Nusantara: Journal of Law Studies
Vol. 5 No. 1, 2026: 331-358
E-ISSN: 2964-3384
https://doi.org/10.66325/nusantaralaw.v5i1.168

# Between Culture and Safety: The Paradox of Protecting Domestic Violence Victims in Mediation at the Batusangkar Religious Court, Indonesia

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DOI: doi.org/10.66325/nusantaralaw.v5i1.168
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*Received: 19-11-2025* | *Revised: 13-02-2026* | *Accepted: 05-04-2026* | *Published On: 19-04-2026*

**Abstract**: Mediation is a mandatory procedural step in divorce cases before Indonesian religious courts, yet its effectiveness remains contested, particularly in cases involving domestic violence. This study examines the implementation of mediation and the incorporation of local wisdom in domestic violence-based divorce cases at the Batusangkar Religious Court, a socio-legal context shaped by Minangkabau society's matrilineal culture. Employing an empirical legal approach with qualitative methods, data were collected through in-depth interviews with judges, mediators, and disputing parties, non-participant observation of mediation sessions, and document analysis. The data were analysed using the Miles and Huberman interactive model, including data reduction, display, and verification. The findings reveal that mediation practices function as pragmatic adaptations to socio-economic and institutional constraints, often conducted in a single, time-compressed session and oriented toward managing post-divorce rights rather than reconciliation. The incorporation of local wisdom occurs implicitly through cultural expressions and moral narratives, while formal adat actors, such as ninik mamak, are excluded due to regulatory limitations and concerns about victim protection. An interplay of structural rigidity, cultural values, institutional capacity, psychological dynamics, and mediator competence shapes mediation effectiveness. This study contributes academically by advancing the discourse on legal pluralism through the concept of "functional coexistence" between state law and adat, and by theorising mediation as a form of street-level bureaucracy in religious courts. It also enriches socio-legal scholarship by integrating trauma-sensitive and culturally informed perspectives into mediation studies, offering a nuanced model for handling domestic violence cases in plural legal systems.

**Keywords**: Domestic Violence; Legal Pluralism; Local Wisdom; Mediation; Religious Courts.

## Introduction

Domestic violence remains a pervasive global issue that produces profound social, psychological, and legal harm.[1] In Indonesia, the state has formalised its response through Law No. 23 of 2004 on the Elimination of Domestic Violence, yet a persistent gap exists between normative regulation and empirical implementation.[2] The legal system continues to rely heavily on litigation, which tends to prioritise punitive outcomes rather than victim recovery, while often prolonging legal processes that exacerbate psychological trauma.[3] As an alternative, mediation is mandated in religious courts under Supreme Court Regulation (PERMA) No. 1 of 2016,[4] particularly in divorce cases.[5] However, its effectiveness in domestic violence cases remains highly questionable, as reflected in empirical data from the West Sumatra Religious High Court (2023), where only 6.8% of such cases are successfully mediated despite their high prevalence. This indicates a structural inadequacy in the standard mediation model, which struggles to address power imbalances, trauma, and victim safety concerns.[6] The issue becomes more complex in Minangkabau society, where the matrilineal system and the philosophy of *Adat Basandi Syarak, Syarak Basandi Kitabullah* shape social norms and dispute resolution practices. While these cultural structures provide mechanisms such as *musyawarah* and the authority of *ninik mamak*, they also impose pressures related to family honour (*marwah*) and communal shame (*malu jo urang kampuang*). Consequently, victims may remain silent to preserve their social reputation, creating tension between cultural expectations and legal protection. This duality positions mediation within a complex intersection of law, culture, and power.

Existing scholarship on mediation and local wisdom reveals important insights but also significant limitations. First, studies on adat-based dispute resolution emphasise its effectiveness in restoring social harmony, yet they often

[1] Ioana Padurariu and Vasile Coman, 'Domestic Violence and Family Relationships: A Few Legal, Social and Psychological Considerations', *Lex ET Scientia Int'l J.* 30 (2023): 181.

[2] Nurul Busyro, 'Legal Protection Efforts Against Domestic Violence Victims', *The International Journal of Politics and Sociology Research* 10, no. 2 (2022): 80–87.

[3] Irma Suryani et al., 'Reformulation of Bundo Kanduang's Role in Solving Domestic Violence Cases', *Jambura Law Review* 5, no. 2 (May 2023): 199–219, https://doi.org/10.33756/jlr.v5i2.19172.

[4] Moh. Hamzah et al., 'The Transformation of Electronic Mediation: A Legal Innovation in the Sharia Economic Dispute Resolution', *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (February 2026): 15–27, https://doi.org/10.31958/juris.v25i1.15856.

[5] Yangto et al., 'Contemporary Challenges and Prospects of Mediation in Contested Divorce Cases in Indonesia', *Journal Of Law Studies* 4, no. 1 (2025): 44–59, https://doi.org/10.5281/zenodo.17354688.

[6] Siti Tazkya Awalia and Rizki Nur Fadilah, 'Muslim Women's Lived Experiences in Divorce Mediation at Islamic Religious Courts', *Hukmuna: Journal of Law and Policy* 1, no. 10 (2025): 406–416.

overlook structural inequalities and gendered power relations.[7] Second, research on integrating local wisdom into formal legal systems tends to be normative, proposing ideal models without examining the institutional constraints courts face.[8] Third, studies on family dispute resolution highlight the role of cultural values but are generally limited to less sensitive issues such as inheritance and child custody.[9] Fourth, critical scholarship has pointed out the risks of adat-based mechanisms, including gender bias, elite capture, and the silencing of vulnerable groups.[10] Despite these contributions, most studies remain descriptive and fragmented, lacking a critical synthesis of the tensions between legal formalism, cultural norms, and victim protection. More importantly, empirical research directly examining how local wisdom operates within formal court-annexed mediation in domestic violence cases remains scarce. The interaction between mediators, institutional rules, and cultural values in practice remains underexplored.[11] Furthermore, the role of mediators and judges as "street-level bureaucrats" navigating these tensions has received limited attention. This gap highlights the need for a more grounded and practice-oriented analysis.

Based on these gaps, this study aims to examine mediation practices in domestic violence-based divorce cases at the Batusangkar Religious Court.[12] First, it seeks to analyse how mediation is practically implemented, moving

[7] Fajri M. Kasim and Abidin Nurdin, 'Study of Sociological Law on Conflict Resolution Through Adat in Aceh Community According to Islamic Law', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (December 2020): 375–397, https://doi.org/10.22373/sjhk.v4i2.8231; Belachew Getnet Eneyew and Mersha Ayalew, 'The Role and Challenges of Indigenous Conflict Resolution Mechanism: The Case of Aboled in Borena Woreda, Northeast Ethiopia', *Heliyon* 9, no. 6 (2023).

[8] Irma Fatmawati et al., 'Realizing Justice: Integration of Customary Law in Mediation of Domestic Violence Cases', *International Conference Epicentrum of Economic Global Framework*, 2024, 375–381; M. Rafsan Jzani, 'The Effectiveness of Restorative Justice in Resolving Criminal Acts: Interaction Between Ocu Customary Law and Positive Law', *Jurnal Ius Constituendum* 10, no. 3 (2025): 394–414.

