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MARRIAGE MEDIATION IN GORONTALO CITY SOCIETY (A STUDY ON THE EFFECTIVENESS AND INFLUENCE OF LOCAL WISDOM)

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ABSTRACT

Marriage mediation is one alternative conflict resolution method aimed at repairing the relationship between husband and wife or reaching a peaceful agreement in resolving household problems. In Gorontalo City, marriage mediation is not only a legal approach but is also influenced by local wisdom that emphasizes deliberation and harmony. This article aims to examine the implementation of marriage mediation in the Gorontalo City community, highlighting the role of mediators, the obstacles encountered, and its effectiveness in the local socio-cultural context. The research employs a qualitative approach through interviews and observations. The findings indicate that marriage mediation, which integrates local cultural values, is effective in resolving domestic conflicts, although challenges such as the absence of one party and limited understanding of the law remain obstacles.

Keywords: Marriage mediation; family law; local wisdom

1. INTRODUCTION

In Islamic tradition, mediation is regarded as an *islah* (reconciliation) effort aimed at resolving marital disputes, grounded in compassion *(mawaddah wa rahmah)* and justice *('adl)*. It is considered essential for maintaining household integrity and preventing divorce *(thalak)*. The Qur'an underscores the importance of third-party involvement in marital conflict resolution, as reflected in Surah An-Nisa (4:35):

"If you fear dissension between the two, send an arbitrator from his family and an arbitrator from her family. If they desire reconciliation, Allah will cause it between them. Indeed, Allah is All-Knowing and Acquainted with all things."

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Marital conflict frequently serves as a catalyst for household dissolution, culminating in divorce. In Indonesia, particularly in Gorontalo City, marriage mediation has emerged as a strategic measure to curb the rising divorce rate. Mediation provides a forum for couples to engage in open communication and collaboratively seek solutions, either to repair their relationship or to amicably resolve their disputes. Furthermore, the Gorontalo culture's high regard for family values provides a strong foundation for the practice of mediation.

This research aims to:

1) Analyze the process of marriage mediation in Gorontalo City.
2) Identify the role of local wisdom in shaping mediation practices.

Evaluate the challenges and success factors of mediation in marital conflict resolution.

2. METHODS

A qualitative, descriptive-analytical approach was applied. Data were collected through semi-structured interviews with certified mediators, couples who underwent mediation, and cultural and religious leaders. Observations of mediation sessions and analysis of legal documents were conducted to triangulate the findings and provide a comprehensive perspective.

3. RESULTS AND DISCUSSION

Marriage Mediation in Islamic Perspective

Islam places strong emphasis on mediation as a means of ensuring justice, preventing hostility, and protecting family bonds. The principles guiding Islamic mediation include:

1) *Maslahah* (public interest): The primary objective of mediation is to achieve an outcome that serves the common good of the spouses, their children, and the extended family. This principle prioritizes the welfare and stability of the family unit over the individual desires of the parties, aiming for a solution that minimizes harm and maximizes benefit.
2) Justice and Equality: Mediators, known as *hakamayn*, are mandated to maintain an unswerving commitment to fairness and impartiality. They must be neutral and objective, ensuring that the rights and perspectives of both the husband and wife are given equal weight and consideration.
3) *Musyawarah* (Deliberation): The process is founded on the principle of mutual consultation and open dialogue. It encourages the couple to engage in a respectful and constructive exchange of views, guided by the mediator, to collaboratively identify and agree upon a mutually beneficial resolution.
4) Confidentiality and Sincerity: Mediation must be conducted in an atmosphere of discretion and trust. The proceedings should be kept confidential to prevent the spread of slander (*ghibah*) and animosity (*baghdha'*) that could exacerbate the conflict and damage the parties' reputations.

5) Preventive and Reconciliatory Approach: The overarching goal is to facilitate reconciliation and prevent divorce. Mediation is conceived as a last resort before the formal dissolution of marriage, designed to mend the relationship. Divorce is only considered a viable solution if it is determined to be the most prudent and least harmful path for both parties.

