


Analysis of the Function of Religious Courts in Resolving Family Conflicts in Indonesia

Haris Fhadillah Butar Butar¹, Madan Syairazi Zega^{2*}

^{1,2}Department of Sharia and Law, State Islamic University of North Sumatra, Medan, Indonesia

Article Info	ABSTRACT
<p>Article history:</p> <p>Submitted June 27, 2025 Accepted July 19, 2025 Published July 30, 2025</p> <hr/> <p>Keywords:</p> <p>Religious Court, Conflict, Family, Indonesia.</p>	<p>The Religious Court as a court of first instance is a court that acts to receive, examine and decide every application or lawsuit at the earliest and lowest stage. The Religious Court serves as a primary court, receiving and adjudicating cases submitted by the public at the initial stage of legal proceedings. The researcher aims to examine this discussion to find out how religious justice works in resolving conflicts in Indonesia and what the function of religious justice itself is. Qualitative research methods with an analytical descriptive approach allow researchers to gain an in-depth understanding of the phenomenon being studied. By using sources such as books, journals and articles, this research can gain rich insight into relevant theories and then analyze them carefully. From this research it can be concluded that religious justice has the function of upholding the true truth of what is expressed and demanded by the parties without exceeding or reducing it, especially in relation to civil cases, whereas in criminal cases the search for the real truth is absolutely not limited to what the defendant has done.," but from that it must be investigated from the background of the defendant's actions. This means that the judge is pursuing the material truth absolutely and completely.</p> <p><i>This is an open access article under the CC BY 4.0 license.</i></p> 
<p>Corresponding Author:</p> <p>Madan Syairazi Zega Department of Sharia and Law, State Islamic University of North Sumatra, Medan, Indonesia Email: manadsyairazizega@gmail.com</p>	

1. Introduction

The Religious Court is the power of the state in receiving, examining, adjudicating, deciding, and resolving matters of marriage, inheritance, will, hibah, waqf, and shadaqah among Muslims to uphold law and justice. The implementation of the Religious Court is carried out by the Religious Court at the first level and the High Religious Court at the appellate level, while at the cassation level, it is carried out by the Supreme Court as the highest state court. The Religious Court, as one of the judicial environments recognized in Law No. 14 of 1970 concerning the Principles of Judicial Power later replaced by Law No. 4 of 2004 on Judicial Power, is a specialized judicial body designated for Muslims with specific jurisdictional authority over religious civil matters. Its authority covers cases such as marriage, inheritance, will (wasiat), gift (hibah), waqf (wakaf), and alms (shadaqah), reflecting the

institutional integration of Islamic law within Indonesia's national judicial system (Azzahra & Shuaib, 2022; Hakim, 2024).

A family that is *sakinah*, *mawaddah*, and *rahmah* is the dream of every married couple. However, to make such a thing happen is not as easy as imagined. Building a *sakinah* family is a tough process. A *sakinah* family does not imply a household free from conflict, but rather one that can manage challenges with resilience and understanding. Conflict is familiar and inevitable in human life, including in married couples, and if not properly managed, it may lead to divorce cases in the Religious Court (Astanti, Heryanti, & Juita, 2019; Suadi, 2020). These studies highlight that the Religious Court plays a critical role in resolving marital disputes, emphasizing the importance of legal mechanisms in handling conflicts that arise within households.

Conflict is a characteristic of the life of creatures, both human and non-human, which has been in effect since the creature was created until finally the extinction of the creature itself (Surwandono, 2011). Regarding this, we can take an example when Allah wants to create a creature called human, then there is a conflict or debate between the Angel and Allah. And finally, on the explanation given by Allah, the Angels accepted it, but it was only Satan who opposed this creature created by Allah, so he refused to prostrate to the first man created by Allah, namely Adam.

Conflict is also a social phenomenon that is ubiquitous in social life, meaning that conflict is inherent and will always exist in every space and time, including within the family. Socially, the family is the smallest unit of society formed through marriage, and once a family is established, conflicts emerge inevitably, both from internal and external factors, because members bring different perspectives, opinions, and personal interests into interactions with one another (Wardani, 2022). This reflects that disagreements, misunderstandings, and tensions are natural in family life due to differences in character, needs, and expectations between individuals (Fathia, Aziz, & Surasa, 2023). Therefore, rather than being eliminated, conflicts should be understood and managed constructively to maintain the harmony and resilience of family relationships.

