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The Implementation of Substantive Justice in Mediation with Partial Success at the Tanjung Pati Religious Court: A Maqashid Sharia Review

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Abstract: The success of mediation does not necessarily depend on resolving the entire dispute or preserving the marriage. In divorce cases, mediation may facilitate agreements on specific issues, particularly the legal consequences of divorce, while unresolved matters proceed through court proceedings. This raises questions about the implementation of partially successful mediation and the legal status of the resulting agreements in promoting public benefit. This study aims to analyze the realization of substantive justice through partially successful mediation at the Tanjung Pati Religious Court from the perspective of maqashid sharia. This qualitative field study draws on primary data obtained through in-depth interviews with judges and mediators, including non-judge mediators, at the Tanjung Pati Religious Court. Secondary data were obtained from Judgment Number 490/Pdt.G/2025/PA.LK, mediation documents, and relevant literature. The data were analyzed using descriptive, comparative, and inductive methods. The findings indicate that partially successful mediation represents a realistic and adaptive approach to dispute resolution. As reflected in the judgment, this practice promotes substantive justice by facilitating agreements on the wife's post-divorce financial rights, including arrears of maintenance (*nafkah madhiyah*), maintenance during the iddah period, and a consolatory payment (*mut'ah*). From the perspective of maqashid sharia, this practice reflects public benefit at three levels: *dharuriyyat* (protection of essential rights), *hajiyyat* (reduction of conflict-related burdens), and *tahsiniyyat* (ethical considerations in providing mut'ah). This study concludes that strengthening a maqashid sharia-based mediation paradigm can promote meaningful justice and protect vulnerable parties.

Keywords: Substantive justice, mediation, partial success, religious court, maqashid sharia.

Introduction

The development of mediation practices, which have achieved partial success in divorce cases, shows that the resolution of family disputes does not always result in full reconciliation, but can also be directed toward reaching a partial agreement on the legal consequences of divorce that the parties can still negotiate. (Hamzah, Hasmulyadi, and Amirullah, 2021). This method of resolution finds its normative basis in Supreme Court Regulation Number 1 of 2016 on

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Mediation Procedures in Court, which opens the possibility for successful mediation within a certain scope, even if the substance of the case cannot be fully resolved (Mahkamah Agung Republik Indonesia, 2016). In practice, such agreements may cover issues ranging from custody, child support, and women's economic rights after divorce to disputes over joint property, which are then upheld in court rulings (Datumula, 2023). This phenomenon is also reflected in mediation practices at the Tanjung Pati Religious Court, where mediators play an active role in fostering mutual understanding on issues that can still be resolved amicably. In this context, mediation is no longer viewed merely as a procedural step, but rather as a dispute resolution tool with the potential to deliver substantive justice to the parties involved. (Ivanda and Syaputri, 2024). However, this practice raises questions regarding the extent to which mediation, which has achieved only partial success at the Tanjung Pati Religious Court, is capable of realizing substantive justice, as well as the extent to which its approach to dispute resolution aligns with the principles of justice from the perspective of Islamic legal philosophy.

Research on mediation in Religious Courts and its relationship to substantive justice in Islamic law is an evolving and compelling topic for study. A number of previous studies have addressed this topic from various perspectives, including the practice and effectiveness of mediation, the roles of judges and mediators, the perspective of Islamic law (islah), and the concept of substantive justice in Islamic law. From the perspective of practice and effectiveness, a study was conducted by Antasari (2016), Rahyu and Sugitanata (2022), Arifin et.al. (2025), Mutholib et.al. (2022), Najwan et.al. (2025), Taufiqurohman (2021), Wijaya et.al. (2021), and Yangto and Sayehu (2025). Meanwhile, from the perspective of the roles of judges and mediators, a study was conducted by Hariyanto et al. (2021) and Lizuardi et.al. (2017). A study of mediation from the perspective of Islamic law and its relationship to substantive justice is reflected in this research Kurniawan (2022), Nur (2024), Rahmadani et.al. (2023), Disantara and Neny (2024), Mukhlishin and Sarip (2020), Rizani et.al. (2023), Ramadhan et.al. (2025), Nur (2023), serta Rosadi et.al. (2021). Nevertheless, these studies differ fundamentally from the author's research. The difference lies in the focus of the study, as this research specifically examines mediation with partial success as the primary object of analysis to explore the implementation of substantive justice in cases of mediation with partial success at the Tanjung Pati Religious Court from the perspective of Islamic legal philosophy grounded in empirical practice.

This study aims to analyze the implementation of substantive justice in mediation with partial success at the Tanjung Pati Religious Court, particularly in the resolution of divorce cases. To clarify the direction of the study and define its scope, the author formulates two main questions; how is substantive justice implemented in mediation practices resulting in partial success at the Tanjung Pati Religious Court, and how are these practices examined from the perspective of Islamic legal philosophy within the framework of the maqashid sharia, which includes dharuriyyat, hajiyyat, and tahsiniyyat. The urgency of this research is supported by a number of relevant arguments. Abu Ishaq al-Shatibi (in Zuhdi and Nasir, 2024) emphasizes that the purpose of Islamic law is to promote the welfare of humanity by protecting basic needs, a concept later developed by Jasser Auda (2008) by adopting the maqashid sharia as a systemic approach to ensure that the law remains responsive to social dynamics. In the context of national law, Satjipto

Rahardjo (2009) it also emphasizes that the law must not stop at formal certainty alone, but must be capable of delivering substantive justice that is alive within society. Based on this argument, research on the implementation of substantive justice in dispute resolution practices at the Tanjung Pati Religious Court is essential to understanding its relevance in religious judicial practice and its alignment with the principles of maqashid sharia.

Methods

This study employs a qualitative field research design. The data consist of primary and secondary sources. Primary data were collected through interviews with five judge-mediators and one non-judge mediator at the Tanjung Pati Religious Court, as well as through observations of mediation practices and document examination. According to Sugiyono (2019), participants in qualitative research are selected purposively based on specific considerations to obtain relevant and in-depth information. Secondary data were obtained from legal documents, including Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court, court judgments, partial settlement agreements, and relevant scholarly articles on mediation and justice in Islamic law. In qualitative research, participants are selected purposively based on specific criteria to obtain relevant and in-depth information (Sugiyono, 2019). Secondary data are obtained from legal documents, including Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court, court judgments, partial settlement agreements, and relevant scholarly articles on mediation and justice in Islamic law.

