



Integration Of Salvador Minuchin's Family System Theory In The Practice Of Divorce Mediation In Religious Courts

Rizki Amar¹, Ihram Ahmed Siregar², Isyaaq Maulidan³



*Correspondent:

Email: rizkiamar123456@gmail.com

Affiliation:

¹ Universitas Islam Negeri Sunan Kali
Jaga, Yogyakarta, Indonesia

² Universitas Islam Negeri Sjech
M. Djamil Djambek Bukittinggi,
Indonesia

² Universitas Islam Negeri Sunan Gresik,
Jawa Timur, Indonesia

Submit Article :

Submission: September 20, 2025

Revision: Oktober 24, 2025

Accepted: November 27, 2025

Published: Desember 31, 2025

Keywords:

Mediation Divorce, Salvador Minuchin's,
Counseling techniques

Abstrak

Divorce mediation in Religious Courts has thus far been more oriented toward formal legal settlements, even though domestic conflicts also involve psychological and emotional aspects that require a family counseling approach. This article aims to analyze the potential integration of Salvador Minuchin's family systems theory into divorce mediation practices in Religious Courts. This study employs a qualitative method based on library research. The data sources consist of secondary data obtained from mediation regulations in Religious Courts, relevant Religious Court practices as documented in official guidelines and previous studies, as well as scholarly literature on family systems theory. Data were collected through a systematic literature review and analyzed using Salvador Minuchin's family systems framework, emphasizing family structure, subsystem boundaries, and communication patterns. The findings indicate that Minuchin's theory is relevant for strengthening mediation effectiveness by shifting its orientation from a purely legalistic approach toward a more restorative one. Counseling techniques such as active listening, reframing, and empathy building can be integrated into the mediation process to help couples re-understand their roles and relationships. Thus, mediation in Religious Courts functions not only as a forum for legal dispute resolution but also as a platform for reconstructing family systems toward harmony and family integrity.

INTRODUCTION

The high divorce rate in Indonesia remains a serious socio-legal issue that requires interdisciplinary attention from family law, counseling, and social sciences (Amar, Zahrah, and Hertiana 2024). Although recent national statistics indicate a slight decline in the number of divorce cases steadily decreasing from 516,344 cases in 2022 to around 467,000 in 2023 and further to approximately 399,921 cases in 2024 the magnitude of these figures remains historically high and signals persistent instability within family institutions across the country (Nasrul 2025). A deeper look at the composition of divorce cases shows that the majority continue to be initiated by wives (cerai gugat), with 308,956 cases or about 77% of total divorces in 2024, reflecting an increasing willingness among women to seek legal remedies for untenable marital situations (Annur 2023). Analysis of causative factors reveals that communication breakdowns and ongoing disputes are the most reported reasons, constituting over 60% of divorces, followed by economic problems (approximately 26% of cases) and domestic violence (KDRT) accounting for several thousand cases per year. These data highlight the multifactorial nature of marital dissolution, where psychosocial, financial, and safety concerns interact to erode marital stability (GoodStats Data 2024).

The COVID-19 pandemic further exacerbated these pressures. Empirical research during and after the pandemic suggests that economic stress due to job losses, reduced incomes, and prolonged home confinement intensified family conflicts, disrupted traditional communication patterns, and increased incidences of domestic violence, all of which contributed to heightened divorce rates in several regions. Although the pandemic's immediate effect on aggregate numbers may appear ambiguous in post-pandemic statistics, qualitative studies and case analyses indicate that the pandemic acted as a catalyst that exposed and deepened pre-existing marital vulnerabilities, rather





than directly causing dissolution in isolation (Tristante 2020). By situating divorce within this broader socio-economic and psychological context, it becomes evident that assessing divorce trends requires more than mere year-to-year comparison; it calls for analysis of how structural pressures and interpersonal dynamics interact to influence marital stability in Indonesia (Prasetiyowati and Habsy 2024).

Formally, every case that comes before a religious court must go through mediation before being examined by a panel of judges. This provision applies to both divorce by repudiation and divorce by litigation, as a form of preventive legal action in resolving domestic conflicts (Amar, Maulidan, and Kurniawan 2024). Mediation can be conducted through litigation or non-litigation, where the mediator acts as a neutral party who helps the couple find common ground to reconcile. The legal basis for the implementation of mediation is regulated in Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Court, which is an amendment to PERMA Number 1 of 2008 (Muzamzil and Hermawan 2024). From an Islamic law perspective, the principle of resolving domestic disputes also emphasizes the importance of peace (*ishlah*), as reflected in the concept of *hakam*, who is tasked with reconciling disputing husbands and wives (QS. An-Nisā' [4]: 35). Thus, both in terms of positive law and Islamic law, the ideal resolution of family conflicts is through mediation and reconciliation (Armiadi and Bakar 2018).

