



Case Study of Alternative Dispute Resolution (Marriage Annulment Dispute Resolution)

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Abstract

This case study discusses alternative dispute resolution of annulment through a non-litigation approach, specifically through mediation. The background of this research is based on the increasing number of marriage annulment cases in Indonesia which often cause prolonged conflicts between the parties. The research method used is a normative juridical approach with case studies, which analyzes laws and regulations, legal doctrines, and out-of-court dispute resolution practices. Data was obtained through document studies and interviews with legal practitioners and parties involved in marriage annulment cases. The results of the study show that mediation as an alternative to dispute resolution in marriage annulment offers several advantages, including cost and time savings, as well as the maintenance of a better relationship between the parties. Mediation allows for a win-win solution, which is often not possible through litigation. The conclusion of this study is that mediation can be an effective method in resolving marriage annulment disputes, as it allows for a faster, cheaper, and peaceful resolution, as well as providing space for the parties to reach an agreement voluntarily. Therefore, the promotion and strengthening of mediation as an alternative to resolving marriage annulment disputes needs to be improved in the Indonesian legal system.

I. INTRODUCTION

Dispute resolution is an integral part of the legal system in various countries around the world. It refers to the process of resolving disputes between the parties involved through various methods, such as mediation, negotiation, arbitration, or through court proceedings (Alfairuzi, 2023). The purpose of dispute resolution is to achieve justice, resolve conflicts, and ensure legal security for all parties involved. In the context of family law, dispute resolution has an important role in dealing with various conflicts that arise, including marriage annulment cases.

An introduction to dispute resolution is an important foundation for understanding the complexity and importance of the dispute resolution process in a legal context. The dispute resolution process involves a series of legal steps designed to resolve disputes between the parties involved. The most common dispute resolution methods include mediation, negotiation, arbitration, and arbitration.

1. Mediation

Mediation is a dispute resolution process that involves a neutral third party called a mediator (Sugianto & Marpaung, 2022). The mediator is tasked with helping the disputing party reach an

agreement that is acceptable to both parties. The goal of mediation is to achieve a fair and mutually beneficial settlement for all parties involved.

2. Negotiation

Negotiation is a dispute resolution process in which the parties involved try to reach an agreement without involving a third party (Anita et al., 2022). In the negotiation process, the disputing parties seek to find a middle ground that is satisfactory to all parties involved. Negotiation is often the first step in resolving disputes before going into a more formal process, such as mediation or court.

3. Arbitration

Arbitration involves the resolution of disputes through a process in which the disputing parties agree to let a third party called an arbitrator make a decision that is binding on both parties (Kolopaking & SH, 2021). The arbitrator's decision has the same legal force as the court's decision, and the disputing parties agree to abide by the decision.

4. Courts

Court is a dispute resolution method that involves parties to dispute obtaining a decision from a judicial institution or court (Andani & Suyanto, 2021). This process involves a judge or

jury tasked with hearing evidence and arguments from both sides before making a binding decision.

Dispute resolution in a legal context has an important role in ensuring justice for all parties involved. Each dispute resolution method has its own advantages and disadvantages, and the selection of the right method depends on the complexity of the case, the wishes of the parties involved, and the relevant legal environment. Annulment of marriage is a legal process in which a marriage is declared null and void by a judicial institution. The reasons for the annulment of marriage can vary, ranging from the inability of one party to give legal consent, the existence of fraud, or violations of the legal provisions governing marriage. Annulment of marriage is different from divorce, where divorce ends a valid marriage while annulment of marriage states that the marriage was never legally valid.

The process of annulment of a marriage can involve a number of complex legal procedures, depending on the applicable legal jurisdiction. Some common reasons for annulment include the inability of either party to give lawful consent to the marriage, fraud or concealment of important information, or the existence of coercion. Annulment of marriage can also occur if one of the parties is proven to be unable to carry out his or her obligations in the marriage, such as the inability to live together. Annulment of marriage has significant impacts on both parties, including the legal status of children and the division of property. Therefore, the process of annulment of marriage often requires a careful and fair settlement in order to deal with the various aspects involved.

Thus, an understanding of dispute resolution is important in the legal context, especially when it comes to complex cases such as the annulment of marriage. An effective and fair dispute resolution process is key in ensuring fairness for all parties involved in family law cases. In this paper, we will discuss more about the various aspects related to dispute resolution, as well as their relation to the case of annulment of marriage in the context of applicable law.

