

Maqāṣid-Based Community Family Mediation: Strengthening Indonesia's Religious Courts through Comparative Lessons from the United States

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Abstract

Background: Mediation is a mandatory stage in Indonesia's Religious Courts, yet its implementation often remains procedural and produces limited reconciliation outcomes. Meanwhile, Muslim communities in the United States have developed community-based family mediation integrating Islamic principles with professional Alternative Dispute Resolution (ADR). Existing studies rarely examine how these experiences may strengthen mediation reform in Indonesia.

Objective: This study aims to analyze Muslim community family mediation in the United States and develop a *maqāṣid*-based framework for strengthening mediation within Indonesia's Religious Courts.

Methods: Using a qualitative doctrinal and comparative legal approach, this research examines legislation, mediation regulations, institutional practices, and scholarly literature concerning Islamic family mediation in Indonesia and the United States. The analysis applies *maqāṣid al-sharī'ah*, comparative family law, and ADR theory.

Results: The findings identify two complementary mediation models: Indonesia emphasizes court-annexed mediation under judicial supervision, while Muslim community mediation in the United States emphasizes interdisciplinary collaboration, professional mediator standards, comprehensive family protection, and community participation. Based on these comparative findings, this study proposes the Maqāṣid-Based Community Family Mediation (MCFM) Framework, comprising *maqāṣid*-oriented reconciliation, professional mediator competency, institutional collaboration, comprehensive family protection, and sustainable mediation governance.

Conclusion: Integrating community-based mediation with judicial institutions provides a *maqāṣid*-oriented approach to strengthening reconciliation, family protection, and access to justice within Indonesia's Religious Courts.

Novelty: The MCFM Framework offers a comparative governance model integrating *maqāṣid al-sharī'ah*, community-based mediation, and professional ADR principles to strengthen contemporary Islamic family mediation.

Keywords: Islamic family mediation; *maqāṣid al-sharī'ah*; Religious Courts; comparative family law; Alternative Dispute Resolution (ADR).

INTRODUCTION

Family disputes have become increasingly complex in contemporary Muslim societies due to rapid social transformation, globalization, transnational migration, changing family structures, and the growing interaction between religious values and universal human rights principles. Conflicts concerning divorce, child custody,

maintenance, inheritance, marital property, and domestic violence increasingly require legal mechanisms capable of balancing legal certainty, family protection, and social harmony. These challenges are particularly significant from a gender perspective because family dispute resolution must ensure that women's rights are protected through substantive justice, balanced power relations, and meaningful access to justice. Although judicial litigation remains an indispensable avenue for resolving family disputes, adversarial proceedings frequently intensify interpersonal conflict, prolong emotional distress, and diminish opportunities for reconciliation. Consequently, mediation has gained broad international recognition as an effective *alternative dispute resolution* (ADR) mechanism that emphasizes dialogue, voluntary participation, collaborative problem-solving, and mutually beneficial agreements while reducing litigation costs and preserving long-term family relationships (Bush & Folger, 2004; Boulle, 2011; Moore, 2014). Within the Islamic legal tradition, mediation represents more than a procedural instrument; it embodies the principles of *ṣulḥ* (amicable settlement), *iṣlāḥ* (reconciliation), and *taḥkīm* (arbitration), all of which seek to restore social harmony and protect the integrity of the family in accordance with the objectives of *maqāṣid al-sharī'ah*. Recent scholarship further demonstrates that mediation contributes significantly to improving women's access to justice, strengthening child protection, promoting restorative justice, and enhancing sustainable family resilience in Muslim societies (Halimatusa'diyah & Triana, 2024; Akbaba, 2025; Khatani et al., 2025; Setinawati et al., 2025; Akhtar, 2026).

Indonesia has institutionalized mediation within the Religious Courts (*Peradilan Agama*) as a mandatory stage before judicial examination of family disputes. This policy reflects the state's commitment to encouraging peaceful settlement while reducing unnecessary litigation in matters relating to marriage, divorce, child custody, maintenance, inheritance, and other family law disputes. Nevertheless, empirical studies indicate that mediation in Religious Courts frequently remains procedural rather than transformative, resulting in relatively modest settlement outcomes despite comprehensive regulatory support (Fikri et al., 2023; Yangto et al., 2025). Existing studies further reveal that the implementation of *maqāṣid al-sharī'ah* by mediator judges has not always been accompanied by interdisciplinary approaches capable of addressing the psychological, social, economic, gender, and child protection dimensions of family conflicts (Halimatusa'diyah & Triana, 2024; Fitriyati et al., 2025; Margono et al., 2025). Moreover, experiences from customary institutions and community-based mediation initiatives demonstrate that culturally responsive approaches, community participation, and local wisdom substantially improve reconciliation outcomes beyond formal judicial procedures (Azwar et al., 2020; Syaefi et al., 2023; Saleh et al., 2025). Similar concerns regarding the integration of formal legal procedures with broader principles of social benefit and reconciliation have also emerged in other Islamic dispute resolution contexts in Indonesia (Pradana et al., 2025). These findings suggest that strengthening mediation within Indonesia's Religious Courts requires institutional innovation that integrates legal expertise, family counselling, community participation, and preventive protection mechanisms into a more holistic model of Islamic family justice.

In contrast, Muslim communities in the United States operate within a pluralistic legal environment where Islamic family law possesses no formal judicial authority. Nevertheless, Muslim families have established community-based mediation through Islamic centers, mosques, family counselling organizations, and non-profit institutions that provide dispute resolution services grounded in Islamic legal values while simultaneously complying with professional ADR standards. These mediation institutions integrate the principles of *ṣulḥ*, *iṣlāḥ*, and *taḥkīm* with internationally recognized mediation practices, including mediator neutrality, confidentiality, voluntary participation, ethical accountability, and structured negotiation techniques (Folberg et al., 2004; Lande, 2022). Certain institutions also incorporate procedures such as *Med-Arb* mechanisms and domestic violence screening to ensure that mediation proceeds only where parties can negotiate safely and voluntarily. Beyond dispute settlement, community mediation functions as a mechanism for strengthening social cohesion, protecting religious identity, and improving access to justice among minority Muslim communities living within multicultural societies. Recent studies likewise indicate that religious discrimination, social exclusion, and intercultural challenges reinforce the importance of community-based institutions capable of fostering trust, resilience, and peaceful conflict resolution among Muslim minorities (Bautista et al., 2025; Samba et al., 2025; Alemi et al., 2026).

