



MADDIKA

JOURNAL OF ISLAMIC FAMILY LAW

ASSESSING THE SUBSTANTIVE EFFECTIVENESS OF ELECTRONIC MEDIATION IN DIVORCE CASES: AN EMPIRICAL STUDY AT THE SUNGGUMINASA RELIGIOUS COURT

Rezki Amalia*

Muhammadiyah University of Makassar
email: rezkiamaliam@gmail.com

**corresponding author*

Abstract

The implementation of electronic mediation represents a strategic initiative by the Indonesian Supreme Court to modernize court-annexed dispute resolution through digital technology. However, the extent to which this innovation achieves the substantive objective of mediation, particularly in divorce cases, remains insufficiently understood. This study aims to analyze the effectiveness of electronic mediation in divorce cases at the Sungguminasa Religious Court Class 1A and identify the factors influencing its implementation and outcomes. Employing an empirical legal research design with a qualitative approach, the study collected data through in-depth interviews with 15 purposively selected informants, observations, and document analysis. Data were analyzed using Miles and Huberman's, while the effectiveness of implementation was interpreted using Soerjono Soekanto's legal effectiveness theory. The findings reveal that the implementation of electronic mediation has complied procedurally with Supreme Court Regulation No. 3 of 2022 and is supported by adequate institutional facilities and digital infrastructure. Nevertheless, its substantive effectiveness remains limited. During the 2023–2025 period, 37 divorce cases were mediated electronically, of which 29 failed to reach a settlement, while only eight achieved partial agreements, primarily concerning ancillary issues rather than reconciliation. The limited effectiveness is predominantly attributable to prolonged marital conflicts, the parties' strong determination to divorce, lack of good faith to reconcile, constrained emotional interaction in virtual settings, and unequal levels of digital literacy, rather than technological shortcomings alone. These findings demonstrate that procedural compliance does not necessarily translate into substantive success. Accordingly, enhancing the effectiveness of electronic mediation requires strengthening mediators' virtual communication and psychological facilitation skills, improving public digital literacy, and developing mediation strategies that are more responsive to the characteristics of family disputes.

Keywords: *Electronic mediation; divorce disputes; legal effectiveness; Religious Court.*

Article history: *Received: April 09, 2026, Revised: May 11, 2026; Accepted: June 24, 2026*

Published: July 23, 2026

Copyright© 2026 Authors. This is an open-access article distributed under the terms of the Creative Commons Attribution-ShareAlike 4.0 International License

<https://creativecommons.org/licenses/by/4.0/>

Abstrak

Penerapan mediasi elektronik merupakan salah satu inovasi strategis Mahkamah Agung Republik Indonesia dalam memodernisasi penyelesaian sengketa di pengadilan melalui pemanfaatan teknologi digital. Namun demikian, sejauh mana inovasi tersebut mampu mencapai tujuan substantif mediasi, khususnya dalam perkara perceraian, masih memerlukan kajian empiris. Penelitian ini bertujuan menganalisis efektivitas mediasi elektronik dalam perkara perceraian di Pengadilan Agama Sungguminasa Kelas IA serta mengidentifikasi faktor-faktor yang memengaruhi pelaksanaan dan tingkat keberhasilannya. Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan kualitatif. Data diperoleh melalui wawancara mendalam terhadap 15 informan yang dipilih secara purposif, observasi, dan studi dokumentasi. Analisis data dilakukan menggunakan model interaktif Miles dan Huberman dengan teori efektivitas hukum Soerjono Soekanto sebagai pisau analisis. Hasil penelitian menunjukkan bahwa pelaksanaan mediasi elektronik telah berjalan sesuai dengan Peraturan Mahkamah Agung Nomor 3 Tahun 2022 serta didukung oleh sarana dan infrastruktur digital yang memadai. Meskipun demikian, efektivitasnya dalam mencapai tujuan substantif mediasi masih terbatas. Selama periode 2023-2025 terdapat 37 perkara perceraian yang dimediasi secara elektronik, dengan 29 perkara tidak berhasil mencapai perdamaian dan 8 perkara hanya menghasilkan keberhasilan sebagian, terutama terkait tuntutan ikutan, bukan rekonsiliasi perkawinan. Rendahnya tingkat keberhasilan tersebut lebih dipengaruhi oleh konflik rumah tangga yang telah berlangsung lama, kuatnya keinginan para pihak untuk bercerai, rendahnya itikad baik untuk berdamai, keterbatasan interaksi emosional dalam ruang virtual, serta rendahnya literasi digital sebagian pihak, dibandingkan dengan faktor teknologi itu sendiri. Temuan ini menunjukkan bahwa kepatuhan terhadap prosedur belum tentu berbanding lurus dengan tercapainya tujuan substantif mediasi. Oleh karena itu, peningkatan efektivitas mediasi elektronik memerlukan penguatan kapasitas mediator dalam membangun komunikasi persuasif secara virtual, peningkatan literasi digital masyarakat, serta pengembangan strategi mediasi yang lebih adaptif terhadap karakteristik sengketa keluarga.

Kata kunci: Mediasi elektronik; perkara perceraian; efektivitas hukum; Pengadilan Agama.

INTRODUCTION

The high divorce rate in Indonesia remains a serious challenge for the religious court system (Hutagalung et al., 2025). Beyond reflecting the increasing incidence of marital conflict, this condition has also contributed to the growing caseload that must be resolved by the courts. In this context, mediation occupies a highly strategic role as a dispute resolution mechanism that not only seeks to alleviate case congestion (Ramadhanti et al., 2025) but also provides disputing parties with an opportunity to preserve their marriage through an amicable settlement. Accordingly, the success of mediation constitutes an important indicator in realizing the principles of a judiciary that is simple, expeditious, and cost-effective (Aldi, 2021).

