

Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia

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Abstract:

The authority of the Chief of Village, which has so far been limited to mere administrative authority, may apparently be exceeded by the authority of the chief of Village in conducting customary mediation in marriage disputes in Taman Village, Sreseh sub-district, Sampang Regency, East Java, Indonesia, where so far the mediation authority lies in the competence of a certified mediator. In this regard, two questions is discussed in this paper: first, how is process of customary mediation; and the second, how the implications of the customary mediation on family life in the Taman Village of Sreseh district, Sampang, East Java, Indonesia. The research method used is a socio-legal approach by conducting interviews with the Chief of Taman Village, and local academics. Socio-legal selection is limited to methodology and analytically carried out by using the rules of legal research. The results show that the customary mediation process carried out by the Chief of Village is in line with the mediation process carried out by certified mediators with several similarities and one difference. However, the results of customary mediation showed significant successes that surpassed the success rate of court mediation. The implications of the customary mediation process are threefold. First, it brings local values as the basic of customary mediations. Second, it strengthens the local mediation that aids in reducing the divorce rate in Religious Courts. Third, as a breakthrough in the role and function of the Chief of Village as the leader at the village level.

Keywords: village head; customary mediation; marriage dispute.

Introduction

The authority of the Chief of Village as the highest leader of a village has experienced a significant increase in role, from those that are just administrative matters¹. This is strengthened by the enactment of Law Number 6 of 2014 on Villages which has provided independence to regulate and manage the village affairs in accordance with the interests of the local community². Furthermore, through the principle of recognition and subsidiarity in the Law, Village Government is carried out on the basis of autonomy and the right of origin³. Another interesting finding based on the autonomy of the villages and the Chiefs of Village is related to the authority of the Chiefs of Village in solving their community problems through a customary mediation process at the village level as happened in Taman Village, Sreseh District, Sampang Regency, East Java, Indonesia. This becomes interesting because according to Supreme Court Regulation No. 1 of 2016 on Procedures of Court Mediation, the criteria to become mediators are judges who are not the examiners of the present case in the court concerned, or other parties with a mediator certificate.⁴

So far, existing studies related to the authority of the Chief of Village have emphasized more on the authority of the Chief of Village in appointing or dismissing village officials, or the role of the Chief of Village in creating good governance, and has not specifically discussed the role of the Chief of Village in the process of customary mediation of marriage disputes. Some existing writings tend to address three issues. First, the Authority of the Chief of Village in Appointing and Dismissing Village Officials⁵ ⁶. Second, the authority of the Chief of Village in the establishment of village regulations together with the Village Consultative Body (BPD)⁷ ⁸. Third, the writing on the customary mediation itself which is carried out not by the Chief of

¹ Suharto Suharto, "Kelembagaan Pemerintahan Desa Dan Pemberdayaan Masyarakat Dalam Implementasi Undang-Undang Desa," *Jurnal Ilmu Administrasi Negara (JUAN)*, 2021, <https://doi.org/10.31629/juan.v9i1.3223>.

² sukimin, "Kewenangan Kepala Desa Sebagai Pemegang Kekuasaan Pengelolaan Keuangan Desa Sesuai Prinsip Good Governance," *Kewenangan Kepala Desa Sebagai Pemegang Kekuasaan Pengelolaan Keuangan Desa Sesuai Prinsip Good Governance*, 2020.

³ Bambang Adhi Pamungkas, "Pelaksanaan Otonomi Desa Pasca Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *JURNAL USM LAW REVIEW*, 2019, <https://doi.org/10.26623/julr.v2i2.2271>.

⁴ Mahmud Hadi Riyanto, "EKSISTENSI MEDIASI TERHADAP PERKARA PERCERAIAN DI WILAYAH PTA MAKASSAR," *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum*, 2018, <https://doi.org/10.24252/jurisprudentie.v5i2.5435>.