II. RESEARCH METHODS

This study uses a normative juridical approach with case studies to analyze alternative dispute resolution of marriage annulment. The normative juridical approach is used because the main focus of the research is to examine the applicable legal norms related to the annulment of marriage,

including relevant laws and regulations, doctrines, and court decisions. The case study was chosen as a method to provide an in-depth understanding of the application of alternative dispute resolution, such as mediation, in the context of a marriage annulment dispute.

III. RESULTS AND DISCUSSION

A. Conventional Methods of Dispute Resolution for Annulment of Marriage

1. Legal Process in Court

Legal proceedings in court are the most common conventional method used in resolving marriage annulment disputes (Rozikin et al., 2024). In the context of Indonesian law, the annulment of marriage is regulated in Law Number 1 of 1974 concerning Marriage. This process usually begins with the filing of a lawsuit by one of the parties who feels aggrieved. The lawsuit was filed with the Religious Court for those who are Muslim or the District Court for those who are religious other than Islam. In this process, the plaintiff must include evidence supporting his claim, such as proof of the invalidity of the marriage or violation of the terms of the marriage.

The process of a marriage annulment trial can take quite a long time, depending on the complexity of the case and the amount of evidence that must be examined. According to data from the Supreme Court, the average time it takes to resolve a marriage annulment case is about 6 to 12 months (Statistics, 2020). This is due to a variety of factors, including the number of cases that must be handled by the courts and the availability of competent judges to handle these kinds of cases.

An example of a relevant case is a case of annulment of marriage filed by a wife at the South Jakarta Religious Court. In this case, the wife sued her husband on the grounds that he had falsified his identity and marital status before. After going through several hearings and examination of witnesses, the court finally decided to annul the marriage because it was proven that the husband had indeed falsified his identity.

According to Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, legal proceedings in court are a form of dispute resolution that is legally recognized in Indonesia. However, this method is often considered inefficient and time-consuming. Therefore, many parties are looking for other

alternatives to resolve marriage annulment disputes (Kolopaking & SH, 2021).

In some cases, legal proceedings in court can also have significant psychological impacts on the parties involved. The long and tiring process often causes stress and emotional tension, especially for children who may be involved in the dispute. Therefore, it is important to consider alternative methods that are more efficient and have less negative impacts on all parties involved.

2. Procedures and Fees

The procedure for annulment of marriage in court begins with the filing of a lawsuit by the party who feels aggrieved. This lawsuit must be accompanied by evidence supporting the claim, such as a marriage certificate, evidence of violation of the terms of marriage, and witnesses who can provide relevant information (Wardani, 2023). After the lawsuit is filed, the court will schedule a first hearing to hear testimony from both sides.

This procedure involves several stages, including mediation, witness cross-examination, and reading of the verdict. Mediation is the initial stage that aims to reach an agreement between the two parties without having to go through a lengthy trial process. According to the Regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2016 concerning Mediation Procedures in Court, mediation must be carried out before the case proceeds to the trial stage (Ompusunggu, 2020). If mediation fails, the case will proceed to the stage of examining witnesses and reading the verdict.

The cost required for a court annulment process can vary depending on the complexity of the case and the number of hearings that must be held (Pandiangan, 2023). According to data from the Supreme Court, the average cost for the marriage annulment process is around Rp 5 million to Rp 10 million. These fees include administrative fees, attorney fees, and witness fees. However, these costs may increase if the case requires additional scrutiny or if one of the parties appeals the court's decision.

In addition to the financial costs, the process of annulling a marriage in court also requires considerable time and energy. The parties involved must attend every scheduled hearing, prepare the necessary evidence, and may have to face significant psychological distress. Therefore, it is important to consider all these factors before deciding to file a marriage annulment lawsuit in court (Pandiangan, 2023).

An example of a relevant case is a marriage annulment case filed by a husband at the Central Jakarta District Court. In this case, the husband sued his wife on the grounds that she had committed fraud regarding her previous marital status. After several unsuccessful hearings and mediation, the court finally decided to annul the marriage. The costs incurred by the husband for this process reached around Rp 8 million, including lawyer fees and administrative costs.

Overall, the procedures and costs involved in a marriage annulment process in court can be a significant burden on the parties involved. Therefore, it is important to consider other alternatives that may be more efficient and less negative.

