

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

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Abstract

Marital issues are complex and, therefore, require careful handling to prevent divorce. This research explores 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 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 on positive law in conflict resolution, even in 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 affect the village's reputation. The study recommends that villages, through the *Modin*, conduct mediation as an initial step in addressing household conflicts to prevent divorce and improve conflict-resolution outcomes.

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

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.*

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Introduction

Marital problems should not necessarily end in divorce. Properly handled marital issues can contribute valuable lessons to both spouses in achieving the objectives outlined in Law No. 1 of 1974. Peaceful dispute resolution is an integral part of Indonesian customs and applicable in various contexts,¹ including marital conflicts. Addressing household issues wisely may encourage couples to learn and grow together, achieving the goals of marriage as envisioned by Law No. 1 of 1974. Although conflicting needs, desires, and backgrounds between husband and wife often trigger issues, a good understanding and communication can help resolve these differences peacefully.

Marital problems require specific strategies of resolution, ensuring that they are correctly handled and do not persist. Developing clear communication, mutual respect, and patience can effectively help resolve conflicts and prevent them from escalating. Customary law, considered a *living law*,² can provide solutions to such societal issues. However, over time, particularly through globalization and technological advances, customary law has been marginalized. Despite their effectiveness in addressing local conflicts and maintaining social order, modern legal systems and technological

¹ Winsherry 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>.

developments have shifted communities' preferences toward formal legal frameworks, reducing reliance on traditional law.³

In empirical conditions, when customary law is confronted with positive law, the majority of Indonesian society prefers positive law.⁴ This preference has led Indonesia's legal policy to shift towards the codification and unification of laws. A standardized legal system, as demanded, 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 concerning Judicial Authority, and non-litigation methods, as outlined in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

Indonesia's legal policy, which adheres to 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, thereby influencing how 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, and tend to welcome elements from outside traditional customary law, such as Islamic law.

Historically, Javanese society has been influenced by Hindu and Buddhist values, but these values have also been integrated into Islam since its advent. Such a societal condition aligns with Pancasila, the national legal ideals that embody the nation's moral aspirations. Indonesian national law adheres to the principle of *Receptio A Contrario*⁷—

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.

the law applicable to Muslims is Islamic law, while customary law can be applied unless it conflicts with Islamic law.

In the coastal communities of Java, the *Modin* is recognized as a leader in ritual ceremonies, a mediator in community conflicts, and a unifier of various groups in their region.⁸ Initially, the *Modin* in Java primarily assisted with death rituals, particularly the handling of the deceased. However, as the complexity of indigenous society evolved, their role transcended funerary rites to include responsibilities in marriage and divorce, as well as officiating at weddings. The *Modin* also helps mediate household conflicts, serving as a mediator between disputing parties. As a religious leader living in the indigenous community, the *Modin* aims for a peaceful and secure environment.

Household conflicts fall under civil law as private matters to 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 concerns the agreement of the parties to the dispute.⁹ The Supreme Court plays a crucial role not only in administering justice but also in maintaining legal order by creating regulations, such as Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Courts.¹⁰ In case of the invalidation of reconciliation in household conflict resolution, legal certainty regarding the position of *Modin* and strategies for empowering village officials, particularly *Modin*, are required to increase the efficacy in conflict resolution, thereby ensuring more efficient household conflict resolution and properly implemented law.

This research provides solutions and legal certainty to *Modin* in working 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 on 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 does not reach a resolution. This research is expected to serve as a basis for community service regarding the introduction of the E-Court for the 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.

Methods

This study employed an empirical juridical research method, examining law in action with a focus on *das sein*—the realities occurring in the field.¹¹ Through this approach, the research observed how the 45 tis45 applied and functions within society, instead of how 45 tis 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 District Office in Semarang and the Village Offices in Jepara, Demak, and Pati. This data was analyzed qualitatively from a juridical perspective to provide a comprehensive view of family law. The data were collected through a literature study, yielding the results for further analysis using qualitative data analysis methods. With this method, conclusions were not based on statistical data but were derived from the relationships among legal principles, legal norms, legal theories, and societal phenomena through juridical interpretation.¹³

Results and Discussion

Trends in Household Disputes Post-COVID-19 Pandemic

Among the 34 provinces in Indonesia, Central Java, one of the three provinces on Java Island, has seen a significant increase in divorce rates post-COVID-19. This rise is driven by interpersonal conflict and economic pressure. These factors are interconnected, particularly because husbands lost their jobs during the pandemic. This led to severe economic pressure on households, with wives' responsibilities expanding beyond their capacity to meet family needs. Consequently, household conflicts became inevitable and difficult to resolve, ultimately leading to divorce as a last resort.¹⁴ Women may

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 Hafsa Hafsa, "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>.