⁵ Nanang Zulkarnaen and Maemunah Maemunah, "KEWENANGAN KEPALA DESA DALAM MENGANGKAT DAN MEMBERHENTIKAN PERANGKAT DESA DI TINJAU DARI UNDANG-UNDANG NOMOR 6 TAHUN 2014 TENTANG DESA," *CIVICUS : Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, 2019, <https://doi.org/10.31764/civicus.v6i1.628>.

⁶ Abdul Rohman, "KEWENANGAN PENJABAT KEPALA DESA DALAM MENGANGKAT PERANGKAT DESA," *Syiar Hukum : Jurnal Ilmu Hukum*, 2020, <https://doi.org/10.29313/shjih.v18i1.6026>.

⁷ Elviandri and Indra Perdana, "PEMBENTUKAN PERATURAN DESA (PERDES): TINJAUAN HUBUNGAN KEWENANGAN KEPALA DESA DAN BADAN PERMUSYAWARATAN DESA (BPD)," *JOURNAL EQUITABLE*, 2021, <https://doi.org/10.37859/jeq.v6i1.2679>.

⁸ Kurniawan Wibisono Pararaton, "Implementasi Peran Badan Permusyawaratan Desa Dalam Penyusunan Peraturan Desa Di Desa Sidorejo," *SAPIENTIA ET VIRTUS*, 2021, <https://doi.org/10.37477/sev.v5i1.213>.



Village but by the traditional stakeholder (Ammatoa)⁹, nor by the customary chief¹⁰. From a number of existing writings, not many have seen the potential of the village head as a traditional mediator considering the role and function possessed under the Law on Villages

The purpose of this paper is to complement the shortcomings of previous studies by explaining that the Chief of Village has the authority as well as the ability to conduct customary mediation in their village . In that regard, two questions is analysed in this paper. First, how is the process of customary mediation of marriage disputes in Taman Village, Sresih District, Sampang Regency, East Java, Indonesia. Second, how are the implications of such customary mediation on the family life in Taman Village, Sresih District, Sampang Regency, East Java, Indonesia. These two definitions of the problem are the primary studies in this paper.

This article which addresses the authority of the Chief of Village in resolving marriage disputes by customary mediation rests on an argument that the Chief of Village has so far tended to perform administrative duties as the Chief of Village, such as the appointment and dismissal of the village officials, and the establishment of village regulations, as well as other tasks carried out in order to achieve good governance. Additionally, to this date, the authority of conducting mediation, especially in marriage disputes, remained the absolute and exclusive authority of both judge mediators and non-judge mediators who have obtained training and certification as mandated in Supreme Court Regulation Number 1 of 2016 on Procedures of Court Mediation.

The type of research used in this study is socio-legal. This type of research was adopted because of the need to explain the case in the object of study more meaningfully. The selection of socio-legal as a type of research uses the social sciences only as the realm of its methodology.¹¹ In substance and analysis it is within the realm of legal science. In the socio-legal approach, the author also uses legal data in the form of Law Number 6 of 2014 on Villages, Supreme Court Regulation Number 1 of 2016 on Procedurew of Court Mediation, Jurisprudences, and scientific articles related to the object of study.¹²

The research process begins with the selection of the object of study, followed by the selection of informants and the collection of other data such as documentation and statistical data. The informants in this study were JML as the Chief of Taman Village, Sresih District, Sampang Regency, East Java, Indonesia, and HMD as an academic (lecturer) in Sampang. After the information and data are collected and deemed sufficient, data analysis is carried out to identify the results of the research. Furthermore, the results of the study is presented in the form of descriptions, namely in the form of words.

⁹ Muh. Zulfikra Muhdar and Jasmaniar, “Studi Perbandingan A’borong (Musyawarah) Masyarakat Hukum Adat Kajang Dihubungkan Dengan PERMA Nomor: 1 Tahun 2016 Tentang Mediasi,” *PETITUM*, 2020.

¹⁰ Erfina Fuadatul Khilmi and Arvina Hafidzah, “Penyelesaian Sengketa Waris Berbasis Kearifan Lokal Di Desa Gayasan A, Kecamatan Jenggawah, Kabupaten Jember, Provinsi Jawa Timur,” *Jurnal Sains Sosio Humaniora*, 2020, <https://doi.org/10.22437/jssh.v4i2.11735>.