The method used to collect data for this study was in-depth interviews. According to Muhajir (2020), The method used to collect data for this study was in-depth interviews. According to Muhajir (2020), in-depth interviews yield high quality and valid data. Additional supporting data was obtained through a review of legal documents, which were read and analyzed directly. To ensure the validity of the data, this study employed source triangulation by comparing the interview results from judge mediators and non judge mediators with relevant legal documents, including Judgment Number 490/Pdt.G/2025/PA.LK, partial settlement agreements, and laws and regulations pertaining to mediation. This technique was employed to ensure the consistency of information and enhance the validity of the research findings.

Once the data have been collected, they will be classified according to specific questions and then organized for this study. This study employs descriptive, comparative, and inductive analyses. Descriptive analysis is used to describe and explain the phenomena under study in a narrative manner, as stated by Moleong (2015). Comparative analysis is used to compare empirical findings, informants' perspectives, and legal documents with relevant theories in order to identify similarities and differences in meaning regarding the subject under study. Furthermore, inductive analysis is used to derive general insights from various specific findings regarding the implementation of substantive justice in partially successful mediation practices. The overall results of this analysis are then examined from the perspective of Islamic legal philosophy through the framework of maqashid sharia, which encompasses *dharuriyyat, hajiyyat,* and *tahsiniyyat.*

Result and Discussion

Substantive Justice in Mediation with Partial Success

Mediation practices at the Tanjung Pati Religious Court show that dispute resolution, particularly in divorce cases, does not always result in a full reconciliation. In practice, resolutions are also achieved through "*partial mediation*", characterized by an agreement on specific aspects that can still be resolved. This situation indicates that mediation does not focus solely on the formal resolution of cases but also provides an opportunity for the realization of more substantive justice for the parties involved.

The success of such partial mediation is not determined solely by the procedural mechanisms set forth in laws and regulations, but is also influenced by the mediator's active role in facilitating communication and formulating agreements among the parties. In this context, mediation serves as a means of identifying and resolving specific aspects of the dispute that can still be agreed upon, even though the main issue remains pending in court proceedings. Thus, mediation with partial success demonstrates a form of dispute resolution that is more flexible and responsive to the parties' actual needs.

Regarding the conduct of mediation in divorce cases, Asmeilia, as a judge-mediator, explained that:

> *"As mandated by PERMA Number 1 of 2016, every divorce case must first go through a mediation process. In practice, mediators do not merely carry out formal procedures but also facilitate communication between the parties through various techniques, such as reframing, problem-solving, and caucuses, to help the parties find possible solutions to the issues they face"* (Asmeilia, 2026).

Munzir, Head of the Office of Religious Affairs (KUA) for the Tanjung Pati Subdistrict, expressed a similar view. According to him, the mediation process at the Tanjung Pati Religious Court is essentially a forum for dialogue that brings the parties together to express their wishes and explain the issues they face. In practice, the mediator acts as a facilitator who bridges communication so that the parties can find common ground on aspects that can still be resolved, thereby opening the possibility of reaching an agreement, whether in full or in part (Munzir, 2026). This opinion is reinforced by Rizky Elia, a judge at the Tanjung Pati Religious Court, who views mediation as a space for reopening communication that has been cut off due to prolonged conflict. According to him, the parties often arrive carrying unspoken emotional burdens, making the mediator's role crucial in creating an atmosphere that allows them to listen to one another and unravel the issues they face (Elia, 2026).

Based on these three statements, the practice of mediation at the Tanjung Pati Religious Court is understood not only as a procedural step but also as a space for dialogue to open communication and reconcile the parties' interests. Asmeilia explained that the use of reframing, problem-solving, and caucus techniques demonstrates that mediators do not merely perform administrative functions but also help the parties view the dispute more clearly and rationally. This view was reinforced by Munzir, who described mediators as facilitators of dialogue who seek common ground on aspects of the dispute that can still be resolved, either in whole or in part. Meanwhile, Elia views mediation as a space for restoring communication following emotional conflict so that the parties can listen to one another and

release their psychological burdens. These findings indicate that mediation works simultaneously on procedural, communicative, and relational-emotional dimensions. In this context, the quality of the mediator's interpersonal communication is a key factor in determining the success of the mediation process, as emphasized in the study by Dewi, Pragawati, and Andriyati (2025) which found that interpersonal communication mediated by empathy, clarity, and active participation plays a significant role in shifting the parties' orientation from conflict toward mutual understanding.

Compared to modern mediation theory, mediation practices at the Tanjung Pati Religious Court align with facilitative mediation and transformative mediation. The reframing and problem-solving techniques described by Asmeilia reflect Christopher W. Moore's approach to facilitative mediation (2014), in which the mediator helps the parties understand the conflict and find a resolution through constructive communication. Meanwhile, Munzir and Elia's approach, which emphasizes dialogue, emotional openness, and the restoration of communication, is more closely aligned with Bush and Folger's transformative mediation (2005) which is focused on empowerment and mutual recognition among the parties. These findings are consistent with the study by Ismayawati, Aristoni, and Chaedar (2024) and Dewi et.al. (2025) which emphasizes that the success of mediation lies not only in a formal resolution, but also in the mediator's ability to foster safe, empathetic, and participatory communication. Thus, mediation practices at the Tanjung Pati Religious Court demonstrate a close alignment with the contemporary mediation paradigm, which places the quality of dialogue at the heart of dispute resolution.

From all these findings, it can be concluded that the implementation of substantive justice in mediation at the Tanjung Pati Religious Court depends heavily on the mediator's ability to transform conflict into a space for communication that is more open, rational, and humane. In practice, the success of mediation is measured not only by the achievement of a comprehensive settlement but also by mutual understanding on specific aspects that remain realistic for the parties. Therefore, mediation with partial success actually reflects a more tangible form of substantive justice because it does not merely impose a formal peace but rather opens up space for contextual resolutions tailored to the parties' needs. This perspective aligns with the thinking of Satjipto Rahardjo (2009) which views the law as a means of bringing about a living justice within society. Research Findings by Dewi et al.. (2025) it also shows that empathy, openness, and active participation in mediation can shift the parties' focus from conflict toward mutual benefit. Thus, mediation practices at the Tanjung Pati Religious Court have evolved from a purely procedural approach toward a resolution process that is more dialogic, adaptive, and oriented toward substantive justice.

