

## **The Role of the Marriage Advisory, Development and Preservation Body (Bp4) in Divorce Mediation**

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### **Abstrak**

*Divorce settlement through mediation is the main choice, mediation efforts can facilitate the court because it will reduce the accumulation of cases. The Marriage Advisory, Development and Preservation Agency (BP4) as a mediator has a decisive role in a mediation process. This research focuses on the role of BP4 in the divorce mediation process, BP4 has an important role related to the success of mediation which is determined by the mediator, who plays an active role in bridging a number of meetings between the parties. This research was conducted using a qualitative descriptive method. The results of this study concluded that the implementation of divorce mediation that was successfully mediated by the BP4 showed a rate of 1.76%. This data proves that divorce mediation carried out by the BP4 Center has not been effective. The obstacles faced include the limited budget to improve the quality of mediators and the absence of the parties during the mediation process. To be able to optimize the performance of mediators, BP4 should open opportunities for other parties to enter into it, such as Islamic Scholars and activists of non-governmental organizations.*

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## **1. INTRODUCTION**

Marriage according to Marriage Law no. 1 of 1974 is considered an agreement (agreement) as long as the word agreement is taken in a broad sense. Because to carry out a marriage, a man and a woman need to have a matching will and information about the existence of that will (Wantjik Saleh, 1992). The main purpose of marriage according to the Marriage Law is to form a happy and eternal family (Law Number 1 of 1974). Marriage is a sacred part of life, because it must pay attention to the norms and rules of life in society. However, in reality, not everyone has such principles, for various reasons that are quite reasonable and acceptable to society, marriage is often not respected for its sacredness (Fathur Rozi, A., & Jufri Ahmad, M, 2023). The increasing number of divorces has led to the collapse of the sacred principle of marriage itself, and nowadays divorce has become commonplace and is even done repeatedly.

As mentioned in the Hadith narrated by Imam Abu Dawud Ibn Majah, and Al-Hakim (Hadith No-1863), the meaning is:

"The halal thing that Allah hates most is divorce (divorce)."

Therefore, marital relations should be strengthened firmly in any way. "However, if there is an irreconcilable dispute between husband and wife, divorce cannot be avoided." (Mas'ud, 2000) Divorce is something that is permitted in the teachings of Islam if various methods have been taken to create harmony, peace and happiness, but the hope for the goal of marriage will not be realized or achieved so what happens is divorce. As for the permissibility of divorce according to Islam, one of them is in the verse of the Al-Qur'an (QS Al-Baqarah: 227) which means:

"And if they azam (resolve to) divorce, then surely Allah is All-Hearing, All-Knowing"

According to Asy-sya'rawi, divorce in a household occurs because "There are various problems and differences between both parties that cannot be resolved by them. These differences were initially covered by pleasure and love, so that they were not aware that as the days went by new problems emerged so that triggering disputes between them" (Asy-sya'rawi, 2004). As Allah says in Surah Al-Tahrim verse 6, which means:

"O you who believe, protect yourselves and your families from the fire of hell whose fuel is people and stones; The guardians are angels who are harsh, harsh, who do not disobey Allah in what He commands them and always do what they are commanded."

Around the 1950s, institutions were formed which operated in the field of family counseling to anticipate changing times which posed challenges and threats to the family. Then, in order to achieve effectiveness and productivity, these advisory institutions merged into the Marriage and Divorce Settlement Advisory Board (BP4). Since 2002, this institution changed its name to the Marriage Advisory, Development and Preservation Agency (BP4) until now (Huda, M, 2021).

Since its founding in 1960, BP4 as a partner institution of the Ministry of Religion has taken an important role in the tasks of improving the quality of marriage and fostering family resilience. The role and function of BP4 in its historical trajectory has experienced ups and downs in line with policy changes and developments in society. In this way, the role and function of BP4 is no longer just an advisory institution but functions as a mediator and advocacy institution in the family sector (Daan Dini Khairunnida, 2013).