From the introduction that has been presented, the researcher aims to research this discussion to find out how the religious courts in conflict resolution in Indonesia and what is the function of the religious courts themselves. Therefore, based on the stated objectives and issues, the researcher is motivated to explore and analyze this topic further.

2. Methods

Qualitative research methods with an analytical descriptive approach allow researchers to gain a deep understanding of the phenomenon being studied. Using sources such as books, journals, and articles, the research can gain rich insights into relevant theories and then analyze them carefully. This approach enables researchers to construct a comprehensive understanding of the topic and present detailed findings, as qualitative descriptive research seeks to describe events, phenomena, or social conditions based on qualitative data rather than numerical measurement (Furidha, 2023). Furthermore, qualitative research methods are particularly valuable for dissecting complex social phenomena and providing in-depth, human-centered insights that reveal contextual depth and holistic perspectives (Lim, 2024). As such, this approach is very useful in generating a deeper understanding and broader perspective on complex research topics. Additionally, it allows for flexibility in data collection and interpretation, supports the discovery of patterns and themes, and encourages the integration of multiple perspectives to enrich the analysis. It also facilitates the development of practical recommendations grounded in real-world observations and experiences, enhancing reflective insight.

3. Results and Discussion

3.1 Religious Justice

A court in general is an institution of state authority that has the power to receive, examine, adjudicate, and decide on legal disputes brought before it. In the Indonesian legal system, the Religious Court (Pengadilan Agama) is a specialized judicial body under the Supreme Court that is authorized to adjudicate and resolve civil cases based on Islamic law, particularly those related to family matters such as marriage, divorce, inheritance, and other personal law issues among Muslims (Yasmin, Aqilah Ramadhoifah, & Afifah, 2024). As a forum for seeking justice in accordance with religious norms, the Religious Court functions not only to adjudicate disputes but also to uphold justice and legal certainty for Muslim citizens in matters governed by Islamic family law.

A religious court is the official designation (*titelateur*) for one of the four state judicial environments or legal judicial powers in Indonesia. The Religious Court is also one of the three special courts in Indonesia; the other two special courts are the Military Court and the State Administrative Court. It is said that the judiciary, especially because the Religious Court adjudicates certain cases or about certain groups of people (who are Muslims).

In this case, the Religious Court is only authorized to handle specific civil matters, not in the criminal field and also only for Muslims in Indonesia. And also, in certain Islamic civil cases only. In Law Number 3 of 2006 concerning Religious Justice in Article 1 paragraph (1) which reads: "Religious Justice is a court for people who are Muslim. It can be concluded that the Religious Court is one of Indonesia's legitimate state courts, with specialized authority in specific types of Islamic civil cases of Islamic civil cases, only for people who are Muslims.

The Religious Court as a court of first instance is a court that acts to receive, examine, and decide every application or lawsuit at the earliest and lowest level. The Religious Court functions as a primary institution that receives, accommodates, and adjudicates cases at the earliest stage of legal proceedings. It is not allowed to submit an application for a lawsuit directly to the High Court of Religion. All kinds of matters must first go through the Religious Court in a hierarchical position as a court of equalization. Against all applications or lawsuits filed to him in his position as an institution of the court of first instance, must receive, examine, and decide it, it is forbidden to refuse to receive, examine, and decide the case submitted to him under any pretext. This is emphasized in Article 56 which reads "The Court may not refuse to examine and decide a case submitted on the pretext that the law is not clear or unclear, but is obliged to examine and is obliged to decide it"

The power and authority of the Religious Court are to examine, decide, and settle cases at the first instance for Muslims in matters such as marriage, inheritance, wills, grants, waqf, zakat, infaq, and sadaqah in accordance with Islamic law as regulated in Pasal 49 Undang-Undang Nomor 3 Tahun 2006 tentang Perubahan atas Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama (Religious Court Law) (Pengadilan Agama, 2026). This absolute authority means that the Religious Court is mandated to handle all civil disputes among Muslims in these fields, including defining who the heirs are, determining the distribution of inheritance, and resolving family law issues such as divorce and marriage rights under Islamic jurisprudence (Pengadilan Agama Poso, 2023).