Despite the growing body of literature on Islamic family mediation, existing scholarship has predominantly examined mediation from doctrinal, procedural, or institutional perspectives within Muslim-majority jurisdictions. Previous studies have investigated the implementation of *maqāṣid al-sharī'ah* in Religious Court mediation (Fikri et al., 2023; Margono et al., 2025), customary approaches to divorce mediation (Azwar et al., 2020), mediation for strengthening family protection (Saleh et al., 2025), and gender-sensitive judicial approaches within Islamic courts (Halimatusa'diyah & Triana, 2024; Akhtar, 2026). Other scholars have emphasized

mediation as an effective mechanism for resolving broader community conflicts through collaborative governance and participatory institutions (Syafei et al., 2023; Wong, 2026). However, limited comparative scholarship has examined how Muslim community mediation operating within non-Muslim jurisdictions can contribute to institutional reform in Muslim-majority countries, particularly Indonesia. Furthermore, previous studies rarely integrate Islamic reconciliation principles, *maqāṣid al-sharī'ah*, community-based mediation, domestic violence screening, child-centered justice, gender-sensitive mediation, and sustainable family governance within a single analytical framework. Recent research also demonstrates that intimate partner violence must be understood within broader socioeconomic, cultural, and religious contexts rather than solely as individual behavioural problems, highlighting the importance of comprehensive safeguarding mechanisms in family dispute resolution (Messner, 2025). This gap demonstrates the need for comparative legal research capable of translating successful community mediation practices into practical institutional reforms while remaining compatible with Indonesia's legal system and the normative objectives of Islamic family law.

Responding to this scholarly gap, the present study comparatively examines Muslim community mediation practices in the United States and evaluates their relevance for strengthening mediation within Indonesia's Religious Courts. Employing a qualitative doctrinal and comparative legal approach, this research analyzes statutory regulations, institutional practices, mediation standards, and contemporary scholarly literature concerning Islamic family mediation in both jurisdictions. Beyond descriptive comparison, the study proposes the *Maqāṣid-Based Community Family Mediation* (MCFM) Framework, comprising five mutually reinforcing dimensions: *maqāṣid*-oriented reconciliation, professional mediator competence, institutional collaboration between Religious Courts and accredited Muslim community mediation organizations, comprehensive family protection through domestic violence screening and child-centered mediation, and sustainable mediation governance supported by ethical standards, community participation, and inter-institutional cooperation. Unlike previous studies that primarily discuss mediation from doctrinal or procedural perspectives, the proposed framework synthesizes Islamic legal philosophy, contemporary ADR theory, and community-based mediation into an integrated governance model for family dispute resolution. Accordingly, this study contributes both theoretically and practically to the advancement of contemporary Islamic family law by offering a comparative and policy-oriented framework capable of strengthening reconciliation, institutional effectiveness, access to justice, and sustainable family governance while providing transferable institutional lessons from Muslim community mediation in the United States for strengthening Indonesia's Religious Court mediation system.

LITERATURE REVIEW

Mediation has evolved from a conventional *alternative dispute resolution* (ADR) mechanism into a comprehensive governance framework designed to promote collaborative justice, preserve social relationships, and reduce the adversarial consequences of litigation. Beyond legal settlement, contemporary family research highlights that family cohesion and relational stability significantly influence individuals' capacity to manage conflict, make collective decisions, and maintain long-term family well-being (Gao et al., 2025). Foundational ADR scholarship conceptualizes mediation as a voluntary and interest-based process in which an impartial third party facilitates communication, mutual understanding, and negotiated settlements without imposing legally binding decisions (Bush & Folger, 2004; Folberg et al., 2004; Boule, 2011; Moore, 2014; Lande, 2022). Contemporary dispute resolution scholarship further emphasizes the restorative dimension of conflict settlement, where resolution mechanisms seek not only to determine rights and obligations but also to repair relationships, restore social balance, and address the underlying causes of disputes (Amrullah et al., 2022). Unlike adjudication, mediation prioritizes dialogue, consensus, and restoration rather than legal victory, making it particularly suitable for family disputes where interpersonal relationships continue beyond the resolution of legal claims. Contemporary mediation theory therefore recognizes that effective mediation requires more than procedural neutrality; it depends upon psychological sensitivity, ethical professionalism, cultural competence, and institutional legitimacy. Recent empirical studies demonstrate that mediation contributes to broader access to justice by empowering vulnerable groups, strengthening social trust, and creating sustainable conflict-resolution outcomes within diverse legal systems (Akbaba, 2025; Wong, 2026). Consequently, mediation is increasingly understood not merely as an ADR technique but as an instrument of restorative governance capable of balancing legal certainty with social cohesion and long-term family welfare.

Within Islamic jurisprudence, mediation possesses a deeper normative foundation because reconciliation constitutes an essential objective of Islamic law rather than merely a procedural alternative to litigation. The development of Islamic family law demonstrates continuous interaction between classical jurisprudential

reasoning and contemporary social realities. Studies on Islamic legal reasoning, including discussions on inheritance and family rights, reveal that Islamic law has historically developed through interpretive processes (*ijtihad*) that seek to balance textual principles, social conditions, and justice considerations (Mehrabani et al., 2026). Furthermore, religious values have been recognized as important sources of social resilience by strengthening individual coping mechanisms, community solidarity, and responses to challenging circumstances (Iyer et al., 2025). Contemporary scholarship demonstrates that *maqāṣid al-sharī'ah* has increasingly been applied as an analytical framework for evaluating institutional practices and ensuring that Islamic governance mechanisms remain oriented toward welfare, justice, and ethical objectives (Baining et al., 2024). Similarly, contemporary *fiqh*-based studies emphasize the importance of contextual interpretation (*fiqh al-wāqi'*) and adaptive solutions in addressing changing social conditions while maintaining the objectives of Islamic law (Aminullah et al., 2025). Classical Islamic principles of *sulh* (amicable settlement), *iṣlāh* (reconciliation), and *tahkīm* (arbitration) encourage disputing parties to prioritize harmony, forgiveness, and social stability while preserving justice and preventing greater harm. These principles correspond with the objectives of *maqāṣid al-sharī'ah*, particularly the protection of religion (*hiḍḍ al-dīn*), life (*hiḍḍ al-naḥs*), intellect (*hiḍḍ al-aql*), lineage (*hiḍḍ al-nasl*), and property (*hiḍḍ al-māl*). Accordingly, Islamic family mediation should pursue substantive justice rather than merely procedural settlement, ensuring that agreements protect vulnerable family members while maintaining family integrity and social welfare (Fikri et al., 2023). Recent studies further demonstrate that *maqāṣid*-based mediation increasingly incorporates gender justice, women's access to justice, child protection, and equitable family governance within contemporary Muslim societies (Halimatusa'diyah & Triana, 2024; Fitriyati et al., 2025; Margono et al., 2025; Akhtar, 2026). Discussions on women-centered Islamic traditions also demonstrate that Muslim family structures and legal interpretations are shaped by diverse cultural and historical contexts, requiring inclusive approaches to family justice (Thompson, 2026). Moreover, gender justice scholarship emphasizes that women's rights require substantive protection and cannot be reduced to formal recognition of equality alone, particularly when social structures influence power relations and access to justice (Lasio et al., 2026). This evolution illustrates that Islamic family mediation represents an integrated governance mechanism where religious values, legal institutions, and contemporary human rights principles converge.

