

The Strategic Role of Non-Judicial Mediators in Achieving Effective and Just Family Dispute Resolution in the Batam Religious Court

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Abstract

This research is motivated by the increasing number of family cases at the Batam Religious Court and the need for mediation as a more effective and equitable alternative dispute resolution. The purpose of this study is to analyze the contribution of non-judgmental mediators in resolving family conflicts and to identify the role, challenges, and effectiveness of mediation. This is a qualitative field study. Primary data were collected through in-depth interviews with non-judgmental mediators, judges, and litigants at the Batam Religious Court, while secondary data were obtained from annual reports, mediation documents, and literature on religious court mediation. Data collection techniques included observation, interviews, and documentation, while data analysis used a descriptive-analytical approach to examine the contribution patterns and effectiveness of non-judgmental mediation in resolving family conflicts. The results show that non-judgmental mediators have a strategic role in facilitating peace through a more humanistic, flexible, and deliberation-based communication approach. Their presence can reduce judges' caseloads, accelerate settlement, and maintain harmonious family relations after the conflict. Despite obstacles such as low public legal awareness, resistance from disputing parties, and a limited number of certified mediators, the effectiveness of mediation by non-judge mediators has been quite high, with a positive impact on the just, peaceful, and sustainable resolution of family cases.

Keyword: Non-Judical Mediators, Family Conflict, Mediation

Abstrak

Penelitian ini dilatarbelakangi oleh meningkatnya jumlah perkara keluarga di Pengadilan Agama Batam serta perlunya peran mediasi sebagai alternatif

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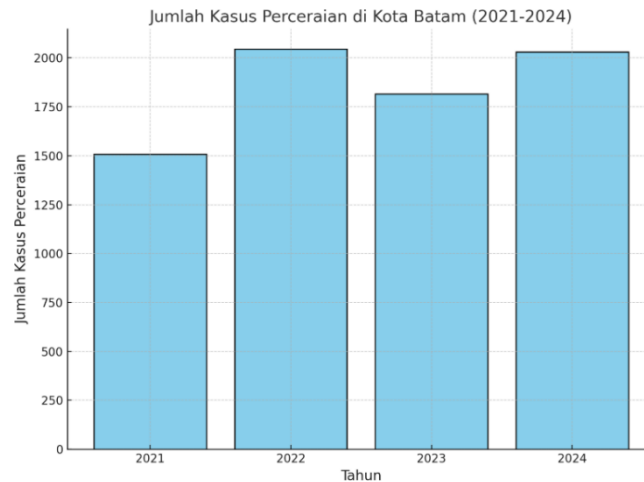
penyelesaian sengketa yang lebih efektif dan berkeadilan. Tujuan penelitian ini adalah untuk menganalisis kontribusi mediator non-hakim dalam penyelesaian konflik keluarga, serta mengidentifikasi peran, tantangan, dan efektivitas mediasi yang dilakukan. Penelitian ini merupakan penelitian kualitatif dengan jenis penelitian lapangan. Data primer diperoleh melalui wawancara mendalam dengan mediator non-hakim, hakim, dan pihak berperkara di Pengadilan Agama Batam, sedangkan data sekunder diperoleh dari laporan tahunan, dokumen mediasi, serta literatur terkait mediasi peradilan agama. Teknik pengumpulan data dilakukan melalui observasi, wawancara, dan dokumentasi, sedangkan analisis data menggunakan pendekatan deskriptif-analitis dengan menelaah pola kontribusi dan efektivitas mediasi non-hakim dalam menyelesaikan konflik keluarga. Hasil penelitian menunjukkan bahwa mediator non-hakim memiliki peran strategis dalam memfasilitasi perdamaian melalui pendekatan komunikasi yang lebih humanis, fleksibel, dan berbasis musyawarah. Kehadiran mereka mampu mengurangi beban perkara hakim, mempercepat proses penyelesaian, serta menjaga keharmonisan relasi keluarga pasca-konflik. Meskipun menghadapi kendala seperti rendahnya kesadaran hukum masyarakat, resistensi pihak yang bersengketa, dan keterbatasan jumlah mediator bersertifikat, efektivitas mediasi oleh mediator non-hakim terbukti cukup tinggi dan memberikan dampak positif terhadap terwujudnya penyelesaian perkara keluarga yang berkeadilan, damai, dan berkelanjutan.