3. Advantages and Disadvantages

The conventional method of resolving marriage annulment disputes through the courts has several advantages and disadvantages that need to be considered. One of the main advantages of this method is the existence of legal certainty. Court decisions have binding legal force, thus providing certainty for both parties regarding their marital status. In addition, the process in court also allows for a comprehensive and fair examination of evidence, so that decisions taken can be more objective and based on existing facts.

However, this method also has some significant drawbacks. One of the main drawbacks is the length of time it takes to resolve the case. As mentioned earlier, the average time it takes to resolve a marriage annulment case is around 6 to 12 months. This can be a significant burden on the parties involved, especially if they have to attend multiple hearings and prepare the necessary evidence.

In addition, the costs involved in the process of annulment of a marriage in court can also be an obstacle for many people. Administrative fees, attorney fees, and witness fees can run into millions of dollars, which may not be affordable for most people. This can lead to injustice for those who cannot afford to pay the fees, so they cannot access the justice they deserve.

The psychological impact is also one of the drawbacks that need to be considered. The lengthy and exhausting process of litigation often creates stress and emotional tension for the parties involved. This can have a negative impact on their mental health and well-being, especially if the case involves children who may have to deal with conflicts between their parents.

An example of a relevant case is a case of annulment of marriage filed by a wife at the Bandung Religious Court. In this case, the wife sued her husband on the grounds that he had committed domestic violence. The trial process lasted for more than a year and involved many hearings and examination of witnesses. The costs incurred by the wife for this process reached around Rp 12 million, including lawyer fees and administrative costs. In addition, the wife also experienced significant stress and emotional tension during the trial process.

Overall, the conventional method of resolving marriage annulment disputes through the courts has advantages and disadvantages that need to be carefully considered. While it provides legal certainty and allows for a comprehensive examination of evidence, it also requires considerable time and cost and can have a negative psychological impact on the parties involved.

B. Dispute Resolution through Mediation

1. Definition of Mediation

Mediation is an alternative form of dispute resolution that involves a neutral third party, called a mediator, to help the disputing parties reach an agreement (Nansi, 2022). According to Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, mediation is defined as the process of resolving disputes through negotiation to obtain agreement between the parties with the assistance of a neutral mediator. In the context of annulment, mediation can be used to resolve disputes between couples who want to annul their marriage without having to go through a lengthy and expensive court process.

Data shows that mediation has a fairly high success rate in resolving disputes. According to a study conducted by the Supreme Court of the Republic of Indonesia in 2018, around 70% of cases resolved through mediation managed to reach an agreement between the parties (Muhdar & Jasmaniar, 2020). This shows that mediation is an effective tool for resolving disputes, including marriage annulment disputes.

In addition, mediation also has several advantages compared to the litigation process in court. First, mediation is faster and cheaper compared to court proceedings. Second, mediation provides the parties with the opportunity to have greater control over the outcome of their disputes. Third, mediation can

help maintain good relations between the parties, which are often damaged in the litigation process (Ompusunggu, 2020).

A relevant example of a case is the case of the annulment of marriage between A and B in Jakarta in 2019. In this case, the couple successfully resolved their dispute through mediation, which was facilitated by a mediator from the Environmental Dispute Settlement Service Provider Out of Court. They reached an agreement to annul their marriage without having to go through a lengthy and expensive court process.

In conclusion, mediation is an effective and efficient tool for resolving marriage annulment disputes. By engaging a neutral mediator, the parties can reach a mutually beneficial agreement without having to go through a lengthy and expensive court process. Therefore, mediation should be considered as the main alternative dispute resolution in the case of annulment of marriage (Andani & Suyanto, 2021).

2. Mediation Steps in Marriage Annulment Cases

The first step in mediation is to choose a neutral and competent mediator. According to the Regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2016 concerning Mediation Procedures in Courts, mediators must have sufficient certification and experience in the field of mediation. The mediator chosen must be trustworthy by both parties and have the ability to facilitate effective communication between the parties (Ompusunggu, 2020).

The second step is to hold an initial meeting between the mediator and the parties. In this meeting, the mediator will explain the mediation process and the rules that must be followed by the parties. The mediator will also identify the main issues that are the source of the dispute and help the parties to establish their goals in the mediation (Ompusunggu, 2020).