Indonesia provides an important institutional context for examining this development because mediation has been formally integrated into Religious Court procedures as a mandatory stage before judicial adjudication. Existing studies indicate that Indonesian Religious Courts have increasingly adopted mediation as an instrument for reducing litigation and encouraging amicable settlement in disputes concerning divorce, child custody, maintenance, inheritance, and marital property. Nevertheless, mediation outcomes frequently remain constrained by procedural formalism, limited interdisciplinary collaboration, insufficient psychosocial intervention, and inconsistent implementation of *maqāṣid al-sharī'ah* principles in judicial practice (Azwar et al., 2020; Fikri et al., 2023; Yangto et al., 2025). Other studies demonstrate that culturally embedded mediation through customary institutions and local community organizations often produces stronger reconciliation because mediators possess greater social legitimacy and understand local family dynamics more comprehensively (Syafei et al., 2023). Contemporary research on intimate partner violence further demonstrates that domestic violence cannot be understood solely as an individual behavioural problem but must also be examined through broader socioeconomic, cultural, and religious contexts influencing family relationships and gender power dynamics (Messner, 2025). Therefore, family mediation frameworks require adequate safeguarding mechanisms to ensure that reconciliation does not overlook structural vulnerabilities or reproduce unequal power relations. Research concerning women's access to justice, child protection, and family welfare further emphasizes that mediation should operate within an integrated protection framework addressing domestic violence, gender equality, children's best interests, and broader social vulnerabilities rather than focusing exclusively on procedural settlement (Halimatusa'diyah & Triana, 2024; Khiatani et al., 2025; Nurhaeni et al., 2026). Child protection is also essential because family disputes may generate long-term consequences for children's rights and development. Evidence from Indonesia demonstrates that structural interventions addressing socioeconomic vulnerability contribute significantly to reducing child marriage practices, indicating that family vulnerabilities require responses beyond legal adjudication toward preventive and social protection mechanisms (Priebe & Sumarto, 2025). These findings suggest that strengthening Religious Court mediation requires collaboration beyond the judiciary by involving community organizations, professional counsellors, religious leaders, and accredited mediation institutions.

Comparative scholarship demonstrates that Muslim minority jurisdictions provide valuable experiences for understanding how Islamic mediation can function effectively outside formal religious court systems. In the

United States, Islamic family mediation is commonly administered through Islamic centers, mosques, family counselling organizations, and nonprofit mediation services operating within pluralistic legal environments. Although these institutions possess no formal judicial authority, they frequently integrate Islamic ethical principles with internationally recognized mediation standards, including confidentiality, voluntary participation, mediator neutrality, professional ethics, structured negotiation, trauma-informed practice, and domestic violence screening before mediation begins (Folberg et al., 2004; Lande, 2022). Contemporary research further indicates that institutional trust, inclusive religious governance, intercultural dialogue, and professional mediation competence enhance the legitimacy and effectiveness of community-based dispute resolution among diverse Muslim communities (Samba et al., 2025; Bautista et al., 2025; Zafar et al., 2026). Likewise, studies on women's legal authority and family justice demonstrate that inclusive religious interpretation and multidisciplinary mediation improve equitable outcomes for women and children while preserving Islamic legal legitimacy (Akhtar, 2026). These experiences indicate that successful Islamic family mediation increasingly depends upon institutional flexibility, interdisciplinary collaboration, and professional governance rather than solely upon formal judicial structures.

Despite this expanding body of scholarship, significant theoretical and practical gaps remain. Existing studies generally examine mediation from isolated doctrinal, procedural, sociological, or institutional perspectives, with limited attempts to synthesize ADR theory, *maqāṣid al-sharī'ah*, community-based mediation, gender-sensitive family justice, domestic violence prevention, and collaborative governance into a unified analytical framework. Comparative investigations between Indonesia's Religious Courts and Muslim community mediation practices in the United States remain limited, despite both systems pursuing similar objectives of reconciliation and family protection through different institutional arrangements. Moreover, recent developments concerning child protection, religious moderation, women's access to justice, and sustainable governance have rarely been incorporated into Islamic family mediation models (Muthohirin, 2025; Setinawati et al., 2025; Nurhaeni et al., 2026). Addressing these gaps, the present study develops the *Maqāṣid-Based Community Family Mediation* (MCFM) Framework, integrating Islamic reconciliation principles, professional mediation standards, community participation, comprehensive family protection, and sustainable institutional governance into a coherent comparative model. By bridging classical Islamic legal values with contemporary ADR practices and comparative institutional experiences, the proposed framework extends existing literature while offering practical guidance for strengthening mediation within Indonesia's Religious Courts and contributing to broader discussions on contemporary Islamic family law.

METHODS

This study employed a qualitative *doctrinal* and comparative legal research design to examine Islamic family mediation practices within two different legal environments: Indonesia, where mediation is institutionally embedded within the Religious Courts (*Peradilan Agama*), and the United States, where Muslim family mediation primarily operates through community-based institutions within a pluralistic legal system. A qualitative approach was selected because this research aims to explore legal principles, institutional structures, governance mechanisms, and normative values underlying mediation practices rather than measure their statistical effectiveness. The study applied the *functional method* of comparative law by analyzing how different legal institutions respond to similar family disputes despite operating under distinct constitutional, cultural, and socio-legal contexts. This approach is appropriate because Islamic family mediation cannot be examined solely through legal provisions but must also be understood through institutional practices, social legitimacy, and mechanisms of reconciliation and family protection (Bush & Folger, 2004; Boule, 2011; Moore, 2014; Lande, 2022). Through this comparative perspective, the research identifies transferable institutional practices while avoiding direct legal transplantation that may conflict with Indonesia's legal structure and Islamic legal traditions.