Power or commonly called judicial competence concerns 2 things, namely relative power and absolute power. Absolute power, also called power attribution, is all the provisions about what cases are included in the power of a judicial institution. This power is usually regulated in the Law that regulates the case and the power of the judicial institution concerned. Meanwhile, relative competence is the division of authority or power to adjudicate between Religious Courts.

3.2 Conflict

Stephen P. Robbins in his book *Organizational Behavior* explains that there are many definitions of conflict. Although the meanings of the definitions vary, some common themes underlie much of the conflict. Conflict must be suggested by the parties involved, whether the conflict exists or does not exist is a matter of perception. If no one is aware of the existence of conflict, it is generally agreed that there is no conflict. Other similarities between these definitions are the contradiction or inconsistency and the forms of interaction. Some of these factors are conditions that are the starting point of the conflict process.

Conflict can be defined as a process that begins when one party perceives that another party has negatively affected, or is about to negatively affect, something that is of concern or interest to the first party (Hamwanza, 2023). This definition reflects that conflict often originates from perceptions and interpretations of incompatibility or interference rather than just objective facts, encompassing various forms of disagreement individuals experience in social settings and organizations (Nunkoo et al., 2021). Such an understanding of conflict covers multiple levels of human interaction from minor misunderstandings to overt disagreements highlighting that conflict is inherent in social life whenever differing interests, goals, or interpretations arise.

Conflict can be understood as a situation that arises when two or more parties perceive that their goals, interests, or values are incompatible or opposing, leading to tension and interference in achieving desired outcomes (Morreale, Spitzberg, & Barge, 2020). In this view, conflict is not merely a disagreement, but a process of social interaction where differing aims and objectives create friction that can affect emotions, stress levels, and even hinder productivity or goal achievement (Morreale et al., 2020; Ogunjimi, 2025). Thus, conflict manifests when parties view each other's actions as obstacles to their own goals, reflecting the inherent challenges of interpersonal and organizational relationships.

In the context of organizations, conflict is understood as a state of disagreement or tension that arises when individuals or groups within an organization perceive that their goals, values, or interests are incompatible or threatened by others, which can interfere with task achievement and interpersonal relationships (PubAdmin.Institute, 2025). This conceptualization emphasizes that organizational conflict often stems from perceived opposition in needs, beliefs, or the allocation of scarce resources, leading to emotional responses and disputes that affect the work environment (Nerima, 2021). Thus, conflict in organizations is not only about simple disagreements but involves deeper incompatibilities that can manifest in different forms and impact both individual and organizational performance.

3.3 Conflict Analysis- Family Conflict in Religious Courts

The Courts in general and especially the Religious Courts are not a fully autonomous body, but are constantly interchanging with their larger environment. In the Law on Judicial Power, it is stated that: "The State Judiciary applies and enforces law and justice based on Pancasila" (the exchange of courts with Pancasila), and "Judges as law enforcers and justice are obliged to explore, follow and understand the values of law that live in society" (the exchange between the court and the dynamics of society). Based on the above explanation, it can be said that the court is a dynamic institution. This dynamic can also be read as an institution that reorganizes society and interprets legal texts in the context of society and its changes.

Likewise, the Religious Court cannot only be seen as a physical building or legal institution, but also as a social institution that interacts dynamically with the society in which it operates. As part of the national legal system, Religious Courts must respond and adapt to

the socio-cultural realities of the communities they serve, negotiating between formal legal norms and lived social values to ensure that justice is not only juridical but also socially relevant (Pahutar et al., 2025). In this sociological view, the Religious Court's work cannot be understood in isolation from its social environment; instead, it is embedded within wider social structures, values, and community expectations that influence how legal norms are interpreted and applied (Pahutar et al., 2025). This perspective emphasizes that the role of the Religious Court extends beyond adjudication to include social legitimacy, cultural integration, and responsiveness to the needs of society at large.

In daily life in the family, we are often faced with a condition that can lead us to involve emotions that are within us. These emotions vary, too. Being in the midst of a family makes us feel calm and comfortable. The emotions that are felt also tend to be positive emotions, such as happy and happy. However, sometimes the expectations we "demand" of each other and our families cause us to experience negative emotions, such as anger, sadness and worry. For example, in our marriage, we expect a partner who is faithful, loving, and secure. However, in reality, infidelity, violence and even divorce can occur in the household. These things can create conflicts between family members. So that it makes the atmosphere of the house uncomfortable anymore.