Although mediation in Religious Courts is normatively intended to reconcile disputing couples, this objective is often not achieved in practice due to several structural and institutional constraints. One of the main factors contributing to this mismatch is the procedural orientation of the judicial system, which prioritizes administrative efficiency and case completion (Bintania 2012). As a result, mediation is frequently treated as a mandatory formal step that must be fulfilled before the examination of the case, rather than as a substantive process aimed at restoring family relationships. This condition is further exacerbated by high caseloads and limited time allocation for mediation, which encourage mediators who are predominantly judges to focus on legal-formal aspects rather than relational recovery (Islami 2018).

Furthermore, the effectiveness of mediation is closely related to the competence of mediators in understanding psychological and communicative dynamics within marital relationships. Marital conflicts are not solely rooted in legal disputes but are deeply connected to emotional patterns, power relations, and dysfunctional communication structures between spouses (Rohman 2024). However, mediators in Religious Courts are not consistently equipped with family counseling skills or psychological training, which limits their ability to explore and address the emotional and relational dimensions of conflict. Consequently, mediation often remains confined to normative negotiation rather than engaging with the underlying causes of marital breakdown. In this context, mediation has the potential to be developed as an integrated forum for legal resolution and psychological intervention. The involvement of family counselors or the systematic application of psychological approaches such as examining communication patterns, family roles, and emotional interactions would enable mediation to move beyond legal compromise toward relational reconstruction. Thus, mediation should not merely function as a procedural requirement, but as a mechanism for restoring family relationships and promoting sustainable marital harmony (Syahraeni 2014).

A review of various literature discussing the effectiveness of mediation in Religious Courts shows that the main problems causing low mediation success rates can be grouped into two major factors, namely technical and non-technical factors. A number of studies, such as those conducted by Purnamasari, Dewi, Mustika, and Sapitri et al., found that technical obstacles were mainly caused by time constraints in mediation. Based on the provisions of Supreme Court Regulation



(PERMA) Number 1 of 2016, the mediation process should ideally last a maximum of thirty days from the issuance of the mediation order. However, in practice, mediators are only given about one to two weeks with a frequency of one to three meetings, so that the communication process and reconciliation efforts are not optimal. In addition, the limited skills of mediators are also a serious obstacle, as mediator judges often do not have a background or training in counseling, so that the mediation process is carried out formally without building emotional closeness with the parties (Purnamasari, Fakhruddin, and Amda 2021; Mustika 2018; Dewi 2020). Purnamasari notes that peace efforts are often carried out without providing a deep understanding of the objectives of mediation (Purnamasari, Fakhruddin, and Amda 2021), while Lailany and Sudirman show that the high workload of judges makes mediation merely an administrative procedure (Lailany and Sudirman 2020). Non-technical factors that contribute to the failure of mediation include a lack of good faith on the part of the parties, where the determination to divorce makes couples reluctant to open up and closes the space for dialogue. In such circumstances, mediation becomes difficult to achieve substantive results (Sapitri, Mulyanti, and Suyaman 2023). These various findings show that the problems with mediation in the Religious Court are not only procedural in nature, but also touch on the psychological and emotional aspects of the couple, thus requiring an integrative approach that combines family counseling in mediation practice in order to achieve a more effective and humane conflict resolution process.

Based on the above discussion, this study aims to conceptually analyze the potential integration of Salvador Minuchin's family systems theory into divorce mediation practices in Religious Courts. Specifically, this research seeks to examine how the core principles of Minuchin's theory, namely family structure, subsystem boundaries, and communication patterns can be employed as an analytical framework and alternative approach to strengthening mediation practices that are not merely oriented toward formal legal dispute resolution but also toward the restoration of family relationships. Therefore, this study is expected to contribute theoretically to the development of family counseling based mediation studies and practically to the optimization of divorce mediation in Religious Courts, making it more effective, humane, and restorative.

METHOD

This article employs a qualitative research design based on library research, as this approach enables the author to compile and examine relevant literature in analyzing divorce mediation practices in Religious Courts. The selection of this method is grounded in the research objective, which does not focus on quantitatively measuring the success rate of mediation, but rather on developing a conceptual understanding of the social and psychological dynamics of marital conflict as reflected in legal regulations, judicial decisions, and findings of previous studies (Sugiono 2008). Data collection was conducted through a systematic literature search utilizing academic databases such as Google Scholar, national journal portals, and official sources of legislation and court decisions. The literature selection process was guided by several criteria: (1) relevance to the topic of divorce mediation in Religious Courts; (2) a substantive focus on family law, mediation, divorce, or family counseling; (3) academic quality, as indicated by publications in reputable peer-reviewed journals, scholarly books, or authoritative legal documents; and (4) recency of publication, with priority given to literature published within the last ten years, without excluding classical works that retain significant theoretical relevance. These criteria were applied to ensure the validity, quality, and relevance of the research findings (Azwar 2005).



