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FAMILY RESILIENCE COUNCELLING MODEL IN REDUCING THE DIVORCE AT RELIGIOUS COURTS CLASS I-A PONTIANAK

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ABSTRACT

This research is motivated by the high divorce rate and the implementation of the mediation process in Religious Court Class I-A Pontianak in 2020-2021. The objectives of this research are to find out the factors causing the high divorce rate and how the mediation process is implemented. This research applied qualitative research methods. The research techniques used were documentation and interviews. This research reveals that: 1. The factors causing the high divorce rate in the Religious Court Class I-A Pontianak in 2020-2021 are: disputes and quarrels; economic problems; leaving their spouses; gambling; and domestic violence (KDRT), and 2. The mediation process carried out by the mediator is based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 Year of 2016, namely (a) submit a resume of the case to the mediator, the mediation process is not more than 30 days from the determination; (b) the material will be completed based on the problems experienced; (c) the mediator can invite the experts or community figures who can help resolve the problem with an agreement between the two parties and the mediator, and (d) if the mediation process is successful, the mediator is obliged to issue a peace treaty or agreement. This research provides recommendations: (a) academically, the opportunity to become a non-judge mediator can be fulfilled by alumni of the Islamic Guidance and Counselling Study Program who have taken mediator training; and (b) the mediator's ability and skills in the mediation process and the intense desire of the married couple to unite can reduce the rate of divorce.

Keywords: Islamic Counseling Guidance, Family Resilience, Divorce

INTRODUCTION

The high divorce rate in all regions of Indonesia in 2020-2021 (covid-19 period) is 500-800 cases. The low success of mediation of divorce cases in the Rembang Religious Court only reached 7 cases out of 4,523. The gap between the results of the mediation and the registered case is the interest of researchers in further research in the mediation process at the Pontianak Class I-A Religious Court.

The results of previous studies have shown that the factors causing divorce include the non-fulfillment of life needs, the occurrence of physical/psychic violence, moral crises, the presence of third people, and unhealthy polygamy (Isnawati Rais, 2014). Puspitawati et al (2021) stated that the high divorce rate during the COVID-19 pandemic was influenced by various factors, but it can be said that the highest factor was the changes in family economic conditions which triggered conflict. Diyah Puspitarini said that divorce did not maximize communication between husband and wife, Diyah added that economic factors are also a strong cause of many couples choosing divorce because of the loss of work during the pandemic. Chairman of PA Serang (Effendy, 2020) revealed that the reason for the divorce during the pandemic was caused by economic factors as well as a third person in his household. Based on some of the previous studies above, researchers are interested in knowing the mediation process that has been carried out by judge and non-judge mediators in religious courts.

The mediation process is important to be carried out as a means of mediating in the event of conflicts between the two sides in various problems in the family. Issues discussed in the family include divorce, inheritance disputes, grants, land disputes, child guardianship. The mediator or mediator plays a role in connecting communication that misunderstands, miscommunication so that by mediation, it is hoped that the problem will be open to be resolved and re-addressed. Sunarsi et al. (2018) said that the mediation of divorce cases in the Religious Courts is still not effective. The average mediation achievement rate is below 20%. The factors that influence the Mediator's role in achieving mediation are: 1) The mediator's understanding of procedural law in Religious Court, 2) Concern and focus to help the parties in finding the best solution, 3) Have insight into social psychology. Have effective listening skills and communication techniques according to the spiritual condition of the parties. Based on this research, it can be concluded that the importance of the mediator's competence in psychology and effective communication skills can influence the mediation process, ended by divorce or reconcile marriage. Thus, researchers are interested in finding out the factors that cause divorce and the mediation process in Religious Courts that handle divorce cases. Considering that the competence of mediators is similar to the competence of graduates of Islamic Guidance and Counseling Study Programs. This provides opportunities for alumni to become non-judge mediators.

This research used qualitative methods, with documentation and interview techniques. Documentation obtained from religious court documents, Recapitulation of divorce 2020 -2021. Interviews were conducted with the Judges as well as mediators, non-judge mediators and mediators from the clerk. An unstructured and in-depth interviews were conducted to find out the mediation process they carried out in the role of mediators in the Religious Court class I-A Pontianak.

RESEARCH METHOD

The research method used in this study is research and development known as (*R&D*). The use of this method is based on a study in the application of the model resulting from rational validation and theory development, to produce an appropriate

model in reducing the divorce rate in the Pontianak Class I-A Religious Court through counseling and guidance of Islamic family resilience.

This type of research is a literature review and development of Islamic counseling guidance theory of family resilience in building family resilience which is described qualitatively. Development research is defined as a systematic study of the process of designing, developing, evaluating activity programs, and products to meet the criteria for internal consistency and effectiveness of program use (Richey et al. 2002).

Furthermore, the results of this study are stated; (1) development research is a study of the process and specific influence of the impact of designing and developing a learning process or activity, (2) development research is the development of products, development of evaluation of the process of learning activities / activities, and (3) is a process study in whole or part of the learning design, development, and evaluation process.

This research is also called design research (*Plomp*, 2010:13) design research is a systematic study of the process of designing, developing, and evaluating programs, learning strategies and their tools as solutions to complex problems in education. This research aims to improve knowledge about the characteristics of the design and development process.