Similar to how a minor burden becomes heavier over time, unresolved family conflicts can gradually impact mental and emotional well-being. At first, we may not feel any meaningful burden. But what if we lift it up for 10 minutes, 30 minutes or 1 hour? Gradually, we will feel the burden. If this atmosphere continues to be left unchecked, we will be physically and mentally disturbed. So are the conflicts that exist in our families. At first, there was a harmonious relationship, however, over time there were problems that colored the domestic life of a couple. So, the attitude that must be taken when problems arise is to be resolved immediately so that it does not become a burden that can disturb a person's mentality.

Basically, conflicts in the household will always arise, whether they are small or large. It is important to know that repeated problems will arise in a family due to the "trivial" and "indifferent" attitude of the husband and wife. They don't want to sit together to solve the existing problems (Abdul Jamil Wahab, 2014).

However, regarding these conflicts, the basic things that cause conflict in the family are incompatibility in each other's needs and expectations, difficulty accepting real differences (habits, needs, opinions, and values). Financial problems (how to acquire and spend), Child problems, Feelings of jealousy and excessive possession so that the spouse lacks freedom., Unfair division of duties, Incompetence. communicate, the spouse is not in line with the initial interests and goals other factors that can be the cause of conflict in the husband-wife relationship, include:

1. Personality Factor Issues

This factor is a factor that often appears to color the domestic life of a couple. This personality can be taken from each party, both wife and husband, because they have different personalities. These personality differences can trigger the emergence of a conflict.

The personality in question can be in the form of a wife's attitude towards her husband. Things that can happen include hatred towards the husband, and vice versa, always having a bad prejudice against the partner, being closed and not willing to open up to each other to whatever happens both within the household and not, not understanding the character and behavior of their respective partners. actors related to personality as described above. It can potentially become a big conflict, when each spouse underestimates it and does not resolve it immediately. So that it will disturb the harmony of their household.

2. Financial Problems or Family Finances

This is one of the biggest conflicts triggering problems that generally plague married couples in their married lives. Husbands are unemployed or laid off, wives complain because husbands have a small salary so they cannot meet all the needs of their family, have many debts that have not been paid for a long time, the wife's salary is larger than her husband's, the wife is not responsive to her husband's economic difficulties, or the husband who is offended by the wife who never thanks her for giving money from her husband and other problems related to finances are the source of the trigger. The first conflict that became. Tensions between married couples.

Married couples who are not prepared for this condition will usually always fight and blame each other, maybe it will lead to divorce, or one of the couples runs away from home and leaves their family just like that. Thus, this financial problem can be a factor in the emergence of conflicts that will affect harmony and disturb the peace of their families.

3. Sex and Heredity Issues

The trigger for domestic violence is when one partner is unable or lacking in meeting his or her sexual needs. Husband and wife should not underestimate this issue. There are a lot of conflicts that occur as a result of this problem. An impotent husband, a husband or wife who is barren, or conversely his wife who is hyper sex and always feels inadequate, and there are many other sex problems that can trigger conflicts in the household.

So, the effect of this problem is the occurrence of infidelity, seeking satisfaction with "snacks" outside, bed separation and even a lot of divorce. This problem does not look at rich and poor, when one of the partners cannot provide the satisfaction as it should, it is certain that there will be a cold war in the household. Another opinion is that the problem of the sex factor is also referred to as an external factor in domestic conflict.

Thus, this problem must be overcome immediately and not underestimated, because when conflicts are ignored or left unresolved their effects tend to escalate and can threaten the stability and unity of the family. Studies show that persistent conflicts within the household significantly increase the likelihood of marital dissolution, with continuous disagreements and tensions being one of the dominant factors leading to divorce in Religious Court cases (Anggraeni, Tosen, & Winarni, 2025). Moreover, research indicates that unresolved household conflict not only disrupts emotional bonds between spouses but also impacts overall family functioning, making it more difficult to maintain harmony and cohesion over time (Puspitawati et al., 2021).

4. Problems of Kinkinan

Usually, couples who have vowed to be united for life do not have a problem with different beliefs between them. However, problems will usually arise when they start living a married life. They just realized that these differences are difficult to reconcile. Each justifies his beliefs and seeks to attract his partner to follow him.

