

The Effectiveness of Mediation through Problem Solving in the Case of Infidelity Perspective Analysis on Islamic Family Law

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Abstract

Infidelity is one of the dominant causes of divorce that causes deep emotional wounds and cannot be resolved through a formal legal approach alone. Although mediation is mandatory in divorce cases, the practice in the Religious Court is still formalistic and lacks a focus on the psychological problems of the parties, thus creating a *research gap* regarding the effectiveness of substantive mediation. The purpose is to analyze the extent to which *the problem solving* approach can increase the effectiveness of infidelity case mediation and assess its conformity with the principle *of islah* in Islamic family law. The research uses *normative-legal research* through *statute approach* and *conceptual approach*, by examining PERMA No. 1/2016, the Marriage Law, KHI, mediation theory, conflict theory, *ishlah* concept, and Religious Court decisions. The findings suggest that *problem solving* is effective in uncovering emotional needs, easing conflict escalation, and facilitating reflective dialogue that is not achieved in procedural mediation, while also being in line with *the values of islah* that emphasizes relationship restoration and family well-being. This article recommends strengthening the mediation model based on conflict psychology and sharia values through the integration *of problem solving* modules in the guidelines for religious justice mediation.

Keywords: Islamic Family Law Infidelity, Mediation, Mediator Effectiveness, Problem Solving.



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INTRODUCTION

Infidelity cases provide evidence of a form of violation of marital commitment that often causes a crisis of trust and is the main factor in divorce in the Religious Court. (Rizal Muarif et al., 2025) Data from the Religious Justice Agency in the last three years shows that the majority of divorce lawsuits are filed due to disharmony and betrayal in the husband-wife relationship, which has an impact on loss of trust, emotional tension, and social shocks in the family. (Public Relations and Cooperation, n.d.) Based on data from the Religious Justice Agency, most divorce cases are filed on the grounds of domestic disharmony due to betrayal from their spouses. (Reftantia et al., 2024) This condition confirms that family problems are not only legal, but also emotional and social. Therefore, resolving problems related to infidelity requires a more humanistic approach, meeting the emotional needs of the parties, and providing and offering sustainable solutions for the continuity of family relationships.

In positive Indonesian law, mediation is a mandatory stage before the examination of divorce cases as stipulated in PERMA No.1 of 2016. However, the effectiveness of mediation is still very low. Data from the Religious Justice Agency states that the success rate of national mediation is only around 5-10% in 2020. (Supreme Court of the Republic of Indonesia, 2021) Mediation is an effort to resolve conflicts by involving a neutral third party, who does not have

the authority to make decisions that help the disputing parties achieve a settlement from both parties.(Mamudji, 2017) This phenomenon shows that mediation so far tends to be formalistic and has not touched the root of psychological and relational problems. Mediation provides space as an alternative dispute resolution (*Alternative Dispute Resolution*) which has an important position in an Indonesian legal system.(Elvany, 2022) There is a context in Islamic family law, this mediation is equated with the term concept *Ishlah* That is, improving relations by not simply ending conflicts.(Syafi'i et al., 2025) Therefore, with this mediation, the success of mediation is not only measured by the reach of legal agreements, but also by the extent to which social and spiritual relationships can be restored.

Although the value of *ishlah* in Islamic family law promotes peaceful settlement and the restoration of family relations, previous studies have focused more on the effectiveness of mediation administration, technical support factors, and the procedural role of mediators. They are the parties in the mediation session whose involvement is not optimal and does not show active participation which results in mediation only running as a symbolic and this is one of the factors that cause the mediation process not to achieve effective results.(Elvany, 2023) Many mediators focus on administrative resolution without delving into the root of the problem behind domestic conflicts. From this, it can be seen that mediation often fails to produce a lasting agreement. In the context of an infidelity case, this challenge provides an increasingly difficult challenge due to the high emotional aspect of the litigant and the destruction of mutual trust between the two.(Sahara & Hamdani, 2023)

Therefore, *the problem solving* approach is important to be applied to help the parties understand the root of the problem and formulate solutions together. Studies on *the problem solving* approach in the mediation of infidelity cases are still very limited, especially those that integrate normative analysis of Islamic family law with conceptual approaches in mediation theory. So here lies the importance of research that there has not been a research that has examined in depth how *the problem solving approach* can strengthen the mediation function in the case of infidelity while being in line with the principle of *ishlah*.

Some previous research on mediation in family disputes has been conducted by many previous researchers, especially related to the effectiveness of the application of mediation in Religious Courts. Research conducted by M. Prima Handa Kusuma and Karmuji (2022),(M. Prima Handa Kusuma & Karmuji, 2022) which shows that the Court has not adjusted the whole as a result of the literature from the community and the inconsistency in the determination of the trial schedule and the selection of mediator judges. Similar findings were also revealed by Yasmin Ramadhanti, Munawir Sajali, Siti Ngainnur Rohmah (2025),(Ramadhanti et al., 2025) There are supporting and inhibiting factors, such as disagreement in divorce, inability to communicate effectively, high emotions such as anger and pain that are channeled to the parties. And research by Hamdan Arifin, Chalawah Umi Sadiyah, Abid Assidiqi Zahra, Guntur Setiawan and Habib Ismail (2025),(Arifin et al., 2025) The results of his research stated that mediation was applied effectively but also had inhibiting factors such as divorce disagreements, in communication and emotions contained in the parties. In line with that, mediation of infidelity cases that are factors in infidelity in previous studies has been conducted in several studies. Findings by researchers Mutholib, Faizal, and Zaki (2023),(Mutholib et al., 2022) who examined the implementation of mediation at the Gedong Tataan and Pringsewu Lampung

Religious Courts, stated in his conclusion that normatively mediation meets the legal procedure but is substantive not able to produce reconciliation due to the lack of a humanist approach and not in depth in exploring the root of the problem.

