

## ABSTRACT

Zulfa, Indana 11210077, 2015, Mediation Divorce Case (Comparative Study of Religious Court Judge mediators and religious leaders in Kediri). Thesis, Department of Al Ahwal Al shakhsiyyah, Faculty of Sharia, Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Erik Sabti Rahmawati, MA., M.Ag.

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Mediation is a way of resolving disputes through negotiation process to obtain the agreement of the parties with the assistance of a mediator. Mediation for the litigants in divorce is the first stage to do a mediator in resolving a case submitted to the Court of religion. Reconcile effort also made by religious leaders in resolving a divorce case. Based on this study aims to determine: 1) the mediation process conducted by judges mediators and religious leaders. 2) the effectiveness of mediation conducted by a judge mediators and religious leaders.

Researchers used type of empirical research, with qualitative descriptive approach. Data collection with interviews and documentation as material analysis of the interviews. Researchers used interviews as the primary data and secondary data sources in the form of publicity materials literature, reading books that are relevant to the subject matter, then analyzed to the conclusion.

Results from this study indicate that the mediation process conducted by judges mediators and religious leaders through several stages, namely pramediasi, the implementation of mediation, and the end of the mediation. The mediation process is not much different between the two equally through the stages pramediasi, the process of implementation of the final phase of mediation and mediation. The difference lies in the parties that if the mediation was conducted by the clerics as mediator, in general, would assume who came voluntarily to help solve the problem. But if mediation conducted by a judge as a mediator is a necessity that must be passed by the parties as one of the stages of the trial. Religious leaders who act as mediators more reconcile the conflicting parties due to several factors, one of the problems that occur between the two parties were still said to be in the category of reasonable issues and advise the clerics more acceptable to the parties because of the charisma and obedience parties to the clerics. While mediation by a judge mediator is less effective because of the many cases in mediation and the case is already registered in the Religious, in addition to the level of the problem is already critical.