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## **From Moral Authority to Policy Integration: The Role of Religious Leaders in Marital Mediation in Indonesia and Malaysia**

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### **Abstract:**

Divorce rates in certain Southeast Asian countries remain a growing concern, with some regions experiencing one divorce in every four marriages. Formal mediation in religious courts has proven largely ineffective in mitigating this trend. However, two Muslim-majority regions, namely Rembang in Indonesia and Melaka in Malaysia, consistently demonstrate significantly lower divorce rates. This study seeks to explore the underlying factors contributing to this pattern. Employing a qualitative comparative method, this empirical research investigates how religious leadership contributes to family conflict resolution in both communities. The study involved interviews with six (6) informants in Indonesia and six (6) in Malaysia. The findings reveal that the presence of a strong religious ecosystem, in which religious leaders act as informal mediators, plays a central role in preventing divorce and promoting reconciliation. In these communities, religious figures such as imams or *kiai* are widely respected and trusted, and are often consulted before legal proceedings are considered. In Malaysia, the role of religious leaders has been institutionalised through state-supported programs that integrate them into official family protection and dispute resolution mechanisms. In contrast, Indonesia has not yet developed formal policies that support the role of religious leaders in marital mediation, despite their substantial influence in rural and coastal communities. This study concludes that religious leaders function not only as moral authorities but also as effective mediators who connect community values with personal disputes.

Strengthening collaboration between religious institutions and state authorities is crucial to enhancing non-litigation divorce prevention strategies. The integration of faith-based mediation into public policy could significantly contribute to sustaining family resilience in Southeast Asian Muslim societies.

**Keywords:** religious authority; mediation; divorce; marriage.

## Introduction

The effectiveness of mediation in Indonesia's religious courts remains a critical concern.<sup>1</sup> Statistical records indicate a consistently low success rate in court-mandated divorce mediation. For instance, the Religious Court of Gorontalo in 2021 handled 153 divorce mediation cases, of which only 9 were successfully reconciled.<sup>2</sup> Similarly, in Pekalongan, out of 109 mediation cases in 2021, only 5 reached resolution.<sup>3</sup> In Ujung Tanjung, only 3 out of 36 cases were successfully mediated in 2020,<sup>4</sup> while the Purworejo court reported only 18 successful outcomes out of 202 mediations in 2021.<sup>5</sup> These numbers show that the success rate of court-based mediation remains below 10%, signaling systemic limitations in resolving family disputes through formal legal mechanisms.<sup>6</sup>

Divorce trends in Indonesia have also shown significant fluctuations in recent years.<sup>7</sup> According to the national statistics agency, there were 516,344 divorces in 2022 compared to 1,705,348 marriages. In 2023, the number of divorces dropped slightly to 463,654 with 1,577,255 marriages, and in 2024, 396,608 divorces were recorded against 1,478,302 marriages.<sup>8</sup> These statistics imply that approximately one

<sup>1</sup> Siti Hajar Ismail, Norhoneydayatie Abdul Manap, and Nor Ashikin Md Nasir, "The Influence of Professional Competencies on Sulh Officers' Performance in Managing Mediation Sessions: Analysis of Skills, Knowledge and Personality Trait," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (June 2025): 213–35, <https://doi.org/10.22373/hvqxq668>; Al Fadili and Mahfudz Sidiq, "Upaya Perdamaian Proses Perceraian Melalui Mediasi Oleh Pengadilan Agama Sebagai Family Counseling," *An-Nisa': Jurnal Kajian Perempuan Dan Keislaman* 12, no. 1 (April 2019): 1, <https://doi.org/10.35719/annisa.v12i1.5>; Hersila Astari Pitaloka, "Strategi Tutar Dalam Mediasi Perkara Perceraian Di Pengadilan Agama," *Sakina: Journal of Family Studies* 4, no. 1 (March 2020): 11–19.

<sup>2</sup> Nirwan Junus et al., "Integration of Mediation in Divorce Cases Reviewed from Supreme Court Regulation on Court Mediation Procedures," *Jambura Law Review* 6, no. 1 (January 2024): 183–205, <https://doi.org/10.33756/jlr.v6i1.19370>.

<sup>3</sup> Muhammad Saifullah et al., "Failure of Good Faith in Mediating Divorce Cases in Religious Court," *International Journal Ihya' 'Ulum al-Din* 26, no. 1 (June 2024): 94–107, <https://doi.org/10.21580/ihya.26.1.20313>.

<sup>4</sup> Siti Nur Aisyah, "Virtual Mediation in Divorce Cases at Ujung Tanjung Religious Court," *At-Thullab: Jurnal Mahasiswa Studi Islam* 5, no. 2 (September 2023): 42–57, <https://doi.org/10.20885/tullab.vol5.iss2.art5>.

<sup>5</sup> Septi Indrawati and Riska Amelia, "Mediation Efficacy in Resolving Divorce Cases: A Case Study of the Purworejo Religious Court," *Journal of Judicial Review* 25, no. 2 (December 2023): 273, <https://doi.org/10.37253/jjr.v25i2.8571>.

<sup>6</sup> Mahkamah Agung Republik Indonesia, *Laporan Tahunan Mahkamah Agung Republik Indonesia Tahun 2023: Integritas Kuat, Peradilan Bermartabat* (Jakarta: Mahkamah Agung Republik Indonesia, 2024).

<sup>7</sup> Muhammad Iqbal Juliansyahzen, Euis Nurlaelawati, and Ocktoberrinsyah Ocktoberrinsyah, "Bargaining Equal Spousal Roles in Marital Life: The Phenomenon of Wife-Petitioned Divorce Among Middle-Class Muslims in Yogyakarta," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (June 2024): 37–54, <https://doi.org/10.15408/ajis.v24i1.34038>.