At the same time, digital transformation has reshaped various aspects of public service delivery, including judicial services. Advances in modern technology have ushered human civilization into the era of Society 5.0, a concept that emphasizes the harmonious integration of human beings and technology. Introduced by the Government of Japan in response to the Fourth Industrial Revolution (Industry 4.0), Society 5.0 envisions a human-centered society in which technological innovation serves as a key driver of social, economic, and cultural development while remaining firmly grounded in humanitarian values (Rahmawati et al., 2021).

In line with these developments, the Government of the Republic of Indonesia has formulated a strategic policy in the field of Information and Communication Technology

through the Electronic Government (E-Government) program. This policy is based on Presidential Instruction No. 3 of 2003 on the National Policy and Strategy for E-Government Development, which emphasizes the implementation of electronic-based governance at both the central and regional levels (Napitupulu, 2017). The implementation of e-Government is intended to enhance the transparency, accountability, and efficiency of public service delivery (Mukarromah et al., 2024). In practice, however, the success of this initiative depends substantially on the availability of adequate information technology infrastructure (Syarifah et al., 2023) and the competence of the human resources managing it (Juliarso, 2019).

E-Government refers to the government's use of information technology via the internet to address public needs, provide public services (Maulani, 2020), and carry out various governmental activities. This concept encompasses not only the dissemination of information but also the conduct of transactions between the government and the public, which are carried out electronically through network-based digital systems (Fauzi & Purnamawati, 2025).

In the context of the judiciary, the Supreme Court of the Republic of Indonesia – as a state institution tasked with providing public services in the legal field – continues to innovate to improve the quality of services for citizens seeking justice. One strategic step taken is the utilization of information technology at every stage of judicial services, particularly through the implementation of electronic case management and the conduct of online court proceedings. These innovations are expected to provide services that are more efficient, transparent, and easily accessible to the public (Fattah et al., 2022).

One of the Supreme Court's key innovations in the field of dispute resolution is the issuance of Supreme Court Regulation of the Republic of Indonesia No. 3 of 2022 on Electronic Mediation in Court. This regulation governs the procedures for conducting mediation through an electronic system with the aim of improving the effectiveness, efficiency, and accessibility of the dispute resolution process (Abduh, 2025).

This regulation is an improvement upon Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court, which previously allowed mediation only in person in the court's mediation room (Abduh, 2025). Under this latest regulation, mediation may be conducted electronically or online through the court's virtual chambers, thereby providing greater flexibility for the parties (Handayani et al., 2023). This regulation is expected to improve accessibility, save time, and reduce the costs of dispute resolution, particularly for parties facing geographical barriers or mobility limitations.

Nevertheless, the effectiveness of electronic mediation cannot be measured solely by the availability of regulations or technological infrastructure. The Supreme Court's 2024 Annual Report indicates that the number of cases mediated within the Religious Courts reached 58,969, higher than the 44,148 mediation cases handled by the District Courts. The predominance of divorce cases within the Religious Courts indicates that mediation plays a crucial role in resolving family disputes. However, the high number

of mediated cases has not always been accompanied by a high success rate in resolving disputes through electronic mediation.

Although it has been regulated by law, the implementation of electronic mediation shows a trend that remains limited. Based on preliminary data, since the enforcement of PERMA No. 3 of 2022 on May 30, 2022, the implementation of electronic mediation in courts has remained minimal. At the Sungguminasa Religious Court, for example, in 2023, there were only 11 electronic mediation cases, all of which were unsuccessful, and in 2024, 6 cases also failed to result in an agreement.

This phenomenon highlights a gap between the normative provisions – which offer various benefits such as cost efficiency, time flexibility, and ease of access without the physical presence of the parties in court – and the reality of implementation on the ground. This situation raises academic questions regarding the factors influencing the suboptimal implementation of electronic mediation, particularly in the context of divorce cases.

At the institutional level, the Sungguminasa Class 1A Religious Court is among the units that have responded relatively quickly to the implementation of the PERMA regulation. Based on preliminary data, as of 2023, there were 12 electronic mediation cases out of a total of 187 mediated cases, and in 2024, there were 11 cases out of 157 mediated cases. However, these figures still indicate that the use of electronic mediation has not yet become the primary choice in dispute resolution practice.

Based on this description, the present study is undertaken to examine the effectiveness of electronic mediation in divorce cases at the Sungguminasa Religious Court and to identify the factors influencing its success rate in judicial practice.

LITERATURE REVIEW

Mediation is one of the Alternative Dispute Resolution (ADR) mechanisms aimed at resolving disputes through a process of deliberation with the assistance of a neutral third party (Budiman et al., 2025). Over time, mediation has evolved beyond being merely an alternative to court-based dispute resolution; it has become an integral part of the judicial system to facilitate faster, simpler, and more cost-effective case resolution. With the advancement of information technology, this concept has undergone a transformation through the implementation of electronic mediation as part of Online Dispute Resolution (ODR), which allows the mediation process to be conducted virtually without compromising the fundamental principles of mediation.

Previous studies have shown that the use of technology in the mediation process offers benefits such as increased time efficiency, reduced costs, and expanded access to dispute resolution services. Suriani et al. (2024) found that the implementation of electronic mediation at the Tanjungbalai Religious Court has been carried out in accordance with the provisions of PERMA No. 3 of 2022 and has made it easier for the parties to participate in the mediation process. However, the study also showed that the success of mediation is still influenced by the readiness of the parties, the mediator's competence, and the level of conflict that had developed before the case was filed in court.

