Dispute Resolution Through Online Mediation Based on Supreme Court Regulations

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Abstract: This article is motivated by the need for mediation to be carried out optimally to resolve cases in court. The purpose of this article is to explain the substance of mediation in the process of resolving divorce cases and the importance of mediation in resolving household disputes. The method used in this paper is the Normative method with a conceptual approach to analyze problem-solving from the aspects of legal concepts and values contained in norms. The data collection technique used in this paper is a documentation technique and the results are analyzed qualitatively. The research results show that the mediation regulations contained in PERMA which regulate mediation contain important substances that must be understood by the mediator and both parties. Mediation is important to carry out directly to minimize the occurrence of divorce and minimize disputes that may arise after the divorce occurs.

Keywords: Substance, Mediation, Supreme Court Regulations, Online Mediation

INTRODUCTION
Since the implementation of electronic proceedings (e-court) by the Supreme Court through the Republic of Indonesia Supreme Court Regulation No. 3 of 2018, the following regulations and guidelines regarding electronic litigation mechanisms have been quickly rolled out, including PERMA No. 3 of 2022 concerning electronic mediation (online mediation). E-court has made the judiciary progress on the one hand and the other hand, of course, some things need to continue to be paid attention to in the implementation of e-court, especially in resolving divorce cases. Technological progress is like two sides of a coin, there is a positive side and a negative side, and there are advantages and disadvantages. So far studies on online mediation in divorce cases tend to look at two aspects. First, studies that look at online mediation provide benefits so that it is more effective and efficient and provides benefits for parties who are not able to attend court (Nurul Izzah, 2022) (R. Tanzil Wafiq Sayyaf; Ashfa Afkarina, 2022) (Mardalena Hanifa, 2016).
The second tendency is to see online mediation as the weakness and ineffectiveness of online mediation in resolving domestic disputes because the parties and the mediator cannot meet in person, thus minimizing the possibility of peace and the lack of willingness and skill of the mediator in carrying out mediation (Yusna Zaidah; Mutia Ramadhania Normas, 2021) (Hasan Matsum; Ramadhan Syahmedi Siregar; Rahmat Alfi Syahri Marpaung, 2022) (Erik Sabti Rahmawati, 2016). Of these two tendencies, the substantive aspect of mediation itself has not been touched, even though the implementation of mediation and its achievements are largely determined by the mechanisms and strategies carried out by a mediator which lead to the substance of the mediation itself. Because in essence, household disputes are not only legal (juridical) issues but also sociological and psychological problems that need to be handled with the right skills and strategies (Mukti Arto, 2017).

This article is intended to complement the shortcomings of existing studies by carefully mapping the substance of mediation in the process of resolving divorce cases in court and why mediation is important for resolving disputes, especially domestic disputes.

This article is based on the argument that mediation is an alternative dispute resolution that is integrated with the litigation settlement process in court to achieve peace between both parties. This is because marriage is a legal relationship that has implications not only for both husband and wife.

**METHOD**

This article uses a type of normative legal research. Normative legal research is also called doctrinal legal research, library legal research, or documentary studies (Roni Efendi; Saadatul Maghfira; Hebby Rahmatul Utamy; Erwin Radon Ardiyanto, 2023). It is said to be doctrinal legal research because this research is only carried out on written regulations or other materials (Ishaq, 2017). Ismansyah said that normative legal research is the main characteristic of legal research, even before the term socio-legal research was introduced, which combines normative research complemented by empirical legal research, only normative legal research was known in legal science (Irwansyah, 2023). The research approach used in this article is conceptual, an approach that provides an analytical perspective on problem-solving from the aspect of the legal concepts behind it, or the values contained in the norming of regulation about the concepts used (Irwansyah, 2023).
A literature study was carried out to collect and research primary legal materials, in the form of statutory regulations and all documents containing legal provisions, secondary legal materials in the form of expert opinions in the form of legal doctrine and teachings, as well as tertiary legal materials that support the writing of this article. Data collection techniques are carried out through documentation studies and then the results are analyzed qualitatively and analyzed according to the problem formulation that has been determined.

