict negotiations.

Mediators who show empathy and actively listen can create a safe environment for the parties to express themselves without fear of being judged. The *active listening* techniques used by mediators, such as repeating the essence of the parties' statements and validating their feelings, help strengthen trust and encourage cooperation (Ala-Kortesmaa, Hakanen, & Kaivola, 2024). This approach is effective in reducing emotional tension and expediting the dispute resolution process.

c. Interpersonal Communication and Openness

Domestic conflicts often stem from misunderstandings and communication failures. According to Min (Min, Kim, & Kim, 2021), *active listening* and communication clarity are directly correlated with satisfaction with mediation outcomes and relationship quality after conflict. When the parties have the courage to express their feelings and needs openly, the mediator can more easily help them find common ground.

In addition, the use of appropriate nonverbal cues, such as a calm tone of voice, positive eye contact, and an open body posture, reinforces the message of peace conveyed. In the context of Indonesian culture, which tends to emphasize *politeness*, mediators need to understand local communication norms, so the message is not misinterpreted as a threat or insult.

d. Motivation for Peace

Motivation is an internal factor that determines how committed a person is to resolving conflicts peacefully. A study by Sebyar (2025) found that the success rate of mediation in Religious Courts depends heavily on both parties' willingness to restore the relationship, rather than on the mediator's ability alone.

Mediators can increase party motivation through *a goal-setting approach* and *future-oriented dialogue*, which directs the conversation to a better future for the child or family. This approach has been shown to increase the desire to cooperate and reduce emotional resistance to the mediation process.

e. Trauma-Informed Approach in Mediation

In some cases, one or both parties may have a history of emotional trauma due to physical, verbal, or emotional abuse. Mediators need to understand the principles of *trauma-informed practice*, which is to create an emotionally safe environment, provide control to vulnerable parties, and avoid triggering trauma (Hoe, 2025). This approach not only increases a sense of security but also allows the mediation process to run more humanely and effectively. When mediators are able to integrate sensitivity to trauma with empathic communication techniques, the chances of achieving genuine peace are significantly increased.

Overall, the success of domestic mediation depends heavily on managing the parties' psychological aspects. Emotion regulation, empathy, effective communication, and motivation to reconcile are the four main pillars that support the conflict resolution process. Mediators who understand and apply this psychological approach will be more successful in helping the parties reach a sustainable peace agreement.

2. The Role of Mediators in Managing Psychological Aspects

Mediators play a central role in determining the success of mediation, especially in domestic disputes. In addition to functioning as legal facilitators, mediators also act as *emotional managers*, managing the parties' emotional dynamics, communication, and motivation (Ismayawati, Aristoni, & Chaedar, 2024). The success of the mediation process depends not only on the technical ability to apply legal procedures but also on the mediator's sensitivity to the psychological factors underlying the parties' behavior and emotional responses.

a. Emotional Competence and Mediator Communicative Skills

An effective mediator must have emotional competence, the ability to recognize, understand, and manage one's own emotions and those of others. According to Wang (Wang, Li, Zhang, & Chen, 2023), this ability is the main foundation in directing conflict interactions towards constructive resolution. A mediator who can calm the mood when tensions rise can refocus the conversation on finding a solution rather than an emotional argument.

In addition, mediators need to master empathic communication skills, such as *active listening*, *reframing*, and *validation*. Ala-Kortesmaa, Hakanen, & Kaivola (2024) found that mediators who listen with empathy increase the parties' levels of trust and openness. This approach helps lower defensiveness and creates space for new perspectives on the problems at hand.

b. The Use of Psychological Techniques in Mediation

Mediators who understand psychological principles can use a variety of techniques to guide the mediation process more effectively. One widely used technique is *reframing*, which changes the parties' perspectives on the conflict so they can see the problem more objectively. Scafuto (Scafuto, Andolfi, & Caputi, The Mediation Role of Emotion Regulation

Strategies in Conflict Resolution, 2024) explains that proper *reframing* can lower the intensity of negative emotions and increase openness to compromise.

