

Virtual Mediation in Islamic Religious Civil Cases Soerjono Soekanto Theory of Law Enforcement Perspective

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Abstract

Mediation in the settlement of Islamic civil cases is a stage that should not be missed by the litigants. Basically, mediation is done face-to-face directly in a special room. However, mediation can be done virtually or using virtual communication media. The implementation of virtual mediation can be done using the WhatsApp, Line, or Zoom Meeting applications. According to Soerjono Soekanto, there are several factors that determine law enforcement, namely legal factors, community factors, cultural factors, facilities and facilities factors and legal factors. The implementation of virtual mediation when viewed from the factors described and all that have not been fulfilled, but there are several things that need to be done so that virtual mediation can be carried out smoothly, there must be a special application there must be a source of legal reference that is specifically regulated.

Keywords

virtual mediation; islamic civil;
law enforcement



I. Introduction

Islamic civil cases are cases involving one individual with another individual in cases related to Islamic religious law. Islamic civil cases include divorce, grants, inheritance, sharia economics. In the process of settling civil cases there is a mediation process before proceeding with the trial process in front of a judge. Mediation itself during a pandemic like now has developed a lot along with the development of science and technology. Such as mediation which can now be done in virtual form through communication media or special applications provided at the Religious Courts. There are many advantages and disadvantages to virtual mediation. The advantage of having a virtual mediation process is that parties who are unable to attend can carry out the mediation process face-to-face even though they pass through the communication media. However, virtual mediation also has drawbacks, namely with signal constraints or the disapproval of one of the parties. In Islamic civil cases, virtual mediation itself is mostly carried out in the divorce process, although the mediation is not only aimed at divorce cases. Although the implementation of virtual mediation is new during the COVID-19 pandemic,

A previous study of a journal written by M. Khoirur Rofiq, Amir Muallim, and Sidik Tono in 2021 with the title "The Dynamics of Islamic Civil Disputes at the Religious Courts of the Special Region of Yogyakarta". This study focuses on describing the dynamics of cases that are entered and decided by the Yogyakarta Religious Court according to their authority, while the author will focus on the virtual mediation process in Islamic civil cases. Journal written by Yayah Yarotul Salamah in 2013 with the title "The Urgency of Mediation in Divorce Cases in the Religious Courts". This study focuses on the importance of mediation in general in divorce cases, while the author focuses on virtual mediation in Islamic civil cases. The journal written by Dewa Putu Ade Wicaksana, Anak Agung Sagung Laksmi Dewi and Luh Putu Suryani in 2021 entitled "Online Mediation as

an Alternative for Industrial Relations Dispute Resolution during the Covid-19 Pandemic in Indonesia. This study focuses more on online mediation on industrial relations dispute resolution cases during the pandemic. While the author will analyze virtual mediation in Islamic civil cases. Journal written by Hisam Ahyani, Muhamad Ghofir Makturidi, Muharir in 2021 with the title "E-Court Administration of Civil Cases in Indonesia". This study focuses on the electronic administrative process of civil cases by the Banjar City Religious Court in accordance with Perma number 1 of 2019. While the author focuses on the mediation process through electronic media for Islamic civil cases Perma number 1 of 2016 concerning Mediation Procedures.

II. Research Method

The research approach used in this study is a qualitative approach, namely research which can be interpreted as research that does not carry out calculations. According to Koentjaraningrat, what is meant by qualitative research is research in the field of humanity with activities based on scientific disciplines to collect, classify, analyze, and interpret facts and relationships between facts of nature, society, human behavior and spirituality in order to discover principles. principles of knowledge and new methods of responding to them.

III. Result and Discussion

3.1 Definition of Mediation

Mediation is a method of resolving disputes through a negotiation process to obtain an agreement between the parties with the assistance of a mediator. Mediation comes from English which means resolving disputes by mediating. Mediation is a problem-solving negotiation process, in which an impartial external party cooperates with the disputing parties to seek mutual agreement. The mediator is not authorized to decide disputes, but only helps the parties to resolve the issues that are authorized to him.

According to Gatot Supramono, mediation is a dispute resolution process through a process of negotiation or consensus between the parties, assisted by a mediator who does not have the authority to decide or impose a settlement. Mediation can also be interpreted as a way in which the mediator helps the parties reach a settlement on the basis of consensual negotiations on their differences of opinion.

