

Research Article

Mediation of Divorce Disputes by Village Governments from the Perspective of Progressive Legal Theory (Study of Effectiveness and Implementation in Barra'as Village, Sumenep Regency)

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Abstract: The increasing rate of divorce in rural areas indicates serious challenges in maintaining family resilience as well as the limited effectiveness of formal litigation-based dispute resolution. Judicial processes that tend to be procedural, time-consuming, and focused on legal termination often fail to address the substantive justice needs of the disputing parties. Consequently, alternative dispute resolution mechanisms that are more responsive to local social and cultural values are required. This study aims to examine the effectiveness and implementation of divorce mediation facilitated by the Village Government of Barra'as, Sumenep Regency, through the perspective of Progressive Legal Theory. This research employs a qualitative approach with an empirical research design. Data were collected through field observations, in-depth interviews with village officials, community leaders, and individuals who had previously participated in the mediation process, as well as documentation related to divorce dispute resolution practices at the village level. Data analysis was conducted using a descriptive-analytical method, focusing on mediation practices as a manifestation of living law within the community. The findings reveal that divorce mediation facilitated by the village government demonstrates a relatively high level of effectiveness in reducing divorce cases. This effectiveness is influenced by a familial approach, the utilization of local wisdom, and the strong internalization of religious values within the social life of the Barra'as community. From the perspective of Progressive Legal Theory, this mediation practice reflects a flexible and non-positivistic understanding of law that prioritizes humanity and substantive justice. Village-based mediation not only serves as an alternative dispute resolution mechanism but also functions as a social instrument to preserve family harmony and strengthen social resilience in rural communities.

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1. Introduction

Divorce has become an increasingly prominent social phenomenon and represents a serious challenge to family life, both in urban and rural contexts. The consequences of divorce extend beyond the dissolution of marital relationships, affecting children, extended families, and the broader social structure. Children from divorced families are more vulnerable to psychological distress, declining academic performance, and difficulties in social interaction. Moreover, divorce can weaken social cohesion and erode family values that traditionally serve as the foundation of communal life, particularly in rural societies (Sebriyani, 2023).

Within the framework of Islamic family law, divorce is recognized as a legally permissible act but one that is strongly discouraged and intended to be a last resort after all reconciliation efforts have been exhausted. The principle of *ishlāḥ* (reconciliation) occupies a central role in resolving marital disputes, aiming to preserve family unity and safeguard the best interests of children (Sulistiani, 2022). Nevertheless, in practice, divorce cases resolved through litigation

in Religious Courts often emphasize formal legal termination while insufficiently addressing the psychological, emotional, and social dimensions experienced by the parties involved.

Formal divorce proceedings, which are procedural and legalistic in nature, tend to position spouses as opposing parties. This adversarial setting frequently intensifies conflict, damages interpersonal relationships, and limits opportunities for constructive dialogue. Although the Supreme Court has mandated mediation as part of court procedures, litigation-based mediation continues to face significant obstacles, including limited time allocation, heavy case-loads, and a lack of culturally sensitive approaches (Asyhadi, 2019).

In contrast to these limitations, rural communities possess distinctive dispute resolution mechanisms deeply rooted in local values and traditions. In Madura, family conflicts are not immediately brought before judicial institutions but are first addressed through deliberative processes involving religious leaders, community elders, and village authorities. Strong kinship ties, respect for local moral authority, and adherence to communal norms make non-litigation approaches more acceptable and effective within this social context (Khilmi & Hafidzah, 2020).

In this setting, village governments function not only as administrative bodies but also as social actors endowed with moral authority and cultural legitimacy. Village heads and officials are often trusted to mediate domestic disputes due to their social proximity, understanding of community dynamics, and capacity to reconcile conflicting interests. Such practices reflect the existence of living law normative systems that evolve organically within society and possess strong social binding power despite not always being formally codified (Khalimy, 2018).

The Village of Banra'as in Sumenep Regency presents a compelling case of village-level mediation in divorce disputes. Empirical evidence indicates that the Banra'as village government actively facilitates dialogue between spouses experiencing marital conflict before cases are formally submitted to the Religious Court. Mediation is conducted through a familial approach, involving religious figures and emphasizing religious teachings and local wisdom. Although this practice is not explicitly regulated in technical legal provisions, it enjoys strong social legitimacy among the local community.