Regarding the trend of partial success in mediation in divorce cases, Defi Uswatun Hasanah, as a judge-mediator, explained that:

> *"Mediation resulting in partial success is actually more common than full success. This indicates that mediation still has room to work, but at the same time reveals the limits of its effectiveness. In practice, this usually takes the form of partial agreements, such as agreements regarding children or alimony, even though the parties ultimately separate. Upon closer examination, such partial success often arises because the parties choose to simplify the conflict by focusing on the most urgent issues that need to be*

resolved. However, it cannot be denied that partial agreements are sometimes also influenced by conflict fatigue or a desire to expedite the resolution of the case" (Hasanah, 2026).

A similar statement was made by Elia, who views mediation resulting in partial success as the most realistic form of success in divorce cases. In his view, when a marital relationship can no longer be sustained, a mediator cannot force reconciliation in the sense of preserving the marriage; however, there is still room to resolve the legal consequences of the separation, such as child custody, spousal support, and the fulfillment of certain rights following the divorce. In his view, successfully resolving the legal consequences of a divorce remains a substantive form of reconciliation, even though the marital bond ultimately comes to an end (Elia, 2026). This view was reinforced by Dina Hayati, a judge at the Tanjung Pati Religious Court, who explained that, in practice, reaching a settlement agreement is relatively easier in cases of divorce by talak, because the party filing the petition generally comes with a mindset focused on resolution and is therefore more open to formulating the legal consequences following the divorce in a more rational manner (Hayati, 2026).

These findings are reflected in Case Number 490/Pdt.G/2025/PA.LK, in which the mediation process failed to preserve the marital bond, so the petition for divorce proceeded to the trial phase. Nevertheless, the parties reached a partial settlement regarding the legal consequences of the divorce. The agreement includes the payment of madhiyah alimony in the amount of IDR 3,000,000.00 (three million rupiah), iddah alimony in the amount of IDR 3,600,000.00 (three million six hundred thousand rupiah) during the iddah period, as well as mut'ah in the form of a set of prayer garments (mukena) valued at IDR 300,000.00 (three hundred thousand rupiah), all of which the Petitioner is required to hand over to the Defendant before the pronouncement of the divorce. In addition, the costs of the case shall be borne by the Petitioner (Putusan Nomor 490/Pdt.G/2025/PA.LK, 2025). This agreement demonstrates that even when a marriage ends, the mediation process can still successfully create opportunities to resolve some of the legal consequences of divorce, particularly those related to the fulfillment of the wife's economic rights and the arrangement of post-divorce obligations. In this context, mediation with partial success appears not merely to simplify the dispute, but also to provide a resolution that is more focused on the most urgent aspects and those most likely to be agreed upon by the parties.

Based on interviews with three judge-mediators at the Tanjung Pati Religious Court and supported by Decision Number 490/Pdt.G/2025/PA.LK, the practice of mediation, even with partial success, demonstrates progress as a more realistic form of dispute resolution when a full reconciliation is difficult to achieve. Hasanah views partial success as a sign that mediation still has room to work, particularly on aspects most likely to be agreed upon, such as spousal support, child custody, and women's economic rights following divorce. Under these circumstances, partial success is understood as a rational compromise when the marital relationship can no longer be restored. This view is reinforced by Elia, who notes that while mediators cannot force reconciliation, they can still facilitate mutual understanding regarding post-divorce responsibilities. Hayati also points out that partial agreements are easier to reach in cases of divorce by repudiation (talak) because the parties tend to be more open and pragmatic. This is evident in Decision Number 490/Pdt.G/2025/PA.LK, in which mediation failed to preserve

the marriage but succeeded in reaching an agreement regarding madhiyah alimony, iddah alimony, and mut'ah. This finding indicates that mediation with partial success is not merely a failure to achieve full reconciliation, but rather a form of resolution that still delivers justice through the certainty of the parties' rights and obligations, in line with the research by Firdaus et al. (2023) which asserts that madhiyah alimony has shifted from a moral obligation to a legally enforceable right.

Compared with adjudication-based dispute resolution models, in which the judge serves as the final arbiter through formal and coercive rulings, the partially successful mediation conducted at the Tanjung Pati Religious Court demonstrates a more participatory, flexible, and needs-oriented approach to dispute resolution. Under the adjudicative model, divorce is understood as the termination of a legal relationship, followed by the determination of the parties' rights and obligations in accordance with applicable legal norms. By contrast, mediation provides the parties with an opportunity to formulate mutually acceptable solutions that reflect the specific circumstances of their relationship. This perspective is consistent with the legal philosophy of Lon L. Fuller (1971) who conceptualizes mediation as a forum for dispute resolution grounded in social relationships. In Decision Number 490/Pdt.G/2025/PA.LK, the agreements concerning madhiyah (unpaid past-due maintenance), iddah maintenance, and mut'ah (consolatory compensation following divorce) demonstrate that mediation is not merely intended to achieve a symbolic settlement but also serves as a means of ensuring the fulfillment of economic rights following divorce. Furthermore, the provision of mut'ah in the form of a set of prayer items reflects the moral and ethical dimensions of propriety within Muslim family relations.

This finding is consistent with Datumula's assessment (2023) that partially successful mediation is more effective when it focuses on issues for which realistic and mutually acceptable agreements can be reached. Accordingly, partially successful mediation may represent a more substantive form of justice than formal adjudication when the latter is primarily oriented toward legal finality. By facilitating agreements that address the parties' practical needs and post-divorce economic rights, mediation offers a more responsive approach to justice while preserving the parties' capacity to participate in shaping the outcomes of their dispute.

Based on these overall findings, the implementation of substantive justice in mediation, which achieved partial success, at the Tanjung Pati Religious Court relies on the ability of mediation to shift the focus of dispute resolution from efforts to preserve the marriage toward the protection of the most urgent and realistic rights that can be agreed upon. The results of the interviews and Decision Number 490/Pdt.G/2025/PA.LK indicate that the success of mediation is no longer measured by the achievement of a complete reconciliation, but by its ability to provide certainty regarding economic rights, the division of responsibilities, and the fair legal consequences following divorce. In this context, mediation with partial success is not a failure to achieve reconciliation, but rather an adaptation of dispute resolution to the complexities of modern family conflicts. This perspective is consistent with Satjipto Rahardjo's legal thought (2009) which positions law as an instrument for achieving substantive justice that is meaningfully experienced by members of the community. This practice further demonstrates that the resolution of family disputes does not necessarily require the restoration of relationships;

rather, it may focus on minimizing harm and safeguarding the rights and interests of vulnerable parties. Accordingly, the partially successful mediation at the Tanjung Pati Religious Court illustrates how mediation can serve as an adaptive and context-sensitive mechanism for dispute resolution, one that prioritizes the realization of substantive justice over the mere attainment of formal legal outcomes.