[9] Lelisari Lelisari, *Bale Mediasi As A Mediation Implementation Institution Based On Local Wisdom In Dispute Resolution In West Nusa Tenggara*, 2021; Ahmad Rajafi, *Local Wisdom for Marriage Conflict Mediation in Muslim Minahasa, Indonesia*, 2020.

[10] Ashadi L. Diab et al., 'Accommodation of Local Wisdom in Conflict Resolution of Indonesia's Urban Society', *Cogent Social Sciences* 8, no. 1 (2022): 2153413; Syahrial H. A. Q. Hilman, 'Community Mediation-Based Legal Culture in Resolving Social Conflicts of Communities Affected by the COVID-19 Pandemic in West Nusa Tenggara, Indonesia', *Studia Iuridica Lublinensia* 31, no. 2 (2022): 12–32.

[11] Indriati Amarini et al., 'Exploring the Effectiveness of Mediation in Resolving Disputes in the Indonesian Administrative Court', *Journal of Indonesian Legal Studies* 9, no. 1 (May 2024): 353–384, https://doi.org/10.15294/jils.vol9i1.4632.

[12] Sri Wulandari et al., 'Analysis of Divorce Cases in the Batusangkar Religious Courts in the Perspective of Law Number 23 of 2004 Concerning the Elimination of Domestic Violence', *JISRAH: Jurnal Integrasi Ilmu Syariah* 5, no. 2 (August 2024): 111, https://doi.org/10.31958/jisrah.v5i2.13204.

beyond procedural norms to explore its duration, stages, and substantive outcomes. Second, the study investigates how Minangkabau local wisdom is accommodated, adapted, or excluded within the mediation process, including the use of cultural language, proverbs, and moral frameworks. Third, it aims to identify the extent to which traditional actors, such as *ninik mamak*, are involved or marginalised, and the reasons behind these decisions. Fourth, the research analyses the factors that shape mediation effectiveness, including structural regulations, socio-cultural norms, institutional capacity, psychological conditions, and mediator competence. By focusing on these dimensions, the study shifts attention from idealised models to actual practices in the field. It also captures the complexity of mediation as a dynamic process shaped by competing legal and cultural logics. In doing so, the research adopts a socio-legal perspective that emphasises "law in action" rather than "law in the books."[13] This approach allows for a deeper understanding of how mediation functions in sensitive and unequal contexts. Ultimately, the study provides an empirical foundation for evaluating mediation in domestic violence cases.

This research argues that mediation in the Batusangkar Religious Court represents a pragmatic adaptation shaped by the interaction among legal norms, cultural values, and institutional constraints. Drawing on Progressive Law theory, it views law as a dynamic and context-dependent process rather than a fixed set of rules.[14] It also conceptualises culture as an ambivalent resource that can both enable and constrain justice, depending on power relations and social context.[15] Furthermore, it positions mediators and judges as "street-level bureaucrats" who actively interpret and adapt legal procedures to address real-world challenges.[16] The urgency of this study lies in its theoretical, practical, and social contributions. Theoretically, it advances legal pluralism by demonstrating how mediation becomes a site of negotiation between state law and adat, producing what can be termed a "functional coexistence."[17] In practice, it provides insights into judicial reform by identifying the limitations of rigid mediation frameworks and the need

[13] Melenko Oksana, 'Mediation as an Alternative Form of Dispute Resolution: Comparative-Legal Analysis', *European Journal of Law and Public Administration* 7, no. 2 (2021): 46–63, https://doi.org/10.18662/eljpa/7.2/126.

[14] Satjipto Rahardjo, 'Hukum Progresif Hukum Yang Membebaskan', *Jurnal Hukum Progresif* 1, no. 1 (2011): 1–24, https://doi.org/10.14710/hp.1.1.1-24.

[15] Elimartati et al., 'From Custodians to Bystanders : Tigo Tungku Sajarangan ' s Responses to Unregistered Marriages Practices in Minangkabau', *Al-Ahwal: Jurnal Hukum Keluarga Islamal* 18, no. 1 (2025): 47–64, https://doi.org/10.14421/ahwal.2025.18203.

[16] Arifki Budia Warman et al., 'From Communal to Individual: Shifting Authorities of Family Dispute Resolution in Minangkabau Society', *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2023): 161–184, https://doi.org/10.18326/ijtihad.v23i2.161-184.

[17] Otong Sulaeman et al., 'Negotiating Gender Justice in Minangkabau Marital Disputes: Between Adat, Islamic, and State Law', *Juris: Jurnal Ilmiah Syariah* 24, no. 1 (2025): 39–49, https://doi.org/10.31958/juris.v24i1.11848.

for trauma-informed and culturally competent approaches. Socially, it strengthens access to justice by foregrounding victims' safety and agency within mediation processes. By bridging the gap between normative design and empirical reality, this study offers a more grounded and critical understanding of mediation in domestic violence cases. It ultimately calls for a reorientation of mediation from procedural compliance toward substantive justice.[18]

## Method

This study employed a qualitative research design within an empirical legal framework to examine mediation practices in domestic violence cases at the Batusangkar Religious Court. A purposive sampling strategy was used to ensure the inclusion of diverse perspectives relevant to the research objectives. Participants were selected based on specific criteria, including direct involvement in the mediation process, professional roles (judges and certified mediators), or experiential knowledge as disputants in domestic violence-related divorce cases. Additionally, several traditional leaders (ninik mamak) were involved to provide contextual insight into local cultural norms.[19] The study involved judges, mediators, disputants, and traditional leaders, varying in gender, age, and case background, to minimise selection bias and increase representativeness. Data collection combined three techniques to ensure methodological triangulation. First, in-depth semi-structured interviews were conducted to explore participants' experiences, perceptions, and strategies in mediation. Second, non-participant observation allowed for direct examination of interaction dynamics, procedural adaptations, and power relations. Third, document analysis of court records, mediation reports, and procedural guidelines was conducted to corroborate the findings and provide institutional context. The collected data were analysed using Miles and Huberman's interactive model, which involves data reduction, data display, and drawing/verifying conclusions.[20] Furthermore, data triangulation across interviews, observations, and documents strengthened the validity of the findings. By integrating systematic sampling, ethical safeguards, and rigorous analytical procedures, this methodology provides a strong and credible foundation for understanding mediation practices in the complex and sensitive context of domestic violence.

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[18] Kamaruddin et al., 'Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 1077–1096, https://doi.org/10.22373/sjhk.v7i2.13183.

[19] Arifki Budia Warman et al., 'Strengthening Family Resilience Through Local Wisdom: Pulang Ka Bako Type of Marriage in Minangkabau', *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 253–268, https://doi.org/10.7454/ai.v34i2.3966.5.

[20] Laras Shesa et al., 'Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection', *MILRev: Metro Islamic Law Review* 3, no. 2 (December 2024): 236–262, https://doi.org/10.32332/milrev.v3i2.9950.