RESULT AND DISCUSSION

The Substance of Mediation in the Divorce Case Settlement Process in Court

Settlement of cases through court is essentially the last option that must be chosen when the dispute or conflict cannot be resolved outside of court. This is because when the settlement is submitted to the court, what will happen is the issuance of a court product called a decision which positions both parties in the position of losing and winning.

However, because the dispute occurs in the field of private law, the opportunity for reconciliation still exists and is superimposed by the judge as playing an important role when the process takes place. This also assumes that there are still disputes that will go straight to court, thus ignoring the stages of peace that should be carried out. Quoting what M. Yahya Harahap said, the aim of litigating in court is not only to seek and discover obscure truths but rather to solve and solve problems that give satisfaction to both parties, so you can move into the future (Maskur Hidayat, 2016).

Regulations on the judge's obligation to reconcile the parties already exist in various statutory regulations, such as in Article 56 paragraphs (2), 65, 70, 82, 83, explanation of paragraph (4) of Article 82 of Law no. 7 of 1989 concerning Religious Courts, Article 39 of Law no. 1 of 1974 concerning marriage, Articles 31-32, explanation of Article 16 and paragraph (2) of Article 31, PP No. 9 of 1975 concerning Implementation Rules of the Marriage Law and Articles 115, 143, 144 of Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law (Aris Bintania, 2012). This regulation gives meaning to the importance of peaceful efforts carried out by judges during the process of resolving divorce cases. This is supported by the statement that marriage law adheres to the principle of making divorce difficult, by stating real reasons and the fact that it will not be possible for the husband and wife to live in harmony and peace returns.
As time goes by and the court's commitment to be present in reconciling the parties, the reconciliation process which is integrated with the litigation process, is then developed in a clearer and more measurable form. Apart from the aim of reconciling the disputing parties, peace is also felt to have a positive impact on the court because it will reduce the backlog of cases in court (Peraturan Mahkamah Agung RI No. 1 Tahun 2008 Tentang Prosedur Mediasi Di Pengadilan, n.d.). Because with peace, the case that has been submitted is withdrawn or supplemented by converting the peace agreement into a peace deed to give it the force of effect. This is the basis for the issuance of the Supreme Court Regulation on Mediation.

Mediation procedures are regulated by Supreme Court regulations because incorporating mediation rules into the law as a stronger regulation will require time and a long process. Meanwhile, the Supreme Court has the authority to regulate judicial procedures that are not yet sufficiently regulated by statutory regulations in the form of Supreme Court Regulations (PERMA) and Supreme Court Circular Letters (SEMA).

Mediation is an optimization of the conciliatory role that has been carried out by judges as stated in Articles 130 HIR and 154 R.Bg in resolving cases in court, including cases of domestic disputes. However, it is alleged that there are still many judges who carry out the provisions of Article 130 HIR paragraph (1) and paragraph (2) and Article 154 RBg as a mere formality and tend to direct the parties through the litigation process (Nur Solikin; Nor Salam, 2021).

Regulations related to mediation were first contained in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (Undang-Undang Republik Indonesia Nomor 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa, n.d.). However, the law does not yet regulate mediation in detail. In 2003, mediation was integrated into the process of resolving cases through litigation in court with the issuance of Supreme Court Regulation No. 2 of 2003 concerning Mediation Procedures.

Efforts to reconcile the parties in a divorce case are an obligation imposed by law on the panel of judges, so they must be carried out optimally. Except in cases of divorce due to adultery, physical disability, or mental illness which results in the inability to carry out one's obligations, this reconciliation is only a recommendation (Abdul Manan, 2000). With the enactment of the PERMA on Mediation, it is clear that peace efforts are a stage that must be included in the process of resolving cases in court, where mediation is a stage that is integrated with other stages of the trial.
agenda such as reading the lawsuit, answers, replicas, duplicates, evidence up to the decision (Darmawati, 2014). Apart from that, the inclusion of the mediation process in the justice system can maximize the function of the court in resolving disputes, not just being considered as an institution that decides cases (Dwi Rezki Sri Astarini, 2020).