From a normative standpoint, village-based mediation derives legal support from Law Number 6 of 2014 on Villages, which grants village heads the authority to resolve community disputes and maintain social harmony. This legal framework provides space for village governments to engage actively in community-based dispute resolution, including family and marital conflicts (Taufik, 2022).

Despite this legal basis, the involvement of village governments in divorce mediation remains a subject of debate within formal legal discourse. Some argue that divorce resolution falls exclusively under the jurisdiction of Religious Courts, thereby viewing village mediation as operating outside the state legal system. This perspective is rooted in a positivist legal paradigm that equates law solely with state-enacted written norms (Haryanti, 2014).

In contrast, Progressive Legal Theory offers a more contextual and human-centered understanding of law. Rahardjo (2009) emphasizes that law should not be regarded as an end in itself but as a means to achieve justice and human well-being. Progressive law challenges rigid formalism and encourages legal actors and social institutions to interpret and apply law substantively in response to societal needs.

From a progressive legal perspective, divorce mediation conducted by village governments can be understood as an expression of moral courage in pursuing more humane forms of justice. Village mediation does not seek to replace the role of the courts but rather functions as a preventive and corrective mechanism to avert divorces that may still be reconciled. This approach aligns with the core principles of progressive law, which prioritize human interests and social welfare over mere procedural certainty (Rahardjo, 2009).

Furthermore, village mediation contributes to strengthening family resilience and social stability in rural communities. By resolving marital conflicts through participatory and peaceful means, village governments help prevent divorce while reinforcing values of deliberation, social solidarity, and collective responsibility. This demonstrates that progressive law is not manifested solely through state policies but also through localized practices oriented toward substantive justice (Anggraini et al., 2025).

Based on these considerations, an examination of divorce mediation conducted by the Banra'as Village Government in Sumenep Regency is both relevant and necessary. This study aims not only to assess the effectiveness and implementation of village mediation but also to analyze the practice through the lens of Progressive Legal Theory. It is expected that this research will contribute to scholarly discourse on family law, village governance, and the advancement of progressive legal paradigms in community-based dispute resolution.

2. Literature review

The Concept of Mediation in Family Dispute Resolution

Mediation is a form of alternative dispute resolution that places negotiation and dialogue at the core of the conflict-settlement process. In this mechanism, disputing parties are assisted by a neutral third party who does not possess decision-making authority but instead facilitates communication to help the parties reach a mutually acceptable agreement. The defining characteristics of mediation include voluntariness, active participation, and a focus on the interests of the parties, which enhances the sustainability and compliance of the resulting agreement (Kusumaningrum & Yunanto, 2017).

In the context of family disputes, particularly divorce cases, mediation is widely regarded as a more appropriate mechanism than litigation. Marital conflicts extend beyond legal norm violations and encompass emotional, psychological, economic, and social dimensions among family members. Court-based adjudication, which typically produces win-lose outcomes, often fails to repair damaged relationships or address the deeper causes of conflict. Mediation, by contrast, offers a more open and empathetic communication space, enabling the parties to articulate their feelings, interests, and expectations in a constructive manner.

In divorce proceedings, mediation serves a crucial preventive function. Its primary objective is not merely to resolve legal disputes but to prevent divorce where reconciliation remains possible. This approach aligns with the principles of Islamic family law, which regard divorce as a last resort after all reconciliation efforts have been exhausted. The concept of *iṣlāḥ* (reconciliation) provides a normative foundation for resolving marital conflicts, as reflected in Qur'anic guidance concerning the appointment of *ḥakam* from both the husband's and wife's families. These principles have subsequently been incorporated into the Compilation of Islamic Law as part of efforts to preserve marital unity (Ismail et al., 2020).

Although mediation has been formally institutionalized within the judicial system, particularly in Religious Courts, its practical implementation remains constrained. Heavy caseloads, limited hearing time, and an administrative-oriented approach have reduced the effectiveness of court-annexed mediation. In many instances, mediation is treated as a procedural formality prior to litigation rather than as a substantive process of dialogue and reconciliation.

These limitations highlight the need to strengthen non-litigation mediation mechanisms that are more closely embedded in community life. Community-based mediation, such as that conducted by village governments, offers distinct advantages due to its informal, flexible, and trust-based nature. As the closest governmental institution to the community, village authorities possess a deeper understanding of local social dynamics, cultural norms, and familial relationships. Consequently, village mediation emerges as a relevant complement to formal family dispute resolution systems and as an expression of a more responsive and socially grounded approach to justice.