A study on the role of mediators and strategies to increase mediation success was also conducted by Faizzati (2023),(Faizzati, 2023) in his research Non-Judge Mediator Strategy to Achieve Mediation Success in the Bangil Religious Court. He found that mediation will be more effective if the mediator masters empathic communication techniques, conflict management, and approaches. *Problem solving* in suppressing the emotional needs of the parties. There is also relevant research related to the study of Mediation in Islamic Family Law disputes which was studied by R. Tanzil Fawaiq Sayyaf (2023),(Sayyaf, 2023) he emphasized that the concept of Sulh (peace) in Islamic family law emphasizes a dialogical approach that restores relationships, not just resolving disputes. This value is aligned with *Problem solving* which focuses on understanding the root of the problem, finding creative solutions, and restoring social relationships. In addition, Muhamad Hasan Sebyar, Wahyu Abdul Jafar, Sumper Mulia Harahap, Dedisyah Putra, and Rahmad Efendi.(Aisyah et al., 2024) In his research *The Urgency of Mediation of the Religious Courts System on Islamic Law Perspective* by Dharmayani, Agus Hermanto, Iman Nur Hidayat, Rakhmat, Agus Setiawan who showed that mediation in the Agama Court often has not achieved substantial effectiveness because mediators generally also play a role as case breakers, so that the roots of family conflicts are not explored.(Dharmayani et al., 2022) Meanwhile, the study on the mediation of infidelity cases in this study uses the media *Problem solving* able to explore emotional needs and restore relationships according to principles *Ishlah* in Islamic law. Both studies affirm the importance of more humanistic and substantive mediation.

Discussions about mediation in infidelity cases are important because this issue is not only related to the rule of law, but also touches on emotional, social, and spiritual aspects that affect the sustainability of the household. This study aims to explain how mediation works within the framework of positive law and Islamic law, as well as to describe the application of *the problem solving* approach as a method that is able to dig deeper into the roots of conflict. Through an analysis of the role of mediators in implementing this approach, this paper is expected to strengthen the understanding of mediation that is more adaptive, humanistic, and relevant to the needs of modern society, as well as encourage the development of family mediation practices that not only comply with procedures, but also provide fair and meaningful solutions for the parties.

There is a purpose of this study, why this research is important to discuss, to explain the concept of mediation in cases of infidelity based on positive law and Islamic law, by describing the *problem solving approach* in the practice of mediation, and analyzing the extent of the role of mediators through this approach. It is hoped that this paper will play a major role academically by contributing to the development of family mediation practices that are more adjective and contribute to the social and spiritual needs of modern society.

RESEARCH METHOD

This research is a normative legal research using the *sattute* approach and conceptual approach, namely This approach is carried out by examining all laws and regulations related to the legal issues being discussed (researched).(Muhaimin, 2020) The statute approach is used to

examine the provisions of mediation in family cases as stipulated in PERMA No. 1 of 2016, the Marriage Law, and the Compilation of Islamic Law (KHI). To deepen the understanding of the concept of mediation, the *Problem solving*, dynamics of domestic conflict, and principles *Ishlah*. Meanwhile, a conceptual approach is used to delve into mediation theory, the concept of *Problem solving*, conflict theory, and principles *Ishlah* in Islamic family law.

All data was obtained through library research by collecting primary and secondary legal sources.(Putri & Wahyuni, 2021) The primary legal material comes from laws and regulations and official documents that govern mediation in court.(Muhaimin, 2020) The secondary legal materials are obtained from family law books, scientific journals, academic articles on mediation theory and approaches *Problem solving*, as well as fiqh literature and scholars' thoughts on *Ishlah*. The primary data analyzed includes these regulations, several decisions of the Religious Court that handle infidelity cases and contain the mediation process. The verdict was selected based on the following criteria: (1) infidelity as the reason for the lawsuit, (2) there is a record of the mediation process, (3) it is available in the Supreme Court's Decision Directory, and (4) it is in the range of 2020–2025. Secondary data sources were obtained from books, journal articles indexed by Sinta and Scopus, as well as research reports related to family mediation, conflict psychology, and Islamic family law.

Data were collected through literature research with a literature selection mechanism based on the year of publication (2020–2025), the relevance of the theme, and its contribution to normative analysis. All data is then processed using *Qualitative Content Analysis*, namely reading, marking, and grouping the norms that govern family mediation and the practice of mediators in infidelity cases.(Suci Ramadhan et al., 2023) The analysis is deepened through hermeneutic normative analysis to interpret the relationship between concepts *Problem solving*value *Ishlah*, and the structure of Islamic family law.(Nastangin et al., 2022) The stages of analysis include: (1) data reduction to select relevant norms and decisions, (2) classification of issues into mediation categories, *Problem solving*, and principles *Ishlah*, and (3) interpretation of the relationship between positive norms and theoretical concepts to answer the formulation of the problem. With this step, the research not only explains the norms, but also shows how the norms are understood and reconstructed in the context of mediation of infidelity cases. Through the combination of primary and secondary sources, the analysis is carried out systematically to explain the position of the *Problem solving* as a more humane and solution-oriented approach to mediation, as well as to assess the extent to which the role of mediators can strengthen the effectiveness of mediation in resolving infidelity cases.