Mediation regulations starting from PERMA No. 2 of 2003 concerning Electronic Mediation in Court, PERMA No. 1 of 2008 concerning Mediation Procedures in Court, PERMA No. 1 of 2016 concerning Mediation Procedures in Court, and most recently PERMA No. 3 of 2022 concerning Electronic Mediation in Court, basically has substance regarding the nature of mediation itself which needs serious attention to be implemented so that the objectives of mediation can be achieved, as can be seen from the following description:

Definition of Mediation

Etymologically, the term mediation comes from Latin, mediare, which means in the middle. The meaning that positions the existence of the mediator as a neutral third party (Syafirizal Abbas, 2009). Meanwhile, the definition in the study of Islamic law (fiqh) is more interpreted as a third party, referred to as hakam, which is closer to the meaning of arbitrator, arbitrator, or peace judge, namely someone sent by both husband and wife if a dispute occurs between the two (Ahmad Mujahidin, 2018).

The entire PERMA regarding mediation defines mediation as a method of resolving disputes through a negotiation process to obtain an agreement between the parties with the assistance of a mediator. This understanding contains several important elements, namely: (1) Mediation is a process, stages that include skill and art. (2) The substance to be resolved is a dispute/conflict/contradiction, either between individuals or between groups, specifically divorce cases are conflicts/contradictions between husband and wife. In the PERMA regulations regarding mediation, cases that do not take the mediation route are excluded, as stated in Article 4 paragraph (2) letters a–e PERMA No. 1 of 2016. (3) The mechanism for resolving the conflict is carried out by negotiation, namely joint deliberation/discussion, although it is possible to have a caucus, namely a meeting between the mediator and one party without the presence of the other party. (4) Agreement is the final goal of the negotiations, meaning that what is produced is the will of both parties voluntarily, without any coercion of will. (5) Mediation is carried out with the assistance of a certified mediator, either a
judge or a non-judge, who will mediate in the dispute resolution process.

Substances that change in PERMA No. 3 of 2023 regarding the meaning of mediation are that electronic mediation is carried out with the support of information technology. It's just that the essence of mediation has not changed from the meaning presented in the previous PERMA.

The definition of mediation also means that resolving disputes submitted to court must be carried out with appropriate and targeted strategies, adapted to the form of dispute or conflict that occurs. Simple conflicts can of course be resolved with simple strategies, but complex and diverse conflicts certainly cannot be resolved with simple mediation strategies alone.

Mukti Arto said that (Mukti Arto, 2017), The dispute can be seen from three characteristics; firstly, in disputes that have a formal character, the appropriate resolution is bureaucratic by enforcing legal regulations (norms), secondly, in disputes that have a material character, the method of resolution is by mediation/compromise so that both parties win and no party feels like they have won/lost. The third is a dispute with an emotional character, the resolution of which is through humanistic methods to restore self-esteem and social relations.

Ali Achmat, as quoted by Dwi Rezki, stated that a dispute is a conflict between two or more parties that originates from different perceptions about an interest or property right which can give rise to legal consequences for both (Dwi Rezki Sri Astarini, 2020).

An important element in resolving disputes as stated in the definition of mediation is through negotiation, namely deliberation, discussions carried out together to produce an agreement on resolving the problem. Deliberation is a characteristic of democracy that has lasted for centuries is the identity of Indonesian society and is stated in the preamble to the 1945 Constitution (Mukti Arto, 2017). Traditionally this has been done through customary courts or village courts (Dwi Rezki Sri Astarini, 2020).