¹¹ Sulistyowati Irianto et al., *Kajian Socio-Legal, Kajian Socio-Legal*, 1st ed. (Denpasar: Pustaka Larasan, 2012).

¹² Sulistyowati Irianto et al., *Socio-Legal Studies, Socio-Legal Studies*, 1st ed. (Denpasar: Pustaka Larasan, 2012).



Results and Discussion

The Procedure of Customary Mediation in Taman Village

The word mediation is etymologically (language), derived from a Latin word, *mediare* which means "to be in the middle". Its meaning refers to the role of third parties, in this case as mediators, in carrying out their duties, namely mediating the parties in resolving their disputes. "Being in the middle" also means that the mediator must be positioned as a neutral or impartial party in resolving disputes.¹³ In essence, mediation is a dispute resolution process based on negotiations with the aid of a mediator as a neutral third party to produce an agreement that is acceptable to all parties to the dispute.¹⁴ The concept of dispute resolution through mediation that uses a win-win solution or win-win settlement has long been known in Indonesian customary law. The concept of dispute resolution through deliberation between the parties has long been known to indigenous peoples, long before the litigation system was introduced by the Dutch colonial government.¹⁵

The customary mediation process carried out by the Chief of Taman Village, Sreseh District, Sampang, East Java exhibits positive outcomes. Taman Village is located in the Sreseh district of Sampang Madura Regency, East Java Province, Indonesia. Taman Village is one of the villages located in Sreseh District, Sampang Regency, East Java. In general, the characteristics of the Taman Village area can be seen from the physical aspects which include the location, area, topography and climatic conditions with an area of 696 hectares. The number of Heads of Families (*Kepala Keluarga*, KK) of Taman Village is of 948 families, with the details of 3,439 residents. The male population is of 1,764, and the female population is of 1,672. There are no primary sources, either inscriptions or written manuscripts that describe the early history of the existence of Taman Village, Sreseh District. The history of Taman Village is only understood from oral stories that are passed down from generation to generation.

The customary mediation process is started from listening to both parties, seeking initial understanding, conducting negotiations, to finally finding a win-win solution that is obeyed by both parties (Based on personal interview with JML, June 28, 2022). It shows that the customary mediation process that has been carried out so far is no different from the formal mediation process by a certified mediator. In the process of customary mediation, a Chief of Village upholds philosophical values in the form of togetherness (communal), sacrifice, supernatural values, and justice. These four aspects were seen in the customary mediation process carried out by the Chief of Village (personal interview with HMD, June 28, 2022).

Communal in this case means putting the common interest first. Common interests are upheld that outweigh individual interests, hence in indigenous peoples, there are only known common interests. If common interests are realized, then the individual interests are not stepped on by themselves. Sacrifice in this aspect means mutually succumbing between the two sides to lower the ego or defeat its interests

¹³ Dedy Mulyana, "Kekuatan Hukum Hasil Mediasi Di Dalam Pengadilan Dan Di Luar Pengadilan Menurut Hukum Positif," *Jurnal Wawasan Yuridika*, 2019, <https://doi.org/10.25072/jwy.v3i2.224>.

¹⁴ Gatot Sumartono, *Arbitrase Dan Mediasi Di Indonesia* (Jakarta: Gramedia Pustaka Utama, 2006).

