

The Urgency of Village-Level Mediators in Reducing Divorce Rates on the North Central Java

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Abstrak

Masalah rumah tangga sering kali menghadirkan tantangan kompleks yang memerlukan penanganan hati-hati untuk mencegah perceraian. Penelitian ini bertujuan untuk mengeksplorasi strategi efektif dalam menangani konflik rumah tangga di Indonesia, khususnya di wilayah Pesisir Utara Jawa, dengan fokus pada peran modin (pemimpin masyarakat agama) dan pengaruh hukum adat serta hukum positif sebagai sarana mediasi. Metode yang digunakan dalam penelitian ini adalah pendekatan yuridis empiris, yang mencakup pengumpulan data primer dan sekunder, studi kasus, wawancara, dan analisis kebijakan. Hasil penelitian menunjukkan bahwa meskipun hukum adat telah memberikan solusi untuk banyak masalah masyarakat, globalisasi dan teknologi telah mendorong komunitas untuk lebih condong pada hukum positif dalam penyelesaian konflik, bahkan dalam masyarakat tradisional. Modin memainkan peran penting dalam memediasi konflik keluarga dan menjaga perdamaian, sementara kepala desa sering bertindak sebagai perantara dalam kasus perceraian, yang dapat memengaruhi reputasi desa. Studi ini merekomendasikan agar desa-desa, melalui peran modin, melakukan mediasi sebagai langkah awal dalam menangani konflik rumah tangga untuk mencegah perceraian dan meningkatkan hasil penyelesaian konflik.

Kata Kunci: *Konflik Rumah Tangga; Perceraian; Mediator; Modin; Pesisir Utara Jawa.*

Abstract

Marital issues often present complex challenges that require careful handling to prevent divorce. This research aims to explore effective strategies for managing household conflicts in Indonesia, particularly in the northern coastal regions of Java, with a focus on the role of modin (religious community leaders) and the influence of customary law and positive law as means of mediation. The method used in this research is an empirical juridical approach, which includes the collection of primary and secondary data, case studies, interviews, and policy analysis. The results of the study show that while customary law has provided solutions to many societal issues, globalization and technology have encouraged communities to lean more toward positive law in conflict resolution, even within traditional societies. The modin plays a crucial role in mediating family conflicts and maintaining peace, while village heads often act as intermediaries in divorce cases, which can impact the reputation of the village. The study recommends that

villages, through the modin, conduct mediation as an initial step in handling household conflicts to prevent divorce and improve conflict resolution outcomes.

Keywords: *Family Conflict; Divorce, Mediator; Modin; Northern Coast of Java.*

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Introduction

Marital problems should not necessarily end in divorce. In fact, marital issues that are handled properly can become valuable lessons for both spouses in achieving the objectives outlined in Law No. 1 of 1974. Peaceful dispute resolution is an integral part of Indonesian customs and can be applied in various contexts.¹, including marital conflicts. By addressing household issues wisely, couples can learn and grow together, achieving the goals of marriage as envisioned by Law No. 1 of 1974. Although differences in needs, desires, and backgrounds between husband and wife often trigger conflicts, good understanding and communication can help resolve these differences peacefully.

Marital problems require specific strategies to minimize them, ensuring that they are handled properly and do not drag on. Developing clear communication, mutual respect, and patience can be essential tools in resolving conflicts effectively and preventing them from escalating. Customary law is considered a *living law*² has provided solutions to societal issues. However, with the advancement of time, particularly through globalization and technology, the existence of customary law has become increasingly marginalized. Despite its effectiveness in addressing local conflicts and maintaining

¹ Winsherly Tan, "Urgensi Pembentukan Undang-Undang Tentang Mediasi Di Indonesia," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 7, no. 2 (2020): 408–20.

² Mason C. Hoadley, "The Leiden Legacy: Concepts of Law in Indonesia (Review)," *Sojourn: Journal of Social Issues in Southeast Asia* 21, no. 1 (2006): 124–28, <https://doi.org/10.1353/soj.2006.0007>.

social order, modern legal systems and technological developments have shifted communities' preferences toward formal legal frameworks, reducing the reliance on traditional laws.³ In empirical conditions, it can be observed that when customary law is confronted with positive law, Indonesian society tends to prefer positive law⁴ This preference has led Indonesia's legal policy to shift towards the codification and unification of laws. The push for a standardized legal system aims to create uniformity and consistency across the nation, reducing the influence of customary laws and aligning the legal framework with civil law principles⁵. For example, when conflicts arise within indigenous communities, empirical evidence shows that dispute resolution tends to favor litigation, as regulated by Law No. 48 of 2009 on Judicial Authority, and non-litigation methods, as outlined in Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution. Indonesia's legal policy, which leans toward the civil law system, impacts how problems are addressed in indigenous communities. This shift often leads to a reliance on formal legal mechanisms rather than traditional customary approaches, influencing the way disputes are resolved within these communities.⁶ Indigenous communities are often more suited to using customary dispute resolution mechanisms rather than those outlined in positive law. For instance, the Javanese community, particularly in the Northern Coastal region of Java, has distinct cultural characteristics compared to those in mountainous areas. Coastal communities are more open to diversity and acculturation, which allows components from outside traditional customary law, such as Islamic law, to be accepted. Historically, Javanese society has been influenced by Hindu and Buddhist values, but with the advent of Islam, these new values have also been integrated. Such a societal condition aligns with Pancasila, the national legal ideals, and the moral aspirations of the nation. Indonesian national law adheres to the principle of *Receptio A Contrario*⁷ This means that the law applicable to followers of Islam is Islamic law, and customary law can be applied as long as it does not conflict with Islamic law.