Village Mediation and the Authority of Village Governments

Village mediation represents a form of community-based dispute resolution implemented at the lowest level of governance, emphasizing deliberation and familial approaches. In rural societies, dispute settlement through village authorities has long been practiced as part of local wisdom and socially embedded mechanisms. Village mediation functions not only as a means of resolving conflicts but also as an instrument for maintaining social order, harmony, and stability within village communities (Taufiq et al., 2016).

From a legal perspective, the authority of village governments to resolve community disputes is legitimized by Law Number 6 of 2014 on Villages. Article 26 paragraph (4) letter (k) explicitly states that village heads are obliged to resolve disputes within their communities. This provision provides a legal foundation for village governments to actively mediate various forms of social conflict, including family and marital disputes. Although the law does not

detail specific mediation procedures, it reflects state recognition of villages as key actors in community-based dispute resolution.

Village mediation differs significantly from formal court-based mediation. The process is informal, flexible, and not bound by rigid procedural rules. Village heads typically act as mediators by relying on social legitimacy, community trust, and an in-depth understanding of local socio-cultural conditions. In practice, village mediation often involves religious leaders, customary figures, and extended family members to strengthen reconciliation efforts and enhance the legitimacy of the process (Triadiyatma, 2016).

One of the primary strengths of village mediation lies in its proximity to the community. Village officials have direct access to disputing parties and possess a comprehensive understanding of the background and dynamics of the conflict. This enables early intervention before disputes escalate into more complex legal cases. Furthermore, village mediation generally involves minimal or no costs and can be conducted swiftly, making it more accessible to rural populations facing economic and geographical constraints.

Nevertheless, village mediation is not without challenges. The absence of detailed technical regulations may result in variations in practice across villages, depending on the capacity and commitment of local officials. Additionally, the scope of village authority must be clearly understood to prevent overlap with judicial institutions, particularly in divorce cases that fall under the jurisdiction of Religious Courts. In this regard, village mediation should be positioned as a voluntary, pre-litigation mechanism that facilitates reconciliation without producing legally binding outcomes.

Progressive Legal Theory and Living Law

Progressive Legal Theory is a school of legal thought that conceptualizes law as an instrument for achieving justice and upholding human dignity. This theory emerged as a critique of legal positivism, which views law merely as a system of written rules to be applied mechanically. According to Satjipto Rahardjo, law should not be confined to normative certainty but must be capable of responding to concrete social problems faced by society. In this perspective, law exists for human beings, not the other way around (Nuryadi, 2016).

Within the progressive legal framework, legal officials and social actors are expected to demonstrate creativity and moral courage in pursuing substantive justice. The application of law should not be trapped in narrow legalism that disregards moral values, social realities, and a sense of fairness. Progressive law promotes flexibility in legal interpretation and implementation, provided that such flexibility remains oriented toward public welfare. Consequently, law is understood as a dynamic and evolving process that develops alongside social change.

The concept of living law is closely associated with Progressive Legal Theory. Living law refers to norms that operate and evolve within society, including customary practices, social norms, and religious values that are recognized and adhered to by the community. Eugen Ehrlich argued that the true center of legal development lies within society itself rather than exclusively in statutory regulations. This view reinforces the notion that formal law is not always the sole source of justice in social life.

In the context of Indonesia's legal pluralism, living law plays a significant role in addressing gaps and limitations within positive law. Numerous local dispute resolution practices function effectively despite lacking detailed statutory regulation. Customary norms, religious values, and local social mechanisms often possess strong binding force and are capable of maintaining social order. Progressive Legal Theory acknowledges living law as a sociologically legitimate component of the legal system, even when it lacks formal juridical recognition.

The relationship between progressive law and living law lies in their shared orientation toward substantive justice. Progressive law does not reject written law but situates it within a broader social context. When formal legal mechanisms fail to deliver justice, socially embedded norms may serve as alternative references to fill normative gaps. This approach aligns with the principles of legal pluralism, which recognize the coexistence of multiple normative systems within a single society.

Village Mediation from the Perspective of Progressive Law

Divorce mediation conducted by village governments can be viewed as a concrete manifestation of Progressive Legal Theory at the local level. This practice demonstrates that law

does not always need to operate through formal judicial institutions but can be realized through social mechanisms rooted in humanitarian values, local wisdom, and the actual needs of the community. Village mediation provides a dialogical space that enables disputing parties to resolve conflicts with dignity and fairness without being constrained by rigid legal procedures (Musaid, 2025).