These findings are consistent with a study by Faisal et al. (2024) showing that the effectiveness of mediation in divorce cases is not only determined by compliance with legal procedures but is also influenced by the psychological aspects of the parties, the quality of communication, and their commitment to reaching a settlement. The results of this study indicate that the success of mediation in family disputes is greatly influenced by the dynamics of interpersonal relationships, which cannot always be optimally accommodated through formal procedures.

Consistent with these findings, Syahrani et al. (2025) argue that the adoption of Online Dispute Resolution (ODR) in divorce cases constitutes an integral part of the judiciary's digital transformation, aimed at enhancing the efficiency, accessibility, and quality of judicial services. However, the effectiveness of electronic mediation depends not only on the availability of an adequate regulatory framework and digital platforms but also on the institutional readiness of the judiciary, the competence of mediators, the parties' ability to utilize digital technology, and their commitment to actively participating in the mediation process. Accordingly, the success of digital transformation in dispute resolution is determined by the synergy between the legal framework, human resource capacity, and technological readiness in its implementation.

A synthesis of the existing literature indicates that research on electronic mediation has predominantly focused on the digitalization of judicial services, the implementation of regulatory frameworks, and the use of technology as a means of dispute resolution. Most studies have not specifically examined the empirical effectiveness of electronic mediation in achieving its substantive objective—namely, facilitating amicable settlements between disputing parties, particularly in divorce cases. In other words, previous research has largely evaluated the success of electronic mediation from normative and administrative perspectives rather than assessing its effectiveness in actual dispute resolution practice.

Given this gap, this study focuses on the empirical effectiveness of electronic mediation in divorce cases at the Sungguminasa Class 1A Religious Court during the 2023–2025 period. Unlike previous studies that have emphasized regulatory aspects or the digitization of services, this study analyzes the extent to which electronic mediation is able to achieve the goal of dispute resolution based on actual practices in the field, while also identifying the factors that influence its success or failure.

METHODS

This study is an empirical legal study employing a qualitative approach and a descriptive-analytical design. The study aims to analyze the effectiveness of electronic mediation in divorce cases at the Sungguminasa Class 1A Religious Court during the 2023–2025 period based on actual practices in the field. This approach was chosen to gain a comprehensive understanding of the implementation of electronic mediation, the role of mediators, the responses of the parties, and various factors influencing its success or failure.

Primary data were obtained through in-depth interviews with 15 purposively selected informants, consisting of the Chief Judge of the Sungguminasa Religious Court, judge-mediators, and parties who had participated in electronic mediation. Meanwhile, secondary data were sourced from laws and regulations, mediation reports, court decisions, and scientific literature relevant to electronic mediation and dispute resolution in court.

Data were collected through interviews, observation, and document analysis. To ensure the credibility of the findings, source triangulation was employed by comparing interview data with official documents and observational findings. The data were subsequently analyzed using the interactive model developed by Miles and Huberman, comprising data condensation, data display, and conclusion drawing and verification. This analytical framework was used to identify patterns, relationships among the findings, and the factors affecting the effectiveness of electronic mediation in divorce cases.

RESULT AND DISCUSSION

Electronic Mediation Procedures at the Sungguminasa Class 1A Religious Court

The findings indicate that, in general, the implementation of electronic mediation at the Sungguminasa Religious Court does not differ substantively from conventional mediation. The principal distinction lies solely in the medium through which the mediation process is conducted, namely the use of electronic communication facilities. As in conventional mediation, the process begins with the appointment of a mediator by the panel of judges based on the agreement of the disputing parties. As explained by the Junior Registrar for Civil Claims, where the parties agree to undertake electronic mediation, the appointed mediator conducts the mediation process using the available electronic communication facilities.

The next stage involves the scheduling of mediation sessions by the mediator following the appointment by the panel of judges. In practice, the mediator coordinates the mediation schedule with the parties through mutually agreed digital communication platforms. This finding is corroborated by the testimony of legal counsel, who explained that once the panel of judges orders mediation, the mediator determines the schedule for the mediation sessions, which are subsequently conducted online through an agreed communication platform. Accordingly, while the procedural framework of mediation remains consistent with that of conventional mediation, its implementation is transferred to a virtual environment.

The conduct of electronic mediation also requires the consent of the parties as a manifestation of the principle of consensus in mediation. According to a statement from the IT officer and e-Court administrator at the Sungguminasa Religious Court, electronic mediation can only be conducted if the parties are registered in the e-Court system and have explicitly stated their consent to participate in the mediation process electronically. This consent is a fundamental requirement because it relates to the parties' technical readiness and willingness to participate in a digital-based mediation process.

Furthermore, communication during the electronic mediation process takes place through various agreed-upon online communication channels, such as video conferencing or other communication media. As emphasized by one certified mediator judge, there is technically no fundamental difference between electronic mediation and conventional mediation, except for the use of electronic communication media in its implementation.

Normatively, the electronic mediation procedure is governed by the provisions of PERMA No. 3 of 2022. Under this regulation, the electronic mediation process essentially follows the same stages as conventional mediation, with adjustments made to incorporate the use of information technology in all communication between the mediator and the parties. Therefore, electronic mediation does not alter the substance of mediation as an effort to resolve disputes peacefully; rather, it merely reconfigures the method of implementation to make it more adaptable to technological advancements.

Here, it is evident that electronic mediation represents an innovation within the judicial system that upholds the fundamental principles of mediation, such as deliberation, the mediator's neutrality, and a focus on peace. However, its implementation still depends on the agreement of the parties as a primary requirement; thus, the principle of voluntariness remains a crucial foundation for the successful implementation of electronic mediation at the Sungguminasa Religious Court.

These findings indicate that the implementation of PERMA No. 3 of 2022 at the Sungguminasa Religious Court has proceeded in accordance with normative provisions. The use of electronic media serves as a means to facilitate communication without altering the principles of voluntariness, mediator neutrality, confidentiality, or the orientation toward peaceful dispute resolution. Thus, the transformation that has taken place is more procedural than substantive.