Kata Kunci: Mediator non-hakim, Konflik Keluarga, Mediasi.

A. Introduction

An interesting phenomenon that occurred at the Batam Religious Court, as one of the courts in Indonesia, was the high level of cases, especially related to family problems. According to data from the Batam Religious Court, the level of family conflict in this region, especially in cases of divorce, continues to increase every year.¹

¹Batam Religious Court, "Divorce Category".<https://putusan3.mahkamahagung.go.id/direktori/index/pengadilan/pa-batam/kategori/perceraian.html>, access on May 21, 2025.



The high number of cases received demands an optimization of the role of mediation to reduce the number of cases that proceed to the decision stage. non-judicial mediators at the Batam Religious Court make a significant contribution to peace efforts, particularly because they often have different academic backgrounds, social experience, and communication skills than judges. This adds a new dimension to the dynamics of family dispute resolution.² However, the role of non-judicial mediators is not without its challenges. These challenges include the parties' limited understanding of the importance of mediation, resistance from parties already considering divorce, and administrative constraints related to the number and availability of certified non-judicial mediators.³

The resolution of family disputes in Indonesia, particularly those related to divorce, joint property, child custody, and maintenance, is becoming a serious concern as the number of cases in the Religious Courts increases.⁴ Data from the Supreme Court of the Republic of Indonesia shows that the number of divorce cases continues to increase every year.⁵ In this context, mediation is seen as a

² Dessy Sunarsi, Yuherman Yuherman, and Sumiyati Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa", *Jurnal Hukum Media Bhakti*, vol. 2, no. 2 (2018), hlm. 131.

³ Dyta Ayu Irmadani Marpaung and Abd. Mukhsin, "Efektivitas Mediasi dalam Upaya Penyelesaian Perceraian di Pengadilan Agama Sei Rampah", *Amnesti: Jurnal Hukum*, vol. 6, no. 2 (2024), hlm. 191, <https://doi.org/10.37729/amnesti.v6i2.5323>.

⁴ Aas Tri Ariska and Udin Latif, "Analisis Yuridis Penerapan Hak Ex Officio Hakim Dalam Melindungi Hak-Hak Perempuan Yang Berhadapan Dengan Hukum Pada Perkara Cerai Talak Di Pengadilan Agama Sorong", *Muadalah: Jurnal Hukum*, vol. 2, no. 1 (2022), hlm. 11.

⁵ <https://badilag.mahkamahagung.go.id/seputar-peradilan-agama/berita-daerah/tembus-1-605-perkara-yang-diterima-tahun-2022-cerai-gugat-tetap-mendominasi>, accessed on September 10, 2025

crucial tool for reducing escalation while maintaining good relations between the disputing parties.⁶

Mediation, as a form of non-litigation dispute resolution, has advantages over formal court proceedings.⁷ Therefore, the mediator's role is key in bridging the interests of the parties, particularly in family conflicts that are fraught with emotional and psychological dimensions.⁸ Thus, non-judicial mediators are present as a strategic alternative to support judges in unraveling the complexity of family conflicts.⁹ Previous research by R. Kurniyana and M.C. Nizar showed that the success rate of mediation conducted by judges in religious courts was relatively low compared to the number of cases received.¹⁰ This is interesting to study further, especially in the context of the Batam Religious Court which has heterogeneous socio-cultural characteristics.