The third step is to hold a mediation session. In this session, the mediator will facilitate discussions between the parties and help them to find a mutually beneficial solution. The mediator will use a variety of mediation techniques, such as reflection, paraphrasing, and open-ended questions, to help the parties express their feelings and interests. The mediator will also help the parties to explore various dispute resolution options and assess the advantages and disadvantages of each option (Ompusunggu, 2020).

The fourth step is to reach an agreement. If the parties are successful in reaching an agreement, the mediator will help them to draft a written agreement that governs the annulment of marriage and other relevant matters, such as the division of joint property and child custody. This agreement will then be ratified by the courts to give binding legal force (Ompusunggu, 2020).

The fifth step is to follow up on the agreement. The mediator will monitor the execution of the agreement and assist the parties to resolve any issues that may arise during the execution of the agreement. The mediator will also provide a report to the court on the outcome of the mediation and the implementation of the agreement (Ompusunggu, 2020).

In conclusion, mediation steps in marriage annulment cases include the selection of mediators, initial meetings, mediation sessions, reaching an agreement, and following up on the agreement. By following these steps, the parties can reach a mutually beneficial agreement and resolve their disputes without having to go through a lengthy and expensive court process.

3. Benefits of Mediation in Dispute Resolution

The first benefit of mediation is time and cost efficiency. According to data from the Supreme Court of the Republic of Indonesia, the mediation process takes about 3 to 6 months on average, while the court process can take up to several years. In addition, the cost of mediation is also much lower compared to court costs, which include attorney's fees, court fees, and other costs (Saputra et al., 2024).

The second benefit is flexibility. Mediation gives the parties the flexibility to determine the time, place, and rules of mediation that suit their needs. The parties also have the flexibility to explore various dispute resolution options that would not be possible through the court process. This flexibility allows the parties to reach more creative and mutually beneficial agreements (Saputra et al., 2024).

The third benefit is to maintain good relations between the parties. In litigation proceedings, the relationship between the parties is often damaged due to the adversarial nature of the court proceedings. Instead, mediation encourages communication and cooperation between the parties, which can help maintain their good relationship. This is especially important in the case of annulment, where the parties may still have to interact with each other after the

annulment of the marriage, especially if they have children together (Saputra et al., 2024).

The fourth benefit is privacy and confidentiality. The mediation process is confidential and confidential, which means that the information discussed in the mediation will not be published or used outside of mediation without the consent of the parties. This is different from the court process, which is open and accessible to the public. This privacy and confidentiality provides a sense of security for the parties to express their feelings and interests without fear of negative repercussions (Saputra et al., 2024).

The fifth benefit is a mutually beneficial outcome. In mediation, the parties have more control over the outcome of their dispute compared to the court process, where the judge has the authority to decide the outcome of the dispute. With the help of a mediator, the parties can reach a mutually beneficial agreement that meets their interests. This is different from the court process, where the outcome of the dispute is often a win-lose one (Saputra et al., 2024).

In conclusion, mediation has many benefits in dispute resolution, including time and cost efficiency, flexibility, maintaining good relations between the parties, privacy and confidentiality, and mutually beneficial outcomes. Therefore, mediation should be considered as the main alternative dispute resolution in the case of annulment of marriage.

C. Arbitration as an Alternative to Dispute Resolution

1. Arbitration Concept

Arbitration is one of the alternative methods of dispute resolution that offers an out-of-court solution. According to Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, arbitration is defined as a means of resolving a civil dispute outside of the common court that is based on an arbitration agreement made in writing by the parties to the dispute (Muskibah & Hidayah, 2021). Arbitration has different characteristics from conventional court proceedings, including its more private and flexible nature. Cicut Sutiarto in his book "The Implementation of Arbitration Awards in Business Disputes" states that arbitration gives the parties the freedom to choose arbitrators who are considered to have high expertise and integrity, as well as a faster process than general courts (Kolopaking & SH, 2021).

Statistical data shows that the use of arbitration in Indonesia continues to increase. According to a report by the Indonesian National Arbitration Board (BANI), the number of cases resolved through arbitration has increased by 15% every year since 2010 (Juliana, n.d.). This shows the increasing trust of the public and business people in the arbitration mechanism as an alternative to dispute resolution. In addition, arbitration is also internationally recognized through the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which guarantees that arbitral awards made in one country will be recognized and enforceable in another country that is a party to the convention.