**Mediation Stages**

Chambliss as quoted by Mukti Artoput forward (Mukti Arto, 2017) If the target to be aimed at in resolving the conflict is to reconcile the parties so that in the future they can live together again after the dispute, then it would be better to emphasize mediation and compromise. By not ignoring the obstacle factors in resolving cases through mediation, the following will describe several mediation substances that must be understood by the mediator and the parties so that the
mediation is carried out well and by the expected objectives (Peraturan Mahkamah Agung No. 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan, n.d.) that is: (a) The mediator and the parties must both feel that the mediation process is important; with the understanding that the mediator and the parties must think that there is still hope that the conflict that occurs will be resolved through deliberation. So that the application of the articles relating to the presence of the parties (Article 6 paragraphs (1)-(4), good faith in attending mediation and during the mediation process (Article 7 paragraphs (1) and (2) can be realized. (b) The mediator and the parties must build mutual trust; because the mediation process is confidential and closed unless the parties wish otherwise (Article 5), positioning oneself as a neutral party and becoming a facilitator for both parties. (c) The mediator and the parties must be open to carrying out mediation flexibly as long as it can facilitate the resolution of the case process (Article 24 paragraphs (3) and (4); if desired, mediation can be carried out via long-distance visual communication media (Article 5 paragraph (3). (d) The mediator is maximally professional and responsible for preparing the mediation process and carrying out the mediation by; understanding the type of case that will be mediated (Article 24 paragraphs (1) and (2), trying to find information about the parties to be mediated, see the possibility of involvement of other parties in the mediation process (Article 26 paragraphs (1) and (2). (e) The mediator must facilitate the parties to find alternative agreements when peaceful efforts for the primary case cannot be realized; Article 25, Article 29.

By understanding the substance of the series of PERMA stages, the seriousness in carrying them out will provide the possibility that the level of success of peace will be achieved. It would be different if mediation was only understood as an ordinary formality and a stage that must be passed in the case resolution process. Of course, that is not the aim of this PERMA which continues to be refined from time to time. Because peaceful efforts are the judge's obligation at each stage of the trial which have been regulated in HIR and RBg as well as legislation are still being implemented.

The presence of PERMA No. 2 of 2023 concerning Electronic Mediation in Court still carries the above matters, only the technical implementation is carried out virtually (online). Article 1 paragraph 1 of the PERMA explains that electronic mediation in court, hereinafter referred to as electronic mediation, is dispute resolution through a negotiation process to obtain an agreement between the parties
with the assistance of a mediator which is carried out with the support of information and communication technology.

However, looking at the substance of mediation that has been described previously, the implementation of offline mediation compared to online implementation will certainly affect the mediation process itself. This is because an important element in negotiations is deliberation and deliberation will be optimal if carried out with appropriate communication patterns. The existence of several obstacles in online communication will bring the influence of the mediator and the parties will be able to maximize their efforts in carrying out negotiations (Yusna Zaidah; Mutia Ramadhania Normas, 2021) (Erik Sabti Rahmawati, 2016). Therefore, the mediation process should not be carried out electronically except in certain circumstances using long-distance audio-visual to ensure that dialogue between the mediator and the parties can be carried out optimally (Hasan Matsum; Ramadhan Syahmedi Siregar; Rahmat Alfi Syahri Marpaung, 2022) (Amran Suadi, 2020).

Electronic mediation is the development and refinement of electronic justice which was previously regulated in Government Regulation No. 7 of 2022 concerning Electronic Administration of Cases and Trials. The presence of PERMA e-court is also in the context of realizing simple, fast, and low-cost justice and is an integral part of Public Information as mandated in Law No. 14 of 2008 concerning the Openness of Public Information (Aco Nur; Amam Fakhirur, 2019).

The Importance of Mediation in Resolving Domestic Disputes

Household disputes, like the nature of disputes in general, occur because of a clash/contradiction between das sollen and das sein, the difference between desire and reality. The conflict between desire and reality is more emotional and personal. This is what happens in domestic conflict.