Given the complexity of the issues and opportunities involved, this study aims to examine in-depth the contribution of non-judicial mediators to family conflict resolution in the Batam Religious Court. This includes their strategic role, the challenges they face, and the potential for strengthening their role within the religious justice system.¹¹ Therefore, it is important to continue researching, evaluating, and developing mediation mechanisms, including strengthening the capacity of non-judicial mediators so that they can contribute maximally to resolving family conflicts in the Batam Religious Court and in Indonesia in general.

Although mediation has become a crucial mechanism in resolving family disputes within Religious Courts, studies focusing on the role and contribution of non-judge mediators remain limited, particularly in the context of the Batam Religious Court. This research gap is essential to address in order to understand

⁶ Mahfudzi, "Evaluasi Dan Solusi Konflik Menuju Integritas", *Jurnal Alasma: Media Informasi Dan Komunikasi Ilmiah*, vol. 2, no. 1 (2020), hlm. 90, <https://jurnalstitmaa.org/alasma/article/view/35>.

⁷ Joko Susanto et al., "Efektivitas Teknik Kaukus Dalam Mediasi Non Litigasi: Studi Kasus Di Josant Mediator Indonesia", *Ulil Albab: Jurnal Ilmiah Multidisiplin*, vol. 4, no. 1 (2024), hlm. 9, <https://doi.org/10.56799/jim.v4i1.6181>.

⁸ Anwar Saadi, *Mediasi Konflik Dalam Perkawinan Dalam Perspektif Al-Qur'an* (Jakarta: CV. Pustakalima, 2022), hlm. 76.

⁹ Sunarsi, Yuherman, and Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa", hlm. 91.

¹⁰ Rizky Kurniyana Rizky and Muchamad Coirun Nizar, "Tingkat Keberhasilan Mediasi Oleh Hakim dan Non Hakim Di Pengadilan Agama Purwodadi Tahun 2019", *Adhki: Journal of Islamic Family Law*, vol. 3, no. 1 (2021), hlm. 72, <https://doi.org/10.37876/adhki.v3i1.47>.

¹¹ Anisah Cahyaningtyas, *Pembangunan Ketahanan Keluarga* (Jakarta: CV Lintas Khatulistiwa, 2016), hlm. 34.

the effectiveness, challenges, and humanistic approaches of non-judge mediators in improving the quality of family conflict resolution.

B. Research methods

This study uses a qualitative approach with an empirical legal research approach. This approach was chosen because this study seeks to deeply understand the role and contribution of non-judge mediators in resolving family conflicts at the Batam Religious Court. Primary data was obtained through in-depth interviews with non-judge mediators, mediating judges, and parties who had previously undergone mediation. Secondary data was collected through document review in the form of laws and regulations related to mediation, court decisions, annual reports of the Batam Religious Court, and relevant academic literature. The data analysis technique was carried out using the Miles and Huberman interactive analysis model which includes data condensation, data presentation, and drawing conclusions. Data validity is maintained using source and method triangulation techniques, so that the results of this study are expected to be able to provide a comprehensive picture of the effectiveness and contribution of non-judicial mediators in resolving family conflicts at the Batam Religious Court.

C. Discussion and Research Results

The Concept of Mediation in Islamic Law and Indonesian Positive Law

The concept of mediation in Islamic law and Indonesian positive law reflects two complementary legal traditions that share the same objective: achieving peace and justice through reconciliation rather than confrontation. In essence, mediation is a process in which a neutral third party assists disputing parties in reaching a mutually acceptable resolution. Within the framework of Islamic law, mediation embodies the value of *ṣulḥ* (peaceful settlement), which promotes harmony, forgiveness, and the restoration of relationships. Similarly, Indonesian positive law institutionalizes mediation as an integral part of the judicial process, emphasizing efficiency, fairness, and the preservation of social order.¹²

In Indonesia, mediation has been formally recognized as a procedural requirement in the judiciary through the issuance of Supreme Court Regulation (Peraturan Mahkamah Agung, or PERMA) No. 1 of 2016 on Mediation Procedures