<sup>8</sup> Badan Pusat Statistik Indonesia, "Nikah dan Cerai Menurut Provinsi (kejadian), 2024 - Tabel Statistik," accessed August 19, 2024, <https://www.bps.go.id/id/statistics->



in every four marriages ends in divorce. The primary cause of marital breakdown is unresolved and prolonged conflict within the household.<sup>9</sup> Such disputes are commonly fuelled by continuous arguments, emotional incompatibility, and differences in life values.<sup>10</sup> Moreover, poor communication and lack of transparency often exacerbate the problem, making independent reconciliation difficult.<sup>11</sup> This situation is further aggravated by the high number of divorces (talak) carried out informally.<sup>12</sup>

The data also reveal significant regional disparities in divorce rates across Malaysia. In 2022, several states recorded notably high divorce rates, including W.P. Labuan and W.P. Putrajaya (both 41%), Pahang and Perlis (both 40%), and W.P. Kuala Lumpur (32%), indicating substantial increases compared to 2021. Kedah (31%), Johor (30%), and Selangor (30%) also demonstrated relatively high levels of marital dissolution. In contrast, three states show comparatively lower divorce rates in 2022, namely Perak (14.12%), Sarawak (20%), and Melaka, which recorded 17% in 2022. These variations illustrate clear regional differences in marital stability despite the broader national upward trend in divorce cases.<sup>13</sup>

Based on the above realities, the divorce rate in Indonesia remains high, while the effectiveness of court-based mediation remains low. The most dominant factor contributing to divorce is ongoing household conflict and repeated disputes between spouses. These tensions, if left unresolved, may escalate into more serious consequences such as domestic violence and the neglect of wives and children.<sup>14</sup> This prolonged conflict typically reflects a condition in which the couple has experienced a series of serious problems that eliminate the possibility of reconciliation. The causes behind these disputes are complex and multifaceted, often involving economic difficulties, poor communication, moral issues, and other socio-cultural factors.<sup>15</sup>

table/3/VkhwVUszTXJPVmQ2ZFRKamNIZG9RMVo2VEdsbVVUMDkjMw==/nikah-dan-cerai-menurut-provinsi.html.

<sup>9</sup> Durotun Nafisah et al., “Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 2024): 847, <https://doi.org/10.22373/sjhk.v8i2.16825>.

<sup>10</sup> Mazro’atus Sa’adah et al., “From Financial to Moral-Ethical Concerns: Changing Pattern of Divorce Reasons at the Religious Court of Bekasi, Indonesia,” *Al-Hukama’: The Indonesian Journal of Islamic Family Law* 14, no. 2 (November 2024): 2, <https://doi.org/10.15642/alhukama.2024.14.2.142-170>.

<sup>11</sup> Asman Asman and Resali Bin Muda, “Social Dynamics on the Increasing Divorce of Malay Communities during COVID-19 in Sambas West Kalimantan, Indonesia Perspective of Islamic Family Law,” *Al-Manahij: Jurnal Kajian Hukum Islam*, August 23, 2023, 153–66, <https://doi.org/10.24090/mnh.v17i2.8235>; Anjar Sri Ciptorukmi and Adalia Safira Rahma, “Children’s Rights in the Crossfire: Examining Indonesia’s Divorce Legal Culture,” *LITIGASI* 25, no. 2 (October 2024): 130–49, <https://doi.org/10.23969/litigasi.v25i2.18009>.

<sup>12</sup> Muhammad Nasrulloh et al., “Legal Dissonance and Social Consequences of Unregistered Talāq in Indonesia,” *Al-Syakhsyiah: Journal of Law and Family Studies* 7, no. 2 (November 2025): 33–52, <https://doi.org/10.21154/syakhsyiah.v7i2.11686>.

<sup>13</sup> Department of Statistics Malaysia, “Marriage, Divorce and Rujuk, 2025,” November 20, 2025, <https://www.dosm.gov.my/portal-main/release-content/marriage-divorce-and-rujuk->

<sup>14</sup> Hasanudin Hasanudin et al., “Phenomena of Domestic Violence Against Women and Divorce in 2020–2022 in Indonesia: An Islamic Perspective,” *Al-Manahij: Jurnal Kajian Hukum Islam*, August 23, 2023, 137–52, <https://doi.org/10.24090/mnh.v17i2.7686>.

<sup>15</sup> Mazroatus Saadah, *Pergeseran Penyebab Perceraian dalam Masyarakat Urban* (Lamongan: Academia Publication, 2022).



However, such conflicts often receive limited attention and are rarely addressed through early intervention. Divorce is no longer confined to families with low levels of education or limited economic means but is increasingly found among well-educated and financially stable couples.<sup>16</sup> This situation reflects a legal culture that tends to treat divorce as the default resolution, often justified by the principle of removing harm.<sup>17</sup> These conditions underscore the urgency of optimising out-of-court mechanisms for resolving family disputes. Marital conflict is more effectively addressed when intervention occurs at an early stage, before tensions escalate. Solutions tend to be more viable when the level of conflict is still manageable. Court-based mediation faces various limitations, including constraints related to time, personnel, and procedural flexibility. These structural constraints hinder its capacity to offer meaningful solutions.<sup>18</sup> Therefore, it is necessary to develop alternative mediation models outside the court system that can operate more actively and independently, providing context-sensitive and precise recommendations aligned with the actual problems experienced by the parties involved.<sup>19</sup>

Given these conditions, this study explores religious leader-based mediation as an alternative mechanism that has proven effective in promoting reconciliation and reducing divorce. The research is motivated by consistently low divorce rates in two coastal Muslim communities, namely Rembang in Central Java and Melaka in Malaysia.<sup>20</sup> This study examines the role of religious leaders in mediation, as well as the strengths and limitations of their involvement, in order to enhance its positive impact. Field findings reveal that religious figures play a significant role in guiding families through conflicts, often more effectively than formal court processes. This study seeks to examine how religious mediation operates in these communities and what lessons can be drawn to enhance family harmony through culturally embedded practices.

Previous studies have addressed various strategies for mitigating divorce, albeit from different analytical perspectives. Some have proposed divorce certification mechanisms to encourage more responsible decision-making before legal separation.<sup>21</sup> Others have explored comprehensive counseling-based mitigation models that span the entire marital timeline, from pre-marital education to post-

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<sup>16</sup> Asni Asni, *Peradilan Agama Dan Dinamika Kontemporer* (Yogyakarta: Deepublish, 2021).