³ Lastuti Abubakar, "Revitalisasi Hukum Adat Sebagai Sumber Hukum Dalam Membangun Sistem Hukum Indonesia," *Jurnal Dinamika Hukum* 13, no. 2 (2013): 320–30.

⁴ The law that originates from Roman times, written and codified in a single book, is not based on judicial decisions.

⁵ Abubakar, "Revitalisasi Hukum Adat Sebagai Sumber Hukum Dalam Membangun Sistem Hukum Indonesia."

⁶ A K Ja'far, "Mendudukan Peran Hukum Islam Dalam Pembangunan Hukum Nasional Di Indonesia (Suatu Tinjauan Ketatanegaraan)," *Masalah-Masalah Hukum* 4, no. Query date: 2022-05-28 11:15:02 (2011): 332–37.

⁷ Sayuti Thalib, *Receptio A Contrario*, 1980.

In the coastal communities of Java, the modin is recognized as a leader in ritual ceremonies, a mediator for conflicts within the community, and a person who unites various groups within their region..⁸ Initially, the modin in Java primarily assisted with death rituals, particularly the handling of the deceased. Over time, as the complexity of indigenous society evolved, the role of the modin expanded beyond funerary rites to include responsibilities related to marriage, divorce, and acting as an officiant at weddings. The modin also plays a role in mediating household conflicts, serving as a mediator between disputing parties. As a religious leader living among the indigenous community, the modin aims for a peaceful and secure environment.

Household conflicts fall under civil law and are considered private matters that must be resolved by the parties involved. The involvement of a third party as a mediator is based on Article 1320 of the Civil Code (KUHPerdata), which pertains to the agreement of both parties involved in the dispute.⁹ The Supreme Court (Mahkamah Agung) plays a crucial role not only in administering justice but also in maintaining legal order through the creation of regulations, such as PERMA Number 1 of 2016 on Mediation Procedures in Courts.¹⁰ To avoid the invalidation of reconciliation in household conflict resolution, legal certainty regarding the position of modin and strategies for empowering village officials, particularly modin, is required to make them more effective in resolving such conflicts. This will help ensure that household conflict resolution can be carried out more efficiently and that the law is upheld properly.

This research aims to provide solutions and legal certainty to modin in carrying out their duties to build a peaceful and secure community. It will also describe alternative dispute resolution institutions that have developed within society. This study follows up on previous research related to E-Court, which is used for registering divorce cases in religious courts. As village officials responsible for resolving household issues, the registration of cases in court becomes crucial if the dispute resolution does not reach a resolution. It is hoped that this research will serve as a basis for community service regarding the socialization of E-Court for village modin.

⁸ Mulyosari, "Dinamika Masyarakat Dan Solusinya, Kasus Atas Pemilihan Kaum Di Dusun Cupuwatu I Purwomartani Kalasan Sleman," *Jurnal Aplikasi Ilmu Ilmu Agama* VIII (2007).

⁹ According to Article 1320 of the Indonesian Civil Code, agreement is a subjective requirement. If this subjective requirement is not met, the peace agreement can be annulled.

¹⁰ Ainal Mardhiah, "Penyelesaian Sengketa Melalui Mediasi Berdasarkan Perma No.1 Tahun 2008," *Kanun: Jurnal Ilmu Hukum* 13, no. 1 (2011): 153–69.

Methodology

To facilitate the research, appropriate research methods are applied, along with relevant data collection techniques and approaches. This study employs an empirical juridical research method, which examines *law in action* with a focus on *das sein*, or the realities occurring in the field..¹¹ Through this approach, the research focuses on how the law is applied and functions within society, rather than merely how it is written in legal texts. This approach allows the research to integrate various perspectives and expertise from different disciplines and sectors, resulting in a comprehensive and in-depth analysis.¹² Secondary data includes primary, secondary, and tertiary legal materials, as well as information obtained from interviews and visits to relevant institutions such as the Kelurahan Office in Semarang, and the Desa Offices in Jepara, Demak, and Pati. This data is analyzed qualitatively from a juridical perspective to provide a comprehensive view of family law. The data collection technique used is literature study. The results of the literature study are then analyzed using qualitative data analysis methods, meaning that conclusions are not based on statistical numbers but are derived from the relationships between legal principles, legal norms, and legal theories with societal phenomena through juridical interpretation..¹³

Discussion

Trends in Household Disputes Post-COVID-19 Pandemic

One of the three provinces on Java Island that has experienced a significant increase in divorce rates post-COVID-19 is Central Java, among the 34 provinces in Indonesia. This rise is driven by two main factors: interpersonal conflict and economic pressure. These factors are interconnected, particularly because, during the COVID-19 pandemic, many husbands lost their jobs. This led to severe economic pressure on households, with the wife's responsibilities growing to meet family needs beyond her capacity. Consequently, household conflicts became inevitable and difficult to resolve,

¹¹ H Salim and Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi, Cetakan Kelima*, 2017.