From a progressive legal standpoint, legal legitimacy is derived not solely from written regulations but also from social acceptance and public trust. Village mediation gains such legitimacy because it is facilitated by actors who possess moral and social authority, such as village heads and religious leaders, who are widely trusted to offer fair and balanced solutions. The success of village mediation is not measured by the executorial power of its outcomes but by voluntary compliance, mutual acceptance, and the sustained maintenance of social harmony.

Village mediation also reflects the substantive justice orientation emphasized in Progressive Legal Theory. The mediation process is not directed solely toward preserving marital relationships but toward ensuring that any decision reached genuinely considers the interests of all affected parties, including children and extended family members. Even in cases where divorce becomes unavoidable, village mediation continues to function as a mechanism for minimizing future conflict and maintaining social relationships after marital dissolution.

Moreover, village mediation illustrates how Progressive Legal Theory can operate effectively through the integration of law, morality, religion, and culture. Religious teachings on reconciliation (*islah*), social norms emphasizing deliberation, and principles of collective responsibility collectively form the foundation of a holistic approach to dispute resolution. This integrative model strengthens social resilience in village communities and prevents family conflicts from escalating into broader social disputes (Rokhim & Sukardi, 2022).

3. Proposed Method

This study adopts a qualitative approach employing an empirical research design within the socio-legal research tradition. This approach is selected because the study does not merely examine legal norms textually but also investigates how law operates and is practiced within social life. Empirical legal research enables an in-depth understanding of the implementation of divorce mediation conducted by the Banra'as Village Government, including the underlying social dynamics, cultural values, and humanitarian considerations that shape the practice (Rahardjo, 2017).

The research applies a sociological legal approach, which views law as a social institution inseparable from the community in which it functions. Through this perspective, law is understood as living law norms that exist, develop, and are obeyed within society even when they are not formally codified in statutory regulations. This approach is particularly relevant for analyzing village mediation practices that are grounded in local wisdom and sustained by social legitimacy.

The research site is Banra'as Village, Sumenep Regency. This location was selected due to the village's consistent and active practice of mediating divorce disputes, as well as the strong social recognition of such practices by the local community. Furthermore, Banra'as Village represents the characteristics of rural Madurese society, where family ties, religious values, and deliberative decision-making remain central to resolving domestic conflicts.

Data sources in this study consist of both primary and secondary data. Primary data were obtained through in-depth interviews with the village head, village officials, religious leaders, community figures, and individuals who had directly participated in divorce mediation processes. Semi-structured interviews were employed to allow informants to freely articulate their experiences, perspectives, and evaluations while maintaining alignment with the research objectives (Moleong, 2022). In addition, direct observation of village mediation practices was conducted to capture the process, mediation strategies, and interactions among the actors involved.

Secondary data were collected from village documents related to divorce mediation, including case records, meeting minutes, and administrative archives. Additional secondary sources comprised statutory regulations, legal textbooks, prior research findings, and relevant national scholarly journals addressing mediation, family law, and Progressive Legal Theory.

Data collection techniques included observation, interviews, and documentation. Observation was used to understand the social context and the actual implementation of mediation at the village level. Interviews served to explore the perceptions, motivations, and experiences of mediation actors, while documentation functioned as supporting and comparative data to enhance the validity of research findings.

Data analysis was conducted using a qualitative descriptive-analytical method, following the stages of data reduction, data presentation, and conclusion drawing. Collected data were selected and categorized in accordance with the research focus and subsequently analyzed by linking empirical findings to the conceptual framework of Progressive Legal Theory. The analytical process was inductive in nature, deriving general conclusions from field-based empirical evidence.

To ensure data validity and reliability, this study employed source and methodological triangulation by comparing data obtained from interviews, observations, and documentation across different informants. Through this strategy, the research is expected to produce credible and robust findings that provide a comprehensive understanding of the effectiveness and implementation of divorce mediation by the Banra'as Village Government from a progressive legal perspective.