¹⁵ Mufid Mufid, "Mediasi Dalam Hukum Adat," *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 2020, <https://doi.org/10.19105/al-manhaj.v2i2.3490>.



for the sake of a sustainable communal life. Supernatural value is supernatural (*Adikodrati*). *Adikodrati* is beyond the nature. In the traditional sense, *adikodrati* can be interpreted as a belief of religious world. If traced through the mediation, the Chief of Village uses religion as one of the approaches taken. The latter aspect is justice. Justice here is clear that the solution arising from the customary mediation process is a win-win solution which means that both sides considerably win equally, and the solution is agreed upon by both parties with light hearts. The customary mediation had indirectly deviated from a formal mediation process as stipulated in the positive law, namely Supreme Court Regulation No. 1 of 2016. In detail, the equation will be shown in the table below:

Table 1. Differences Between Customary Mediation and Formal Mediation

No	Item	Customary Mediation	Formal Mediation
1	Professional certificate	Not applicable	Required
2	Mediator Alignment	Neutral	Neutral, Impartial, No Interest
3	Applicant of the Dispute	Third party or one of the parties	Third party or one of the parties
4	Initial Mediation Process	listening to captions one by one	listening to captions one by one
5	In case of deadlock	Listen to either party separately	Caucus
6	Seeking early understanding	Yes	Yes
7	Perform problem identification	Yes	Yes
8	Guiding the negotiations	Yes	Yes
9	Giving the solution	Come alone through the process	Both sides
10	Made an act of reconciliation	Not applicable	Already
11	Duration of Mediation	14 days	30 days

From the table, it can be seen that the customary mediation process carried out by the Chief of Village goes through a similar process with the formal mediation



process by a certified mediator. The difference between the two lies in the professional certificate and the results or outcomes of the mediation process. In formal mediation, a mediator is obliged to have a professional certificate. A Mediator Certificate is a document issued by the Supreme Court or an institution that has obtained accreditation from the Supreme Court stating that a person has attended and passed Mediation certification training (Article 1 paragraph (3) of the Supreme Court Regulation No. 1 of 2016). In addition, the formal mediation process must be made in writing into a peace agreement. "*Partial Peace Agreement is an agreement between the plaintiff party and part or all of the defendant parties and the agreement of the Parties to part of the entire object of the case and/or legal issues disputed in the Mediation process (Article 1 paragraph (8) of the Supreme Court Regulation No. 1 of 2016)*". While in the process of customary mediation by the village head, the village head did not have the certificate of the profession (personal interview with JML, June 28, 2022). The results of customary mediation are not written down and simply become a normal (oral) agreement between the two parties. There is no element of binding or coercive force for the parties, and It returns to the consciousness of each party to regulate the results of the customary mediation.

As for the aspect of success in the process of formal mediation and customary mediation has significant differences. Nationally, there is no exact rate of success rate of mediation across the country. However, derived from certain studies, the success rate of mediation in a number of Religious Court is relatively low. As apparent in the Religious Courts in Semarang, the success rate of mediation does not even reach 10%.¹⁶ Meanwhile, as stated on the website of the pa-praya.o.id at the Praya Religious Court in 2021, the success rate of mediation was at 15.82%. This fact is significantly different from the narrative of the Chief of the Taman Village in the interview conducted by stating that the success rate of customary mediation which he carried out was around 90%. This is very high and this means that many divorces can be prevented through the customary mediation.

The customary mediation process emphasizes comfort in each of its stages. Comfort here means the atmosphere of mediation that feels familiar, calming and not in a rigid condition. As the Chief of Taman Village has stated in the interview that in the process of traditional mediation, it is often done in the evening while drinking coffee. The conversation flowed but remained focused on the problem. Sometimes, customary mediation is also carried out with village elders or family elders as a form of support. It is these processes that can be the key to success. In contrast to formal mediation which is in a special room (if carried out in court), and it is carried out on a predetermined schedule. The formal atmosphere tends to affect the psychological condition of the parties to be depressed or nervous, uncomfortable, and affect the results of the mediation.

In the process of customary mediation, apart from the process which tends to be flexible in time and place, the role of the Chief of Village as a leader figure also holds a central role. In this case, the Chief of Village can play a direct role in sorting the problems experienced by his residents. The figure of the Chief of Village in the

¹⁶ Muchamad Coirun Nizar Moh Saifuddin, "Prosedur Pelaksanaan Dan Tignkat Keberhasilan Mediasi Di Pengadilan Agama Semarang," *Wahana Akademika : Jurnal Studi Dan Sosial* 8, no. 1 (2021): 71–85, <https://doi.org/DOI: 10.21580/wa.v8i1.6572>.