¹² Abubakar, "Revitalisasi Hukum Adat Sebagai Sumber Hukum Dalam Membangun Sistem Hukum Indonesia."

¹³ Maemunah Maemunah and Hafsah Hafsah, "Dampak-Dampak Terjadinya Perkawinan Anak Di Era Pandemi Covid-19," *CIVICUS : Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan* 9, no. 2 (2021): 53, <https://doi.org/10.31764/civicus.v9i2.8023>.

ultimately leading to divorce as a last resort. r.¹⁴ Women may experience emotional instability during the pandemic due to additional pressures such as working from home while managing children or family members who require more intensive care, feelings of isolation due to social restrictions, or concerns about their family's health and safety. These factors can lead to women feeling stressed, anxious, or emotionally overwhelmed.¹⁵

The imbalance in household activities during the pandemic can be attributed to several factors. One is the difference in preferences or interests between partners, making it challenging to find activities they can enjoy together.¹⁶ Additionally, differences in responsibilities for household chores and work can create imbalances, where one partner may feel more burdened by domestic tasks than the other. Lastly, differences in adapting to the pandemic situation, such as the need for personal time or social interaction, can also lead to imbalances in the activities undertaken by each partner.¹⁷

Mediation of Household Conflicts

The enactment of PERMA Number 1 of 2016 resulted in a fundamental transformation in the implementation of the judicial system in Indonesia, which was further strengthened by PERMA Number 3 of 2022 concerning Electronic Court Mediation. These regulations aim to create a modern judicial system based on information technology. Mediation, as a step to seek reconciliation between disputing parties, is not merely an option but a requirement before a case is brought to court for examination. The effort to achieve reconciliation is not just a formality; it must be conducted seriously to effectively resolve issues between the parties involved.¹⁸

PERMA Number 1 of 2016 on Mediation Procedures is an important step by the Supreme Court to regulate mediation in Indonesia. Mediation, derived from the Latin word meaning 'to be in the middle,' reflects the role of the mediator as a neutral party

¹⁴ Yusnanik Bakhtiar, "PENELANTARAN RUMAH TANGGA SEBAGAI BENTUK KEKERASAN DALAM RUMAH TANGGA YANG MENJADI ALASAN PERCERAIAN DI MASA PANDEMI COVID-19 (Studi Kasus Pengadilan Agama Siak)," *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum* 9, no. 2 (2021): 281, <https://doi.org/10.22373/legitimasi.v9i2.8516>.

¹⁵ Andrea Lučić and Marija Uzelac, "Sustainable Household Capability of Young Adults: Role of Parental Norms," *Heliyon* 10, no. 7 (2024), <https://doi.org/10.1016/j.heliyon.2024.e29219>.

¹⁶ Ilaria Benedetti et al., "Adopting the Fuzzy Approach to Analyze Food Poverty in Italy: A Study on Vulnerable Households Using Household Budget Survey Data," *Socio-Economic Planning Sciences* 95, no. June (2024): 102006, <https://doi.org/10.1016/j.seps.2024.102006>.

¹⁷ Aris Trisanto, "Perceraian Di Masa Pandemi Covid-19 Dalam Perspektif Ilmu Sosial," *Sosial Informa* 3 (2018): 22.

¹⁸ Arum Kusumaningrum et al., "Efektivitas Mediasi Dalam Perkara Perceraian Di Pengadilan Negeri Semarang," *Diponegoro Law Journal* 6, no. 1 (2017): 1–10.

tasked with intervening and resolving disputes between the parties involved. It is crucial for a mediator to maintain neutrality and avoid favoring either side, ensuring that the interests of all parties are fairly represented and addressed.¹⁹ Thus, trust between the disputing parties can grow and strengthen the mediation process.²⁰

Mediation serves several important functions in dispute resolution in court. It acts as an effective tool for addressing the backlog of cases by providing an alternative resolution pathway before entering formal court proceedings. Mediation leverages the human tendency to resolve issues peacefully, which can expedite the dispute resolution process.²¹

In dispute resolution, especially when involving family matters, business conflicts, or relationships between friends, the role of a mediator is crucial. According to PERMA Number 1 of 2016 concerning Mediation Procedures, mediation is defined as an alternative method for resolving disputes outside of the courtroom. The term mediation itself is derived from Latin, meaning "to be in the middle," which illustrates the mediator's role as a neutral party tasked with facilitating communication and resolving conflicts between disputing parties. The objective of the mediation process is to find mutually beneficial solutions without the need for a decision from a third party with legal authority.

