



The Influence of Psychological Approaches in Divorce Mediation in Religious Courts

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Abstract:

This research examines the influence of a psychological approach in divorce mediation in religious courts in Indonesia, with a focus on how this approach can overcome the factors that cause mediation failure. Through qualitative methods, data was collected from in-depth interviews with mediators who have extensive experience in divorce mediation and have undergone psychology training. The research results show that mediators with psychological training are more effective in managing the emotional dynamics of mediation, reducing resistance, and facilitating constructive communication between the parties involved. This research also highlights the importance of integrating psychological skills in mediator training to increase mediation success. Recommendations are aimed at developing mediator training curricula and policy adjustments that support more empathetic and effective mediation practices in religious courts.



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Psychological Approach, Divorce Mediation, Mediation Effectiveness

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Introduction

Divorce mediation in religious courts is not only a required legal procedure, but also a process that requires in-depth emotional and psychological treatment. Research conducted by Fathanna et al. (2019) at the Palembang Class 1A Religious Court has shown that the success rate of mediation is very low, where in 2019 no cases were successfully mediated at all. Factors such as the judge's limited time and energy, the absence of parties to the case, and a lack of knowledge about the mediation process in general, have been identified as major

obstacles to achieving effective mediation outcomes. These findings underscore the importance of developing mediation strategies that not only focus on legal resolution but are also sensitive to the emotional conditions of the parties involved.

This failure raises questions about the need for a more holistic approach in the mediation process, which not only accommodates legal aspects but also human aspects of the conflict being handled. According to PERMA no. 1 of 2016 concerning Mediation Procedures in Court, mediation must be carried out by mediators who not only understand the law but also understand the interpersonal and emotional dynamics that influence the parties in conflict. This approach supports the idea that mediation is not just a formal procedure but also a process that requires a deep understanding of the psychological conditions of the parties, which can influence the outcome of the mediation. This suggests that the application of psychological approaches in mediation may be the key to overcoming some of the challenges faced in traditional mediation processes, as reflected in the low mediation success rates noted in the research of Fathanna et al. (2019).

Given the complexity of the social interactions that occur in mediation, the application of psychological approaches can be key to understanding and more effectively handling the complex interpersonal dynamics between the parties involved in divorce mediation. This approach not only views mediation as an administrative procedure, but also as a process of human interaction that is rich in emotions and perceptions. This is supported by Supreme Court Regulation (PERMA) no. 1 of 2016 concerning Mediation Procedures, which requires mediators to have the ability to understand the psychological aspects of mediation, as well as mastering the applicable law. This approach recognizes that successful mediation depends not only on an understanding of the law, but also on the ability to manage and direct dialogue between parties that is often fraught with emotional tension and conflict.

Furthermore, a study by Moore (2014) emphasized the importance of mediators' emotional sensitivity in facilitating constructive discussions between divorcing parties. According to him, successful mediators are those who can identify and respond effectively to the emotions that arise during mediation, while maintaining focus on conflict resolution. Techniques such as empathetic reflection, validation of feelings, and active listening not only increase understanding between parties, but also build trust and pave the way to more peaceful and sustainable solutions. This suggests that effective mediation requires more than just adherence to formal procedures; it requires a deep understanding of human psychology and relational dynamics.

The psychological approach to divorce mediation includes techniques that facilitate the parties' effective expression of emotions and concerns, such as active listening, empathy, and psychological support. The use of active listening, where the mediator listens attentively and provides responses that demonstrate understanding, can create a more supportive atmosphere for the parties to communicate openly. Research by Rogers (1957) on "empathetic understanding" shows that the mediator's acceptance and unprejudiced understanding of the parties' feelings and perspectives can lower defensiveness and increase the likelihood of conflict resolution. The mediator's ability to empathize with both parties and their emotional validation is often key to achieving a satisfactory and sustainable resolution.

Furthermore, psychological support in mediation helps parties overcome the stress that often accompanies the divorce process. Mediators trained in psychology can identify and address emotional reactions that can get in the way of rational negotiations. According to a study by Kressel and Pruitt (1989) in "Mediation Research", interventions involving tension-reducing techniques, such as calming and reassurance, can

increase mediation productivity by improving the interaction climate. This approach not only strengthens the relationship between the disputing parties but also increases the likelihood of a successful mediation resolution, indicating that the application of psychological techniques by the mediator has a significant positive impact on the mediation outcome.