The research relied on secondary data obtained through systematic library research. Primary legal materials included Indonesian regulations governing Religious Courts and court-annexed mediation, particularly Law Number 7 of 1989 concerning Religious Courts and its amendments, Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Court Mediation Procedures, and other relevant judicial policies concerning family dispute resolution. Comparative materials from the United States consisted of mediation standards, ethical guidelines, institutional documents, and professional practices developed by Muslim community mediation organizations and ADR institutions. Secondary sources included peer-reviewed journal articles indexed in Scopus, Web of Science, and other academic databases published between 2004 and 2026, covering Islamic family law, mediation theory, restorative justice, *maqāṣid al-sharī'ah*, gender-sensitive mediation, child protection, and

collaborative governance. The selection of literature was based on conceptual relevance, academic credibility, methodological quality, and direct contribution to the analysis of Islamic family mediation (Fikri et al., 2023; Halimatusa'diyah & Triana, 2024; Akbaba, 2025; Margono et al., 2025; Yangto et al., 2025; Akhtar, 2026). Data were analyzed using *qualitative content analysis* combined with comparative legal reasoning. Relevant documents and scholarly works were examined through thematic identification of key dimensions, including mediation objectives, mediator professionalism, institutional collaboration, family protection mechanisms, domestic violence safeguards, child-centered approaches, and the implementation of *maqāṣid al-sharī'ah* principles. The identified themes were then compared across the Indonesian Religious Court system and Muslim community mediation practices in the United States to determine similarities, differences, and possible institutional lessons. The analysis emphasized explanatory comparison by examining why certain mediation arrangements contribute to reconciliation, access to justice, and sustainable family welfare rather than merely describing institutional differences. This analytical process integrated doctrinal interpretation, comparative institutional assessment, and normative evaluation based on Islamic legal objectives and contemporary ADR perspectives (Bush & Folger, 2004; Folberg et al., 2004; Moore, 2014; Fikri et al., 2023; Saleh et al., 2025).

To ensure analytical credibility, this study applied *source triangulation* by comparing legal regulations, judicial policies, institutional guidelines, and academic studies from multiple perspectives. Interpretive consistency was strengthened through cross-referencing contemporary research on Religious Court mediation, gender justice, restorative approaches, family protection, and comparative Islamic legal studies. The final analytical stage involved synthesizing the findings into the proposed *Maqāṣid-Based Community Family Mediation (MCFM) Framework*. The framework was developed inductively by integrating Islamic reconciliation principles of *ṣulḥ*, *iṣlāḥ*, and *taḥkīm* with institutional innovations identified from Muslim community mediation practices in the United States and Indonesia's Religious Courts. Five dimensions emerged from this synthesis: (1) *maqāṣid*-oriented reconciliation; (2) professional mediator competence and ethical accountability; (3) institutional collaboration between Religious Courts and community mediation organizations; (4) comprehensive family protection through domestic violence screening and child-centered mediation; and (5) sustainable mediation governance supported by professional standards, institutional coordination, and continuous improvement. Therefore, the methodological approach provides a systematic foundation for developing an adaptive mediation governance model that strengthens family justice while maintaining Indonesia's judicial authority and Islamic legal values (Halimatusa'diyah & Triana, 2024; Widodo et al., 2025; Nurhaeni et al., 2026).

RESULTS AND DISCUSSION

Characteristics of Muslim Community Family Mediation in the United States

The comparative analysis demonstrates that Muslim community family mediation in the United States has developed into a distinctive community-based dispute resolution model that integrates Islamic legal values with contemporary *Alternative Dispute Resolution* (ADR) principles. Unlike court-annexed mediation systems commonly implemented in Muslim-majority countries, mediation among Muslim communities in the United States operates primarily through Islamic centres, mosques, nonprofit organizations, and Muslim family counselling institutions. These institutions function within a pluralistic legal environment where civil courts maintain exclusive authority over legally binding matters, including divorce, child custody, and property distribution, while community mediation serves as a voluntary and complementary mechanism. Accordingly, Muslim community mediation emphasizes *ṣulḥ* (amicable settlement), *iṣlāḥ* (reconciliation), and consensual problem-solving as pathways to preserve family relationships and prevent unnecessary litigation. Rather than competing with formal judicial institutions, community mediation expands access to justice by providing culturally and religiously legitimate spaces where Muslim families can resolve conflicts through approaches compatible with their values and social identities (Bush & Folger, 2004; Folberg et al., 2004; Boule, 2011; Moore, 2014; Lande, 2022; Akbaba, 2025). This institutional arrangement demonstrates that religiously grounded mediation can function effectively within secular legal systems when it operates through voluntary participation, professional standards, and respect for state judicial authority.

The second major finding concerns the interdisciplinary character of Muslim community mediation practices. The examined institutions generally do not approach family disputes exclusively as legal disagreements but recognize them as complex conflicts involving emotional, psychological, social, economic, and spiritual dimensions. Therefore, mediation processes frequently involve cooperation among mediators, imams, psychologists, family counsellors, social workers, and legal professionals. This collaborative approach enables mediators to address the underlying causes of family disputes rather than focusing only on negotiated legal outcomes. For example,

conflicts related to divorce may involve issues of communication breakdown, emotional trauma, financial insecurity, parenting responsibilities, and religious expectations, all of which require multidimensional intervention. Consequently, mediation becomes a mechanism for restoring communication, rebuilding trust, and strengthening family resilience rather than merely producing settlement agreements. This finding confirms broader mediation scholarship emphasizing that sustainable dispute resolution requires attention to relational restoration, empowerment, and the protection of vulnerable parties, particularly women and children affected by family conflict (Bush & Folger, 2004; Moore, 2014; Halimatusa'diyah & Triana, 2024; Akbaba, 2025).