BP4's functions and duties remain consistent in implementing Law no. 1 of 1974 concerning marriage and other laws and regulations concerning marriage, therefore the function and role of BP4 is very necessary for society in realizing the quality of marriage. According to Islamic teachings, to improve the quality of marriage, marriage guidance and counseling is needed continuously and consistently in order to create a harmonious household, as well as equipping each individual to have mental and physical preparation as well as strong endurance in facing shocks in marriage (Zulfikar, T., & Fathinuddin, M, 2023). These activities are carried out by BP4 with marriage consultations and improving services for families with problems through counseling, mediation and advocacy activities.

Thus, BP4 has the task of providing direct services to the community in the form of advice, guidance, preservation, mediation and advocacy on marriage as well as providing encouragement to all community leaders, Islamic organizations, counselors and marriage advisors to be more proactive in providing guidance and counseling about the importance of the existence of an eternally happy family. based on the Almighty Godhead.

It can be known based on Supreme Court Regulation (PERMA) no. 1 of 2016 dated 3 February 2016 concerning Mediation Procedures in Court, BP4 is no longer under the auspices of the Indonesian Ministry of Religion but is under the guidance of the Supreme Court and has the task of being a non-judge mediator for divorce lawsuit cases that go to court. The existence of this PERMA makes BP4's role in seeking peace for couples who are litigating in the Religious Courts even greater by arranging the mediation process.(Daan Dini Khairunnida, 2013).

It was also stated in the XV National Conference (MUNAS) in 2014, one of the tasks of BP4 was "Providing mediation assistance to parties litigating in religious courts". (Results of the XVth National Conference 2014) Therefore, the Religious Court (PA) in trying to reconcile the two parties who are going to divorce, can ask for help from BP4 to advise the two husband and wife to live prosperously again in a household. Since the enactment of the Religious Courts Law no. 7 of 1989, the Religious Courts as one of the implementers of judicial power have practiced mediation in the process of resolving cases, especially in matters of divorce.

Settlement of divorce through mediation is the main choice, because apart from being able to negotiate the wishes of the parties by means of peace, apart from that mediation efforts will of course also be beneficial for the court because it will reduce the backlog of cases. It can be seen that the definition of mediation is "a method of resolving disputes through negotiations based on consensus or consensus of the parties by asking one neutral party who is then called a mediator" (Takdir Rakhmadi, 2010).

The current phenomenon is that divorcing parties participate in the mediation process not because of their desires and not because they see a good opportunity for a divorce resolution process through mediation or see benefits from mediation, but rather because they are worried that their decision will be null and void if they do not follow the mediation process. This problem can be seen from the number of families filing for divorce from both husbands and wives as seen in the following graph:



**Figure 1. Divorce Cases in Indonesia 2015 -2022.**

By looking at the graph above, it can be seen that the number of cases involving contested divorce is greater than that of talak divorce and both have increased, however, cases that have been revoked have also increased, although not significantly. The graphic example proves that the basic understanding of mediation and its benefits is still not optimal. Many people understand mediation as simply meeting with a third party as a mediator, but they do not see any further benefits from the mediation process, so understanding mediation is very important (Fitri, E., & Hufron, 2023).

Under these conditions, it is hoped that the parties will be able to find and see the positive side of the mediation process being offered. The process of providing an understanding of the benefits of resolving cases through mediation (socialization) should be carried out maximally first so that the public gains understanding and knowledge of the importance of the process of resolving cases through mediation (Lestari, N, 2017).

## 2. RESEARCH METHOD

The method used in this research is a descriptive research method of analysis of mediation theories and the implementation of mediation by BP4. This research was conducted at the Central Marriage Advisory, Development and Preservation Agency (BP4) Office. The data sources in this research consist of:

1. Primary data is data obtained directly from research in the form of direct interviews with 3 Central BP4 sources, each of whom is a consultant, mediator and legal expert.
2. Secondary data in the form of data obtained through literature that is relevant to research problems such as literature, documents, and legislation, in the form of the

results of the XVth (15th) 2014 National Conference (MUNAS), Supreme Court Regulation (Perma) No. 1 of 2016 concerning Mediation Procedures in Court, reference books specifically discuss mediation theory, some of which are obtained from sources, mediation recap files, as well as data regarding the Central BP4 profile.

