

Dynamics of Interpersonal Communication in Divorce Mediation: A Case Study of Mediators in Indonesian Religious Courts

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Abstract: Divorce in Indonesia, including in Muaro Jambi Regency, continues to show a high rate and produces significant social consequences. Mediation in religious courts serves as a critical instrument to de-escalate conflict and search for mutually beneficial solutions. This study aims to analyze the dynamics of interpersonal communication used by mediators during divorce mediation at the Sengeti Religious Court. Employing a qualitative case study approach, data were gathered through in-depth interviews with certified mediators, mediation judges, and couples undergoing mediation; non-participant observation; and document analysis of divorce cases from 2023-2024. Data were examined using thematic analysis integrated with Miles and Huberman's interactive model. Findings reveal that mediators' interpersonal communication-characterized by empathy, clarity, and participation-plays a pivotal role in mediation success, reflected in a 74.4% settlement rate. Communication strategies such as privacy management through caucus sessions and persuasive approaches based on empathy helped couples shift orientation from conflict toward shared benefits. These findings reinforce the relevance of Social Exchange Theory and Communication Privacy Management Theory in divorce mediation and provide a conceptual contribution to international literature by highlighting mediation practices within the framework of Islamic family law.

Keywords: Interpersonal Communication, Divorce Mediation, Religious Court, Empathy, Social Exchange Theory, Communication Privacy Management

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INTRODUCTION

Divorce has become a global phenomenon that has steadily increased over the past two decades. Across the world, divorce is no longer viewed merely as a private matter between husband and wife but as a social issue that affects community stability, children's well-being, and the economic resilience of families. According to World Population Review (2023), the divorce rate in the United States reached 2.5 per 1,000 people, while South Korea recorded one of the highest rates in East Asia, in line with shifting family values and the rising participation of women in the workforce. In Europe, countries such as Spain, France, and Germany also report high divorce rates due to changes in marital culture, increasing individualism, and the weakening of traditional family institutions (OECD, 2022). These facts highlight that divorce is a universal problem requiring comprehensive solutions.

In Southeast Asia, similar trends can be observed in Malaysia and Thailand, where divorce cases have continued to rise since 2015. Malaysia, for instance, recorded more than 50,000 divorce cases in 2022, most of which occurred among Muslim couples whose proceedings were handled by the Shariah courts (Department of Statistics Malaysia, 2023). This demonstrates that divorce is not only a socio-economic issue but is also deeply linked to legal and cultural systems. In Muslim-majority countries, the divorce process is often managed by religious courts, where mediation plays a crucial role in resolving family disputes.

Indonesia reflects these global trends. Statistics from the Indonesian Central Bureau of Statistics (BPS) show that divorce rates remain high, with 438,013 cases in 2019, 447,743 in 2021, and 408,374 in 2023. Jambi Province is among the regions with a significant number of divorces; Muaro Jambi Regency ranked second after Jambi City, with 600 cases reported in 2023. The fluctuating trend from 2019 to 2023-550 cases (2019), 524 cases (2020), 660 cases (2021), 654 cases (2022), and 600 cases (2023)-illustrates that divorce has become a persistent social concern. The leading cause in Muaro Jambi is ongoing disputes and conflicts, a pattern consistent with divorce research in many other countries (Amato, 2010; Cui & Fincham, 2010).

The high divorce rate in Muaro Jambi underscores the urgent need for conflict-resolution strategies that focus not only on legal aspects but also on the quality of interpersonal communication between parties. In this context, mediation within the religious courts serves as a central mechanism. Mediation is not merely a formal procedure required by the Supreme Court Regulation (Perma) No. 1 of 2016, updated by Perma No. 1 of 2024, but also an interpersonal interaction space that may determine the direction of couples' decisions. When conducted effectively, mediation can prevent divorce or, at the very least, minimize its negative consequences by facilitating agreements that are mutually beneficial.

Nevertheless, research on divorce mediation in Indonesia remains limited. Most studies emphasize legal or procedural dimensions (Amriani, 2012; Azizah, 2012), while the interpersonal communication dynamics of mediators are seldom examined. International scholarship, however, stresses that empathetic, open, and participatory communication strongly influences the success of family mediation. Burleson (2021) demonstrated that mediators capable of establishing

empathic communication help couples move from defensive positions toward collaborative orientations. Similarly, Sullivan and McCarthy (2022) found that interpersonal communication skills play a decisive role in achieving agreements oriented toward children's best interests. This reveals a significant research gap: while mediation communication practices have been widely explored in developed countries, studies remain scarce in Indonesia's religious court context, which is unique due to its foundation in Islamic family law.

