Beyond Procedural Compliance: A Mediation Readiness and Continuity Model for Divorce Disputes in Indonesian Religious Courts

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Abstract

Mandatory court mediation is intended to create a genuine opportunity for settlement before a divorce dispute proceeds to adjudication. Procedural compliance, however, does not necessarily generate meaningful participation. This study examines the implementation barriers affecting divorce mediation at the Medan Religious Court and develops an institutional design responsive to party readiness. It applies an empirical legal approach and qualitative analysis to judge-mediator interviews, the Indonesian mediation framework, and recent scholarship on family dispute resolution. Four patterns emerge. Parties commonly enter mediation after conflict has become protracted and the decision to divorce has hardened; mediation is frequently perceived as a procedural formality; short sessions restrict exploration of underlying conflict; and success is too easily reduced to the binary question of marital reconciliation. The article proposes a Mediation Readiness and Continuity Model linking pre-court screening and legal education, differentiated court-connected mediation based on conflict intensity and readiness, and settlement continuity for post-divorce issues when reconciliation is unrealistic. The model shifts the institutional objective from formal completion of mediation toward meaningful participation, protection of vulnerable parties, partial settlement, and durable family dispute resolution. It provides a practical framework for strengthening mediation without converting the mediator into an adjudicator or making reconciliation compulsory.

I. INTRODUCTION

Court-connected mediation occupies a distinctive position in divorce litigation. It is neither merely a preliminary administrative step nor a substitute for adjudication. Its normative promise is to give spouses a structured opportunity to communicate, clarify interests, reduce unnecessary antagonism, and, where possible, reach an agreement before judicial determination. This promise is particularly important in family disputes because a judgment can terminate a legal marriage but cannot eliminate the relational, parental, financial, and emotional consequences that continue after the case ends. International family justice scholarship therefore increasingly evaluates dispute-resolution institutions not only by speed and clearance rates but also by participation, durability, safety, and the ability to preserve workable post-separation relationships (Quek Anderson, Chua, & Ning, 2022; Crampton, 2022; Babb & Applegate, 2024).

Indonesia has institutionalised mediation as part of civil procedure through Supreme Court Regulation No. 1 of 2016. The regulation remains in force and is complemented by Supreme Court Regulation No. 3 of 2022 on electronic mediation. Within the Religious Courts, mediation is especially significant because divorce litigation represents not only a dispute over legal status but frequently a wider conflict concerning children, maintenance, residence, property, communication, and family dignity. Indonesian scholarship has long recognised that mediator professionalism and legal culture influence mediation outcomes (Karmawan, 2020). More recent work shows that mediation in Religious Courts can produce complete settlement, partial settlement, or failure, and that local values, cultural expectations, the emotional stage of the parties, and institutional design shape the process (Fikri et al., 2023; Sebyar et al., 2025).

The source study at the Medan Religious Court identifies a recurring implementation problem. Judge-mediators reported that many spouses arrive at court after domestic conflict has persisted for a long period and after one or both parties have formed a firm intention to divorce. In that setting, mediation is encountered late in the conflict trajectory. The parties frequently understand the court primarily as an institution that will issue a divorce judgment, so the mediation session risks being interpreted as an obligatory procedural checkpoint. The source material also records that mediation sessions may last approximately fifteen to thirty minutes in

practice, a period that may be insufficient to reconstruct communication in a highly emotional dispute. These findings do not prove that all mediations in Medan are brief or unsuccessful, but they identify an important institutional pattern that deserves analytical attention. The issue is therefore not simply whether mediation exists, but when and how parties encounter it.

This problem is consistent with comparative evidence. Family mediation research distinguishes between formal availability of mediation and genuine readiness to participate. Mandatory or court-embedded mediation can become a routine component of family justice while still being constrained by limited resources, hardened conflict, or mismatched expectations (Crampton, 2022). Research on dispute-resolution pathways further suggests that mediated divorce outcomes may be more durable than litigated outcomes when the process successfully enables neutral facilitation and informed agreement (Quek Anderson et al., 2022). At the same time, high-conflict cases require differentiated intervention rather than a uniform assumption that every case is equally suitable for the same process (Dealy, Russell, & Robinson, 2023; Anderson & Augugliaro, 2025). These studies shift attention from the existence of mediation toward its timing, design, participant readiness, and institutional support.