Supporting Facilities for Electronic Mediation at the Sungguminasa Class 1A Religious Court

Research findings indicate that the Sungguminasa Religious Court has provided various facilities to support the implementation of electronic mediation. These facilities include mediation rooms equipped with computers and an adequate internet connection to facilitate online communication between mediators and the parties. The provision of these resources reflects the institution's commitment to implementing Supreme Court Regulation No. 3 of 2022 on Electronic Mediation in Courts.

In addition to the physical space, mediators are also given flexibility in selecting the communication platform used during the mediation process. The choice of video conferencing application is based on mutual agreement between the mediator and the parties, allowing for adjustments to suit each party's specific circumstances and needs. In practice, the communication platform is used not only for joint meetings but also allows for separate online meetings between the mediator and one of the parties. Thus, the available facilities are not merely physical but also include flexible communication technology support.

Overall, the availability of these facilities indicates that the Sungguminasa Religious Court possesses relatively adequate infrastructure to support the implementation of electronic mediation. The mediation room is also regarded as sufficiently representative, well maintained, and conducive to productive discussions, thereby enabling mediators to foster effective communication and encourage the parties to reach an amicable settlement. Consequently, the availability of facilities and infrastructure does not constitute a major obstacle to the implementation of electronic mediation. Rather, its effectiveness remains largely influenced by other factors, including the parties' readiness to participate, the quality of communication, and the nature and dynamics of the disputes being mediated.

The Implementation of Electronic Mediation in Divorce Cases

The findings further reveal that not all divorce cases at the Sungguminasa Religious Court are resolved through electronic mediation. In a number of cases, the parties continue to prefer face-to-face mediation conducted at the court. This preference is influenced by their limited technological proficiency as well as by their perception that direct, in-person communication is more effective and comfortable. One of the litigants explained that face-to-face mediation was easier to follow because communication could be conducted more clearly than through electronic media.

Beyond these technical considerations, the characteristics of divorce disputes themselves also influence the effectiveness of electronic mediation. Marital conflicts that have persisted over an extended period often result in strained and emotionally charged communication between the parties. Under such circumstances, electronic mediation presents greater challenges because mediators are unable to fully perceive the parties' emotional expressions and interpersonal dynamics within a virtual environment.

This finding was reinforced by a certified judge-mediator, who explained that mediation in divorce cases—particularly when conducted electronically—is inherently difficult because the parties' emotional relationship is often already severely strained or even openly hostile. Such circumstances significantly limit the prospects for reconciliation, especially when the mediation process is conducted without the physical presence that enables direct interpersonal and emotional interaction.

Another judge-mediator expressed a similar view, emphasizing that in electronic mediation, mediators are unable to fully perceive the parties' emotional dynamics due to the inherent limitations of virtual interaction. As a result, mediators face greater difficulty in influencing the parties' psychological disposition toward reconciliation, particularly in divorce cases, where successful mediation largely depends on an emotionally responsive approach.

In practice, mediators nevertheless strive to maintain the effectiveness of the mediation process by fostering open communication, ensuring that each party is given an equal opportunity to present their views, maintaining neutrality, and adopting a persuasive approach. They also endeavor to create a constructive and conducive atmosphere for discussion despite the mediation being conducted online.

The observational findings indicate that the mediators performed their duties in accordance with the applicable procedural framework by providing both parties with adequate opportunities to present their arguments and by proposing various settlement options. Nevertheless, the findings also demonstrate that the implementation of electronic mediation continues to encounter several challenges, the most significant of which is the limited emotional interaction inherent in the virtual mediation environment.

This situation creates a “communication gap” between the mediator and the parties, which ultimately results in suboptimal efforts to build emotional rapport and persuade the parties during the mediation process. Therefore, although the implementation of electronic mediation is normatively in accordance with statutory provisions, its effectiveness still faces various challenges in practice, particularly in divorce cases, which are heavily influenced by the emotional factors of the parties.

The Success Rate of Electronic Mediation in Divorce Cases at the Sungguminasa Religious Court

The success of mediation is a key indicator for measuring the effectiveness of mediation implementation in courts. In divorce cases, the primary goal of mediation is to foster reconciliation between husband and wife so that divorce can be avoided. Through the mediation process, the parties are given the opportunity to express their respective interests, seek mutual solutions, and resolve conflicts peacefully.

The low success rate is not solely related to the use of electronic media but is more influenced by the characteristics of divorce cases, the psychological conditions of the parties, and their level of readiness to maintain the marital relationship. This is consistent with a study Haryuni et al., (2024) that identifies psychological conditions as one of the indicators of mediation success.

One of the attorneys explained that the use of technology in the mediation process does not automatically increase the chances of success, because in some divorce cases, a stronger emotional approach and empathy are needed so that the parties can open themselves up to reconciliation. This indicates that electronic media serve only as a supporting tool in the mediation process, while success still depends on the dynamics of the relationship between the parties and the mediator's ability to facilitate communication. This finding is consistent with the study by Latifah et al., (2025) which concluded that mediators' understanding of family psychology and their communication skills have a significant influence on the success of the mediation process.

The low success rate of electronic mediation is also influenced by the nature of domestic conflicts, which have generally been ongoing for a long time before the case is filed in court. According to external mediators, divorce cases have often gone through a long conflict process, so the parties have already taken firm positions and made the decision to separate. Consequently, the mediation process becomes more difficult because the parties' initial goal is no longer to seek a mutual resolution but rather to obtain a divorce decree. This finding is consistent with the study by Ridwan et al., (2026) which reported that the failure of electronic mediation is largely influenced by one party's

strong determination to proceed with the divorce, as well as by the involvement of third parties whose intervention tends to exacerbate the conflict.