Although not always, this often happens to married couples with different beliefs, so commotion is inevitable. Thus, these couples who differ in their beliefs are bound to encounter a conflict. We all know that this couple has different visions, while a couple must have the same vision, especially regarding religion. Religion is a foundation for couples to live their household. So that when religion is different, then in addition to that there will be many differences. Religion is one of the elements of conflict in the household. These differences can affect daily decision-making, parenting styles, and moral guidance within the family, often creating tension or misunderstandings. If not managed carefully, such conflicts can escalate, undermining communication and emotional bonding. Mutual respect, dialogue, and understanding of each other's beliefs become crucial in maintaining household harmony.

5. In-Laws' Problems

The presence of in-laws who interfere too much in the domestic affairs of their children and daughters-in-law is often a source of conflict. Mother-in-law and daughter-in-law conflicts usually occur if the daughter-in-law lives together in the same house or one neighborhood. Indeed, living with a large family has its advantages and disadvantages. The definite advantage is that you don't have to bother to contract or buy a house in the early stages of marriage. The support of family and mothers-in-law to help raise children is also beneficial for the new family to work together. Therefore, it is very necessary for husband and wife to unite the two families of husband and wife (Nurul Atieka, 2011).

The cause could be because the mother-in-law who sees her daughter-in-law is not as expected such as waking up at noon, not being able to do household chores, and not paying attention to her children. (Mother's granddaughter in-laws) and various other reasons. Meanwhile, the son-in-law could not understand the wishes and expectations of the mother-in-law. Another source of conflict can be triggered by the presence of children or grandchildren of mothers-in-law. Especially if it is the first grandchild. The mother-in-law's tendency to spoil her grandchildren often offends the son-in-law. Grandparents and grandfathers (in-laws) do have a tendency to overindulge and even become the main protector of the grandchild.

6. Difference Issues

Uniting two hearts means uniting two different personalities, preferences, and habits, which can lead to differences and disagreements in daily life if not mutually understood and negotiated. Research has shown that perbedaan tipe kepribadian antar pasangan dapat berdampak signifikan terhadap dinamika hubungan dan risiko terjadinya konflik maupun perceraian, karena perbedaan tersebut sering mempengaruhi cara berpikir, komunikasi, dan pandangan hidup masing-masing pasangan (Febriyani & Abdullah, 2024). This illustrates that conflicts arising from contrasting personal tastes such as preferences for leisure activities, food choices, or emotional expression are a natural part of married life and can become sources of tension if not managed properly within the relationship.

7. Limited Communication issues

Married couples who are both busy usually have little time to communicate. At most they meet when they are about to go to bed, breakfast or on weekends. Sometimes, to have dinner together is just missed. This lack or absence of time to share and communicate with each other often leads to misunderstandings. The husband does not know the problems that the wife faces, and vice versa. Finally, when they met, instead of pouring out affection for each other, they quarreled. Conditions like this will give rise to the nature of not reprimanding each other, usually this happens because of unacceptance of one party's decision.

Thus, the conflicts that befall married couples are considered as a process in building a harmonious household. A couple to realize a peaceful family is not as easy as turning the palm of your hand. It takes sacrifice and struggle, even the conflict that occurs can be a lesson for the married couple. Various factors that cause the emergence of conflicts as explained by the author above, one of which is due to the lack of mutual understanding between them, both mutual understanding and mutual trust.

It is very rare to find in every couple. In fact, this should be nurtured from the beginning of fostering family relationships. So, when it fades Uniting two hearts, it means uniting two personalities and tastes that are also different. For example, the husband is a quiet person, while the wife is chatty and explosive in her emotions. Husbands like sweet foods, wives like spicy food. Well, these two individuals, when put together, are usually not connected. Not to mention hobbies or pleasures. Husbands like to vacation to the beach, while wives prefer to vacation in crowded places. Each of them doesn't want to make a fuss, eventually there will

be a fuss too. This difference of opinion is common among couples, so conflicts that occur are natural. Disputes and differences of opinion will not be inevitable in marriage.