The data analyzed consist of laws and regulations and Supreme Court policies related to mediation, Religious Court decisions, and scholarly works addressing mediation practices, divorce dynamics, and family counseling. Data analysis was carried out descriptively and analytically, with Salvador Minuchin's Family System Theory employed as the primary analytical framework. This theory was applied as a conceptual lens to interpret the literature and legal materials, particularly in identifying patterns of dysfunctional family structures, role imbalances, rigid or diffuse relational boundaries, and communication breakdowns within households as reflected in divorce cases and mediation practices. Through the application of Minuchin's theory, this study analyzes how mediation practices in Religious Courts tend to overlook the systemic and psychological dimensions of family conflict. By integrating Minuchin's Family System Theory into legal analysis, this research seeks to affirm that marital conflict in Religious Courts is not merely a matter of legal formality, but rather a manifestation of dysfunctions within the family system. Accordingly, the study emphasizes the urgency of integrating family counseling approaches into the mediation process, so that dispute resolution is not only oriented toward legal certainty, but also toward the sustainable restoration of emotional and psychological relationships between spouses (Minuchin 2018b).

RESULTS AND DISCUSSION

The Concept of Mediation and Its Procedures in Religious Courts

The Concept of Mediation

In Islamic teachings, marriage is viewed as a form of worship that has spiritual and social dimensions. The Compilation of Islamic Law (KHI) states that the main purpose of marriage is to build a household that is *sakinah, mawaddah wa rahmah*. Within this framework, husbands and wives are required to love, respect, and be faithful to one another, as well as provide physical and emotional support (Amar et al. 2024). These values are the foundation for a harmonious, peaceful, and loving family. However, this ideal is not always achieved because, in reality, family dynamics are often marked by conflict and disputes that can lead to divorce (Fadhli, Amar, and Rachmatullah 2024).

One concrete example can be seen in Decision Number 737/Pdt.G/2021/PA TPI at the Tanjungpinang Religious Court. This case was filed by a private employee on October 27, 2021. The marriage, which had been ongoing since 2017, ended in divorce proceedings due to disharmony, constant arguments, and the inability of both parties to find a solution to their domestic conflicts. This case is just one of thousands of divorce cases in Indonesia that generally stem from communication, economic, and emotional incompatibility issues between husbands and wives (Amar, Maulidan, and Kurniawan 2024).

In Islam, the resolution of domestic conflicts is not aimed solely at severing ties, but rather through a process of reconciliation known as *ishlah*. Etymologically, *ishlah* means to repair, reconcile, or restore damaged relationships. The practice of *ishlah* has been known since the time of the Prophet Muhammad as a method for resolving disputes between husbands and wives



without going through formal court proceedings. This approach emphasizes family values, deliberation, and empathy as the basis for restoring relationships (Tihami and Sahrani 2010).

The mediation process in Islam has its own pattern, especially in the context of syiqāq or serious disputes between husband and wife. The Qur'an provides guidance in Surah An-Nisā' (4): 35, which reads: "And if you fear a dispute between them, then send an arbitrator from his family and an arbitrator from her family. If the two arbitrators intend to bring about reconciliation, Allah will grant them success." This verse emphasizes the importance of bringing in a third party to act as an arbitrator (mediator) to mediate the conflict fairly and wisely with the aim of restoring harmony in the household (Ghozali 2003).

In addition to the Qur'an, the normative basis for *ishlah* is also found in the hadith of the Prophet Muhammad. From Umar bin 'Auf al-Muzanni, may Allah be pleased with him, the Messenger of Allah said: "Peace (*al-shulh*) is permissible for Muslims who are in conflict, except for peace that prohibits what is lawful or permits what is unlawful. Muslims must uphold their conditions, except for conditions that prohibit what is lawful or permit what is unlawful." (HR. al-Tirmidhi). This hadith reinforces the legitimacy of *ishlah* as an instrument for dispute resolution based on the principles of justice and social benefit (Al-Asqalani 2019).

In an institutional context, Religious Courts in Indonesia represent Islamic justice, which implements the values of *ishlah* through mediation mechanisms (Cahyani 2019). The normative basis for mediation in Indonesia is not only derived from Islamic teachings, but also from the values of Pancasila, particularly the fourth principle, which reads, "Democracy guided by the wisdom of deliberation among representatives." This principle embodies the spirit of peaceful dispute resolution through deliberation and kinship, in line with the spirit of *ishlah* in Islam (Bisri 2003).