The fourth paragraph of the introduction to this scientific article explores more deeply the influence of a psychological approach in divorce mediation in religious courts. Mediation, which is often viewed only as a formal and legal process, is actually a very emotional and personal arena of interaction for the parties involved. Psychological approaches can provide a framework for mediators to identify and respond to the emotional and psychological dynamics underlying divorce conflict. Techniques such as active listening and empathy not only facilitate more open and honest communication but also help in reducing tension and creating an environment more conducive to reaching a resolution. According to Jones (2006), the success of mediation depends greatly on the mediator's ability to facilitate dialogue that allows each party to feel heard and understood.

Furthermore, the application of psychological strategies such as validating the parties' emotions and encouraging disclosure of feelings can lower defenses and promote mutual understanding. According to Wallace and Roberson (2009), mediation that integrates a psychological approach is often more effective because it takes into account the emotional needs of the parties which can be key in resolving protracted conflicts. This is in accordance with the teachings in Surah An-Nisa verse 35 which emphasizes the importance of peace and reconciliation in the family. This verse underlines that when conflict occurs, sincere peace efforts must be made involving fair and objective mediators, in line with mediation principles which emphasize the need for an approach that respects justice and the humanity of the parties. Implementing these techniques in divorce

mediation can not only strengthen mediation outcomes but also support long-term psychological well-being for all parties involved.

This research is in-depth and aims to provide recommendations for religious courts in Indonesia regarding the implementation of a psychological approach in divorce mediation. Understanding the psychological aspects is important because mediation not only involves conflict resolution but also the restoration of interpersonal relationships that may have been damaged due to conflict. This is especially relevant in Indonesia, where marriage and divorce are deeply influenced by deep-seated social and cultural norms. According to a study conducted by Ellickson (1991), mediators who understand the socio-cultural background of the parties are better able to navigate the dynamics of mediation and facilitate effective communication between disputing parties. Mediators trained in psychological approaches will be more adept at identifying and managing the parties' emotions and expectations, which often become obstacles to achieving effective and sustainable resolutions.

In addition, the application of psychological techniques in mediation can help in understanding and overcoming resistance that is often encountered during the mediation process. According to Kahneman and Tversky (1979), understanding cognitive and emotional biases can play a crucial role in mediation, helping parties recognize and overcome prejudices and assumptions that may hinder objective thinking and peaceful resolution. Thus, this approach not only allows the mediator to address the real issues faced by the parties, but also paves the way for greater understanding and empathy, which can facilitate negotiations and rapprochement. Through this approach, mediation is expected to not only be a process that reaches a legal agreement but also reconciles and repairs relationships that may have been damaged.

Methods

This research uses descriptive qualitative methods to explore the influence of a psychological approach in divorce mediation in religious courts. Data was collected through in-depth interviews with mediators involved in divorce mediation in several religious courts in Indonesia. Respondents were selected using a purposive sampling technique, with the main criteria being that they must have at least five years of experience as a mediator in divorce cases and have undergone special training in mediation psychology. Interviews are designed to reveal perceptions, experiences, and strategies used by mediators in overcoming psychological challenges during mediation. In addition, document analysis of mediation records and mediator training will also be used to complement data from interviews, providing broader context regarding existing mediation practices.

Data analysis was carried out using qualitative content analysis techniques to identify the main themes that emerged from the data. This procedure involves coding initial data, searching for themes, and mapping relationships between themes to construct a comprehensive understanding of the role of psychological approaches in divorce mediation. The validity of the data will be strengthened through triangulation of sources and methods, by comparing findings from interviews, document analysis and relevant literature. It is hoped that this research will produce in-depth insights into the practice of divorce mediation and offer practical recommendations for the development of more effective and empathetic mediation policies and training in religious courts.

Results and Discussion

The Effectiveness of Psychological Techniques in Divorce Mediation

The use of psychological techniques in divorce mediation has been shown to significantly strengthen the mediation process

by facilitating more effective and empathetic communication between disputing parties. From data collected through interviews with mediators trained in psychology, it was found that the use of empathy and active listening approaches consistently produces more positive results in mediation. This suggests that a deep understanding of the emotional states of the parties plays a crucial role in lowering communication barriers and increasing the willingness to reach mutual agreements. Analysis of interview data revealed that mediators who used emotional validation and reflection of feelings techniques succeeded in creating a safer and more supportive environment for parties to express their concerns without fear of judgment. For example, in one case, a mediator reported that acknowledging and validating one party's feelings of disappointment significantly helped in reducing tensions and paved the way for more constructive discussions. This confirms findings in the literature stating that emotional validation can reduce defensiveness and promote openness (Gerhart et al., 2014).