From a theoretical perspective, this study draws upon several communication frameworks. First, Communication Privacy Management (CPM) Theory, developed by Petronio (2002), is useful for explaining how mediators and disputing parties manage sensitive information during mediation. Second, Social Exchange Theory (SET) highlights the cost-benefit evaluations inherent in interpersonal relationships (Zhang & Wang, 2021), which can clarify why couples either reconcile or proceed with divorce. Third, Interpersonal Communication Models (DeVito, 1995; Mulyana, 2013) provide a lens to examine the importance of empathy, openness, and clarity in conflict negotiation. Finally, Face Negotiation Theory (Ting-Toomey, 1985) offers a cultural perspective, particularly in collectivist societies such as Indonesia, where honor (face) and self-image play critical roles in conflict resolution.

Based on these frameworks, the purpose of this study is to explore the dynamics of interpersonal communication employed by mediators in divorce mediation at the Muaro Jambi Religious Court. This research is not only significant locally in responding to the high rate of divorce but also contributes to the global discourse on interpersonal communication in family mediation. The findings are expected to expand scholarly understanding of mediation practices in the context of Islamic family law and offer practical recommendations for enhancing the effectiveness of family conflict resolution.

METHODOLOGY

This study employed a qualitative approach using a case study method to explore the dynamics of interpersonal communication by mediators in divorce mediation at the Muaro Jambi Religious Court. The case study design was chosen because it allows for an in-depth investigation of communication practices within their real-life context, enabling researchers to understand not only the observable processes but also the meanings constructed by the participants (Yin, 2018).

Data were collected through three primary techniques. First, in-depth interviews were conducted with five certified mediators who had a minimum of five years of experience, two mediation judges, and three couples who had undergone the mediation process. These interviews provided detailed narratives about communication strategies, challenges, and perceptions of mediation effectiveness. Second, non-participant observations were carried out in mediation sessions to capture the natural flow of interaction, including verbal and nonverbal communication patterns. Third, document analysis was conducted on mediation reports and case archives from 2023 to 2024 to corroborate the findings from

interviews and observations. This triangulation of sources was intended to strengthen the validity and reliability of the data (Creswell & Poth, 2018).

The data were analyzed using thematic analysis (Braun & Clarke, 2006) to identify recurring patterns of mediator communication during the mediation process. The analysis followed several stages: familiarization with the data, coding, theme development, and interpretation of the findings. To ensure systematic and consistent analysis, the thematic approach was integrated with Miles and Huberman's interactive model (2014), which involves three concurrent activities: data reduction, data display, and conclusion drawing/verification. This analytical framework enabled the researchers to link the empirical findings with the theoretical frameworks of Communication Privacy Management Theory and Social Exchange Theory, thus allowing a more comprehensive interpretation of the dynamics observed.

Ethical aspects were carefully maintained throughout the study. All participants were asked to provide informed consent, and their confidentiality was protected through the use of anonymous codes. The research also obtained formal permission from the Muaro Jambi Religious Court to conduct observations and collect case-related documents. Interviews were conducted in private settings to ensure the comfort and openness of the informants. These procedures align with ethical principles of qualitative research that emphasize respect, confidentiality, and sensitivity to participants, especially when dealing with sensitive issues such as divorce (Tracy, 2020).

In summary, this methodological design provided a robust basis for examining the interpersonal communication strategies of mediators, while upholding academic rigor and ethical integrity in a highly sensitive research context.

FINDINGS AND DISCUSSION

Effectiveness of Mediation in the Religious Court and Its Global Context

Divorce mediation at the Sengeti Religious Court (Muaro Jambi) has demonstrated a relatively high level of effectiveness. Data from 2024 indicate that 74.4 percent of mediated cases resulted in some form of resolution, including full settlement (peace deed), partial settlement, or case withdrawal. This statistic underscores that the success of mediation should not only be measured by whether the divorce is canceled but also by whether practical agreements are reached concerning child custody, alimony, or division of marital assets. These outcomes reflect the broader goals of family mediation-achieving solutions that benefit both parties, even when the marital relationship cannot be preserved (Sullivan & McCarthy, 2022).