In addition, mediators can use the *emotion-labeling* approach, which helps the parties name the emotions they feel. According to An (An, Kim, & Lee, 2024), the process of emotional naming helps individuals understand their own psychological state and lowers interpersonal tension. Thus, the mediator plays not only a mediating role but also a facilitative role in emotional awareness.

c. Trauma-Informed Approach in Family Mediation

In the case of domestic disputes involving physical, verbal, or emotional abuse, mediators need to apply a trauma-informed approach. This approach emphasizes the importance of creating an emotionally and physically safe environment for the parties. Hoe (Hoe, 2025) mentioned that mediators must recognize signs of trauma, avoid confrontations that trigger extreme emotional reactions, and provide control to the parties who feel vulnerable to maintain psychological balance.

The American Academy of Matrimonial Lawyers (Lawyers, 2024) also emphasized that the *trauma-informed mediation approach* can increase participation by traumatized parties and the likelihood of reaching a peace agreement. Mediators who use this approach need to pay attention to body language, facial expressions, and the mediation room's atmosphere so that the parties feel safe and heard.

d. The Role of Ethics and Neutrality of Mediators

In addition to psychological abilities, ethics plays an important role in mediation. The mediator must remain neutral and not take sides with any party, as perceived non-neutrality can create distrust and undermine the mediation process. The mediator's integrity in maintaining the psychological balance of the parties is the moral foundation for the success of family mediation.

Neutrality does not mean passivity, but it does mean being active in maintaining emotional justice and equal opportunities for both parties to express their views. In the context of Indonesian culture, which prioritizes deliberation, mediators must also be able to integrate local values, such as mutual cooperation and social harmony, with the principles of modern professionalism.

e. Integration of Psychology in Mediator Training

Mediator training in Indonesia generally still focuses on legal and procedural aspects. Sebyar (2025) stated that the variation in the success rate of mediation among Religious Courts in Indonesia is due to differences in mediators' understanding of psychological aspects and interpersonal communication skills. Therefore, mediator training programs ideally integrate basic psychology modules, such as stress management, conflict dynamics, and techniques for empathic communication. With this integration, mediators will be better prepared to handle complex emotional situations and to facilitate a more humane and sustainable mediation process.

Regarding this, Dr. Fakhurazi, S.Ag., M.H.I., as a Mediator Judge as well as the Chairman of the Purwakarta Religious Court (Fakhurazi, 2025) gave his view: "As an institution that handles a high number of divorce cases, we realize the importance of mediation as a preventive instrument. However, its effectiveness is greatly influenced by the mediator's ability to understand the parties' emotional states. Therefore, we support strengthening the mediator training curriculum using a psychological approach. That way, the mediation process not only results in a legal agreement, but also the restoration of relationships, trust, and respect between the couples".

Furthermore, Drs H. Ihsan, M.H., as the Mediator of the Purwakarta Religious Court Judge (Ihsan, 2025) said: "In some cases, we have found that conflicts can be mitigated when the mediator is able to build trust and a calm dialogue atmosphere. However, this ability does not arise solely from formal legal training, but rather from an understanding of empathy, internal motivation, and communication psychology. The integration of psychology in the mediation system is a strategic step to strengthen the function of the court as an institution that maintains family resilience".

The same thing was also conveyed by Dr. Nur Alam Syaf, S.H., M.H., as the Mediator of the Purwakarta Religious Court Judge (Syaf, 2025) said: "Our experience shows that formal mediation in court is often less than optimal if the mediator does not have psychological sensitivity. The parties were in a highly emotional state, so a purely technical legal approach was not enough. Training mediators in the field of family relationship psychology needs to be a priority so that the mediation process is more humane and effective in preventing divorce".

Khoir Affandi, Lc., M.H., as a Non-Judge Mediator at the Purwakarta Religious Court (Affandi, 2025) stated, "In the practice of mediation, I often find that the root of domestic conflicts is not only a legal issue, but an unresolved emotional wound. When the parties feel emotionally secure, they are better able to engage in dialogue without defensiveness. Therefore, understanding emotion regulation and empathic communication is a fundamental skill for a mediator. Mediation must not only be procedural, but must also touch on the psychological aspects that allow reconciliation".