A household built around a marriage bond certainly gives rise to rights and obligations that were mutually understood before the marriage bond occurred. There is a change in position which has consequences for these rights and obligations. So when it is disturbed and accompanied by emotions, it allows conflict to occur. When the collision is not accompanied by emotions, then there is no conflict/problem. It is this problem/dispute that then needs to find a solution, which can be resolved by both parties themselves, by involving the other party as a peacemaker (hakam) and can also lead to court in the form of a litigation settlement.
Conflict in the household is normal and often cannot be avoided. Marriage is the union of two individuals, each of whom has different characters, beliefs, and backgrounds. This adjustment process sometimes causes clashes, disputes, and tensions which, if not resolved, will end in divorce (Mazro’atus Sa’adah, 2022).

Domestic conflict can be caused by non-fulfillment of these obligations, it can also be caused by a partner who does not meet expectations, and it can also be caused by the entry of a third party who then disrupts household order. Also included in the sources of conflict that are widespread are domestic violence and infidelity which leads to continuous disputes and fights which can end in the breakdown of the marriage bond (divorce). Abdul Ghofur Anshori explained that divorce could be caused by several possibilities (Muhammad Syaifuddin, Sri Turatmiyah, 2022): (1) The dissolution of a marriage by the will of Allah SWT through the death of one of the partners; (2) The dissolution of a marriage is based on the husband's will for certain reasons and his will is expressed with certain words called talak; (3) The marriage was broken up at the wife's will because the wife saw something that wanted the marriage to break up. (4) The dissolution of a marriage is based on the will of the judge as a third party after seeing something in the husband and/or wife that causes the marital relationship to not be able to be carried out.

Article 39 of Law No. 1 of 1974 which has been updated with Law No. 16 of 2019, the reasons that can be used as reasons for divorce are: (1) One of the parties commits adultery or becomes a drunkard, addict, gambler and so on which are difficult to cure; (2) One party leaves the other party for 2 (two) consecutive years without the permission of the other party and a valid reason or for other reasons beyond his or her will; (3) One of the parties receives a prison sentence of 5 (five) years or a heavier sentence after the marriage takes place; (4) One of the parties commits cruelty or serious and dangerous abuse against the other party; (5) One of the parties has a physical disability or illness which results in him being unable to carry out his obligations as husband/wife; (6) Between husband and wife, there are constant disputes and quarrels and there is no hope of living in harmony in the household again.

In the compilation of Islamic Law, additional reasons included can be grounds for divorce in Article 116, namely violating the taqlik of talak and changing religion or apostasy which causes disharmony in the household.

When the cause of the breakdown of the marriage is not something that causes
the marriage to end, then the awareness that divorce in Islam is a halal act that is hated by Allah SWT, of course, must be a consideration for both parties. So that conflicts that occur between partners do not have to be a direct reason for the end of the marriage bond. Article 115 of the Compilation of Islamic Law states that divorce can only be carried out in front of a religious court after the court has tried and failed to reconcile the husband and wife (Khoirul Abrar, 2020).

As Muhidin said, the concept of mediation that is integrated into the judicial process (court-connected mediation) is ideal, especially in dealing with domestic conflicts, which if successful will certainly have a beneficial impact. Benefits not only for both parties but also for the descendants and families of both parties (Nur Solikin; Nor Salam, 2021) For this reason, judge mediators and non-judge mediators must make maximum efforts to make peace to avoid the occurrence of hostility in the future between the parties to the dispute.

Peace in Islam is also more prioritized (qs. Al-Hujurat verses 9-10) because what can be accepted voluntarily is essentially only what results from a negotiation, while what results from a decision remains unchanged. can be felt to be fair, especially for the losing party (Amran Suadi, 2020). Umar bin Khattab, when he took office as Caliph Arrasyidin, said that a case that ended in a verdict would be unpleasant for both parties and would continue with disputes and quarrels. That is the importance of peaceful advice in resolving disputes (Abdul Manan, 2000).