Taman Village is considered by the members of the community as a representative of the Prophet who holds the nature of *tabligh*, *siddiq*, *fathonah*, and *Amanah* (personal interview with HMD, June 28, 2022). This poses implications for the trust of the residents of the Taman Village in their leaders, thus the community does not hesitate to ask for solutions from the Chief of Village and is willing to listen to his advice.

The findings of this sub-chapter indicate that the Supreme Court Regulation No. 1 of 2016 can be juxtaposed with customary mediation by the Chief of Village which has been implemented since 2010. The meaning of juxtaposed here is in the sense that the customary mediation process is not much different from the professional mediation process (see table above), although there are several aspects that are different. Such as the obligation to have a professional certificate for professional mediators and the power to bind and enforce the peace agreement by both parties. Which the two aspects are not found in customary mediation by the Chief of Village. However, what should be underlined is the success rate of customary mediation which exceeds the success rate of formal mediation for divorce cases. This result can also be a prelude to the internalization of local values and the customary mediation process in the development of national law, especially in terms of mediation which has been a competence for judge mediators and certified mediators.

Implications of Customary Mediation on Family Life in Taman Village

The success of the customary mediation carried out by the Chief of Village has implications for the sustainability of the community of Taman Village, Sreseh sub-district. This implication that arises are in line with the active role of the Chief of Village in directly sorting the problems of his community, especially in divorce cases. The first implication is to give birth to the existence of local values in the customary mediation process, the second is to play a role in reducing the divorce rate in Taman Villages, Sreseh Districts, and the third implication is to give rise to new habits in the form of customary mediation led by a Chief of Village. First implications is Local Values (*Adat*) as the Basis for Customary Mediation. The customary mediation process, led by the Chief of Village in the process, indirectly contributes to preserving the customary values adopted by the local community. For example, a culture that obeys religion (supernatural value). Reflecting on the habits of the local people who diligently study from a young age, and also the factors of the Chief of Village himself who is respected and trusted. Make the customary mediation process take place properly and be used as the first alternative to dispute resolution.

In addition to contributing to preserving customary values or localities, the customary mediation process also preserves the characteristics of the customary law community in the process of deliberation and consensus that is passed. In indigenous peoples, the mutual agreement made by the parties is the highest achievement of man in managing or controlling his angry passions. Because in mediation, it requires the parties to both take a step back in order to equally achieve victory¹⁷. This is in accordance with the values that live in a society that is more concerned with common interests than those of individuals. For comparison, in an article entitled

¹⁷ Wayan Resmini and Abdul Sakban, "MEDIASI DALAM PENYELESAIAN SENGKETA PADA MASYARAKAT HUKUM ADAT," *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, 2019, <https://doi.org/10.31764/civicus.v6i1.625>.



Comparative Study of *A'borong* (Deliberation) of the Kajang Indigenous Community in Relation to the Supreme Court Regulation Number: 1 of 2016 on Mediation published in 2020. This research resulted in the implementation of Mediation / *a'borong* that has a positive impact in terms of reaching a peaceful agreement between the parties compared to the mediation regulated in the Supreme Court Regulation No. 1 of 2016 on Mediation.¹⁸ Another research that prioritizes local values is entitled Alternative Dispute Resolution in the Mediation of Customary Law Disputes in Papua which was published in 2021. The results of this study show that non-litigation settlements are chosen by the community on the grounds that in terms of relatively faster time can be realized, low costs and problem solving is carried out in a peaceful way, namely through deliberation. Based on this research, the Chief of *Adat* in Jayawijaya Regency on January 27 2021 stated regarding the settlement of existing customary institutions in Jayawijaya Regency that the Customary Council itself in maintaining peace of customs in its customary territory is always guided by cooperation between the Government and the community known as the three furnaces namely custom, religion and government.¹⁹