Furthermore, Tajul Muttaqin, S.H.I., M.H., as a Non-Judge Mediator at the Purwakarta Religious Court (Muttaqin, 2025), revealed "The success of mediation is highly determined by the mediator's ability to read body language, communication patterns, and psychological dynamics of both parties. Many couples want to maintain their relationship but are unable to communicate their emotional needs. With the right psychological approach, mediators can help them develop new perspectives and create space for compromise. This is what distinguishes mediation as a recovery effort, not just a dispute resolution".

The mediator's ability to manage the emotions of the parties was also stated by the parties who litigated at the Purwakarta Religious Court, including E as the defendant (husband) in the Divorce Lawsuit (E, 2025) case, stating, "When I first underwent mediation, I felt angry and not ready to discuss. But the mediator helped me express my emotions without hurting. I began to understand that my wife was not an enemy, but a person who was also hurt and needed to be heard. This process made me more open, and we were finally able to find a middle ground."

Regarding this mediation, F (F, 2025), as the plaintiff in the Divorce Lawsuit case, stated, "I was initially not convinced that mediation could solve our problems. But when the mediator helps us communicate better and understand each other's feelings, the situation changes. I feel valued, not judged. A more humane and psychological approach makes me better prepared to negotiate the future of my family, not just fight for positions".

Based on this description, the role of mediators in managing psychological aspects is the main key to the effectiveness of household mediation. Mediators who understand emotional dynamics, apply empathy, and maintain ethical neutrality will be better able to create a conducive mediation atmosphere. Therefore, mediator training should not only focus on legal aspects but also strengthen psychological competence so that the mediation process can proceed in a fair, peaceful, and restorative manner.

3. Implications of Psychological Aspects on Mediation Practices in Indonesia

The application of psychological aspects in household mediation has important implications for the effectiveness and sustainability of the dispute resolution process in Indonesia. In the national legal system, mediation is regulated by the Supreme Court of Indonesia Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in the Court, which emphasizes the obligation to pursue peace efforts before the examination of civil cases. However, the implementation of mediation in practice often still focuses on a formal legal approach and has not fully considered the psychological factors that support mediation success (Ismayawati, Aristoni, & Chaedar, 2024).

a. The Need for Integration of Psychology in Mediator Education and Certification

One of the main implications of the psychological study of mediation is the need to integrate psychological science into mediators' training and certification curricula. Mediators are not only able to understand the law and procedures, but must also be able to read the parties' emotional states, understand the dynamics of the relationship, and use an empathetic approach in communication.

According to Sebyar (2025), the low success rate of mediation in several Religious Courts in Indonesia is due to mediators' lack of understanding of psychological communication techniques and emotional conflict management. Therefore, mediator certification bodies under the Supreme Court and the Ministry of Law and Human Rights need to include specialized modules on conflict psychology, empathy, and emotion regulation in basic and advanced training.

A multidisciplinary approach to implementing family mediation is especially important in Southeast Asia, especially in Indonesia and Malaysia, given the strong influence of cultural and religious values on parties' attitudes and behaviors in addressing domestic conflicts. Therefore, mediators' capacity development should not only focus on legal aspects but also include social and cultural understanding so that the mediation process can take place in a more contextual, adaptive, and effective manner.

b. Strengthening the Trauma-Informed Approach in Religious Courts

The second implication is the need to apply a trauma-informed approach in the domestic mediation system, especially for cases involving domestic violence (KDRT) or power imbalances. Hoe (Hoe, 2025) explained that mediators need to create a safe *space*, provide control over parties who feel vulnerable, and avoid practices that can trigger emotional trauma.

Similarly, a report from the *American Academy of Matrimonial Lawyers* (Lawyers, 2024) states that applying the principle of *trauma-informed mediation* can increase the participation rate and success of mediation by up to 35% in family cases in the United States. If this principle is applied to the context of Religious Courts in Indonesia, the Supreme Court should provide technical guidance to mediators handling cases involving psychological trauma.

