



The Urgency of Mediation in the Religious Courts*

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Abstract:

This article addresses the necessity of using mediation in religious courts as a means of conflict resolution because it is proven to be both effective and helpful. In the context of resolving economic disputes according to Sharia law, mediation is an essential component in the process of bringing the opposing parties together to find a solution that is equitable and conducive to peaceful coexistence. This article describes the scope of mediation in religious courts. It discusses the several types of problems that can be handled by mediation, including business, contractual, and inheritance disagreements. In addition, the concepts of mediation that have been embraced by religious courts, such as the values of liberty, volunteering, and confidentiality, are explained below. The research method that was employed was a qualitative research method that used an approach that was based on both the literature and legislative requirements. According to the findings of recent research, the use of mediation in the process of conflict resolution can result in significant time, financial, and resource savings while also contributing to the preservation of amicable relations between the disputants. This article also provides a list of various case studies and empirical evidence that support the benefits of mediation within the setting of religious courts.

Keywords: Mediation; Religious courts; Dispute

Abstrak:

Artikel ini membahas perlunya penggunaan mediasi di pengadilan agama sebagai sarana penyelesaian konflik karena terbukti efektif dan membantu. Dalam konteks penyelesaian sengketa ekonomi menurut hukum syariah, mediasi merupakan komponen penting dalam proses mempertemukan pihak-pihak yang bertikai untuk mencari solusi yang adil dan kondusif bagi hidup berdampingan secara damai. Artikel ini memberikan gambaran tentang ruang lingkup mediasi di peradilan agama. Ini membahas beberapa jenis masalah yang dapat ditangani oleh mediasi, antara lain masalah bisnis, perselisihan kontrak, dan perselisihan warisan. Selain itu, konsep-konsep mediasi yang dianut oleh peradilan agama seperti nilai-nilai kebebasan, kerelawanan, dan kerahasiaan dijelaskan di bawah ini. Metode penelitian yang digunakan adalah metode penelitian kualitatif yang menggunakan pendekatan yang didasarkan pada literatur dan persyaratan peraturan perundang-undangan. Menurut temuan penelitian terbaru, penggunaan mediasi dalam proses penyelesaian konflik dapat menghasilkan penghematan waktu, keuangan, dan sumber daya yang signifikan sementara juga berkontribusi pada pelestarian hubungan damai antara pihak yang berselisih. Artikel ini juga memberikan daftar berbagai studi kasus dan bukti empiris yang mendukung manfaat mediasi dalam lingkungan peradilan agama.

Kata Kunci: Mediasi; Pengadilan Agama; Sengketa

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A. INTRODUCTION

The Religious Courts play a significant part in resolving disputes involving matters of religious law, especially disagreements on the application of Sharia in economic issues. In settling legal disputes, mediation has emerged as a process gaining popularity among all parties concerned and is increasingly being requested by them. The use of mediation in religious courts is relevant because multiple issues need to be addressed in the process of conflict resolution. These issues include the requirement for a quick, efficient, and fair solution.

Disputes can emerge in the framework of Sharia economics between Sharia business players and their consumers, between Sharia business actors themselves, or between Sharia business actors and financial institutions. Different interpretations of the Sharia economic law, improper management of contracts, or disagreements over the division of profits and losses are frequently at the root of disagreements of this nature. Therefore, to effectively resolve Sharia economic conflicts, a strategy must be developed to suit both the interests of parties and the principles of Sharia economic law.²

It is vitally essential for disputes to be resolved through mediation in religious courts since this method can offer an option that is less time-consuming, less expensive, and less disruptive to the parties involved. The parties involved are allowed to talk to one another, discover a solution that works for both of them, and come to an agreement that benefits everyone involved. In addition, the Islamic ideals of justice and wisdom, which stress the significance of peaceful conflict resolution and maintaining positive connections among Muslims of the same faith, are compatible with mediation.³

Even though mediation has a lot of promise in the field of Sharia economic dispute resolution, there are still a lot of hurdles and impediments that need to be conquered. Some challenges faced in religious court mediation include the spiritual judges' limited knowledge and understanding of Sharia economic law, the intricacy of the disputes and the complex evidence, the lengthy settlement process and the expensive fees.