Indonesian studies have explored several pieces of this puzzle. Research has examined the general operation of mediation in Religious Courts, the role of cultural values in divorce reconciliation, the use of electronic mediation, the contribution of advocates to mediation failure, and the interaction between formal courts and non-judicial family institutions (Karmawan, 2020; Fikri et al., 2023; Firdaus et al., 2024; Robbani, Putra, & Suprianto, 2024; Muhazir, Nasution, & Harahap, 2025). Studies in other Religious Courts also show that non-attendance, third-party intervention, informational imbalance, and the parties' prior commitment to litigation can undermine settlement (Syafei & Djazimah, 2021). Yet these strands are often treated separately. The literature has not sufficiently integrated the timing of intervention, mediation readiness, differentiated process design, and continuity between pre-court conflict management and court-connected mediation into one institutional framework for divorce cases.

The research gap is therefore not the absence of studies on divorce mediation. It lies in the absence of a model explaining how the Religious Courts should respond when mediation is legally mandatory but parties enter the process at different stages of conflict and with different settlement capacities. A process that treats every case identically may satisfy formal compliance while failing to create meaningful participation. Conversely, a model that makes reconciliation the only meaningful outcome may incorrectly classify useful partial agreements on child support, parenting arrangements, or other consequences as institutional failure. This distinction matters because family mediation serves at least two possible functions: preserving a marriage when voluntary reconciliation remains realistic, and reducing the scope and intensity of conflict when divorce remains inevitable.

This article addresses two questions. First, what empirical and institutional factors explain the gap between mandatory mediation and meaningful settlement in divorce cases at the Medan Religious Court? Second, what institutional design can improve mediation without coercing reconciliation or exceeding the neutral role of the mediator? The article's novelty is the Mediation Readiness and Continuity Model. The model has three connected stages: pre-court readiness screening and legal education, differentiated court-connected mediation based on conflict intensity and party capacity, and settlement continuity for unresolved post-divorce issues. Its contribution is to replace the binary logic of 'reconciled versus failed' with a process-oriented understanding of mediation that values informed participation, safety, partial settlement, and durable dispute reduction.

II. RESEARCH METHODS

This study uses an empirical legal research design with a qualitative orientation. The empirical component is derived from interview material with judge-mediators at the Medan Religious Court concerning the implementation of mediation in divorce cases. The legal component examines the rules that structure mediation, particularly Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court, Supreme Court Regulation No. 3 of 2022 on Electronic Mediation in Court, the Judicial Power Law, and the Marriage Law. The purpose is not to calculate a court-wide mediation success rate. The available interview evidence is used to identify recurring implementation patterns and to examine how those patterns interact with legal design. Accordingly, statements about the parties'

attitudes, mediation duration, and mediator practice are presented as qualitative findings rather than statistical estimates.

The unit of analysis is the mediation process in divorce litigation, not the personal performance of individual mediators. Interview material was organised around four themes already present in the source study: the condition of parties when entering mediation, perceptions of mediation, techniques used by mediators, and the time and institutional support available for the process. The research does not disclose identifying information concerning litigants because the analysis concerns institutional practice rather than personal family histories. Interview findings are compared with public information from the Medan Religious Court showing that mediation can produce full or partial peace in divorce cases, including recent examples in which parties withdrew divorce claims or reached partial agreements. These public examples are used only to demonstrate that different mediation outcomes are institutionally possible, not to infer an overall success rate.

The doctrinal component uses statutory interpretation to identify the legal function of court-connected mediation and the relationship between in-person and electronic mediation. Supreme Court Regulation No. 1 of 2016 is treated as the primary procedural framework, while Supreme Court Regulation No. 3 of 2022 demonstrates that the Supreme Court now recognises modality flexibility within mediation. The research also distinguishes between marital reconciliation and settlement of ancillary disputes. This distinction is important because a divorce case may continue even when parties reach agreement on child-related or financial matters. The legal analysis therefore asks whether the mediation framework can support partial and differentiated outcomes rather than a single binary measure of success.