In positive law, mediation in the judicial system is regulated through a number of regulations, including Article 130 HIR/154 RBg, Article 39 paragraph (1) of Law No. 1 of 1974 concerning Marriage, Article 31 of Government Regulation No. 9 of 1975, Law No. 7 of 1989 on Religious Courts, Article 65 of the Compilation of Islamic Law (KHI), as well as several Circular Letters and Supreme Court Regulations (PERMA) (Talli 2015). Mediation officially became an integral part of court proceedings after the issuance of PERMA No. 2 of 2003, which was then further refined until the issuance of PERMA No. 1 of 2016 concerning Mediation Procedures in Court (Lailany and Sudirman 2020).

Prior to the existence of PERMA, the Supreme Court had introduced the Peace Institution through Supreme Court Circular Letter (SEMA) No. 1 of 2002 concerning the Empowerment of Courts of First Instance in Implementing the Peace Institution. However, due to its limited effectiveness, PERMA No. 2 of 2003 was then issued to integrate the mediation process into the judicial system. This regulation was still considered suboptimal because it was voluntary, so revisions were made with PERMA No. 1 of 2008 and then refined into PERMA No. 1 of 2016 (Mustika 2018).

PERMA No. 1 of 2016 brings a number of important changes to mediation practices in court. Among them are the reduction of the mediation time limit from 40 days to 30 days, recognition of partial settlements, provisions regarding the attendance of parties who may be represented for



certain reasons, and confirmation of the role of independent mediators. This PERMA also emphasizes the importance of good faith in the mediation process, whereby parties acting in bad faith may face legal consequences. These changes demonstrate the state's serious efforts to strengthen the effectiveness of mediation as a dispute resolution mechanism, particularly in divorce cases in the Religious Court (Rohman 2024).

Mediation Procedures in Religious Courts

The implementation of mediation in the Religious Court is generally divided into two major stages, namely the pre-mediation stage and the mediation process stage. This division is in line with the provisions of Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Court.

In the pre-mediation stage, the process begins when the panel of judges in the first hearing explains to the parties their obligation to undergo mediation as stipulated in Article 17 paragraph (6) of PERMA 1/2016. The judge explains the mechanism and purpose of mediation and requires the parties to select a mediator within a maximum period of two days in accordance with the provisions of Article 20. If the parties cannot reach an agreement on the selection of a mediator, the chief judge will appoint a mediator from among judges or court officials who have a mediator training certificate. After the appointment is made, the mediator sets the day and date for the mediation, while the parties can be summoned by the Deputy Bailiff. The entire pre-mediation process is carried out in the mediation room provided by the Religious Court (Musawwamah 2014).

Meanwhile, the mediation process begins after the mediation order is issued and lasts for a maximum of thirty days from the date of issuance. On the day of mediation, both parties are required to be present in the mediation room. The mediator first introduces himself, affirms his position as a neutral party, and explains the importance of mediation as an alternative means of dispute resolution. If the mediator is from outside the court, an agreement regarding mediation costs will also be made. If one or both parties are absent without a valid reason, the mediation may be postponed. However, if the absence occurs twice in a row, the mediator has the right to declare that the mediation process has failed in accordance with Article 22 of PERMA 1/2016 (Dewi 2020).

After that, the mediator explains the stages of dispute resolution, sets up a meeting schedule based on the agreement of the parties, and begins the problem identification session. At this stage, the parties are given the opportunity to convey the subject matter both verbally and in writing. Next, the mediator directs the process of exchanging views and alternative solutions from each party, and may hold a caucus if there is a deadlock (Musawwamah 2014)

The final stage of mediation is marked by the process of formulating conclusions. The mediator gives both parties the opportunity to express their final opinions before the mediation results are declared complete. If no agreement is reached, the mediation is declared a failure and reported to the panel of judges on the appointed day of the hearing. Conversely, if the mediation is successful, the parties draw up a written agreement in the form of a peace agreement signed by the parties and the mediator, which is then reported to the panel of judges to obtain legal force. In the



event that the mediation is attended by legal representatives, they are also required to sign the agreement document as a sign of approval of the mediation results (Musawwamah 2014)

Barriers to the Effectiveness of Mediation in Religious Courts

Mediation in Religious Courts normatively has a strategic position as a dispute resolution mechanism that emphasizes deliberation and peace between husband and wife. This provision is in line with Islamic law principles that prioritize reconciliation and family values in resolving domestic conflicts (Muzammil 2019). However, in practice, mediation often fails to achieve this goal. The high divorce rate in Indonesia, which remains consistent every year despite the mandatory mediation mechanism in every case, is an indicator that the effectiveness of mediation is still low (Sapitri, Mulyanti, and Suyaman 2023; Islami 2018).