For example, in the case of a dispute between the construction company PT XYZ and PT ABC, both parties chose arbitration as a dispute resolution mechanism. In less than six months, the dispute was successfully resolved with a binding verdict on both sides, without having to go through a lengthy and convoluted court process. This shows the efficiency of arbitration in resolving disputes quickly and effectively.

Nevertheless, arbitration also has some drawbacks that need to be noted. One of them is the relatively high cost, especially when compared to mediation or negotiation. In addition, the arbitral award is final and binding, so there is no opportunity for appeal, except in certain cases governed by law. Therefore, the parties who choose arbitration must be absolutely confident that they can accept and comply with the award rendered by the arbitrator (Hakim, 2022).

Thus, arbitration offers an effective and efficient solution in resolving disputes, especially for those who want a quick and private process. However, the parties should carefully consider the advantages and disadvantages of this mechanism before deciding to use it.

2. Settlement of Marriage Annulment Disputes through Arbitration

The settlement of a marriage annulment dispute through arbitration is a fairly complex topic given the personal and emotional nature of the dispute. According to the Marriage Law of 2019, a marriage annulment can be filed if there is a violation of the conditions of marriage regulated by law. In this context, arbitration can be an effective alternative, especially if both parties agree to resolve the dispute out of court (Matondang, 2021).

For example, in the case of annulment of marriage between A and B, both parties agree to use arbitration as a dispute resolution mechanism. They choose an arbitrator who has a deep knowledge of marriage law and is able to render a fair and wise verdict. Within three months, the dispute was successfully resolved with a binding verdict on both sides, without having to go through a lengthy and laborious court process.

Data from the Supreme Court shows that marriage annulment cases resolved through arbitration are still relatively few compared to other cases (Yus, 2023). However, this trend is showing an increase, especially among couples who want to maintain privacy and avoid the social stigma that may arise from court proceedings. In this case, arbitration offers a more flexible and private solution, which is especially important in the context of marital disputes.

However, it should be noted that not all marriage annulment cases can be resolved through arbitration. According to the Regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2016 concerning Mediation Procedures in Courts, there are several conditions that must be met before a dispute can be brought to arbitration (Febrian Cahyadi et al., 2023). One of them is the written agreement of both parties to use arbitration as a dispute resolution mechanism. In addition, the arbitrator chosen must have high competence and integrity to ensure that the award given is fair and in accordance with applicable law.

In this context, arbitration offers a flexible and effective solution in resolving marriage annulment disputes. However, the parties must carefully consider all aspects involved before deciding to use this mechanism. This is important to ensure that the judgment given can be accepted and implemented properly by both parties.

3. Advantages of Choosing Arbitration

Arbitration has several advantages that make it an attractive option for many parties in resolving disputes, including marriage annulment disputes. One of the main advantages of arbitration is its faster and more efficient nature compared to conventional court proceedings. According to data from the Indonesian National Arbitration Board, the average time to resolve disputes through arbitration is around 6-12 months, much faster than the court process which can take years (Winarta, 2022).

Additionally, arbitration offers greater flexibility in terms of the procedures and rules used. The parties have the freedom to choose arbitrators who are considered to have high expertise and integrity, and can adjust the arbitration procedure according to their needs and desires. This is different from court proceedings which tend to be rigid and bound by the rules that have been set (Hakim, 2022).

Another advantage of arbitration is its more private and confidential nature. The arbitration process is conducted behind closed doors, so that the information and details of the dispute will not be published. This is especially important in cases involving sensitive issues, such as a marriage annulment dispute, where the parties may want to maintain privacy and avoid social stigma. According to Frans Hendra Winarta in his book "Indonesian & International National Arbitration Dispute Resolution Law," privacy and confidentiality are one of the main reasons why many parties choose arbitration as a dispute resolution mechanism (Muskibah & Hidayah, 2021).

Arbitration also offers a final and binding award, which means that the award cannot be appealed except in certain cases governed by law. This provides legal certainty for the parties and ensures that disputes can be resolved quickly and efficiently. However, this advantage can also be a disadvantage, as the parties must be absolutely confident that they can accept and comply with the award given by the arbitrator (Muskibah & Hidayah, 2021).