The literature review prioritises peer-reviewed journal articles published within the last five years and uses older material only where it provides a distinctive doctrinal or empirical foundation. International sources are concentrated in Scopus-indexed journals on family courts, dispute resolution, procedural justice, and access to justice. Indonesian sources are selected from journals addressing Religious Courts, Islamic family law, mediation, divorce, and socio-legal dispute resolution. The literature is not used to replace the Medan interview findings. Instead, it functions as an analytical comparator. Where the Medan material identifies a problem, such as hardened divorce intention or short mediation sessions, recent studies are used to test whether comparable institutional explanations appear in other jurisdictions and to identify reform options that can be adapted rather than transplanted mechanically.

Analysis proceeds in four stages. First, the empirical material is coded into conflict-timing, participation, mediator-capacity, and institutional-support themes. Second, the legal rules are mapped according to referral, consent, mediator function, time, modality, confidentiality, and settlement. Third, the empirical findings are compared with the four analytical parameters derived from the literature: readiness, participation, differentiation, and continuity. Fourth, the gaps are synthesised into the Mediation Readiness and Continuity Model. Analytical validity is strengthened through source triangulation between interview material, primary legal rules, contemporary international literature, and Indonesian family-law scholarship. The study also states its limitations: it does not claim statistical representativeness for all divorce mediations in Medan or Indonesia, and the proposed model requires further testing through a larger multi-court study before national implementation.

III. RESULTS

A. Mediation Enters at a Late Stage of Marital Conflict

The first empirical finding is temporal. Judge-mediator interviews indicate that many divorce parties arrive at the Medan Religious Court after conflict has persisted for a considerable period. By the time litigation begins, the decision to separate may already have been discussed within the family, experienced through repeated conflict, or psychologically consolidated. Mediation therefore enters after the parties have moved through earlier informal stages of disagreement. This timing helps explain why a formally available mediation process can have limited reconciliation capacity. The problem is not necessarily rejection of mediation as a concept. It is that the process is introduced when the perceived value of reconciliation has substantially declined. The finding is consistent with international research stressing the value of early intervention for high-conflict separating families (O'Hara & Cohen, 2024).

The interviews also suggest that the parties commonly understand the filing of a case as an

expression of finality. For a claimant, the decision to register a divorce case can itself represent the culmination of prior unsuccessful efforts. A respondent may enter mediation defensively, perceiving the court process as already adversarial. This institutional framing matters because the same mediator technique may produce different results depending on whether the parties understand mediation as an opportunity or as a compulsory delay. Crampton's (2022) study of embedded family court mediation illustrates a similar tension: once mediation becomes an ordinary part of court processing, its meaning is shaped by the surrounding litigation system. The Medan finding therefore identifies 'late-stage entry' as a structural barrier, not simply an attitudinal weakness of litigants.

B. Procedural Compliance Does Not Ensure Meaningful Participation

The second finding concerns the parties' perception of mediation as procedural formality. Interview material indicates that some litigants enter the session primarily because court procedure requires it. Their objective remains obtaining a divorce judgment, so attendance does not necessarily signal willingness to explore settlement. This distinction is central. A mediation system can achieve near-universal referral while producing little substantive dialogue if parties are not prepared to participate. Williams et al. (2020) differentiate formal access from meaningful participation in ADR. Applied to divorce, meaningful participation requires that parties understand the mediator's role, know what issues can be discussed, have a genuine opportunity to explain concerns, and are free to accept or reject proposals.

The finding also suggests that mediation should not be assessed only through the reconciliation rate. Where parties remain determined to divorce, a mediator may still facilitate agreement on consequences that would otherwise generate additional litigation. Recent practice reported by the Medan Religious Court itself shows that divorce mediation may result in complete peace, withdrawal of a claim, or partial agreement concerning child-related consequences. Such outcomes demonstrate that the process can retain substantive value even when the marriage is not preserved. Fikri et al. (2023) similarly recognise partial mediation outcomes in the Religious Courts. The empirical implication is that a binary success indicator can distort institutional incentives. Mediators may appear unsuccessful even when they reduce the number of contested issues and improve post-divorce cooperation.

C. Mediator Flexibility Exists, but Time and Support Are Uneven

The third finding is that judge-mediators in Medan use a range of persuasive approaches, including religious, social, and family-oriented communication. This indicates that mediator practice is not mechanically confined to reading procedural rules. Mediators attempt to identify values that may reopen communication and to adapt language to the social context of the parties. Such flexibility aligns with Indonesian studies showing that cultural and religious values can support reconciliation when used appropriately (Fikri et al., 2023; Sebyar et al., 2025). The finding also confirms that mediator competence in family disputes requires more than legal knowledge. Communication, conflict diagnosis, emotional regulation, and the ability to recognise when continued pressure would become counterproductive are equally important.