## Results and Discussion

This study reveals the complex dynamics of mediation practices within the Batusangkar Religious Court, which can be categorised into three primary themes: the emergence of a distinct pragmatic mediation pattern, the nuanced cultural accommodation of local wisdom, and a complex ecosystem of influencing factors operating across macro, meso, and micro levels. The findings demonstrate that mediation is not a rigidly implemented procedure, but a fluid process shaped by a constant negotiation between normative frameworks and on-the-ground realities.

### The Pragmatic Pattern of Mediation: Strategic Adaptation to Structural and Social Constraints

The implementation of mediation at the Batusangkar Religious Court (PA Batusangkar) Class 1B represents a significant departure from the ideal procedures outlined in the Supreme Court Regulation (PERMA) No. 1 of 2016.[21] The emergent pattern is not the result of ignorance or negligence but a deliberate, context-driven response to the community's socio-economic realities and the court's institutional resource constraints. This pragmatic adaptation manifests in three core characteristics: extreme temporal compression, sensitive technical modifications, and a fundamental shift in the very purpose of mediation, particularly in cases involving domestic violence.

#### 1. Extreme Temporal Compression: The "One-Day" Mediation as an Institutional Imperative

Contrary to PERMA's provisions allowing a mediation process spanning up to 30 days, with a possible 30-day extension,[22] field observations reveal that nearly all mediation sessions at PA Batusangkar are compressed into a single day, often confined to the two-hour time slot officially allocated to each mediator. This phenomenon of "fast-track mediation" is not an anomaly but a calculated institutional strategy rooted in profound socio-economic considerations.

The court's clientele predominantly consists of individuals from lower-middle-class and impoverished backgrounds, working as daily labourers, small-scale farmers, or petty traders. For these individuals, each court appearance entails significant opportunity costs: the loss of a day's wages and substantial travel expenses, given that many travel from distant *nagari* (traditional villages). In this context, enforcing a drawn-out mediation procedure in line with the normative ideal would constitute a new form of procedural injustice, effectively barring impoverished communities from accessing justice. A mediator articulated this stark reality: *"We strive to complete mediation in a single*

[21] Nirwan Junus et al., 'Integration of Mediation in Divorce Cases Reviewed from Supreme Court Regulation on Court Mediation Procedures', *Jambura Law Review* 6, no. 1 (January 2024): 183–205, https://doi.org/10.33756/jlr.v6i1.19370.

[22] Awalia and Fadilah, 'Muslim Women's Lived Experiences in Divorce Mediation at Islamic Religious Courts'.

*day. This is not just about the rules; it is about the condition of our people. Many of the disputing parties work as daily labourers or small-scale traders, so taking just one day off work is already a heavy burden for them. If I ask them to come back tomorrow, they might not show up because they feel they cannot afford the time and cost. Therefore, I try to settle the entire process on the same day, as far as possible."*[23] This perspective was reinforced by the Chair of the PA, who emphasised that access to justice for the common people was a primary concern, and rescheduling was deemed counter productive.

The implications of this time compression are profound. Mediators are forced to operate within a severely constrained timeframe, which pressures them to focus on the core conflict and immediate technical solutions rather than conducting in-depth psychological or social exploration of the marital problems' root causes. This pattern creates what can be termed compromised procedural justice, in which the depth and comprehensiveness of the process are sacrificed to maintain accessibility for the most vulnerable segments of society. Consequently, the "one-day" mediation in Batusangkar must be understood as a contextually forced form of justice—a pragmatic negotiation between normative demands and inescapable economic realities. This adaptation aligns with the theory of street-level bureaucracy, in which frontline workers, such as mediators, develop practical coping mechanisms to address the gap between policy ideals and resource constraints.

**2. Sensitive Technical Modifications: Crafting "Quasi-Safe Spaces" in the Shadow of Violence**

Despite the intense pressure of time constraints, the mediators at PA Batusangkar demonstrated a remarkable capacity to transcend mere procedural automatons. They developed a repertoire of intelligent and sensitive technical adaptations, particularly when handling domestic violence cases laden with power imbalances and trauma. Two key strategies that stood out were the consistent use of separate sessions (caucus) and the strategic exclusion of legal counsel from the mediation room to de-escalate the adversarial atmosphere.

The use of caucus sessions was a critical strategy for addressing the acute power imbalance between the victim and the perpetrator. In a room dominated by the perpetrator, domestic violence victims often freeze, constrained by fear and trauma, rendering them incapable of articulating their true suffering. A mediator described this dynamic: *"There are many cases where a party is unwilling to speak honestly when their spouse is in the room. This is especially true in domestic violence cases. Usually, the victim will remain silent or give short answers because they feel afraid. That is why I often separate them. By separating them, I can dig for deeper information. Sometimes, the party who was silent suddenly breaks down in tears and shares a lot once their partner is no longer in the room."*[24] By physically separating the parties, the mediator creates a temporary "quasi-safe space" that allows the victim, for a moment, to escape the perpetrator's psychological grip. It is in this separate room that hidden

[23] Interview with Mediator A (non-judge mediator), August 2025
[24] Interview with Mediator A (non-judge mediator), August 2025

narratives, suppressed tears, and profound fears often surface, providing the mediator with a more authentic understanding of the violent dynamics within the household. This practice is a direct, albeit informal, response to feminist critiques of mediation, acknowledging that a forced joint session can re-traumatise and disempower victims.

Another significant, and more symbolic, adaptation was the practice of politely asking legal counsel to temporarily leave the mediation room. This action held deep symbolic meaning. It transformed the mediation space from a legal-adversarial arena, where every word was weighed for its argumentative strength, into a more humanised, personal space where parties were encouraged to speak from the heart. A mediator explained the rationale: *"Even lawyers are usually asked to step out for a while. It is not that they are not allowed to be present, but if they are, the parties usually feel pressured to maintain their legal positions, whereas mediation is a personal space to reach an agreement. I want them to speak frankly. With the lawyers out, the atmosphere becomes more fluid, and they can convey their feelings more honestly."*[25] This adaptation underscores that beneath a veneer of formalism, frontline actors possess the agency and discretion to engage in "street-level bureaucracy," prioritising the substantive needs of the parties—especially the need for a victim's stifled voice to be heard—over strict procedural protocol.

**3. Functional Metamorphosis: From Reconciliation to the Orderly Management of Divorce**

The most fundamental and paradoxical finding was the functional shift in the purpose and orientation of mediation within the domestic violence context. In stark contrast to its primary objective as stated in PERMA—to seek peace and reconciliation—mediation in domestic violence cases at PA Batusangkar seldom functioned as a tool for reconciling spouses. Field data compellingly showed that victims arrived with a resolute decision to separate, often after enduring years of suffering.