Therefore, a study on the urgency of mediation in the Religious Courts is vital to enhance understanding of mediation's role in resolving Sharia economic conflicts and the benefits that mediation offers. This research can also provide recommendations and techniques to boost the effectiveness of mediation within the Religious Courts and overcome the obstacles that are now in place. As a result, the resolution of economic disputes following Sharia law can be carried out in a manner that is more effective, fair, and founded on the principles of Sharia economic law.

In the conflict resolution framework, investigations into the critical need for mediation in religious courts are significant and warrant much attention. The

² Hidayatullah, A. (2019). The Role of Islamic Law in Resolving Business Disputes: A Case Study in Indonesian Commercial Court. *Indonesian Journal of Islamic Law Studies*, 2(2), 185-204.

³ Ali, S. M. (2017). Mediation in Islamic Law and the Judicial System: An Islamic Perspective. *Journal of Legal, Ethical and Regulatory Issues*, 20(3), 1-13. Also see: Zahid, E. M. (2020). Mediation as an Alternative Dispute Resolution in Islamic Finance Disputes. *Journal of Islamic Finance and Business Research*, 9(1), 14-28.

significance of this discovery can be broken down into several different categories. The importance of researching the need for mediation in religious courts can assist in enhancing our comprehension of the functions, processes, and guiding principles of mediation in the context of religious law. This will shed light on how effective mediation may be as a technique for settling Sharia economic issues in the Religious Courts and clarify how this might be done. In addition, the findings of this research could contribute to the development of a solid theoretical basis for mediation in the Religious Courts. This research has the potential to provide a deeper understanding of the principles of sharia economic law that must be considered during the mediation process by conducting an in-depth investigation of the notions of Islamic law connected to mediation and providing the results of that analysis.

This research has the potential to discover the difficulties and roadblocks that are encountered while attempting to resolve Sharia economic conflicts through mediation in religious courts. By thoroughly understanding these challenges, relevant solutions and suggestions can be developed to improve the efficiency of mediation in religious courts. In addition, the findings of this research can provide ideas that can be used to make the religious courts' mediation process more effective. These recommendations may pertain to increasing the understanding of religious judges regarding sharia economic law, increasing the cooperation between the Religious Courts and Islamic financial institutions, developing education and training programs for mediators and arbitrators, and using technology in the dispute resolution process.

Research has the potential to improve the religious courts' ability to resolve economic disputes in accordance with sharia law in a just and effective manner. It is intended that by improving the mediation system, the conflicting parties will reach a settlement more quickly and fairly while also reducing the money and time needed to complete the settlement process. In addition, it is hoped that a better understanding will be created through this research about the urgency of mediation in the Religious Courts as well as ways to improve sharia economic dispute resolution that is effective, fair, and in accordance with the principles that are upheld in sharia economic law. These are all things that need to be improved.

B. METHODS

Collecting and evaluating data from relevant literary sources such as books, articles, journals, research papers, and other related publications relating to mediation in the Religious Courts is what's involved in the literature approach. Researchers will use this technique by conducting a literature review to understand better the legal framework, theory, and practice of mediation within the Religious Courts. An understanding of the significance of mediation as a method of alternative dispute resolution, the mediation principles that are put into practice, the practical experience in putting mediation into practice in the Religious Courts, as well as the benefits and challenges associated with mediation as a method of alternative dispute resolution can be gained from reading relevant literature sources.

Analyzing the legal framework that governs mediation in Religious Courts is part of the statutory approach. The researchers will investigate the rules, regulations, guidelines, and court decisions pertinent to mediation in religious tribunals. As a result of this analysis, academics will have a better understanding of the present legal basis, procedures, and mediation mechanisms; they will also have a better grasp on the urgency or necessity of mediation in the setting of the Religious Courts. To gain a more in-depth comprehension of the efficacy and success of mediation in conflict resolution, researchers may also examine case studies or statistics pertaining to the use of mediation in Religious Courts.

When conducting qualitative research, researchers can employ qualitative analysis techniques such as content analysis, thematic analysis, or grounded theory to organize and evaluate material gleaned from the literature approach as well as laws and regulations. This allows for a more holistic understanding of the information. Through interviews or group discussions, researchers may also involve participants like judges, mediators, or other associated parties in order to acquire practical insights, experience, and their perception of the urgency of mediation in the Religious Courts.