8. Limited Communication Issues

Married couples who are both busy often have limited time to communicate effectively, leading to interactions that are restricted to brief moments such as before sleep, breakfast, or weekends. When meaningful communication and quality time together are lacking, misunderstandings may occur because partners are unaware of each other's experiences, feelings, and daily problems. Research shows that limited quality time and poor communication patterns are associated with increased misunderstandings and conflict in marriage, where couples struggle to share emotions and maintain interpersonal connection, ultimately affecting relationship harmony (Scopus and Pietromonaco & Overall, 2021; Rahmawati & Rina, 2025). This highlights that insufficient time to engage in open dialogue can inadvertently escalate minor issues into more serious disputes between spouses.

Thus, the conflicts that befall married couples are considered as a process in building a harmonious household. A couple to realize a peaceful family is not as easy as turning the palm of your hand. It takes sacrifice and struggle, even the conflict that occurs can be a lesson for the married couple. Various factors that cause the emergence of conflicts as explained by the author above, one of which is due to the lack of mutual understanding between them, both mutual understanding and mutual trust. It is very rare to find in every couple. In fact, this should be nurtured from the beginning of fostering family relationships. So, when it fades away

3.4 Analysis of the Function of Religious Courts in Resolving Family Conflicts in Indonesia

In resolving problems or conflicts in the family, not all disputes can always be settled peacefully without legal intervention. Therefore, when family conflicts escalate beyond reconciliation, they must be addressed through established legal mechanisms to ensure justice, clarity, and legal certainty. The Religious Court in Indonesia plays a central role in this regard by adjudicating and resolving family law cases according to Islamic law, especially when amicable resolution efforts such as mediation fail (Sanusi et al., 2024). As a judicial institution under the umbrella of the Supreme Court, the Religious Court not only applies written law but also engages in interpretive judicial reasoning to address gaps in legal regulation, ensuring that justice is upheld in cases that lack explicit statutory guidance (Daulay, Ananda Arfa, & Siddik Turnip, 2025). Thus, the authority of the Religious Court and its judges is crucial for handling complex familial disputes, including divorce, child custody, inheritance, and related matters, which cannot be resolved merely through informal negotiation.

To overcome this problem, the judge can solve it by paying attention to the laws that live in the community or known as customary law. So that thus there will be no term known as legal vacuum. The judge's authority to do so is also in accordance with what has been determined in article 16 paragraph (1) of Law No. 48 of 2009. Looking at the above facts, it is clear that in this case the judge must be active from the beginning to the end of the proceedings, even before the proceedings begin, that is, at the time the plaintiff filed the lawsuit, the court had already provided assistance to him. Meanwhile, after the process ended, the judge led the execution. The active nature of judges can be seen from the efforts of the judge to reconcile the two parties. Another form is the action of the judge to provide appropriate information to the litigants about what legal remedies they can take, or about the submission of evidence, so that the examination can run smoothly.

In addition to being active, judges are also passive, in the sense that the scope or extent of the subject matter of the dispute submitted to the judge for examination is basically determined by the parties to the litigation and not by the judge. Judges only help justice seekers and overcome all obstacles and obstacles to achieve justice. In this case, the parties can freely end the dispute that has been submitted to the court, while the judge cannot obstruct it, this can be done by means of peace or the withdrawal of the lawsuit. Thus, the judge does not determine the scope of the subject matter, which means the judge may not add or subtract it. From this, it can be concluded that judges are active when viewed in terms of the smooth running of the trial, while judges are passive when viewed in terms of the breadth of the charges. The task of religious court judges in realizing justice based on the One Godhead, is not only to play a role in strengthening legal certainty, but also justice.

In the explanation of Law No. 48 of 2009 concerning Judicial Power Article 1, it is explained: Freedom in exercising judicial authority is not absolute because the judge's duty is to uphold law and justice based on Pancasila, so that his decision reflects the sense of justice of the Indonesian people.

The function of the judge is to uphold the true truth of what is stated and demanded by the parties without exceeding or decreasing it, especially in relation to civil cases, whereas in criminal cases seeking the truth is absolutely not limited to what has been done by the defendant," but from that must be investigated from the background of the defendant's actions. This means that the judge pursues the material truth absolutely and completely.