The research placed at the Class I-A Religious Court in Pontianak City, starting from June to August 2022. The data collection techniques applied are interview, observation and documentation techniques. The steps of data analysis techniques are:

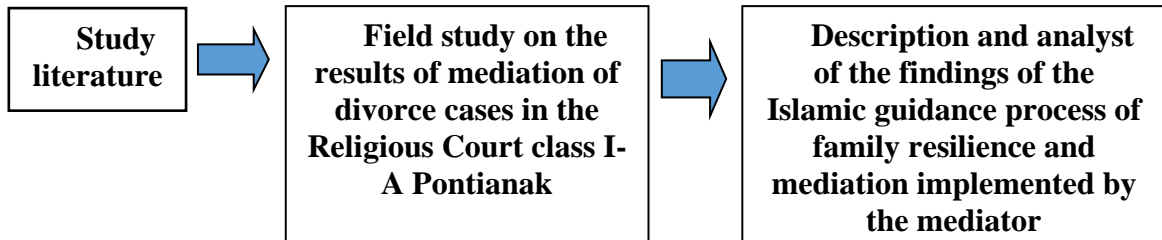
a. Model Research and Development Steps

- 1) Collecting data, relating to the results of the mediation that has been carried out to the petitioners in divorce cases. Trial proceedings and interviews with mediators in providing religious guidance and family resilience counseling services are factual and *up to date*. through theoretical and empirical studies and observations on improving the results of the mediation that has been carried out.
- 2) Designing model development, produced in *Research and Development* research, is the development of theories related to the Islamic counseling guidance model for family resilience with appropriate and effective measures according to the program that has been implemented. However, the design of this counseling technique is still a hypothetical model. However, it does not rule out the possibility of testing the hypothetical model in the next study.
- 3) Validate the model design. Design validation is an activity to assess whether the product design. In this case Islamic counseling guidance on family resilience in mediation will rationally be more effective. Validation here is a judgment based on rational thinking, reducing the divorce rate in the Pontianak Class I-A Religious Court. Efforts to improve the mediation process in PA by applying Islamic guidance and counseling techniques for family resilience as a hypothetical model. After validation with the mediators who followed the mediation, the researcher further improved the design that would be applied as a formulation of theory development and as the final step in the research method "*Research and Development*" (Sugiyono, 2008: 434) .
- 4) Model Design Formulation aims to improve the design. After the finishing product design, it is validated through discussions with experts and other experts.

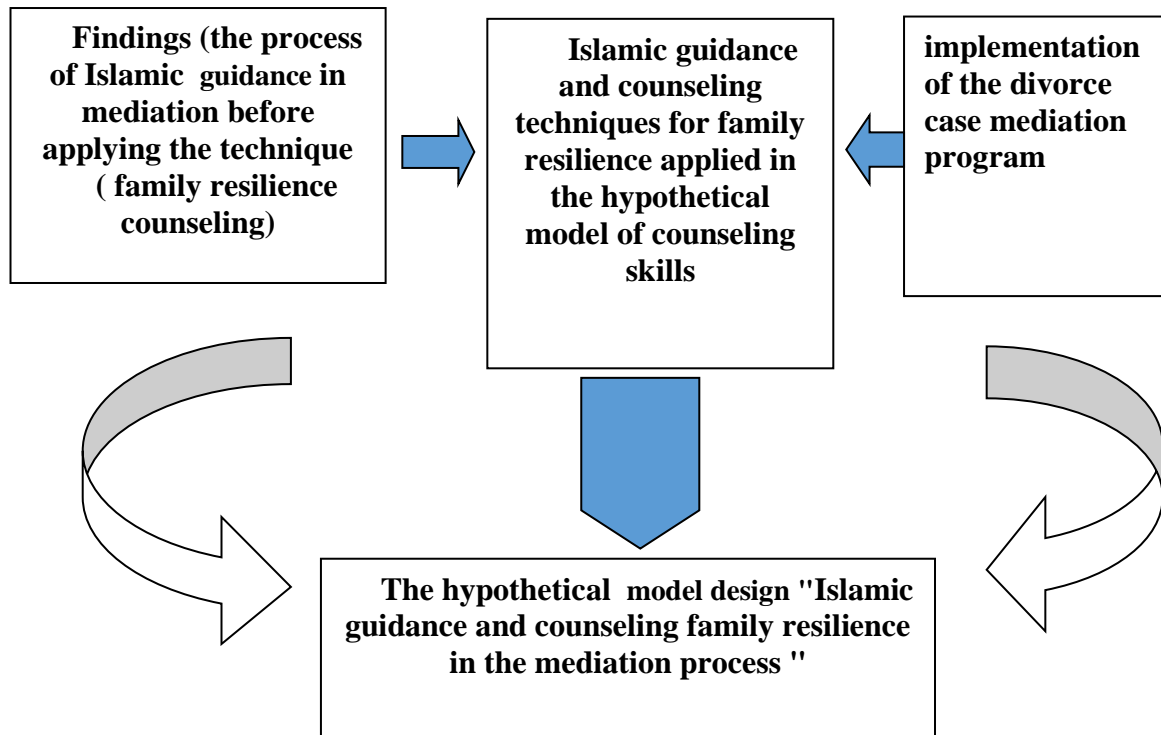
b. Stages in Research and Development Research Methods

- 1) Previous literature

In this preliminary stage, researchers examine products that exist, to determine the specification of their advantages and disadvantages. Based on these advantages and disadvantages, researchers conduct *study literature* (theoretical studies and relevant research / experience results). The researcher will design the model as illustrated in the following scheme/figure:



2) study of hypothetical model development (mediation with religious guidance techniques and family resilience counseling)



Hypotetic Model Design

The design of hypothetical model development in this study is to conduct a thorough analysis / study with the following steps:

- a. Conducting a field study on the results of mediation of divorce cases at the Pontianak Class I-A Religious Court as a place / location in the conduct of research.
- b. Finding findings of the implementation of the process in mediation conducted by a mediator before applying the technique of Islamic Counseling Guidance Resilience outga on the filing of divorce cases.
- c. Describing and analyzing the findings of the Islamic guidance process of family resilience and mediation carried out by the mediator to find out the gap that occurs

between the filing of the divorce case and the result of the mediation that has been carried out by the mediator.