Apart from that, the data collection techniques used in this research are as follows:

1. Interviews were conducted to obtain information from respondents regarding BP4 as a divorce mediator, including what efforts were made to mediate divorce, the factors that caused divorce, efforts as a mediator, obstacles that occurred and their efforts, etc.
2. Documentation, in this research the author collected information by recapitulating data in the documentation archive at the Central BP4 office such as mediation or consultation data for 2022. The author was also helped by the respondents who volunteered to provide several books about BP4, marriage pocket books, history of BP4, counseling books, premarital course books and others.
3. The data analysis technique carried out by the author starts from presenting raw data into written data, then followed by a description so that it becomes clear and ends with drawing conclusions that refer to the research problem with elements related to the problem formulation which then produces several specific categories.

### 3. Results and Discussion

#### 1. Central BP4 Profile

Since 2009 Central BP4 has been positioned as an independent organization which is a working partner of the Ministry of Religion with the main activities namely advising, coaching and preserving marriage. Because of its experience and reputation, Central BP4 has now received accreditation from the Supreme Court as an institution that has the right to provide training and provide mediator certificates.

As stated by Drs. H. Anwar Saadi, MA as Consultant and Legal Expert for Central BP4 that:

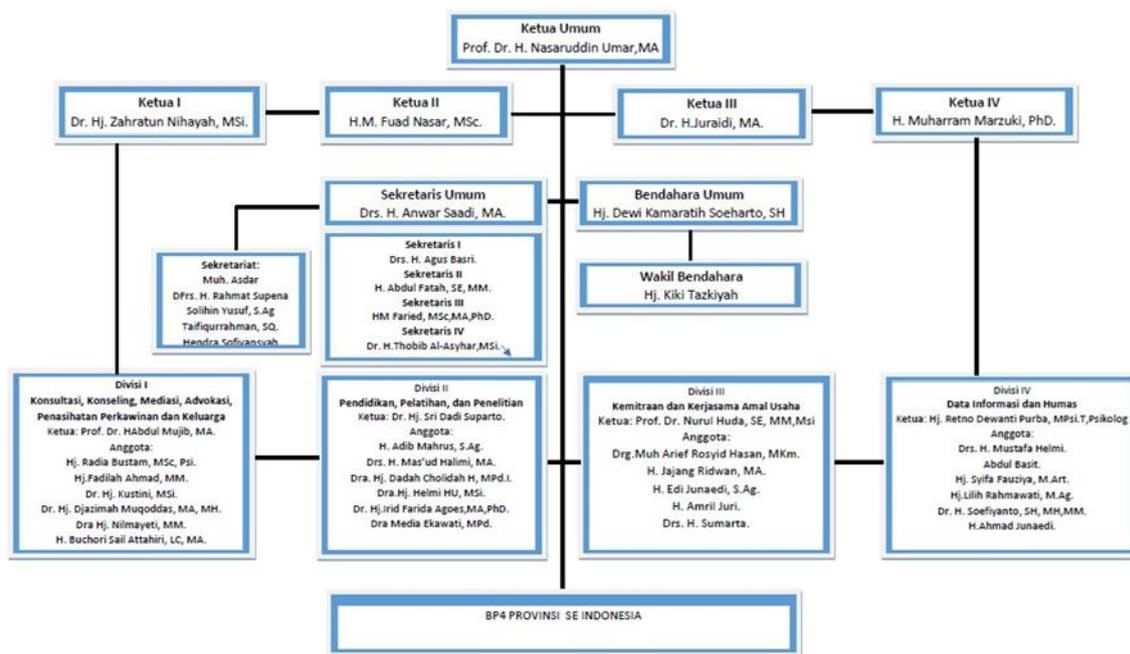
"Producing mediators inside and outside BP4 (non-BP4 mediators). Because BP4 has been accredited by the Supreme Court since 2011, so it has the authority to issue mediator certificates.