In addition, the *gender-sensitive mediation* policy also needs to be implemented so that mediation does not become a means of reproducing injustice for those who are socially weaker. Mediators must be trained to recognize power imbalances and ensure the mediation process is conducted fairly and equally for both parties.

c. Development of Mediation Models Based on Local Culture and Psychology

Indonesia's cultural diversity and social values can serve as important capital for developing mediation models grounded in psychology and local wisdom. Ismayawati (Ismayawati, Aristoni, & Chaedar, 2024) shows that the concepts of *friendship*, *deliberation*, and *harmony* in Indonesian culture are very relevant to psychological principles in mediation, such as empathy, open communication, and the desire to restore relationships.

This approach can reduce public resistance to formal mediation and encourage active participation of the parties. Therefore, integrating cultural values with modern psychological theories can give rise to a mediation model that is more contextual, effective, and aligned with the character of Indonesian society.

d. Implications for Policy and Legal Reform

In terms of policy, the results of this study show the need for systemic reform in the implementation of mediation in Indonesia. The government and the Supreme Court need to strengthen the synergy between legal and psychological approaches in formulating regulations and guidelines for the implementation of mediation.

For example, in the 2025 edition of *the Handbook of Mediation*, Hoe (Hoe, 2025) emphasized that effective family mediation is always based on a balance between *legal certainty* and emotional *recovery*. If these two aspects go hand in hand, then mediation not only results in a formal agreement but also a substantive peace that has a long-term impact on family and community stability.

Overall, the implications of psychological factors for mediation practices in Indonesia underscore the importance of a multidisciplinary approach that integrates legal, psychological, and cultural perspectives. This integration must start with improving the mediator training system, implementing *trauma-informed practices*, and developing a mediation model based on local values. If applied consistently, the effectiveness of domestic mediation in Indonesia will increase, and the judiciary can function not only as a law-enforcement body but also as a facilitator of social and emotional recovery.

4. Mediation in the Perspective of Islamic Law

Etymologically, the term mediation comes from the Latin *mediare*, which means "to be in the middle" (Rosadi, 2018). This understanding shows that mediation is a dispute resolution process involving a third party, namely a mediator, who assists the parties in resolving conflicts. In carrying out their duties, mediators must be fair, neutral, and impartial toward one of the parties to the dispute.

In Islamic law, the attempt to reconcile a husband and wife who are in dispute is known as *islah* or *sulh*. *Sulh* is the settlement of disputes through a peaceful agreement voluntarily reached by the parties. The term *sulh* is widely used in fiqh literature, which discusses various fields, including transactions, marriages, wars, and rebellions (Vahlevi, 2021). *Sulh* is interpreted as an agreement that aims to resolve conflicts or disputes. In Islamic literature, the concept of mediation is closely related to *sulh*. In fiqh terms, *tabkum* means the process in which two or more parties appoint a third party to resolve their disputes based on Sharia law.

Based on this understanding, it can be concluded that mediation has similarities to the concept of *sulh*, which means the peaceful settlement of disputes. The practice of *sulh* has been applied since the time of the Prophet Muhammad PBUH in various situations, such as reconciling a husband and wife, resolving conflicts between Muslims and non-Muslims, and mediating disputes between individuals. *Sulh* is a form of peace that is reached through

agreement and the willingness of all parties, without going through a court process before a judge. The main goal of *sulh* is to provide a fair and satisfactory solution for the parties to the dispute, so that the conflict can be resolved peacefully.

The Qur'an advocates the settlement of family disputes through hakam (peacemakers) as Allah SWT says: "And if you are worried about a dispute between the two, then send a peacemaker from the male family and a peacemaker from the female family. If both of them (the peacemaker) intend to make amends, surely Allah will give taufik to the husbands and wives" (QS. An-Nisa: 35). This verse shows that Islam pays great attention to resolving conflicts in the household through the mechanism of peace (*islah* or *sulh*). Psychological aspects such as empathy and good communication are part of the Mahmudah morals taught by Islam. The appointment of the rights of each party shows that the settlement of disputes is not solely legal-formal, but also considers the psychological, emotional, and social aspects of the parties. Hakam functions as a neutral party who understands the condition of husband and wife, has emotional closeness, and can bridge communication that is hampered by conflict.