- d. Formulating the islamic conseling and guidance model of family resilience which is applied in the mediation process activities carried out in the filing of divorce cases in the Pontianak Class I-A Religious Court.
- e. Making a hypothetical model design islamic conseling and guidance family resilience in the mediation process by conducting rational validation through a discussion forum among research team, judges, and mediators involved in the divorce case in the Pontianak Class I-A Religious Court.

Furthermore, the results of this study are stated; (1) development research is a study of the process and specific influence of the impact of designing and developing a learning process or activity, (2) development research is the use and development of products, development of evaluation of the process of learning activities / activities, and (3) is a process study in whole or part of the learning design, development, and evaluation process.

This research is also called design (*Plomp*, 2010:13) design research is a systematic study of the process of designing, developing, and evaluating programs, learning strategies and their tools as solutions to complex problems in education. This research aims to improve knowledge about the characteristics of the design and development process.

RESULT AND DISCUSSION

A. Research Location Profile

The Religious Court is one of the organizers of judicial power that provides legal services to justice-seeking people who are Muslims regarding certain civil cases. Class I A Pontianak Religious Court which is located at Jl. Jendral Ahmad Yani No. 8, Bangka Belitung Darat, Southeast Pontianak District, Pontianak City. This court is also adjacent to the Military Court and also the Pontianak Administrative Court. The area of the Pontianak Class I-A Religious Court sdiction includes Southeast Pontianak (Bansir Laut, Bansir Darat, Bangka Belitung Laut, Bangka Belitung Darat), Pontianak Selatan (Benua Melayu Darat, Benua Melayu Laut, Akcaya, Parit Tokaya and Kota Baru), Pontianak Kota (Darat Sekip, Tengah, Mariana, Sungai Bangkong, Sungai Jawi), Pontianak Barat (Sungai Jawi Dalam, Sungai Jawi Luar, Pal Lima, Sungai Beliung), East Pontianak (Tanjung Hulu, Tanjung Hilir, Tambelan Sampit, Banjar Serasan, Dalam Bugis, Saigon, Parit Mayor), North Pontianak (Siantan Tengah, Siantan Hulu, Siantan Hilir and Batu Layang).

The decree of the Minister of Religious Affairs Number 4 of 1958 stated that the legal area of the Religious court / Mahkamah shari'ah was the same as the legal area of the local District Court, so at that time the Pontianak Religious Court / Shari'a Court was the municipality and Pontianak Regency which had its capital in Mempawah. The Pontianak city consists of 4 (four) districts, namely: North Pontianak, South Pontianak, West Pontianak and East Pontianak. Furthermore, the area of Pontianak Regency divides 19 (nineteen) Districts, namely: Turmeric River, Mempawah Hilir, Toho, Braiding, Mempawah Hulu, Menyuke, Big Water, Pinyuh River, Foreman, Sengah Temila, Ngabang, Siantan, Sungai Kakap, Kubu, Sungai Ambawang, Teluk Pakedai, Sungai Raya, Terentang and Batu Ampar.

Concerning the publish of the Decree of the Minister of Religious Affairs Number 4 of 1958 concerning the Establishment of Religious Courts / Shari'a Courts in

Kalimantan, the status of Religious Courts / Shari'a Courts became clearer and starting September 1, 1960 the status of Staffing Employees of the Religious Hall Court changed from Swapraja Employees to Central Civil Servants. After Haji Azhari Jamaluddin retired in 1971 the Pontianak Religious Court experienced a leadership vacuum. So for the smooth running of daily duties while waiting for a definitive official, M. Zaini Mansyur who is also an employee of the Pontianak Religious Court / Shari'a Court was appointed as interim chairman, then in 1973 H. Suryani Muhdar was appointed as Chairman until 1976.

In August 2020 the position of Chairman of the Pontianak Religious Court, which was previously led by Drs. H. Darmuji, S.H. M.H, was replaced by Drs. H. Nana Supiana, M.H who previously served as Deputy of the Banjarmasin Religious Court was promoted to Chairman of the Pontianak Religious Court Class I.A until now.

B. Duties and Authorities

Based on Law No. 3 of 2006 jo. Law No. 2009 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, Religious Courts are in charge and authorized to examine, decide, and resolve cases in the first instance between people who are Muslims in the field, including: marriage, inheritance, wills, grants, waqf, zakat, infaq, shadaqah, and sharia economy. In addition to this authority, article 52A of Law No. 3 of 2006 states that the Religious Court gives istbat testimony rukyat hilal in determining the beginning of the month in the hijri year.