¹² R. Tanzil Fawaiq Sayyaf, "Mediasi Dan Sulh Sebagai Alternatif Terbaik Penyelesaian Sengketa Hukum Keluarga Islam", *Asy-Syari'ah: Jurnal Hukum Islam*, vol. 9, no. 2 (2023), hlm. 7 <https://doi.org/10.55210/assyariah.v9i2.1022>.

in Court. This regulation mandates that every civil case, including family disputes, must first go through a mediation process before proceeding to trial. The purpose is to encourage dispute resolution outside of adversarial litigation, allowing parties to settle their differences peacefully.¹³ From a legal perspective, mediation under Indonesian positive law is considered a form of alternative dispute resolution (ADR) that complements the court system. It aims to reduce case congestion in the judiciary, provide faster resolution, and minimize emotional and financial burdens on the parties. The PERMA emphasizes the voluntary nature of mediation and the confidentiality of the process, highlighting that mediators must act impartially and independently.¹⁴

In Islamic law, the concept of mediation aligns closely with the broader principles of justice (*'adl*) and public welfare (*maṣlaḥah*). The essence of Islamic mediation lies in restoring balance and preventing further harm or injustice. While Indonesian positive law regulates mediation through formal institutions and legal instruments, Islamic mediation emphasizes moral responsibility, sincerity, and reconciliation based on compassion and mutual understanding. Despite these different emphases, both legal traditions converge in viewing mediation as a preventive measure against prolonged disputes and social disintegration.¹⁵

In the context of family law, mediation plays a particularly vital role. The Indonesian Religious Courts, which handle Islamic family matters such as divorce, inheritance, and marital disputes, apply mediation as a mandatory stage in the litigation process. The Supreme Court Regulation No. 1 of 2016 reinforces the obligation of judges and certified mediators to facilitate reconciliation whenever possible. This legal framework demonstrates Indonesia's effort to integrate the spirit of *ṣulḥ* from Islamic jurisprudence into the national legal system, reflecting a harmonious blend of religious and secular approaches to conflict resolution.¹⁶

¹³ Nita Triana, *Alternative Dispute Resolution: Penyelesaian Sengketa Alternatif Dengan Model Mediasi, Arbitrase, Negosiasi dan Konsiliasi* (Yogyakarta: Kaizen Sarana Edukasi, 2019), hlm. 65.

¹⁴ Joko Sulistiono, Akhmad Haries, and Maisyarah Rahmi, "The Role of Non Judge Mediators Providing Guarantee Of Women's Rights Protection In Divorce Cases", *Al-Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, vol. 16, no. 4 (2022), hlm. 10, <http://dx.doi.org/10.35931/aq.v16i4.1059>.

¹⁵ Sayyaf, "Mediasi Dan Sulh Sebagai Alternatif Terbaik Penyelesaian Sengketa Hukum Keluarga Islam", hlm. 6.

¹⁶ Siti Aminah and Arif Sugitanata, "Genealogy and Reform of Islamic Family Law: Study of Islamic Marriage Law Products in Malaysia", *Journal of Islamic Law (JIL)*, vol. 3, no. 1 (2022), hlm. 101.

Their role complements that of judge mediators, providing flexibility and a more personal approach in resolving disputes, especially in family-related cases. By combining professional mediation standards with local cultural wisdom, Indonesia's mediation system offers a unique model that bridges formal law and social harmony.¹⁷

Overall, the integration of mediation within Islamic and Indonesian legal frameworks represents a progressive approach to justice administration. It demonstrates a shift from punitive to restorative justice, emphasizing dialogue, empathy, and voluntary agreement over coercion. This synergy between Islamic values and state law underscores Indonesia's pluralistic legal identity and its commitment to resolving disputes in a manner that is both legally sound and socially constructive.