This was also stated by Dra. Hj. Nilmayetti, MM, as Central BP4 Consultant and Mediator that:

"Regarding advocates, the Central BP4 did not prepare it because it had a negative effect, therefore it is the legal representative's job to actually assist the panel of judges find the truth and punish the perpetrator according to his mistake. "Therefore it is not compatible with BP4's duties in mediating divorce."

In carrying out its work, Central BP4 has a clear mechanism, this can be seen from the organizational structure of Central BP4 which is based on provisions and a clear division of work between each section, so the daily management of Central BP4 is structured as follows:

Figure 2. Composition of the Central BP4 Daily Management for the 2019 – 2024



Period.

#### 2. The Role of Central BP4 in Divorce Mediation

As is well known, every lawsuit that goes to a religious court, including divorce cases, whether talaq divorce or contested divorce, must first go through a mediation process. Mediation in the Religious Courts is a process of trying to reconcile between

a husband and wife (couple) who have filed for divorce, where this mediation is facilitated by a Judge appointed by the Religious Courts. The mediation process is carried out based on Perma No. 1 of 2016 concerning Mediation Procedures in Court. As stated by Drs. H. Anwar Saadi, MA, as Consultant, Mediator and Legal Expert for Central BP4 that:

"Mediation services are a problem-solving negotiation process where the counselor acts as a neutral or impartial third party to help resolve the problems faced. The aim of divorce mediation is usually directed at reconciling the two parties and encouraging divorce in a good way."

**Dra. Hj. Nilmayetti, MM** also explains that:

"Central BP4 as a mediator in court plays a role in mediating disputes including divorce, we will help or serve and mediate if there is something that needs to be mediated. So that Central BP4, especially up to now, every working day is still consistent in providing Marriage Consultation and Legal Advice services .

**Drs. H. Anwar Saadi, MA.** also stated that:

"Based on Perma 1 of 2016 in civil cases including divorce disputes (family cases) the court must order mediation with the previous BP4 (the mediator is also in court)."

As for Dra. Hj. Nilmayetti, MM stated that there are several ways to mediate divorce cases, namely:

"First, usually the religious judge directly mediates between the parties wishing to divorce. The second way, if necessary, the religious judge can summon representatives from the wife's and husband's families or are called hakam. Third, mediation as regulated by Perma No. 1 of 2016 concerning Mediation Procedures in Court."

The second method above shows that the hakam actually has a representative position. as intended in the Qur'an surah an-Nisa verse 35:

**It means:**"And if you are worried that there will be a dispute between the two, then send a hakam from the man's family and a hakam from the woman's family. If the two hakam people intend to make improvements, Allah will surely give taufik to the husband and wife. Indeed, Allah is All-Knowing, All-Knowing."

The sentence hakam mentioned above can also be interpreted as a person who is wise in resolving cases. In this sense, wise institutions or people can be intended to play similar functions and roles to the Central BP4. The verse above also explains the existence of a third party who acts as a judge or mediator, whose job is to provide the best advice and solutions, distance disputes, and encourage peace, as in the hadith of the Prophet Muhammad:

**It means:**"From Ali RA, Rasulullah SAW said to me "if you decide on a law for two people, then don't decide immediately until you hear the other's opinion, so that you can decide on the law on a case" (HR. At-tarmidhi).

It is known that Central BP4 has also received a mandate to participate in implementing the six rights and obligations of Muslims over other Muslims based on the Sahih Muslim hadith. From Abu Hurairah Radliyallaahu 'anhu that Rasulullah Sallallaahu 'alaihi wa Sallam said:

Zahir hadith above shows that basically giving legal advice is not mandatory, unless asked and if not asked, then it is sunnah. That is, if someone comes to ask you for advice on a problem, then give advice because it is part of religion, as in the hadith of the Prophet Muhammad:

**It means:** "Religion is advice: To Allah, His Book, His Messenger and to the leaders of the Muslims and the people in general." (HR. Muslim).