Furthermore, the phrase "if both parties intend to make amends" emphasizes that the success of peace depends heavily on the parties' good faith and psychological readiness to make peace. Thus, this verse suggests that peace cannot be forced but must be built through awareness, empathy, and a willingness to improve relationships. This principle aligns with the practice of mediation in the Religious Court, where the mediator plays a role similar to a hakam, who not only applies legal provisions but also manages emotions, builds communication, and creates an atmosphere conducive to achieving a peaceful agreement. Therefore, QS. An-Nisa' verse 35 can be understood as a normative basis for applying mediation in the humane and fair settlement of domestic disputes.

Conclusion

Mediation of domestic disputes in Indonesia is one of the mechanisms for resolving Alternative Disputes (*Alternative Dispute Resolution*), which has strategic value in maintaining family harmony and preventing divorce. Based on studies conducted, psychological factors significantly influence the effectiveness of mediation, including the parties' mental readiness, communication dynamics, and the mediator's emotional skills.

From a policy perspective, structural reforms are needed to implement mediation in Indonesia so that psychological approaches can be systematically integrated into judicial procedures. The Supreme Court and related agencies need to strengthen the implementation of regulations governing psychology-based mediation and ensure that mediators receive training in emotional competence and empathy. Thus, mediation is not only a means of resolving formal disputes but also a forum for restoring human relations justly.

Overall, effective household mediation combines local legal, psychological, and cultural aspects. The integration of these three dimensions will create a family conflict resolution system that is not only legally just but also fosters true peace and the sustainability of social relations in Indonesian society.

This research has several limitations. First, empirical studies are limited to the Purwakarta Religious Court, so generalizations should be made carefully. Second, the research has not explored in depth the integration of psychological aspects with Islamic legal values. For further research, it is recommended: (1) to conduct a comparative study in several Religious Courts with different characteristics; (2) examine the integration of the concepts of *islab* and *shubh* with modern psychological approaches; (3) to develop a mediation model based on *maqasid al-shariah* that integrates psychological aspects.

References

Journal

Ala-Kortesmaa, S., Hakanen, S., & Kaivola, T. (2024). Listening in Court-Connected Mediations. *Negotiation and Conflict Management Research*.

An, J., Kim, H., & Lee, S. (2024). A Serial Mediating Effect of Perceived Family Support on Well-Being. *Frontiers in Psychology*.

Gussevi, S., Novianty, I., & Supiana, P. (2023). Father's Obligations for Post-Divorce Child Support Rights. *Muttaqien: Indonesian Journal of Multidisciplinary Islamic Studies*, 4(1), 29-46.

Gussevi, S., Rosadi, A., Saepullah, U., Muttaqin, T., & Alman, J. F. (2025). Religious Court of Purwakarta: Efforts to Increase the Effectiveness of Case Resolution and Minimize Social Impact. *Muttaqien: Indonesian Journal of Multidisciplinary Islamic Studies*, 6(2), 174-200. .

Hoe, S. W. (2025). Resolving Drama with a Trauma-Transformed Approach in Family Mediation. *In Handbook of Mediation (World Scientific)*.

Ismayawati, A., Aristoni, & Chaedar, S. M. (2024). Family Conflict Resolution Through Mediation in Indonesia and Malaysia: A Sociological Study of Islamic Law. *Jurnal Hukum Islam*, 22(2).

Lawyers, A. A. (2024). Trauma-Informed Mediation: A Path to Healing and Resolution. *Journal of the American Academy of Matrimonial Lawyers*, 37(1), 325-348.

Min, K.-S., Kim, S.-B., & Kim, H.-Y. (2021). Why does Active Listening Enhance Satisfaction? *Journal of Retailing and Consumer Services*.