The third finding relates to the increasing professionalization of Muslim community mediation institutions in the United States. Although these institutions operate outside formal court structures, many have developed systematic mediation procedures supported by ethical guidelines, mediator training, confidentiality principles, neutrality requirements, and continuing professional development. Mediation generally begins with an initial assessment process to identify the nature of the dispute, followed by conflict mapping, facilitated dialogue, private sessions where necessary, agreement formulation, and post-settlement monitoring. An important institutional characteristic identified in this study is the implementation of safeguarding mechanisms, particularly domestic violence screening before mediation begins. Cases involving coercive control, severe power imbalance, child abuse, or significant safety concerns are generally excluded from ordinary mediation processes or redirected toward specialized support services. This approach indicates that reconciliation is not understood as an absolute objective but must be balanced with justice, human dignity, and protection from harm. Such procedures strengthen procedural fairness and demonstrate that community mediation can incorporate both restorative values and protective mechanisms consistent with contemporary family justice principles (Bush & Folger, 2004; Folberg et al., 2004; Boulle, 2011; Lande, 2022; Halimatusa'diyah & Triana, 2024; Akbaba, 2025; Khiatani et al., 2025; Attrash-Najjar, 2026; Nurhaeni et al., 2026; Sabic-El-Rayess et al., 2026).

The fourth finding highlights the role of digital transformation in expanding the accessibility of Muslim community mediation services. Many mediation organizations have increasingly adopted online consultations, virtual mediation sessions, electronic document management, and secure digital communication platforms to serve families located across different geographical areas. Digitalization has reduced practical barriers related to distance, scheduling, and service accessibility while enabling mediation institutions to provide more flexible dispute resolution mechanisms. Nevertheless, digital transformation does not replace the human dimension of mediation. Instead, technology functions as a supporting instrument that must operate within ethical governance principles, including confidentiality, informed consent, transparency, and professional accountability. This development demonstrates that contemporary mediation institutions require adaptive governance strategies capable of combining technological innovation with culturally sensitive and human-centred practices. Recent studies on digital governance in legal services similarly emphasize that technology should enhance accountability, fairness, and public trust rather than weaken professional responsibility or ethical safeguards (Biju P.R. & O., 2025; Hariansah & Qhistina, 2026).

Collectively, the findings demonstrate that Muslim community family mediation in the United States has evolved into an adaptive governance model that extends beyond conventional dispute resolution. Rather than functioning solely as an alternative to litigation, community-based mediation integrates Islamic legal values with contemporary ADR principles to promote reconciliation, family resilience, and sustainable access to justice. The analysis reveals five interconnected institutional strengths: community-based accessibility, interdisciplinary collaboration, professional mediator standards, comprehensive family protection, and ethically governed digital innovation. These dimensions operate in a mutually reinforcing manner, enabling mediation institutions to address not only legal disputes but also the psychological, social, religious, and cultural factors underlying family conflicts. Consequently, mediation becomes a holistic mechanism that balances reconciliation with procedural fairness, safeguards vulnerable family members, and strengthens public confidence in Islamic family justice.

Furthermore, the findings suggest that effective family mediation cannot rely exclusively on judicial authority or legal procedures. Instead, successful mediation requires collaboration among courts, religious institutions, professional mediators, counsellors, psychologists, and community organizations within an integrated governance framework. Such collaboration enhances institutional legitimacy, expands accessibility, improves mediator professionalism, and ensures that reconciliation is accompanied by adequate protection for women, children, and other vulnerable parties. These observations reinforce the importance of adopting a multidimensional perspective in evaluating contemporary Islamic family mediation. Table 1 summarizes the analytical synthesis of these

institutional characteristics and their respective implications for strengthening Islamic family justice. The comparative insights generated from the United States provide an important conceptual foundation for evaluating Indonesia's Religious Court mediation system and subsequently developing a more integrated mediation governance framework grounded in the objectives of *maqāṣid al-sharī'ah*.

Table 1. Analytical Synthesis of the Characteristics of Muslim Community Family Mediation in the United States

Analytical Dimension	Empirical Findings	Implications for Strengthening Islamic Family Justice
Institutional basis	Community-based mediation delivered through Islamic centres, mosques, and Muslim family organizations	Expands access to justice through culturally and religiously legitimate institutions
Mediation orientation	Reconciliation, prevention, and restoration rather than litigation	Strengthens long-term family resilience and sustainable dispute resolution
Interdisciplinary collaboration	Mediators collaborate with imams, psychologists, counsellors, and legal practitioners	Addresses legal, psychological, social, and religious dimensions simultaneously
Professional mediation standards	Certified mediators, ethical codes, confidentiality, neutrality, and continuous training	Improves procedural fairness, institutional credibility, and public trust
Family protection mechanisms	Domestic violence screening, child-centred mediation, referral pathways, and safeguarding procedures	Protects women, children, and vulnerable parties while ensuring substantive justice
Digital governance	Online mediation, virtual consultation, secure communication, and digital documentation	Increases accessibility while maintaining confidentiality and ethical accountability

Source: Authors' analytical synthesis (2026).

Comparative Analysis of Muslim Community Mediation in the United States and Indonesia's Religious Courts

The comparative analysis demonstrates that Indonesia and the United States recognize mediation as an important mechanism for resolving Muslim family disputes; however, both jurisdictions adopt fundamentally different institutional designs. Indonesia incorporates mediation into the formal judicial structure through the Religious Courts (*Peradilan Agama*), where judges or certified mediators facilitate reconciliation as a mandatory stage before adjudication proceeds. This *court-annexed mediation* model provides strong legal certainty, procedural uniformity, and judicial oversight within the national legal framework governing family disputes. In contrast, Muslim family mediation in the United States develops primarily through community-based institutions, including Islamic centres, mosques, nonprofit organizations, and Muslim family counselling services operating within a secular and pluralistic legal environment. Participation in these institutions is voluntary, and mediation functions as a complementary mechanism alongside civil courts rather than replacing judicial authority. Although the institutional arrangements differ, both systems share a common normative objective: reducing adversarial conflict, encouraging reconciliation, and protecting family welfare through ethical and justice-oriented approaches. Therefore, the comparison suggests that judicial authority and community participation should not be understood as competing models but as complementary elements within an integrated family justice system (Bush & Folger, 2004; Folberg et al., 2004; Boule, 2011; Moore, 2014; Lande, 2022; Fikri et al., 2023; Yango et al., 2025).