Mediation is a method of resolving disputes outside the court through negotiations involving third parties who are neutral and do not take sides with the disputing parties and their presence is accepted by the disputing parties. Mediation is a "good faith" procedure in which the disputing parties submit suggestions on how the dispute will be resolved by the mediator, because they themselves are unable to do so. Mediation plays a very important role as a model for resolving disputes in a peaceful manner, therefore the Supreme Court as a judicial institution issues PERMA RI Number 1 of 2008 concerning Mediation Procedures in Courts, which is a revision of PERMA Number 2 of 2003 concerning Mediation Procedures in Courts, then refined again with Perma No.

It is very important in mediation, a mediator understands and understands the problems that are going on between the parties, both in terms of legal interests and problems that accessory accompany the main problem. The mediator who understands the ins and outs of the problems faced by the parties will at least determine the best way and way to produce peace. To make it easier to deepen the problem in a dispute that occurs

between the parties, the mediator can implement techniques that can be a way to find the main problem that occurs.

Mediation is basically a negotiation involving a third party who has expertise in effective mediation procedures, can help in conflict situations to coordinate their activities so that they are more effective in the deliberation process. In PERMA Number 1 of 2016 concerning mediation procedures in court in article 1 states that mediation is a way of resolving disputes through a negotiation process to obtain an agreement between the parties with the assistance of a mediator. In Islamic law literature, the word mediation is identical with the word tahkim, which etymologically means appointing someone or a third party as a mediator in a dispute. Tahkim is "making judges" or it can also be interpreted as the protection of the disputing parties to those whom they agree and agree to and are willing to accept their decisions to resolve their disputes. The characteristics and process of mediation are as follows:

Mediation from the definition given clearly involves the existence of a neutral and impartial third party (both individuals and in the form of an independent institution) who will function as a mediator. As a neutral, independent, impartial third party and appointed by the parties directly or through a mediation institution, the mediator is obliged to carry out his duties and functions based on the will and will of the parties.

In mediation, dispute resolution or dispute arises more from the wishes and initiatives of the parties, so that the mediator plays a role in helping them reach an agreement. In assisting the disputing parties, the mediator is impartial or impartial. The position of the mediator like this is very important, because it will foster trust which makes it easier for the mediator to carry out mediation activities. The non-neutral position of the mediator will not only complicate mediation activities but can lead to failure. Understanding mediation can be classified into three important elements that are interrelated with each other. The three elements are; characteristics of mediation, the role of the mediator, and the authority of the mediator. In the characteristics of mediation, it is illustrated that mediation is different from other forms of dispute resolution, especially with alternative dispute resolution outside the court such as arbitration.

Mediation can be divided into two categories, namely mediation in court (litigation) and mediation outside the court (non-litigation). In many countries, mediation is part of the litigation process, the judge asks the parties to try to resolve their dispute using the mediation process before the court process proceeds. This is called mediation in court. In this mediation, a judge or an expert appointed by the parties in the court process, acts as a mediator. In many countries, such as the United States, there has long been a mechanism whereby courts ask the parties to try to resolve their dispute through mediation prior to hearing. There are several mediation models that mediation students and practitioners need to consider.

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The types of mediation according to Boule are divided into four parts, namely:

- 1) Settlement mediation, also known as compromise mediation, is a mediation whose main purpose is to encourage the realization of a compromise from the demands of the two conflicting parties. In this mediation model, the desired type of mediator is one with high status even though he is not very skilled in mediation processes and techniques.
- 2) Facilitative mediation which is also referred to as interest-based mediation and problem solving is mediation that aims to prevent disputants from their position and negotiate the needs and interests of the disputants rather than their legal rights rigidly.
- 3) Transformative mediation, also known as mediation therapy and reconciliation, is a mediation that emphasizes finding the underlying causes for the emergence of problems among disputants, with the consideration of improving the relationship between them through recognition and empowerment as the basis for the resolution (way out) of the dispute. which exists.
- 4) Evaluative mediation which is also known as normative mediation is a mediation model that aims to seek an agreement based on the legal rights of the disputans in the area anticipated by the court.

Mediation can be said to be successful or failed, we can see based on the stages or processes of the implementation of the mediation that is passed. If the mediation is carried out properly and correctly, then the results obtained will lead to good and peaceful results, on the contrary if it is carried out incorrectly and not well, the results obtained will certainly fail.