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>.

experience emotional instability during the pandemic that forced them to work from home while taking care of children or family members who require more intensive care, amidst feeling isolated due to social restrictions or concerns about their family's health and safety. Such factors can cause women to feel stressed, anxious, or emotionally overwhelmed.¹⁵

The Imbalance in household activities during the pandemic can be associated with several factors. For example, conflicting preferences or interests between partners often make it challenging to find activities they can enjoy together.¹⁶ Additionally, differences in household chores and work responsibilities can create imbalances, leaving one partner feeling more burdened by domestic tasks than the other. Lastly, different ways of adapting to the pandemic situation, such as the need for personal time or social interaction, can also lead to disproportionate 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 reinforced by PERMA Number 3 of 2022 concerning Electronic Court Mediation. These regulations aim to establish a modern, information technology-based judicial system. Mediation, as a step to seek reconciliation between disputing parties, is not an option; it is a requirement before a case is brought to court for examination. The effort to achieve reconciliation is not a mere formality; it requires serious, effective dispute resolution between the parties.¹⁸

PERMA Number 1 of 2016 concerning Mediation Procedures is an essential step in regulating 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 tasked with intervening and resolving disputes between parties. It is crucial for a mediator to maintain neutrality and avoid favoring either side, ensuring that the interests of all parties are fairly

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 Tristanto, "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.

represented and addressed.¹⁹ Thus, trust between the disputing parties can be obtained, thereby strengthening the mediation process.²⁰

Mediation serves several essential functions in court dispute resolution, acting as an effective tool to address case backlogs by providing an alternative resolution pathway before entering formal court proceedings. Mediation leverages the human tendency to resolve issues peacefully, thereby expediting 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. As described, mediation involves a neutral mediator who facilitates communication and resolves conflicts between disputing parties. The objective of the mediation process is to find mutually beneficial solutions without the need for a decision by a third-party with legal authority.

Moore's theory divides mediators into three types, each with distinct strategies and functions. First, 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 trust to aid in conflict resolution. Second, the authoritative mediator has a 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 cooperatively.²² Third, 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 offer mediation services and facilitate dispute resolution professionally and objectively. The success of

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 Fransisco: Jossey-Bass Publisher, 1986).

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

Mediation also lessens the court's workload by resolving disputes in an informal setting, 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 outcome, as they can reach a mutually satisfactory agreement. It encourages the creation of more creative, flexible solutions that cater to each party's needs and interests.²⁵

According to PERMA Number 1 of 2016, the mediation procedure in court consists of pre-mediation, mediation process, and agreement. First, 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. Second, in the mediation process, the parties must submit a case summary to the mediator within five working days. The mediation process lasts up to 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. Third, 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 settlement agreement. The settlement agreement can be presented to the judge to be formalized in the form of a "Peace Deed."

²³ Moore.

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

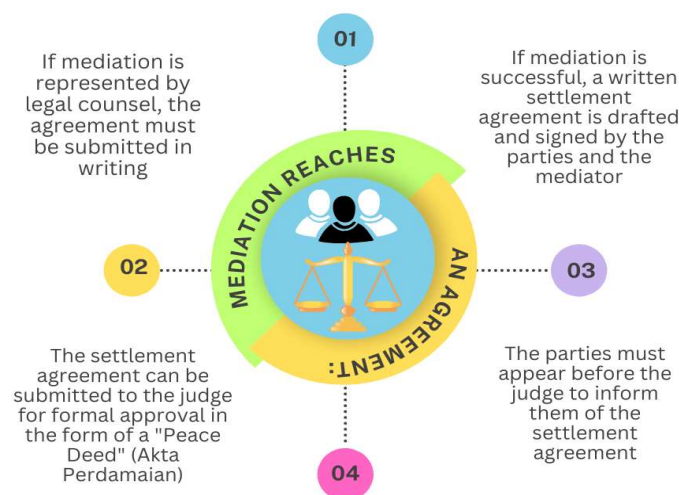
²⁵ Hector Sala and Pedro Trivin, "Household Finances, Debt Overhang and Consumption Patterns," *Economic Modelling* 139, no. July (2024): 106836, <https://doi.org/10.1016/j.econmod.2024.106836>.

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>.

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 may not conduct mediation outside the court. Mediation taking place within the court is free of charge.²⁸

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

Figure 1. Overview of Mediation in Reaching an Agreement



Source: data processed by the author

Strategies and Role of *Modin* in Household Dispute Resolution.