The second comparative finding concerns the different orientations of mediation practice. Indonesia possesses a relatively comprehensive regulatory framework that ensures mediation procedures are conducted consistently within Religious Courts. Nevertheless, because mediation is positioned within litigation procedures, its implementation often remains focused on achieving settlement before judicial examination rather than addressing the broader causes of family conflict. As a result, opportunities for long-term counselling, psychological assistance, preventive intervention, and family rehabilitation remain limited in many cases. Conversely, Muslim community mediation in the United States demonstrates a stronger preventive and restorative orientation by addressing emotional, religious, psychological, financial, and interpersonal dimensions of family disputes before they develop into formal legal conflicts. The involvement of imams, psychologists, family counsellors, and legal

practitioners enables mediation to function as a broader family governance mechanism rather than merely a dispute settlement process. This distinction indicates that Indonesia's mediation system may benefit from expanding its orientation beyond procedural compliance toward a more comprehensive family-centred approach while maintaining the legitimacy and authority of the Religious Courts. Such development is consistent with contemporary mediation theory, which emphasizes relationship restoration, empowerment, and sustainable reconciliation as essential elements of effective dispute resolution (Bush & Folger, 2004; Moore, 2014; Halimatusa'diyah & Triana, 2024; Akbaba, 2025; Saleh et al., 2025).

The comparison also reveals significant differences in institutional collaboration and mediator competency. The Indonesian mediation system relies mainly on Religious Courts and certified judge-mediators, while cooperation with external institutions such as Islamic counselling organizations, universities, professional psychologists, and community-based family organizations varies considerably across regions. Although institutions such as BP4 demonstrate the potential contribution of community actors in supporting family reconciliation, their integration into formal judicial mediation remains relatively limited. In contrast, Muslim community mediation in the United States operates through broader collaborative networks involving religious organizations, professional mediators, lawyers, psychologists, and trained community members. This collaborative governance structure enables early intervention, improves service accessibility, and strengthens mediator competence through certification, professional training, ethical standards, and multidisciplinary practice. The findings therefore suggest that strengthening partnerships between Religious Courts and accredited Muslim community organizations could enhance institutional capacity, improve mediation quality, and increase public confidence in family dispute resolution. Rather than transferring the American model directly, Indonesia may selectively adopt its collaborative features while preserving its own judicial structure and Islamic legal framework (Bush & Folger, 2004; Folberg et al., 2004; Boule, 2011; Azwar et al., 2020; Syafei et al., 2023; Saleh et al., 2025).

Another important distinction concerns family protection mechanisms and technological governance. Indonesian Religious Courts have increasingly recognized the importance of protecting women and children during family dispute resolution; however, systematic domestic violence screening and standardized safeguarding procedures have not yet become universally embedded within mediation practices. In many cases, decisions regarding mediation suitability continue to depend on judicial assessment and the circumstances of individual disputes. In comparison, Muslim mediation institutions in the United States frequently apply structured intake assessments to identify domestic violence, coercive control, unequal bargaining positions, and child protection risks before mediation begins. Cases involving significant safety concerns are generally redirected toward specialized support mechanisms rather than processed through ordinary mediation. This approach reflects an understanding that reconciliation must be balanced with protection, justice, and human dignity. Furthermore, both jurisdictions have increasingly incorporated digital technologies through online consultation and virtual mediation services. Nevertheless, the American experience demonstrates more developed integration of digital mediation supported by confidentiality safeguards, ethical governance, and professional accountability. These developments indicate that future mediation reform in Indonesia should combine stronger family protection mechanisms with responsible digital innovation to enhance accessibility without compromising fairness and security (Biju P.R. & O., 2025; Hariansah & Qhistina, 2026; Khiatani et al., 2025; Attrash-Najjar, 2026; Nurhaeni et al., 2026; Sabic-El-Rayess et al., 2026).

Overall, the comparative findings demonstrate that neither jurisdiction represents a complete model of contemporary Muslim family mediation. Indonesia contributes significant strengths through judicial legitimacy, procedural certainty, and institutional authority, while the United States provides valuable innovations in community participation, interdisciplinary collaboration, preventive family protection, mediator professionalization, and adaptive governance. Therefore, this study does not advocate institutional transplantation but proposes a selective integration of complementary strengths within a *maqāṣid al-sharī'ah*-oriented governance framework. Similar developments can also be observed in other Islamic dispute resolution contexts in Indonesia, where formal legal mechanisms and non-judicial approaches increasingly seek to achieve not only procedural settlement but also broader objectives of social benefit, reconciliation, and sustainable justice (*maṣlahah*) (Pradana et al., 2025). Table 2 presents the comparative synthesis of Muslim family mediation practices in both jurisdictions and highlights the policy implications for strengthening Indonesia's mediation framework. These comparative findings provide the conceptual foundation for the development of the Maqāṣid-Based Community Family Mediation (MCFM) Framework in the following section.

Table 2. Comparative Synthesis of Muslim Family Mediation in the United States and Indonesia

Comparative Dimension	United States	Indonesia	Policy Implication for Indonesia
Institutional model	Community-based mediation through Islamic centres, mosques, and NGOs	Court-annexed mediation within Religious Courts	Integrate judicial mediation with accredited community mediation institutions
Legal orientation	Voluntary ADR operating alongside civil law	Mandatory mediation before litigation	Balance procedural certainty with flexible reconciliation mechanisms
Mediation objective	Preventive, restorative, and family-centred	Procedural settlement before adjudication	Shift mediation toward sustainable family reconciliation
Mediator competency	Certified ADR mediators supported by interdisciplinary experts	Judge-mediators and certified mediators	Strengthen interdisciplinary certification and continuous professional development
Institutional collaboration	Cooperation among religious organizations, counsellors, psychologists, and legal professionals	Limited collaboration beyond court institutions	Develop structured partnerships between Religious Courts and Muslim community organizations
Family protection	Domestic violence screening and child-centred mediation	Judicial assessment based on individual cases	Institutionalize safeguarding protocols and referral mechanisms
Digital governance	Mature online mediation supported by ethical standards	Emerging digital mediation practices	Establish secure and accountable digital mediation governance
Strategic lesson	Community participation strengthens accessibility and prevention	Judicial authority strengthens legal certainty	Integrate both strengths within a <i>maqāṣid al-sharī'ah</i> governance framework

Source: Authors' comparative synthesis (2026).

Development of the *Maqāṣid-Based Community Family Mediation (MCFM) Framework*

Building upon the comparative findings presented in Sections 4.1 and 4.2, this study develops the *Maqāṣid-Based Community Family Mediation (MCFM) Framework* as an integrated governance model for strengthening family mediation within Indonesia's Religious Courts. The framework is constructed from the recognition that Indonesia and the United States demonstrate complementary institutional strengths in resolving Muslim family disputes. Indonesia provides judicial legitimacy, mandatory mediation procedures, and institutional authority through the Religious Courts, while Muslim community mediation practices in the United States demonstrate the importance of community participation, interdisciplinary collaboration, professional mediator development, and preventive family protection mechanisms (Bush & Folger, 2004; Folberg et al., 2004; Boulle, 2011; Moore, 2014; Lande, 2022). Therefore, the MCFM Framework does not seek to transplant foreign institutional models directly into Indonesia; rather, it proposes contextual adaptation by integrating transferable mediation practices with Indonesia's legal structure, Islamic family law tradition, and socio-cultural realities.