Statements from the victim-parties vividly illustrated this resolve. One victim stated unequivocally, *"I came to this Court with a final decision, so whatever form of mediation is conducted between us will not change my decision to divorce."*[26] This sentiment was not an exception but reflected an emotional and psychological state that had reached exhaustion. A mediator recounted their experience somberly: *"In domestic violence cases, peace is almost impossible. They usually have wounds that have been stored up for too long. So, even though the rules still require mediation, its purpose is primarily to arrange post-divorce rights. I often see the faces of the female parties who no longer want to return. They come not for reconciliation, but to get out of the pressure."*[27] The spontaneous emotional outbursts of victims, such as crying or expressing a desperate desire to "just be done with it," affirmed that they entered the mediation room not in search of peace, but for validation and an escape route from violence.

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[25] Interview with Mediator A (non-judge mediator), August 2025
[26] Interview with Victim A (domestic violence survivor), August 2025
[27] Interview with Mediator A (non-judge mediator), August 2025

https://doi.org/10.66325/nusantaralaw.v5i1.168

Consequently, the function of mediation underwent a metamorphosis. It was transformed from an instrument of *restorative justice* into a mechanism for the "orderly management of divorce." Its focus shifted decisively from attempting to preserve the marriage to formulating fair, technical post-divorce agreements concerning child support, custody, and the division of marital assets. The Chair of the PA reinforced this finding with a structural perspective: *"domestic violence cases very rarely end amicably. However, we still strive to ensure that other matters, such as child support, custody, and asset division, can be resolved. So, mediation still has benefits, even if it does not result in reconciliation."*[28] Within this framework, the very definition of "success" in mediation requires redefinition. It is no longer measured by the achievement of *rujuk* (reconciliation) but by the process's ability to ensure a divorce transition that minimises the potential for ongoing conflict and provides legal certainty and protection, especially for the victim and children.[29] This reorientation demonstrates a high degree of awareness and pragmatism among court actors in responding to the actual needs of the justice seekers before them, resonating with the principles of progressive law that prioritise substantive outcomes over formalistic procedures.

**The Accommodation of Local Wisdom: A Dialectic Between Cultural Values and Formal Legal Authority**

Within Indonesia's legally pluralistic landscape, the interaction between state law and customary law (*adat*) is a perennial subject of interest.[30] This research at the Batusangkar Religious Court uncovers a unique and unconventional model of accommodating Minangkabau local wisdom. The striking finding is that this accommodation does not occur through the structural integration of customary institutions into formal court procedures but rather through the infiltration of cultural values and language into the practices of communication and persuasion during the mediation process. In other words, local wisdom is present not in an institutional form (e.g., *ninik mamak* sitting beside the mediator) but in a cultural form, serving as a "moral language" used to build rapport, frame advice, and appeal to the parties' emotions.

[28] Interview with the Chair of the Batusangkar Religious Court, personal interview, September 2025

[29] Dede Kania and Siti Nur Fatoni, 'Protecting Children's Rights in Marriage Dispensation Cases: Evidence from Religious Courts in Indonesia', *Asy-Syari'ah* 25, no. 2 (January 2025): 79–98, https://doi.org/10.15575/as.v25i2.43846.

[30] Rr Dewi Anggraeni, 'Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints', *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, https://doi.org/10.15408/ajis.v23i1.32549; Muhammad Aulia Rahman, Roibin Roibin, and Nasrulloh Nasrulloh, 'Dayak Ngaju Customary Fines in Pre-Marriage Agreement to Minimize Divorce in The Perspective of Maslahah Mursalah Ramadhan Al-Buthi', *El-Mashlahah* 13, no. 1 (June 2023): 57–75, https://doi.org/10.23971/el-mashlahah.v13i1.5623.

**1. Local Wisdom as a Moral Language and Tool of Cultural Communication**

The presence of local wisdom is implicit and personal, mediated primarily through the mediator's individual cultural competence. The mediators, who are ethnically Minangkabau, skillfully wove traditional proverbs (*petitih*), kinship concepts such as sumando (a man who marries into a family), and advice on family honour (*marwah*) into their dialogues with the disputing parties. This cultural language proved highly effective at defusing the tension that typically accompanies legal processes. While the language of the law was often perceived as rigid, cold, and alienating, the language of *adat* felt familiar, warm, and reminded the parties of their collective identity as Minang people.

A mediator elaborated on this strategy: *"Customary values still appear in mediation, but not in the form of customary institutions like the ninik mamak sitting in the room. Usually, I use these values as advice. For example, I remind them about the relationship between the husband and the wife's family, that in Minang custom, a man is a 'sumando,' who comes in peace and should leave in peace. I convey that value because our people still deeply understand that kind of customary language. Often, they are more moved when advised using the language of adat than with legal language alone."*[31] The use of local wisdom in this manner was not intended to impose a specific decision, such as pushing for reconciliation under the guise of preserving the family name. Instead, it served to remind the parties of their social and moral responsibilities within the Minangkabau social order, regardless of their final decision regarding the marriage. This represents a form of soft accommodation that does not challenge the authority of formal law but simultaneously makes the legal process more "humane" and contextually relevant. This practice positions the mediator as a cultural translator, a role increasingly recognised as vital in effective Alternative Dispute Resolution (ADR) across cultural boundaries.[32]

**2. Firm Boundaries: The Structural Absence of the *Ninik Mamak* and Its Justifications**

Conversely, this research also clearly uncovered the firm boundaries of this accommodation, most evident in the formal absence of the *ninik mamak* (traditional clan leaders) from the mediation room. The reasons for this exclusion were twofold: legal and psychological.

From a legal standpoint, PERMA No. 1 of 2016 does not provide a formal role for third parties within the customary structure of the mediation process.[33] The court,

[31] Interview with Mediator A (non-judge mediator), August 2025

[32] Ridwan Nurdin et al., 'The Role of Customary Leaders as Ḥakam in Resolving Divorce: A Case Study in Kuta Alam Subdistrict, Banda Aceh City', *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 430, https://doi.org/10.22373/ujhk.v6i2.12710.

[33] Musleh Harry et al., 'From Moral Authority to Policy Integration: The Role of Religious Leaders in Marital Mediation in Indonesia and Malaysia', *De Jure: Jurnal Hukum Dan Syar'iah* 18, no. 1 (March 2026): 33–53, https://doi.org/10.18860/j-fsh.v18i1.35639; Septi Wulan Sari, 'Mediasi Dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2016', *Ahkam: Jurnal Hukum Islam* 5, no. 1 (2017): 1–16, https://doi.org/10.21274/ahkam.2017.5.1.1-16.

as a state institution, must uphold the authority and consistency of its procedures. A mediator clarified this regulatory constraint: *"According to PERMA, the third parties who are allowed to be present are very limited. We cannot bring in a ninik mamak without the parties' consent. Even if they were present, we could not grant them a formal position. So, according to the rules, it is indeed not possible."*[34]

From a psychological perspective, which is especially crucial in domestic violence cases, the presence of the *ninik mamak* could become a new source of pressure for the victim. In a culture that highly values *malu jo urang kampuang* (shame in the face of one's community), victims often feel hesitant, afraid of being blamed, or pressured to reconcile to uphold the honour of the extended family. A mediator stressed this point: *"Many female victims of domestic violence feel uncomfortable if the ninik mamak or extended family are present. They are afraid to tell their story. They feel guilty or ashamed. So, the presence of the ninik mamak could actually hinder the mediation process."*[35] A victim informant (B) confirmed this, stating, *"I would be ashamed if other people were involved in the mediation process, so the mediation should be conducted only between the parties and the mediator."*[36] Therefore, sterilising the mediation space of customary figures was a strategic choice to create a sense of safety for the victim to speak truthfully. This boundary demonstrates a sharp awareness among court practitioners that, in certain contexts, the principle of victim protection must take precedence over the principle of cultural accommodation. This finding critically nuances the often-romanticised view of local wisdom, highlighting that its mechanisms can be oppressive to vulnerable individuals, particularly in situations of intimate violence.