At the same time, the source material records mediation sessions of approximately fifteen to thirty minutes in ordinary practice. The study does not treat that duration as a formal rule or as universal practice. It is an empirical signal that time allocation may be mismatched with the complexity of some cases. Where conflict has developed over years, a single short meeting may be sufficient only to confirm that the parties do not wish to reconcile, not to identify narrower interests or possible partial agreements. The current legal framework provides greater procedural space than such short sessions suggest, and electronic mediation rules offer additional modality flexibility. The problem is therefore one of implementation capacity. Time, mediator workload, case volume, room availability, and user expectations jointly influence how much of the legal opportunity is actually used.

D. The Institutional Pathway Is Fragmented

The fourth finding is institutional fragmentation. The source study recommends stronger synergy among the Supreme Court, Religious Courts, and Religious Affairs Offices, particularly through family education and premarital guidance. That recommendation reflects an important structural insight: the court receives disputes after earlier social and administrative institutions may already have interacted with the couple. Yet those encounters are not organised as a continuous dispute-

prevention pathway. KUA programs focus on marriage administration and family guidance; courts focus on adjudication; mediation begins after filing. There is limited institutional architecture connecting early conflict education, referral to counselling, legal information, court mediation, and post-divorce settlement support.

This fragmentation is not unique to Medan. Muhazir et al. (2025) show that Muslim communities may navigate between customary, social, and judicial institutions when dealing with divorce. Institutional plurality can increase access to culturally legitimate support, but it can also produce uncertainty if the functions of each institution are unclear. Tanjung (2022) and Arminsyah et al. (2026) emphasise, in other dispute contexts, that coherent allocation of dispute-resolution authority is fundamental to legal certainty. The result in the present study is therefore a need for continuity, not institutional merger. KUA, community services, mediators, and judges should retain distinct functions, but the pathway between them should be clearer so that parties encounter information and conflict-management support before positions become completely fixed.

E. The Findings Reveal a Sequential Implementation Gap

Read together, the four findings reveal a sequential implementation gap rather than four unrelated deficiencies. The first stage of the gap occurs before the court process. Conflict is often allowed to mature without structured legal information or early dispute-resolution support, so the parties arrive at filing with positions already consolidated. The second stage appears at the point of referral. Because mediation is encountered after the decision to litigate, mandatory attendance may be understood as procedural compliance rather than as a new decision-making opportunity. The third stage concerns the mediation encounter itself. Mediators possess room to use religious, social, and family-oriented communication, but brief sessions and uneven institutional support constrain how far those techniques can move from persuasion toward problem diagnosis, issue clarification, and settlement design. The fourth stage appears after the reconciliation question has effectively been answered. The existing practice tends to frame the process around whether the marriage can be preserved, although child, financial, communication, and other post-divorce issues may still remain negotiable.

This sequence explains why a formal success indicator can misdescribe the actual process. A case may be recorded as unsuccessful because the divorce continues even though mediation clarifies child support, reduces communication hostility, narrows factual disagreement, or produces a partial agreement. Conversely, a short session may satisfy the referral requirement without generating enough information to determine whether narrower issues could have been resolved. The interview material therefore supports a distinction between marital reconciliation and dispute de-escalation. They are related but not identical outcomes. The first asks whether the parties voluntarily restore the marriage. The second asks whether mediation reduces the legal and relational conflict that will continue after the marital status is determined. This distinction is especially important in Religious Courts because a divorce judgment may end the marriage while parental and economic relationships remain.

The sequential pattern also shows that mediator competence cannot be isolated from institutional timing and process design. A highly skilled mediator who encounters parties only after conflict has hardened, with limited time and without access to appropriate referral options, works under structural constraints. The Medan findings therefore do not justify attributing low effectiveness solely to the attitudes of litigants or the abilities of individual mediators. They point instead to an interaction between conflict timing, procedural framing, available session time, institutional coordination, and the definition of success. This interaction is the principal empirical synthesis produced by the study and becomes the basis for the reform model developed in the discussion.