The development of the MCFM Framework responds to three major challenges identified through the comparative analysis. First, mediation within Indonesia's Religious Courts remains predominantly procedural, whereas contemporary family disputes increasingly require restorative, preventive, and interdisciplinary approaches. Second, cooperation between Religious Courts and community-based family support institutions remains limited despite evidence that community involvement can strengthen reconciliation and access to justice (Azwar et al., 2020; Syafei et al., 2023; Saleh et al., 2025). Third, mediation mechanisms require stronger protection frameworks capable of addressing domestic violence, gender inequality, child welfare concerns, and psychological vulnerabilities within family conflicts (Halimatusa'diyah & Triana, 2024; Akbaba, 2025; Khiatani et al., 2025; Attrash-Najjar, 2026). Accordingly, the MCFM Framework reconceptualizes mediation as a comprehensive family justice governance mechanism rather than merely a compulsory procedural stage before adjudication.

Theoretically, the MCFM Framework integrates four interconnected foundations: *maqāṣid al-sharī'ah*, *Alternative Dispute Resolution (ADR)*, *collaborative governance*, and sustainable family justice. The principle of

maqāṣid al-sharī'ah provides the normative foundation by ensuring that mediation protects essential human interests, including religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), and dignity (*ḥifẓ al-ird*). Within family mediation, these objectives require that settlement outcomes provide not only formal agreement but also substantive justice, protection of vulnerable parties, and long-term family welfare (Fikri et al., 2023; Fitriyati et al., 2025; Margono et al., 2025). Meanwhile, ADR theory contributes principles of facilitative communication, neutrality, confidentiality, and mutually beneficial settlement, while *collaborative governance* explains the importance of cooperation among courts, religious institutions, professional mediators, universities, and community organizations. Through this integration, mediation is positioned as a governance mechanism that combines legal authority with social participation.

Based on these theoretical foundations, the MCFM Framework consists of five interconnected dimensions. The first dimension is *maqāṣid*-oriented reconciliation, which places *ṣulḥ* (amicable settlement), *iṣlāḥ* (reconciliation), and *taḥkīm* (arbitration) as the normative objectives of mediation. The second dimension is professional mediator competency, emphasizing certification, ethical standards, psychological competence, communication skills, and knowledge of Islamic family law. The third dimension is institutional collaboration, which encourages structured partnerships between Religious Courts, Islamic organizations, universities, BP4, counsellors, and community mediation institutions. The fourth dimension is comprehensive family protection, incorporating *domestic violence screening*, *child-centred mediation*, psychosocial assistance, and referral mechanisms to ensure that reconciliation does not ignore unequal power relations or safety risks (Halimatusa'diyah & Triana, 2024; Akbaba, 2025; Khiatani et al., 2025; Attrash-Najjar, 2026; Nurhaeni et al., 2026). This dimension is also supported by research showing that family experiences significantly influence psychological development and long-term well-being, demonstrating the importance of integrating counselling and resilience strategies into mediation processes (Zalewska et al., 2025). The fifth dimension concerns sustainable mediation governance through ethical regulation, *digital governance*, monitoring, evaluation, and continuous professional development (Biju P.R. & O., 2025; Hariansah & Qhistina, 2026).

The interaction among these five dimensions creates an integrated mediation ecosystem in which judicial authority, community participation, professional standards, and Islamic legal objectives operate simultaneously. The MCFM Framework positions Religious Courts as the central institution responsible for legal legitimacy, while community mediation organizations function as complementary partners providing counselling, preventive intervention, and post-settlement support. Therefore, mediation is transformed from a procedural requirement into a sustainable model of Islamic family justice that balances legal certainty, reconciliation, human dignity, and family resilience. The framework contributes theoretically by connecting *maqāṣid al-sharī'ah*, ADR theory, and collaborative governance, while practically offering a policy direction for strengthening mediation reform within Indonesia's Religious Courts.

Table 3. Dimensions of the *Maqāṣid*-Based Community Family Mediation (MCFM) Framework