A household represents the smallest organization within society, formed by the marital relationship between a man and a woman. This organization typically consists of

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>.

a husband, wife, and children, and may also include grandparents, uncles, and aunts. A household shares common goals and methods for achieving them, grounded in mutual love, care, tolerance, mutual assistance, and cooperation. In households, we recognize two types: harmonious and non-harmonious. 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 spouses in accordance with their religious beliefs.³⁰ A harmonious household is characterized by spouses living within agreed-upon boundaries and respecting each other's rights and obligations as defined by their respective roles and responsibilities.³¹ Failure to fulfil these elements may reflect a non-harmonious family. This situation creates obstacles to a peaceful, tranquil, and happy life, both physically and emotionally.³²

Conflicts in human relationships are inevitable, even in seemingly perfect ones. Conflicts arise when different decisions emerge from different interests among interacting individuals.³³ Conflict can stem from the condition in which one party attempts to exploit or take advantage of the other.³⁴ In Islam, household conflicts are also called "disputes" and occur when a husband and wife disagree. Sociologists have various definitions of household conflict. For instance, Finchman defines conflict as a situation where a married couple faces issues in their marriage. This becomes apparent in their behavior, which tends to be less harmonious during conflicts.³⁵ On the other hand, Sadarjoen describes marital conflict as a situation in which it significantly impacts the couple's relationship. He further explains that such conflict arises due to differing perceptions, expectations, backgrounds, needs, and values held by the individuals before they decided to enter into marriage.³⁶

³⁰ 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>.

³¹ Sugiri Umar, Nasaruddin dan Syarief, *Fikih Keluarga: Menuju Keluarga Sakinah, Mawaddah, Wa Rahmah Keluarga Sehat, Sejahtera, Dan Berkualitas*, 2014.

³² Muhammad Sholikin, *Ritual Dan Tradisi Islam Jawa, Narasi Anggota IKAPI*, 2010.

³³ 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>.

³⁴ Rupert Brown, *Its Social Psychology Second Edition*, 1995.

³⁵ Sarma, "Domestic Violence and Workfare: An Evaluation of India's MGNREGS."

³⁶ Supardi Sawitri Sadarjoen, *Konflik Marital : Pemahaman Konseptual, Aktual Dan Alternatif Solusinya*, 2005.

The term *Modin* is familiar in Javanese society, but it is not found in legal regulations and does not explicitly define their role. In terms of terminology, *Modin* refers to a call to prayer (*azan*) announcer, a mosque employee, and a religious figure in the village.³⁷ 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 various names, including *Modin*, *Mbah Kaum* (elder community leader), and *Rois* (leader).

Although the term *Modin* is not defined in legal regulations, it is addressed, albeit not directly, in the Regulation of the Minister of Religious Affairs (PMA). For example, Article 1, Paragraph 3 of PMA Number 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 marriage registration duties in some villages. 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 religious issues.

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 cases 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.³⁸ *Modin* strategically serves as both a religious leader and a guardian, while preserving tradition and culture through the practice concerned.³⁹ Thus, a long tenure is necessary for the position of *Modin*. Based on research conducted in the coastal regions of Java,⁴⁰ the typical tenure for a *Modin* ranges from 5 to 15 years.⁴¹ Becoming a *Modin* requires formal qualifications, such as a diploma, as well as non-formal requirements, including skills and knowledge in religion, particularly in Sharia law and fiqh. Since 2007, the selection process for *Modin* has

³⁷ Indonesia. and Departemen Pendidikan Nasional., *Kamus Besar Bahasa Indonesia.*, 2008.

³⁸ 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>.

³⁹ Imam Muhsin, "Modin: Pelayan Umat & Penjaga Tradisi," *Thaqafiyat: Jurnal Bahasa, Peradaban Dan Informasi Islam* 20, no. 2 (2022): 122, <https://doi.org/10.14421/thaq.2021.20201>.

⁴⁰ The research was conducted in Tlogosari Kulon and Tlogomulyo villages in Semarang City; Karangrandu District in Jepara Regency; and Kedarijaksa District in Pati Regency.

⁴¹ Interview, October 25-29, 2023

included written and oral exams under the oversight of the Ministry of Religious Affairs or the local Head of Religious Affairs Office (KUA). Candidates with an educational background from *pesantren* (an Islamic boarding school) or a deep understanding of religious matters are preferred for the *Modin* position.⁴² The *pesantren* education is crucial because, in Javanese society, traditional Islam is often represented by *pesantren* and *kyai*.⁴³

The authority of a *Modin* extends to various essential aspects of community life, including matters related to marriage, death, and other religious activities.⁴⁴ In the village, the *Modin* acts as a spiritual figure and enforcer, handling religious matters including marriage, death, and funeral arrangements (with a female *Modin* specifically for female deceased), as well as marriage registration (P3N). *Modin* will refer unresolved religious issues to the local *kyai*.⁴⁵ In some places, such as Karangrandu, there is a division of duties between the *Modin* for marriage and the *Modin* for funeral, while the *kyai* often handles ceremonial events. Additionally, *Modin* serves as a mediator in family disputes; if these efforts are unsuccessful, the issues are then taken to court.⁴⁶ *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 into the mediation process reflects a progressive, responsive approach.⁴⁷ *Modin* is regarded as a religious leader, and their presence signifies a harmonious relationship with the surrounding community.⁴⁸ However, when resolving household issues, *Modin* often adopts a familial approach

⁴² Interview, October 25-29, 2023

⁴³ 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>.