Based on Moore's theory, there are three types of mediators, each of whom approaches mediation with different strategies and functions. The social network mediator is typically chosen by parties who share personal or social ties, such as religious figures, community leaders, or customary heads. These mediators are trusted due to their close relationships with the parties involved in the dispute, enabling them to leverage the existing trust to aid in conflict resolution. On the other hand, the authoritative mediator is a party with significant influence in the mediation process, often originating from a governmental or authoritative institution. This type of mediator can impose more concrete limits or directions during negotiations to ensure that the dispute resolution proceeds in a cooperative manner.²²

¹⁹ Syahrizal Abbas, *Mediasi Dalam Hukum Syariah, Hukum Adat, Dan Hukum Nasional*, Jakarta: Kencana, 2011.

²⁰ Umar Demisse, Arega Bazezew, and Simachew Bantigegen, "Rural Households' Resilience to the Adverse Impacts of Climate Variability and Food Insecurity in the North-Eastern Highlands of Ethiopia," *Heliyon* 10, no. 12 (2024): e32960, <https://doi.org/10.1016/j.heliyon.2024.e32960>.

²¹ Nayantara Sarma, "Domestic Violence and Workfare: An Evaluation of India's MGNREGS," *World Development* 149 (2022): 105688, <https://doi.org/10.1016/j.worlddev.2021.105688>.

²² Christopher W Moore, *The Mediation Process. Practical Strategies for Resolving Conflict* (San Francisco: Jossey-Bass Publisher, 1986).

Meanwhile, the independent mediator serves as a truly neutral third party, free from personal relationships or vested interests in any of the parties involved. Independent mediators typically come from organizations that provide mediation services and play a role in facilitating dispute resolution in a professional and objective manner. The success of mediation heavily relies on the mediator's ability to maintain neutrality and objectivity while safeguarding the interests of all parties involved in a fair and balanced way. Therefore, an effective mediation process requires the trust of all participants to achieve a cooperative and impartial resolution.²³

It also reduces the court's workload by resolving disputes informally, saving time, effort, and resources. This is achieved through cooperation between the parties involved, offering a platform for direct communication and negotiation.²⁴ Mediation provides the parties involved in a dispute with greater control over the final outcome, as they have the opportunity to reach a mutually satisfactory agreement. It encourages the creation of more creative and flexible solutions that cater to the needs and interests of each party.²⁵

According to PERMA No. 1 of 2016, the mediation procedure in court consists of the following stages: pre-mediation stage. On the first day of the hearing, both parties are required to undergo mediation. The court process is postponed for up to 40 working days to allow time for mediation. The judge explains the mediation procedure, and the parties select a mediator. If the parties cannot agree on a mediator, the chief judge appoints another judge to act as the mediator. Mediation process. The parties must submit a case summary to the mediator within 5 working days. The mediation process lasts for a maximum of 40 working days.²⁶ The mediator schedules mediation meetings and may conduct a "caucus" if necessary. Mediation is considered unsuccessful if either party fails to attend two mediation meetings without a valid reason. Reaching an agreement, If mediation is successful, a written settlement agreement is drafted and signed by both parties and the mediator. If mediation is represented by legal counsel, the agreement must be submitted in writing. The parties must appear before the judge to notify them of the

²³ Moore.

²⁴ Kusumaningrum et al., "Efektivitas Mediasi Dalam Perkara Perceraian Di Pengadilan Negeri Semarang."

²⁵ Hector Sala and Pedro Trivin, "Household Finances, Debt Overhang and Consumption Patterns," *Economic Modelling* 139, no. July (2024): 106836, <https://doi.org/10.1016/j.econmod.2024.106836>.

²⁶ A. A. Tafida et al., "Boko Haram Insurgency and Livelihood Vulnerability of Rural Households in Northern Adamawa State, Nigeria," *Research in Globalization* 6, no. January (2023): 100116, <https://doi.org/10.1016/j.resglo.2023.100116>.

settlement agreement. The settlement agreement can be presented to the judge to be formalized in the form of a "Peace Deed."