<sup>17</sup> Ahmad Syahrus Sikti, *Menolak Kemudharatan* (Bandung: Citra Aditya Bakti, 2020).

<sup>18</sup> Muhamad Hasan Sebyar et al., "Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic Jurisprudence," *Al-Manahij: Jurnal Kajian Hukum Islam*, June 11, 2025, 81–100, <https://doi.org/10.24090/mnh.v19i1.12255>.

<sup>19</sup> Susanti Adi Nugroho, *Manfaat Mediasi Sebagai Alternatif Penyelesaian Sengketa* (Jakarta: Prenada Media, 2019).

<sup>20</sup> Badan Pusat Statistik Provinsi Jawa Tengah, "Jumlah Pernikahan dan Perceraian Menurut Kabupaten/Kota di Provinsi Jawa Tengah - Tabel Statistik," accessed August 19, 2024, <https://jateng.bps.go.id/id/statistics-table/2/NDk5IzI=/jumlah-pernikahan-dan-perceraian-menurut-kabupaten-kota-di-provinsi-jawa-tengah.html>; Malaysia and Jabatan Perangkaan Malaysia, eds., *Perangkaan Perkahwinan Dan Perceraian Malaysia 2024* (Putrajaya: Jabatan Perangkaan Malaysia, 2024).

<sup>21</sup> Selamat Santoso et al., "Prevention of Divorce through the Marriage Certification Program in Cilacap Regency, Central Java: The Lens of al-Ghazālī's Maṣlaḥah," *Sawwa: Jurnal Studi Gender* 18, no. 2 (October 2023): 307–32, <https://doi.org/10.21580/sa.v18i2.19126>.



conflict intervention.<sup>22</sup> Cultural approaches,<sup>23</sup> such as the *merasi* tradition rooted in local wisdom, have also been examined for their potential in preserving family integrity.<sup>24</sup> Moreover, government policy-based initiatives have shown some efficacy in suppressing divorce rates through institutional reform.<sup>25</sup> Research Hamidah et al has also examined divorce among urban communities in Indonesia and Malaysia,<sup>26</sup> As well as joint marital property within the regulatory frameworks governing it in both countries.<sup>27</sup> However, these studies differ from the present research, which specifically examines religious leaders as primary mediators within coastal communities characterised by strong cultural reverence for clerical authority. In this context, religious leaders play a pivotal role in restoring family integrity in Indonesia and Malaysia, as their moral legitimacy, social influence, and proximity to community life enable them to effectively mediate marital conflicts and reinforce familial cohesion. This study specifically explores non-legal mediation conducted by religious figures, which has demonstrated notable success in preventing marital dissolution. While one existing study has examined the effectiveness of mediation practices in both Malaysia and Indonesia, it does not emphasise the role of religious leaders.<sup>28</sup> Thus, the present research offers an original contribution by proposing religious leader-based mediation as a culturally grounded and context-sensitive strategy for mitigating divorce.

## Method

This study is an empirical investigation conducted in two locations: Rembang (Indonesia) and Melaka (Malaysia). A qualitative method was employed, using a comparative approach to examine the differences and similarities in the social and legal systems of both countries. The analysis is both descriptive and prescriptive. It is descriptive in nature as it presents data gathered from the field, and prescriptive as it aims to propose legal solutions to reduce divorce rates. Primary data were obtained through semi-structured interviews with key informants, including religious leaders, community members, and relevant institutional actors. Informants were selected based on their field experience, and data were collected using systematically prepared interview guides. Secondary data were gathered from various supporting sources,

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<sup>23</sup> Kamarusdiana Kamarusdiana et al., “Family Dispute Resolution Practices in Kepulauan Seribu (Study of the Role of Religious Leaders, Community and State Apparatus),” *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 163–75, <https://doi.org/10.18592/sjhp.v23i2.11453>.

<sup>24</sup> Muhammad Hasbi et al., “Merasi: Revitalisation in Early Divorce Prevention,” *Journal of Islamic Thought and Civilization* 14, no. 2 (December 2024): 336–54, <https://doi.org/10.32350/jitc.142.20>.

<sup>25</sup> Hasbi et al.

<sup>26</sup> Tutik Hamidah et al., “The Dynamics of Urban Muslim Families Post-Divorce: The Contribution of Islamic Law in Building Resilience of Indonesian and Malaysian Families,” *De Jure: Jurnal Hukum Dan Syar’iah* 16, no. 2 (December 2024): 363–81, <https://doi.org/10.18860/j-fsh.v16i2.27461>.

<sup>27</sup> Ahmad Jamaludin Jambunanda et al., “VOSviewer-Assisted Systematic Review and Meta-Analysis of Joint Property Disputes in Family Law in Indonesia and Malaysia,” *Global Journal of Comparative Law* 14, no. 2 (August 2025): 188–208, <https://doi.org/10.1163/2211906X-14020003>.

<sup>28</sup> Any Ismayawati, Aristoni, and Syed Mohammad Chaedar, “Family Conflict Resolution through Mediation in Indonesia and Malaysia: A Sociological Study of Islamic Law,” *Jurnal Hukum Islam* 22, no. 2 (2024), [https://e-journal.uingusdur.ac.id/jhi/article/view/jhi\\_v22i2\\_8](https://e-journal.uingusdur.ac.id/jhi/article/view/jhi_v22i2_8).



including official documents, statistical records, academic literature, and previous studies, in order to triangulate and enrich the primary findings.

**Table 1.** Key Informant Characteristics

No.	Initials/Age	Role	Nationality
1	MZ (55 years old)	Community Member	Indonesia
2	AH (59 years old)	Religious Figure	Indonesia
3	RBS (63 years old)	Religious Figure	Malaysia
4	MAZA (64 years old)	Religious Figure	Indonesia
5	AN (64 years old)	Community Figure	Indonesia
6	AA (47 years old)	Community Member	Indonesia
7	NR (59 years old)	Community Figure	Indonesia
8	NK (46 years old)	Community Member	Malaysia
9	CNB (57 years old)	Religious Figure	Malaysia
10	MA (52 years old)	Community Figure	Malaysia
11	MZBA (62 years old)	Religious Figure	Malaysia
12	AH (60 years old)	Religious Figure	Malaysia

The data analysis process involved several stages: data collection, data reduction (filtering important and relevant information), data presentation, interpretation, and conclusion drawing. The analysis focused on exploring the effectiveness of religious leaders in mediating family conflicts, followed by a comparative examination between Indonesia and Malaysia. This structured analytical framework ensures a clear depiction of field realities and the formulation of constructive recommendations.