Here it can be seen that the intellect of judges will be tested by the deployment of all their abilities and scientific provisions, all of which will be seen in the process of examining cases whether there are still violations in judicial technicalities or not. The legal reasons that are the basis for consideration are the starting point of the following provisions; certain articles of laws and regulations, customary law, jurisprudence and legal doctrine. As Article 23 of Law No. 14 of 1970, as amended by Law No. 35 of 1999 now in Article 25 paragraph (1) of Law No. 48 of 2009 emphasizes that all court decisions must contain the reasons and bases of the decision and include the articles of Islamic regulations that are religions that uphold harmony and harmony both on a social and family scale, Therefore, Islam does not encourage families to divorce even though it is a matter that is permissible.

If there are two people involved in a dispute or conflict either on a household or social scale, then Islam strongly recommends finding a solution so that the problem that occurs quickly can be resolved, as stated by Allah in Surah Al-Hujarat verse 10 (Khaliluddin, 2023):

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

Meaning: *Indeed, the believers are brothers and sisters. So, make peace between your two brothers and fear Allah, so that you may receive His mercy.*

In general, it can be understood that peace also needs to be realized on a family scale because each family member is a brother and even closer than a brother who is only a believer.

4. Conclusion

In conclusion, Religious Courts play a pivotal role in resolving family disputes in accordance with Islamic principles, reflecting the dynamic interplay between formal law and community values such as *maslahah mursalah*, providing flexibility in responding to the needs of the *ummah* without neglecting the principles of *sharia*. In the context of Islamic economics, the application of *maslahah mursalah* can be seen in the financing of Islamic banks that use collateral to protect both parties. This implementation helps ensure the sustainability of Islamic financial institutions and encourages the benefit of the *ummah* holistically, *Maslahah mursalah*

ensures that Islamic law remains adaptable and beneficial, aligning legal principles with the evolving needs of the ummah.

References

- Abdul Jamil Wahab. (2014). *Religious conflict management*. Jakarta: PT Elex Media Komputindo.
- Anggraeni, N. D., Tosen, M., & Winarni, N. F. D. (2025). Analisis faktor–faktor perceraian tahun 2024 di Pengadilan Agama Probolinggo. *Al Fuadiy: Jurnal Hukum Keluarga Islam*, 7(1). <https://doi.org/10.55606/af.v7i01.1245>
- Azzahra, R., & Shuaib, F. S. (2022). Religious courts in Indonesia and Malaysia: History, structure, and jurisdiction. *Indonesian Comparative Law Review*, 4(2), 145–160. <https://doi.org/10.18196/iclr.v4i2.15911>
- Daulay, S., Ananda Arfa, F., & Siddik Turnip, I. R. (2025). Transformasi hukum keluarga Islam melalui putusan Pengadilan Agama. *Fatih: Journal of Contemporary Research*, 2(1). <https://ziaresearch.or.id/index.php/fatih/article/download/136/134/915>
- Fathia, M., Aziz, M. I., & Surasa, A. (2023). Konflik dalam keluarga modern dan akar permasalahannya. *NALAR FIQH: Jurnal Hukum Islam*, 14(1). <https://doi.org/10.30631/nf.v14i1.1339>
- Febriyani, T. U., & Abdullah, M. N. A. (2024). Analisis dampak perbedaan tipe kepribadian pasangan terhadap fenomena perceraian usia muda. *Sabana: Jurnal Sosiologi, Antropologi, dan Budaya Nusantara*, 3(3). <https://journal.literasisains.id/index.php/sabana/article/view/3408>
- Furidha, B. W. (2023). Comprehension of the descriptive qualitative research method: A critical assessment of the literature. *Journal of Multidisciplinary Research*, 2(4). <https://doi.org/10.56943/jmr.v2i4.443>
- Hakim, M. L. (2024). Between hibah and wasiat wājibah for non-Muslims: Expansive legal interpretations by Indonesian religious judges in inheritance cases. *Ahwal: Jurnal Hukum Keluarga Islam*, 17(2), 201–220. <https://doi.org/10.14421/ahwal.2024.17201>
- Hamwanza, N. C. (2023). An investigation into the effects of organizational conflict [PDF]. *Texila International Journal*. https://www.texilajournal.com/thumbs/article/13_TJ2553.pdf
- Lim, W. M. (2024). What is qualitative research? An overview and guidelines. *Australasian Marketing Journal*. <https://doi.org/10.1177/14413582241264619>
- Morale, S. P., Spitzberg, B. H., & Barge, J. K. (2020). Conflict as an interaction among interdependent people who perceive incompatible goals, aims, or values and have the potential to frustrate them in achieving these goals. *American Journal of Social and Humanitarian Research*, 5(11), 410–422. <https://www.globalresearchnetwork.us/index.php/ajshr/article/download/3061/2661/4931>
- Nunkoo, D. K., et al. (2021). Team conflict dynamics & conflict management. *Elsevier Conference Article*. <https://www.sciencedirect.com/science/article/pii/S2666285X21000352>
- Nerima, N. (2021). Organizational conflict: An analysis of conflict in the workplace. *SSRN*. <https://ssrn.com/abstract=5507839>
- Ogunjimi, M. O. (2025). Conflict resolution and management education: Definitions and implications [PDF]. *UJLL eJournal*. <https://ujlle.org.ng/index.php/ujlle/article/download/370/251>
- Pahutar, A., Siregar, N. H., Saifullah, S., Asmaret, D., & Kamal, T. (2025). Transformation of contemporary Islamic justice: Integration of juridical norms and socio cultural traditions