The importance of implementing guidance and training organized by BP4 with the aim of growing maturity and orientation towards a better future for husband and wife. It can be seen that achieving success in conducting mediation can be influenced by several things, such as the quality of the mediator (training and professionalism), the efforts made by both parties in conflict, as well as the trust of both parties in the mediation process, trust in the mediator, trust towards each party. As stated by Drs. H. Anwar Saadi, MA, that:

"A mediator who is good at carrying out his duties will improve the quality of decision making, has harmonious methods, has the ability and attitude, has integrity in carrying out the mediation process and is trustworthy and service-oriented.

Mediators in family disputes must also be able to identify each problem, and find a solution and offer it to the disputing husband and wife. The actions taken by the mediator must be very careful, because family issues are considered sensitive issues, and require full concentration, in order to repair fractured emotional relationships. Understanding husband and wife is a mediator's obligation to create peace and reconciliation in disputing families. "In this way, the mediator can create a situation that causes both parties to trust and grow the desire to reunite to maintain the household."

Thus, it can be understood that the existence of BP4 as a mediator to resolve family disputes is very important, because BP4's role in divorce mediation is to improve husband and wife relationships which will determine the longevity of a household. Therefore, the Central BP4 as a divorce mediator must be able to create a situation that causes both parties to trust and grow the desire to reunite to maintain the household (Handayani, F. M, 2024).

Based on the results of this research, which have been explained previously, in reality the existence of BP4 is indeed very helpful. At least this assistance can be seen in its roles in helping to solve family problems, reconciling husband and wife who are overwhelmed by the desire to divorce and providing insight into building a household. This neutrality benefits BP4 in positioning itself as a third party or mediator.

As stated by Drs. H. Anwar Saadi, MA. that "If it cannot be reconciled, then the divorce must be amicable, taking into account the benefits that are good for the wife and children." Dra. Hj. Nilmayetti, MM also stated that "In fact, it is possible that divorce cannot be reconciled, but the legal consequences of divorce can be mediated. Such as child care agreements (hadlonah), support for wife and children, joint property."

However, husband and wife disputes are not always the reason for breaking up a marriage relationship, but must involve a process of mediation and reconciliation, so that their household can be maintained. According to Dra. Hj. Nilmayetti, MM, with the help of Central BP4 as a divorce mediator, namely:

"The disputing parties will be more open to discussing real issues without any pressure, both physical and psychological. And a situation like this is very different if it is done in front of a large number of people, where it is possible that each party does not want to be defeated. by prioritizing and maintaining each other's egoism. Apart from that, if we look deeper, there are times when the disputing parties (husband and wife), one of them or maybe both, in their hearts still want to return

to normal, but sometimes The problem is, apart from the factors mentioned above, they don't know and are unable to start.

The things mentioned above are one of the wisdoms commanded by Allah SWT. to send a hakam as a mediator to participate in resolving disputes between husband and wife, which also shows us how important and noble the role and duties of the hakam (mediator) are in trying to reconcile the two. Therefore, the role of Central BP4 in implementing divorce mediation is very necessary to create a conducive climate in providing motivation to families to instill, implement and develop the values of religious teachings that are akhlaqul karimah.

### 3. Constraint-obstacles in Divorce Mediation

As is known in several Religious Courts, such as in the Jakarta area, mediators from BP4 elements as non-judge mediators have provided many services. However, in facing the current era of globalization, the impact of which is causing challenges to family sustainability to take a very serious turn, requires BP4 institutions to develop their programs and organizational missions in a more professional manner. The current challenge for BP4 is the development of globalization and the influence of information technology which has a huge impact on people's and family lives, such as the spread of hedonistic, materialistic and consumerist lifestyles which conflict with religious values. Meanwhile, the number of divorces in Indonesia is increasing every year, dominated by divorce cases. However, until now it has not received serious attention from government institutions or non-governmental organizations (NGOs) to focus more on dealing with this problem.