In general, obstacles in the implementation of mediation in Religious Courts can be grouped into two broad dimensions, namely technical and non-technical factors. Technical factors relate to the administrative and procedural aspects of mediation, while non-technical factors are more related to personal and psychological readiness, as well as communication between the parties and the mediator. These two factors influence each other and are the main determinants of the success or failure of mediation (Muzamzil and Hermawan 2024; Lailany and Sudirman 2020; Dewi 2020).

From a technical standpoint, time constraints are the most obvious obstacle. Based on the provisions of PERMA No. 1 of 2016, the mediation process should ideally last for thirty days, but in reality it is often only carried out for one to two weeks with a very limited number of meetings. This situation prevents the dialogue and exploration of the root causes of the problem from running optimally. As a result, mediation becomes merely an administrative formality that must be completed before the case is examined by a panel of judges (Rohman 2024).

In addition to time constraints, the heavy workload of mediator judges is also a serious problem. Many mediator judges, in addition to their mediation duties, also have the responsibility of hearing a large number of other cases. This reduces the focus and concentration of mediators in dealing with domestic conflicts in depth. Several studies show that mediators often only make mediation efforts to fulfill procedures, not to achieve true reconciliation between husband and wife (Nur and Wijaya 2020; Guntara 2019; Jufri, Sultan, and Fatmawati 2023).

Meanwhile, non-technical factors include issues related to the mediator's skills and approach in understanding the psychological dynamics of the couple. Most mediators have a legal background, so their perspective tends to be legalistic and oriented towards dispute resolution rather than relationship restoration. In fact, marital conflict is a multidimensional phenomenon that also involves emotional, communication, and family relationship structure factors. It is this lack of understanding of psychological aspects on the part of mediators that often causes mediation to lose its therapeutic function (Priyatama 2022).

In addition to the mediator's abilities, the intentions and good faith of the parties also greatly influence the success of mediation. Many couples who come to the Religious Court are already determined to divorce. In situations like this, mediation tends to be treated as a mandatory procedure, without openness and willingness to repair the relationship. In fact, it is not uncommon



for the parties to refuse to reveal the underlying problems in their marriage, making it difficult for the mediator to understand the root of the conflict. This situation creates a communication deadlock and reduces the chances of reaching an amicable agreement (Nur and Wijaya 2020; Sapitri, Mulyanti, and Suyaman 2023; Rohman 2024).

From all these factors, it can be concluded that the main obstacle to mediation in Religious Courts stems not only from weaknesses in the system, but also from the absence of a comprehensive approach to the relational dimension of couples. Until now, mediation has focused on formal legal settlements rather than on restoring family functions. In fact, if mediation is able to integrate the principles of family counseling, then the process will not only aim to stop divorce cases, but also restore balance and communication within the family structure as emphasized in Salvador Minuchin's Family System theory (Fadhli, Amar, and Rachmatullah 2024).

Integration of Salvador Minuchin's Family Systems Theory in Divorce Mediation in Religious Courts

Mediation in religious courts has been used as a formal legal mechanism oriented toward resolving divorce disputes. However, in practice, the emotional and psychological dynamics of couples are often overlooked. In fact, divorce is not only a legal issue, but also a symptom of family system dysfunction (Bintania 2012). It is at this point that Salvador Minuchin's family systems theory offers an important perspective, namely that the family is a system consisting of subsystems husband, wife, children that interact with each other and are bound by boundaries (Minuchin 2018a). When communication is disrupted or roles are not functioning, the family system becomes dysfunctional, which then manifests itself in domestic conflict and divorce suits.

Within the framework of Minuchin's theory, mediation can be viewed as a systemic intervention in families experiencing disorganization. Mediators function as external agents who help families reidentify damaged relationship structures. For example, conflicts that arise due to dual roles, the subordination of one partner, or weak boundaries between the nuclear family and the extended family. By understanding this relationship map, the mediator can guide the couple to realign boundaries, that is, to reorganize relationship boundaries in order to create a new balance in the family system (Minuchin 2018a).

The basic principle of Minuchin's theory is that changes in one part of the system will affect other parts. In the context of mediation in the Religious Court, changes in communication patterns facilitated by the mediator can have an impact on the restructuring of household relationships as a whole. When mediators use active listening or reframing techniques, they are actually intervening in the husband-wife communication subsystem. If communication becomes functional again, the potential for divorce can decrease because the family system finds a new homeostasis, namely a healthy balance between roles (Prasetyowati and Habsy 2024).

The integration of Minuchin's theory also helps shift the paradigm of mediation from merely a legal forum to a relational therapy space. Mediators no longer merely ensure legal agreements but also become facilitators of structural change in family relationships. In this case, the role of the mediator is similar to that of a family counselor who helps couples recognize dysfunctional interaction patterns such as the dominance of one party or excessive involvement of the extended



family that cause prolonged conflict. This approach is in line with the principle of *ishlah* in Islamic law, which emphasizes the restoration of relationships in a fair and proportional manner.