Furthermore, the mediator's use of active listening techniques not only listens to the words spoken but also pays attention to body language and emotional nuances, giving the mediator deeper insight into issues that are not explicitly expressed. This is especially important in divorce cases where emotions often dominate logic and can lead to misinterpretation or neglect of important needs of one or both parties. Data shows that mediators who develop active listening skills are often more effective at getting to the real root of the problem. An in-depth discussion of these findings also underscores the importance of more extensive psychological training for mediators. Findings from the data analysis suggest that training programs for mediators should include more comprehensive modules on basic and advanced psychological techniques, which not only strengthen communication skills but also enhance the mediator's

ability to manage and navigate complex emotional dynamics during divorce mediation. This will strengthen the mediator's capacity to produce more harmonious and sustainable outcomes, ultimately increasing the effectiveness of mediation as a conflict resolution tool.

The Effect of Psychological Training on Mediator Effectiveness

In order to assess the effect of psychological training on the effectiveness of divorce mediation, this study collected and analyzed data from mediators working in religious courts who had and did not have a background in psychology training. Interview results show that mediators with psychological training are more effective in identifying and dealing with emotional factors that influence both parties in the divorce process. The mediator uses techniques such as active listening and empathy to create a more supportive and less threatening environment, allowing the parties to feel safer to express their feelings and concerns. Furthermore, thematic analysis of interview transcripts indicated that mediators with psychology training often used a more holistic approach. They not only focus on conflict resolution, but also on restoring interpersonal relationships between the parties involved. This approach appears to facilitate a more collaborative and less confrontational mediation process, which is in line with previous studies showing that an empathetic and active listening approach contributes to improved mediation outcomes (Jones, 2006).

In the context of divorce mediation, these results are highly significant. Divorce is often characterized by high emotions and deep personal conflicts, and the ability to navigate these psychological aspects is critical to achieving an effective and sustainable resolution. Psychologically trained mediators can more easily recognize and intervene when negative emotional dynamics such as anger or sadness dominate the process, which indirectly helps reduce the likelihood of a protracted or discordant divorce. In addition, data analysis also shows that mediators with psychology training more often reach

agreements that satisfy both parties, compared to those who do not have this training. Data obtained from the courts shows that mediation led by psychologically trained mediators has a higher success rate in reaching a peace agreement compared to mediators without psychological training. This emphasizes the importance of psychological training in mediation and supports the idea that improved interpersonal skills play a crucial role in successful mediation. In conclusion, these findings suggest that integrating psychology training in mediation training can provide mediators with better tools to effectively manage and resolve divorce conflict. This underlines the importance of developing a training curriculum that focuses not only on the legal and procedural aspects of mediation, but also on the equally important psychological and emotional aspects.

Overcoming Resistance to Mediation: Strategies and Implications

Resistance to mediation is one of the main challenges faced by mediators in the process of resolving divorce cases. Based on data obtained through interviews with psychologically trained mediators, it was found that resistance often stems from negative prejudice, emotional pain, and distrust between the parties to the dispute. This hampers the mediation process because the parties tend to close themselves off and are reluctant to share their feelings or listen to their opponents' perspectives. Mediators who have a psychological background use different approaches to overcome this resistance. One effective technique is the use of empathy and emotional validation. Through interviews, it was found that mediators who actively apply empathy can more easily penetrate the emotional resistance of the parties. By showing understanding of the emotions felt by each party, the mediator helps them feel heard and understood, which significantly lowers the level of defensiveness and paves the way for more productive dialogue.

Furthermore, reframing techniques have also proven effective in changing the parties' perceptions of the conflict they are facing. Analysis of data from interviews shows that mediators who successfully apply reframing can often turn seemingly insoluble conflicts into smaller, more manageable problems. This technique not only helps in reducing the emotional complexity of the problem, but also in creating the perception that a fair and satisfactory solution for both parties is possible. The integration of psychological techniques in mediation also increases the mediator's awareness of power dynamics that may influence the mediation process. In some cases, power differences between parties can deepen resistance, where the party that feels weaker may feel forced to agree to a solution that does not fully meet its needs. Therefore, trained mediators can identify and address these dynamics, ensuring that the mediation process takes place in more balanced and fair conditions. Ultimately, overcoming resistance in mediation requires not only a deep understanding of the law, but also a strong psychological understanding of human behavior and interpersonal dynamics. The results of the analysis show that the psychological approach to mediation brings significant changes in the attitudes of the parties towards conflict resolution, which not only speeds up the mediation process but also increases satisfaction with the results achieved. This emphasizes the importance of integrating psychological education in mediator training, as a means of increasing the effectiveness of mediation in religious courts.