Divorce petitioners put forward many reasons when filing for divorce. The problems that are reported to Central BP4 are mostly household problems that are often faced by married couples. As stated by the speakers, it is as follows:

- a. The cause of household failure is that internal problems are influenced by external problems. For example, economic problems (family finances), a high lifestyle can destroy harmony. There are many combinations of internal and external causes, but if the internal family is very strong it will not be influenced by external factors.
- b. There are several things that cause divorce, namely: lack of communication, wanting to win alone, many differences in perception. There is interference from third parties (family/lawyers), unequal obligations and rights (income differences), infidelity, jealousy.

Divorce can occur due to several factors, where the biggest causes of divorce are disputes or differences of understanding, infidelity, and economics (living). For more details, see the table below:

**Table 1. Recapitulation of Central Bp4 Client Data for 2021**

No.	Causes of Divorce	Year 2021	%
1.	Constant disputes and quarrels	257,551	59.8
2.	Economy	112,622	26.1
3.	Leaving one of the parties	46,662	10.3
4.	Domestic Violence	5,128	1.19
5.	Drunk	1,867	0.43
6.	Apostate	1,137	0.26
7.	Sentenced to Prison	696	0.16
8.	Polygamy	1,516	0.35

9.	Gambling	912	0.21
10.	Adultery	464	0.10
11.	Forced marriage	1,211	0.28
12.	Opium	363	0.08
13.	Physical disability	342	0.07
	Total	430,471	100

Source: Research Results

By looking at the table above, the many factors that cause divorce cannot be separated from circumstances, personal, family or surrounding environment. Based on the factors that cause divorce then Divorce is a matter of the heart that is closely related to the self-esteem, dignity and honor of each family, which is different for each family, so it is difficult to reconcile through the mediation process. This affects the number of cases submitted and decided where the results are still below 15%.

The author considers that the measure of the success of mediation in divorce cases is the number of divorce cases withdrawn. Although this does not rule out the possibility that the revocation process is not caused by the mediation process provided in court but sometimes through the considerations of the litigants themselves. Therefore, in principle, the mediation process can be carried out as long as the litigation process in court is still ongoing, whether it is carried out through mediation institutions provided in court or outside the court carried out by the litigants themselves. As shown in the following graph below:

**Table 2. Number of Divorce and Mediation Cases in Jakarta Religious Courts in 2022**

religious courts	Total Mediation	Succeed With Peace Act	Succeed With Revocation	Partial Success	No Succeed	Not Executable Nakan
Central Jakarta PA	102	1	9	60	31	1
West Jakarta PA	190	0	9	94	86	1
PA, East Jakarta	388	2	11	94	277	4
PA, South Jakarta	300	3	6	77	206	8
North Jakarta PA	153	1	17	96	36	3
<b>Total</b>	1123	7	52	412	636	17

Based on the table above, to find out the percentage of divorce cases that are successfully mediated in one year, you can use the following formula:

**Number of cases mediated X 100%**

**Number of unsuccessful cases**

Result:

The number of divorce cases that were mediated during 2022 was 1123 cases, cases that were not successfully mediated were 636 cases, so the percentages are:

$$\frac{1123}{636} \times 100\% = 1,76\%$$

So it can be seen that divorce cases successfully mediated at the Jakarta Religious Courts in 2022 are still very low compared to all mediated divorce cases. And after knowing the percentage value of cases that were successfully mediated, it can be compared with the percentage value that existed in previous years, so that the graph or comparison can be seen. If the value presentation of successfully mediated cases has a higher graph than in previous years, then the mediation process can be said to be successful, but if the opposite is true, then it can be judged that the mediation process was less successful. As shown in the following graph:

Thus it can be concluded that the main obstacle for BP4 in implementing its work program is the problem of limited budget, while the main obstacle in implementing divorce mediation is because the majority of domestic dispute cases handled through Central BP4 are dispute cases that are already on the verge of divorce so these cases are difficult to be reconciled. And if any of these cases cannot be resolved, they will be handed over to the Religious Court. In this case, Central BP4 only helps find a solution

### 3. Central BP4 Efforts in Facing Obstacles

With the increase in divorce, solutions must be sought to reduce the high number of divorces. BP4's role in mediating and preventing divorce is only to help resolve the problems faced by disputing husband and wife couples so that they can achieve peace. BP4 is an advisory institution in an effort to reconcile or reconcile disputing husband and wife couples in accordance with the methods used by BP4 in general.