RESULTS AND DISCUSSION

The Root Pattern of Infidelity Problems in the Mediation Process

Mediation in infidelity cases occupies an important position in resolving family disputes because this problem is not only related to ethical violations, but also shakes spiritual and emotional matters in the household and even has a heavy impact on children as the children of the parties.(Yakin & Syauqi, 2024) In Islamic family law, infidelity is seen as an act that damages the sacredness of the marriage contract because it reneges on the commitment built on the basis of trust and the sanctity of the relationship between husband and wife. In the context of positive Indonesian law, infidelity can be a valid reason to file a divorce lawsuit as stipulated in Article 19 law (f) Government Regulation No. 9 of 1975. This law provides clear legal

support that infidelity can be used as a valid reason to file a divorce lawsuit. (Nahariah, 2022) Even though the case examination process continues, in cases examined by a panel of judges, the parties are still required to undergo a mediation process as an initial space to assess whether the domestic relationship can still be restored or ended honorably.

Mediation in infidelity cases often encounters obstacles or obstacles that cause the mediation process to not run peacefully due to intense emotions, shame, and a desire for revenge on the partner who is mediating. (Dewi et al., 2025) What causes this mediation is often not easy because the psychology of the parties is at the lowest point. (Asnawi, 2017) Mediators are faced with a difficult situation when one of the parties feels victimized and loses trust, so it is required for the mediator to work more than just a legal procedure by prioritizing emotional management, providing empathy, and building a safe dialogue atmosphere for the other parties. Principle *Islah* In the Islamic tradition, it is an important foothold because it teaches that the main purpose of dispute resolution is not to seek justification for wrongdoing but to open the way to improvement, the principle of *islah* which emphasizes peaceful settlement through deliberation and agreement between the victim and the perpetrator. (Pauziah et al., 2025)

Through an empathetic and recovery-oriented mediation approach, this process can serve as a means of emotional rehabilitation as well as reflection for couples facing crises due to infidelity. Mediators not only facilitate the process of seeking an agreement, but also help the parties understand the social, legal, and spiritual consequences of the actions that occur. (Fitriyah et al., 2024) Directly, this mediation is not just a stage for couples to reconsider the direction of the relationship between the parties which raises whether it can still be improved or must be ended in a dignified and minimal conflict manner. In this approach, mediation becomes a more humane instrument in family stability and honor for both parties.

Inhibiting and Supporting Factors of Mediation in Infidelity Cases

Mediation in infidelity cases faces much more complex obstacles than mediation in other family cases. Analysis of several previous studies shows a consistent pattern: the success rate of mediation is in the very low range. The Muttaqin Study (2025) at the Garut Religious Court reported that of the 299 cases mediated, only about 2.3% managed to reach an agreement. (Muhammad Hibban Muttaqin, 2025) This is in line with the results of Darus' (2021) research which shows a success rate of around 7% in divorce cases after the enactment of PERMA No. 1 of 2016. (Darus, 2023) Although both studies identified low effectiveness of mediation, neither examined cases of infidelity specifically, let alone integrated approaches *Problem solving*. In addition, Majdi's (2024) research emphasizes the importance of empathy and emotional communication skills of mediators, (Zainul Majdi, 2025) while several Shariah articles highlight the position of *Ishlah* as a principle of peace in the family. However, almost all of these studies have not bridged the value of *Ishlah* with modern mediation methods, resulting in a clear research gap.

When viewed from the internal aspects of the mediation process, the most dominant obstacle is emotional. Infidelity cases usually involve deep trauma, intense anger, and loss of trust, so the aggrieved party enters the mediation room in a fragile psychological state. (Nazarlin et al., 2025) This condition is often exacerbated by shame and a desire for revenge, which makes the dialogue process unstable and difficult to direct. From the relational side, communication between the parties tends to be interrupted, so the mediator must work extra to create a dialogue

space that is at least acceptable to both parties. Another obstacle is procedural, namely when mediation is carried out only as a formality so that it does not leave enough space for the exploration of emotions and the real needs of the parties. (Ratnasari, 2024) Social pressures, such as extended family intervention or societal stigma, also often worsen the situation and hinder the achievement of a peaceful settlement.

Category	Inhibiting factors	Supporting factors
Emotional	Trauma, anger, predictions of belief	Safe space, emotional expression facility
Relational	Broken communication	Reflective dialogue techniques
Procedural	Formalistic mediation	Flexible and personalized approach
social	Pressure of a large family	Core family support

However, there are a number of supporting factors that can increase the chances of successful mediation in infidelity cases. The strongest factor comes from the mediator's ability to provide a safe space that allows the parties to express emotions openly without feeling judged. This kind of empathic approach lowers psychological tension and opens up a more constructive space for discussion. Reflective dialogue techniques are also an important instrument when communication between husband and wife has been completely cut off. (Zainul Majdi, 2025) From a procedural point of view, mediation that is carried out flexibly and not fixated on a formal format can provide better results. Support from the nuclear family, rather than the extended family, has been shown to help the emotional recovery process and strengthen the mediation process.

Based on these overall findings, it is clear that the success of mediation in infidelity cases depends heavily on the mediator's ability to manage the emotional aspects of the parties. The biggest obstacles come not from legal norms, but from the psychological conditions, fractured relationships, and social pressures that surround the case. Therefore, *the problem solving* approach is very relevant to be applied, considering that this approach focuses on exploring the needs, interests, and emotional conditions of the parties, not just legal procedures. Thus, this research fills an academic gap that has not been comprehensively touched by previous studies.

The Effectiveness of Problem Solving Approaches in Infidelity Mediation

Approach *Problem solving* It is one of the most relevant mediation methods for infidelity cases because it is able to penetrate the root of problems that are not only legal, but also psychological, emotional, and relational. (Kurniawan, 2022) In the case of infidelity, the conflict usually does not stop at the act of betrayal itself, but extends to a crisis of trust, a sense of loss of self-worth, and the shock of identity as a couple. Approach *Problem solving* It does not stop at the question of "who is at fault", but digs deeper but what are the emotional needs of the injured party, what makes the relationship no longer feel safe, and what is the ultimate goal that each party wants to achieve. This technique encourages the mediator to ask reflective questions such as the need for recognition, validation of the inner wound, the desire to understand the reason for the infidelity, and the need to manage fear of the future. (Zainul Majdi, 2025) When

these needs are revealed, the parties begin to see that the conflict is not just about fault, but about unmet emotional needs.