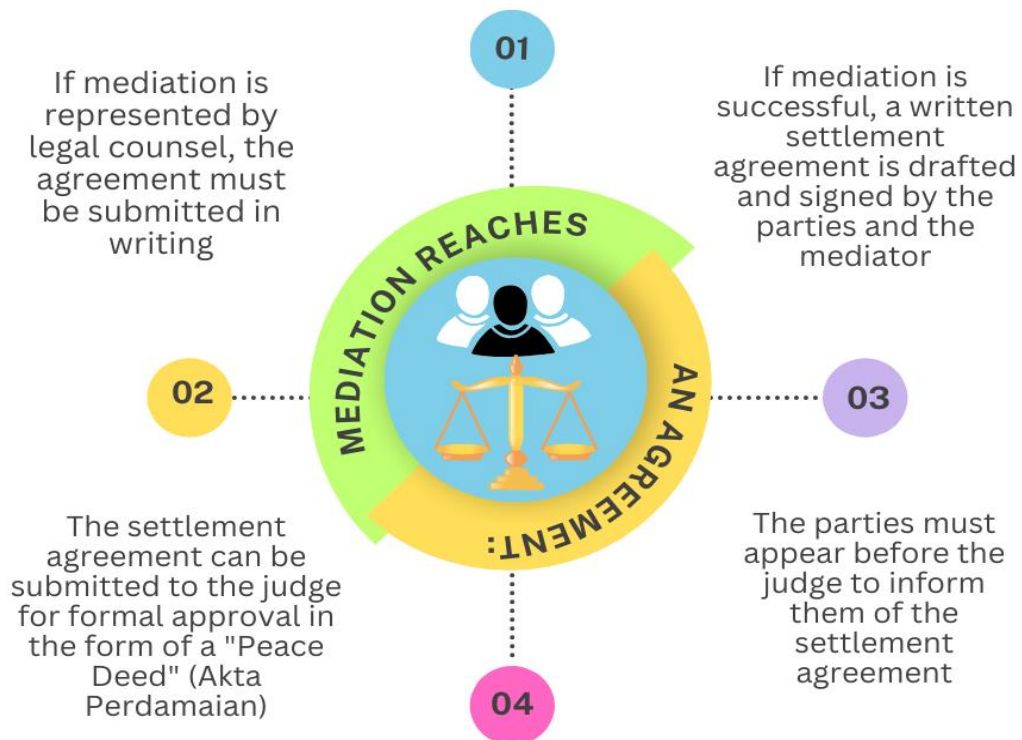
If mediation does not result in an agreement, the mediator must issue a written statement declaring that the mediation process has failed. Statements and admissions made during mediation cannot be used as evidence in court proceedings.²⁷ Regarding the location of mediation, a judge serving as a mediator is not permitted to conduct mediation outside the court. Mediation conducted within the court is free of charge.²⁸

For settlements at the appeal, cassation, or judicial review levels, parties who agree to a settlement at these stages must submit their intentions in writing to the relevant court.²⁹ The appellate, cassation, or judicial review judge is required to suspend proceedings for 14 working days after receiving the notification. The parties can submit the settlement agreement to the appellate, cassation, or judicial review panel for formalization in a peace deed.

²⁷ Kjetil Bjorvatn, Tigabu Degu Getahun, and Sandra Kristine Halvorsen, "Conflict or Cooperation? Experimental Evidence on Intra-Household Allocations in Ethiopia," *Journal of Behavioral and Experimental Economics* 85, no. December 2019 (2020): 101508, <https://doi.org/10.1016/j.socec.2019.101508>.

²⁸ Tefera Darge Delbiso et al., "Food Insecurity among Low-Income Households in Addis Ababa, Ethiopia," *Heliyon* 10, no. 8 (2024): e29633, <https://doi.org/10.1016/j.heliyon.2024.e29633>.

²⁹ Neil M. Dawson et al., "Is It Just Conservation? A Typology of Indigenous Peoples' and Local Communities' Roles in Conserving Biodiversity," *One Earth* 7, no. 6 (2024): 1007–21, <https://doi.org/10.1016/j.oneear.2024.05.001>.



Strategies and Role of Modin in Household Dispute Resolution.

A household is often defined as the smallest organization within society, formed by the marital relationship between a man and a woman. This organization typically consists of a husband, wife, and children, and may also include grandparents, uncles, and aunts. A household shares common goals and methods to achieve these goals, grounded in mutual love, care, tolerance, mutual assistance, and cooperation³⁰. In a household, we recognize two types: harmonious and non-harmonious households. The term "harmonious" cannot be translated literally, as its meaning can be subjective. A family can be considered harmonious if it includes elements such as honoring the promises made by the spouses based on their religious beliefs³¹. A harmonious household is characterized by the spouses living according to the agreed-upon boundaries, respecting each other's rights and obligations as defined by their respective roles and responsibilities.³² If these elements are not met, the family may be considered non-harmonious, leading to

³⁰ "Undang-Undang No.10 Tahun 1992 Tentang Kependudukan Dan Keluarga Sejahtera," n.d.

³¹ Pengxiang Fan et al., "High Conflict, High Performance? A Time-Lagged Study on Work-Family Conflict and Family Support Congruence and Safety Performance," *Safety Science* 172, no. December 2023 (2024): 106403, <https://doi.org/10.1016/j.ssci.2023.106403>.

³² Sugiri Umar, Nasaruddin dan Syarief, *Fikih Keluarga: Menuju Keluarga Sakinah, Mawaddah, Wa Rahmah Keluarga Sehat, Sejahtera, Dan Berkualitas*, 2014.

difficulties in experiencing peace, tranquility, and happiness, both physically and emotionally.³³

Conflict is an inevitable aspect of human relationships, even in seemingly perfect ones. Conflicts arise when individuals interact with others while making decisions to serve their own interests.³⁴ The source of conflict can stem from interactions where one party attempts to exploit or take advantage of the other.³⁵ In Islam, household conflicts are also referred to as "disputes," which occur when a husband and wife express disagreement with each other. Sociologists have various definitions of household conflict. For instance, Finchman defines it as a situation where a husband and wife face issues in their marriage, which becomes apparent in their behavior that tends to be less harmonious when dealing with conflicts.³⁶ On the other hand, Sadarjoen describes marital conflict as a situation involving the couple where the conflict has a significant impact on their relationship. He further explains that such conflicts arise due to differing perceptions, expectations, backgrounds, needs, and values held by the individuals before they decided to enter into marriage³⁷.