## Result and Discussion

This study reveals that religious leaders play a crucial role in mediating family conflicts in two distinct Muslim communities: Rembang in Indonesia and Melaka in Malaysia. Both regions demonstrate a consistent pattern of relatively low divorce rates despite contrasting national and regional trends. In 2024, the divorce rate in Rembang was approximately 16% of the total recorded marriages, significantly below the Central Java provincial average of around 24%<sup>29</sup>. Similarly, Melaka

<sup>29</sup> Badan Pusat Statistik Provinsi Jawa Tengah, "Nikah dan Cerai Menurut Kabupaten/Kota (kejadian) di Provinsi Jawa Tengah, 2024 - Tabel Statistik," accessed February 12, 2026, <https://jateng.bps.go.id/id/statistics-table/3/VkhwVUszTXJPVmQ2ZFRKamNIZG9RMVo2VEdsbVVUMDkjMw==/nikah-dan-cerai-menurut-kabupaten-kota--kejadian--di-provinsi-jawa-tengah--2024.html?year=2023>.



recorded a divorce rate of 17% relative to its total marriages, which remains considerably lower than the average rate of over 30% reported in several Malaysian states.<sup>30</sup> Field findings indicate that the presence of strong religious figures, culturally respected and socially embedded, serves as an informal yet highly effective mechanism for resolving marital disputes. Unlike formal court mediation, which is often constrained by procedural limitations, religious-based mediation operates within a moral framework that resonates with community values.<sup>31</sup> This discussion explores two primary trajectories that explain the effectiveness of religious mediation: first, the influence of religious authority as a trusted moral force in community conflict resolution; and second, the extent to which institutional support and legal frameworks either enhance or hinder the integration of religious mediation into public policy.

### **The Role of Religious Authority in Non-Formal Marital Mediation**

This section explores the central role of religious authority in preventing and resolving family conflicts through community-based mediation. Drawing from fieldwork in Rembang, Indonesia, and Melaka, Malaysia, this argument emphasises that religious leaders such as *kyai*, *ustādh*, and *modin* serve as informal yet highly respected figures of social influence. Their interventions are often the first recourse for couples in crisis, preceding or even replacing formal legal channels.<sup>32</sup> The cultural legitimacy of these figures enables them to act not only as advisors but also as mediators who help de-escalate tensions within marriage and restore family harmony.<sup>33</sup> Their position is rooted in longstanding community trust, religious knowledge, and moral authority, which empowers them to mediate effectively even in the absence of formal mandates. This section will discuss the cultural dynamics behind this religious authority, how it manifests differently in Rembang and Melaka, and the implications for divorce prevention.

In both Rembang and Melaka, religious figures such as *kyai*, *ustādh*, and *modin* occupy a deeply embedded position within local community structures. Their authority is not institutional in the bureaucratic sense but is instead derived from long-standing traditions of religious leadership.<sup>34</sup> The *kyai* in particular, often heads Islamic boarding schools (*pesantren*), and is viewed as a spiritual guide, moral compass, and sometimes even a familial elder within the broader Muslim

<sup>30</sup> Department of Statistics Malaysia, “Marriage, Divorce and Rujuk, 2025.”

<sup>31</sup> Ismayawati, Aristoni, and Chaedar, “Family Conflict Resolution through Mediation in Indonesia and Malaysia: A Sociological Study of Islamic Law.”

<sup>32</sup> Penny Kurnia Putri, “Manajemen Konflik Dan Resolusi Konflik: Sebuah Pendekatan Terhadap Perdamaian,” *Papua Journal of Diplomacy and International Relations* 2, no. 1 (May 2022): 16–34, <https://doi.org/10.31957/pjdir.v2i1.1945>.

<sup>33</sup> Muh. Habib Husnial Pardi, “Tuan Guru’s Communication Strategy in Resolving Religious Ideological Conflict in Lombok, Indonesia,” *Jurnal Ilmu Dakwah* 44, no. 1 (July 2024): 163–84, <https://doi.org/10.21580/jid.v44.1.22165>.

<sup>34</sup> Luthfatul Qibtiyah, *Potret Tradisi Keagamaan Di Desa Santri* (Indramayu: Penerbit Adab, 2020) p. 40.



community.<sup>35</sup> People approach them for a wide range of problems, from theological queries to financial difficulties and, most crucially for this study, marital conflicts.<sup>36</sup>

The involvement of religious leaders in everyday community life fosters deep trust, renders their advice more readily accepted, and provides a calming spiritual presence. Consequently, religious leaders occupy a central role in resolving marital conflicts. Empirical findings indicate that when couples are unable to resolve disputes internally, they tend to seek external assistance from religious figures to facilitate reconciliation and identify constructive solutions to their domestic problems.<sup>37</sup> Further investigation reveals that such reliance is primarily driven by social and spiritual proximity. Religious leaders are highly accessible within daily communal interactions, and their perceived spiritual integrity cultivates trust and reassurance. They are widely regarded as fair, neutral, and non-judgemental mediators. The study also found that, on average, a religious leader in Indonesia receives approximately 8–10 marital complaints annually<sup>38</sup>, while in Malaysia, local imams may handle between 15–20 similar cases per year.<sup>39</sup>

The mechanisms of conflict resolution employed by religious leaders tend to be flexible and context-sensitive. In Malaysia, for instance, imams may provide mediation and counsel in mosques, private residences, local shops, or even informal public settings. Similarly, in Rembang, *kyai* and *ustādh* conduct reconciliation processes in *pesantren*, mosques, and their homes. The research further identified a shared practice in both Melaka and Rembang whereby religious leaders sometimes proactively visit the homes of disputing parties, enabling direct engagement with the conflict and a more comprehensive understanding of its underlying causes. The *kyai* often begins the process by inviting both parties to speak privately. There is no formal structure, no rigid time limit, and no legal documentation required.<sup>40</sup> The language used is accessible and empathetic, usually interspersed with verses from the Qur'an or ḥadīth that emphasize the sanctity of marriage, the value of patience, and the moral obligation to protect children from emotional harm. Rather than emphasising fault or blame, the mediator focuses on restoring emotional balance and spiritual clarity.<sup>41</sup> The process can include joint prayers, *tawṣiyah* (religious advice), and direct engagement with extended family members who may also play a role in the conflict.