4. Results and Discussion

The Role of Village Government in Divorce Dispute Mediation

The Banra'as Village Government plays a substantial role in resolving divorce disputes through a community-based mediation mechanism. In practice, the village head and village officials function not merely as administrative facilitators but as social mediators who possess moral authority and social legitimacy within the community. This role is rooted in their close social relationship with local residents and their comprehensive understanding of the social, economic, and cultural conditions of the village. Such proximity enables village authorities to bridge communication between spouses experiencing marital conflict in a more persuasive and humane manner.

Divorce mediation in Banra'as Village is generally conducted in an informal and flexible setting, either at the village office or at the residences of the disputing parties. This approach creates a more relaxed and non-threatening atmosphere, reducing the psychological pressure often associated with formal judicial proceedings. Village authorities facilitate open dialogue between husbands and wives by involving immediate family members and respected religious figures. The participation of religious leaders serves to provide moral guidance and religious counsel, while the involvement of family members aims to reinforce emotional bonds and collective responsibility for maintaining family unity (Hasanah et al., 2020).

In carrying out the mediation process, the village government emphasizes deliberation and familial principles as the foundation for dispute resolution. Mediation is not directed toward identifying fault or assigning blame, but rather toward understanding the root causes of marital conflict and seeking solutions acceptable to both parties. This approach reflects the local wisdom of Madurese society, which places a high value on family honor and the peaceful resolution of disputes. Consequently, village mediation functions not only as a problem-solving mechanism but also as a process of rebuilding social relationships within the family.

From a normative perspective, the involvement of village government in divorce mediation is supported by Law Number 6 of 2014 on Villages, particularly provisions granting village heads the authority to maintain social order and resolve community disputes. Although the law does not explicitly regulate divorce mediation, it substantively provides room for village authorities to act as social mediators in family conflicts [20]. This indicates that the role of village government in mediation does not contradict the national legal system but rather complements formal dispute resolution mechanisms.

Moreover, the active engagement of the village government in divorce mediation reflects the operation of living law within the community. The legitimacy of this practice is derived not from formal legal sanctions but from public trust and social acceptance of village authority. As such, the village government emerges as a key actor in delivering dispute resolution oriented toward substantive justice and family welfare. In this context, village mediation serves as an essential instrument for strengthening family resilience and maintaining social stability in rural communities.

The Effectiveness of Village Mediation in Reducing Divorce Rates

The effectiveness of divorce dispute mediation conducted by the Banra'as Village Government can be demonstrated through empirical data that has been administratively documented since 2023. Based on field research findings, the village government began formally recording mediated divorce cases in that year. Prior to this, mediation practices had been carried out informally and passed down through generations without written documentation. The availability of these records serves as an important indicator for assessing the success of village-level mediation as a mechanism for resolving family disputes.

Table 1. Divorce Disputes Mediated by the Banra'as Village Government (2023–2025).

No	Year	Number of Disputes	Proceeded to Court	Resolved through Mediation
1	2023	16 cases	4 couples	12 couples
2	2024	20 cases	4 couples	16 couples
3	2025	22 cases	5 couples	17 couples

Source: Processed by the researcher

The table illustrates that, for each year observed, the number of divorce cases successfully resolved through village mediation consistently exceeded those that proceeded to the Religious Court. In 2023, out of 16 mediated disputes, 12 couples reconciled and restored their marital relationship, while only 4 couples continued the divorce process. A similar pattern persisted in 2024 and 2025, where the majority of couples were able to maintain household unity rather than pursue litigation.

The effectiveness of village mediation is not measured solely by its capacity to prevent divorce, but also by the quality of conflict resolution achieved. Even in cases that ultimately advanced to court proceedings, village mediation often produced preliminary agreements concerning the division of marital assets, allocation of debt responsibilities, and child custody arrangements. These agreements significantly reduced the potential for prolonged disputes and social tension within the community. This indicates that village mediation functions as an instrument of social stabilization, rather than merely an effort to preserve marital bonds.

The high effectiveness of village mediation is further influenced by its early intervention nature, cost-free process, and foundation of social trust. Mediation is conducted before conflicts escalate and prior to formal court filings. Moreover, the absence of financial burdens and the use of a familial approach encourage openness and honest communication between the parties. The social legitimacy of the village government perceived as a parental authority within the community also strengthens compliance with mediation outcomes. Consequently, village mediation emerges as an effective, community-based mechanism for managing marital disputes and maintaining social harmony.