With regard to the conception of justice reflected in the outcomes of mediation, M. Arif Sani, as a judge-mediator, explained that:

> *"In my opinion, justice in mediation should be assessed in terms of its substantive impact, particularly whether the resulting agreement effectively safeguards the parties' rights, prevents potential harm, and provides legal certainty regarding their post-divorce circumstances. An agreement that merely satisfies formal requirements, while neglecting children's rights or failing to ensure the fulfillment of women's rights, cannot be regarded as an embodiment of substantive justice. Conversely, when a mediated agreement secures the basic needs of vulnerable parties, establishes clear obligations for the parties responsible for fulfilling them, and is reached through the parties' informed and voluntary consent, justice becomes a tangible reality rather than a mere formal declaration. From this perspective, justice should not be measured solely by the conclusion of a dispute, but also by the extent to which the agreed resolution delivers meaningful and practical benefits to the parties concerned"* (Sani, 2026).

A similar statement was made by Munzir, who believes that mediation outcomes with partial success reflect substantive justice because they allow the parties to formulate their own decisions based on their will and mutual agreement, rather than merely accepting a win-lose ruling. In his view, justice is more evident when the outcome stems from the parties' own awareness, making it easier to accept, implement, and sustain in their lives after the divorce (Munzir, 2026). This perspective is further reinforced by Hasanah, who distinguishes between formal justice and substantive justice. According to Hasanah, a legally valid agreement does not necessarily guarantee substantive fairness if it perpetuates imbalances in bargaining positions, power relations, or arises from consent that is not fully understood by one of the parties. Accordingly, mediators must ensure that any agreement is genuinely based on both parties' informed awareness, adequate understanding, and meaningful and equitable acceptance of its terms (Hasanah, 2026).

Based on the interview findings, the practice of partially successful mediation at the Tanjung Pati Religious Court should not be evaluated solely in terms of whether a formal agreement has been reached, but also in terms of the extent to which the mediation outcomes protect rights, deliver tangible benefits, and prevent further harm in the aftermath of divorce. Sani identifies the protection of children's rights, women's rights, and the interests of vulnerable parties as the primary indicators of justice. This perspective is further reinforced by Munzir, who argues that justice is more readily achieved when agreements emerge from the parties' own understanding and awareness, thereby increasing the likelihood that they will accept and comply with the agreed terms. Meanwhile, Hasanah emphasizes that formal legal validity does not necessarily guarantee justice when imbalances in bargaining positions and power relations persist. Taken together,

these three perspectives demonstrate that substantive justice in mediation rests on three fundamental principles: the protection of rights, the equitable balance of the parties' positions, and their informed and voluntary consent.

This understanding of justice resonates with Satjipto Rahardjo's legal philosophy (2009) which emphasizes that law should serve human needs and give practical meaning to justice in society. Similarly, Ismayawati et al. (2024) and Kustati et al. (2026) demonstrate that family mediation extends beyond the pursuit of formal reconciliation. It also provides a means of safeguarding legal rights and creating opportunities for the parties to negotiate fair and equitable outcomes, particularly in protecting women's interests. Viewed in this light, the practice of partially successful mediation at the Tanjung Pati Religious Court reflects a substantive approach to dispute resolution, in which the protection of rights and the realization of tangible benefits take precedence over the mere completion of legal procedures.

Unlike formal conceptions of justice, which primarily emphasize procedural regularity and compliance with established legal norms, the partially successful mediation at the Tanjung Pati Religious Court illustrates a more substantive approach to justice, one that considers the actual consequences of dispute resolution for the parties involved. From a formal perspective, a dispute may be deemed resolved once the applicable legal requirements have been satisfied. Yet procedural compliance alone does not necessarily ensure that the parties' rights are adequately protected or that the resulting settlement addresses their respective vulnerabilities. Mediation offers a broader framework for evaluating justice by directing attention to the protection of vulnerable parties, the feasibility of implementing agreed terms, and the prevention of further injustice in the aftermath of divorce.

This understanding of justice finds theoretical support in Gustav Radbruch's conception of law (2006) which emphasizes the interplay between justice, utility, and legal certainty. In the context of divorce, these three dimensions must be considered together: an agreement should be legally valid, provide practical benefits, and ensure a fair distribution of rights and obligations. This perspective also resonates with Satjipto Rahardjo's legal philosophy (2009), which emphasizes that law should serve human needs and respond to the realities of social life rather than remain confined to formal rules. Moreover, the studies conducted by Yangto et al. (2025) and Kustati et al. (2026) reinforce the view that the value of mediation lies not merely in procedural compliance or the attainment of formal reconciliation, but also in its capacity to safeguard rights and facilitate fair negotiations between the parties.

Taken together, these theoretical perspectives and empirical findings suggest that the significance of partially successful mediation lies not in the completeness of the agreement, but in the substantive quality of the outcomes achieved. Even when mediation does not resolve every aspect of a dispute, it can still contribute to meaningful justice insofar as the agreements reached protect the parties' rights, address their practical needs, and reduce the risk of further harm following divorce. Accordingly, the experience of the Tanjung Pati Religious Court demonstrates the importance of evaluating mediation in terms of the justice it delivers in practice, rather than solely by its procedural completion or the extent of agreement reached.

These findings suggest that partially successful mediation has emerged as a pragmatic approach to resolving the complexities of contemporary family disputes. This understanding resonates with Satjipto Rahardjo's (2009) legal philosophy, which views law as an instrument for realizing justice that is responsive to people's lived realities and beneficial to society. Similarly, Ismayawati et al. (2024) demonstrate that family mediation within Islamic law seeks to protect legal rights and maintain social harmony through deliberative processes grounded in fairness. Meanwhile, Yangto et al. (2025) emphasize that the effectiveness of mediation depends largely on the mediator's ability to facilitate solutions that are responsive to the parties' social circumstances, psychological conditions, and practical needs. From this perspective, partially successful mediation should not be construed as a failure to achieve full reconciliation. Rather, it may constitute a meaningful form of dispute resolution that advances substantive justice by safeguarding the parties' rights, ensuring legal certainty, and delivering tangible benefits in the aftermath of divorce.

Accordingly, the findings of this study point to a shift in the orientation of mediation practices at the Tanjung Pati Religious Court, from a predominantly formal and procedural mechanism toward a more equitable, proportionate, and practically beneficial approach to dispute resolution. The emphasis on protecting rights, allocating obligations fairly, and preventing further harm in the aftermath of divorce suggests that mediation serves not only to provide legal certainty but also to promote the broader values of social welfare and human well-being within interpersonal relationships. This broader understanding of justice calls for further examination through the lens of Islamic legal philosophy, particularly the framework of maqashid sharia, which provides a fundamental normative basis for realizing human welfare (*maslahah*) and preventing harm (*mafsadah*).