Second implications is Strengthening Local Mediation. The second implication of the existence of customary mediation is strengthening local mediation which automatically that it helps reduce the divorce rate in religious courts. The customary mediation process carried out by both parties is the first choice taken before filing a lawsuit in a religious court. This step brought a big breakthrough because if it finds success in the process, the case will automatically be completed and will not continue with a lawsuit in the religious court. Thus, the most felt implication is that it helps prevent an increase in the divorce rate in religious courts. In this study, there are indeed no exact and specific figures on how many family law cases entered the village head from the beginning to conducting interviews, but based on interviews with the Chief of Village and several residents, it exhibits that almost all civil disputes, especially marriage, can be resolved at the village level through the customary mediation process. Although the numbers cannot be shown concretely through case registration at the Sampang Religious Court, East Java.

As a strengthening of customary mediation to be able to overcome family disputes, in an article entitled Settlement of Inheritance Disputes Based on Local Wisdom in Gayasan A Village, Jenggawah District, Jember Regency, East Java Province in 2020 resulted in the existence of local wisdom as a strategic alternative means in resolving inheritance disputes in Gayasan A village, Jenggawah District, Jember Regency. First, internal family discussions (*perembugen*) which are usually led by the eldest child or the family member who is considered neutral in the inheritance dispute that occurs; Second, mediation by the head of the custom as the appointed mediator, mediation itself will usually take place more formally and solemnly, from the mediation can give rise to two solutions that can be chosen by both parties to the dispute, namely succumbing to the division of inheritance and accepting the initial decision in the division of inheritance or if you want to use legal

¹⁸ Muhdar and Jasmaniar, "Studi Perbandingan A'borong (Musyawarah) Masyarakat Hukum Adat Kajang Dihubungkan Dengan PERMA Nomor: 1 Tahun 2016 Tentang Mediasi."

¹⁹ Alexander Alexander, "Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua," *Jurnal Syntax Transformation*, 2021, <https://doi.org/10.46799/jst.v2i9.325>.



channels that usually occur as a result of disagreement between the two parties, the parties are allowed to proceed to court. Mediation by the chief of the hamlet itself must be agreed by both parties and is usually witnessed by religious figures. Third, customary sanctions in the form of excommunication (not addressed) to perpetrators who commit violations.²⁰

The last implications is As a Legal Breakthrough the Role and Function of the Chief of Village. Progressive law that is based on the development of human beings, brings forward the important consequences of creativity. Creativity in the context of law enforcement is intended not only to overcome the law that is lagging behind, but also to make legal breakthroughs that are expected to realize the humanity goals through the operation of law, namely the law that ensures the happiness of the people.²¹

The customary mediation process led by a Chief of Village is accompanied by a significant degree of success, has brought good impacts to the village administration. This could be an example for other regions to implement similar procedures in each of their regions by balancing the locality of each region as well. If this goes well, the national divorce rate may decrease because the success of customary mediation contributes to the prevention of divorce at the village level. The findings from this study shows that the role of Chief of Village in making legal breakthroughs, especially in the realm of family law. The effectiveness of the function and role of the Chief of Village can actually lead to humanity goals and bring happiness to the community. Several factors for the success of customary mediation were largely influenced by the factor that the Chief of Village himself has won the public trust, and well known to be religious due to his background as student of Islamic boarding school (*pesantren*) and master of the religion. In addition to the factor of the village community who tend to be religious due to community culture and local values that have been built up a long time ago.

The existing studies related to the role of the village head, limited to 3 elements. First, the role of the Chief of Village in ensuring the welfare of the community. The results of the study showed that village heads played a role in efforts to prosper through the implementation of government in various fields²² even during the Covid-19 pandemic²³. Second, the role of the Chief of Village in the community empowerment. The research proves that the role of the Chief of Village in community empowerment has been carried out by encouraging the improvement of the quality and capacity of human resources of the village community and providing sustainable

²⁰ Khilmi and Hafidzah, "Penyelesaian Sengketa Waris Berbasis Kearifan Lokal Di Desa Gayasan A, Kecamatan Jenggawah, Kabupaten Jember, Provinsi Jawa Timur."