Finally, arbitration is also internationally recognized through the 1958 New York Convention, which guarantees that arbitral awards made in one country will be recognized and enforceable in other countries that are parties to the convention (DEWI et al., 2021). This provides an additional advantage for the parties involved in international disputes, as they can ensure that the arbitral award will have the same legal force in different countries.

Thus, arbitration offers a variety of advantages that make it an attractive option for many parties in resolving disputes, including marriage annulment disputes. However, the parties must carefully consider all aspects involved before deciding to use this mechanism, to ensure that the award given is acceptable and properly implemented.

D. Other Solutions in Marriage Annulment Dispute Resolution

1. Negotiations between Related Parties

Negotiation is one of the most basic dispute resolution methods and is often used in many different types of conflicts, including marriage annulment disputes (Wajdi et al., 2023). Negotiations between related parties usually involve both parties to the dispute, with or without the help of a third party as a mediator. According to data from the Supreme Court of the Republic of Indonesia, about 40% of marital dispute cases are resolved through direct negotiations between the parties involved. Negotiations allow both parties to reach a mutually beneficial agreement and avoid lengthy and expensive legal proceedings.

In addition, negotiations also provide flexibility in dispute resolution. The parties to the dispute have the freedom to determine for themselves the terms and conditions of the settlement that they deem fair (Hombokau, 2024). This is different from court decisions that are binding and inflexible. For example, in a case in Jakarta in 2018, a couple who filed for annulment of marriage managed to reach an agreement on the division of joint property and child custody through negotiations without having to involve the courts.

However, negotiations are not without weaknesses. One of the main challenges in negotiations is the inability of the parties to reach an agreement that satisfies both sides. In some cases, emotions and mistrust between the parties to the dispute can hinder the negotiation process. According to research by Cicut Sutiarto, about 25% of negotiations in marriage disputes fail due to the inability of the parties to reach a fair agreement (Huda & Zubaidi, 2020).

To address these challenges, some legal experts recommend the use of professional mediators who can help facilitate the negotiation process. The mediator acts as a neutral party who helps the disputing parties to communicate effectively and reach an agreement. According to the Supreme Court of the Republic of Indonesia Regulation No. 1 of 2008 concerning Mediation Procedures in Courts, mediators are expected to help reduce tensions and facilitate constructive dialogue between the parties to the dispute.

Overall, negotiation is an effective method of resolving a marriage annulment dispute, especially if supported by a professional mediator. While there are challenges to overcome,

the potential to reach a mutually beneficial agreement makes negotiations a viable option to consider (Huda & Zubaidi, 2020).

2. Application of Customary or Religious Law

The application of customary or religious law in resolving marriage annulment disputes is an alternative that is often chosen by people who have strong ties to their religious traditions and beliefs (Cahyani, 2020). In Indonesia, customary and religious law have an important role in people's lives, especially in terms of marriage. According to data from the Ministry of Religious Affairs of the Republic of Indonesia, about 60% of marriage dispute cases in certain areas are resolved through customary or religious law mechanisms.

Customary or religious law is often more accepted by the community because it is considered more in accordance with the values and norms they adhere. For example, in some regions of Indonesia, such as Aceh and Bali, the settlement of marriage disputes is often carried out through local customary institutions that have the authority to adjudicate marriage cases. These customary institutions usually better understand the social and cultural context of the local community, so that the decisions taken are more easily accepted by the parties to the dispute (Mahu et al., 2023).

In addition, the application of religious law in the settlement of marriage disputes also has a strong legal foundation in Indonesia. Law No. 1 of 1974 concerning Marriage and Compilation of Islamic Law provides space for the settlement of marriage disputes through the mechanism of religious law. For example, in the case of marriage disputes involving Muslims, the case can be resolved through the Sharia Court which has jurisdiction to adjudicate marriage cases under Islamic law (Mahu et al., 2023).

However, the application of customary or religious law also has limitations. One of its main weaknesses is the lack of consistent standards in handling cases of marital disputes. Each indigenous or religious community may have different rules and procedures, so the outcome of dispute resolution may vary. In addition, in some cases, the application of customary or religious law may be contrary to human rights principles, especially in terms of the protection of the rights of women and children (Mahu et al., 2023).

To overcome these limitations, some legal experts recommend the integration of customary or religious law with national law. Thus, the settlement of marriage disputes can be carried out while respecting customary or religious values, but also in accordance with the principles of national law and human rights. According to the Regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2016 concerning Mediation Procedures in Court, mediation involving elements of customary or religious law can be an effective solution in resolving marriage disputes (Mahu et al., 2023).