Religious Courts in addition to being given the duties and authorities as mentioned above, also have the following functions:

- a. The function of thep-engawasan, namely to supervise the implementation of the duties and conduct of the Judge, Clerk, Secretaries, and all their ranks (vide: Article 53 paragraph of Law No. 7 of 1989 jo. Law No. 3 of 2006); As well as against the general administration. (vide : Law No. 4 of 2004 concerning Judicial Power). The supervision is carried out on a regular basis by the Supervising Judge;
- b. The function of coaching, which is to provide direction, guidance and guidance to its ranks, both regarding judicial technical tasks, judicial administration and general administration. (vide: Article 53 paragraph (3) of Law Number 7 of 1989 which was amended by Law Number 3 of 2006 and the second amendment to Law Number 50 of 2009);
- c. Administrative function, which is to provide clerkship administration services for first-degree cases as well as confiscation and execution, appeals, cassation and review cases and other judicial administration. And provide general administrative services to all elements within the Religious Courts (Personnel, Finance and General Affairs);
- d. The function of advice, namely providing information, consideration and advice on Islamic law to government agencies in their jurisdiction, if requested as stipulated in Article 52 paragraph (1) of Law Number 7 of 1989 concerning Religious Justice which was amended by Law Number 3 of 2006 with the second amendment, namely Law Number 50 of 2009;
- e. Other functions, namely services to legal counseling, research and research and so on, as regulated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia. Number: KMA/004/SK/II/1991.

In accordance with the main duties and functions of the Pontianak Religious Court in 2016, it has established general policies as guidelines in the implementation of tasks to achieve organizational goals.

C. Analysis Research Results

This research was conducted descriptively by conducting interviews with judge mediators and non-judge mediators related to the mediation process in reducing divorce rates in the Pontianak Class I-A Religious Court. This interview will be the basis for the preparation of a model of Islamic Counseling Guidance on Family Resilience in Reducing Divorce Rates carried out by both judge and non-judge mediators. Here are the results of the research:

- a. Factors causing the increasing number of divorce cases in the Religious courts of class I-A of Pontianak city

Based on the results of the divorce case filing documents at the Class IA Religious Court, Pontianak city, the following data were obtained;

Figure 1.
Report on the Cause of Divorce at the Pontianak Religious Court Class I-A in 2020

LAPORAN PENYEBAB TERJADINYA PERCERAIAN
PADA PENGADILAN AGAMA PONTIANAK KELAS I-A
TAHUN 2020

BULAN	FAKTOR-FAKTOR PENYEBAB TERJADINYA PERCERAIAN													JUMLAH
	ZINA	MABUK	MADAT	JUDI	MENINGGALKAN SALAH SATU PIHAK	DIHUKUM PENJARA	POLIGAMI	KDRT	CACAT BADAN	PERSELISIHAN DAN PERTENGKARAN TERUS-MENERUS	KAWIN PAKSA	MURTAD	EKONOMI	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	16
JANUARI	-	-	-	-	-	-	-	3	-	78	-	-	23	104
FEBRUARI	-	-	-	-	-	-	-	-	-	65	-	-	10	75
MARET	-	-	-	-	4	-	-	-	-	79	-	-	10	93
APRIL	-	-	-	-	4	-	-	-	-	75	-	-	4	83
MEI	-	-	-	-	3	-	-	-	-	35	-	-	4	42
JUNI	-	-	-	-	1	-	1	-	-	25	-	-	5	32
JULI	-	-	-	1	12	-	0	1	-	69	-	-	23	106
AGUSTUS	-	-	-	2	2	-	-	1	-	90	1	-	19	115
SEPTEMBER	-	-	-	1	3	-	1	1	-	64	-	-	17	87
OKTOBER	-	-	-	-	5	-	1	-	-	73	-	1	9	89
NOVEMBER	-	-	-	-	11	-	-	1	-	73	-	-	14	99
DESEMBER	-	-	-	-	8	-	-	-	-	75	-	-	14	97
JUMLAH	0	0	0	4	53	0	3	7	0	801	1	1	152	

By: Kepaniteraan Hukum Pengadilan Agama Pontianak Kelas I A

Figure 2.
Report on the Cause of Divorce at the Pontianak Religious Court
Class I-A Pontianak in 2021

LAPORAN PENYEBAB TERJADINYA PERCERAIAN
PADA PENGADILAN AGAMA PONTIANAK KELAS I-A
TAHUN 2021

BULAN	FAKTOR-FAKTOR PENYEBAB TERJADINYA PERCERAIAN													JUMLAH
	ZINA	MABUK	MADAT	JUDI	MENINGGAL KAN SALAH SATU PIHAK	DIHUKUM PENJARA	POLIGAMI	KDRT	CACAT BADAN	PERSELISIHAN DAN PERTENGKARA	KAWIN PAKSA	MURTAD	EKONOMI	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	16
JANUARI	-	-	-	-	7	-	-	0	-	56	-	-	6	69
FEBRUARI	1	-	-	-	8	-	-	1	-	66	-	-	21	97
MARET	-	-	-	-	9	1	-	-	-	78	-	0	16	104
APRIL	-	-	-	-	8	-	-	-	-	82	-	1	12	103
MEI	-	1	-	-	5	-	-	-	-	47	-	-	13	67
JUNI	-	-	-	-	8	-	0	-	-	58	-	-	9	75
JULI	-	-	-	3	11	1	0	0	-	71	-	-	9	95
AGUSTUS	-	1	-	1	2	-	-	0	-	52	0	0	7	63
SEPTEMBER	-	-	-	2	8	1	0	1	-	60	-	1	19	92
OKTOBER	-	-	-	2	4	-	0	-	-	53	-	0	14	73
NOVEMBER	1	-	-	1	4	-	-	2	-	83	-	1	12	104
DESEMBER	-	-	-	-	8	-	-	-	-	75	-	-	14	97
JUMLAH	2	2	0	10	82	3	0	4	0	781	0	3	152	