The realization of mediation in the Islamic context is with the help of a third party called hakamay who is appointed from relatives of both parties (Qs An-Nisa verse 4) who is neutral. This concept has been outlined in Article 76 paragraph (2) of the Compilation of Islamic Law, but its implementation is not optimal so only the process of peaceful efforts by the judge examining the case is carried out and then the concept of hakam is realized with mediation regulations by a mediator.

The importance of mediation in resolving cases, as stated by Hasan Yusuf, quoted by Achmad Taufik (Achmad Taufik, 2023). This is also because after the process of resolving the divorce case through litigation which ended in a verdict, it turned out that several problems remained, including: (1) Continuous conflict between the two parties affects the continuity of communication and interaction patterns; Both parties are positioned as plaintiff and defendant and during the trial process will defend their respective arguments, after the case is resolved they will still feel they are in
opposing positions. (2) The large costs and time consumed in undergoing the trial process, especially for parties who rely on lawyers/proxies; The stages of the trial agenda that must be passed, plus the strength of the parties in defending their respective arguments, make the process tiring for both parties. (3) More focused on paying attention to the position of the parties and the interests of the parties regarding the legal consequences of divorce, paying less attention to the interests of children and the impacts that cannot be avoided when a divorce occurs. What is most influenced by the dissolution of a married couple's relationship is more experienced by the children. (4) Mediation was not carried out optimally because the parties and the mediator did not understand the substance of the mediation itself. Mediators only carry out mediation as a mere formality and do not use their skills and art in carrying out mediation and the parties are strong with their respective desires which are difficult to reconcile.

Mediation improves communication, facilitates negotiations, and takes into account the interests of children in the divorce process. Apart from that, mediation also helps build sustainable solutions by reducing post-divorce tension, maintaining good relationships between divorcing parties, and saving time and money. Including mediation will increase the implementation of mutually negotiated agreements because they arise from a deliberation process, not from a court decision. In reality, many court decisions relating to obligations imposed on husbands cannot be implemented and even encounter obstacles in their execution (Aco Nur; Amam Fakhrur, 2019).

Dispute resolution methods should also be carried out by considering all factors that influence the case resolution process, both positive and negative factors. Strategic theory and art are needed. A judge or mediator must master legal science in all its branches, such as humanities, which are adapted to the characteristics and culture of the parties involved in the case. Including management science as a basis for processing legal science and humanities science in addition to packaging the law and its presentation so that the case resolution process becomes interesting, practical effective, efficient, and can satisfy all parties (Mukti Arto, 2017).

A mediator must have skills, including (Kusroh Lailiyah, 2022) (1) Legal and technical expertise in the field; (2) Persuasion and communication skills; (3) Ability to manage anger; (4) Ability to reformulate problems; (5) Ability to formulate alternative solutions. This skill is closely related to the mastery of material legal knowledge, communication science,
management science, and psychology which are needed so that mediators can deepen the conflict that occurs.

Apart from that, the mediator must also have the following techniques and skills: (a) Organizing skills to plan and schedule meetings, room management skills, welcoming and returning skills to the parties and skills to maintain the position of the parties, (b) negotiation skills, directing negotiations, organizing skills negotiations and holding caucuses, (3) facilitation skills including skills in dealing with the emotions of the parties and skills in dealing with dead ends, (4) skills in communicating both verbal and non-verbal communication, listening skills and being empathetic.

All of these capabilities are descriptions contained in the Supreme Court Regulations regarding mediation. It is appropriate that a mediator must first receive training and have a license (certificate) so that he can then apply the knowledge he has to resolve conflicts through mediation. A mediator's expertise is determined by the experiences the mediator has had in dealing with various kinds of disputes with various forms of problems in them.

This mediator ability is also called in management science the ability to manage conflict into cooperation. An ability that is not easy to do because it means changing a person's mental attitude, views, and thoughts. When this ability is successfully implemented, both parties do not feel defeated by the judge, do not feel defeated by the opponent and both parties feel like they have won (Mukti Arto, 2017).