Challenges and Obstacles in the Implementation of Mediation by Non-Judicial Mediators

The first challenge faced by non-judicial mediators at the Batam Religious Court is the low level of public awareness of the importance of mediation. For most parties to a dispute, attending court is synonymous with awaiting a final judge's decision.¹⁸ As a result, they view mediation as merely an administrative formality that must be completed before the main trial. This situation discourages the parties from engaging seriously in the mediation process, thus reducing the chances of reaching a settlement.¹⁹

Resistance from parties who are reluctant to reconcile is another obstacle that often arises in practice. In divorce cases, for example, the plaintiff is usually already firmly committed to separation, making peace efforts difficult.²⁰ Some parties even come to mediation simply to comply with procedures without any intention of reaching an agreement. This attitude certainly makes it difficult for non-judicial mediators to carry out their duties, as the success of mediation depends heavily on the parties' willingness to negotiate.²¹ Technical obstacles in

¹⁷ Sulistiono, Haries, and Rahmi, "The Role of Non Judge Mediators Providing Guarantee Of Women's Rights Protection In Divorce Cases", hlm. 56.

¹⁸ Susanti Adi Nugroho, *Manfaat Mediasi Sebagai Alternatif Penyelesaian Sengketa* (Jakarta: Kencana, 2019), hlm. 71.

¹⁹ Savvy Dian Faizzati, "Strategi Mediator Non Hakim untuk Mencapai Keberhasilan dalam Mediasi Perceraian di Pengadilan Agama Bangil", *Al-Rasikh: Jurnal Hukum Islam*, vol. 12, no. 2 (2023), hlm. 200, <https://doi.org/10.38073/rasikh.v12i2.1801>.

²⁰ Nia Januari, "Menggali Akar Masalah: Analisis Kasus Perceraian di Indonesia", *AKADEMIK: Jurnal Mahasiswa Humanis*, vol. 3, no. 3 (2023), hlm. 125.

²¹ Dwi Rezki Sri Astarini, *Mediasi Pengadilan* (Bandung: Alumni, 2020), hlm. 14.

the mediation administration process cannot be ignored. Although Supreme Court Regulation No. 1 of 2016 clearly regulates mediation procedures, in practice, administrative issues persist, such as scheduling delays, a lack of conducive mediation room facilities, and inadequate technological support for remote mediation. These technical issues impact the comfort and smoothness of the mediation process, ultimately reducing its success rate.²² However, the success of mediation depends largely on the extent to which the mediator is able to obtain complete information from the parties.²³

Another challenge arises from the highly heterogeneous cultural and social aspects of Batam's society. Batam's people come from diverse ethnic and cultural backgrounds, resulting in varying perspectives on family conflict.²⁴ Non-judicial mediators are required to possess a high level of cultural sensitivity to adapt their mediation approach to the characteristics of the parties. However, the family mediation process requires sufficient time to explore the parties' feelings, interests, and needs in depth. This time constraint tends to make mediations rushed and formalistic, making it difficult to achieve substantial and sustainable agreements.²⁵

On the other hand, the skills of non-judicial mediators in managing the parties' emotions are often a challenge. Family conflicts are generally fraught with negative emotions such as anger, disappointment, and hurt. Mediators are required to possess empathetic communication skills and strong self-control to avoid becoming trapped in these emotional conflicts. Not all mediators possess these skills equally well, resulting in the mediation process sometimes becoming increasingly tense and failing to achieve its objectives.²⁶

Financial constraints also influence the role of non-judicial mediators. Although regulations allow for remuneration for mediators, in practice, not all mediators receive adequate compensation. This limited incentive can reduce the

²² Saidil Mubarak, Busman Edyar, and Sidiq Aulia, "Faktor Berhasil dan Tidak Berhasilnya Mediasi Dalam Penyelesaian Konflik Keluarga di Pengadilan Agama Kepahiang Tahun 2021-2023" (IAIN Curup, 2024), hlm. 45.

²³ Sunarsi, Yuherman, and Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa", hlm. 70.