Effectiveness *Problem solving* It also lies in its ability to break down conflicts into more concrete parts so that they are not trapped in mere emotional overflows.(Heriwati et al., 2023) In the context of infidelity, the hurt party often comes with very intense anger, a desire for revenge, or even deep trauma. The procedural approach is not capable of dealing with this condition, since it only works on a rational and legal level. But *Problem solving* Working on two levels at once, first, helping the injured party express their emotions safely, second, rearranging communication dynamics so that couples can have a dialogue without embarrassing or attacking each other. Techniques such as *Reframing*, *empathic listening*, and the mapping of interests makes the mediator able to withstand the escalation of the conflict and change the atmosphere from confrontational to exploratory. In this way, mediation can move from an atmosphere of "emotional trial" to a calmer, solution-oriented conversation.

In addition, this approach has an intrinsic harmony with the principle of *ishlah* in Islamic family law, which is the spirit of repairing, restoring and restoring harmony in the household.(Prawira, 2025) Principle *Ishlah* It is not just a moral concept, but contains a conflict resolution orientation that is very relevant to modern family dynamics. *Ishlah* emphasized the importance of deliberation, patience, emotional control, mutual forgiveness, and finding an agreement that benefits both parties.(Edi Kamal et al., 2025) Interestingly, these values can technically be implemented through stages *Problem solving*: when the injured party is given the opportunity to be heard with empathy, when the cheating partner is invited to admit the mistake without being defensive, and when the mediator helps them formulate a mutually respectful future choice. Thus, *Problem solving* serves as a "methodological bridge" that translates values *Ishlah* become practical steps in the mediation room.

The synergy of the two approaches not only results in more humane mediation, but also provides a spiritual and psychological space for the parties to understand the impact of conflict more fully. The *ishlah* principle provides a normative basis that the highest goal of the household is tranquility and mutual protection; while *problem solving* provides a rational framework for achieving this. This collaboration allows mediation in infidelity cases to result in various possible resolutions: relationship restoration, communication restructuring, or even divorce that is carried out with dignity and minimal resentment. This is what makes *the problem solving* approach considered much more effective than mediation that only relies on procedures and formalities.

Aspects	Principles of <i>Ishlah</i> (Shariah)	<i>Problem Solving</i>	Meeting Point
Purpose	Restoration of relationships, peace, and family sustainability	Realistic solutions that meet emotional & relational needs	Jointly pursue peace and avoid conflict
Method	Deliberation, advice, moral and moral strengthening	Identification of interests, exploration of emotions,	Can be synergized into integrative mediation models

		<i>reframing, reflective dialogue</i>	
Orientation	The moral, spiritual and sanctity values of marriage	Psychological, relational, and communication dynamics	Both complement each other's inner and birth contexts
Result	Peace deals, related justice	Actionable and accountable solutions	Both lead to a good decision

The author makes it easy to say that in the table, *problem solving* does not contradict the principle of *ishlah* in Islamic family law, but rather provides a technical framework that makes *ishlah* values can be implemented more systematically in modern practice. If *ishlah* emphasizes the restoration of relationships, peace, and respect for the dignity of the parties, then *problem solving* provides concrete methods to achieve this through the exploration of needs, emotional management, and reflective dialogue. In the context of a traumatized and complex relationship, this approach allows the mediator to translate the moral goals of sharia into practical steps that help the parties understand the conflict more fully, so that the decisions reached are more humane, realistic, and beneficial.

Results and Discussion

Integration of Problem Solving Approach with Islamic Family Law Principles

Research shows that the low success of infidelity mediation in the Religious Court is directly related to the nature of mediation that is still formalistic and procedural. Mediation is generally carried out only as an administrative obligation before the examination of the subject matter, the resolution of divorce disputes using non-litigation mediation if discussed partially, is less effective. (Hopipah et al., 2023) This study shows that the root of infidelity conflicts is not just a violation of the law, but a crisis of trust, emotional trauma, and destruction of self-dignity. In this context, the *Problem solving* It is present as a more appropriate alternative because it moves at the level of emotional needs and interests, not just legal positions. This approach emphasizes the identification of fundamental needs such as validation of inner wounds, a sense of security, respect for dignity, and clarity of the direction of the relationship going forward. Techniques such as *empathic listening, An Interest in Mapping and Reframing* allowing the mediator to de-escalate tensions and create a safe space for dialogue. (Djumardin, 2017)

These findings improve on the shortcomings of previous research that only identified the low effectiveness of mediation but has not yet offered a methodological framework to improve it. Thus, *Problem solving* proves its direct link to the effectiveness of mediation: it reopens the parties' ability to dialogue, process emotions, and make decisions more fully within the framework of Islamic family law. Approach *Problem solving* has direct relevance to the principles *Islah* which is the foundation of conflict resolution in Islamic family law. In the perspective of modern mediation theory, *Problem solving* departing from the idea that conflict must be understood through the needs of the interests and emotional context of the parties. (Boboy et al., 1997) This is in line with the Islamic approach that emphasizes deliberation and peace as the main mechanism for resolving family disputes. When QS. An-

Nisa verse 23 observes that in the delivery of two penengan (hakamain), Islam actually encourages a pattern of conflict resolution that is dialogical and oriented to the root of the problem, not just a statement of legal position. Theoretically, this shows the compatibility between the concepts *Problem solving* and the spirit of reconciliation in Islamic law.