Both parties are required to appear before the examining judge who has been formulated in order to notify the agreement of a reconciliation which is strengthened by the Peace Deed. In this case, it has been regulated in Article 27 of Perma No. 1 of 2016 which has explained that:

- 1) If in the implementation of the Mediation, a peace agreement is reached, the parties assisted by the mediator are obliged to formulate a written agreement in the Peace agreement which has been signed by the mediator and the parties.
- 2) If the Parties do not want the Peace Agreement to be strengthened in the Peace Deed, the Peace Agreement must contain the revocation of the claim.
- 3) In the Mediation process represented by a legal representative, the signing of the Peace Agreement can only be done if a written statement from both Parties is obtained which contains agreement on the agreement reached, and reports it to the judge examining the case.”

d. Mediation no agreement reached

If an agreement is not reached in the implementation of the mediation, the mediator must also formulate in writing that the mediation has failed. At each stage of the case examination process, the judge who examines the case still has the authority to seek peace until before the court decision is made. If it fails, then the confessions and statements of both parties in the mediation process cannot be used as evidence in the trial stage in court.

In the final process of mediation, the decision-making process, the mediator localizes problem solving and evaluates problem solving that has been done previously. Differences between the parties are brought together and endeavored to be minimized. The mediator then confirms and clarifies the agreement to be agreed upon by the disputing parties. Outside the agreement to be agreed, the mediator helps to compare the settlement proposal with alternatives outside the agreement. The mediator must be able to encourage the parties to produce a solution to the problem and the parties must be able to accept it. The mediator should always try to achieve a win-win solution. In determining the choice of agreement,

Among the benefits of carrying out the mediation process is resolving disputes between the parties by involving neutral and impartial parties. Mediation can lead the disputing parties to realize a permanent and sustainable peace agreement, bearing in mind that the mediation process neither wins nor loses (win win solution).

Mediation as an alternative settlement has several advantages, namely economical decisions, quick resolution, results that satisfy all parties, comprehensive agreements, decisions that can be implemented, decisions that apply regardless of time, but mediation also has drawbacks, namely when conducting execution at the time after reaching an agreement because the agreement can only be reached voluntarily by the parties. Therefore, the mediation process will only be effectively applied to parties who voluntarily want disputes to be resolved by means of mediation. Peace can be achieved if there are two parties who previously had a dispute, then the parties agree to let go of each other's problems, so the concept of a win-win solution can be implemented.

In article 14 letter (j) PERMA Number 1 of 2016 regulates the duties of the mediator, namely:

“In carrying out its functions, the Mediator is tasked with:

- a) introduce themselves and provide an opportunity for the Parties to introduce themselves;
- b) explain the purpose, objective, and nature of Mediation to the Parties;
- c) explain the position and role of the Mediator who is neutral and does not make decisions;
- d) make rules for the implementation of Mediation with the Parties;
- e) explain that the Mediator may hold a meeting with one party without the presence of the other party (caucus);
- f) arrange a Mediation schedule with the Parties;
- g) fill out the mediation schedule form.
- h) provide an opportunity for the Parties to submit problems and proposals for peace;
- i) take an inventory of problems and schedule discussions based on a priority scale;
- j) facilitate and encourage the Parties to:
 - a. explores and explore the interests of the Parties;
 - b. seeks various options for the best settlement for the Parties; and
 - c. works together to reach a solution; assist the Parties in making and formulating a Peace Agreement;
- l) submit reports on the success, failure and/or inability of the Mediation to be carried out to the Case Examining Judge;
- m) declare that one or the Parties do not have good intentions and submit to the Case Examining Judge;
- n) other duties in carrying out its functions"

3.2 Virtual mediation

In the process of resolving Islamic civil cases carried out in the Religious Courts. The process before the trial is carried out is to carry out a mediation process first. The litigants can choose who will mediate the case they face. In the process of Islamic civil cases in the Religious Courts, most of the cases that carry out the mediation process are divorce cases, but that does not mean that cases other than divorce do not go through the mediation process.

Along with the development of technology, more and more progress has been made, including the process of resolving cases in the Courts and the mediation process carried out at the Religious Courts. If the trial process has an e-court application to conduct a trial,

then virtual mediation or online mediation does not yet have a special application to mediate virtually. Online mediation itself is carried out if the parties concerned agree to mediate virtually or on the initiative of the mediator to mediate virtually, although it is still required to obtain approval from the parties as well.