In practice, Minuchin's family systems theory can be applied in three stages of mediation. First, the joining stage, where the mediator builds alliances with each party to understand family dynamics without judgment. Second, the mapping family structure stage, which involves mapping the structure of relationships and boundaries between family members. Third, the intervention stage, in which the mediator helps the couple form a new, more adaptive structure (Minuchin 2018b). Within the framework of Islamic law, these stages reflect the *tahkim* process, namely the appointment of a third party to mediate family conflicts based on wisdom and justice (Muzammil 2019).

The application of this theory is also relevant in responding to the social reality in Indonesian Religious Courts, where most cases filed are divorce cases due to communication disharmony (Mustika 2018; Nur and Wijaya 2020). By incorporating a family systems approach, mediators can identify the source of conflict not only from individual mistakes but also from rigid or ambiguous relationship patterns. For example, the husband may be too dominant in economic decisions, or the wife may lose her emotional autonomy due to the intervention of the extended family. Mediation based on Minuchin's theory will lead to the restoration of a more balanced role structure (Fadhli, Amar, and Rachmatullah 2024).

From an institutional perspective, the application of Minuchin's family systems theory in mediation at the Religious Court requires systemic counseling training for mediators (Sapitri, Mulyanti, and Suyaman 2023). Currently, most mediators have a legal background and do not yet have the skills to read family system dynamics. In fact, the ability to understand boundaries, hierarchies, and subsystems is very important for analyzing the roots of conflict (Minuchin 2018b). Therefore, this integration can be carried out through a collaborative training program between the Religious Court, Islamic family counseling institutions, and universities that have psychology or Islamic counseling study programs.

From an Islamic legal perspective, Minuchin's family system theory does not conflict with, but rather synergizes with, the principles of *maslahah* and *ishlah*. Mediation oriented towards restoring family structure is actually part of Allah's command to improve husband-wife relationships before divorce, as stated in QS. An-Nisa: 35. Thus, Minuchin's theory can be an analytical tool that strengthens the implementation of Sharia values in the religious court process, making mediation not only a legal forum but also a means of *tazkiyah al-nafs* (purification of the soul and relationships) (Muarif 2020).

By integrating Salvador Minuchin's family systems theory into divorce mediation in the Religious Court, a new model of holistic family conflict resolution has been created that combines legal, emotional, and spiritual aspects. This model not only reduces the divorce rate but also strengthens the foundations of Muslim families through the restructuring of healthy relationships. Mediation based on family systems theory shifts the paradigm from "ending conflict" to "restructuring the family system." In this way, the Religious Court can serve as a center for social and spiritual reconciliation, rather than merely an institution for adjudicating cases.



CONCLUSION

The integration of Salvador Minuchin's family systems theory into divorce mediation practices in religious courts shows that resolving domestic conflicts cannot be achieved through a legal approach alone. Mediation should function as a restorative space to repair the structure and communication within the family. Minuchin's theory emphasizes the importance of role balance, boundaries between subsystems, and healthy interaction patterns. By applying counseling techniques such as active listening, reframing, and empathy building, mediators can help married couples re-understand their positions and responsibilities within the family system, so that mediation is not only an administrative process, but also a therapeutic process.

The family system approach is also in line with the principle of *ishlah* in Islamic law, which is an effort to reconcile disputing parties for the sake of achieving mutual benefit. Therefore, the application of Minuchin's theory can strengthen the function of mediation in the Religious Court as a space for social and emotional intervention that balances legal justice and the restoration of family relationships. By strengthening the capacity of mediators and collaborating with Islamic family counselors, mediation has the potential to become a more holistic, humane means of resolving family conflicts, in line with the values of *rahmatan lil 'alamin*.

AUTHOR CONTRIBUTION STATEMENT

In writing this article, each author has the following contributions: RA contributed to the preparation of the theoretical framework and conceptual analysis of the Integration of Salvador Minuchin's Family System Theory in the Practice of Divorce Mediation in Religious Courts. IAS and IM are responsible for collecting previous research data and preparing the literature review section, preparing the discussion, editing the scientific language, and preparing the conclusions and references.

THANK-YOU NOTE

The author would like to thank the family who always supports the author, relatives of the guidance and counseling lecturers who have provided valuable contributions related to the theory and discussion in this article.