Problem solving This includes the act of remembering the rules and implementing steps for husbands and wives in solving problems.(Dedy Kurniady et al., 2022) On the basic principles in the approach *Problem solving* which emphasizes the root of the problem analysis and a thorough understanding of the emotional situation of the parties in line with the values of maqasid al-sharia. In maqasid logic, conflict resolution must take care of five main aspects: religion, soul, honor, intellect, and heredity.Ridlo and Muhajirin, "The Idea of Sharia Maqashid and Sharia Economics in the Eyes of Imam Ibn Taymiyah and Imam Ibn Qayyim Al-Jauziyah." Mediation-based *Problem solving* helps ensure that all aspects are preserved, as the process leads to the protection of family relationships, improved communication, and the prevention of the destructive impact caused by prolonged conflicts. The suitability of this method is also evident from the spirit of Islam which places peace as the main choice. Many hadiths explain that talaq, although allowed, is still seen as the halal thing that Allah hates the most. Thus, any mechanism that can prevent divorce and provide opportunities for couples to improve the relationship is highly recommended. Approach *Problem solving*, which delves into the roots of conflict, is an important means to revive the principles of harmony, mawaddah, and rahmah in the family.

Focus *Problem solving* to explore the psychological and social dynamics of couples is also in line with the contemporary reality of Muslim families. Modern conflicts are not only influenced by legal and economic issues, but also by emotional pressures, unhealthy communication patterns, and imbalances in roles in the household.(Khairuddin, 2025) Islamic family law from the beginning viewed the household as a moral and spiritual institution, so conflict resolution must pay attention to all these aspects, not just the legal-formal side. This approach strengthens the role of the mediator as a mediator who is not only in charge of mediating disputes, but also fostering a sense of psychological security. Mediators within the framework of Islamic family law bear a moral responsibility to uphold the values of justice, empathy, and compassion.(Sridepi et al., 2024) With *Problem solving*, mediators are better able to create an atmosphere of honest, open, and non-judgmental dialogue, so that the parties can reassess their positions calmly and rationally.

In cases that contain elements of moral violations, such as infidelity, the integration between sharia principles and approaches *Problem solving* become increasingly important. Islam teaches the importance of self-introspection, confession of mistakes, and the restoration of self-esteem. *Problem solving* provide emotional space for the guilty party to take responsibility for his or her actions, and for the injured party to weigh the possibility of forgiveness with spiritual awareness, not coercion.(Arlina et al., 2023) This reinforces the role of mediation as a process of moral healing, not just a legal procedure. On the approach *Problem solving* inseparable from the value of Islamic family law. The two met at the goal, which was to create a beneficial, just, and humane solution. This integration is also a middle ground between the tradition of Islamic deliberations and modern conflict resolution methodologies, so that mediation is able to provide relevant solutions for Muslim societies in the contemporary

era. Overall, the relevance of the approach *Problem solving* within the framework of Islamic family law lies in its ability to combine normative, psychological, and spiritual dimensions in one comprehensive mediation process. This approach not only revives Islamic values of peace, but also makes it functional to address the increasingly complex challenges of modern families.

Weaknesses of Formal Mediation and the Significance of *Problem Solving* Approaches in Realizing Substantive Justice

Approach *Problem solving* It is increasingly normatively strengthened when linked to the principles of *islah* and *maqasid sharia*. *Islah* in the Islamic legal tradition does not only mean "peace", but includes the process of restoring relationships, respecting dignity, and achieving benefits for both parties. (Khairunisa et al., 2025) When applied to mediation, the value of *Ishlah* aligned with indicators *Problem solving*: (1) creating a safe space for the injured party (*hifz al-nafs*), (2) maintaining the honor and self-esteem of the injured spouse (*hifz al-'ird*), (3) considering the future of the family and children (*hifz al-nasl*), and (4) ensuring that the final decision brings benefit, not damage (*hifz al-maslahah*). Thus, *Problem solving* is not a foreign approach to Islamic law, but a technical method that operationalizes the principle of *Ishlah* in a more structured way in the context of modern mediation.

The implications for the practice of Islamic family law are significant. First, mediation in an infidelity case cannot be treated like mediation in ordinary administrative disputes, it must be designed as a space for emotional recovery as well as a room for deliberation. Second, mediators need to be trained in non-legal competencies, such as emotional management and empathic communication, in order to be able to carry out their duties sensitively to the inner needs of the parties. Third, this substantive approach helps judges understand that the success of mediation is not only measured by "whether there is an agreement", but by the quality of the process that respects the dignity and psychological condition of the parties. In one example of the Divorce Lawsuit Case Number 2014/Pdt.G/2024/PA. Gsg on Wednesday, September 18, 2024. In the mediation process, both parties, namely the Applicant and the Respondent, agreed to end their dispute and withdraw the case that had been submitted. (1B, n.d.) Mediation that uses an empathic approach, which begins with facilitating the expression of the wife's hurt feelings, rather than directly in negotiations, succeeds in producing a peaceful agreement and a new statement of commitment. This example shows that the integration *Problem solving* with the principle of *Ishlah* can increase the effectiveness of mediation while strengthening ethical and spiritual legitimacy in the practice of Islamic family law.

Formal mediation practiced in Religious Courts often has not been able to reflect the essence of mediation as a space for deep peace. Many mediators run mediation only to meet administrative requirements, so the process is short and superficial. Factors such as the high burden of cases, limitations of psychological training, and procedural paradigms make mediation lose its social and moral function in resolving family conflicts. As a result of this formalistic approach, the parties rarely get the opportunity to uncover the true root of the problem. (Yaqqin et al., 2025) Domestic conflicts, especially those related to betrayal or infidelity, essentially involve heartache, disappointment, and moral wounds that cannot be explained through legal arguments alone. When mediation only focuses on the legal position, the resulting solution does not touch the core of the problem and is less able to survive in the long term.