Based on the results of the interview, it can be seen that the efforts that can be made in divorce mediation are:

- a. Central BP4 also tries to approach religious courts to provide marriage dispensations. Apart from that, Central BP4 also publishes marriage and family books or magazines, provides information via TV or radio, and communicates with Islamic institutions.
- b. Developing mediators so that their quality increases so that they can successfully mediate divorce. As well as improving the quality of consultations. This is an indirect effort by BP4 to be able to mediate divorce in the Religious Courts. And so that its authority is stronger in carrying out its duties, for example, BP4 has been accredited by the Supreme Court in matters of marriage, even though it has not yet stated the obligation (which is stated in the Circular of the Director General of Islamic Community Guidance) that prospective brides and grooms are required to take pre-marital courses, one of which is organized by BP4. Therefore, it is best to try to increase the capacity (ability/authority) of the BP4 mediators or consultants themselves by training mediators (consultants).
- c. The meaning of counseling must be broader, meaning it is not just the government's contribution but providing information to husbands and wives, families or prospective brides and grooms such as religious studies, seminars which must be carried out continuously with various forms of substance paying attention to developments such as gender issues, human rights law, reproductive health, family financial management.
- d. Improve mediation forums to improve mediator skills. Then formed the BP4 mediator association to share mediator experiences with one another. Apart from that, advocating for the Supreme Court regarding the mechanism for case reports or cases submitted to the Religious Courts where it should not only be the divorce that is mediated but the impact or consequences of the divorce. Like in Australia or Japan

where what is mediated is not the couple's divorce but the influence or consequences of the divorce. And if the divorce cannot be mediated or fails, there should be further mediation (separation mediation such as mediation on children's rights or inheritance). So that the impact of divorce is not serious and if some of what BP4 does is not a complete failure or there is partial success and the role of the mediator is appreciated.

By looking at the descriptions above, it can be concluded that the counseling, guidance and preservation of marriage carried out by BP4 is actually a preventive measure to prevent divorce from occurring. Therefore, the existence of Central BP4 in fostering *sakinah*, happy and prosperous families is very necessary. Because the aim of BP4 itself is to improve the quality of marriage and create happy and prosperous families for society in general.

BP4 can even seek a solution that is truly felt to be the final solution, which may only be found after going through the mediation process many times. In this way, BP4 does not position itself as a "last resort" like the courts, but rather places itself in the position of providing space or bridging problems. BP4 does not justify problems or blame one party, but only explains them, tries to reconcile and offers solutions, which actually start from the clients' own problems.

Apart from that, according to the author, an indication of the effectiveness of the mediation process in resolving divorce cases is that if there is good faith on both parties (husband and wife), the mediation process will run effectively and efficiently. The existence of PERMA No.1 of 2016 also reaffirms the role of independent mediators to play a more active role in resolving divorce cases outside of court, after which the agreed mediation results can be submitted for determination to the Court through a lawsuit mechanism. And with the existence of PERMA No. 1 In 2016, there is hope that in the future reliable and professional Central BP4 mediators will be born who are able to resolve problems in society peacefully.

#### **4. CONCLUSIONS AND RECOMMENDATIONS**

- a. The role of Central BP4 as a mediator in resolving divorce disputes in Central Jakarta is based on *syiqaq*. The implementation of divorce mediation by Central BP4 based on research found that in 2021 the number of divorce cases decided at the Central Jakarta Court was 1123 cases, of which 636 cases were mediated, which means only 1.76% of divorce cases were successfully mediated. This data proves that the divorce mediation carried out by Central BP4 has not been effective.
- b. Central BP4 still faces many obstacles in carrying out its duties. These obstacles are: Limited budget or funds resulting in difficulties in conducting mediator training, hampering the operationalization of Central BP4 as a non-judge mediator as well as disrupting activities in providing information, consultation, advice or legal assistance via communication means such as telephone, internet and others. Apart from that, the absence of the parties during mediation, pre-marital education or bride and groom courses (*Suscatin*) is because they think it is just a formality.