REFERENSI

- Al-Asqalani, Ibn Hajar. 2019. *Bulughul Maram Himpunan Hadits-Hadits Hukum Dalam Fikih Islam*. Cet.8. Translated by Izzudin Karimi. Jakarta: Darul Haq.
- Amar, Rizki, Isyaq Maulidan, and M. Rafli Kurniawan. 2024. "Kekerasan Dalam Rumah Tangga Sebagai Alasan Perceraian (Analisis Putusan Nomor 737/Pdt.G/2021/PA.TPI Perspektif Saddu Adz-Dzari'ah)." *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 10 (1): 1. <https://doi.org/10.58401/faqih.v10i1.1287>.
- Amar, Rizki, Agung Pratama Dharma, M. Aulia Urrahman, and M. Rafli Kurniawan. 2024. "Kedudukan Pencatatan Terhadap Keabsahan Perkawinan: Telaah Pencatatan Perkawinan." *Jurnal Tana Mana* 5 (2): 217–26. <https://doi.org/10.33648/jtm.v5i2.486>.



ORIGINAL ARTICLE

OPEN ACCESS

- Amar, Rizki, Jamilatuz Zahrah, and Lisa Hertiana. 2024. "Perceraian Dan Penguatan Hak-Hak Perempuan: Reformasi Hukum Keluarga Di Mesir, Indonesia Dan Pakistan." *Bustanul Fuqaha: Jurnal Bidang Hukum Islam* 5 (1): 1. <https://doi.org/10.36701/bustanul.v5i1.1388>.
- Annur, Cindy Mutia. 2023. "75% Kasus Perceraian di Indonesia Diajukan Pihak Istri." *Databoks*. <https://databoks.katadata.co.id/datapublish/2023/11/02/75-kasus-perceraian-di-indonesia-diajukan-pihak-istri>.
- Armiadi, Armiadi, and Muhamad Al-Fattah Bin Abu Bakar. 2018. "Peran Hakam (Juru Damai) dalam Mengatasi Perceraian (Studi Di Jabatan Kehakiman Syari'ah Pulau Pinang, Malaysia)." *El-Usrah: Jurnal Hukum Keluarga* 1 (1): 1. <https://doi.org/10.22373/ujhk.v1i1.5563>.
- Azwar, Saefuddin. 2005. *Metode Penelitian*. Yogyakarta: Pustaka Pelajar.
- Bintania, Aris. 2012. *Hukum Acara Peradilan Agama Dalam Kerangka Fiqh Al-Qadha*. Cet. 1. Jakarta: RajaGrafindo Persada.
- Bisri, Hasan. 2003. *Peradilan agama di Indonesia*. Cet. 4. Jakarta: PT Raja Grafindo Persada.
- Cahyani, Andi Intan. 2019. "Peradilan Agama Sebagai Penegak Hukum Islam Di Indonesia." *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 6 (1): 1. <https://doi.org/10.24252/al-qadau.v6i1.9483>.
- Dewi, Sartika. 2020. "Proses Mediasi Dalam Perkara Percerian di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi di Pengadilan." *Justisi: Jurnal Ilmu Hukum* 5 (1): 1. <https://doi.org/10.36805/jjih.v5i1.1268>.
- Fadhli, Surya, Rizki Amar, and M. Rezeki Rachmatullah. 2024. "Intervensi Orang Tua Dalam Rumah Tangga Anak Pada Masyarakat Sei Lekop, Bintan: Tinjauan Sosiologi Hukum Islam Dan Strategi Membangun Keharmonisan Keluarga." *Bulletin of Community Engagement* 4 (3): 725–34. <https://doi.org/10.51278/bce.v4i3.1693>.
- Ghozali, Abdul Rahman. 2003. *Fiqh munakahat*. Jakarta: Kencana.
- GoodStats Data. 2024. "Perselisihan dan Pertengkaran Jadi Faktor Utama Perceraian di Indonesia." *GoodStats Data*. <https://data.goodstats.id/statistic/perselisihan-dan-pertengkaran-jadi-faktor-utama-perceraian-di-indonesia-DP5xg>.
- Guntara, Yudi. 2019. "Aktivitas Mediasi Dalam Menanggulangi Kasus Percerian di Pengadilan Agama Bandung." *Mutawasith: Jurnal Hukum Islam* 2 (1): 1. <https://doi.org/10.47971/mjhi.v2i1.149>.