Approach *Problem solving* provide a more substantive alternative by directing the mediator to explore the interests and emotional needs of the parties.(Silawati et al., 2025). In the case of infidelity, *Problem solving* Allow the mediator to help the couple understand the triggers for the offense, such as poor communication, role injustice, or feelings of disrespect. This approach allows both parties to see the problem not only from the perspective of mistakes, but also from the perspective of moral responsibility and self-improvement. This process results in a more realistic dialogue and opens up a healthier space for reconciliation. Approach *Problem solving* It also plays an important role in directing couples to make a mature decision whether to choose to repair the relationship through a new commitment or end the marriage with a peaceful divorce. The decision was built through reflection on emotional needs and moral considerations, not just lawsuits. That way, mediation produces a more stable agreement and meets the sense of justice of both parties. *Problem solving* provide space for couples to admit mistakes, forgive, assess the impact of each other's actions, and devise solutions that are fair for themselves and the children who may be involved.

However, the application of *problem solving* faces challenges, such as the low competence of mediators in empathic communication and emotional conflict mediation techniques. In addition, a legal culture that views mediation as just a formality is still a significant obstacle. This condition makes increasing the capacity of mediators through psychological training, Islamic ethics, and mediation techniques an urgent need to ensure that mediation runs effectively according to sharia goals. With the strengthening of this competence, *problem solving* has the potential to change the face of mediation in the Religious Court to be more humane and responsive. This approach provides the foundation for the creation of justice that is not only legal, but also moral and emotional. In the end, mediation can truly function as a mechanism to save the family and control the divorce rate, in accordance with the ideals of Islamic law that prioritize welfare and harmony.

CONCLUSION

The effectiveness of mediation in infidelity cases is proven to be low because mediation practices are still formalistic and do not reach the emotional dimension of the parties. Crisis of trust, trauma, and broken communication are major obstacles that cannot be addressed through conventional mediation procedures. This condition shows that family conflict resolution requires an approach that is able to touch the root of the problem, not just fulfill administrative provisions.

The *problem-solving approach* provides a more substantive framework by exploring the emotional needs and fundamental interests of the parties, while creating a safe and reflective dialogue space. Techniques such as interest identification, empathic communication, and reframing have been shown to reduce the escalation of conflict and restore the couple's ability to communicate constructively. Normatively, this approach is in line with the principle of *islah* in Islamic family law which prioritizes the restoration of relationships, the protection of dignity, and the welfare of the family.

In line with these findings, two policy recommendations are urgent: (1) strengthening mediation training based on conflict psychology and sharia values, and (2) integration of *problem solving* modules in family mediation regulations so that the mediation process does

not stop at procedural aspects. With this step, mediation is expected to be able to produce a more humane, fair, and sustainable settlement for the parties.

REFERENCES

- 1B, M. A. R. I. P. A. G. S. K. *Mediation Succeeded with the Revocation of the Case at the Gunung Sugih Religious Court*. September 18, 2024. <https://pa-gunungsugih.go.id/berita-seputar-peradilan/1784-mediasi18092024.html>
- Aisyah, N. H., Nurfida, A., Nafisa, E. Z., Lutfiyah, L., & Kahfi, N. S. (2024). *Transgender and Human Rights in a Review of Maqashid Sharia: Hifdzul 'Aql*. 14, 339–360. <https://doi.org/https://doi.org/10.47200/ulumuddin.v14i2.2635>
- Arifin, H., Chalawah Umi Sadiyah, Abid Assidiqi Zahra, Guntur Setiawan, & Ismail, H. (2025). The Effectiveness of Mediation in Resolution of Divorce Disputes in Religious Courts: An Islamic Family Law Perspective (Case Study in Metro City). *Bulletin of Islamic Law*, 2(1), 43–54. <https://doi.org/10.51278/bil.v2i1.1814>
- Arlina, A., Ira, M. J., Saragih, R. N., Khairani, F., & Jerohmi, M. P. (2023). Problem-Solving in Islamic Education. *EduInnovation: Journal of Basic Educational Studies*, 3(2), 225–235. <https://doi.org/10.47467/edui.v3i2.3248>
- Asnawi, M. N. (2017). The Urgency of the Psychological Approach in the Implementation of Mediation in Court. *Journal of Law and Justice*, 6(3), 447. <https://doi.org/10.25216/jhp.6.3.2017.447-462>
- Boboy, J. T., Santoso, B., & Irawati. (1997). Settlement of Land Disputes through Mediation Based on the Theory of Dean G. Pruitt and Jeffrey Z. Rubin and Land Disputes through Mediation Institutions. *NOTARIUS*, 13(2015), 803–818.
- Darus, D. (2023). The Effectiveness of Mediation in Divorce Cases After the Enactment of Supreme Court Regulation Number 1 of 2016 at the Serang Religious Court. *Journal of Islamic Law Students*, 1(1), 70–84. <https://doi.org/10.37035/jurhis.v1i1.6839>
- Dedy Kurniady, Yeni Karneli, & Netrawati. (2022). Problem Solving to Improve the Subjective Well-Being of Remote Domicile Marriage Relationships. *Journal of Educational and Social Sciences*, 1(4), 509–513. <https://doi.org/10.58540/jipsi.v1i4.119>
- Dewi, N. K. D. F. yanti, Lasmawan, I. W., Dantes, K. F., & Dantes, K. F. (2025). The effectiveness of the mediation process in reducing divorce cases is reviewed from Perma Number 01 of 2016 concerning Guidelines for Mediation in Court (Case Study at the Singaraja District Court). *Journal of Sui Generis Law*, 4(2). <https://doi.org/10.23887/jih.v4i2.5026>
- Dharmayani, D., Hermanto, A., Hidayat, I. N., Rakhmat, R., & Setiawan, A. (2022). The Urgency of Mediation of the Religious Courts System on Islamic Law Perspective. *Journal of the Court: Studies in Islamic Law and Law*, 7(1), 15–30. <https://doi.org/10.25217/jm.v7i1.2288>
- Djumardin. (2017). Mediation as a Dispute Resolution Option. *Jatiswara*, 30(3). <https://doi.org/10.29303/jtsw.v30i3.115>
- Edi Kamal, Fazzan Fazzan, & Azhari Azhari. (2025). The Role of Good Faith Mediation in the Family Conflict Resolution Process. *Bureaucracy: Journal of Law and Constitutional Sciences*, 3(1), 78–84. <https://doi.org/10.55606/birokrasi.v3i1.1828>
- Elvany, V. (2022). The Effectiveness of the Implementation of Mediation in Settling Divorce