⁴⁴ 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>.

⁴⁵ Interview, October 25-29, 2023

⁴⁶ Interview, October 25-29, 2023

⁴⁷ CSA Teddy Lesmana, *Integrasi Mediasi Penal Dalam Pembaharuan Sistem Peradilan Pidana Indonesia*, 2020.

⁴⁸ 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>.

without producing a legally binding peace agreement.⁴⁹ As a consequence, referring to the previous peace agreement for recurring domestic disputes is impossible because it lacks legal enforceability.⁵⁰ A peace agreement is an important document produced through the mediation process, in which both parties reach an agreement to resolve their dispute peacefully. This document serves as a formal instrument to address the dispute, create a mutually agreed-upon solution, and save the costs and time spent in litigation.⁵¹ 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 principles and local wisdom is effective in resolving domestic conflicts within the community.⁵²

The creation of a peace agreement in the presence of a notary is regulated by Article 1851 of the Civil Code, which provides that a peace agreement may be made before or during the examination of the dispute in court and must be executed in writing.⁵³ 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 stronger evidentiary support in court.⁵⁴

Article 15, paragraph (1) emphasizes that the creation of an authentic deed falls under the authority of a notary. The public prefer authentic deeds for 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.⁵⁵ Authentic peace agreements have greater evidentiary value than private deeds, as their contents are deemed accurate and must be trusted by the

⁴⁹ Interview, October 25-29, 2023

⁵⁰ 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>.

⁵¹ 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>.

⁵² 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>.

⁵³ 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>.

⁵⁴ Richard Sisanto Palit, "Kekuatan Akta Di Bawah Tangan Sebagai Alat Bukti Di Pengadilan," *Lex Privatum* 3, no. 2 (2015): 137–45.

⁵⁵ Habib Adjie Sjaifurrachman, *Aspek Pertanggungjawaban Notaris Dalam Pembuatan Akta*, Mandar Maju, Bandung, 2011.

judge. This type of deed can only be challenged with strong counter-evidence, such as proof that the signer was deceased or abroad at the time of signing.⁵⁶

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 underscores the need to improve the mediation system.⁵⁷

The social network mediator is typically chosen by parties who share personal or social ties, such as religious figures, community leaders, or customary heads.⁵⁸ 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 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 involvement of certified mediators with qualifications recognized by the local courts ensures more structured mediation processes and more effective outcomes in domestic conflict resolution.⁵⁹ Certification grants legal validity to the mediation conducted by *Modin* or other mediators, thereby ensuring that the resulting peace agreements hold legal authority. Consequently, the community can rely on mediation as a credible and officially recognized alternative for resolving domestic conflicts.⁶⁰

This mediation not only strengthens *Modin's* position in the community as a spiritual leader but also provides legal protection for all parties involved. Furthermore,

⁵⁶ 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>.

⁵⁷ 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>.

⁵⁸ Moore, *The Mediation Process. Practical Strategies for Resolving Conflict*.

⁵⁹ 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>.

⁶⁰ 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>.

integrating legal norms and local wisdom into mediation significantly reinforces the foundations of justice and harmony in society.⁶¹

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. After the pandemic, there was a significant increase in divorce cases, driven by interpersonal conflicts and economic pressures, particularly because many husbands lost their jobs. This pressure extended to wives, worsening family relationships and increasing divorce rates. In this context, *Modin* plays a crucial role in mediating household conflicts.

However, revitalizing their role is crucial to align it with modern legal developments and current societal needs. An approach that combines customary law and positive law can provide a more comprehensive solution to domestic conflicts. This allows for a resolution that is responsive to local social and cultural dynamics. To ensure that mediation outcomes carry legal weight, *Modin* and other customary officials must 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 may offer a more effective alternative to litigation, as it involves a familial, local-wisdom-based approach closer to the community. This revitalization strategy will help optimize the role of village customary officials in resolving household conflicts, reduce the burden on courts, and foster harmony within Northern Coastal Java communities.

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⁶¹ 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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