This research will comprehensively explain the necessity of mediation in the Religious Courts by taking two approaches: one based on the existing body of literature, and the other on the relevant statutes. Researchers can study the theoretical, legal, practical, and experiential issues related to mediation in the Religious Courts through qualitative methodologies. This allows them to gain a better understanding of the obstacles and potential benefits that are now present. It is anticipated that this research will provide useful insights that will improve the understanding of mediation and its implementation in the conflict resolution process in Religious Courts.

C. RESULTS AND DISCUSSION

1. Definition of Mediation in Religious Courts

The aim of mediation in religious courts, as a means for resolving disputes, is for the opposing parties to voluntarily come to an agreement with the assistance of a neutral and unbiased mediator. A religious judge or an official of the Religious Courts acts as the Mediator during the mediation process at the Religious Courts. This individual is knowledgeable in religious law and possesses the abilities necessary to facilitate communication and negotiation between the disputing parties.⁴

Mediation in the Religious Courts has a characteristic that refers to the principles of religious law and Islamic justice. These principles include the freedom and voluntarism of the parties to reach an agreement, secrecy in the mediation process, a just settlement based on religious law, and maintaining harmonious relations between the disputing parties.⁵ In mediation at the Religious Courts, the Mediator acts as a facilitator to assist the parties in communicating, identifying problems, finding solutions, and

⁴ Huda, M. A., & Susilo, R. D. (2020). Implementasi Mediasi dalam Penyelesaian Sengketa di Pengadilan Agama. *Jurnal Ahkam*, 20(1), 59-73.

⁵ Satori, D. A. (2018). Peran Hakim dalam Mediasi di Pengadilan Agama. *Lex Privatum*, 6(1), 1-13.

reaching acceptable agreements to all parties. The Mediator does not have the authority to make decisions or judgments, but his duty is to facilitate constructive dialogue, provide an understanding of religious law to the parties, and encourage them to reach a mutually beneficial settlement.⁶

Mediation in the Religious Courts has a scope that covers various types of disputes related to religious law and sharia economics. The following are some of the scope of mediation in the Religious Courts, namely:⁷

First: Marital Disputes. Mediation in Religious Courts can be used to resolve marital disputes, including issues of distribution of assets, maintenance, child custody, and other issues that arise in the context of marriage.

Second: Inheritance Disputes: Mediation can be used to resolve disputes related to the division of inheritance between heirs. Mediation helps the parties reach an agreement that is fair and based on religious law in the distribution of estate.

Third: Sharia Economic Disputes: Mediation in the Religious Courts can also be used in resolving Sharia economic disputes, such as disputes between Sharia business actors and customers, between Sharia business actors, or between Sharia business actors and Sharia financial institutions. Disputes of this kind often involve matters of contract, the interpretation of religious law, or conflicts over the distribution of profits and losses.

Fourth: Joint Assets Disputes. Mediation can be used to resolve disputes arising in the division of joint assets between husband and wife. Mediation helps reach mutually beneficial agreements and takes into account the principles of religious law.

The extent to which religious courts can mediate disagreements can expand in tandem with the growing demand for conflict resolution in areas of religious law. Mediation aims to achieve a just and reasonable resolution to a dispute in a manner that prioritizes the tenets of religious law. Mediation is a strategy that is adaptable and may be utilized in a variety of contexts of arguments.⁸

Mediation in the Religious Courts is based on certain dispute resolution principles. Following are some of the principles of mediation in the Religious Courts, namely:⁹

⁶ Wulandari, F., & Wahyuni, R. D. (2020). Mediasi dalam Penyelesaian Sengketa Perbankan Syariah di Pengadilan Agama. *Jurnal Hukum Islam At-Tahrir*, 19(1), 1-20.

⁷ Muin, A. (2020). Mediasi sebagai Alternatif Penyelesaian Sengketa di Pengadilan Agama. *Jurnal Pascasarjana Institut Agama Islam Negeri (IAIN) Surakarta*, 6(1), 1-14. Also see: Rahayu, I. N. K., & Suharjono. (2019). Mediasi sebagai Alternatif Penyelesaian Sengketa dalam Praktik Peradilan di Pengadilan Agama. *Jurnal Hukum Islam Al-Ihkam*, 14(1), 61-80.