By: Kepaniteraan Hukum Pengadilan Agama Pontianak Kelas I A

The above documents stated that the factors causing the occurrence of divorce were the highest number in 2020 (Pengadilan Agama Pontianak Kelas I-A, 2020) and 2021 (Pengadilan Agama Pontianak Kelas I-A, 2021), namely first disputes and quarrels. On this issue, of course, it is not far from misunderstandings or differences of opinion between husband and wife regarding household duties, because one party feels that they have a heavy burden, as experienced by a wife in this era they spend more time at work than at home. This is what arises from a small dispute and quarrel. Starting with a small problem, it can be a big problem because it is linked to all the problems that do not exist into existence.

Secondly, economic factors. This problem often occurs in every family, because the current level of needs is increasing but income is lacking. In addition, improper financial arrangements make the necessities of life always lacking, and there are often differences of opinion, even comparing salary results. Matondang's research (2014:144) suggests that one of the beginnings of domestic disputes is when the husband has not been able to meet daily needs that lasts for a long time, until finally the wife feels disappointed and suffers and this is a great potential to give rise to the desire for divorce.

Third, leaving one of the parties. For this problem, usually one of the parties works as a TKI (Indonesian Labor) and rarely returns home which results in one of them again feeling that their inner living is not fulfilled. According to Dariyo (Dariyo, A., & Esa, 2004), the existence of this long-term physical separation causes each other's psycho-emotional state to become unbalanced, thus ultimately choosing to leave the partner.

Fourth, Gambling. Related to this problem, the husband or wife played *online* gambling without the knowledge of one of the parties which caused the family economy to decline, because they had spent a lot of money to play online gambling. It is undeniable that this gambling can lead to long-term dependence. The budget that should be used for

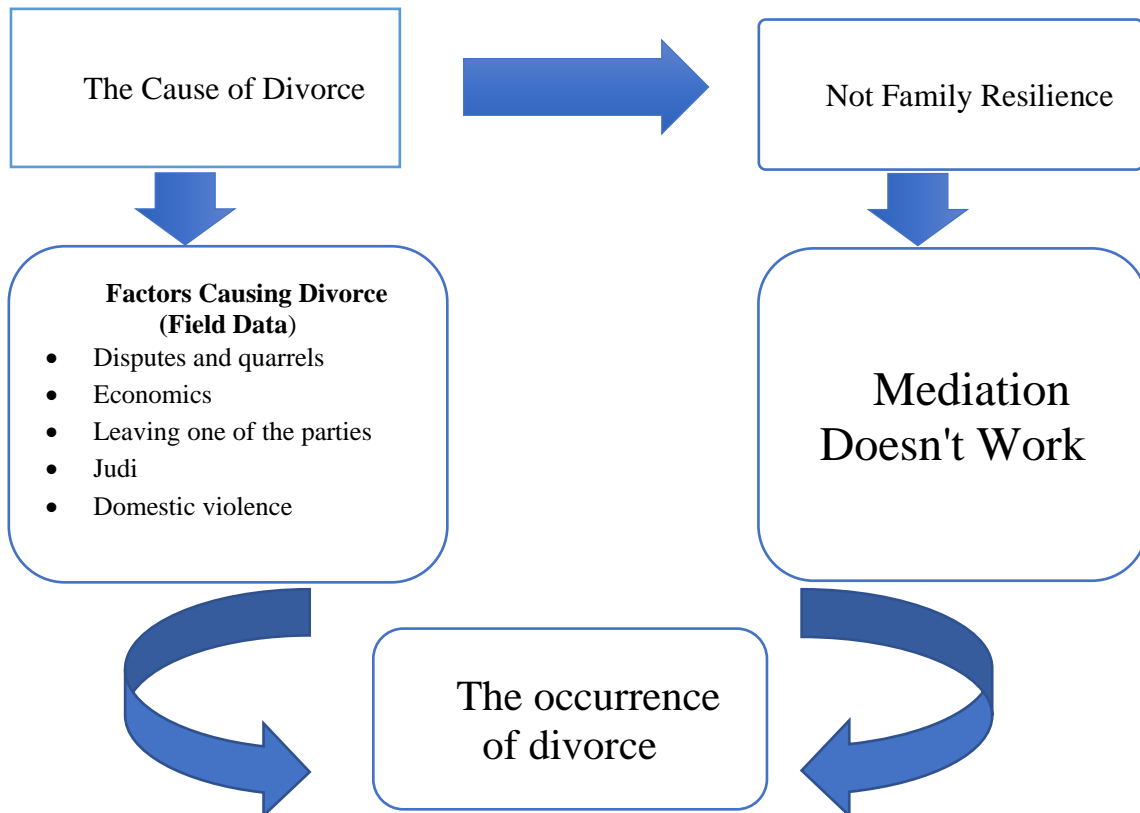
the daily needs of the family has been reduced. The family cannot enjoy a safe and prosperous life so it always suffers financially (Dariyo, 2004:95).