Rethinking Partial Success in Mediation through the Lens of Maqashid Sharia

The findings of this study indicate that the practice of mediation at the Tanjung Pati Religious Court, despite achieving only partial success, has evolved into a more adaptive form of dispute resolution that responds to the dynamics of family conflicts when full reconciliation is no longer feasible. In practice, mediation is no longer directed solely toward preserving the marital relationship but also toward resolving the legal consequences of divorce on which the parties can still reach an agreement, including child support, child custody, and the fulfillment of women's rights following divorce. This development demonstrates that mediation continues to play a vital role in facilitating mutually acceptable resolutions, providing legal certainty, and safeguarding the interests of the parties, even when the marriage ultimately ends in divorce.

The research findings indicate that mediation achieving partial success serves a purpose beyond the administrative resolution of cases, namely, facilitating agreements that provide tangible benefits to the parties following divorce. In practice, settlements reached through mediation tend to focus on matters on which the parties can still reach a mutual agreement, particularly child support, child custody, and women's rights following divorce. This is illustrated by Decision Number 490/Pdt.G/2025/PA.LK, in which mediation did not result in reconciliation between the parties but nevertheless facilitated an agreement concerning *madhiyah* (past-due maintenance), *iddah* maintenance, and *mut'ah* (consolatory payment), thereby addressing the wife's economic rights following divorce (Putusan Nomor 490/Pdt.G/2025/PA.LK, 2025). These findings suggest

that the success of mediation in divorce cases should not be measured solely by whether reconciliation is achieved, but also by its capacity to facilitate agreements that protect the parties' rights and provide legal certainty following the dissolution of the marriage.

These findings suggest a shift in the approach to resolving divorce disputes. Traditionally, the success of mediation has been associated primarily with reconciliation and the preservation of the marital relationship. However, the practice of mediation that achieves partial success demonstrates that its benefits can also be realized through the fair and proportionate resolution of the legal consequences of divorce. In this context, mediation serves not merely as a procedural mechanism for resolving disputes but also as a means of advancing the public interest by protecting the rights of the parties, minimizing the risk of further conflict, and ensuring the fulfillment of post-divorce obligations. Accordingly, mediation that achieves partial success can be further examined through the framework of maqashid sharia, which emphasizes the realization of benefits (*maslahah*) and the prevention of harm (*mafsadah*) as fundamental objectives of Islamic law (Al-Shatibi, 1991).

From the perspective of maqashid sharia, Islamic law is understood not merely as a set of rules governing human conduct but also as a framework for promoting human welfare and preventing harm (Pertiwi & Herianingrum, 2024). his perspective suggests that legal provisions are fundamentally directed toward establishing a more just, balanced, and beneficial social order. Al-Shatibi (1991) explains that the primary objectives of Sharia include the protection of five essential elements of human life: religion, life, intellect, lineage, and property. Accordingly, Islamic law should not be understood solely as a body of formal rules but also as an instrument for upholding justice, protecting individual rights, and maintaining social harmony. In the context of divorce mediation, this orientation is reflected in efforts to safeguard the rights of the parties, minimize the risk of prolonged conflict, and prevent further harm following the dissolution of the marriage. From this perspective, the success of mediation may be understood not exclusively in terms of procedural outcomes or the preservation of the marital relationship, but also in terms of its capacity to produce fair and mutually acceptable settlements that protect the parties' rights and promote their welfare in accordance with the objectives of Sharia (A. Kurniawan & Hudafi, 2021).

Mediation practices at the Tanjung Pati Religious Court show that the resolution of divorce disputes is no longer viewed merely as an administrative mechanism to conclude a case, but is also aimed at protecting rights and mitigating the negative impacts following a divorce. Hasanah emphasizes that a good resolution is not merely one that is legally finalized, but one that provides long-term benefits and does not leave the parties with new problems (Hasanah, 2026). Meanwhile, Munzir views mediation (Munzir, 2026). This perspective suggests that mediation, even when only partially successful, does not merely stop at the formal resolution of the dispute but also seeks to maintain the continuity of social relationships among the parties following the divorce. In this context, mediation has evolved into a form of dispute resolution that is more adaptable to the dynamics of modern family conflicts, particularly when a complete reconciliation is no longer feasible. Thus, the success of mediation is no longer measured solely by the achievement of full reconciliation but also by its ability to produce enforceable agreements that provide tangible benefits to the parties.

From the perspective of the maqashid sharia, this orientation can be linked to the concept of dharuriyyat that is, primary public interests related to the protection of basic human needs. In the practice of divorce mediation, the protection of these basic needs is evident in efforts to safeguard economic rights, the interests of children, and the psychological well-being of the parties following the divorce. Agreements regarding madhiyah alimony, iddah alimony, and mut'ah demonstrate that mediation is not only directed toward resolving the case but also toward fulfilling the rights related to the livelihood of vulnerable parties following divorce. Within the framework of maqashid, this protection reflects the dimension of hifz al-mal, as it concerns the preservation of the parties' rights and economic security. Meanwhile, attention to the children's interests reflects the dimension of hifz al-nasl, while efforts to reduce conflict and preserve the dignity of the parties relate to hifz al-nafs. This perspective aligns with the thought of Al-Shatibi, who identifies the protection of religion, life, reason, lineage, and property as the fundamental objectives of sharia (Al-Shatibi, 1991). This viewpoint is also aligned with Herawati's (2025) research, which explains that religious courts not only perform the formal function of law enforcement but also play a role in promoting the public interest and protecting the rights of those in need of justice. Thus, mediation practices with partial success demonstrate that the resolution of divorce disputes under Islamic law does not rely solely on the formal resolution of cases but is also directed toward the tangible protection of fundamental human welfare.