**3. As a Pre-Court Filter and Source of Social Legitimacy**

The court mediation process is not the starting point for dispute resolution. On the contrary, it often represents the final stage of a long process that began in the *Rumah Gadang* (traditional clan house). Many parties come to court only after family deliberations and interventions by the *ninik mamak* have been deemed unsuccessful. A *ninik mamak*, Z, explained this sequence: *"Usually, when our nephews/nieces go to court, it means they are finished with the ninik mamak; it means the ninik mamak has already dealt with their problem. When the solution found is indeed divorce, then they file for divorce in court."*[37]

Thus, the function of court mediation becomes one of legal ratification of a decision or impasse already reached within the customary realm. In this model, customary law serves as the primary filter and out-of-court settlement mechanism, while state law serves as a last resort that provides formal legal certainty. This is a form of functional coexistence, where each system operates in its own domain while complementing the other. The court, thereby, recognises and builds upon the social legitimacy already established by *adat*, even if it does not integrate it structurally into its

[34] Interview with Mediator A (non-judge mediator), August 2025
[35] Interview with Mediator A (non-judge mediator), August 2025
[36] Interview with Victim B (domestic violence survivor), August 2025
[37] Interview with Z (ninik mamak), September 2025.

procedures. This finding provides a concrete example of legal pluralism in action, not as a clash of systems, but as a pragmatic division of labour between the state and traditional structures.[38]

**The Ecosystem of Influencing Factors: A Complex Interplay from Macro to Micro Levels**

The implementation of mediation at the Batusangkar Religious Court cannot be understood as a linear or mechanistic process. It is the product of a dynamic interaction of multiple, interconnected factors that form a unique ecosystem. These factors operate at different levels: the macro (structural law and culture), the meso (court institution), and the micro (individual characteristics of the parties and the mediator).

At the macro level, the two most dominant factors are the regulatory framework and the socio-cultural context. PERMA No. 1 of 2016, designed for uniform application across Indonesia, was the primary constraining factor. This rigid regulation failed to anticipate the socio-economic and cultural diversity faced by courts like PA Batusangkar, thereby triggering pragmatic adaptations on the ground. On the other hand, the characteristics of the matrilineal Minangkabau society, with its strong adherence to customary values, created a unique power dynamic within households. Values such as *malu jo urang kampuang* and the preservation of family *marwah* (dignity) formed the "lens" through which the parties viewed their conflict, and the mediation process itself. The interaction between the rigidity of the regulation and the potency of the local culture was a primary shaper of the observed mediation pattern.

At the institutional (meso) level, resource limitations and workload pressures significantly shaped the mediation pattern. The mediator's schedule—only two hours per week to handle a long queue of cases—forced the creation of a "fast-food" mediation model. This time pressure was an inescapable institutional reality. This limitation was exacerbated by the vast geographic scope of the court's jurisdiction, requiring parties to travel long distances at considerable cost and time. A mediator described the situation: *"Our mediation schedule is tight... After mediation is finished, I also have to write the report. That also takes time. However, often there is no time to do it immediately because other parties are already waiting. So, our system runs quickly, very quickly."*[39] This pushed the court to adopt a principle of extreme efficiency, making one-day resolution an operational necessity rather than a choice.

[38] Sulistyowati Irianto, 'Inheritance Legal Pluralism and Gender Justice: A Court Room Study in Indonesia', *Legal Pluralism and Critical Social Analysis* 56, no. 3 (September 2024): 459–478, https://doi.org/10.1080/27706869.2024.2379738; Nofialdi Nofialdi and Siska Rianti, 'The Distribution of Pusako Randah Property in Minangkabau Society: Between Cultural Tradition and Islamic Law Provision', *Mazahib* 23, no. 1 (June 2024): 271–304, https://doi.org/10.21093/mj.v23i1.7257.

[39] Interview with Mediator A (non-judge mediator), August 2025

At the micro level, the two most prominent factors were the parties' psychological states and the mediator's cultural competence.[40] In the context of domestic violence, psychological factors—trauma, fear, and power imbalance—often became the determining factors that overrode all others.[41] The trauma experienced by victims rendered them incapable of negotiating on equal footing. The fear of speaking in front of the perpetrator, let alone in the presence of the *ninik mamak*, caused them to withdraw. In such situations, any form of cultural accommodation or ideal mediation procedure became irrelevant unless a sense of safety preceded it.[42]

This is where the mediator's competence became crucial. A mediator versed only in the law but lacking the sensitivity to read trauma and fear would fail. In contrast, the mediators in Batusangkar demonstrated multidimensional competency. They were not only proficient in PERMA but also possessed "cultural capital"—a deep understanding of the Minangkabau language, values, and social dynamics. A mediator explained, *"I am from here, so I understand the Minang way of speaking, the customary proverbs, and how to use them in the appropriate context... Sometimes, with just one proverb, the atmosphere can change."*[43] It was this cultural capital that enabled them to build rapport, use resonant language, and, ultimately, create a slightly safer space for the victim to speak, even within a severely limited time frame. The interaction between the victim's trauma and the mediator's competence was ultimately a critical determinant of the quality and outcome of the mediation process at the most personal level. This underscores the importance of moving beyond purely legal training for mediators operating in culturally specific and traumatogenic contexts.

## The Pattern of Mediation Implementation at the Batusangkar Religious Court: A Form of Pragmatic Adaptation in the Shadow of Limitations

The pattern of mediation implementation at the Batusangkar Religious Court (PA Batusangkar) Class 1B represents a fascinating dialectic between compliance with formal legal norms and the imperative to adapt to socio-economic realities. The research findings reveal that this pattern did not emerge in a vacuum but is a concrete response to an environment characterised by resource limitations, the sociological diversity of justice seekers, and case complexity, especially those involving Domestic

[40] Ahmad Masum et al., 'The Role of Syariah Penal Code (Cap. 275) in Determining Criminal Responsibility for Minors in Brunei Darussalam', *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 307–330, https://doi.org/10.66325/nusantaralaw.v5i1.190.

[41] Sophia Anne Milleer, 'Integrating Local Wisdom and Global Knowledge to Develop Culturally Responsive Education Models', *Nusantara Education* 5, no. 1 (March 2026): 45–61, https://doi.org/10.66325/nusantaraeducation.v5i1.257.