The term *modin* is familiar in Javanese society, but it is not found in legal regulations and does not explicitly define the role of a *Modin*. In terms of terminology, *modin* refers to a call to prayer (*azan*) announcer, a mosque employee, and a religious figure in the village.³⁸ In every village in Java, there is a local Islamic leader who plays a crucial role in leading various rituals and traditions. This leader is known by different names, such as *modin*, *mbah kaum* (meaning 'elder community leader'), and *rois* (meaning 'leader').

Although the term *modin* is not explicitly defined in legal regulations, it is somewhat addressed in the Regulation of the Minister of Religious Affairs. For example, Article 1, Paragraph 3 of PMA No. 11 of 2007 refers to a Marriage Registrar Assistant as a community member appointed by the Head of the Department of Religious Affairs at the district/city level to assist with the duties of marriage registration in specific villages.

³³ Muhammad Sholikin, *Ritual Dan Tradisi Islam Jawa, Narasi Anggota IKAPI*, 2010.

³⁴ Seung Won Song and Mustafa Mansur, "The Revival of Adat and the Articulation of the 'Kingdom Slot' in Loloda, North Halmahera, Indonesia," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 177, no. 2–3 (2021): 312–43, <https://doi.org/10.1163/22134379-bja10022>.

³⁵ Rupert Brown, *Its Social Psychology Second Edition*, 1995.

³⁶ Sarma, "Domestic Violence and Workfare: An Evaluation of India's MGNREGS."

³⁷ Supardi Sawitri Sadarjoen, *Konflik Marital : Pemahaman Konseptual, Aktual Dan Alternatif Solusinya*, 2005.

³⁸ Indonesia. and Departemen Pendidikan Nasional., *Kamus Besar Bahasa Indonesia.*, 2008.

This definition can be linked to the role of Modin in Java, indicating that Modin is a religious elder or figure with special authority, whose opinions are highly regarded in addressing and solving issues related to religion.

In village governance, Modin is recognized as a Kasikesra (Head of Community Welfare Section), playing a significant role in religious affairs at the village level. In some coastal regions of Java, Modin is also responsible for managing divorce processes that are to be heard in religious courts. As part of the village government structure, Modin is often contacted by the court if parties involved cannot be reached through official letters. This is an opportune time to gather the parties for mediation.³⁹ Modin holds a strategic position as both a religious leader and a guardian and preservator of tradition and culture.⁴⁰ Thus, a long tenure is necessary for the position of Modin. Based on research conducted in the coastal regions of Java⁴¹ the typical tenure for a Modin encountered in the research ranges from 5 to 15 years.⁴² Becoming a Modin requires formal qualifications such as a diploma, as well as non-formal requirements that include skills and knowledge in religion, particularly in Sharia law and fiqh. Since 2007, the selection process has included written and oral exams overseen by the Ministry of Religious Affairs or the local Head of Religious Affairs Office (KUA). Candidates for the Modin position are preferred to have an educational background from pesantren or a deep understanding of religious matters.⁴³ The pesantren education is crucial because, in Javanese society, traditional Islam is represented by pesantren and kyai.⁴⁴

The authority of a Modin encompasses various important aspects of community life, such as matters related to marriage, death, and other religious activities.⁴⁵ In the village, the Modin acts as a religious figure and enforcer, handling religious matters including marriage, death, funeral arrangements (with female Modin specifically for

³⁹ Natasha Stacey et al., "Developing Sustainable Small-Scale Fisheries Livelihoods in Indonesia: Trends, Enabling and Constraining Factors, and Future Opportunities," *Marine Policy* 132 (2021): 104654, <https://doi.org/10.1016/j.marpol.2021.104654>.

⁴⁰ Imam Muhsin, "Modin: Pelayan Umat & Penjaga Tradisi," *Thaqaifiyyat : Jurnal Bahasa, Peradaban Dan Informasi Islam* 20, no. 2 (2022): 122, <https://doi.org/10.14421/thaq.2021.20201>.

⁴¹ The research was conducted in Tlogosari Kulon and Tlogomulyo villages in Semarang City; Karangrandu District in Jepara Regency; and Kedarijaksa District in Pati Regency.

⁴² Interview, October 25-29, 2023

⁴³ Interview, October 25-29, 2023

⁴⁴ Muhammad Latif Fauzi, "Traditional Islam in Javanese Society: The Roles of Kyai and Pesantren in Preserving Islamic Tradition and Negotiating Modernity," *Journal of Indonesian Islam* 6, no. 1 (2012): 125-44, <https://doi.org/10.15642/JIIS.2012.6.1.125-144>.