- in Indonesia. *Jurnal AL MAQASID: Jurnal Ilmu Kesyariahan dan Keperdataan*, 11(1). <https://doi.org/10.24952/almaqasid.v11i1.13701>
- Pengadilan Agama. (2026). Kewenangan Pengadilan Agama dalam mengadili perkara di tingkat pertama berdasarkan Pasal 49 UU Peradilan Agama. <https://pa-watampone.go.id/transparasi-keterbukaan-informasi/arsip-berita/47-peradilan/38-kewenangan-pengadialan-agama>
- Pengadilan Agama Poso. (2023). Jenis perkara dan kewenangan Pengadilan Agama. <https://www.pa-poso.go.id/profil-pengadilan/jenis-perkara-dan-kewenangan-pengadilan-agama>
- Puspitawati, A., Siregar, R. Z., & Matondang, E. (2021). Konflik keluarga sebagai faktor pemicu ketidakharmonisan dan perceraian. *Jurnal Ilmu Sosial Humaniora Indonesia*, 9(2), 1072–1078. <https://ojs.journals.id/index.php/jishi/article/download/204/52/844>
- PubAdmin.Institute. (2025, February 1). Defining organisational conflict: Meaning and key definitions. <https://pubadmin.institute/organisational-behaviour/defining-organisational-conflict-meaning-definitions>
- Rahmawati, L. S., & Rina, N. (2025). Effective communication and conflict resolution: Family communication of millennial married couples from different cultures. *Eduvest: Journal of Universal Studies*, 5(10). <https://doi.org/10.59188/eduvest.v5i10.51378>
- Sanusi, M. F., Mustakim, R., Sukendar, R., Kumbara, R., Mugni Abdillah, T., Saepullah, U., & Jamarudin, A. (2024). Lembaga negara yang mengatur hukum keluarga dan berfungsi sebagai penyelesaian sengketa hukum keluarga (Peradilan Agama). *QIYAS: Jurnal Hukum Islam dan Peradilan*, 5(2830). <https://ejournal.uinfasbengkulu.ac.id/index.php/QIYAS/article/view/2830>
- Scopus & Pietromonaco, B. (2021). The role of quality time and perceived perspective taking in conflict resolution among married couples. *Contemporary Family Therapy*. <https://link.springer.com/article/10.1007/s10591-025-09760-0>
- Suadi, A. (2020). Judicial authority and the role of the Religious Courts in the settlement of sharia economic disputes. *Lex Publica*, 7(2), 1–14. <https://doi.org/10.58829/lp.7.2.2020.1-14>
- Surwandono, & Sidiq Ahmadi. (2011). *Conflict resolution in the Islamic world*. Yogyakarta: Graha Ilmu.
- Wardani, A. K. W. (2022). Memahami konflik keluarga melalui pendekatan sosiologi hukum Islam (Studi Lapangan di Pengadilan Agama Kota Kediri). *Mahakim: Journal of Islamic Family Law*, 6(2), 177–206. <https://doi.org/10.30762/mahakim.v6i2.165>
- Yasmin, A., Aqilah Ramadhoifah, H., & Afifah, A. R. (2024). Peradilan Agama sebagai lembaga penegak hukum Islam di Indonesia. *Sriwijaya Journal of Private Law*, 1(1). <https://journal.fh.unsri.ac.id/index.php/SJPL/article/view/3373>