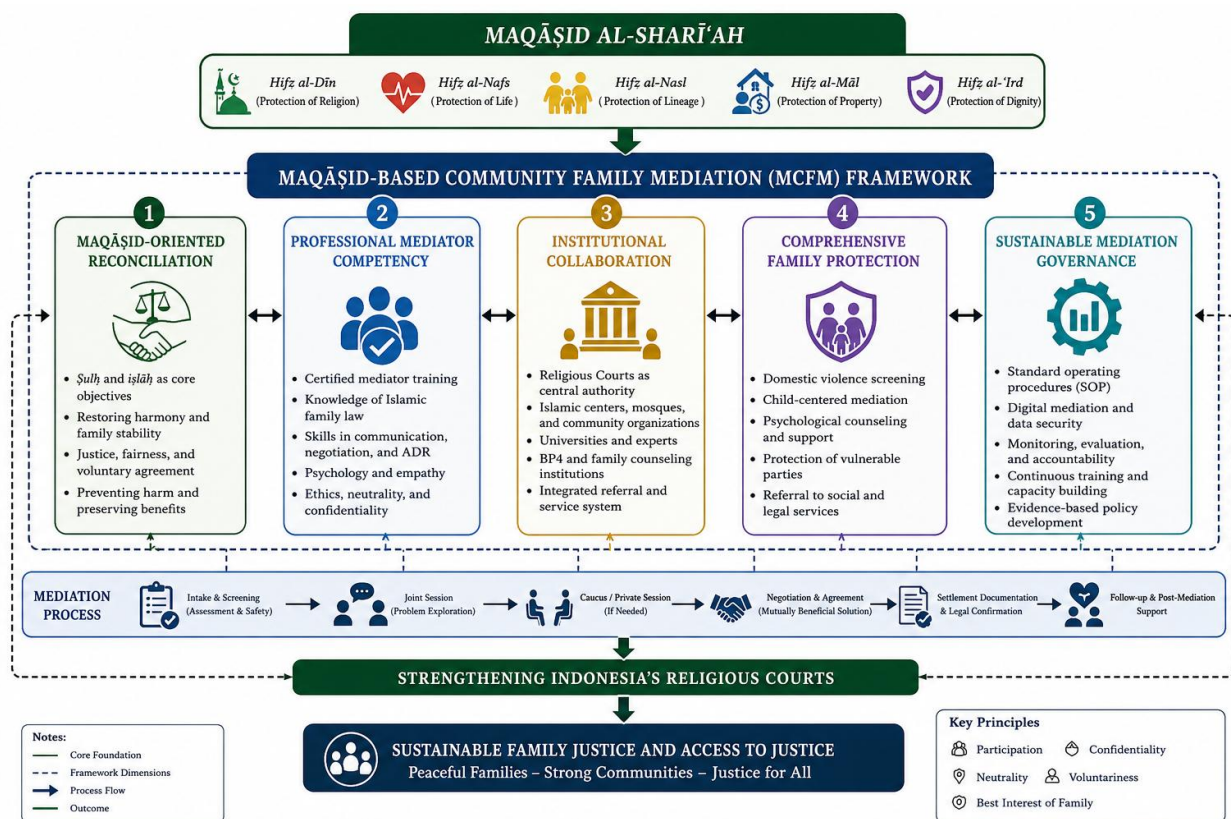
Dimension	Theoretical Foundation	Key Mechanisms	Expected Contribution
<i>Maqāṣid</i> -oriented reconciliation	<i>Maqāṣid al-sharī'ah</i> , <i>ṣulḥ</i> , <i>iṣlāḥ</i> , and <i>taḥkīm</i>	Restorative negotiation, reconciliation processes, and family counselling	Strengthening family harmony, substantive justice, and sustainable reconciliation
Professional mediator competency	ADR theory, mediation ethics, and professional standards	Certification, interdisciplinary training, psychological competence, and ethical accountability	Improving mediation quality, neutrality, and public trust
Institutional collaboration	<i>Collaborative governance</i> and community-based justice	Cooperation among Religious Courts, Islamic organizations, universities, BP4, and community institutions	Expanding mediation accessibility and integrated family services
Comprehensive family protection	Gender justice, child protection, and <i>maqāṣid</i> -based welfare	<i>Domestic violence screening</i> , <i>child-centred mediation</i> , referral systems, and psychosocial support	Protecting women, children, and vulnerable family members

Dimension	Theoretical Foundation	Key Mechanisms	Expected Contribution
Sustainable mediation governance	Institutional sustainability and <i>digital governance</i>	Digital mediation, monitoring, evaluation, and continuous professional development	Ensuring long-term effectiveness and sustainable family justice

Source: Authors' analytical synthesis (2026).

Table 3 demonstrates that the MCFM Framework conceptualizes mediation as an interconnected governance system rather than an isolated dispute resolution procedure. Each dimension reinforces the others: *maqāṣid al-sharī'ah* guides normative objectives, professional competency ensures procedural quality, institutional collaboration expands accessibility, family protection safeguards vulnerable parties, and sustainable governance maintains long-term effectiveness.

Figure 1. Conceptual Structure of the *Maqāṣid*-Based Community Family Mediation (MCFM) Framework



Source: Authors' conceptual framework (2026).

Figure 1 illustrates that the MCFM Framework operates through three interconnected levels. At the normative level, *maqāṣid al-sharī'ah* provides ethical direction for mediation objectives. At the institutional level, Religious Courts and community mediation organizations collaborate to provide legally legitimate and socially responsive services. At the operational level, the five dimensions function collectively to transform mediation from a procedural requirement into a comprehensive governance mechanism for strengthening family justice, reconciliation, and sustainable social welfare.

CONCLUSION

This study concludes that Muslim family mediation has evolved beyond a procedural mechanism of dispute settlement into a broader governance instrument for strengthening family resilience, reconciliation, and sustainable access to justice. The comparative analysis between Indonesia's Religious Courts and Muslim community mediation practices in the United States demonstrates that both systems share the normative objective

of preserving family harmony but differ in institutional design. Indonesia provides strong judicial legitimacy through mandatory court-annexed mediation, judicial supervision, and formal legal authority. Nevertheless, mediation practices within Religious Courts remain largely procedural and litigation-oriented, limiting their capacity to address the psychological, social, and preventive dimensions of contemporary family disputes. In contrast, Muslim community mediation in the United States illustrates the potential of integrating Islamic principles of *ṣulh*, *iṣlāh*, and *taḥkīm* with professional *Alternative Dispute Resolution* (ADR), interdisciplinary collaboration, community participation, mediator professionalism, confidentiality standards, and family protection mechanisms. These findings demonstrate that strengthening Islamic family mediation in Indonesia requires not the replacement of judicial authority, but rather institutional integration between Religious Courts and community-based mediation institutions.

The principal contribution of this research is the development of the *Maqāṣid-Based Community Family Mediation* (MCFM) Framework as a conceptual governance model for contemporary Islamic family dispute resolution. The framework synthesizes comparative lessons from Muslim community mediation in the United States with Indonesia's Religious Court mediation system through five interconnected dimensions: *maqāṣid*-oriented reconciliation, professional mediator competency, institutional collaboration, comprehensive family protection, and sustainable mediation governance. Unlike previous studies that examine court-annexed mediation, customary reconciliation, or community-based mediation separately, the MCFM Framework integrates *maqāṣid al-sharī'ah*, modern ADR theory, and *collaborative governance* into a unified model emphasizing substantive justice, family welfare, institutional cooperation, and long-term social sustainability. Practically, the framework recommends strengthening mediator training, expanding partnerships between Religious Courts and accredited community organizations, institutionalizing family protection procedures, and developing ethical digital mediation services to improve accessibility and public trust.

This study acknowledges several limitations. The research employs a qualitative doctrinal and comparative legal approach based primarily on legislation, institutional documents, mediation guidelines, and scholarly literature rather than empirical fieldwork involving judges, mediators, litigants, or community practitioners. Consequently, the MCFM Framework remains a conceptual model requiring further empirical validation. Moreover, the comparative analysis focuses only on Indonesia and Muslim community mediation practices in the United States, meaning that application in other jurisdictions requires contextual adjustment. Future research should therefore examine the framework through empirical studies, mixed-methods approaches, and comparative policy evaluations involving mediation practitioners, judicial institutions, community organizations, and disputing families. Such investigations are necessary to assess its effectiveness in improving mediation outcomes, family satisfaction, child protection, judicial efficiency, and sustainable family justice.

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