⁴⁵ I Nyoman Yoga Segara, "Modin Sebagai Patronase Perkawinan Di Kota Semarang, Sebuah Tinjauan Antropologi Budaya," *Harmoni* 16, no. 1 (2017): 168-83, <https://doi.org/10.32488/harmoni.v16i1.68>.

female deceased), and marriage registration (P3N). If there are religious issues that cannot be resolved, the Modin will refer them to the local kyai.⁴⁶ In some places, such as Karangrandu, there is a division of duties between the Modin for marriage and the Modin for death, while ceremonial events are often handled by the kyai. Additionally, Modin plays a role in mediating family disputes, and if these efforts are unsuccessful, the issues are then taken to court.⁴⁷ Modin tends to follow religious legal guidelines and statutory regulations more closely than local customs. The guidelines for marriage and funeral arrangements are established by Islamic law and legislation, whereas ceremonial events are often handled by local kyai due to their broader scope.

Integrating legal norms and local wisdom in the mediation process reflects a progressive and responsive approach..^{48,49} Modin is regarded as a religious leader, and their presence signifies a harmonious relationship with the surrounding community. However, when resolving household issues, Modin often adopts a familial approach without producing a legally binding peace agreement.⁵⁰ As a result, if there is a recurrence of domestic disputes, the previous peace agreement cannot be used because it lacks legal enforceability.⁵¹ A peace agreement is an important document produced from the mediation process, where both parties reach an agreement to resolve their dispute peacefully. This document serves as a formal tool to end the dispute, create a mutually agreed-upon solution, and minimize the costs and time typically spent in litigation.⁵² Therefore, to create a legally valid peace agreement, a mediator must obtain certification as a mediator recognized by the local court. Mediation that combines legal aspects and local wisdom can be a more effective solution for resolving domestic conflicts in the community.⁵³

⁴⁶ Interview, October 25-29, 2023

⁴⁷ Interview, October 25-29, 2023

⁴⁸ CSA Teddy Lesmana, *Integrasi Mediasi Penal Dalam Pembaharuan Sistem Peradilan Pidana Indonesia*, 2020.

⁴⁹ Ahmad Rajafi, Ressi Susanti, and Naili Adilah Hamhij, "Local Wisdom for Marriage Conflict Mediation in Muslim Minahasa, Indonesia," *Proceedings of the 1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019)* 492 (2020), <https://doi.org/10.2991/assehr.k.201113.057>.

⁵⁰ Interview, October 25-29, 2023

⁵¹ Magnus Söderlund and Alona Natorina, "Service Robots in a Multi-Party Setting: An Examination of Robots' Ability to Detect Human-to-Human Conflict and Its Effects on Robot Evaluations," *Technology in Society* 77, no. September 2023 (2024), <https://doi.org/10.1016/j.techsoc.2024.102560>.

⁵² Yanuar Rozi Firmansyah, "Kekuatan Hukum Akta Perdamaian Yang Dibuat Dihadapan Notaris Dan Putusan Akta Perdamaian Pengadilan," *Jurnal Cakrawala Hukum* 8, no. 2 (2017), <https://doi.org/10.26905/idjch.v8i2.2114>.

⁵³ Muntasir Murshed et al., "Determinants of Financial Inclusion in South Asia: The Moderating and Mediating Roles of Internal Conflict Settlement," *Research in International Business and Finance* 64, no. December 2022 (2023): 101880, <https://doi.org/10.1016/j.ribaf.2023.101880>.

The creation of a peace agreement in the presence of a notary is regulated under Article 1851 of the Civil Code, which states that a peace agreement can be made before or during the examination of the dispute in court and must be executed in writing.⁵⁴ This agreement can take the form of a private deed or an authentic deed. Out-of-court peace agreements should ideally be made in the form of an authentic deed to provide a stronger evidential power in court.⁵⁵

Article 15, paragraph (1) emphasizes that the creation of an authentic deed falls under the authority of a notary. Authentic deeds are preferred by the public due to their strong evidentiary power. Creating a peace agreement in the presence of a notary provides a stronger legal guarantee. The notary listens to and records the terms agreed upon by the parties in resolving their dispute.⁵⁶ Authentic peace agreements have higher evidentiary value compared to private deeds, as the content of these agreements is deemed accurate and must be trusted by the judge. This type of deed can only be challenged with strong counter-evidence, such as proving that the signing was done by someone who was deceased or abroad at the time of signing.⁵⁷

The application of mediation that combines legal norms with local wisdom reflects a progressive and responsive approach to social dynamics. Modin, as a religious leader living alongside the community, plays a crucial role in this process. However, the existence of peace agreements without permanent legal force highlights the need for improvements in the mediation system.⁵⁸

The social network mediator is typically chosen by parties who share personal or social ties, such as religious figures, community leaders, or customary heads.⁵⁹ These mediators are trusted due to their close relationships with the parties involved in the dispute, enabling them to leverage existing trust to facilitate conflict resolution. The

⁵⁴ Rilda Murniati, "Relevansi Dan Kekuatan Hukum Akta Perdamaian Dalam Penyelesaian Sengketa Di Bidang Ekonomi," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 9, no. 1 (2016), <https://doi.org/10.25041/fiatjustisia.v9no1.590>.

⁵⁵ Richard Sisanto Palit, "Kekuatan Akta Di Bawah Tangan Sebagai Alat Bukti Di Pengadilan," *Lex Privatum* 3, no. 2 (2015): 137–45.