Village Mediation as a Practice of Progressive Law

From the perspective of Progressive Legal Theory, the practice of divorce dispute mediation conducted by the Banra'as Village Government can be understood as a form of law that prioritizes human interests and social realities. Progressive law places human beings at the center of legal objectives, rather than treating them merely as objects of normative regulation. Accordingly, law is not perceived as a static set of written rules, but as a dynamic process that must be capable of responding contextually to society's evolving sense of justice (Abdussamad, 2024).

Village mediation in Banra'as reflects the characteristics of progressive law by avoiding rigid procedural formalism. The village government does not position itself as a formal law enforcer, but rather as a social facilitator seeking to achieve substantive justice for the disputing parties. The mediation process is carried out in a flexible and dialogical manner, grounded in empathy and attentiveness to the psychological, economic, and social conditions of the husband and wife involved in the dispute. This approach embodies the progressive legal critique of legal positivism, which often overlooks the human dimension in conflict resolution.

Furthermore, village mediation practices demonstrate recognition of living law within the community. In the context of Banra'as Village, social norms, religious values, and local wisdom possess binding force that is frequently more effective than written legal provisions. The village government strategically utilizes this social legitimacy to foster legal awareness and voluntary compliance among the parties, without resorting to coercive mechanisms. This aligns with the progressive legal view that legal validity is shaped not only by formal legality, but also by social acceptance and community adherence.

Empirical findings from Mawardi's dissertation indicate that the success of village mediation is driven not by the threat of legal sanctions, but by public trust in the moral authority of village leaders. The village head and religious figures are regarded as respected and credible actors capable of providing guidance and solutions to family disputes. Consequently, village mediation operates as a legal mechanism grounded in persuasion, moral values, and social responsibility, rather than in the coercive power of formal law.

Within the framework of progressive law, the willingness of the village government to conduct divorce mediation despite the absence of detailed technical regulations can be viewed as a form of legal innovation. Progressive law encourages legal actors and social institutions to move beyond narrow legalism in order to deliver tangible justice for society. Therefore, the mediation practices in Banra'as Village represent a concrete manifestation of progressive law oriented toward family welfare, child protection, and the preservation of social harmony in rural communities.

Implications of Village Mediation for the Religious Court System

The existence of divorce dispute mediation facilitated by the Banra'as Village Government carries significant strategic implications for the performance and orientation of the Religious Court system. Village-level mediation functions as a pre-litigation mechanism that filters marital disputes before they enter the formal judicial process. Through this mediation framework, only divorce cases that cannot be resolved through deliberative and family-oriented approaches are eventually submitted to the Religious Court (Rompis, 2015). This pattern directly contributes to reducing the number of incoming cases and alleviating the accumulation of divorce disputes within the judiciary.

In practice, most marital conflicts arising in Banra'as Village are initially addressed through village mediation. This early intervention not only prevents conflict escalation but also enables the disputing parties to better understand the legal, social, and psychological consequences of divorce prior to pursuing litigation. Consequently, cases that proceed to the Religious Court have typically undergone preliminary clarification and negotiation, thereby minimizing the potential for prolonged disputes during judicial proceedings.

From an institutional perspective, village mediation serves as a supporting instrument for enhancing the effectiveness of the Religious Court system. Disputes that have been screened and structured through village mediation tend to be more organized when presented before the court. In several instances, the parties have already reached partial agreements on matters such as the division of marital assets or child custody arrangements. This condition assists judges in conducting examinations and rendering decisions more efficiently, in line with the principle of a judiciary that is simple, swift, and cost-effective as mandated by the Indonesian legal system.

Moreover, village mediation fosters synergy between state law and local wisdom. This practice demonstrates that community-based dispute resolution mechanisms do not contradict the formal legal system, but instead complement it. Such integration reflects the concept of legal pluralism, which recognizes the coexistence of multiple normative systems within society, including customary law and religious norms, as integral components of the national legal framework. In this context, the Religious Court is not positioned as the sole arena for conflict resolution, but rather as a final resort after social reconciliation efforts have been maximized.

From the standpoint of progressive law, the implications of village mediation for the Religious Court underscore that law does not necessarily manifest solely through judicial rulings. Justice may also be realized through social mechanisms rooted in humanistic values and communal solidarity. Village mediation not only reduces the administrative burden on the judiciary, but also strengthens the legitimacy of law in the eyes of the community. When legal processes are perceived as fair and aligned with social values, public compliance with formal

law tends to increase. Therefore, the mediation practices in Banra'as Village may serve as a model for integrating community-based dispute resolution with the Religious Court system within the framework of national law.