Fifth, domestic violence is domestic violence that is often in the family. The forms of domestic violence include physical violence, psychic (emotional) violence, sexual violence, and even domestic neglect. This problem often occurs with wives and choosing to file for divorce. Previous research has found that domestic violence is caused by husbands who have bad character such as drunkenness which causes an inability to control emotions (Wijayanti, 2021:20).

There are some of the factors that cause divorce above have often occurred in the family, starting from misunderstandings, differences of opinion, comparing salary results, lack of religious knowledge, even age that is not mature enough is also the impact of a problem to the cause of divorce. In addition, this was also conveyed by the judge mediator and non-judge mediator in the interview process that "The factors causing divorce are domestic violence, leaving one of the parties, economic factors, excessive lifestyle, and even internal domestic conflicts".

In the matter of divorce this is difficult to measure, because it is related to the heart or feelings. If one of the parties has no feelings and affection anymore, it will be difficult to reunite. On the other hand, if one party still has love and affection, it is easy for the mediator to find an opening to reunite them, namely by communicating well like a confidant.

Therefore, some of the problems above are the causes of divorce or separation of husband and wife in the family. The impact of this problem will be felt by both families who accidentally break the relationship and on their children because they see events that should not happen to make them stressed, lack of affection, traumatized, and depressed.



- b. The mediation process carried out by the mediator on divorce cases in the Religious Court class I-A of Pontianak city

Before entering the mediation process, it can be seen that the types of cases that are required to undergo mediation are explained in the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2016 Chapter II article 4 (Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Bab II Pasal 4, 2016), namely "All civil disputes submitted to the court including cases of resistance (*verzet*) to verstek decisions and resistance of litigants (*partij vertez*) and third parties (*derden vertez*) against the execution of a judgment which has permanent legal force, it shall first seek a settlement through mediation, unless otherwise provided under this Supreme Court Rule". From this explanation, all types of cases can be resolved through mediation, be it related to issues of divorce, polygamy, child custody, inheritance, and others.

The mediation process is also explained in the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2016, namely:

1. The parties may submit a resume of the case to the mediator selected by the parties, and the duration of the mediation process shall not exceed 30 days from the time of determination.
2. The material to be resolved is not fixated on the current issue, but the parties must amend the suit by including the agreement in the suit.
3. Then, the mediator can present experts or public figures who can assist the mediator in resolving the parties' case, but this requires an agreement between the two parties and the mediator.
4. If the mediation process is successful, the mediator must issue a peace letter which will later be re-examined by the Examining Judge of the Case to be corroborated in the Peace Deed. And the duties of the mediator, are obliged to report in writing the success of the mediation to the Examining Judge of the Case.
5. If the mediation process is unsuccessful, then the plaintiff can re-file a lawsuit against the party who did not reach a peace agreement. Then, if the mediation process is only partially successful, and other problems are not successful, then it is still said that the mediation process was not successful.
6. There are several obligations of the mediator in stating that the mediation did not succeed in reaching an agreement and notifying it in writing to the Examining Judge of the Case, namely:
 - a) The parties did not produce an agreement to a predetermined extent (30 days).
 - b) The parties were declared not in good faith in carrying out the mediation process.
7. There are several obligations of the mediator to declare that mediation cannot be carried out and notify it in writing to the Examining Judge of the Case, namely:
 - a) Involves assets, assets, or interests that are manifestly related to other parties, such as: (1) are not included in the lawsuit letter so that interested parties do not become parties to the mediation. (2) is included as a party to the suit letter, but is not present at the hearing, so it is not a party to the mediation process. (3) is included as a party, is present at the hearing, but never participates in the mediation process.
 - b) Involves the authority of ministries/institutions/agencies at the central/regional level and/or State-Owned Enterprises/Regions that are not

litigants, unless the relevant litigants have obtained written approval from those with the above authority.

c) The parties have no good i'tikad / intention in the mediation process.

After some of the mediator's obligations in reporting the mediation are unsuccessful or unenforceable, the Case Examining Judge will issue an order to continue the examination of the case in accordance with the provisions of the applicable procedural law.

It can be known that the mediation process is confidential and closed, unless the parties want someone else to be present in the mediation process. In addition, the mediation process must also be attended by the parties in person, even if they are unable to attend, the parties must provide a valid or reasonable reason. This is also explained in the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2016 concerning Mediation Procedures Chapter II article 6 (4) that the valid reasons for the absence of the parties in the mediation process include (1) health conditions that do not allow to attend as evidenced by a doctor's certificate; (2) under guardianship; (3) residing abroad; or (4) have professional or job demands that are difficult to leave behind.

From the explanation above, it has also been explained by the judge mediator and non-judge that there are several stages in the mediation process, namely "Before conducting a hearing, the litigant is obliged to participate in the mediation determined by the presiding judge, the mediation process runs for 30 days in several meetings. If the parties are still willing to carry out mediation, the examining judge of the case will apply for re-mediation carried out by the judge's mediator and the case continues, this is also called voluntary mediation. Thus, until the breaking of the case if her husband is present, i.e. there are three stages, (1) mediation; (2) the parties' answers, (3) the witnesses."

In addition, it was also explained by Mr. Abdul Samad Ibrahim, S.H as a non-judge mediator that "The mediator in overcoming the issue of divorce is to give direction and give a decision to both parties to maintain or not".