When compared internationally, the success rate in Muaro Jambi is higher than that reported in many Western countries. For instance, Parkinson (2019) found that the average success rate of family mediation in Europe, including the UK and France, is between 50 and 60 percent. Cultural differences help explain this variation. In Indonesia, collectivist norms and religious values often encourage couples to prioritize family harmony and avoid social stigma. Similar

findings are reported in Japan, where Nishimura (2020) demonstrated that mediation is more successful in collectivist societies because individuals feel greater pressure to maintain *face* and reduce open conflict.

Recent studies also highlight that the effectiveness of mediation varies depending on the cultural and institutional framework. Goh and Yeo (2020), for example, showed that family mediation in Singapore was more successful when mediators incorporated Asian cultural values emphasizing relational harmony. Meanwhile, Emery et al. (2021) reported that in the United States, mediation effectiveness strongly depends on the mediator's ability to facilitate open dialogue, given the highly individualistic cultural context. These comparisons illustrate that the results from Muaro Jambi are not only relevant locally but also contribute to a global understanding of how cultural and religious dimensions shape mediation outcomes.

Empathy, Participatory Communication, and Privacy Management Strategies

A key factor behind the high success rate of mediation in Muaro Jambi is the interpersonal communication strategies employed by mediators. Mediators serve not only as neutral facilitators but also as active communicators who utilize empathy, clarity, and openness to guide disputing couples. Burleson (2021) emphasized that empathy is a core dimension of interpersonal communication that can shift conflict dynamics from adversarial to collaborative. In practice, mediators in Sengeti often remind couples of their positive shared history or highlight the emotional consequences of divorce for children, thereby prompting couples to reconsider their decisions.

Sullivan and McCarthy (2022) confirmed that communication grounded in empathy helps disputants move away from blame-oriented exchanges toward collaborative problem-solving. In the Sengeti cases, several couples chose to withdraw their divorce petitions after being reminded of the potential psychological harm to their children. This demonstrates that empathy-based communication serves not only as a relational tool but also as a persuasive mechanism influencing decision-making.

Another important communication strategy is the use of caucus sessions, where the mediator meets privately with each party. This practice aligns with Communication Privacy Management (CPM) Theory (Petronio, 2002), which explains how individuals regulate the boundaries of private information. In emotionally charged mediation, caucus provides a safe space for individuals to disclose sensitive feelings such as fear, disappointment, or regret without the presence of their spouse. Child and Starcher (2021) argued that respect for privacy boundaries significantly increases trust in the mediation process. Similarly, Silva and Smith (2023) found that confidentiality in family mediation enhances openness and accelerates resolution.

In addition, mediation in Sengeti is conducted behind closed doors, with no access even for court officials outside the mediation team. This confidentiality strengthens the independence of mediators and creates a secure environment for

the parties. The practice mirrors international standards in family mediation in countries such as the UK and Australia, where confidentiality is considered essential to foster honest dialogue (Parkinson, 2019). By combining empathetic communication with privacy management strategies, mediators in Muaro Jambi reinforce both the relational and procedural legitimacy of mediation.

Social Exchange, Neutrality, and Psychological Barriers in Mediation

The empirical findings also highlight the relevance of Social Exchange Theory (SET) in explaining mediation outcomes. SET posits that individuals assess relationships based on perceived costs and benefits. Mediators in Sengeti frequently encourage couples to reconsider the long-term consequences of divorce and the potential benefits of negotiated agreements, such as economic stability and child well-being. Zhang and Wang (2021) noted that empathic interaction can shift disputants' orientations from focusing on personal losses to identifying mutual gains. Supporting this, Kim and Park (2022) found in South Korea that mediation success increased when mediators emphasized collective benefits rather than individual grievances.

However, communication in mediation is often challenged by psychological barriers. Emotional intensity, mistrust, and value differences can hinder effective dialogue. DeVito (1995) described this as *psychological noise*, which disrupts the encoding and decoding of messages. In transactional communication models, where messages and feedback occur simultaneously, heightened emotions can amplify misunderstandings. Charkoudian et al. (2020) observed that unresolved emotional issues are among the strongest predictors of mediation failure. Mediators in Muaro Jambi address this challenge by postponing sessions when emotions peak or redirecting discussions toward less contentious issues, thereby stabilizing the communication climate.