5. Comparison

Resolution of divorce disputes through village mediation and through Religious Courts differs fundamentally in terms of approach, procedural structure, and justice orientation. Village mediation prioritizes socio-cultural approaches grounded in deliberation, familial values, and locally embedded religious norms. The process is conducted informally within a dialogical atmosphere, allowing disputing parties to articulate their concerns and interests more openly. In contrast, divorce settlement through Religious Courts is formal and procedural, governed by strict rules of procedure and oriented toward evidentiary examination and judicial adjudication.

With regard to objectives, village mediation is primarily oriented toward preventing divorce and restoring social relationships. Village authorities seek to preserve marital unity whenever reconciliation remains possible and to maintain harmonious relations between extended families when divorce cannot be avoided. Conversely, the Religious Court is tasked with providing legal certainty concerning marital status through decisions that are final and legally binding. This institutional mandate results in a stronger emphasis on formal legal aspects rather than on post-divorce social reconciliation.

Differences are also evident in terms of accessibility and cost. Village mediation is relatively accessible, as it is conducted within the immediate social environment, does not involve financial costs, and is not constrained by complex administrative requirements. This accessibility is particularly significant for rural communities facing economic and geographical limitations. In contrast, divorce proceedings in Religious Courts require court fees, longer processing times, and a certain level of administrative literacy, which may hinder equal access for all members of society.

From the perspective of social effectiveness, village mediation tends to generate voluntary compliance because agreements are reached through mutual awareness and acceptance. The legitimacy of mediation outcomes is derived from community trust in village authorities and religious figures. Judicial decisions, on the other hand, are coercive and legally binding; however, in some cases they do not fully resolve underlying social conflicts, as emotional tensions and latent disputes may persist between the parties.

Viewed through the lens of Progressive Legal Theory, village mediation more closely reflects substantive justice by placing human interests and social context at the center of dispute resolution. This practice demonstrates that law does not always need to operate through formal judicial institutions but can be realized through socially embedded mechanisms that are recognized and accepted by the community. Meanwhile, Religious Courts continue to play a crucial role in ensuring legal certainty, yet they tend to embody a positivist legal approach that prioritizes written norms and procedural compliance.

Accordingly, village mediation and Religious Court proceedings should not be regarded as mutually exclusive mechanisms but as complementary components of a holistic dispute resolution system. Village mediation functions as a pre-litigation mechanism that filters and mitigates conflicts at an early stage, while the Religious Court serves as a final avenue for cases that cannot be resolved through reconciliation. The integration of these mechanisms reflects a synergy between state law and living law in promoting sustainable and socially grounded justice.

6. Conclusions

Divorce dispute mediation carried out by the Banra'as Village Government in Sumenep Regency has been proven to play a strategic role in resolving marital conflicts at the village level. This mediation practice is implemented proactively through family-oriented approaches, deliberation, and the involvement of religious leaders as well as extended family members of the disputing parties. Although village mediation is not technically regulated in formal legal provisions, it enjoys strong social legitimacy and operates effectively as a community-based dispute resolution mechanism.

Empirical findings indicate that village mediation demonstrates a high level of effectiveness in reducing divorce rates. The majority of marital disputes are successfully resolved through mediation at the village level without proceeding to the Religious Court. This condition illustrates that early, non-litigation dispute resolution mechanisms that are culturally responsive are more capable of preventing conflict escalation than formal litigation processes that are largely procedural in nature.

From the perspective of Progressive Legal Theory, the mediation practices in Banra's Village reflect law as a living and functioning social reality (living law). Village mediation does not merely pursue formal legal certainty, but prioritizes substantive justice, human dignity, and social welfare. In this context, the village government acts as a progressive legal actor that transcends narrow legal formalism in order to deliver justice that is directly perceived and experienced by the community.

Furthermore, the implementation of village mediation generates positive implications for the Religious Court system. Village mediation serves as a pre-judicial mechanism that filters divorce cases, ensuring that only disputes which cannot be amicably resolved are brought before the court. Consequently, village mediation not only helps reduce the caseload of the Religious Courts but also strengthens the synergy between state law and local wisdom within the national legal system. This practice demonstrates that integrating community-based dispute resolution with formal judicial institutions constitutes a strategic approach toward achieving sustainable and socially grounded justice.

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