However, in practice there are 4 categories of mediator models in conducting mediation (Tinuk Dwi Cahyani, 2022). (1) Settlement Mediation (compromise), the mediation model targets the realization of a compromise of what the two parties to the dispute want. This mediation model requires a highly dedicated mediator even though they are not very skilled in the mediation process and techniques. (2) Facilitative Meditation is based on interests and issues with the target of avoiding disputants from their positions and rigidly negotiating the needs and interests of disputants from their legal rights. This model requires a mediator who is an expert and masters mediation techniques so that he can lead mediation and create constructive communication to produce an agreement. (3) Transformative Mediation (Therapeutic Mediation and Reconciliation) a mediation model that focuses on finding the initial cause of the problem, through recognition and empowerment as the basis for resolving the dispute. The right mediator for this model is a mediator who can use professional therapy and techniques before
and during the mediation process and can raise relational or relationship issues through recognition and empowerment. (4) Evaluative Meditation (Normative Mediation) the mediation model aims to find an agreement on the legal rights of the disputants in the area anticipated by the court. Mediators with this model are expert mediators who master each area of dispute.

The mediation model described above could be a combination of disputes to be resolved so that a mediator who can use his abilities as a mediator comprehensively is certainly more desirable.

Mukti Arto in his book The Theory and Art of Resolving Civil Cases in Court places great emphasis on skills and strategies in resolving divorce cases, both in litigation and non-litigation. So that the impression of the judicial process as a formal institution focused on deciding cases, which has been the image of the court, can be changed into an institution capable of resolving cases by prioritizing justice and expediency, in addition to legal certainty which is called the theory of legal effectiveness by Lawrence M. Friedman.

Another aspect that is often overlooked by mediators, especially judge mediators, in resolving disputes through mediation is the psychological aspect. The root of the problem of conflict in the household is mostly caused by emotional problems and if the existing emotions are not dealt with by prioritizing psychological aspects, it is not optimal for a mediator to map the problem and try to outline a way to help the parties find opportunities for a solution (Andi Hartawati, Sumiati Beddu, 2022).

Negotiation is very closely related to deliberation and the application of the principle of deliberation in the process of resolving cases is very appropriate because what is being resolved is a matter of both parties, so it is very appropriate if it is resolved by involving the problematic parties, especially not infrequently the parties register their cases with the court, in essence, there are still those who have not attempted peace at all before. Therefore, including the principle of deliberation as a principle in the draft civil procedural law is something that needs to be considered (Mukti Arto, 2017).

The effectiveness of mediation in resolving divorce cases is also to reach out to the disputing parties regarding the institution of marriage as a sacred institution and needs to be viewed with a comprehensive attitude. The negotiations and deliberations that were held were also to try to communicate the problems faced with the help of a reliable, certified mediator.

Deliberation will position the deliberating parties in a position that is
face-to-face, intimate, and talking from heart to heart. The mediator cannot place his position higher or more important than the parties being mediated so that the mediator can explore the parties' desires and their hopes for the problem at hand. Deliberation also means that mediation is not forced by statutory regulations or by the mediator. Because control in mediation remains in the hands of the parties. It's just that mediation arrangements are an important concern for the judiciary, leading to the conclusion that mediation cannot be carried out simply.

PERMA No. 3 of 2022 concerning Electronic Mediation which changes the technical mediation carried out in a mediation room into virtual mediation when viewed from the perspective of effectiveness and efficiency, fulfilling the principles of simplicity, speed, and low cost. Electronic mediation is also an accommodation for advances in digital-based science and technology.

CONCLUSION
Mediation institutions are an alternative dispute resolution that is integrated with the stages of the case resolution process in court, including the resolution of divorce cases. Mediation is effective in minimizing the buildup of cases in court and minimizing the occurrence of divorce which has an impact not only on both parties but also on the descendants and relationships between the two families. The mediation regulations contained in the Supreme Court Regulations completely regulate the stages of mediation which must be understood in substance and the substance of mediation will be maximally applied if it is not carried out online. For this reason, reconstruction of PERMA No. 3 of 2022, especially when applied to divorce settlements.

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