IV. DISCUSSION

A. Reframing the Objective of Divorce Mediation

The results require a conceptual shift in how divorce mediation is evaluated. The first objective remains voluntary marital reconciliation when both parties consider restoration realistic and safe. Islamic family law gives reconciliation an important moral place, and Religious Courts appropriately create space for it. Nevertheless, a legal institution should not treat continued marriage as the only socially valuable mediation outcome. When one or both spouses maintain a lawful and settled intention to divorce, the mediator should not convert reconciliation from

an opportunity into a coercive institutional expectation. The more appropriate objective becomes dispute de-escalation: reducing the number of contested issues, protecting children, clarifying support obligations, improving communication, and preventing unnecessary post-divorce litigation. This broader understanding is compatible with the evidence that mediation can generate more durable outcomes than adversarial resolution in some family disputes (Quek Anderson et al., 2022).

This reframing also improves procedural legitimacy. A party who believes that the mediator's only goal is to prevent divorce may withhold information or treat the session as a ritual obstacle. By contrast, if the mediator explains that the process can address both reconciliation and the consequences of separation, the session offers practical value even to a party with a firm divorce intention. This is consistent with Lucy's (2020) view that access to justice concerns the effective capacity to vindicate rights, not merely the availability of a forum. It also aligns with the participation framework of Williams et al. (2020), which emphasises genuine engagement rather than tokenistic process. In practical terms, success should be measured along a spectrum: reconciliation, full settlement of disputed consequences, partial settlement, improved procedural understanding, or a well-founded determination that mediation is unsuitable.

B. The Mediation Readiness and Continuity Model

The article proposes the Mediation Readiness and Continuity Model as a three-stage institutional framework. Stage one is pre-court readiness and conflict triage. It does not create a new compulsory barrier to filing for divorce. Instead, it provides accessible information and voluntary early support through KUA family guidance, court information services, legal aid posts, or approved family-support partners. The objective is to explain the legal consequences of divorce, available mediation pathways, child and financial issues, and the difference between reconciliation counselling and legal mediation. Parties with unresolved conflict but without immediate safety risks may be offered early counselling or mediation information before litigation. Parties experiencing violence, coercion, or urgent protection needs should be directed promptly to appropriate legal and protective mechanisms rather than pressured into reconciliation.

Readiness screening at stage one should be simple and functional. It should ask whether the parties can communicate safely, whether both understand the purpose of mediation, whether either party requires independent legal advice, whether children or financial obligations create urgent issues, and whether there are indicators of coercive control. The screening is not designed to diagnose psychological conditions or determine the merits of the divorce. Its function is to identify what kind of process support may be needed. Rossi et al. (2024) and Applegate et al. (2021) demonstrate why safety screening and mediator preparation are essential in separating families. The Indonesian model can adapt that principle without importing foreign instruments wholesale. A short domestic screening protocol can be designed around the legal and cultural context of Religious Courts.

Stage two is differentiated court-connected mediation. After a case is filed, referral remains governed by Supreme Court Regulation No. 1 of 2016, but the mediator should use the initial session to classify process needs rather than immediately pursue a uniform reconciliation script. Low-to-moderate conflict cases with reciprocal communication may proceed through joint sessions. High-conflict cases may require separate caucuses, longer scheduling, more than one session, independent advice, or a non-judge certified mediator with specialised family skills. Electronic mediation under Supreme Court Regulation No. 3 of 2022 can be used where distance, scheduling, or safety makes remote participation more appropriate. Research on hybrid, remote, and technology-mediated family processes suggests that modality should follow user need rather than institutional convenience and that digital tools should serve procedural objectives rather than define them (Dealy et al., 2023; Harker & Ryan, 2022; Ni, 2024; Rabinovich-Einy, 2021).

Differentiation also concerns substantive objectives. The mediator should identify early whether the parties are open to reconciliation. If they are, the session can explore restoration without coercion. If one or both parties clearly reject reconciliation, the process should pivot to issue settlement where legally appropriate. Possible issues include child maintenance, parenting arrangements, communication, return of personal property, agreed financial responsibilities, and other consequences capable of lawful settlement. This pivot prevents time from being consumed by repeated moral

persuasion after the reconciliation window has closed. It also respects party autonomy. The mediator remains neutral because the mediator does not decide whether divorce should occur; the mediator helps the parties identify what can still be resolved by agreement.