²¹ Lucky Endrawati, "Rekonstruksi Analogi Dalam Hukum Pidana Sebagai Metode Penafsiran Hukum Untuk Pembaharuan Hukum Pidana Dengan Pendekatan Aliran Progresif," *HERMENEUTIKA : Jurnal Ilmu Hukum*, 2018, <https://doi.org/10.33603/hermeneutika.v2i1.1116>.

²² Musniwati Harsoyo, Dewi Anggraini, and Aryuni Salpiana Jabar, "PERAN KEPALA DESA DALAM UPAYA MENYEJAHTERAKAN MASYARAKAT DESA PULAU TIGA KECAMATAN MENUKI KEPULAUAN KABUPATEN MOROWALI," *Welvaart : Jurnal Ilmu Kesejahteraan Sosial*, 2021, <https://doi.org/10.52423/welvaart.v2i1.20034>.

²³ Harsoyo, Anggraini, and Jabar.



village community assistance²⁴. In addition, the community empowerment can be achieved through the PKK (*Pemberdayaan Kesejahteraan Keluarga*/Empowerment of the Family Welfare) program²⁵. Third, the role of the Chief of Village in increasing community participation in the field of village development which is starting to increase²⁶ and the role of the Chief of Village as a mobilizer to increase community participation in the village development process.²⁷

Research specific to the role of Chiefs of Village in the customary mediation process in family law disputes has not been carried out much. The findings in this study can at least be a prelude for further research to explore similar potentials in other areas with the role of the Chief of Village who functions as a traditional mediator. Another implication of these findings is that the practice of customary mediation carried out by the Chief of Taman Village can be a contribution to the formation of national law, especially within the framework of civil law and the mediation process therein. As in the research of the Kajang Indigenous Community which is running effectively and juxtaposed with Supreme Court Regulation Number 1 of 2016.

Conclusion

Based on the results of the analysis in this paper, the Chief of Taman Village, sub-district of Sreseh, Sampang Regency, East Java, Indonesia has the authority and ability to carry out customary mediation in marriage disputes for his community as a certified mediator, and has implications for family life in the area of his dominion. The results of this writing can be a contribution of thought in the development of national law specifically to the realm of family law by strengthening the functions and roles of Chiefs of Village that must be accommodated in the Village Law since it is proven to have a positive impact in preventing divorce rates. The limitations in the writing of this paper lie in limited locations and limited informants. The hope for further research is expected to be carried out in other regions by paying attention to the characteristics of living customs that can be explored and used as a contribution of thought to the development of national law.

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²⁴ Hasdinawati., Syamsuddin, and Supratman Tahir, "Peran Kepala Desa Dalam Pemberdayaan Masyarakat Didesa Biroro Kecamatan Sinjai Timur Kabupaten Sinjai," *DEMOKRASI: Jurnal Ilmu Pemerintahan*, 2021.

²⁵ Ashri Bunga Dzikrillah and Ansori Ansori, "PERAN KEPALA DESA DALAM PEMBERDAYAAN PEREMPUAN MELALU GERAKAN PKK DI DESA CIHANJUANG," *Comm-Edu (Community Education Journal)*, 2018, <https://doi.org/10.22460/comm-edu.v1i3.2080>.

²⁶ Luh Mulyani et al., "PERAN KEPALA DESA DALAM MENINGKATKAN PARTISIPASI MASYARAKAT DALAM PEMBANGUNAN DESA TRADISIONAL DI DESA JULAH KECAMATAN TEJAKULA KABUPATEN BULELENG-BALI," *Jurnal Ilmiah Akuntansi Dan Humanika*, 2019, <https://doi.org/10.23887/jinah.v8i1.19863>.

²⁷ arif rahman Hakim, Iman Surya, and Nur Hasana, "Peran Kepala Desa Meningkatkan Partisipasi Masyarakat Dalam Pembangunan Di Desa Makmur Jaya Kecamatan Kongbeng Ka Bupaten Kutai Timur," *Ilmu Pemerintahan*, 2018.



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