ORIGINAL ARTICLE

OPEN ACCESS

- Islami, Wirda Hairani dan syawaluddin. 2018. "Probalematika Mediasi Dalam Kasus Percerian di Mahkamah Syariah Langsa." *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 5 (1): 1. <https://doi.org/10.32505/qadha.v5i1.959>.
- Jufri, Andi Sartika, Lomba Sultan, and Fatmawati. 2023. "Problematika Mediasi Pada Kasus Perceraian Karena Adanya Pihak Ketiga di Pengadilan Agama Enrekang Perspektif Hukum Islam." *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 4 (2): 2. <https://doi.org/10.24252/qadauna.v4i2.29964>.
- Lailany, Rezky, and Muh Sudirman. 2020. "Efektifitas Mediasi Dalam Kasus Perceraian di Pengadilan Agama Makassar." *Supremasi: Jurnal Pemikiran, Penelitian Ilmu-Ilmu Sosial, Hukum Dan Pengajarannya* 14 (2): 96–111. <https://doi.org/10.26858/supremasi.v14i2.13142>.
- Minuchin, Salvador. 2018a. *Families and family Therapy*. London: Routledge.
- . 2018b. "Structural Family Therapy." In *Families and Family Therapy*, 1–11. London: Routledge.
- Muarif, Moh Syamsul. 2020. "Peran Hakam Dalam Perkara Cerai Gugat Dengan Alasan Syiqaq." *Minhaj: Jurnal Ilmu Syariah* 1 (1): 1. <https://doi.org/10.52431/minhaj.v1i1.276>.
- Musawwamah, Siti. 2014. "Mediasi Integratif di Pengadilan Agama Pamakasan." *Nuansa: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam* 11 (2): 2. <https://doi.org/10.19105/nuansa.v11i2.537>.
- Mustika, Dian. 2018. "Efektivitas Mediasi Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Jambi." *Al-Risalah* 15 (02): 02. <https://doi.org/10.30631/al-risalah.v15i02.370>.
- Muzammil, Iffah. 2019. *Fiqh Munakahat (Hukum Pernikahan Dalam Islam)*. Tangerang: Tira Smart.
- Muzamzil, Ach, and Rudi Hermawan. 2024. "Efektivitas Mediasi Terhadap Penyelesaian Perkara Perceraian Di Pengadilan Agama." *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6 (1): 1. <https://doi.org/10.47467/as.v6i1.5910>.
- Nasrul, Edi. 2025. "Angka Perceraian Masih Tinggi, Program Ini Jadi Solusi Tekan Peningkatan Cerai | Republika Online." <https://news.republika.co.id/berita/sv1zm2451/angka-perceraian-masih-tinggi-program-ini-jadi-solusi-tekan-peningkatan-cerai>.
- Nur, A. Muhammad, and Abdi Wijaya. 2020. "Problematika Mediasi Dalam Perkara Perceraian (Studi Perkara Perceraian Di Pengadilan Agama Sungguminasa Periode Januari-Desember 2018)." *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab*, ahead of print, 2020. <https://doi.org/10.24252/shautuna.v1i2.13725>.



ORIGINAL ARTICLE

OPEN ACCESS

- Prasetyowati, Tri, and Bakhrudin All Habsy. 2024. "Teori Dan Praktik Konseling Keluarga: Studi Literatur." *Jurnal Pemikiran dan Kajian Pendidikan* 8 (11). <https://oaj.jurnalhst.com/index.php/jpkp/article/view/5404>.
- Priyatama, Agung Hadi. 2022. "Efektifitas Mediasi Oleh Mediator Dalam Perkara Cerai Di Pengadilan Agama Krui." Tesis, Pascasarjana Univerisitas Islam Negeri Raden Intan Lampung.
- Rohman, Moh Mujibur. 2024. "Menakar Efektivitas Mediasi Pasca Regulasi PERMA Nomor 1 Tahun 2016 (Studi Analisis Pengadilan Agama Pamekasan)." *Al-Khidmah: Jurnal Pengabdian Kepada Masyarakat* 4 (2): 2. <http://ejournal.kopertais4.or.id/madura/index.php/khidmah/article/view/7479>.
- Sapitri, Neng Tessa Rahmawati, Asti Sri Mulyanti, and Prahasti Suyaman. 2023. "Problematika Mediator dalam menangani Mediasi kasus di Pengadilan Agama Kota Sukabumi." *Inicio Legis* 4 (1): 1. <https://doi.org/10.21107/il.v4i1.20833>.
- Sugiono. 2008. *Metode Penelitian Kuantitatif Dan Kualitatif Dan R&D*. Bandung: Alfabeta.
- Syahaeni, Andi. 2014. "Konseling Perkawinan/Keluarga Islami." *Al-Irsyad Al-Nafs : Jurnal Bimbingan dan Penyuluhan Islam* 1 (1): 1. https://journal.uin-alauddin.ac.id/index.php/Al-Irsyad_Al-Nafs/article/view/2554.
- Talli, Abdul Halim. 2015. "Mediasi dalam PERMA Nomor 1 Tahun 2008." *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam* 2 (1): 1. <https://doi.org/10.24252/al-qadau.v2i1.2635>.
- Tihami, H. M. A, and Sohari Sahrani. 2010. *Fikih munakahat: kajian fikih nikah lengkap*. Jakarta: Rajawali Pers.