Equally critical is the principle of mediator neutrality. At the Sengeti Religious Court, mediators consciously treat both parties equally, ensuring balanced speaking opportunities and refraining from judgmental language. Wall and Dunne (2012) noted that perceptions of mediator bias are a leading cause of mediation breakdown. Clarke (2022) further emphasized that mediator legitimacy in family disputes is closely tied to consistent demonstrations of neutrality. In the Muaro Jambi context, neutrality is reinforced by both professional certification and the institutional framework of the religious court, which enhances disputants' trust in the mediation process.

Taken together, the findings suggest that mediation success in Muaro Jambi is not solely a product of legal structures but is profoundly shaped by interpersonal communication. By employing empathetic persuasion, privacy management, neutrality, and the principles of social exchange, mediators transform adversarial encounters into opportunities for collaborative resolution. These insights extend beyond Indonesia, offering implications for family mediation in diverse cultural and legal contexts.

Implications for Family Mediation and Counseling

Building on the findings regarding the pivotal role of interpersonal communication in mediation outcomes, this study offers practical and theoretical implications for mediators, policymakers, and counselors in family dispute resolution. First, enhancing mediator training in interpersonal communication is essential. Beyond legal knowledge and procedural expertise, mediators must be equipped with skills in empathy, reflective listening, and emotional regulation. Training modules could incorporate role-playing exercises that simulate high-conflict scenarios, enabling mediators to practice de-escalation techniques and persuasive communication strategies. This aligns with international standards of best practice, where communication competence is considered equally critical as legal expertise (Clarke, 2022).

Second, the institutionalization of caucus and privacy management practices should be emphasized. The study shows that parties were more willing to disclose sensitive concerns when afforded private sessions with mediators. Institutional guidelines should therefore encourage the use of caucus, while also reinforcing the ethical boundaries of confidentiality. By formalizing these practices, religious courts can foster greater trust and legitimacy in the mediation process.

Third, strengthening the principle of neutrality must remain a cornerstone of mediation practice. Disputants' perceptions of fairness and impartiality directly influence their willingness to accept negotiated agreements. Judicial institutions should monitor mediator performance to ensure neutrality is consistently maintained and provide ongoing professional development to address unconscious bias.

Fourth, there is a need to expand support services for disputing couples, including access to counseling. Mediation in religious courts often focuses narrowly on resolving legal disputes, but as the findings show, psychological and emotional dynamics strongly influence communication and outcomes. Integrating counseling services-either pre-mediation or post-mediation-could provide couples with coping strategies and reduce emotional "noise" that disrupts communication during mediation (Charkoudian et al., 2020).

Finally, the study offers cross-cultural implications. The relative success of mediation in Muaro Jambi highlights how collectivist values and religious norms can strengthen communication-based dispute resolution. This suggests that Western mediation models could be enriched by incorporating relational and cultural dimensions rather than focusing exclusively on procedural efficiency. Comparative research across contexts-such as between Indonesia, Malaysia, Japan, and Western countries-could advance a more nuanced understanding of how communication shapes mediation outcomes in diverse cultural and legal environments.

CONCLUSION

This study underscores that the success of divorce mediation in Indonesia's religious courts is not determined solely by legal frameworks but is profoundly influenced by the quality of interpersonal communication enacted by mediators.

The findings reveal that mediators who communicate with empathy, clarity, and participation significantly increase the likelihood of constructive outcomes, as reflected in the 74.4 percent success rate in the Sengeti Religious Court. Importantly, success in this context is not defined only by preventing divorce but also by achieving agreements that address practical issues such as alimony, child custody, and the equitable distribution of assets.

From a theoretical standpoint, the study reinforces the relevance of Social Exchange Theory (SET), showing that mediators can redirect disputants' orientations from personal grievances toward mutual benefits. Likewise, the use of Communication Privacy Management (CPM) Theory was evident in the practice of caucus sessions, which created a safe environment for parties to disclose sensitive information without fear of judgment. These findings highlight that mediation outcomes are shaped by both the relational strategies of mediators and the institutional structures that support neutrality and confidentiality. Furthermore, the study demonstrates the importance of empathetic communication as a persuasive force that encourages disputants to reconsider their positions, aligning with international literature on family mediation.

By situating the Muaro Jambi experience within the global discourse on family mediation, this study contributes to scholarship on Islamic family law, demonstrating how principles of empathy, neutrality, and trust are adapted within a collectivist cultural and religious framework. Importantly, these findings suggest that training programs for mediators should emphasize empathy, communication skills, and confidentiality management to enhance the effectiveness of divorce mediation in Islamic courts, providing a practical direction for policy and professional development.

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