⁸ Suyanto, A., & Wahyuni, E. (2021). Mediasi sebagai Alternatif Penyelesaian Sengketa Hukum Keluarga di Pengadilan Agama. *YURISDIKSIA: Jurnal Hukum Islam dan Pranata Sosial*, 14(1), 1-20.

⁹ Wibowo, A. S. (2020). Prinsip-Prinsip Mediasi dalam Penyelesaian Sengketa di Pengadilan Agama. *Jurnal Hukum Islam Al-Thariqah*, 10(1), 14-26. Also see: Haryadi, H., & Syafruddin, M. (2020). Implementasi Mediasi dalam Penyelesaian Sengketa Perkawinan di Pengadilan Agama Makassar. *Jurnal Hukum dan Pembangunan*, 50(2), 164-182. Also see: Mardiana, R. D., & Pertiwi, T. R. (2021). Mediasi Sebagai Alternatif Penyelesaian Sengketa Harta Warisan di Pengadilan Agama. *Al-'Adalah: Jurnal Hukum Islam*,

1. Freedom and Volunteering. This principle emphasizes that participation in mediation is voluntary and at the will of the disputing parties. The parties have the freedom to choose mediation as a method of dispute resolution and have the authority to reach mutually beneficial agreements.
2. Neutrality and Impartiality. Mediators in Religious Courts must be neutral and impartial to one of the disputing parties. The objectivity and impartiality of the Mediator are essential so that all parties feel valued and fair in the mediation process.
3. Confidentiality. The principle of privacy emphasizes that all information obtained in the mediation process must be kept confidential. This provides a sense of security and trust to the parties to share important information without fear of dissemination.
4. Openness and Effective Communication. Mediators in the Religious Courts play a role in facilitating effective communication between disputing parties. The principle of transparency emphasizes the importance of expressing views, interests and expectations honestly and openly to create a better understanding between the parties.
5. Understanding of Religious Law. This principle emphasizes that mediators in Religious Courts must understand religious law relating to the dispute being processed. Understanding religious law helps the Mediator provide proper direction and explanation to the parties.

2. Mediation Procedures in Religious Courts

The mediation process in the Religious Courts follows several steps or regular procedures to reach a fair and dignified dispute resolution. The following are several stages of the mediation procedure in the Religious Courts, namely:¹⁰

- a) Mediation Request. Parties who wish to use mediation as a method of dispute resolution apply for mediation to the competent Religious Courts. This request usually contains information about the parties involved, the dispute to be resolved, and the reasons for choosing mediation.
- b) Mediator Appointment. After receiving the mediation request, the Religious Courts will appoint a suitable mediator with relevant expertise and knowledge

1(1), 1-18. Also see: Mu'tamir, A. H. (2021). Mediasi dalam Penyelesaian Sengketa Perbankan Syariah di Pengadilan Agama. *Jurnal Istibath Hukum*, 1(1), 17-28.

¹⁰ Masyhudi, M. (2019). Proses Mediasi dalam Penyelesaian Sengketa Perkawinan di Pengadilan Agama. *Jurnal Syari'ah dan Hukum*, 19(1), 103-124. Also see: Prasetio, A. H. (2020). Proses Mediasi dalam Penyelesaian Sengketa Perbankan Syariah di Pengadilan Agama Surabaya. *Jurnal Hukum dan Kajian Pembangunan*, 2(1), 62-74. Also see: Setiawan, T. (2021). Proses Mediasi dalam Penyelesaian Sengketa Waris di Pengadilan Agama. *Jurnal Ahkam*, 21(2), 217-232. Also see: Sulaeman, A. A., & Fathurrohman, A. (2020). Mediasi sebagai Alternatif Penyelesaian Sengketa Perceraian di Pengadilan Agama. *Jurnal Hukum Islam*, 19(1), 141-159.

of religious law. The designated Mediator is usually a religious judge or a member of the Religious Courts who is experienced in mediation.