[42] Mufidah Cholil et al., 'Domestic Violence and Women's Legal Awareness: The Family Corner Programmes Interventions through the Perspective of Maqāṣid al-Usrah', *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (December 2025): 649–674, https://doi.org/10.18860/j-fsh.v17i2.30101.

[43] Interview with Mediator A (non-judge mediator), August 2025

Violence. Mediation at PA Batusangkar has undergone a fundamental transformation from its initial ideal as a restorative dialogue space to a pragmatic, fast-paced, and technically oriented procedural mechanism.[44]

Empirically, this pattern manifests in several key characteristics. First, there is extreme time compression. Contrary to the provisions of PERMA No. 1 of 2016, which allows mediation to last up to 30 days and be extended, field practice shows that almost the entire mediation process is completed in a single day, often within a very limited two-hour time slot per session. This phenomenon is not procedural negligence, but a deliberate strategy grounded in deeply human and contextual considerations. The disputing parties, mostly daily labourers, farmers, or small traders, face very high opportunity costs. Each time they must leave work and travel from distant villages to the court, it means a loss of income and additional transportation costs. In this context, imposing a protracted mediation procedure in line with the ideal norm would constitute a new form of injustice, as it creates practical economic barriers that hinder poor communities' access to justice. Therefore, this "fast-track mediation" pattern must be understood as a form of compromised procedural justice, where the court sacrifices procedural depth to maintain accessibility for the most vulnerable segments of society.[45]

Second, this pattern is marked by intelligent and sensitive technical adaptations, especially in handling domestic violence cases. Amid tight time constraints, mediators demonstrate a capacity to be more than just rigid procedural implementers. The use of separate sessions or a *caucus* is a crucial strategy for addressing the acute power imbalance between the victim and the perpetrator. In a room dominated by the perpetrator, domestic violence victims often freeze, overwhelmed by fear and trauma, rendering them unable to express their true suffering. By separating them, the mediator creates a temporary "quasi-safe space" that allows the victim, momentarily, to escape the psychological grip of their partner. It is in this separate room that hidden narratives, suppressed tears, and deep fears often surface. Another equally important strategy is to ask legal counsel to step out of the mediation room temporarily. This action carries profound symbolic meaning. It transforms the mediation space from an adversarial legal arena, where every word is weighed for its argumentative strength, into a more humanised, personal space where parties are encouraged to speak heart to heart. This adaptation shows that beneath a thick layer of formalism, frontline actors can exercise discretion and engage in *street-level bureaucracy* by considering the substantive interests of the parties.

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[44] Any Ismayawati, Aristoni, and Syed Mohammad Chaedar, 'Family Conflict Resolution through Mediation in Indonesia and Malaysia: A Sociological Study of Islamic Law', *Jurnal Hukum Islam* 22, no. 2 (December 2024): 467–498, https://doi.org/10.28918/jhi.v22i2.8.

[45] Nasrah Hasmiati Attas et al., 'Realizing Restorative Justice through Mediation', *Journal of Indonesian Scholars for Social Research* 2, no. 2 (January 2022): 243–248, https://doi.org/10.59065/jissr.v2i2.143.

Third, and most fundamental, is the shift in the function and orientation of mediation. Research findings clearly show that in the context of domestic violence, mediation seldom functions as a tool for reconciliation. Victims come with a firm decision to separate, often after enduring years of suffering. Statements such as "I just want it to be over" or "my decision is final" are clear indicators that, for them, mediation is not a bridge to peace but a formal gateway to be crossed to achieve freedom from violence. Thus, the function of mediation undergoes a metamorphosis. It changes from an instrument of *restorative justice* into a mechanism for the "orderly management of divorce." The focus shifts from attempts to preserve the marriage to formulating fair technical post-divorce agreements, such as determining child support, custody, and the division of marital assets. Within this framework, the "success" of mediation must be redefined. It is no longer measured by the achievement of *rujuk* (reconciliation), but by the process's ability to ensure a divorce transition that minimises the potential for ongoing conflict and provides legal certainty and protection, especially for the victim and children.[46]

The mediation pattern revealed at PA Batusangkar, viewed through the lens of feminist theory, assumes party equality and prioritises consensual values, potentially reproducing injustice and endangering victims in positions of power imbalance. The findings from PA Batusangkar validate this concern while also showing how practitioners in the field have intuitively developed mechanisms (such as caucuses) to mitigate this risk, albeit within a still-limited framework. This pattern also reflects an understanding of *access to justice* that views access to law not merely as the ability to enter a court, but also as a process that must be meaningful and effective.[47] The fast and pragmatic mediation pattern in Batusangkar can be seen as an effort to align legal procedures with the community's economic realities, thereby making justice more affordable, albeit at the cost of procedural quality.

On the other hand, these findings clearly illustrate how a national regulation (PERMA) is interpreted and modified at the implementation level by *street-level bureaucrats* (mediators and judges) who directly face field constraints. They are not merely passive implementers but active agents who adjust policies to function within specific local contexts. Thus, the mediation pattern in Batusangkar is not an implementation failure, but an inevitable form of contextual implementation.

The implications of such a mediation pattern are multidimensional. On the one hand, it successfully maintains court accessibility for people with low incomes. On the other hand, there is a risk that mediation becomes a mere formality that fails to address

[46] Lisnawati Lisnawati, Sabarudin Ahmad, and Bariah Safrut, 'Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions?', *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (December 2024): 367, https://doi.org/10.31958/juris.v23i2.11836.

[47] Sukendar Sukendar et al., 'Women's Access To Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 2023): 602, https://doi.org/10.22373/sjhk.v7i1.9471.

the root of the conflict. Space for family therapy, trauma healing, or in-depth exploration of the causes of domestic violence becomes very limited. Therefore, the primary policy implication is the need for procedural flexibility in mediation regulations. PERMA, or its implementing guidelines, should accommodate differences in socio-economic contexts across courts. For courts in regions with characteristics like Batusangkar, a legally recognised "fast-track mediation" model could be considered, with the caveat that, for specific cases such as domestic violence, special, more protective mechanisms still apply.

**Accommodation of Local Wisdom in Mediation: The Dialectic Between Cultural Values and Formal Legal Authority**

Within Indonesia's pluralistic legal landscape, the interaction between state law and customary law (*adat*) is always a compelling theme. This research at the Batusangkar Religious Court reveals a unique model of accommodating Minangkabau local wisdom. The striking finding is that this accommodation does not occur through the structural integration of customary institutions into formal court procedures, but through the infiltration of cultural values and language into the practice of communication and persuasion during the mediation process. In other words, local wisdom is presented not in an institutional form (e.g., *ninik mamak* sitting alongside the mediator), but in a cultural form, as a "moral language" used to build rapport, frame advice, and touch the emotional side of the parties.[48]

The presence of local wisdom is implicit and personal, mediated primarily through the mediator's individual cultural capacity. The mediators, who are ethnically Minangkabau, skillfully weave traditional proverbs (*petitih*), kinship concepts (*sumando*), and advice about family honour (*marwah*) into their dialogues with the disputing parties. This cultural language functions as a highly effective tool for defusing the tension that usually accompanies legal processes.[49] When legal language feels rigid, cold, and alienating, the language of *adat* feels familiar, warm, and reminds the parties of their collective identity as Minang people. This creates a *common ground* that facilitates more empathetic communication. The use of local wisdom in this way is not to impose a specific decision, for instance, to push for reconciliation under the pretext of preserving the family name, but rather to remind the parties of their social and moral responsibilities within the Minangkabau social order, regardless of their final decision regarding the marriage. This is a form of soft accommodation that does not disturb

[48] Muhamad Hasan Sebyar et al., 'Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic Jurisprudence', *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (June 2025): 81–100, https://doi.org/10.24090/mnh.v19i1.12255.