The basis for holding virtual mediation is contained in PERMA number 1 of 2016 in article 5 paragraph 3 which states:

"Mediation meetings can be conducted through long-distance audio-visual communication media that allows all parties to see and hear each other directly and participate in the meeting".

Then in article 6 paragraph 2 states that:

"The presence of the parties through long-distance audio-visual communication as referred to in Article 5 paragraph 3 is considered a direct presence"

In these two articles, it can be said that virtual mediation can be one of the mediator's efforts or ways to mediate if it is not done directly in front of the mediator. Virtual mediation can be done through communication media such as whatsapp, line, google meet, zoom meeting, as well as applications that provide features to communicate virtually. In the virtual mediation process, the mediation can use personal communication media or the mediator's property as the person who mediates or directs the mediation process.

There are three types of online mediation, namely:

1) Facilitative mediation

The mediator has a function as a facilitator and does not have the authority to provide resolution recommendations to the parties. In this case, the mediator only provides a way out for the parties to find a solution that suits their problems.

2) Evaluative mediation

The mediator provides views in terms of law, facts and evidence. This mediation strategy is to make an agreement through the mediator by providing a solution that is acceptable to both parties, and trying to persuade the parties to accept the opinion of the mediator.

3) Approach that mediates the situation

The mediator tries to interfere in the matter as long as it is agreed by the parties. The mediator only enters when the parties fail to negotiate among themselves, the mediator can intervene only to the extent of proposing a solution if the parties themselves ask the mediator to provide a solution to the parties. This procedure is useful to help facilitate communication between the parties

Basically, the mediation process virtually is not much different from the mediation process by not using communication media or commonly referred to as offline mediation. However, if mediation is carried out virtually, the process must obtain permission from the parties who will mediate virtually. If one of the parties does not want virtual mediation, the virtual mediation process cannot conduct virtual mediation and offline mediation can be carried out by providing a special power of attorney for a lawyer who will represent the party to mediate directly in the mediator's room.

Among the advantages of virtual mediation is that mediation can be carried out directly through communication media without being represented by a legal representative of one of the parties so that the mediation process can be carried out in detail because it mediates the parties who are actually involved without interference from the attorney of one of the parties. In addition, virtual mediation also has drawbacks, namely the absence of an application specifically to conduct virtual mediation, signal strength that sometimes does not support the virtual mediation process, there are no specific guidelines for conducting virtual mediation. one of the parties does not want virtual mediation, then the process cannot be carried out.

3.3 Analysis of virtual mediation in Islamic civil cases according to Soerjono Soekanto's theory of legal effectiveness

Islamic civil cases handled by religious courts include marriage, inheritance, wills, grants, zakat, waqf, infaq, shodaqoh and sharia economics. Which case is regulated in Law No. 3 of 2006 concerning Amendments to Law No. 7 of 1989 concerning Religious Courts. In the settlement of Islamic religious civil cases, mediation must be carried out first before holding a continuous trial. Although actually during the trial process the judge must strive so that the parties can make peace. During the trial process even before the judge's decision is read before the litigants, but based on the Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures, which states that at the court of first instance it must first be resolved through reconciliation with the assistance of a mediator. So it is necessary to have mediation mediated by a certified mediator to assist the parties in making peace in a special room that has been provided.

Although many Islamic religious civil cases are settled in religious courts, not all of the mediation process is carried out on cases, this is stated in Article 4 of PERMA Number 1 of 2016 concerning Mediation Procedures, namely:

- (1) All civil disputes submitted to the Court, including cases of resistance (*verzet*) against *verstek* decisions and resistance by litigants (*partij verzet*) and third parties (*derden verzet*) against the implementation of decisions that have permanent legal force, must first seek a settlement through Mediation, unless otherwise stipulated based on this Regulation of the Supreme Court.
- (2) Disputes that are excluded from the obligation to settle through Mediation as referred to in paragraph (1) include:
 - a. Disputes whose examination at trial is determined by a grace period for settlement include, among others:
 1. Disputes that are resolved through the procedures of the Commercial Court;
 2. Disputes that are settled through the procedure of the Industrial Relations Court;
 3. Objection to the decision of the Business Competition Supervisory Commission;
 4. Objection to the decision of the Consumer Dispute Settlement Body;
 5. Request for cancellation of the arbitral award;
 6. Objection to the decision of the Information Commission;
 7. Settlement of political party disputes;
 8. Disputes that are resolved through a simple lawsuit procedure; and
 9. Other disputes whose examination in court is determined by the time limit for their settlement in the provisions of the laws and regulations;
 - b. a dispute whose examination is carried out without the presence of the plaintiff or the defendant who has been duly summoned;
 - c. counterclaim (*reconvention*) and the inclusion of a third party in a case (*intervention*);
 - d. disputes regarding the prevention, rejection, cancellation and legalization of marriages;
 - e. disputes submitted to the Court after attempted settlement out of Court through Mediation with the help of a certified Mediator registered with the local Court but declared unsuccessful based on a statement signed by the Parties and the certified Mediator.
- (3) The statement of unsuccessful Mediation as referred to in paragraph (2) letter e and a valid copy of the Mediator Certificate are attached to the lawsuit.
- (4) Based on the agreement of the Parties, disputes that are excluded from the obligation of Mediation as referred to in paragraph (2) letters a, c, and e can still be resolved

through voluntary Mediation at the case examination stage and at the legal action stage.”

Divorce cases dominate many Islamic religious cases in the Religious Courts. The divorce process is actually prone to conflict, especially if one of the parties feels that what is being sued is not in accordance with what actually happened or the parties do not give in to each other. However, this does not mean that other cases are not prone to conflict even during the mediation process. As is the case with heirs, each of whom has evidence and has negotiated before the case is submitted to the Religious Court or even before that there has never been negotiations with other heirs. Therefore, the mediator as a facilitator must ensure that the parties are able to conduct mediation in a conducive manner and problems can be resolved without conflict between the parties.

Along with the rapid development of technology as it is now, mediators can also initiate virtual mediation if one of the parties is unable to attend when the mediation process takes place face-to-face without going through virtual communication media, although not completely virtual mediation is carried out because of the initiative. from the mediator but virtual mediation can also be done because the court process is virtual so that the mediation process also uses visual communication media. Virtual mediation is regulated in Article 5 paragraph (3) which reads:

“Mediation meetings can be conducted through long-distance audio-visual communication media that allows all parties to see and hear each other directly and participate in the meeting”

Referring to the article above, the mediation process using visual media must allow the parties to hear and see directly, which means that the media in question is a video call, which currently provides communication media with video call facilities and many of them are not used. free of charge or free.. although it is not mandatory to conduct virtual mediation or it can be said that virtual mediation can be done when the mediator has the initiative or indeed from the beginning of the trial virtual mediation has been carried out, the mediation process is also carried out virtually as well. However, virtual mediation also needs to be done because it makes it easier for parties who are unable to attend in person at a predetermined place even though there must be approval from all parties.

The virtual mediation process in Islamic civil law in the Religious Courts is the same as in mediation in general, but the only difference is the media. If mediation in general does not use any means to communicate with the parties, it is different from virtual mediation which uses auxiliary media as a way to communicate with the parties.

Law enforcement as a process is basically the implementation of discretion which involves making decisions that are not strictly regulated by the rule of law, however, has an element of personal judgment. Conceptually, the essence of law enforcement lies in the activity of harmonizing the relationship of values described in solid rules and attitudes of action as a series of final value translations, to create, maintain and maintain peaceful social life. The conception that has a philosophical basis requires further explanation so that it will appear more concrete.

Law enforcement is a process to make the legal will come true. What is called legal desire here is nothing but the thoughts of the law-making body which are formulated in legal regulations. The rule of law. The formulation of the thoughts of lawmakers as outlined in legal regulations will also determine how law enforcement is carried out. Law enforcement serves as the protection of human interests. In order for human interests to be protected, the law must be implemented. The implementation of the law can take place normally, peacefully, but it can also occur due to violations of the law. In this case the law

that has been violated must be enforced. It is through law enforcement that the law becomes a reality.

Law enforcement in Indonesia has several factors to support the implementation of the purpose of law enforcement. Factors influencing law enforcement in Indonesia:

1. Legal Factors.

What is meant by law is everything that gives rise to rules that have coercive power, that is, if they are violated, they will get strict and real sanctions.