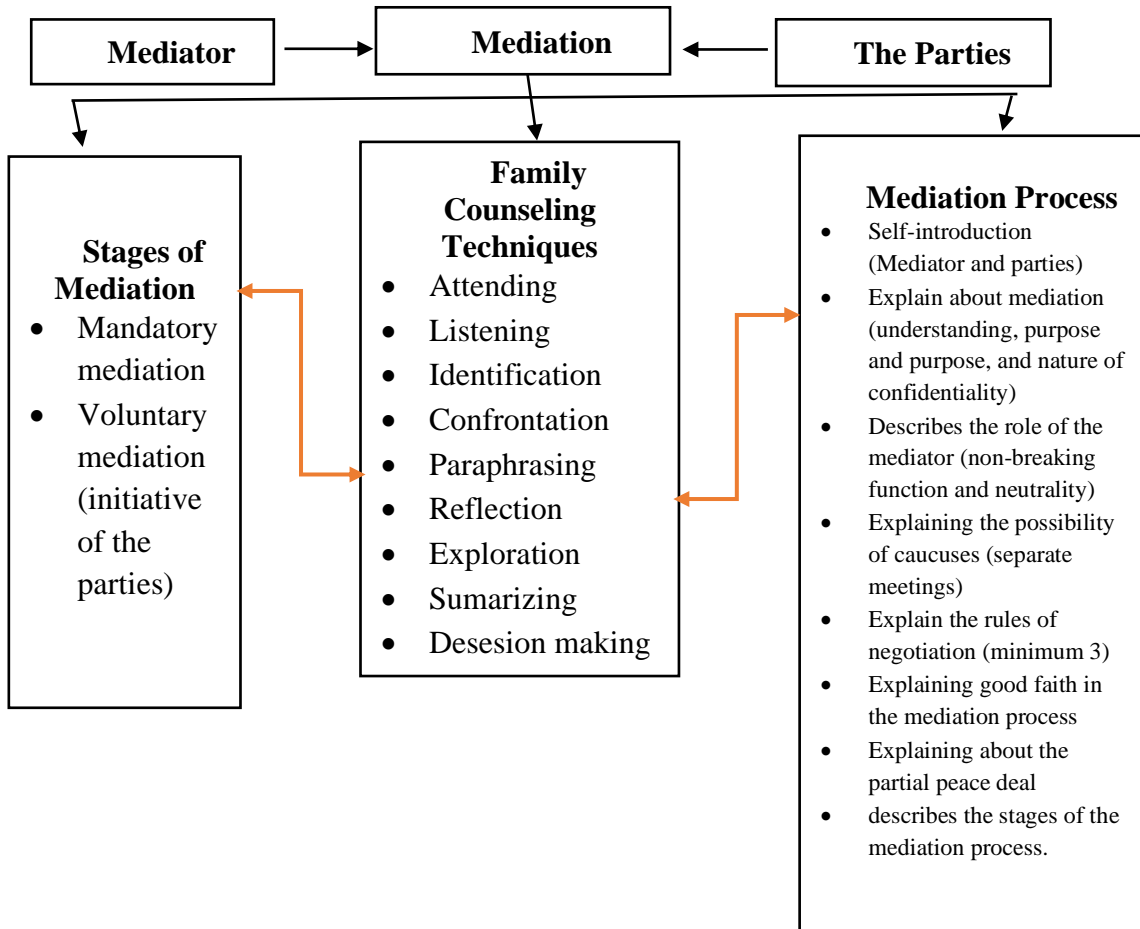
It is also the same explained by Nisa Istantri as a non-judge mediator said "As a mediator, you must be able to make a sense of comfort and good communication, as well as open the minds of the parties (*open-mind*) so that the parties can freely issue all their problems, and the mediator can also direct the best".

Furthermore, it was also explained by Mr. Arwin Indra Kusuma, S.Hi, M.H as a judge mediator at the Pontianak Class I-A Religious Court that "Related to divorce is difficult to resolve, because the problem cannot be measured by us. If one no longer likes their partner, it will be difficult to restore that liking again, therefore the mediator must be able to find loopholes in order to provide the best solution".

Furthermore, it was also explained by Mr. Arwin Indra Kusuma, S.Hi, M.H as a judge mediator at the Pontianak Class I-A Religious Court that "Related to divorce is difficult to resolve, because the problem cannot be measured by us. If one no longer likes their partner, it will be difficult to restore that liking again, therefore the mediator must be able to find loopholes in order to provide the best solution".

Mr. Tamimudari, M.H as the mediator of the judge at the Pontianak Class I-A Religious Court said that "One of the causes of many divorce cases is the lack of optimal mediation process. So, the task of the mediator is only to direct, not to insist. And the key word I use is to ask both parties is the prayer, whether it is perfect or not. So, we direct not to leave prayers. But not all judges advise in that way. This method can be called religious language".

In the mediation process, the solution in solving the problem is all left to the parties. Both parties can present each of these solutions in the mediation process, so that the mediator only directs, provides input, and obtains mutual agreement regarding the solutions provided by the two parties. If the matter is difficult to resolve in the mediation room, the mediator directs the parties to a caucus (separate meeting).