[49] Nadia Resti et al., 'Sleep Divorce in Marriage Law: Study of the Baganyi Case in Nagari Pariangan, Pariangan District, Tanah Datar Regency', *JISRAH: Jurnal Integrasi Ilmu Syariah* 5, no. 1 (April 2024): 29, https://doi.org/10.31958/jisrah.v5i1.12138.

the authority of formal law but simultaneously makes the legal process more "humane" and contextual.

On the other hand, this research also clearly reveals the firm boundaries of this accommodation, primarily manifested in the formal absence of the *ninik mamak* from the mediation room. The reasons are twofold: legal and psychological. From a legal perspective, PERMA No. 1 of 2016 provides no room for third parties from the customary structure to be an official part of the mediation process. The court, as a state institution, must safeguard its authority and procedural consistency. From a psychological perspective, which is crucial in domestic violence cases, the presence of the *ninik mamak* can become a new source of pressure for the victim. In a culture that highly values *malu jo urang kampuang*, victims often feel reluctant, afraid of being blamed, or pressured to reconcile to maintain the honour of the extended family. Therefore, sterilising the mediation space of customary figures is a strategy to create a sense of safety for the victim to speak the truth. This boundary demonstrates a sharp awareness among court practitioners that, in certain contexts, the principle of victim protection must take precedence over the principle of cultural accommodation.

The court mediation process is not the starting point for dispute resolution. On the contrary, it is often the final stage of a long process that began in the *Rumah Gadang*. Many parties come to court only after family deliberations and interventions by the *ninik mamak* have been declared unsuccessful. Thus, the function of court mediation becomes more of a legal ratification of a decision or deadlock already reached in the customary realm. In this model, customary law functions as the primary filter and an out-of-court settlement mechanism, while state law acts as a *last resort*, providing formal legal certainty. This is a form of functional coexistence, where each system operates in its own domain yet complements the other.

This research in Batusangkar provides strong empirical evidence of how legal pluralism works in practice. However, these findings also offer a new nuance. They show that the interaction between state law and customary law does not always take the form of integration or syncretism but can also involve managed coexistence and task delegation. State law controls the formal-procedural realm, while customary law dominates the pre-formal and substantive-cultural realm. Furthermore, the effectiveness of law heavily depends on its ability to be communicated in a language and through symbols understood by its people. The mediators in Batusangkar, using customary proverbs, essentially translate formal legal messages (about rights and obligations) into a "language" with deeper cultural and emotional resonance for the parties. This contributes to the literature by showing that "legal awareness" need not always be achieved through formal instruction but can be effectively conveyed through cultural channels.[50]

[50] Ramadhita Ramadhita, Sudirman Sudirman, and Miftahul Huda, 'Axio-Awareness Principle in Javanese Marriage Prohibition as a Normative Framework for Anticipating Divorce

Unlike some studies that advocate for the formal integration of customary institutions into the state judiciary[51], this research instead indicates that an informal model of cultural accommodation may have advantages. This model avoids potential jurisdictional conflicts and the bureaucratisation of customary institutions, while still utilising the strength of its values to enrich the judicial process. Nevertheless, this accommodation of local wisdom reveals a paradox.[52] On one hand, the collectivist values in Minang *adat* can be a source of strength for resolving disputes communally. On the other hand, in domestic violence cases, these same collectivist values, in the form of pressure to maintain family *marwah*, can turn into a tool that represses and silences victims. Therefore, the choice not to accommodate structurally but to adopt culturally is a wise middle path. It utilises the humanistic side of local wisdom while deliberately restraining its repressive side.

**Factors Influencing the Implementation of Mediation: A Complex Ecosystem**

The implementation of mediation at the Batusangkar Religious Court cannot be understood as a linear or mechanistic process. It is the result of a dynamic interaction of some interconnected factors, forming a unique ecosystem. These factors operate at different levels, from the macro level (legal structure and culture) to the meso level (court institution) to the micro level (individual characteristics of the parties and the mediator). A comprehensive analysis of these factors not only explains "why" mediation in Batusangkar operates as found but also provides a roadmap for intervention and future improvement.

At the structural level, the regulatory framework established by PERMA No. 1 of 2016 is the primary constraint. PERMA, designed to apply uniformly across Indonesia, did not anticipate the socio-economic and cultural diversity faced by courts like PA Batusangkar. Stipulations regarding duration, stages, and permitted attendees create a rigid "procedural box." Interestingly, this regulatory limitation, however, sparks creativity and adaptation at the field level. This limitation intersects with a very strong socio-cultural factor: the characteristics of the matrilineal Minangkabau society that still firmly holds to its customary values. The matrilineal kinship system, in which

Risk', *Justicia Islamica* 23, no. 1 (March 2026): 347–380, https://doi.org/10.21154/justicia.v23i1.13197.

[51] Siti Zubaidah et al., 'Integrating Tradition Into Legal Reform: Reconstructing The Role of Reconciliatory Customary Judge in Diversion Processes', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (July 2025): 56, https://doi.org/10.29300/mzn.v12i2.8439; Muhammad Ansori Lubis, Cut Nurita, and Tajudeen Sanni, 'The Settlement of Children's Cases Through Diversion: Role of Leader Community for Justice', *Jurnal Hukum* 41, no. 4 (December 2025): 960, https://doi.org/10.26532/jh.v41i4.46436.

[52] Wahyuni Putri, Zulkifli Zulkifli, and Amri Effendi, 'Dispute Resolution in Marriage Customs: Cultural and Sharia Approaches in the Malakok Tradition in Minangkabau', *JISRAH: Jurnal Integrasi Ilmu Syariah* 5, no. 3 (December 2024): 209, https://doi.org/10.31958/jisrah.v5i3.13745.

women hold a strong position in inheritance and lineage, creates a unique power dynamic within households. Furthermore, values such as malu jo urang kampung and the maintenance of family dignity (marwah) become powerful social considerations that influence the attitudes and choices of the parties. This cultural factor serves as a "lens" through which the parties view their conflict and the mediation process.

At the institutional factor level, resource limitations and workload pressures significantly shape the mediation pattern. The mediator's schedule of only two hours per week to handle a queue of cases forces the creation of a "fast-food" mediation model. This time pressure is an unavoidable institutional reality. This limitation is exacerbated by the vast geographical area of the court's jurisdiction, where parties must travel long distances at high cost and time. This pushes the court to adopt a principle of extreme efficiency, where one-day resolution becomes an operational necessity, not merely an option.