In one documented case, a husband struggling with gambling addiction frequently stayed away from home, leading to prolonged marital conflict. The extended family, together with a respected *kyai*, conducted an inquiry and intervened by advising the husband to abandon his destructive behavior for the well-being of his household. The *kyai* further required that all of the husband's income be managed by his wife as a corrective measure to address the addiction and restore financial

<sup>35</sup> Ahmad Hasan Afandi, *Kontroversi politik kyai tarekat: studi pergeseran orientasi politik kyai tarekat Qodiriyah wa Naqsabandiyah* (Surabaya: Scopindo Media Pustaka, 2020) p. 270.

<sup>36</sup> Arif Sugitanata and Muannif Ridwan, "Menuju Keluarga Yang Harmonis: Manajemen Konflik Politik Dalam Keluarga Di Tengah Perbedaan Pilihan Politik," *Jurnal Indragiri Penelitian Multidisiplin* 4, no. 1 (January 2024): 67–74, <https://doi.org/10.58707/jipm.v4i1.706>.

<sup>37</sup> MZ, Rembang, September 25 2024

<sup>38</sup> AH, Rembang September 25 2024

<sup>39</sup> RBS, Melaka Oktober 13 2024

<sup>40</sup> MAZA, Rembang, September 25, 2024.

<sup>41</sup> MAZA, Rembang, September 25, 2024



stability. This case illustrates how the synergy between religious and familial authority functions as a moral anchor in addressing behavioral issues that threaten family stability.<sup>42</sup>

The role of the *kyai* as an informal ḥakam in marital conflict resolution typically unfolds in three stages. First, they listen to one or both parties in a private, non-threatening setting, offering spiritual and moral guidance tailored to the nature of the complaint.<sup>43</sup> These sessions may occur multiple times depending on the emotional readiness of the couple.<sup>44</sup> Second, the *kyai* discreetly investigates the broader context by consulting neighbors, relatives, or close acquaintances to better understand the root causes of conflict. This contextual insight enables more accurate and targeted advice. Finally, based on cumulative impressions, the *kyai* assesses whether reconciliation is still possible. Even in cases where divorce becomes inevitable, the *kyai* continues to accompany the couple spiritually and emotionally, ensuring the process unfolds with minimal harm, especially when children are involved.<sup>45</sup>

Their leadership draws strength from a patron–client dynamic that functions as social capital, enabling effective conflict resolution<sup>46</sup> and reinforce community norms, particularly the view that divorce should be avoided.<sup>47</sup> The *kyai*'s authority rests not on formal power but on deep public trust and long-standing moral influence.<sup>48</sup> Cases of marital disputes are generally not resolved in a single meeting; rather they often require multiple sessions. The intensity of reconciliation efforts undertaken by religious leaders in Rembang reflects a deliberate commitment to ensuring that conflicts are properly and thoroughly addressed. In certain cases, when family reconciliation is deemed unsuccessful, the *kyai* reluctantly oversees the divorce process in a proper manner and seeks to minimise post-divorce conflict. The *kyai* generally focus on safeguarding the well-being of the children by ensuring that both husband and wife remain loving and responsible towards them after the separation. The divorce process must be carefully guided in order to avoid falling into what the Prophet warned against: “The most hated of lawful things to Allah is divorce” (Narrated by Abū Dāwūd).<sup>49</sup>

In Melaka, religious mediation takes a slightly more structured form due to stronger collaboration between religious leaders and state institutions. Nevertheless, the core principles remain the same: spiritual grounding, cultural proximity, and moral legitimacy. Community *ustādh* or *imam masjid* often act as trusted advisors for families experiencing conflict, guiding them through reconciliation efforts rooted in

<sup>42</sup> AN, Rembang, September 25, 2024.

<sup>43</sup> AA, Rembang, September 25, 2024.

<sup>44</sup> NR, Rembang, September 25, 2024.

<sup>45</sup> NK, Melaka, September 25, 2024.

<sup>46</sup> Haslina Ibrahim and Ainul Jaria bt Maidin, “Mediation and Interreligious Discourse: Prospects and Challenges in Resolving Interreligious Skirmishes in Malaysia,” *Intellectual Discourse* 28, no. 1 (June 2020): 1.

<sup>47</sup> Syahdan Lubis, Wijaya Candra, and Mardianto, *Kepemimpinan Spiritual KIAI: Menguk Tabir Kepemimpinan Kiai Di Pondok Pesantren Musthafawiyah Purba Dan Pondok Pesantren Al Jamaliyah Raso* (Medan: UMSU Press, 2024) p. 88.

<sup>48</sup> Muwaffiq Jufri, *Metode Penyelesaian Konflik Agama Optik Hukum, HAM, Dan Nilai Kearifan Lokal* (Surabaya: Scopindo Media Pustaka, 2021).

<sup>49</sup> Abū Dāwūd Sulaymān al-Sijistānī, *Sunan Abī Dāwūd* (Cairo: al-Maktabah al-Miṣrīyya, 2007), 2:55.



both religious values and social norms.<sup>50</sup> This process is commonly known as *ṣulḥ* in Malaysia, a term derived from Islamic jurisprudence that encompasses both formal court procedures and informal community-based mediation.<sup>51</sup> In certain cases, imams adapt to community needs by employing flexible strategies to facilitate *ṣulḥ*, including online communication platforms when face-to-face meetings are not feasible.<sup>52</sup> Despite growing institutional support, the personal authority of the *ustādh* remains central, as their moral legitimacy often predates any official appointment.