²⁴ Iswatun Hasanah and Sri Rizqi Wahyuningrum, "Mengatasi Konflik Internal Pada Pasangan Menikah Dengan Konseling Keluarga", *Journal of Innovation Research and Knowledge*, vol. 4, no. 3 (2021), hlm. 77 <https://bajangjournal.com/index.php/JIRK/article/view/8222>.

²⁵ Faizzati, "Strategi Mediator Non Hakim untuk Mencapai Keberhasilan dalam Mediasi Perceraian di Pengadilan Agama Bangil", hlm. 26.

²⁶ Sunarsi, Yuherman, and Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa", hlm. 71.

motivation of some mediators to perform their duties optimally, especially if they must devote significant time to handling multiple cases. The biggest challenge is maintaining the sustainability of post-mediation agreements. It's not uncommon for agreements reached by the parties before a non-judicial mediator to be inconsistently implemented after the case is concluded. Non-judicial mediators often lack the authority to oversee the implementation of agreements, making the long-term effectiveness of mediation a serious challenge.

The Strategic Role of Non-Judicial Mediators and the Effectiveness of Mediation by Non-Judicial Mediators

The strategic role of non-judicial mediators in Indonesia's legal framework is becoming increasingly significant, especially within the context of family dispute resolution in Religious Courts. Non-judicial mediators, as defined under the Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court, are individuals outside the judiciary who possess official certification to conduct mediation. Their presence provides flexibility and diversity in the mediation process, complementing the role of judge mediators. They bring different professional backgrounds, such as academics, legal experts, psychologists, and community leaders, which enrich the mediation process with multidisciplinary perspectives that are often more humanistic and responsive to the social and emotional complexities of family disputes.²⁷

The effectiveness of mediation conducted by non-judicial mediators is closely linked to their ability to build trust and communication between disputing parties. Unlike judge mediators, who are often perceived as formal representatives of the court, non-judicial mediators operate with a more approachable and less intimidating demeanour. This informal dynamic allows them to foster open dialogue, reduce tension, and help parties express their concerns more freely. Such an approach aligns with the objectives of PERMA No. 1 of 2016, which emphasizes voluntary participation, confidentiality, and mutual agreement as the cornerstones of successful mediation.²⁸

In practice, non-judicial mediators play a strategic role in reducing the workload of judges and enhancing the efficiency of the judicial process. Furthermore, non-judicial mediators contribute to the realization of the Supreme

²⁷ Triana, *Alternative Dispute Resolution: Penyelesaian Sengketa Alternatif Dengan Model Mediasi, Arbitrase, Negosiasi dan Konsiliasi*, hlm. 10.

²⁸ Sunarsi, Yuherman, and Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa", hlm. 51.

Court's policy goal of promoting alternative dispute resolution mechanisms as a means to strengthen access to justice and reduce case backlogs.²⁹ From a regulatory standpoint, PERMA No. 1 of 2016 clearly outlines that non-judicial mediators must undergo formal training and certification to ensure they possess the necessary skills, ethical grounding, and understanding of mediation procedures. Moreover, the regulation encourages cooperation between courts and external mediation institutions, expanding opportunities for qualified mediators to assist in judicial proceedings. This synergy between judicial and non-judicial mediators reflects the judiciary's openness to collaborative and community-based dispute resolution.³⁰

Empirical findings from various Religious Courts in Indonesia indicate that cases mediated by non-judicial mediators have shown relatively higher settlement rates compared to those handled solely by judge mediators.³¹ This suggests that the participatory and humanistic methods employed by non-judicial mediators contribute to the sustainability of mediation agreements. In addition, the parties involved often report higher satisfaction levels due to the perceived neutrality and interpersonal competence of these mediators. The integration of non-judicial mediators into the court's mediation structure thus enhances both procedural efficiency and substantive justice.³²

The strategic role of non-judicial mediators and the proven effectiveness of their mediation efforts demonstrate their indispensable contribution to Indonesia's judicial system, particularly in family law. Their ability to bridge legal norms and human realities underscores the evolving nature of justice in Indonesia, one that prioritizes reconciliation over confrontation and partnership over punishment. By institutionalizing the participation of non-judicial mediators, Indonesia continues to advance a more inclusive, accessible, and restorative model of dispute resolution that aligns with both national legal policy and the broader goals of social harmony.