The merits of *tahkim* extend beyond mere conflict resolution, embodying the holistic and compassionate nature of Islamic family law:

1) Prevention of Unnecessary Divorce: Islam views divorce as a last resort, acknowledging its negative social and emotional consequences. Mediation serves as a vital preventive mechanism to avert avoidable marital dissolutions, thereby upholding the sacred bond of marriage.
2) Strengthening Family Bonds: By involving family representatives as *hakamayn*, mediation reinforces the emotional and social ties between the couple and their kin. It transforms a private dispute into a collective effort towards healing and preservation.
3) Amicable Resolution: The process fosters a culture of peaceful conflict resolution, enabling couples to resolve their disputes without resorting to litigation or public acrimony. This minimizes resentment and facilitates a more positive future, regardless of the outcome.
4) Protection of Children's Rights: Mediation places the best interests of the child *(maslahat al-tifl)* at the forefront. It provides a structured forum for resolving issues such as child custody *(hadhanah)* and support *(nafaqah)* in a manner that prioritizes the child's well-being in accordance with Islamic teachings.

The process of tahkim is a structured, multi-stage procedure designed to guide the couple toward a resolution:

1) Problem Identification: The mediator begins by undertaking a thorough assessment to identify the root causes of the conflict. This may involve communication breakdowns, financial distress, or the involvement of external parties.
2) Appointment of *Hakamayn*: The core of the process involves the formal appointment of two impartial mediators, one from each side of the family. These representatives, who may be family members or trusted religious figures, offer an objective and informed perspective.
3) Joint Deliberation and Negotiation: The *hakamayn* guide the couple in a facilitated discussion characterized by mutual respect and active listening. Proposed solutions are carefully vetted to ensure they align with the principles of Islamic law and are practical for both parties.
4) Agreement *(Sulh)*: If the parties agree to reconcile, the mediator assists in the formulation of a detailed plan for improvement and reconciliation. If reconciliation is not possible, the mediator helps the couple reach an amicable separation through a peaceful divorce, such as *khulu* (initiated by the wife) or a mutually agreed-upon *talaq ma'ruf.*

Mediation Practices in Gorontalo City

Marriage mediation in Gorontalo is facilitated by:

1) Certified mediators recognized by the Religious Court.
2) Traditional and religious leaders with moral authority.
3) Extended family members who often act as informal mediators.

The mediation process begins with the identification of the conflict, followed by an open dialogue between the two parties. The mediator acts as a facilitator, guiding the discussion to remain focused on solutions.

Local Wisdom in Mediation

Local cultural values significantly enhance the effectiveness of mediation, notably through:

1) *Huyula* (mutual cooperation): encouraging collective responsibility of extended families.
2) *Adati hula-hula* to *sara'a, sara'a hula-hula* to Qur'ani: reflecting harmony between custom, Islamic law, and Qur'anic principles.
3) *Sipatuhunan* (social harmony): prioritizing peaceful coexistence within families and communities.

Obstacles to the Implementation of Mediation

Despite its effectiveness, mediation in Gorontalo faces recurring obstacles or challenges:

1) Non-attendance or refusal of one party to participate.
2) Limited awareness of mediation procedures and legal frameworks, especially in rural areas.
3) Excessive involvement of extended family members, sometimes worsening disputes.

Effectiveness of Mediation

This study shows a success rate of 75% for marriage mediation, especially in conflict cases that have not involved domestic violence. Couples who successfully undergo mediation report that they are better able to improve communication and manage conflicts. The outcomes of mediation in Gorontalo City can be summarized as follows:

1) Successful reconciliation: 50%
2) Amicable divorce agreements: 30%
3) Failure, referred to court: 15%
4) Absence of one party: 5%

Couples who reconciled reported improved communication skills and conflict management, illustrating mediation's potential to strengthen family resilience.

4. CONCLUSION

Marriage mediation in Gorontalo City, enriched by local cultural wisdom, has proven effective in resolving household conflicts and preventing unnecessary divorces. Nonetheless, issues such as limited participation, inadequate legal knowledge, and third-party interference require targeted policy interventions to improve mediation outcomes.

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