Another factor that contributes to the success of mediation is the parties' good faith in reaching a settlement. A certified mediator-judge explained that the success of mediation is not fundamentally determined by the method of conduct—whether in-person or electronic—but rather depends heavily on the mediator's skills and the parties' willingness to set aside their egos and open the door to a peaceful resolution.

Based on research data, it is known that during the years 2023–2025, there were 37 divorce cases conducted through the electronic mediation mechanism at the Sungguminasa Religious Court. Of that number, 29 cases were deemed unsuccessful, while 8 cases successfully reached a resolution. These data indicate that the success rate of electronic mediation remains limited compared to the total number of cases mediated.

Nevertheless, the implementation of electronic mediation continues to provide benefits in terms of the effectiveness of judicial services. Electronic mediation offers convenience to parties who face time constraints, distance, or specific circumstances that make it difficult for them to appear in court in person. With the electronic system, the mediation process can proceed more flexibly without compromising the fundamental principle of peaceful dispute resolution.

Overall, the study's findings indicate that the low success rate of electronic mediation in divorce cases is influenced more by substantive factors than by technical ones. The intensity of domestic conflict, the parties' strong desire to end the marriage, and their low commitment to reaching a settlement are more dominant factors than the use of electronic media itself. Therefore, improving the effectiveness of electronic mediation requires not only technological support but also strengthening mediators' capacity to employ persuasive communication, psychological approaches, and trust-building strategies throughout the mediation process.

Challenges in the Implementation of Electronic Mediation in Divorce Cases at the Sungguminasa Religious Court

The implementation of electronic mediation in divorce cases at the Sungguminasa Religious Court still faces a number of challenges that affect the effectiveness of the dispute resolution process. Based on the research findings, these obstacles can be categorized into two main aspects: technical obstacles related to technological infrastructure and non-technical obstacles related to human resources, the psychological conditions of the parties, and limitations on interaction in the electronic mediation process..

1. Technical Obstacles in the Implementation of Electronic Mediation

One of the most common technical obstacles encountered in the implementation of electronic mediation is unstable internet connectivity. Given that the entire communication process between the mediator and the parties takes place via electronic media, network quality is a critical factor determining the smooth operation of the mediation process. Internet connection disruptions can lead to degraded audio and video quality, choppy audio, blurry images, and even sudden communication breakdowns.

Similar challenges were also identified in a study Hartini (2025) conducted at the South Jakarta District Court..

These conditions affect the effectiveness of communication between the mediator and the parties. In the mediation process for divorce cases, smooth communication is a crucial aspect because the mediator needs to understand the parties' domestic issues while simultaneously developing a persuasive approach to facilitate a potential settlement. If communication is disrupted, the mediator faces difficulties in conveying messages fully or fully interpreting the parties' responses.

However, according to the mediator's account, network issues do not always pose a barrier if the internet connection is stable and the mediator is able to manage the discussion effectively. In other words, such technical disruptions can be minimized if supported by adequate infrastructure and the technical capabilities of both the parties and the mediator.

In addition to network disruptions, another technical challenge encountered is sudden power outages. The conduct of electronic mediation relies heavily on digital devices such as computers, laptops, cameras, and the internet, all of which require a power supply. When a power outage occurs, communication devices cannot be used, forcing the mediation process to be halted or rescheduled.

Power outages affect not only the technical aspects of electronic mediation but also the dynamics of the reconciliation process itself. In divorce cases, mediation often involves emotionally sensitive discussions that require continuity in communication. An unexpected interruption caused by a power outage may disrupt the flow of the mediation process and undermine the communicative momentum that the mediator has carefully established. Consequently, mediators are often required to rebuild rapport and re-establish constructive communication during subsequent mediation sessions.

2. Non-Technical Challenges in the Implementation of Electronic Mediation

In addition to technical challenges, the effectiveness of electronic mediation is also influenced by various non-technical factors, particularly the mediator's limited ability to establish an emotional connection with the parties. In divorce cases, the mediator is not only tasked with facilitating communication but also plays a role in creating an atmosphere that allows the parties to reconsider their decision to separate.

In conventional mediation, mediators can directly observe the parties' facial expressions, body language, and emotional responses. Such direct interaction helps the mediator determine the appropriate communication strategy to encourage openness and an amicable resolution. However, in electronic mediation, this interaction is limited because the mediator communicates solely through a digital screen. A similar challenge – the lack of a “feel-to-feel” connection between the mediator and the parties in online mediation – has also been identified (Lonthor & Arianto, 2025).

These limitations make it difficult for mediators to fully understand the parties' emotional states. In some cases, mediators cannot determine whether the parties are truly focused on the mediation process or engaged in other activities outside of it. One judge-mediator explained that in electronic mediation, there are limitations on oversight

because mediators cannot directly monitor the parties' behavior as they can in face-to-face mediation.

This situation affects the mediator's ability to establish an emotional connection and influence the parties to reach a settlement. In fact, divorce cases often require a strong psychological approach because the conflicts involved are not merely legal in nature but also relate to emotional and interpersonal aspects.

Another non-technical challenge is the low level of digital literacy among some parties to the case. Research findings indicate that there are still parties who experience difficulties in using technologies that support electronic mediation, such as creating emails, using online communication apps, and uploading documents through the e-Court system.

These limitations in technological proficiency are generally influenced by age, educational level, and experience with digital devices. As a result, the court and mediators need to provide additional assistance before the mediation process can proceed. This situation makes the mediation process less efficient because it requires additional time and effort. Furthermore, limited technological proficiency also has the potential to compromise the principle of mediation confidentiality. The parties' reliance on others for assistance in using electronic devices could open the door to third-party involvement during the mediation process.