Furthermore, the benefits achieved through mediation extend beyond the level of dharuriyyat; they also encompass the dimensions of hajiyyat and tahsiniyyat. In the context of hajiyyat, mediation serves to help the parties alleviate difficulties and prevent protracted conflicts through mutually acceptable resolutions. This effort is evident in the mediator's encouragement for the parties to reach an agreement that aligns with their respective circumstances and capabilities. This approach allows the parties to tailor the terms of the agreement to their specific needs, thereby minimizing the potential for new disputes to arise after the decision is reached. This is consistent with the research by Ulya and Khair (2025), which affirms that every provision of Islamic law is fundamentally aimed at promoting the common good and preventing greater harm to the parties involved. In the context of divorce mediation, this orientation is reflected in efforts to create a resolution that reduces conflict, preserves social relationships, and provides protection for vulnerable parties following the divorce. Thus, mediation is no longer understood merely as a formal negotiation forum, but rather as a means to alleviate the burden of conflict and create a more sustainable resolution for the parties involved.

In addition to the hajiyyat dimension, the practice of mediation also reveals a tahsiniyyat dimension related to the values of propriety, respect, and civility in social relationships. This dimension is evident in the process of dialogue and deliberation, which encourages the parties to voluntarily reach a mutual understanding. An agreement born of the parties' mutual awareness essentially not only produces a legally valid resolution but also reflects respect for human dignity. In this process, the parties are positioned as individuals with rights, interests, and needs that must be considered proportionally. Therefore, mediation serves not only to resolve disputes but also to uphold the ethics of social relations so that divorce does not lead to prolonged hostility. This perspective aligns with the thought of Ibn Qayyim al-Jawziyyah, as discussed in the research by Ningsih and

Oktora (2025), which identifies justice, utility, and wisdom as the core principles of Islamic law; thus, any resolution that alleviates hardship and promotes the common good is, in essence, consistent with the objectives of Sharia. Thus, mediation practices with partial success not only represent a normatively valid resolution but also demonstrate an effort to achieve a more humane and civilized resolution.

This understanding is consistent with contemporary developments in maqashid sharia scholarship. Mohammad Hashim Kamali, as discussed by Hefni et al. (2025), conceptualizes maqashid sharia as a foundation for the development of Islamic law that remains faithful to the objectives of sharia while responding to the evolving needs of society. A similar contextual approach is advanced by Jasser Auda (Auda, 2008). who emphasizes the importance of understanding Islamic law within a broader systemic framework that enables it to address the complex social challenges of modern life. Applied to the present study, these perspectives provide a framework for understanding mediation practices at the Tanjung Pati Religious Court, where the success of mediation is not determined solely by the achievement of full reconciliation but also by its capacity to facilitate agreements that provide legal certainty and protect the rights of the parties. This is illustrated by Decision Number 490/Pdt.G/2025/PA.LK, in which mediation facilitated an agreement concerning madhiyah (past-due maintenance), iddah maintenance, and mut'ah (consolatory payment), despite the dissolution of the marital relationship. This case illustrates how mediation can retain substantive value by facilitating the resolution of post-divorce obligations even when reconciliation is no longer attainable.

These conclusions are further supported by the perspectives of mediators, who emphasize that the success of dispute resolution should be assessed not only by the formal disposition of a case but also by its capacity to generate tangible benefits and reduce the risk of future conflicts. Accordingly, the practice of mediation achieving partial success at the Tanjung Pati Religious Court can be understood as a form of dispute resolution that extends beyond procedural outcomes and reflects a contextual application of maqashid sharia. This application is manifested in efforts to protect the rights of the parties, prevent further harm, and promote their welfare following divorce. Mediation also facilitates the fulfillment of obligations that continue beyond the dissolution of the marital relationship. Thus, the objectives of Islamic law, particularly the promotion of public welfare and the prevention of harm, can still be served even when full reconciliation is not achieved.

Conclusion

The research shows that the implementation of substantive justice in mediation at the Tanjung Pati Religious Court has evolved beyond a purely procedural approach to dispute resolution toward a more substantive orientation centered on the protection of rights, the restoration of communication, and the clarification of post-divorce responsibilities. This approach is reflected in both full settlements and partial agreements concerning the legal consequences of divorce. Accordingly, the success of mediation should not be measured solely by whether the marital relationship is preserved, but also by its capacity to safeguard the parties' economic rights, protect children's interests, minimize harm, and facilitate fair, proportionate, and sustainable resolutions.

Based on the perspective of maqashid sharia, this orientation reflects the pursuit of substantive justice through three levels of objectives; the protection of the parties' essential rights and needs as an expression of ḍaruriyyat (necessities); the alleviation of conflict-related burdens through adaptive and practical solutions as a manifestation of ḥajiyyat (needs); and the promotion of propriety, mutual respect, and civility in post-dispute relations as a reflection of tahsiniyyat (refinements). Nevertheless, realizing the public interest requires mediators to exercise sensitivity in balancing the parties' respective positions and interests, ensuring that agreements extend beyond formal legal validity to embody substantive justice that the parties recognize, accept, and can sustain over time. The findings of this study further indicate that mediation achieving partial success has developed into a more adaptive approach to addressing the realities of contemporary family disputes. Its objectives extend beyond preserving the marital relationship to include protecting rights, minimizing harm, and supporting the parties' well-being following divorce. Accordingly, strengthening a mediation paradigm grounded in maqashid sharia is essential to the further development of mediation practices in Religious Courts. Such an approach would enable mediation not only to resolve legal disputes but also to deliver meaningful, proportionate, and sustainable justice that provides tangible benefits to the parties involved.

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Statement on the Use of Artificial Intelligence

The authors used ChatGPT to assist in developing preliminary text drafts and refining the initial organization of the manuscript. DeepL Pro was used to support translation between languages, while Grammarly was employed to improve grammar, spelling, punctuation, and linguistic clarity. Mendeley was used to manage references and citations, and Turnitin was utilized to check textual similarity. All AI-generated and digitally assisted content was critically reviewed, revised, and validated by the authors to ensure accuracy, originality, appropriate referencing, and compliance with scholarly standards. The authors take full responsibility for the content, interpretations, and conclusions presented in this article.

Author Contribution Statement

There are two authors of this article, each with their own specific role. The first author (Fauziah Rahmah) was responsible for preparing the draft of the article, from the introduction to the conclusion. The second author (Yernati

Ulfazah) contributed by enhancing the analysis, comparing the findings with previous research, and expanding the list of references.

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Conflict of Interest

There are no conflicts of interest in this study, either among the authors or with any other parties.

References

Al-Shatibi, A. I. (1991). *Al-Muwafaqat fi Ushul al-Shari'ah* (Tahqiq Muh, Vol. 1). Dar al-Kutub al-'Ilmiyyah.