At the individual factor level, the two most prominent aspects are the psychological factors of the parties and the cultural competence of the mediator. In the context of domestic violence, psychological factors—trauma, fear, and power imbalance—often become the determining factors that override all others. The trauma experienced by victims renders them unable to negotiate on equal footing. The fear of speaking in front of the perpetrator, let alone in the presence of the *ninik mamak*, causes them to withdraw or agree to things that are not in their best interest. In such situations, any form of cultural accommodation or ideal mediation procedure becomes irrelevant if not preceded by the creation of a sense of safety. This is where the mediator's competence becomes crucial. A mediator who only understands the law but lacks the sensitivity to read trauma and fear will fail.[53] Conversely, the mediators in Batusangkar demonstrate multidimensional competency. They are not only proficient in PERMA but also possess "cultural capital"—a deep understanding of the language, values, and social dynamics of the Minangkabau people. It is this cultural capital that enables them to build rapport, use resonant language, and, ultimately, create a space that is slightly safer for the victim to speak, even within a very limited time.[54]

From the perspective of ecological systems theory, individual behavior (in this case, the mediation process) is understood as the result of interaction between the microsystem (direct relationships like between mediator and parties), the mesosystem (connections between micro-contexts, like the relationship between the court and the adat community), the exosystem (settings that indirectly affect the individual, like Supreme Court regulations and resource allocation policies for courts), and the

[53] Suthisak Duereh, Tawat Noipom, and Aris Hassama, 'Agency Within Tradition: How Muslim Women Become Mediators in Thailand's Southern Border Provinces', *Journal of Islamic Law* 7, no. 1 (February 2026): 113–141, https://doi.org/10.24260/jil.v7i1.4998.

[54] Mhd Yazid, 'Between Peace and Gender Justice: Islamic Court Mediators' Perspectives in Divorce Mediation in West Sumatra', *Journal of Islamic Law* 7, no. 1 (February 2026): 168–192, https://doi.org/10.24260/jil.v7i1.2644.

macrosystem (broader cultural ideologies and beliefs, like Minangkabau culture and national legal ideology). The findings in Batusangkar perfectly illustrate how the macrosystem (PERMA, Minang culture) and the exosystem (court resource limitations) shape conditions in the meso- and microsystems, which ultimately influence the dynamics of interaction between mediators and parties.

Furthermore, the finding about the importance of the mediator's cultural competence aligns with recent developments in the Alternative Dispute Resolution literature, which emphasises that an effective mediator must be a skilled "cultural translator." These factors reveal that no single factor can be instantly changed to improve the quality of mediation. Improvement must be systemic and holistic. For example, overhauling PERMA without considering resource limitations at the court level and psychological conditions at the party level will only create beautiful-on-paper regulations that cannot be implemented. Likewise, mediator training that focuses solely on legal aspects, without equipping mediators with psychological and cultural skills, will produce mediators who are technically capable but contextually incompetent.

## Conclusion

This study concludes that the mediation process at the Batusangkar Religious Court represents a sophisticated form of pragmatic adaptation to complex local realities. Empirically, mediation practices depart significantly from formal procedural ideals through extreme time compression and a functional shift from reconciliation toward managing post-divorce outcomes, particularly in domestic violence cases. At the same time, the findings reveal a nuanced model of legal pluralism in which Minangkabau local wisdom is accommodated not structurally but culturally, functioning as a "moral language" that facilitates communication without compromising victim protection. These patterns reflect the role of mediators and judges as *street-level bureaucrats* who actively interpret and adjust legal norms in response to institutional limitations, cultural expectations, and psychological dynamics. The study further demonstrates that mediation outcomes are shaped by an interconnected ecosystem of factors, including rigid regulatory frameworks, limited institutional resources, strong socio-cultural norms, trauma and power imbalances, and varying levels of mediator competence. In line with Progressive Law theory, this confirms that law operates as a dynamic and context-dependent process rather than a fixed procedural system. At the same time, the findings resonate with legal pluralism scholarship by illustrating a form of "functional coexistence" between state law and adat in practice. However, this study is not without limitations. Its reliance on qualitative data from a single court limits the generalizability of findings across different regional and institutional contexts. In addition, the focus on short-term mediation processes does not fully capture the long-term impacts on victims' well-being and access to justice.

https://doi.org/10.66325/nusantaralaw.v5i1.168

Building on these findings, this study underscores the urgency of developing context-sensitive, victim-centred approaches to judicial reform in plural legal systems. Rather than imposing uniform national models, policymakers—particularly at the Supreme Court level—should introduce greater flexibility into mediation regulations, allowing procedural adaptation based on case-specific factors, especially in domestic violence contexts. Concrete steps include developing specialised mediation protocols for domestic violence cases, integrating trauma-informed training modules for mediators, and establishing clear guidelines on the safe and limited use of cultural elements in mediation. At the institutional level, courts should strengthen collaboration with local support services, such as psychological counselling and legal aid, to ensure comprehensive protection for victims. At the practitioner level, continuous professional development is needed to enhance mediators' cultural competence, ethical awareness, and ability to manage power imbalances. Furthermore, future research should expand this inquiry through comparative studies across multiple religious courts and employ longitudinal designs to assess the sustainability and long-term consequences of mediation outcomes. By explicitly linking empirical findings to theoretical frameworks and actionable policy directions, this study contributes to broader debates on mediation, legal pluralism, and victim-centred justice, offering a grounded model for bridging the gap between normative ideals and legal practice across diverse socio-cultural contexts.

**Acknowledgement**

The author gratefully acknowledges the financial support provided by the Litapdimas (Penelitian, Publikasi Ilmiah, dan Pengabdian kepada Masyarakat) Program under the Ministry of Religious Affairs of the Republic of Indonesia. Litapdimas funded this research for fiscal year 2025. The author also extends sincere appreciation to the Batusangkar Religious Court for granting access to research data and facilitating fieldwork, as well as to all informants—including judges, mediators, disputing parties, and traditional leaders—who generously shared their time and insights. Their contributions have been invaluable to the completion of this study.

**Author Contributions Statement**

IS, ABW, AH, AN, and RFA contributed to the conceptualisation and design of the study. IS and ABW were responsible for data collection and fieldwork. IS, AH, and RFA conducted data analysis and interpretation. ABW and AN contributed to the theoretical framework and literature review. IS drafted the manuscript, while all authors contributed to critical revision, editing, and final approval of the published version.

## AI Usage Statement

The authors declare that the use of Artificial Intelligence (AI) tools in this study was strictly limited to supportive functions, including language editing, grammar checking, and clarity and readability improvements. AI was not used to generate core ideas, conduct substantive analysis, interpret data, or formulate scholarly arguments and conclusions. All intellectual contributions, analyses, and interpretations presented in this manuscript are the sole responsibility of the authors. The authors further affirm that the use of AI complies with ethical standards in academic publishing, and no AI tools are credited as authors or contributors.

## Conflict of Interest

The authors declare that there is no conflict of interest regarding the publication of this article.

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