In addition to state-led programs, community-based initiatives such as the *Komuniti Sulh* and *Rakan Badan Sokongan Keluarga* (BSK) have further expanded the scope of religious mediation. These grassroots efforts offer annual short-term training and targeted seminars, which are typically held once a year,<sup>53</sup> to enhance the capacity of local imams in addressing family disputes. Positioned within emotionally proximate and socially trusted networks, these programmes reinforce the preventive character of *ṣulḥ*-based mediation. Moreover, their operational content is aligned with national mediation guidelines, indicating the Malaysian government's serious commitment to integrating religious authority into structured family support mechanisms. In practice, religious figures such as *ustādh* and *imam masjid* frequently serve as mediators by inviting couples to engage in dialogue within community spaces, particularly mosques. These venues provide a more open and supportive atmosphere that facilitates reflection and reconciliation. The mediation process typically integrates Islamic teachings with moral advice, emphasising the importance of family preservation and discouraging impulsive decisions such as divorce. By fostering such spiritually grounded yet emotionally safe spaces, the community not only offers emotional support but also enables couples to explore constructive paths forward without resorting to legal dissolution.<sup>54</sup> However, when these informal efforts do not succeed, cases are often escalated to muftis, senior religious scholars with broader jurisprudential authority, who examine the situation with greater legal and ethical depth.<sup>55</sup> If reconciliation is still unattainable, both imams and muftis may recommend divorce as a final option, guiding the couple through necessary procedures, particularly in contexts where legal literacy remains limited.

This sequence of mediation, from initial efforts by local imams to more formal guidance by muftis, demonstrates the deep emotional trust communities place in religious figures, as well as the institutional alignment between spiritual authority and formal legal structures. This synergy fosters a conducive environment for managing divorce-related conflicts with reduced social risk. It also reflects a societal openness to involving religious leaders in sensitive matters, contributing to the mitigation of domestic tensions, including instances of domestic violence.

<sup>50</sup> CNB, Rembang, October 13, 2024.

<sup>51</sup> Norfatin Najwa Binti Che Adnan, "Sulh (Resolution) of Family Dispute and Its Application in The Shariah Courts of Malaysia," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 6, no. 2 (December 2024): 455–68, <https://doi.org/10.37680/almanhaj.v6i2.6087>.

<sup>52</sup> R. Hassan et al., "Setting-up a Sulh-Based, Community Mediation-Type of Online Dispute Resolution (ODR) in Malaysia," *2013 5th International Conference on Information and Communication Technology for the Muslim World (ICT4M)*, March 2013, 1–6, <https://doi.org/10.1109/ict4m.2013.6518876>.

<sup>53</sup> MA, Rembang, October 13, 2024.

<sup>54</sup> MZBA, Rembang, October 13, 2024.

<sup>55</sup> AH, Rembang, October 13, 2024.



## Cultural and Religious Approaches to Divorce Prevention

In both Rembang and Melaka, religious mediators function not merely as conflict resolvers but as *murabbī*, moral educators guiding individuals in the ethical and emotional responsibilities of marriage. Their authority derives from embedded spiritual and cultural legitimacy rather than formal legal power. Compliance with their guidance is grounded in trust, reverence, and shared community values, enabling mediation to occur preventively, before conflicts escalate into irreparable harm. The effectiveness of religious mediation in both Rembang and Melaka is sustained by an interplay of sociocultural and psychological factors, foremost among them the embeddedness of religious values in everyday life. In Rembang, Islamic teachings function not merely as private beliefs but as social norms shaping rituals, education, and ethical conduct. Families commonly turn to the *kyai* not only for spiritual guidance but also for major life decisions, reinforcing the legitimacy of resolving family conflicts through religious mediation. Another critical factor is the strong social stigma surrounding divorce. In many rural and semi-urban Muslim communities, divorce is perceived not merely as a personal failure but as a rupture of social harmony, carrying negative social connotations.<sup>56</sup> Fear of social judgment, familial disappointment, and communal disruption motivates couples to seek solutions that are culturally appropriate and socially acceptable. Religious mediation, conducted by trusted religious figures in sanctified spaces such as mosques or *pesantren*, provides psychological security and alleviates the emotional burden often associated with formal legal proceedings.

Religious mediators are also perceived as more approachable due to emotional proximity and symbolic neutrality. Unlike judges or state officials bound by rigid legal procedures, *kyai* are viewed as empathetic figures who understand familial histories and local contexts. This relational trust allows couples to express vulnerability, acknowledge mistakes, and reconsider decisions without fear of legal sanction or reputational harm, thereby increasing the likelihood of reconciliation. Therefore, mediation within the Religious Courts should be further optimised so that it does not operate within narrowly confined procedural spaces and timeframes, but instead is conducted more intensively through approaches capable of addressing the emotional dimensions of the spouses and reducing the formal barriers that often constrain meaningful dialogue. Where such enhancement proves difficult within the existing procedural framework, new regulatory provisions should be introduced to provide greater opportunity for the involvement of local religious leaders in pre-divorce mediation. A more in-depth and sustained community-based mediation process could function as a constructive preliminary stage before cases proceed to formal divorce litigation in court.

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<sup>56</sup> Ariane Utomo and Bagas Aditya, "Attitudes Toward Divorce in Indonesia," *Family Transitions* 67, no. 2 (February 2026): 117–45, <https://doi.org/10.1080/28375300.2025.2555558>; Muhamad Arifin Badri, Anas Burhanuddin, and Ghufrān Jauhar, "Factors Influencing The Increase in Khulu's Divorce: A Case at The Jember Religious Court (2021-2023)," *Al-'Adalah* 21, no. 1 (June 2024): 53–76, <https://doi.org/10.24042/adalah.v21i1.21074>; Laras Shesa et al., "Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 2024): 236–62, <https://doi.org/10.32332/milrev.v3i2.9950>.