Based on these findings, it is clear that the challenges in implementing electronic mediation at the Sungguminasa Religious Court are not only related to technological aspects but also encompass human factors and the characteristics of divorce cases themselves. Technical challenges, such as internet connection disruptions and power outages, indicate that the effectiveness of electronic mediation requires stable infrastructure support. Meanwhile, non-technical challenges—such as limited emotional interaction, low digital literacy, and the mediator's limited ability to monitor proceedings—indicate that the success of electronic mediation depends heavily on the readiness of the mediator, the parties involved, and the electronic court support system.

The Effectiveness of Electronic Mediation in Divorce Cases at the Sungguminasa Class 1A Religious Court

The effectiveness of a legal policy may fundamentally be assessed by the extent to which its implementation achieves the objectives underlying its enactment. Within the judicial system, mediation serves as a dispute resolution mechanism designed to encourage parties to resolve their disputes amicably without proceeding to full litigation. In divorce cases, the success of mediation is particularly significant because it provides spouses with an opportunity to reconsider their decision to dissolve the marriage and creates the possibility of preserving or restoring the marital relationship.

However, the findings of this study indicate that the effectiveness of electronic mediation in divorce cases at the Sungguminasa Class 1A Religious Court remains limited. This is reflected in the implementation data for electronic mediation during the 2023–2025 period, as presented below.

Year	Successful	Partially Successful	Unsuccessful	Total
2023	0	1	5	6
2024	0	5	11	16
2025	0	2	13	15
Total	0	8	29	37

Source: *Electronic Mediation Reports on Divorce Cases, Sungguminasa Religious Court, 2023–2025*

The data indicate that, of the 37 divorce cases referred to electronic mediation, 29 resulted in unsuccessful mediation, while the remaining 8 achieved only partial success. In this context, partial success refers to cases in which the parties proceeded with the divorce but were able to reach agreement on certain ancillary issues, particularly those relating to spousal maintenance and other consequential claims..

These findings indicate that, although electronic mediation has been implemented in accordance with the prescribed procedural requirements, it has not yet fully achieved its primary objective of preserving the marital relationship through an amicable settlement. The relatively low success rate is attributable to several factors, most notably the prolonged marital conflicts that had already developed before the cases were brought before the court.

One of the mediators explained that divorce cases submitted to the court generally involve disputes that have reached an advanced stage of conflict, with most parties having already made a firm decision to dissolve the marriage prior to the commencement of mediation. Under such circumstances, mediation often becomes little more than a mandatory procedural stage that must be completed before the case proceeds to formal judicial examination.

Another factor affecting the effectiveness of electronic mediation is the parties' lack of good faith to pursue an amicable settlement. The success of mediation depends not only on the mechanism or medium through which it is conducted but also on the parties' willingness to engage in constructive communication and to set aside their individual interests in pursuit of a mutually acceptable resolution (Lonthor & Arianto, 2025). In divorce cases, longstanding marital conflicts frequently give rise to deeply rooted emotional attitudes that cannot easily be reconciled within the relatively limited timeframe of the mediation process.

In addition to psychological factors, the effectiveness of electronic mediation is also influenced by technical considerations. As technology serves as the primary medium through which the mediation process is conducted, its successful implementation depends heavily on the quality of the underlying digital infrastructure, particularly the stability of internet connectivity. Network disruptions may impede communication between the mediator and the parties, thereby limiting the effective exchange of views, clarification of disputed issues, and the mediator's ability to employ persuasive techniques throughout the mediation process.

Another limitation identified by the study concerns the uneven levels of technological literacy among the parties. Some participants continue to experience

difficulties in operating digital devices or using online communication platforms. As a result, the mediation process often requires additional technical assistance, thereby reducing its procedural efficiency.

To evaluate the effectiveness of electronic mediation, this study adopts Soerjono Soekanto's theory of legal effectiveness, which posits that the effectiveness of law is determined by five interrelated factors: the legal framework, law enforcement officials, supporting facilities and infrastructure, societal factors, and legal culture (Soekanto, 2014).

First, with respect to the legal framework, the implementation of electronic mediation at the Sungguminasa Class 1A Religious Court is supported by a clear legal basis through Supreme Court Regulation No. 3 of 2022 concerning Electronic Court-Annexed Mediation. This regulation provides the legal legitimacy for technology-based mediation and serves as the principal legal foundation for courts in delivering electronic dispute resolution services. The findings indicate that all stages of the mediation process have been conducted in accordance with the requirements of the Regulation. Accordingly, no normative or regulatory obstacles were identified in the implementation of electronic mediation.

Second, regarding the law enforcement factor, the mediators at the Sungguminasa Religious Court have performed their duties in accordance with the applicable legal framework. Acting as neutral facilitators, they assist the parties in establishing communication, identifying the underlying issues, and exploring possible settlement options. Nevertheless, the effectiveness of the mediator's role becomes more challenging when mediation is conducted in a virtual environment. The inability to fully observe the parties' facial expressions, body language, and emotional responses substantially limits the mediator's capacity to employ persuasive techniques and foster constructive dialogue compared with conventional face-to-face mediation.

Third, concerning facilities and infrastructure, the Court has provided the necessary supporting facilities, including dedicated mediation rooms, technological equipment, and electronic communication facilities. However, the quality of internet connectivity and the parties' level of technical preparedness continue to affect the smooth operation of the mediation process. These findings suggest that although the required infrastructure is generally available, its effectiveness has not been fully matched by the technical readiness of all users of the service.