²⁹ Nugroho, *Manfaat Mediasi Sebagai Alternatif Penyelesaian Sengketa*, hlm. 18.

³⁰ Frederikus Fos, "Keadilan Hukum Jeremy Bentham dan Relevansinya Bagi Praktik Hukum Kontemporer", *Jurnal Humaniora*, vol. 3, no. 1 (2012), hlm. 13.

³¹ Salsabiela Muadz Ashar, "Strategi Komunikasi Penyuluh Agama dalam Menangani Konflik Rumah Tangga di Kantor Urusan Agama Ambulu Jember", *Icon: Islamic Communication and Contemporary Media Studies*, vol. 3, no. 1 (2024), hlm. 10, <https://doi.org/10.1234/icon.v3i1.28>.

³² Zam Zam Mubarak, "Efektivitas Penyelesaian Sengketa Ekonomi Syariah Secara Mediasi Oleh Hakim Mediator di Pengadilan Agama Kelas IA Boyolali" (UII Yogyakarta, 2024), hlm. 44.

Strategies to Strengthen the Role of Non-Judicial Mediators

Non-judicial mediators play a crucial role in helping resolve family conflicts in Religious Courts, including in Batam, as they act as neutral facilitators in the mediation process. The presence of non-judicial mediators provides an opportunity for disputing parties to find the best solution without having to rely entirely on a judge's decision.³³ In the context of family conflict, this is crucial, as a peaceful resolution can maintain emotional and social ties between family members that have previously been strained due to the dispute.³⁴

One of the primary contributions of non-judicial mediators is helping to reduce the caseload of judges. The high number of family cases filed with the Batam Religious Court often overwhelms judges who must handle all stages of the trial and mediation simultaneously. The presence of non-judicial mediators allows for a more proportional division of tasks, allowing judges to focus on the substantive trial process, while the non-judicial mediators handles the mediation phase.³⁵ This allows the justice system to operate more efficiently without compromising the quality of service to justice seekers.³⁶ Unlike judges, who typically adopt a more formal and authoritative approach, non-judicial mediators have more freedom to use a persuasive communication style, and in some cases, can even utilize local wisdom or personal approaches to suit Batam's diverse cultural landscape.³⁷ This makes the parties feel more comfortable and encouraged to find mutually beneficial common ground.³⁸

Another contribution of non-judicial mediators is to provide a more humanistic approach. Family disputes are not solely legal issues, but also involve psychological, emotional, and social aspects.³⁹ Non-judicial mediators, especially those with a background in psychology or counseling, are often able to defuse tensions, understand the emotional state of the parties, and guide the discussion toward a more peaceful solution. This differs from the approach of judicial

³³ Iqbal Maulana Giyan Saputro, "Pengaturan Hukum Dalam Pembagian Harta Bersama Perkawinan Menurut Hukum Perdata Yang Berlaku Saat Ini Di Indonesia", *Paugeran Law Review*, vol. 1, no. 1 (2024), hlm. 5, <https://ejurnal.unisri.ac.id/index.php/plr/article/view/11334>.

³⁴ Faizzati, "Strategi Mediator Non Hakim untuk Mencapai Keberhasilan dalam Mediasi Perceraian di Pengadilan Agama Bangil", hlm. 14.

³⁵ Anwar Saadi, *Mediasi Konflik Dalam Perkawinan Dalam Perspektif Al-Qur'an*, hlm. 91.