Stage three is settlement continuity. The mediation record should distinguish complete reconciliation, complete settlement of ancillary issues, partial settlement, and unresolved issues. Where an agreement is reached, parties should understand its legal status and how it will be reflected in court documents or judicial orders. Where no agreement is possible, the process should still provide a clear transition to adjudication without stigma. Continuity also means that a failed attempt to reconcile should not prevent later mediation on a narrower issue. Family conflict changes over time. A dispute that is unsuitable for comprehensive settlement at filing may become suitable for a parenting or financial agreement after the legal status of the marriage is clarified. Menon's (2024) concept of collaborative family justice supports this ecosystem approach, in which different institutions and procedures coordinate rather than compete.

C. Institutional Requirements for Implementation

The model requires stronger mediator capacity. Training should combine mediation law with family-conflict communication, negotiation, power-imbalance recognition, child-sensitive practice, and safety screening. Applegate et al. (2021) show that training quality improves when mediators receive structured guidance and ongoing consultation rather than a single certification event. In the Indonesian context, periodic case-based training could be organised by the Supreme Court and the Directorate General of Religious Courts, with anonymised scenarios drawn from recurring family disputes. Non-judge mediators can also expand institutional capacity where available, as recent Medan practice demonstrates. The goal is not to displace judge-mediators but to create a diversified mediator pool capable of matching case complexity and workload.

Time allocation must also be treated as a quality variable. The empirical finding of fifteen-to-thirty-minute sessions signals that mediation may sometimes function as a confirmation step rather than a substantive process. The solution is not to impose a long minimum duration on every case. A party who faces violence or who has no lawful issue capable of settlement should not be forced into prolonged sessions. Instead, courts should use flexible scheduling tied to identified mediation potential. Cases with realistic settlement issues may be assigned additional sessions or a continuation date. This approach is more consistent with proportionality than either universally brief mediation or universally lengthy mediation. Court administration should monitor not only how many cases were mediated but also the distribution of complete, partial, and terminated outcomes.

Pre-court legal education should be redesigned around realistic expectations. The source study's proposal for stronger cooperation with KUA is valuable, but family education should not be framed only as a campaign to reduce divorce numbers. Such a framing risks treating divorce itself as institutional failure even when continuation of the marriage would be unsafe or unjust. Education should instead explain rights, obligations, conflict-management options, the impact of litigation on children and finances, and the availability of mediation. O'Hara and Cohen (2024) and Guyette and Harris (2024) support early educational intervention for separating families, while Finck (2024) highlights the value of preventive legal assistance. A rights-based educational model can improve readiness without undermining the legal autonomy of spouses.

The model also requires clear institutional boundaries. KUA officers and community actors can provide education, family guidance, or referral, but the legal determination of divorce remains within judicial competence. Mediators facilitate agreement but do not adjudicate. Judges decide unresolved claims but should recognise valid mediated agreements according to procedural law. This allocation of functions reflects the broader institutional insight identified by Tanjung (2022): effective dispute resolution requires clarity regarding the authority and role of each institution. It also resonates with Arminsyah, Tanjung, and Syam (2026), who stress harmonisation of dispute-resolution mechanisms as a basis for legal certainty. In the family context, harmonisation means a coordinated pathway with separate institutional mandates, not overlapping power.

D. Contribution to Indonesian Family Dispute Resolution

The model contributes to Indonesian family dispute-resolution scholarship in three ways. First, it identifies readiness as an institutional variable. Previous studies commonly describe low

mediation effectiveness in terms of party unwillingness, mediator competence, or legal culture. Those factors remain important, but the Medan findings suggest that party unwillingness is partly related to when mediation is offered and how the court process is framed. A person may appear 'unwilling to mediate' because the conflict has already reached a point where marital restoration is no longer realistic. The institutional response should therefore distinguish unwillingness to remain married from unwillingness to settle any dispute. That distinction creates a wider field for meaningful mediation.

Second, the model integrates reconciliation and post-divorce dispute reduction. Indonesian Islamic family-law discourse appropriately values reconciliation, but modern family justice must also address the consequences of separation. Sebyar et al. (2025) show that culturally informed mediation can reduce conflict and sustain cooperation even after divorce. Fikri et al. (2023) recognise partial settlement as part of mediation practice. The present model translates those insights into process architecture. Once reconciliation is no longer realistic, the mediator can redirect attention to issues that determine the quality of post-divorce relations. This approach protects the normative value of reconciliation while preventing the mediation system from becoming irrelevant to parties who have decided to separate.