Fourth, with respect to the societal factor, the success of mediation is largely influenced by the circumstances of the disputing parties. Most couples filing for divorce have experienced prolonged marital conflicts before initiating judicial proceedings, resulting in a diminished willingness to preserve their marriage. In addition, the relatively low level of digital literacy among some participants affects the implementation of electronic mediation, as they require additional technical assistance throughout the process.

Finally, in terms of legal culture, the findings indicate that family dispute resolution continues to be perceived as more effective when conducted through face-to-face

interaction. This preference for direct communication means that some parties remain reluctant to use electronic platforms as a forum for discussing highly personal and sensitive marital issues. These findings suggest that the digital transformation of family dispute resolution requires not only an adequate legal framework and technological infrastructure but also a gradual process of adaptation within the broader legal culture to foster public acceptance of electronically mediated dispute resolution mechanisms.

Based on these five indicators, this study shows that the implementation of electronic mediation at the Sungguminasa Religious Court has been effective in terms of procedural compliance, but has not yet been fully effective in terms of achieving the substantive objectives of mediation. The low success rate is not primarily due to the use of electronic media but is more influenced by the characteristics of divorce cases, the psychological conditions of the parties, the limitations of emotional interaction in a virtual space, and the public's readiness to utilize technology. Thus, the effectiveness of electronic mediation is the result of the interaction between legal, institutional, technological, and behavioral factors of the parties, not solely determined by the existence of the electronic system itself.

Nevertheless, electronic mediation still holds positive value in improving access to and the efficiency of judicial services. Efforts to enhance the effectiveness of electronic mediation should be directed not only toward improving digital infrastructure but also toward enhancing mediators' capacity to build persuasive communication in virtual spaces, strengthening the public's digital literacy, and developing mediation strategies that are more adaptive to the characteristics of family disputes. These efforts are expected to increase the success rate of electronic mediation without compromising the fundamental principles of mediation as stipulated in PERMA No. 3 of 2022.

CONCLUSION

Electronic mediation in divorce cases at the Sungguminasa Class IA Religious Court has been conducted in accordance with the provisions of Supreme Court Regulation No. 3 of 2022 on Electronic Mediation in Courts. All stages of mediation—from the appointment of a mediator, the consent of the parties, scheduling, to the conduct of the proceedings via electronic communication—have proceeded in accordance with applicable procedures. The court has also provided adequate supporting facilities and infrastructure, such as a mediation room, technological equipment, and internet access, ensuring that the implementation of electronic mediation has been carried out properly from both a normative and administrative standpoint. The introduction of electronic mediation offers benefits such as increased accessibility, time efficiency, and flexibility for parties who are unable to appear in person at the court.

The effectiveness of electronic mediation in achieving the substantive goals of mediation—namely, fostering reconciliation and preventing divorce—remains suboptimal. Of the 37 divorce cases mediated electronically during the 2023–2025 period, 29 failed to reach a settlement, while 8 resulted in only partial success. This low success rate is influenced more by substantive factors than by technical ones, namely long-

standing domestic conflicts, the parties' strong desire to divorce, a lack of good faith in seeking reconciliation, the mediators' limitations in building emotional rapport through a virtual space, and the still-low digital literacy of some parties. Based on an analysis using Soerjono Soekanto's theory of legal effectiveness, it can be concluded that electronic mediation has been effective in terms of compliance with regulations but has not yet been fully effective in achieving the goal of peaceful dispute resolution. Therefore, improving the effectiveness of electronic mediation requires strengthening mediators' capacity to apply persuasive communication virtually, improving the public's digital literacy, and developing mediation strategies that are more adaptive to the characteristics of family disputes.

REFERENCES

- Abduh, M. (2025). Mediasi Elektronik Sebagai Sarana Penyelesaian Sengketa Di Era Digital (Tinjauan Atas Perma No. 3 Tahun 2022). *Ahwaluna: Jurnal Hukum Keluarga Islam*, 6(1), 27-46. <https://doi.org/10.70143/ahwalunajurnalhukumkeluargaislam.v6i1.442>
- Aldi. (2021). Implementasi Perma Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan Terkait Dengan Pelaksanaan Asas Peradilan Sederhana Cepat Dan Biaya Ringan Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Sungai Raya Kabupaten Kubu Raya. *Jurnal Fatwa Hukum*, 4(4). <https://jurnal.untan.ac.id/index.php/jfh/article/view/51291>
- Budiman, E. A., Wirahma, N. S., Putra, Z. I. A., & Kamilah, A. (2025). Peran Mediasi dalam Menyelesaikan Sengketa Perikatan Kontrak: Sebuah Tinjauan Yuridis. *Indonesian Journal of Law and Justice*, 3(2), 18. <https://doi.org/10.47134/ijlj.v3i2.5030>
- Faisal, Said, M. H. M., Manfarisyah, M., Jumadiyah, Herinawati, & Effida, D. Q. (2024). Divorce Settlement Through Mediation Process In Lhokseumawe Sharia Court. *Diponegoro Law Review*, 9(1), 153-166. <https://doi.org/10.14710/dilrev.9.1.2024.153-166>
- Fattah, M. I., Sadat, A., & Basri, H. (2022). Efektivitas Persidangan Secara Elektronik (E-Litigasi) Pada Masa Pandemi Di Pengadilan Agama Polewali. *QISTHOSIA : Jurnal Syariah Dan Hukum*, 3(1), 48-62. <https://doi.org/10.46870/jhki.v3i1.246>
- Fauzi, E. A., & Purnamawati, N. (2025). Definisi Konseptual E-Government dan E-Governance: Analisis Komparatif. *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisiplin*, 12(1), 16-22. <https://doi.org/10.37304/wacana.v12i1.21430>
- Handayani, D., Risma, A., & Septiandani, D. (2023). Kajian Yuridis Penyelesaian Sengketa Melalui Mediasi Elektronik Di Era New Normal. *Dih: Jurnal Ilmu Hukum*, 19(2). <https://doi.org/https://doi.org/10.30996/dih.v19i1.8625>
- Hartini, S. I. (2025). Efektivitas Penyelesaian Sengketa Perdata Melalui Mediasi Elektronik: Studi Kasus Implementasi di Pengadilan Negeri Jakarta Selatan. *Veritas Procedural: Menuju Keadilan Prosedural*, 1(1). <https://ejournal.up45.ac.id/index.php/vp/article/view/2447>
- Haryuni, M., Darwis, M., & Arisman. (2024). Karakteristik Keberhasilan Mediasi Perceraian Di Pengadilan Agama Bengkalis Berdasarkan Perma No. 1 Tahun 2016. *Yustisi*, 11(3), 297-310. <https://doi.org/10.32832/yustisi.v11i3.17897>
- Hutagalung, B. R. N., Lubis, M. D., Nasution, V. A. K. A., Hariyati, C. S., Febrian, N. P., & Alhadi, E. (2025). Efektivitas Mediasi dalam Menekan Angka Perceraian di Pengadilan Agama Medan. *EDU SOCIETY: Jurnal Pendidikan, Ilmu Sosial Dan*