³⁶ Dwi Rezki Sri Astarini, *Mediasi Pengadilan* (Bandung: Alumni, 2020), hlm. 11.

³⁷ Observation, Monday, August 11, 2025

³⁸ Mahfudzi, "Evaluasi Dan Solusi Konflik Menuju Integritas", hlm. 76.

³⁹ Jakiyah and Ratu Amelda, "Analisis Peran Gender dalam Pembagian Tugas Keluarga: Masyarakat Cipocok Kota Serang", *Prosiding Seminar Nasional Pendidikan Non Formal*, vol. 1, no. 2 (2023), hlm. 20, <https://ejournal.untirta.ac.id/SNPNF/article/view/41>.

mediators, who are more bound by legal norms and therefore tend to be less flexible in addressing the emotional aspects of the disputing parties.⁴⁰ Non-judicial mediators strive to rebuild that communication space, facilitate a healthy exchange of opinions, and help the parties understand each other's perspectives.⁴¹

On the other hand, non-judicial mediators contribute to the creation of restorative justice in family conflicts.⁴² Restorative justice emphasizes the restoration of social relationships and emotional balance,⁴³ rather than simply imposing legal decisions.⁴⁴ Furthermore, non-judicial mediators also contribute to strengthening public trust in religious courts. Public satisfaction is measured not only by how quickly cases are resolved, but also by the extent to which those resolutions truly deliver substantive justice.⁴⁵ With the involvement of non-judicial mediators, the public perceives that they receive more friendly, communicative service that touches their humanity.⁴⁶ This indirectly enhances the legitimacy and positive image of the Batam Religious Court in the public eye.

D. Conclusion

The presence of non-judicial mediators in the Batam Religious Court has made a significant contribution to the resolution of family conflicts, particularly through a more humane, flexible, and participatory communication approach compared to mediators employed by judges. Non-judicial mediators not only help reduce the court's caseload but also play a role in maintaining post-conflict family relationships by encouraging the achievement of more sustainable peace agreements. Although challenges remain, including the limited number of certified mediators, low public awareness, and resistance from the parties, the

⁴⁰ Astarini, *Mediasi Pengadilan*, hlm. 14.

⁴¹ Ingesti Lady Rara Prastiwi and Dida Rahmadanik, "Polemik Dalam Karir Perempuan Indonesia", *Jurnal Komunikasi dan Kajian Media*, vol. 4, no. 1 (2020), hlm. 8.

⁴² Natasyah Winda Oktavianca, "Peran Mediator Dalam Penyelesaian Kasus Perceraian" (Universitas Islam Sultan Agung Semarang, 2024), hlm. 16.

⁴³ Achmad Irwan Hamzani, Fajar Dian Aryani, and Nur Rohim Yunus, "Non-Procedural Dispute Resolution: Study of the Restorative Justice Approach Tradition in Indonesian Society", *International Journal of Offender Therapy and Comparative Criminology*, vol. 69, no. 4 (2023), hlm. 367, <https://doi.org/10.1177/0306624X231165425>.

⁴⁴ Sunarsi, Yuherman, and Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa", hlm. 17.

⁴⁵ Hernawati Hernawati and Istiqamah Istiqamah, "Implementasi Prinsip-Prinsip Hukum Islam dalam Praktik Sewa Guna Usaha (Leasing)", *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam*, vol. 2, no. 1 (2021), hlm. 59.

⁴⁶ Moh. Safrudin, Nasaruddin, and Ihwan, "Tafsir Ayat-Ayat Kemasyarakatan: Implementasi Nilai-Nilai Kemanusiaan dalam Kehidupan Modern", *TAJDID: Jurnal Pemikiran Keislaman Dan Kemanusiaan*, vol. 7, no. 1 (2023), hlm. 145.

success of mediation facilitated by non-judicial mediators demonstrates that their role deserves to be strengthened and optimized as a strategic instrument in realizing more effective, efficient, and equitable resolution of family disputes.

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