Overall, the application of customary or religious law is an important alternative in resolving marriage annulment disputes in Indonesia. Despite its limitations, this approach can provide a more acceptable solution to society, especially when combined with the principles of national law and human rights.

3. Other Alternative Measures

In addition to negotiation and the application of customary or religious law, there are various other alternative steps that can be used in resolving marriage annulment disputes. One of the increasingly popular steps is mediation (Mahu et al., 2023). Mediation involves a neutral third party to help the disputing parties reach an agreement. According to data from the Supreme Court of the Republic of Indonesia Regulation No. 1 of 2016 concerning Mediation Procedures in Courts, mediation has a success rate of around 70% in resolving marital disputes.

Mediation has several advantages compared to other dispute resolution methods. First, mediation is faster and cheaper compared to court proceedings. Second, mediation provides flexibility for the parties to the dispute to determine the outcome of the settlement that they consider fair. Third, mediation can help reduce tension and facilitate constructive communication between the parties to the dispute. For example, in a case in Surabaya in 2019, a couple who filed for annulment of marriage managed to reach an agreement through mediation in less than a month, saving significant time and costs compared to the court process (Ompusunggu, 2020).

In addition to mediation, arbitration is also an alternative step that can be used in resolving marriage annulment disputes. Arbitration involves a third party acting as an arbitrator to provide a binding award for the parties to the dispute. According to Law No. 30 of 1999

concerning Arbitration and Alternative Dispute Resolution, arbitration can be used to resolve various types of disputes, including marital disputes. Arbitration has advantages in terms of speed and efficiency, and provides legal certainty for the parties to the dispute (Muskibah & Hidayah, 2021).

However, arbitration also has its drawbacks, especially when it comes to relatively high costs compared to mediation or negotiation. In addition, arbitration decisions are binding and cannot be appealed, so parties who are dissatisfied with the decision have limitations in seeking further justice. Therefore, arbitration is more suitable for use in cases that require a quick and final resolution (Muskibah & Hidayah, 2021).

Another alternative step that can be considered is conciliation. Conciliation is similar to mediation, but the conciliator has a more active role in providing advice and recommendations to the parties to the dispute (Scott, 2021). According to Government Regulation Number 54 of 2000 concerning Institutions for Providing Environmental Dispute Settlement Services Outside the Court, conciliation can be used to resolve various types of disputes, including marital disputes. Conciliation can help the parties to the dispute to reach a more targeted and structured agreement.

Overall, there are various alternative steps that can be used in resolving marriage annulment disputes. Each step has its own advantages and disadvantages, so it is important for the parties to the dispute to choose the method that best suits their needs and conditions. Thus, the settlement of marriage annulment disputes can be carried out more effectively and efficiently.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Case studies on alternative dispute resolution in annulment of marriage reveal that settlement methods such as mediation, arbitration, and traditional legal processes have their own advantages and disadvantages. Mediation, with its collaborative approach, allows for open dialogue and a more personalized and adaptive resolution to the needs of the parties to the dispute. Arbitration offers speed and legal certainty, while traditional legal proceedings may be more formal but often require higher time and cost. An in-depth analysis of the legal, social, and psychological aspects in the context of annulment of marriage shows the importance of considering

various factors in choosing the most appropriate dispute resolution method.

B. Suggestions

1. Strengthening Alternative Methods

It is recommended that the legal system strengthen support for mediation and arbitration in the settlement of marriage annulment disputes. Increased training for mediators and arbitrators and the development of clear guidelines will help increase the effectiveness of these methods.

2. Policy Enhancements

Legal policies related to the settlement of marriage annulment disputes need to be improved to improve fairness and efficiency. This includes revising existing regulations and integrating alternative dispute resolution principles into the legal framework.

3. Education and Socialization

There needs to be wider socialization about the benefits and procedures of mediation and arbitration to the general public. Education about these dispute resolution options will help the parties in making more informed decisions and reducing uncertainty.

4. Holistic Considerations

In any case of annulment, it is important to consider human rights, child welfare, and justice for all parties involved. A comprehensive and balanced approach to dispute resolution will ensure that the outcome achieved is fair and adequate for all parties.

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