Third, the model provides a more nuanced evaluation framework. Institutional performance should not be represented by a single success percentage without explaining what counts as success. A complete reconciliation rate is useful but incomplete. Courts should separately record reconciliation, withdrawal of the divorce claim, full agreement on ancillary matters, partial agreement, unsuccessful mediation after substantive participation, and termination for safety or unsuitability. Such categorisation would allow future empirical research to identify which mediator practices and case characteristics are associated with particular outcomes. It would also prevent courts from creating perverse incentives to pressure parties merely to improve reconciliation statistics.

The study does not claim that the proposed model has already been empirically validated. It is a reconstruction derived from the Medan interview findings, Indonesian mediation law, and contemporary comparative scholarship. A future pilot could test the model in several Religious Courts with different case volumes and regional cultures. Evaluation should examine not only settlement rates but also party understanding, perceived voice, safety, time spent in mediation, frequency of partial agreements, post-judgment compliance, and repeat litigation. The strongest evidence for reform will come from combining doctrinal legality with user-centred empirical evaluation. Until that testing occurs, the model should be understood as a structured policy proposal rather than a claim that one institutional design will fit every divorce dispute.

V. CONCLUSION AND RECOMMENDATIONS

This study concludes that the central problem of divorce mediation at the Medan Religious Court is not the absence of regulation. Indonesian law already requires court mediation and now also permits electronic mediation. The difficulty lies in the distance between procedural referral and substantive readiness. The empirical material shows that parties often enter mediation after domestic conflict has become protracted and the intention to divorce has hardened. Some perceive mediation as a formal step before adjudication, while the time available in ordinary sessions may be too limited to explore complex emotional and legal issues. Judge-mediators respond with religious, social, and family-oriented techniques, but mediator skill alone cannot overcome late intervention, limited time, and fragmented institutional support.

The article's principal contribution is the Mediation Readiness and Continuity Model. Stage one introduces pre-court information, readiness screening, and voluntary conflict support without making counselling a new barrier to access to court. Stage two differentiates court-connected mediation according to conflict intensity, safety, communication capacity, and the issues capable of settlement. Stage three maintains continuity by recognising that mediation can remain useful after reconciliation becomes unrealistic, particularly for child, financial, and other post-divorce issues. Across the three stages, the model treats meaningful participation, voluntariness, safety, partial settlement, and clear institutional roles as the core indicators of quality.

The Supreme Court and the Directorate General of Religious Courts should consider technical guidance that differentiates marital reconciliation from settlement of ancillary disputes, strengthens screening for coercion and safety, and encourages flexible session design where settlement potential remains. Mediator

development should include communication, negotiation, family-conflict dynamics, power imbalance, and child-sensitive practice in addition to procedural law. Courts should also improve outcome reporting by distinguishing complete reconciliation, full settlement, partial settlement, substantive non-settlement, and termination for unsuitability. Such data would provide a more credible basis for evaluating mediation than a single undifferentiated success rate.

Religious Courts and KUA offices should develop a coordinated but rights-respecting referral pathway. KUA family guidance and court information services can provide early legal education, explain mediation options, and identify cases that may benefit from voluntary support. They should not pressure victims of violence or parties with a lawful decision to divorce to remain in unsafe relationships. Early intervention should be designed to improve informed choice, not to create a moral or administrative obstacle to judicial access. Where parties proceed to court, information gathered through pre-court services should be transferred only with consent and in a manner consistent with confidentiality.

Finally, the findings should be tested through a multi-court empirical study with a clearly reported interview sample, mediation statistics, and user perspectives. Future research should compare judge-mediators and non-judge mediators, examine differences between contested and less contested divorces, and evaluate whether partial agreements reduce later litigation. The Medan case provides a useful starting point because it exposes the institutional problem behind low mediation effectiveness: mediation may be legally mandatory yet arrive too late, too briefly, or with an overly narrow definition of success. Reform should therefore move beyond procedural compliance toward a family justice system in which mediation is timely, differentiated, participatory, and connected to the continuing realities of life after divorce.

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