2. Community Factor

In the form of society can be divided into two different levels of depth. First, direct and spontaneous society while the second is an organized and reflected society. Societies with spontaneous patterns are considered to be more creative both in thought and behavior patterns, while organized societies have patterns. standard thinking and a lot of deliberate planning. Law enforcement comes from the community and aims to achieve peace in society. Therefore, viewed from a certain angle, the community can influence legal compliance. Indonesian people in particular have certain opinions about the law. 3. Cultural Factors.

Culture has a very large function for society and humans. Society has needs in the material and spiritual fields. To meet their needs, most of them are filled with culture that comes from the community itself. But human abilities are very limited, thus the ability of culture which is the result of his creation is also limited in meeting all needs.

4. Factors of facilities and facilities

Without certain means and facilities, it is impossible for law enforcement to take place smoothly. These facilities or facilities include, among others, educated and skilled human resources, good organization, adequate equipment, sufficient finances and so on. If these things are not fulfilled, it is impossible for law enforcement to achieve its objectives.

5. Law enforcement factors

Law enforcers in Indonesia have several positions to assist and manage law enforcement factors so that the intent of a law can run smoothly and fairly. Among the elements of law enforcement include the police, prosecutors, and judges.

Based on the factors that influence law enforcement in the virtual mediation process, it can be described as follows:

1. Legal factors

Mediation which is carried out virtually has legal sources, namely Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution and Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures. In this case, specifically regarding the procedure for virtual mediation, there is still no legal source that regulates this, however, virtual mediation can be carried out based on Article 5 paragraph (3) of Perma Number 1 of 2016 which states:

“Mediation meetings can be conducted through long-distance audio-visual communication media that allows all parties to see and hear each other directly and participate in the meeting”

2. Community Factor

In this factor, it is the parties to the litigation that become the scope. Many litigants tend not to know that mediation can be done virtually, thus the parties who cannot attend in person mostly do not mediate or tend to be absent. In fact, there are still many people who still do not understand the concept of mediation or even people tend not to know what the benefits of mediation are which mediation itself is one of the mandatory steps before the proceeding of the trial process.

3. Cultural Factors.

To resolve cases, most Indonesian people have carried out a deliberation process which, when viewed through a virtual mediation process, also applied the concept of deliberation, especially during the mediation process and before the mediation process was carried out where the virtual mediation process had to be carried out with the consent of the parties.

4. Facilities and Facilities Faktor

Factors of facilities and facilities in conducting virtual mediation which in this case requires a reliable and skilled mediator, adequate communication media such as having a special application for virtual mediation which until now there is no official communication media to conduct virtual mediation However, virtual mediation can be done through communication media that people commonly use, such as whatsapp, line, zoom meetings and other applications.

5. Law enforcement factors

The law enforcement factor in the virtual mediation process can be carried out by judges in a way that if there is a case that is deemed necessary to conduct a virtual mediation process, the judge can order the mediator to carry out the virtual mediation process without the initiative of the mediator himself. However, so far the mediation process has been virtually carried out if the process from the beginning of the trial has been carried out virtually.

IV. Conclusion

The settlement of Islamic religious civil cases through the e-court application is one form of reform in the field of law. Virtual settlement is dispute resolution which in the process uses communication media such as whatsapp, zoom, or line. The settlement of Islamic religious civil disputes is mostly carried out by people who have litigation when one of the parties is unable to attend on the grounds that they are abroad, are in a detention cell, are sick, or are out of town.

Enforcement of mediation law has been virtually fulfilled, namely on legal factors there is a legal umbrella, namely Perma number 1 of 2016 concerning Mediation Procedures and Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Then the community factor, this factor is the litigation party that becomes the scope. Cultural factors, in resolving cases, most Indonesian people have carried out a deliberation process which when viewed through the virtual mediation process also applies the concept of deliberation, especially when the mediation process is carried out or before the mediation process is carried out in which the virtual mediation process must be carried out with the consent of the parties. Factors of facilities and facilities in conducting virtual mediation where there is adequate communication media such as having a special application for virtual mediation which until now there is no official communication media to do virtual mediation, but virtual mediation can be done through communication media that It is common for people to use it such as WhatsApp, Line, Zoom Meeting and other applications. The law enforcement factor in the mediation process can virtually be done by judges.

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