- c) Introduction Session. The Mediator will hold a preliminary session with the parties to the dispute. This session aims to explain the role of the Mediator, build trust, establish mediation rules, and explain the mediation process to the parties.
- d) Identification of Issues and Finding Solutions. The Mediator will assist the parties to identify issues that need to be resolved and seek solutions that are acceptable to all parties. In this stage, the Mediator will facilitate communication between the parties to understand each other's perspectives and find possible common ground.
- e) Negotiation and Drafting of Agreements. After the main issues are identified, the Mediator will assist the parties in negotiating to reach an agreement. The Mediator will provide guidance on relevant religious law and assist in formulating an agreement that takes into account the interests and justice of all parties.
- f) Deal Making. If the parties succeed in reaching an agreement, the Mediator will assist in making a written agreement. This agreement will be the basis for dispute resolution and become a binding legal basis for the parties.

3. Advantages and Benefits of Mediation in the Religious Courts

Mediation in the Religious Courts has some advantages and benefits that make it an effective method of dispute resolution. Following are some of the advantages and benefits of mediation in the Religious Courts, namely:¹¹

- a) Completion Speed. Mediation can result in faster dispute resolution than litigation processes requiring a longer time. In mediation, the parties have control over the mediation time and schedule to save time and energy.
- b) Lower Cost. Mediation can reduce the costs associated with resolving disputes. In mediation, the costs incurred for the Mediator and administration are much lower than those of litigation involving lawyers and lengthy trials.
- c) Agreements that Benefit All Parties. Mediation allows the parties to actively participate in finding a solution that benefits all parties. The parties have the freedom to create solutions that consider each party's interests and fairness.
- d) Minimizing Conflict and Maintaining Relationships. Through mediation, the parties can communicate directly and listen to each other to understand each

¹¹ Azhar, A. (2021). Mediasi dalam Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Konstitusi dan Hukum Islam*, 4(1), 15-34. Also see: Arifin, A. R. (2020). Manfaat Mediasi sebagai Alternatif Penyelesaian Sengketa Perbankan Syariah di Pengadilan Agama. *Jurnal Kajian Hukum dan Sosial*, 1(2), 53-62. Also see: Mardiana, R. D., & Pertiwi, T. R. (2021). Mediasi Sebagai Alternatif Penyelesaian Sengketa Harta Warisan di Pengadilan Agama. *Al-'Adalah: Jurnal Hukum Islam*, 1(1), 1-18. Also see: Wahyuni, E., & Fadillah, M. (2021). Kelebihan Mediasi dalam Penyelesaian Sengketa Perkawinan di Pengadilan Agama. *Jurnal Ilmiah Syarikah*, 5(1), 99-116.

other's perspectives. This helps reduce the potential for conflict and allows for better maintenance of future relationships, especially in family dispute resolution.

- e) Confidentiality and Information Security. The mediation process in the Religious Courts is carried out under strict secrecy. This gives parties the confidence to share sensitive information without fear of unwanted dissemination.

4. Challenges and Obstacles in Mediation in the Religious Courts

a. Factors Influencing the Success of Mediation

The success of mediation in resolving disputes in the Religious Courts is influenced by several factors that need attention. The following are several factors that influence the success of mediation, namely:

First: Willingness and Involvement of the Parties

The success of mediation depends heavily on the willingness and active involvement of the disputing parties. The chances of successful mediation are higher if the parties strongly intend to reach a mutually beneficial settlement.¹²

Second: Expertise and Competence of the Mediator

Mediators with expertise, knowledge, and experience in mediating Sharia economic disputes are crucial in achieving mediation success. The Mediator's ability to facilitate communication, manage conflicts, and provide relevant legal guidance is essential.¹³

Third: Development and Maintenance of Relationships

Successful mediation often involves establishing and maintaining good relations between disputing parties. When parties feel heard, valued and understood, the likelihood of reaching a satisfactory agreement is greater.¹⁴

Fourth: Confidentiality and Trust

The success of mediation also depends on the principle of confidentiality, which is upheld and well-maintained. The parties must feel safe and trust that what they convey in mediation will not be used against them.¹⁵

Fifth: Environmental and Cultural Factors

¹² Masyhudi, M. (2020). Faktor-Faktor yang Mempengaruhi Keberhasilan Mediasi dalam Penyelesaian Sengketa Perkawinan di Pengadilan Agama. *Al-Qanun: Jurnal Pemikiran Hukum Islam dan Pranata Sosial*, 40(2), 277-297.