Purwakarta, P. A. (2026). *Recapitulation of Divorce Cases and Divorce Lawsuits in 2025*. Purwakarta: Purwakarta Religious Court. Retrieved from: <https://www.pa-purwakarta.go.id>.

Rahmawati, N. (2022). The Role of Empathy in the Effectiveness of Family Mediation. *Journal of Psychology and Law*, 8(2), 79-90.

Scafuto, F., Andolfi, F., & Caputi, C. (2024). The Mediation Role of Emotion Regulation Strategies in Conflict Resolution. *Current Psychology*.

Sebyar, M. H. (2025). Divorce Mediation and Religious Court Mediation (2021-2022). *Al-Manahij: Journal of Law and Social Institutions*.

Statistics, B. P. (2025). *Divorce Statistics in Indonesia in 2025*. Jakarta: BPS RI.

Vahlevi, D. R. (2021). The Concept of Sulh and Tahkim as Alternatives in Efforts to Resolve Sharia Economic Disputes in the Modern Era. *Darussalam Journal of Sharia Economics, LAIDA Press*, 2(2), 81-91.

Wang, R., Li, Y., Zhang, Y., & Chen, W. (2023). Emotion Regulation as a Mediator of Adaptive Coping and Relationship Outcomes. *Frontiers in Psychology*.

Zaitullah, R. (2020). The Effectiveness of Mediation in Settlement of Divorce Cases in Religious Courts according to PERMA No. 1 of 2016. *Al-Manhaj: Journal of Islamic Family Law*, 2(2), 100-115.

Books

Afandi, D. (2020). *Mediation as an Alternative to Dispute Resolution in Indonesia*. Yogyakarta: Deepublish.

Cahyani, R. (2021). *Psychology of Conflict in the Household*. Jakarta: Rajawali Press.

Moleong, L. J. (2019). *Qualitative Research Methodology (Revised Edition)*. Bandung: Remaja Rosdakarya.

Mukti, F., & Yulianto, B. (2020). *Normative & Empirical Law Research Dualism*. Yogyakarta: Student Library.

Raharjo, S. (2020). *Restorative Justice in Divorce Case Mediation*. Jakarta: Prenadamedia Group.

Rosadi, A. (2018). *The Development of Islamic Courts in Indonesia*. Bandung: Remaja Rosdakarya.

Salim, H. S., & Nurbani, E. S. (2013). *Application of Legal Theory to Thesis and Dissertation Research*. Jakarta: Rajawali Press.

Soekanto, S. (2006). *Introduction to Legal Research*. Jakarta: UI Press

Sugiyono. (2019). *Qualitative, Quantitative and R&D Research Methods*. Bandung: Alfabeta.

Zehr, H. (2018). *The Little Book of Restorative Justice*. New York: Good Books.

Interview

A. (2025, October Wednesday). The Plaintiff in the Divorce Case Sues at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

Affandi, K. (2025, November Wednesday). Non-Judge Mediator of Religious Courts. (S. Gussevi, Interviewer)

B. (2025, October Wednesday). The Defendant in the Divorce Case Filed at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

C. (2025, October Wednesday). Respondent in the Case of Talak Divorce at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

D. (2025, October Wednesday). Applicant in the Case of Divorce Talak at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

E. (2025, November Wednesday). The Defendant in the Divorce Case Filed at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

F. (2025, November Wednesday). The Plaintiff in the Divorce Lawsuit at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

Fakhrurazi. (2025, October Friday). Chairman of the Purwakarta Religious Court. (S. Gussevi, Interviewer)

Courtesy of you. (2025, October Friday). Judge of the Purwakarta Religious Court. (S. Gussevi, Interviewer)

Iskandar, A. (2025, November Wednesday). Clerk of the Purwakarta Religious Court. (S. Gussevi, Interviewer)

Muttaqin, T. (2025, November Friday). Non-Judge Mediator at the Purwakarta Religious Court. (S. Gussevi, Interviewer)

Syaf, N. A. (2025, October Friday). Judge of the Purwakarta Religious Court. (S. Gussevi, Interviewer)