Antasari, R. (2016). Pelaksanaan Mediasi dalam Sistem Peradilan Agama (Kajian Implementasi Mediasi dalam Penyelesaian Perkara di Pengadilan Agama Kelas I A Palembang). *Intizar*, *19*(1), 147–162. https://jurnal.radenfatah.ac.id/index.php/intizar/article/view/407

Arifin, H., Sadiyah, C. U., Zahra, A. A., Setiawan, G., & Ismail, H. (2025). Efektivitas Mediasi Dalam Penyelesaian Sengketa Perceraian di Pengadilan Agama: Perspektif Hukum Keluarga Islam (Studi Kasus di Kota Metro). *Bulletin of Islamic Law*. https://doi.org/10.51278/bil.v2i1.1814

Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institute of Islamic Thought (IIIT).

Bush, R. A. B., & Folger, J. P. (2005). *The Promise of Mediation: The Transformative Approach to Conflict* (2nd ed.). Jossey-Bass.

Datumula, S. (2023). Mediasi Dalam Penyelesaian Perkara Perceraian Di Luar Pengadilan. *Innovative: Journal Of Social Science Research*, *3*(2 SE-Articles), 14550–14564. https://j-innovative.org/index.php/Innovative/article/view/2090

Dewi, N., Pragawati, & Andriyati, N. (2025). Dynamics of Interpersonal Communication in Divorce Mediation : A Case Study of Mediators in Indonesian Religious Courts. *JIGC : Journal of Islamic Guidance and Counseling*, *9*(1), 1–10. https://doi.org/https://doi.org/10.30631/jigc.v9i1.105

Disantara, F. P., & Rahmawati, N. (2024). Filsafat Keadilan Bermartabat dalam Hukum Islam. *Al-Syakhsiyyah: Journal of Law & Family Studies*, *6*(230–248). https://doi.org/https://doi.org/10.21154/syakhsiyyah.v6i2.10168

Firdaus, F., Ismail, I., Busyro, B., Yenti, E., & Mohamad, M. N. (2023). Post-Divorce Child's Nafaqah Māḍiyah: An Analysis of the Shifting from Fulfilment to the Assertion of Ownership Rights. *Al-Ahkam*, *33*(1), 45–62.

Fuller, L. L. (1971). Mediation - Its Forms and Functions. *Southern California Law Review*, *44*, 305–339.

Hamzah, E., Hasmulyadi, & Amirullah. (2021). Peran Hakim Mediator dalam Menangani Mediasi Perceraian di Pengadilan Agama. *Kalosara : Family Law Review*, *1*(2), 277–307. https://doi.org/10.31332/.v1i2.3283

Hariyanto, E., Efendi, M., & Sulistiyawati, S. (2021). Dilema Hakim Pengadilan Agama dalam Menyelesaikan Perkara Hukum Keluarga Melalui Mediasi. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, *4*(1), 115–124. https://doi.org/10.24090/volksgeist.v4i1.4333

Hefni, W., Mustofa, I., & Ahmadi, R. (2025). Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law. *Al-Istinbath: Jurnal Hukum Islam*, *10*(1), 30–57. https://doi.org/10.29240/jhi.v10i1.10694

Herawati, R. (2025). Urgensi Penetapan Wali Adhal Perspektif Maqashid Syari'ah: Studi Penetapan di Pengadilan Agama Tanjung Pati. *Al Muhkam: Journal of Islamic Law and Jurisprudence*, *1*(2), 97–107. https://doi.org/https://almuhkamjournal.kips.or.id/index.php/al-muhkam/article/view/39

Ismayawati, A., Aristoni, & Chaedar, S. M. (2024). Family Conflict Resolution through Mediation in Indonesia and Malaysia: A Sociological Study of Islamic Law. *Jurnal Hukum Islam*, *22*(2), 470–497. https://doi.org/10.28918/jhi.v22i2.8

Ivanda, A. C., & Syaputri, M. D. (2024). Mediasi dalam Perkara Perceraian oleh Hakim Pengadilan Agama. *Collegium Studiosum Journal*, *7*(1), 81–90. https://doi.org/https://doi.org/10.56301/csj.v7i1.1171

Jasser Auda. (2008). *Maqashid Al-Syariah As Philosophy of Islamic Law: A System Approach*. The International Institute of Islamic Thought.

Kurniawan, A. A. (2022). Mediasi sebagai Solusi Alternatif Konflik Keluarga Perspektif Hukum Islam dan Hukum Progresif. *Al-Rasīkh: Jurnal Hukum Islam*, *11*(2), 117–132. https://doi.org/10.38073/rasikh.v11i2.825

Kurniawan, A., & Hudafi, H. (2021). Konsep Maqashid Syariah Imam Asy-Syatibi dalam Kitab Al-Muwafaqat. *Al Mabsut : Jurnal Studi Islam Dan Sosial*, *15*(1), 30–28. https://doi.org/https://doi.org/10.56997/almabsut.v15i1.502

Lizuardi, A., Sudirman, S., & Izzuddin, A. (2017). Iktikat Baik Para Pihak dalam Pelaksanaan Mediasi di Pengadilan Agama. *De Jure: Jurnal Hukum Dan Syar'iah;*, *9*(2), 63–72. https://doi.org/10.18860/j-fsh.v9i2.6807

Moleong, L. J. (2015). *Metodologi Penelitian Kualitatif*. PT Remaja Rosdakarya.

Moore, C. W. (2014). *The Mediation Process: Practical Strategies for Resolving Conflict* (4th ed.). Jossey-Bass.

Muhajir, N. (2020). *Metodologi Penelitian Kualitatif*. Rake Sarasin.

Mukhlishin, & Sarip. (2020). Keadilan dan Kepastian Hukum: Menyoal Konsep Keadilan Hans Kelsen Perspektif "Al-'Adl" dalam Al-Qur'an. *Jurnal Media Keadilan*, *11*(1), 55–75. https://doi.org/https://doi.org/10.31764/jmk

Mutholib, Faizal, L., & Zaki, H. M. (2022). Analisis Hukum Islam Terhadap Pelaksanaan Mediasi Perkara Perceraian di Pengadilan Agama Gedong Tataan dan Pengadilan Agama Pringsewu Lampung. *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam*, *4*(2), 83–92. https://doi.org/10.37680/almanhaj.v4i1.1544

Najwan, N. N. Q., Fawzi, R., & Maryandi, Y. (2025). Analisis Hukum Islam terhadap Faktor-Faktor Keberhasilan Mediasi dalam Perkara Perceraian di Pengadilan Agama Ngamprah. *Bandung Conference Series: Islamic Family Law*, 245–253. https://doi.org/10.29313/bcsifl.v5i2.21565