- Cases (Case Study of the Kuningan Religious Court and the Majalengka Religious Court). *Al-Hukama'*, 12(2), 113–131. <https://doi.org/10.15642/alhukama.2022.12.2.113-131>
- Elvany, V. (2023). The Effectiveness of the Implementation of Mediation in Settling Divorce Cases (Case Study of the Kuningan Religious Court and the Majalengka Religious Court). *Uniku Law Review*, 1, 1–18. <https://journal.fhukum.uniku.ac.id/ulr/article/view/19%0Ahttps://journal.fhukum.uniku.ac.id/ulr/article/download/19/10>
- Faizzati, S. D. (2023). Strategies of Non-Judge Mediators to Achieve Success in Divorce Mediation in the Bangil Religious Court. *Al-Rasikh: Journal of Islamic Law*, 12(2), 190–207. <https://doi.org/10.38073/rasikh.v12i2.1801>
- Fitriyah, L., Intan, P., Abeng, M., Rizka, D., Mustika, A., Zakaria, U., Respamuji, A., Hukum, P. S., & Tidar, U. (2024). The role of mediators in maintaining the integrity of the household in divorce cases. *Leuser: Nusantara Law Journal*, 1(2), 59–66.
- Heriwati, H., Mahsyar, A., & Usman, J. (2023). The Effectiveness of the Problem Solving Approach in Fostering Public Security and Order at the Kahu Police Station, Bone Regency. *Scientific Review of Public Administration Students (KIMAP)*, 4(3), 487–498. <https://doi.org/10.26618/kimap.v4i3.10547>
- Hopipah, E. N., Saepullah, U., Sucipto, I., Nurkholis, M., & Syarif, N. (2023). The Effectiveness of Non-Litigation Mediation Using the Couple Therapy Method as a Way to Resolve Divorce Disputes. *Journal of Imperative Syntax: Journal of Social Sciences and Education*, 4(3), 226–240. <https://doi.org/10.36418/syntax-imperatif.v4i3.245>
- Public Relations and Cooperation. (n.d.). *399 Thousand Divorce Cases in 2024, BPHN Encourages Culture of Family Dialogue and Mediation*. National Legal Development Agency. <https://bphn.go.id/berita-utama/399-ribu-kasus-perceraian-di-2024-bphn-dorong-budaya-dialog-dan-mediasi-keluarga>
- Khairuddin. (2025). Marriage in Islam and Its Relevance to Contemporary Family Law Regulation. *Insight: Indonesian Journal of Social, Humanity, and Education*, 1(2), 72–82. <https://doi.org/10.70742/insight.v1i2.363>
- Khairunisa, A., Aslami, I. F., & Pramono, A. S. (2025). The Effectiveness of Mediation Procedures in Divorce Lawsuits at the Serang Religious Court Class 1a Based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Court. *As-Syar i: Journal of Family Guidance & Counseling*, 7(3). <https://doi.org/10.47467/as.v7i3.9871>
- Kurniawan, A. A. (2022). Mediation as an Alternative Solution to Family Conflict from the Perspective of Islamic Law and Progressive Law. *Al-Rasikh: Journal of Islamic Law*, 11(2), 117–132. <https://doi.org/10.38073/rasikh.v11i2.825>
- M. Prima Handa Kusuma, & Karmuji, K. (2022). The Effectiveness of Mediation in Settlement of Divorce Cases at the Tuban Religious Court. *JOSH: Journal of Sharia*, 1(1), 36–48. <https://doi.org/10.55352/josh.v1i1.152>
- Supreme Court of the Republic of Indonesia. (2021). *2020 Annual Report of the Supreme Court of the Republic of Indonesia: Optimizing Sustainable Modern Justice*. <https://www.mahkamahagung.go.id/cms/media/8832>
- Mamudji, S. (2017). Mediation as an alternative to dispute resolution outside of court. *Journal*