- Pengabdian Kepada Masyarakat, 5(3), 2633–2638.
<https://doi.org/10.56832/edu.v5i3.2718>
- Juliarso, A. (2019). Analisis Implementasi E-Government Dalam Meningkatkan Kinerja Pelayanan Publik Pada Pemerintah Daerah Kabupaten Ciamis. *Kebijakan : Jurnal Ilmu Administrasi*, 10(1), 10–15. <https://doi.org/10.23969/kebijakan.v10i1.1417>
- Latifah, R. S., Radiana, A., & Ramdani, R. (2025). Relevansi Pemahaman Psikologi Keluarga Terhadap Keberhasilan Mediasi Perkara Perceraian di Pengadilan Agama. *Al-Mizan*, 12(2).
<https://doi.org/https://doi.org/10.54621/jiam.v12i2.1237>
- Lonthor, W. H., & Arianto. (2025). Implementasi Perma No 3 Tahun 2022 Tentang Mediasi Elektronik Terhadap Perkara Perceraian. *Jurnal Ilmu Hukum*, 4(1).
<https://jurnal.iaih.ac.id/index.php/JURIH/article/view/2013/503>
- Maulani, W. (2020). Penerapan Electronic Government Dalam Peningkatan Kualitas Pelayanan Publik (Studi Kasus Program E-Health Di Kota Surabaya). *As-Siyasah*, 5(2). <https://dx.doi.org/10.31602/as.v5i2.3248>
- Mukarromah, N., Pratiwi, A., Listiani, S. E., & Hayat. (2024). Implementasi Kebijakan E-Government dalam Meningkatkan Transparansi dan Akuntabilitas Pemerintah. *Jurnal Transformasi Humaniora*, 7(11).
https://oaj.jurnalhst.com/index.php/jth/article/view/5967?utm_source=chatgpt.com
- Napitupulu, D. B. (2017). Pengujian Kerangka Kerja Pemeringkatan E-Government di Indonesia (PeGI): Studi Kasus di Tingkat Kementerian. *Jurnal Penelitian Komunikasi*, 20(1), 15–30. <https://doi.org/10.20422/jpk.v20i1.123>
- Rahmawati, M., Ruslan, A., & Bandarsyah, D. (2021). The Era of Society 5.0 as the unification of humans and technology: A literature review on materialism and existentialism. *Jurnal Sosiologi Dialektika*, 16(2).
<https://doi.org/https://dx.doi.org/10.20473/jsd.v16i2>
- Ramadhanti, Y., Sajali, M., & Taufiqurachman. (2025). Implementasi Mediasi Dalam Penyelesaian Sengketa Perceraian Di Pengadilan Agama Bogor Kelas 1 A Tahun 2019-2022 (Studi Kasus Di Pengadilan Agama Bogor Kelas 1 A). *EL-SIYASA: Journal Of Constitutional Law*, 2(2), 84–91. <https://doi.org/10.61341/el-siyasa/v2i2.017>
- Ridwan, M. A., Hamid, Abd. H., & Santing, W. (2026). Efektivitas Mediasi Secara Elektronik Dalam Penanganan Perceraian Di Pengadilan Agama Makassar Klas Ia. *Clavia*, 24(1), 280–287. <https://doi.org/10.56326/clavia.v24i1.8823>
- Soekanto, S. (2014). *Faktor-faktor yang Mempengaruhi Penegakan Hukum*. RajaGrafindo Persada.
- Suriani, Lubis, S. F., Martua, J., Siregar, S. H., & Al Azmi, C. (2024). The Effectiveness Of Electronic Mediation As A Resolution Of Divorce Cases In The Tanjungbalai Religious Courts. *JURNAL ILMIAH ADVOKASI*, 12(2), 337–343.
<https://doi.org/10.36987/jiad.v12i2.5380>
- Syahrani, D. F., Ramadhandiko, D. A., S, G. D., Kusuma, N. P. A., & Nugroho, A. A. (2025). Tinjauan Yuridis terhadap Penerapan Mediasi Online (Online Dispute Resolution) dalam Perkara Perceraian di Pengadilan Agama. *Media Hukum Indonesia*, 3(2). <https://ojs.daarulhuda.or.id/index.php/MHI/article/view/1852>
- Syarifah, Muksin, D., & Fadlan, M. (2023). Analisis Faktor Implementasi E-Government Di Kabupaten Jayawijaya Papua. *Journal of Social Politics and Governance (JSPG)*, 5(2), 199–210. <https://doi.org/10.24076/jspg.v5i2.1478>