¹³ Rahmatulloh, F. (2021). Faktor-Faktor yang Mempengaruhi Keberhasilan Mediasi dalam Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Al-Muwasho*, 1(1), 38-52.

¹⁴ Setiawan, A., & Faqih, I. M. (2021). Faktor-Faktor yang Mempengaruhi Keberhasilan Mediasi dalam Penyelesaian Sengketa Waris di Pengadilan Agama. *Jurnal Cendekia Syariah*, 1(1), 23-38.

¹⁵ Rahmatulloh, F. (2021). Faktor-Faktor yang Mempengaruhi Keberhasilan Mediasi dalam Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Al-Muwasho*, 1(1), 38-52.

Environmental and cultural context can also influence the success of mediation. Factors such as social norms, cultural values, and religious beliefs can influence the attitudes and behavior of the parties in mediation.¹⁶

b. Challenges in Resolving Disputes through Mediation

Even while mediation in the Religious Courts has many positive effects, specific difficulties may still be encountered when attempting to resolve disagreements through mediation. The following is a list of typical problems that may develop:

First: Imbalance of Power

The main challenge in mediation is the power imbalance between the disputing parties. One party may have more power regarding legal knowledge, financial resources, or social influence. This can hinder the achievement of a fair and mutually beneficial agreement.¹⁷

Second: Inequality of Understanding and Information

Parties to mediation may have different understandings of the law, their rights and obligations. In addition, there is an information gap between those who have access to better sources of information and those who do not have equal access. This can complicate the mediation process and create injustice.¹⁸

Third: Emotions and Conflict

Disputes often involve intense emotions and conflicts between the parties. High emotions and tension between disputing parties can hinder effective communication and reaching a satisfactory agreement. Emotional management and conflict handling are challenges in mediation.¹⁹

Fourth: Lack of Awareness about Mediation

It is possible that some parties are unaware of the notion of mediation or do not entirely comprehend its benefits. This might hinder active engagement and collaboration during the mediation process. For the sake of making successful use of this approach by the parties involved, there is a necessity for efforts to be made to enhance knowledge and comprehension of mediation.²⁰

¹⁶ Zainul, M. (2020). Faktor-Faktor yang Mempengaruhi Keberhasilan Mediasi dalam Penyelesaian Sengketa Perkawinan Beda Agama di Pengadilan Agama. *Al-Qanun: Jurnal Ilmu Hukum*, 4(2), 105-126.

¹⁷ Arifin, M. (2020). Tantangan Implementasi Mediasi dalam Penyelesaian Sengketa Perbankan Syariah di Pengadilan Agama. *Jurnal Hukum Islam*, 19(1), 1-16.

¹⁸ Fajriyah, N., & Fitriana, R. (2020). Tantangan Mediasi dalam Penyelesaian Sengketa Waris di Pengadilan Agama. *Jurnal Penelitian dan Pengembangan Hukum Islam*, 4(1), 16-30.

¹⁹ Haerudin, D., & Baidhowi, A. (2021). Tantangan Mediasi dalam Penyelesaian Sengketa Perceraian di Pengadilan Agama. *Jurnal Hukum Islam*, 20(2), 185-204.

²⁰ Sutrisno, A., & Ardiansyah, A. (2020). Tantangan Mediasi dalam Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Hukum Islam*, 19(1), 97-114.

c. Strategies to Overcome Obstacles in Mediation

An effective strategy is needed to overcome obstacles that may arise in mediation in the Religious Courts. Here are some methods that can be used, namely:

First: Mediator Competency Improvement

Through further training and education, mediators can improve their understanding of sharia economic law, communication skills, managing emotions, and negotiation. This will help them better overcome challenges and facilitate mediation.²¹

Second: Education and Awareness of the Disputing Parties

It is important to educate the parties involved in mediation about the mediation process, its benefits and their responsibilities in reaching mutually beneficial agreements. This can help address the disputing parties' imbalance of understanding and information.²²