- of Law & Development*, 34(3), 194. <https://doi.org/10.21143/jhp.vol34.no3.1440>
- Muhaimin. (2020). *Legal Research Methods* (pp. 1–175). Mataram University Press.
- Muhammad Hibban Muttaqin. (2025). The Effectiveness of Mediation in Settlement of Divorce Cases at the Garut Religious Court Class IA. *As-Syar i: Journal of Family Guidance & Counseling*, 7(1), 442–462. <https://doi.org/10.47467/as.v7i1.7495>
- Mutholib, M., Faizal, L., & Zaki, H. M. (2022). Analysis of Islamic Law on the Implementation of Mediation in Divorce Cases at the Gedong Tataan Religious Court and the Pringsewu Lampung Religious Court. *AL-MANHAJ: Journal of Islamic Law and Social Institutions*, 4(1), 83–92. <https://doi.org/10.37680/almanhaj.v4i1.1544>
- Nahariah, N. (2022). Divorce Lawsuit Due to Domestic Violence. *Journal of Mana Management*, 3(1), 24–32. <https://doi.org/10.33648/jtm.v3i1.224>
- Nastangin, N. N., Latifa, S. Al, & Huda, M. C. (2022). The Role of Mediators in Handling Divorce Cases: A Study in the Perspective of Ishlah Theory. *Istinbath : Journal of Law*, 19(02), 205–228. <https://doi.org/10.32332/istinbath.v19i02.5048>
- Nazarlin, N., Martin, S. N., Damra, H. R., & Irta, A. Z. (2025). Adolescent Emotional Trauma of Families with Violence and Infidelity: A Phenomenological Study. *As-Syar i: Journal of Family Guidance & Counseling*, 7(3). <https://doi.org/10.47467/as.v7i3.10041>
- Pauziah, P., Bahrul Ma'ani, & Siti Marlina. (2025). Restorative Justice Approach to the Settlement of Petty Abuse in the Jambi Police: Perspective of Islamic Criminal Law. *Bustanul Fuqaha: Journal of Islamic Law*, 6(2), 273–292. <https://doi.org/10.36701/bustanul.v6i2.2108>
- Prawira, D. R. (2025). Mediation in the Perspective of Islah: Preventive Efforts for Domestic Dispute Resolution in Religious Courts. *Causa : Journal of Law and Citizenship*, Vol. 13, No.10(10).
- Putri, E. A., & Wahyuni, W. S. (2021). Joint Property Dispute Resolution after Divorce in Positive Law in Indonesia. *Mercatorian Journal*, 14(2), 40–52. <https://doi.org/10.31289/mercatoria.v14i2.5692>
- Ramadhanti, Y., Sajali, M., & Taufiqurachman. (2025). Implementation of Mediation in Resolution of Divorce Disputes at the Bogor Religious Court Class 1 A Year 2019-2022 (Case Study at the Bogor Religious Court Class 1 A). *El-Siyasa: Journal Of Constitutional Law*, 2(2), 84–91. <https://doi.org/10.61341/el-siyasa/v2i2.017>
- Ratnasari, S. D. (2024). Communication of female mediators in resolving marital conflicts due to third-party intervention. *Convergence: Scientific Journal of Communication Sciences*, 4(2), 585–598. <https://doi.org/10.51353/kvg.v4i2.875>
- Reftantia, G., Asni Sari, K., Aries Kurniawan, D., & Dwi Hapsari, Y. (2024). Analysis of Patriarchal Values in the Decision of the Divorce Trial at the Sawahlunto Religious Court. *IAB Proceedings Conference*, 11. <https://doi.org/10.30589/proceedings.2024.1038>
- Ridlo, M. R., & Muhajirin, M. (2022). The idea of sharia maqashid and sharia economics in the view of Imam Ibn Taymiyah and Imam Ibn Qayyim al-Jauziyah. *Taraadin : Journal of Islamic Economics and Business*, 2(2), 65. <https://doi.org/10.24853/trd.2.2.65-86>
- Rizal Muarif, Romia Saputra, Nasriman, & Muchlis Bahar. (2025). Infidelity as a Reason for Divorce Case Study Decision 1552/Pdt.G/2016/Pa.Smd. *Justice*, 12(1), 256–264. <https://doi.org/10.32832/yustisi.v12i1.18999>

- Sahara, A., & Hamdani, F. F. R. S. (2023). Mediator's Efforts Against the Low Success Rate of Mediation in the Soreang Religious Court. *Journal of Islamic Family Law Research*, 65–70.
- Sayyaf, R. T. F. (2023). Mediation and Sulh as the Best Alternative to Resolve Islamic Family Law Disputes. *Ash-Sharia: Journal of Islamic Law*, 9(2), 180–198.
- Silawati, S., Aslati, A., S, M. N., & Syafiuddin, F. A. (2025). Guidance on family conflict resolution through a mediation approach. *Menara Riau*, 19(1), 69. <https://doi.org/10.24014/menara.v19i1.35283>
- Sridepi, Kalsum, U., & Ismail, H. (2024). Islamic Family Law Advocacy Through Mediation: Building Harmony in the Family. *Rayah Al-Islam*, 8(4), 2531–2553. <https://doi.org/10.37274/rais.v8i4.1228>
- Suci Ramadhan, Faris Maulana Akbar, & Abdul Latif. (2023). Marriage Dispute Resolution in Islamic Family Law: The Role of Sharia Mediation and Arbitration Institutions in Indonesia. *As-Syar i: Journal of Family Guidance & Counseling*, 6(1), 770–779. <https://doi.org/10.47467/as.v6i1.2361>
- Syafi'i, M., Musthofa, M. A., Marwendi, R. O., Yusuf, M., & Nilfatri. (2025). The Effectiveness of the Village Restorative Justice House Program in the Prevention and Handling of Social Conflicts from an Islamic Law Perspective (Case Study in Pematang Rahim Village, Mendahara Ulu District). *Journal of Social and Humanities (AJSH)*, 5(2). <https://jurnal.ardenjaya.com/index.php/ajsh>
- Yakin, A., & Syauqi, A. F. (2024). Domestic Conflict Resolution: Efforts to Mitigate the High Cases of Divorce in Probolinggo. *TRILOGY: Journal of Technology, Health, and Humanities*, 5(4), 550–557. <https://doi.org/10.33650/trilogi.v5i4.9243>
- Yaqqin, A., Rohayana, A. D., & Rohman, T. (2025). The Effectiveness of Mediation in Conflict Resolution, Non-Litigation and Litigation in the Bogor Religious Court: Islamic Family Law Perspective. *Ijtihad*, 19(1), 195–208. <https://doi.org/10.21111/ijtihad.v19i1.13241>
- Zainul Majdi. (2025). The Role of Mediation in Divorce Dispute Resolution in the Perspective of Islamic Family Law. *Journal of Community Development*, 6(1), 268–275. <https://doi.org/10.47134/comdev.v6i1.1726>

