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HOW DIVORCE MEDIATION SHOULD BE GOVERNED

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ABSTRACT

Practical reconciliation in a divorce case is part of the commitment and performance of judges, mediators and all related components in the Religious Courts. The purpose of this research is to initiate appropriate governance in divorce mediation. This study employs a qualitative method sourced from field data. The data are statistics on divorce occurring in South Sulawesi, Indonesia. It was found that the governance used in mediation consisted: first, pre-mediation related to the curriculum of mediators and partner development and second, mediation based on the level of relationship estrangement. This governance idea is expected to increase the success rate in reconciling the verge of divorce parties

Keyword: Mediation, Divorce, Reconcile, Marriage, Law, Religious Court, Dispute Resolution

INTRODUCTION

Divorce is a fairly complex problem. Families who have problems tend to keep the problems faced by their families a secret and try to solve themselves. In general, when the problem is chronic enough, it is also recognized that the advice by the Advisory Board for the Guidance and Preservation of Marriage and the reconciliation efforts carried out by the courts tend to be less methodological, less professional (Douglas et al., 2011). Fostering family life, counselling prospective brides and advising families with problems are essentially educational activities that change unfavourable conditions to better ones. For these activities, it is very appropriate to do it through education, persuasion, and psychology (Lukito, 2006).

Islam views that divorce must be tightened and is an emergency door that can only be taken if there is no longer a solution? In the marriage law regulations in Indonesia, divorce can only be carried out in front of a Religious Court trial, and even then, it must also be included with strong enough reasons (Hawkins, Willoughby & Doherty, 2012). Therefore, it is necessary to be careful to see the root of the problem that afflicts household shocks.

These problems are resolved peacefully and sometimes also continue continuously if each party maintains their individual opinions, and no one wants to give in, and each wants to win without seeking and thinking about the best way for the continuity of domestic life and happiness for so long. It has been built together. In addition, conflicts or disputes occur because the parties feel that their rights are not being fulfilled. They tried to claim that they had rights, but he did not get it (Allen & Hawkins, 2017).

For this reason, efforts to reconcile the parties in litigation carried out at each stage of the trial (Allen & Hawkins, 2017). However, because the situation of husband and wife litigation in the

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