⁵⁶ Habib Adjie Sjaifurrachman, *Aspek Pertanggungjawaban Notaris Dalam Pembuatan Akta*, Mandar Maju, Bandung, 2011.

⁵⁷ Stefan Jansen et al., "A Clustered Randomized Controlled Trial to Assess Whether Living Peace Intervention (LPint) Reduces Domestic Violence and Its Consequences among Families of Targeted Men in Eastern Democratic Republic of the Congo (DRC): Design and Methods," *Evaluation and Program Planning* 95, no. August (2022): 102154, <https://doi.org/10.1016/j.evalprogplan.2022.102154>.

⁵⁸ Inés Pellón, Ana Martínez-Pampliega, and Susana Cormenzana, "Post-Divorce Adjustment, Coparenting and Somatisation: Mediating Role of Anxiety and Depression in High-Conflict Divorces," *Journal of Affective Disorders Reports* 16, no. December 2023 (2024), <https://doi.org/10.1016/j.jadr.2023.100697>.

⁵⁹ Moore, *The Mediation Process. Practical Strategies for Resolving Conflict*.

application of mediation that combines legal norms with local wisdom reflects a progressive and responsive approach to social dynamics. In this context, Modin, as a religious leader living within the community, plays a crucial role in the mediation process.

The authority of a Modin encompasses various important aspects of community life, such as matters related to marriage, death, and other religious activities. In the village, the Modin acts as a religious figure and enforcer, handling religious matters including marriage, death, funeral arrangements (with female Modin specifically for female deceased), and marriage registration (P3N). If religious issues cannot be resolved, the Modin will refer them to the local kyai. In some places, such as Karangrandu, there is a division of duties between the Modin for marriage and the Modin for death, while ceremonial events are often handled by the kyai. Additionally, the Modin plays a role in mediating family disputes, and if these efforts are unsuccessful, the issues are taken to court. Modin tends to follow religious legal guidelines and statutory regulations more closely than local customs. The guidelines for marriage and funeral arrangements are established by Islamic law and legislation, whereas ceremonial events are often handled by local kyai due to their broader scope. However, the existence of peace agreements without permanent legal force highlights the need for improvements in the mediation system to ensure more lasting and legally binding resolutions.

Requiring certification for mediators recognized by the local courts ensures that mediation processes are more structured and yield more effective results in resolving domestic conflicts.⁶⁰ Certification grants legal validity to the mediation conducted by modin or other mediators, thereby ensuring that the resulting peace agreements have legal authority. Consequently, the community can rely on mediation as a credible and officially recognized alternative for resolving domestic conflicts.⁶¹

This not only strengthens the position of modin in the community as spiritual leaders but also ensures legal protection for all parties involved in the mediation process.

⁶⁰ Abdallah Faisal Kaamah, Benjamin Doe, and Michael Osei Asibey, "Policy and Practice: Stakeholders' Satisfaction with Conventional and Participatory Land Use Planning in Ghana," *Urban Governance* 3, no. 4 (2023): 278–91, <https://doi.org/10.1016/j.ugj.2023.06.002>.

⁶¹ Zoe Garbis et al., "'The Ketchup Effect': Challenges in Reconciling Growth and Justice in Northern Sweden's Green Transition," *Energy Research and Social Science* 112, no. March (2024), <https://doi.org/10.1016/j.erss.2024.103537>.

Furthermore, the integration of legal norms and local wisdom in mediation contributes significantly to reinforcing the foundation of justice and harmony in society.⁶²

Conclusion

This article explores the role of *modin* in the "Strategy for Revitalizing Village Customary Officials in Mediating Domestic Conflicts in the Northern Coastal Java" post-COVID-19 pandemic. After the pandemic, there was a significant increase in divorce cases, driven by interpersonal conflicts and economic pressures, particularly due to many husbands losing their jobs. This pressure added to the burden on wives and worsened family relationships, leading to more divorce cases. In this context, *modin* plays a crucial role in mediating household conflicts. However, their role needs to be revitalized to align with modern legal developments and the current needs of society. An approach that combines customary law and positive law can provide a more comprehensive solution to resolving domestic conflicts. This allows for a resolution that is responsive to local social and cultural dynamics. To ensure that the outcomes of mediation carry legal weight, *modin* and other customary officials need to obtain certification as court-recognized mediators. This would provide a stronger legal foundation for the peace agreements they produce. Ongoing training is also necessary for village customary officials to better handle household conflicts, including a deeper understanding of Sharia law, positive law, and modern mediation techniques. Mediation conducted by village customary officials could be a more effective alternative to litigation in court, as it involves a familial and local wisdom-based approach that is closer to the community. With this revitalization strategy, the role of village customary officials will be optimized in resolving household conflicts, reducing the burden on courts, and creating harmony within the Northern Coastal Java communities.

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⁶² Mazlan Bin Che Soh and Siti Korota'aini Omar, "Small Is Big: The Charms of Indigenous Knowledge for Sustainable Livelihood," *Procedia - Social and Behavioral Sciences* 36, no. June 2011 (2012): 602–10, <https://doi.org/10.1016/j.sbspro.2012.03.066>.

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