Ningsih, A. S., & Oktora, N. Dela. (2025). Reforming Islamic Family Law : The Relevance of Ibn Qayyim al-Jawziyyah ' s Concept of Legal Change. *Jurnal Ilmiah Mizani : Wacana Hukum, Ekonomi Dan Keagamaan*, *12*(02), 392–405. https://doi.org/http://dx.doi.org/10.29300/mzn.v12i1.7087

Nur, T. (2024). Urgensi Mediasi dalam Penyelesaian Sengketa Perceraian Perspektif Hukum Keluarga Islam dan Praktik. *Kajian Ilmiah Hukum Dan Kenegaraan*, *3*(2), 129–138. https://doi.org/10.35912/kihan.v3i2.4868

Nur, Z. (2023). Keadilan dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum dalam Pemikiran Imam Syâtibî). *Misykat Al-Anwar: Jurnal Kajian Islam Dan Masyarakat*, *6*(247–272). https://jurnal.umj.ac.id/index.php/MaA16/article/view/18397/9095

Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan (2016). https://jdih.mahkamahagung.go.id/legal-product/perma-nomor-1-tahun-2016/detail

Pertiwi, T. D., & Herianingrum, S. (2024). Menggali Konsep Maqashid Syariah: Perspektif Pemikiran Tokoh Islam. *Jurnal Ilmiah Ekonomi Islam*, *10*(1 SE-Articles), 807–820. https://doi.org/10.29040/jiei.v10i1.12386

Putusan Pengadilan Agama Tanjung Pati Nomor 490/Pdt.G/2025/PA.LK (2025).

Radbruch, G. (2006). Statutory Lawlessness and Supra-Statutory Law. *Oxford Journal of Legal Studies*, *26*(1), 1–11.

Rahardjo, S. (2009). *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Genta Publishing.

Rahmadani, G., Sukiati, S., & Nurasiah, N. (2023). Mediasi Menurut Hukum Perdata dan Hukum Islam dalam Sengketa Pengasuhan Anak. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, *6*(2), 804–815. https://doi.org/10.34007/jehss.v6i2.1944

Rahyu, P., & Sugitanata, A. (2022). Rendahnya Tingkat Keberhasilan Mediasi di Pengadilan Agama Bantul Tahun 2018-2020: Studi Terhadap Analisis Efektivitas Peran Mediator di Pengadilan Agama Bantul. *Al-Hukama' : The Indonesian Journal of Islamic Family Law*, *12*(2), 113–131. https://doi.org/https://doi.org/10.15642/alhukama.2022.12.2.113-131

Ramadhan, T., Ismail, H., Khotimah, K., Maulana, M. R., & Durin, R. (2025). Keadilan Distributif dalam Perspektif Hukum Islam dan Implementasinya pada Sengketa Harta Bersama. *Al Hairy | Journal of Islamic Law*, *1*(1), 11–23. https://doi.org/10.64344/hry.v1i1.12

Rizani, R., Hasan, A., & Umar, M. (2023). Integrasi Keadilan Moral, Keadilan Hukum, dan Keadilan Sosial dalam Putusan Pengadilan. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, *1*(4 SE-Articles), 567–583. https://doi.org/10.62976/ijijel.v1i4.179

Rosadi, A., Anwar, S., & Ruhendi, A. (2021). The Concept of Justice in Qur'an and Hadith. *Asy-Syari'ah*, *23*(1 SE-Articles), 179–190. https://doi.org/10.15575/as.v23i1.9520

Sugiyono. (2019). *Metode Penelitian Kualitatif, Kuantitatif, dan R&D*. Alfabeta.

Taufiqurohman. (2021). Implementasi Mediasi pada Proses Perceraian TKI di Pengadilan Agama Ponorogo. *JURIS (Jurnal Ilmiah Syariah)*, *20*(1), 115–130. https://doi.org/https://doi.org/10.31958/juris.v20i1.2826

Ulya, Z., & Khair, U. (2025). Prevensi Fatwa MUI tentang Pernikahan di Bawah Tangan Perspektif Maqashid al-Syari'ah. *Al Muhkam: Journal of Islamic Law and Jurisprudence*, *1*(2), 158–166. https://doi.org/10.65980/almuhkam.v1i2.48

Warnis, Kustati, M., Nelmawarni, Syarifatul Hayati, & Siti Atieqoh. (2026). Negotiating Justice in Litigated Divorce: Women's Legal Consciousness in Indonesian Religious Courts. *Al-Istinbath: Jurnal Hukum Islam*, *11*(1 SE-Articles), 243–271. https://doi.org/10.29240/jhi.v11i1.15780

Wijaya, I. K. L. B., Budiartha, I. N. P., & Ujianti, N. M. P. (2021). Penyelesaian Perkara Harta Warisan dan Harta Bersama dengan Prosedur Mediasi di Pengadilan Agama Badung (Nomor Perkara 0095/PDTG/2017/PABDG). *Jurnal Preferensi Hukum*, *2*(1 SE-Articles), 88–92. https://doi.org/https://doi.org/10.22225/jph.2.1.2800.88-92

Yangto, Y., & Sayehu, S. (2025). Mediasi Perceraian dalam Tinjauan Hukum pada Pengadilan Agama. *VISA: Journal of Vision and Ideas*, *5*(1), 372–378. https://doi.org/10.47467/visa.v5i1.6309

Zuhdi, M. H., & Nasir, M. A. (2024). Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *8*(3), 1818–1839. https://doi.org/10.22373/sjhk.v8i3.24918

Interviews:

Asmeilia. (2026). A Judge-Mediator. Structured Interview on the Implementation of Substantive Justice in the Mediation Process at the Tanjung Pati Religious Court.

Elia, R. (2026). A Judge-Mediator Structured Interview on the Implementation of Substantive Justice in the Mediation Process at the Tanjung Pati Religious Court.

Hasanah, D. U. (2026). A Judge-Mediator Structured Interview on the Implementation of Substantive Justice in the Mediation Process at the Tanjung Pati Religious Court.

Hayati, D. (2026). A Judge-Mediator Structured Interview on the Implementation of Substantive Justice in the Mediation Process at the Tanjung Pati Religious Court.

Munzir. (2026). Head of the Office of Religious Affairs (KUA) for the Tanjung Pati Subdistrict. Structured Interview on the Implementation of Substantive Justice in the Mediation Process at the Tanjung Pati Religious Court.

Sani, M. A. (2026). A Judge-Mediator. Structured Interview on the Implementation of Substantive Justice in the Mediation Process at the Tanjung Pati Religious Court.