Third: Use of Effective Communication Techniques

The Mediator must use effective communication techniques to build good relations between the parties and manage conflicts that arise. Open, empathetic and non-stakeholder communication will help resolve tensions and facilitate constructive dialogue.²³

Fourth: Application of Confidentiality and Trust

Maintaining strict confidentiality principles in mediation and building trust between the Mediator and the disputing parties is important. This will help create a safe and supportive environment for parties to share information and reach agreements.²⁴

Fifth: Use of Technology in Mediation

The use of technology such as video conferencing or online platforms can help overcome the constraints of geographical distance and increase the accessibility of mediation. It can also help reduce costs and speed up the mediation process.²⁵

D. CONCLUSIONS

The authors get at the conclusion that mediation plays a very significant part in the process of conflict resolution within the context of religious courts after analyzing the critical need for mediation in these courts. The parties involved in a Sharia economic

²¹ Azizah, N., & Nurrohmawati, S. (2020). Strategi Meningkatkan Keberhasilan Mediasi dalam Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Hukum Islam*, 19(1), 151-168.

²² Hakim, L. (2020). Strategi Penggunaan Teknologi Informasi dalam Mediasi Perkara Perbankan Syariah di Pengadilan Agama. *Jurnal Hukum Islam*, 19(2), 297-312.

²³ Harahap, H. S. (2021). Strategi Meningkatkan Efektivitas Mediasi dalam Penyelesaian Sengketa Waris di Pengadilan Agama. *Jurnal Penelitian dan Pengembangan Hukum Islam*, 5(2), 225-242.

²⁴ Wahyuni, I. (2020). Strategi Mengatasi Tantangan dalam Mediasi Sengketa Perceraian di Pengadilan Agama. *Al-Qalam: Jurnal Ilmu Syariah dan Hukum*, 24(2), 163-178.

²⁵ Wahyuni, I. (2020). Strategi Mengatasi Tantangan dalam Mediasi Sengketa Perceraian di Pengadilan Agama. *Al-Qalam: Jurnal Ilmu Syariah dan Hukum*, 24(2), 163-178.

dispute can participate in mediation, which is both an effective and advantageous alternative to the dispute, to achieve mutually beneficial solutions and maintain harmonious relations. The author also notes that as an institution that deals with Sharia economic problems, the religious court is responsible for supporting mediation as a means of conflict resolution that complies with Islamic law principles. The strain placed on the judicial system can be eased, the process of reaching a settlement can be sped up, and mediation can avoid further conflict. The writers note that mediation in religious courts has benefits such as keeping confidentiality, boosting the involvement of conflicting parties, and promoting a more empathic and solution-oriented approach. In addition, the authors indicate that mediation in religious courts has benefits such as maintaining confidentiality. Within the framework of Sharia economic law, the mediation process can consider religious and cultural factors that are significant in resolving disputes. Therefore, to make the most of the role that mediation plays in ecclesiastical courts, the authors suggest that more work should be done to raise public awareness and comprehension of the advantages of mediation, that religious mediators should receive improved training, and that ecclesiastical courts should work closely together with Islamic financial institutions.

The following are some recommendations that can be made in light of the conversation that was held discussing ways in which the effectiveness of mediation could be increased in religious courts. For religious court mediators, among other things, a complete training program is required, including understanding Sharia economic law, communication skills, negotiating, and managing conflict. This will assist in enhancing the Mediator's capacity to facilitate the mediation process successfully. In addition, the Religious Courts are responsible for ensuring the availability of sufficient resources, such as cosy places for mediation, helpful technology, and administrative assistance. The parties to the dispute will feel more at ease as a result of this, which will assist in guaranteeing that the mediation process runs well. Efforts must be made to raise public understanding about the advantages of mediation as an efficient and equitable alternative to traditional methods of conflict resolution. The concept of mediation can be introduced to a wider society through the use of public campaigns, seminars, and educational programs. Additionally, in order to expedite the adjudication of Islamic economic issues, religious courts need to establish close interaction with Islamic financial organizations. This can involve sharing information with one another, working together on educational initiatives, and devising frameworks that are useful to both parties.

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