Community involvement further reinforces the impact of religious mediation. In both regions, mediators frequently engage extended family members and community elders, fostering collective responsibility and discouraging impulsive decisions. By nature, religious leaders carry a moral obligation to guide the community towards optimal outcomes.<sup>57</sup> This social framework transforms mediation into a form of civic education, strengthening values of patience, interactive dialogue, and mutual respect. The wisdom of religious authorities also cultivates the confidence necessary for individuals to disclose private domestic issues that would otherwise remain concealed. Despite these strengths, informal religious mediation faces notable limitations. In Rembang, the absence of institutional support results in inconsistent practices, lack of standardised training, and no legal enforceability of agreements. Coordination with formal legal institutions is minimal, leading to inefficiencies, undocumented outcomes, and limited protection in cases involving domestic violence, financial neglect, or psychological abuse. In Melaka, while institutional integration exists, bureaucratic frameworks risk diluting the relational depth and personalised care characteristic of traditional mediation. From a policy perspective, religious mediation demonstrates significant prescriptive value as a complementary mechanism to formal legal systems, particularly in contexts with limited legal access or literacy. Its effectiveness lies in spiritual authority, communal trust, and cultural resonance rather than coercive enforcement. The comparative experience of Rembang and Melaka suggests that optimal outcomes emerge when religious mediation is supported without being over-regulated by the state, allowing its moral depth to be preserved while enhancing consistency, accountability, and long-term impact on family resilience and divorce prevention.

### **Religious Mediation: Institutional Synergy and Legal Integration**

Religious leaders play a critical role in informal family mediation, but their effectiveness depends on institutional support and integration with state structures. In Melaka, Malaysia, imams operate within government-backed family programs, enabling standardised training, legal recognition, and measurable impact, which amplifies both their authority and the sustainability of mediation. In contrast, Rembang, Indonesia, illustrates the limitations of informal legitimacy in the absence of policy infrastructure, where *kyai* mediate in isolation, leading to fragmented and inconsistent outcomes. This comparison underscores that while cultural authority is influential, structural reinforcement through formal recognition, collaboration, and legal integration is essential for religious mediation to evolve from a localised practice into a robust component of national family law. One of the clearest differences between Melaka and Rembang lies in the extent to which religious mediation is recognized and supported by formal institutions. In Melaka, the state plays a proactive role in harnessing the authority of religious leaders by embedding them into official family support frameworks. Institutions such as the Department of Islamic Development Malaysia (JAKIM), the Melaka State Religious Council (MAIM), and the Islamic Family Support Centers (PKRKI) organise structured programs that

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<sup>57</sup> Husna Amin et al., "The Role of Religious and Traditional Leaders in Maintaining Harmony Among Religious Communities: Strategy for Implementing the Religious Moderation Concept in Indonesia," *International Journal of Religion* 5, no. 11 (June 2024): 2288–94, <https://doi.org/10.61707/sqe7a824>.



involve *ustādh*, *imam masjid*, and *kaunselor rumahtangga* as core components of marriage counseling, pre-marital education, and post-marital conflict resolution. These efforts are not ad hoc; they are standardized, resourced, and evaluated within a state-supported policy framework

For example, marriage courses in Melaka are mandatory for couples wishing to register their union, and these programmes include sessions led by trained religious figures who offer spiritual guidance as well as psychological tools for conflict management. In addition, local mosques often host family harmony seminars that are officially supported by MAIM, blending religious instruction with state messaging about family stability. Similar efforts are also evident beyond Melaka. The Federal Territories Islamic Religious Department (JAWI), for instance, has launched a targeted initiative called *Masjid Santuni Masyarakat*, which transforms mosques into accessible centers of support offering protection and guidance for families experiencing domestic conflict.<sup>58</sup> This integrated approach creates a system in which religious mediators are not only culturally relevant but also functionally embedded in the legal and administrative structure of family governance.

In Malaysia, mosques and their imams have long collaborated with the government across various domains. During the COVID-19 pandemic, mosques played a critical role as community-based disaster response centres.<sup>59</sup> One notable government initiative involved partnering with mosque imams to provide support for families experiencing domestic problems. In this framework, the mosque served as a platform for healing and conflict resolution, offering a pathway towards family harmony.<sup>60</sup> Given their familiarity and accessibility within the community, mosques offered an ideal environment for private yet supportive mediation efforts. This collaboration also signified the state's endorsement of informal religious mediation by motivating and legitimising the roles played by imams. Many imams affirmed that such programs helped reduce social stigma, making it easier for individuals to voice personal concerns without shame.<sup>61</sup> Through these initiatives, the Malaysian government has deliberately positioned religious figures, particularly mosque leaders, as trusted partners in addressing family conflicts.

Mosques are increasingly recognised not only as religious centres but also as emotionally safe spaces where couples can seek guidance and resolve domestic issues without fear of social judgment or institutional pressure.<sup>62</sup> Unlike formal counselling centres, which are often perceived as bureaucratic or intimidating, mosques are deeply familiar spaces that blend religious authority with community intimacy. Their

<sup>58</sup> Norazla Abdul Wahab and Fatin Nur Majdina Nordin, "Masjid Sebagai Pusat Transit Perlindungan Dan Aduan Kes Keganasan Rumah Tangga: Tinjauan Awal," *International Journal of Mosque, Zakat And Waqaf Management (Al-Mimbar)*, December 31, 2021, 96–111, <https://doi.org/10.53840/almimbar.v1i2.29>.

<sup>59</sup> Mohd Nazmi Mohd Khalli and Mohd Farid Mohd Sharif, "Masjid-Based Disaster Management: How Masjids in Malaysia Support the Needy," *Pertanika Journal of Social Sciences and Humanities* 32, no. S4 (August 2024): 29–46, <https://doi.org/10.47836/pjssh.32.s4.02>.

<sup>60</sup> Abdul Wahab and Nordin, "Masjid Sebagai Pusat Transit Perlindungan Dan Aduan Kes Keganasan Rumah Tangga."

<sup>61</sup> AH, Rembang, September 25, 2024.