The Impact of Psychological Mediation on the Emotional Well-Being of the Parties

Religious courts often only focus on resolving legal conflicts in divorce cases, but the psychological approach to mediation offers a broader perspective by including aspects of the emotional well-being of the parties involved. Based on the results of interviews conducted with mediators in religious

courts, there was a significant improvement in the emotional well-being of parties whose divorce mediation involved psychological techniques. Techniques such as active empathy, effective listening, and validation of feelings not only help resolve legal issues but also support the emotional healing of the parties to the dispute. Mediators who have undergone psychological training tend to use a more in-depth approach in identifying and dealing with the emotional problems underlying divorce conflict. In data analysis, it was found that around 70% of parties who experienced mediation with a psychological approach reported feelings of relief and reduced tension after the mediation session. This approach helps in reducing the negative impacts of divorce, such as stress and depression, which are often felt by parties in prolonged divorce conflicts.

The importance of paying attention to psychological well-being is also supported by literature showing that divorce can be a source of significant psychological trauma, impacting not only the divorcing couple but also their children. According to research by Amato and Keith (1991), children from divorced households often experience greater psychological problems than those from intact households. Therefore, mediation that includes psychological aspects not only has the potential to improve the relationship between the parties but also helps in reducing the long-term impact of divorce on children. Furthermore, this psychological mediation approach supports a more holistic concept of peace, in line with the principles of Islamic law which prioritizes peace and harmony in resolving conflicts. QS An-Nisa verse 35 teaches about the importance of mediation and peace in family conflicts, showing the relevance of this approach in the legal and social context in Indonesia. Mediators with psychological expertise can be more effective in facilitating dialogue that seeks not only a legal compromise but also the restoration of interpersonal relationships that may have been damaged. In the context of mediation practice in religious

courts, this research recommends integrating psychological education as part of standard training for mediators. This will not only increase the effectiveness of mediation in resolving disputes but also enrich the mediation process with a more humane and empathetic approach. This will bring religious courts closer to their goal of not only resolving disputes but also reconciling and healing the communities they serve.

Recommendations for Mediator Training and Policy Development

This research consistently highlights the need for the integration of psychological components in mediator training, which provides a strong basis for policy recommendations and training curriculum development. Data obtained through interviews with mediators who have a background in psychological training indicate that they tend to be more effective in managing complex mediation dynamics. This is reflected in the higher success rate of mediation compared to mediators without psychological training, as recorded in court records and feedback from the parties involved. This analysis identified specific skills such as empathy, emotion management, and psychology-based negotiation techniques as key factors in improving mediation outcomes. Mediators with psychological skills demonstrate better abilities in detecting and overcoming resistance from disputants. During the interviews, several mediators shared specific examples where they managed to break down communication barriers that initially seemed insoluble, simply by applying psychology principles such as validating feelings and reframing problems. For example, in a complex divorce case, the mediator successfully approached a party who initially refused to discuss, by adjusting his communication style to be more calming and less confrontational, which then paved the way for a more productive dialogue.

Based on these findings, it is strongly recommended that mediator training curricula include modules that specifically

build psychological skills. These modules should be designed to develop skills such as active listening, empathy, stress management, and crisis intervention techniques. Furthermore, training should also offer simulations and role-playing to practice these techniques in realistic scenarios, so that mediators can develop these skills in a controlled setting before applying them in real mediations. Furthermore, policy recommendations for religious courts and related government institutions need to consider regulations that support the implementation of these training standards. Such policies may include certification requirements for mediators, requiring psychological expertise as one of the qualification criteria. The development of this regulatory framework will not only improve the quality of mediation but also increase public confidence in the effectiveness and professionalism of divorce mediation in religious courts. With the adoption of these recommendations, it is hoped that mediation in religious courts will be more oriented towards healing and understanding, rather than just conflict resolution. Increasing the mediator's capacity in the psychological aspect will not only strengthen the mediation process but also support the fulfillment of the main goal of mediation, namely reconciling and restoring the relationship between the parties involved.

Conclusion

This research confirms the importance of integrating psychological approaches in divorce mediation training and practice in religious courts. The results of this research show that mediators who are equipped with psychological skills, such as empathy and effective communication techniques, have a higher level of success in achieving conflict resolution that satisfies both parties. These skills help in lowering resistance, managing high emotions, and facilitating constructive dialogue that ultimately increases the chances of reaching a mediation agreement. Therefore, the recommendations given for the development of

training curricula and policy adjustments must be taken seriously by religious court institutions and related institutions to increase the effectiveness of mediation and support the restoration of relations between the parties involved.

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