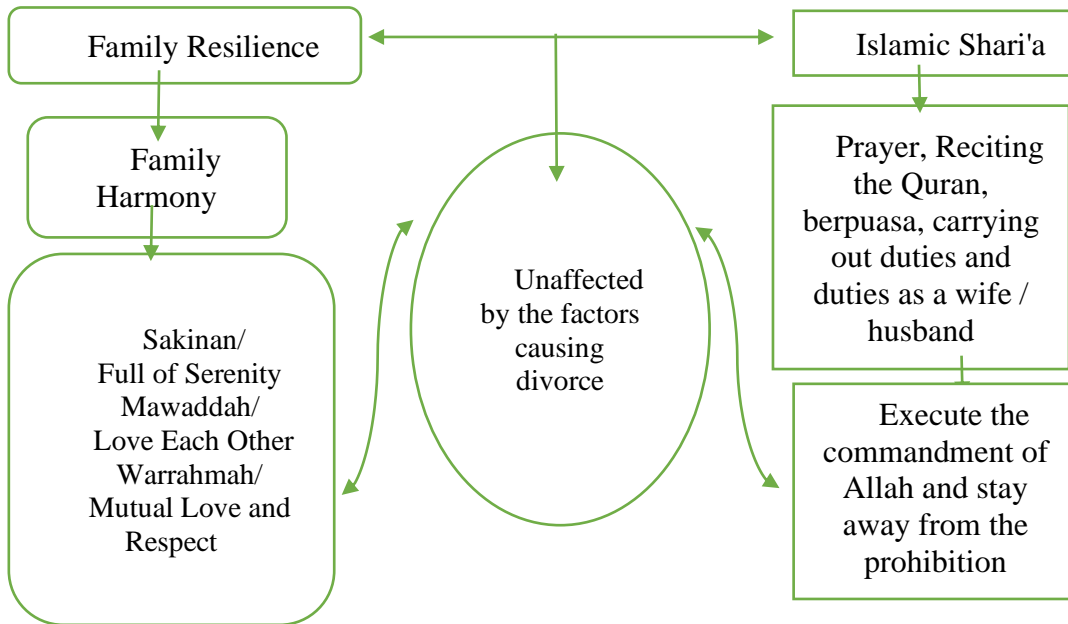


c. Model guidance counseling family resilience in reducing divorce rates in the Religious Court class I-A pontianak city

The Islamic counseling guidance model of family resilience isaform of religious counseling service that emphasizes more on the approach of religious valuesn in the family, to defend the family from the problems posed in divorce cases. Aftermediation, mediators always seek peace that occurs in divorce cases or other matters.

In implementing the family resilience guidance model, the mediator always provides religious services by reflecting on the application of Islamic religious teachings in daily life such as, carrying out mandatory five-time prayers, reading the Qur'an, as well as carrying out Allah's commands and staying away from His prohibitions.

The family resilience model referred to in this study is as follows:



CONCLUSION

Based on the results of the research above, it can be concluded that: 1) the factors causing the increase in the number of divorce cases in the Religious courts of class I-A pontianak city, namely first disputes and quarrels. On this issue, of course, it is from misunderstandings or differences of opinion between husband and wife regarding household duties. *Secondly*, economic factors. This problem often occurs in every family, because the current level of needs increases less income. In addition, the way of financial arrangements is not right/ unfair. *Third*, leaving one of the patner. For this problem, usually one of the parties works as a TKI (Indonesian Labor) and rarely returns home which results in one of the parties again feeling unfulfilled for their birth and mental livelihood, so they choose to leave it. *Fourth*, Gambling. Related to this problem, the husband or wife played online gambling without the knowledge of one of the parties which caused the family economy to decline, because they had spent a lot of money to play online gambling. *Fifth*, domestic violence is domestic violence that is often in the family. The forms of domestic violence include physical violence, psychic (emotional) violence; 2) The mediation process carried out by the mediator on divorce cases at the Religious Court class I-A in Pontianak city is assembled the mediation process is carried out in accordance with the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2016, namely: (a) The parties may submit a resume of the case to the mediator selected by the parties, and the duration of the mediation process shall not exceed 30 days from the time of determination; (b) The material to be resolved is not fixed on the current issue, but the parties shall amend the suit by including the agreement in the suit. (c) The mediator may present experts or public figures who can assist the mediator in resolving the parties' case by agreement between the two parties and the mediator. (d) If the mediation process is successful, the mediator shall issue a letter of peace which will be re-examined by the Examining Judge and in writing.

If the mediation process is not successful, then the plaintiff can re-file a lawsuit against the party who did not reach a peace agreement., if the mediation process is only

partially successful, then it is still said that the mediation process was successful. Some of the mediator's obligations in declaring mediation unsuccessful in reaching an agreement and notifying it in writing to the Examining Judge of the Case. In addition, it is the mediator's obligation to declare that mediation is unenforceable and notify it in writing to the Examining Judge of the Case, provided by applicable procedural law.

The recommendations that researchers can provide are: 1) Related to divorce, it is difficult to solve, because the problem cannot be measured. If one no longer likes his partner, it will be difficult to reunite them, therefore the mediator must have counseling communication skills, in order to understand and guide or giving direction the parties in making decisions; 2) One of the causes of many divorce cases is the lack of optimal mediation process. The mediator only directs and provides *self-awareness* by opening the minds of the parties using a religious approach or providing religious counseling guidance; 3) To become professional mediators, it is expected that prospective mediators will get practical counseling skills material and understand counseling psychology as a reinforcement in the implementation of mediation services appropriately. It is hoped that through mediation it can reduce the high number of divorce cases filed with religious courts.

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