#### **5. SUGGESTION**

- a. Central BP4 should improve the competence of marriage counselors or advisors with training, forums, seminars and workshops in order to optimize Central BP4 as a mediator in divorce cases so that modern mediation methods can be obtained that can touch the hearts of the disputing parties.

- b. Central BP4 should open up opportunities for other parties to enter it, in this case various elements of society such as ulama and activists from non-governmental organizations. So apart from being able to optimize performance in advising, coaching and preserving marriage, we can also socialize pre-wedding courses which include courses for bride and groom (Suscatin).

## 6. BIBLIOGRAPHY

- Asy-sya'rawi, *Fiqih Wanita*, Jakarta: Pena Pundi Aksara, 2004.
- Fathur Rozi, A., & Jufri Ahmad, M. (2023). Anak Menjadi Korban Eksploitasi (Perkawinan Paksa) Oleh Orang Tua . *Journal Evidence Of Law*, 2(3), 183–191. <https://doi.org/10.59066/jel.v2i3.418>
- Fitri, E., & Hufron. (2023). Legalitas Penerbitan Akta Kelahiran Anak Yang Dilahirkan Dari Perkawinan Yang Tidak Dicatatkan. *Journal Evidence Of Law*, 2(3), 144–157. <https://doi.org/10.59066/jel.v2i3.382>
- Handayani, F. M. (2024). Kedudukan Perjanjian Kawin Yang Dibuat Setelah Perkawinan Terhadap Pihak Ketiga. *Journal Evidence Of Law*, 3(1), 90–106. Retrieved from <https://jurnal.erapublikasi.id/index.php/JEL/article/view/630>
- Huda, M. (2021). AKIBAT HUKUM DARI PERKAWINAN DI BAWAH TANGAN (STUDI KASUS PUTUSAN NOMOR 40/PDT.P/2018/PA.WSB. *IBLAM LAW REVIEW*, 1(3), 121–139. <https://doi.org/10.52249/ilr.v1i3.29>
- Khairunnida, Daan Dini, (ed), *Peran BP4 dalam Mewujudkan Keluarga Sakinah*, Jakarta: Rahima, 2013.
- Lestari, N. (2017). Legalitas Perkawinan Beda Agama Menurut Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dan Undang-Undang Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan. *JURNAL HUKUM SEHASEN*, 1(2). Retrieved from <https://jurnal.unived.ac.id/index.php/jhs/article/view/421>
- Mas'ud, Ibnu, *fiqih madzhab syafi'i edisi lengkap mu'amalat, munakahat, jinayat*, Bandung: CV. Pustaka Setia, 2000.
- Musyawahar Nasional (MUNAS) ke XV/2014, BP4 Pusat, Jakarta tanggal 15-16 Agustus 2014
- Rakhmadi, Takdir, *Mediasi Penyelesaian Sengketa Melalui Pendekatan Mufakat*, Jakarta: PT. Raja Grafindo Persada, 2010.
- Saleh, Wantjik, *Hukum Perkawinan Indonesia*. Ghalia Indonesia. Jakarta. 1992.
- Undang-Undang Nomor 1 Tahun 1974, *Tentang Perkawinan*.
- Zulfikar, T., & Fathinuddin, M.(2023). HAK DAN KEWAJIBAN ORANG TUA TERHADAP ANAK BERDASARKAN PASAL 45 UNDANG UNDANG NOMOR 1 TAHUN 1974 TENTANG PERKAWINAN. *Journal Evidence Of Law*, 2(1), 31–39. <https://doi.org/10.59066/jel.v2i1.230>