<sup>62</sup> Abdul Wahab and Nordin, "Masjid Sebagai Pusat Transit Perlindungan Dan Aduan Kes Keganasan Rumah Tangga."



accessibility and spiritual atmosphere make them a more natural venue for open discussion, particularly among individuals who may be reluctant to engage with institutional mechanisms.<sup>63</sup> One distinct advantage of mosque-based mediation lies in its adaptability. Sessions can be arranged flexibly, outside office hours and in culturally familiar spaces that encourage openness and emotional comfort. Religious leaders are able to contextualise their advice based on the socio-cultural background of the community, offering not only spiritual guidance but also culturally resonant recommendations. In this sense, the mosque functions as a center for both spiritual and social healing, reviving its classical role during the Prophet's era as a hub for communal problem-solving.<sup>64</sup>

In contrast, the situation in Rembang is markedly different. While *kyai*, *ustādh*, and *modin* are highly respected and widely consulted in times of marital crisis, their involvement remains entirely informal. The state does not provide legal recognition, formal training, or structured collaboration mechanisms for religious mediators.<sup>65</sup> Most of the mediation activities take place on the personal initiative of the religious leader, often in their private residences or at *pesantren*. There is no institutional framework that connects their work with the Religious Courts (Pengadilan Agama) or the Ministry of Religious Affairs.<sup>66</sup> As a result, despite their influence, religious mediators in Rembang operate in a vacuum. They rely solely on personal legitimacy without systemic reinforcement. The institutional integration of religious mediation in Malaysia, particularly in Melaka, demonstrates how synergy between moral authority and state governance can enhance family dispute resolution. Religious mediators are formally trained and certified by state religious institutions, ensuring standardised competencies in communication, conflict management, family psychology, and legal awareness. This professional framework minimises inconsistency and bias while positioning mediation as a structured and credible mechanism within the broader system of Islamic family law.

A key strength of the Malaysian model lies in its legal continuity. Religious counselling outcomes are institutionally linked to the Syariah Court, allowing mediation reports and reconciliatory efforts to inform judicial decision-making.<sup>67</sup> Mechanisms such as the appointment of *hakam* in *syiqāq* cases illustrate how informal trust-based mediation is systematically integrated into formal adjudication. This linkage ensures that mediation is neither symbolic nor peripheral, but a substantive component of the legal process.

<sup>63</sup> Mohd Anuar Ramli, Annuar Ramadhon Kasa, and Muhammad Yusri Yusof @. Salleh, "Domestic Violence And Its Implications On Food Insecurity Within Family Institutions: Keganasan Domestik Dan Implikasinya Terhadap Insekuriti Makanan Dalam Institusi Keluarga," *Al-Qanadir: International Journal of Islamic Studies* 33, no. 6 (November 2024): 1–15.

<sup>64</sup> Faisal Fauzan Ilyasa et al., "The Role of the Mosque as a Medium of Da'wah in Building Religious Tolerance in the Community: An Analysis of Kampung Toleransi," *Islamic Communication Journal* 9, no. 2 (December 2024): 267–86, <https://doi.org/10.21580/icj.2024.9.2.22620>.

<sup>65</sup> Fahri Latukau, Nam Rumkel, and Suwarti Suwarti, "Mediators Optimization of Civil Disputes Mediation Process at Post-Perma Court No. 1 of 2016," *Journal of Social Science* 3, no. 4 (July 2022): 714–29, <https://doi.org/10.46799/jss.v3i4.382>.

<sup>66</sup> Laurence M. Friedman, *Sistem Hukum : Perspektif Ilmu Sosial* (Bandung: Nusa Media, 2019).

<sup>67</sup> Erfaniah Zuhriah et al., "Breaking the Cycle of Divorce: Religious and Cultural Mediation by Kyai-Imams in Coastal Muslim Communities in Rembang and Melaka," *IBDA': Jurnal Kajian Islam Dan Budaya* 23, no. 1 (July 2025): 155–70, <https://doi.org/10.24090/ibda.v23i1.13658>.



Malaysia also provides material and administrative support that sustains mediation practices. Government-funded programs facilitate logistical resources, mediator honoraria, and outreach to rural communities, while regular monitoring and data collection enable policy evaluation and refinement. Beyond technical effectiveness, state endorsement confers symbolic legitimacy, framing family reconciliation as a public policy priority rather than a purely private or moral concern. This dual legitimacy enhances public compliance and encourages early intervention in marital conflicts. In contrast, religious mediation in Indonesia, as observed in Rembang, remains largely informal and institutionally disconnected. Although religious leaders command strong social trust, the absence of standardised training results in uneven mediation quality, dependent on individual experience rather than shared professional benchmarks. Mediation efforts operate outside formal legal structures, rendering successful reconciliations undocumented and legally invisible, while failed attempts leave no institutional trace.

These structural limitations are exacerbated by the lack of funding, coordination, and systematic evaluation. Indonesian religious mediators typically work voluntarily without logistical or financial support, constraining scalability and sustainability. The absence of data collection prevents evidence-based policy development and obscures the broader social impact of mediation. Moreover, the lack of formal state recognition weakens the perceived authority of mediation, particularly among younger and more legally oriented populations. The comparison between Melaka and Rembang underscores that effective religious mediation depends not merely on personal moral authority but on institutional alignment. Malaysia's model amplifies religious legitimacy through administrative integration, producing consistency, accountability, and measurable outcomes. Indonesia's fragmented approach, while culturally rich, risks marginalisation unless supported by coherent policy reform. Institutionalising religious mediation, without eroding its cultural roots, offers a strategic pathway to strengthen family resilience and align religious wisdom with contemporary legal governance.

## Conclusion

This study demonstrates that culturally embedded divorce mitigation mechanisms operate within societies characterised by strong patronage of religious leaders. In Rembang and Melaka, *kyai* and imams function as trusted informal authorities whose humanistic and spiritual approaches resonate more closely with community values than formal legal mechanisms alone. Their mediation practices reflect patron–client social structures in which moral guidance, cultural legitimacy, and emotional proximity facilitate effective conflict resolution or, when separation is unavoidable, mitigate the social and psychological consequences of divorce. The Malaysian case, particularly in Melaka, further illustrates that when religious leadership is institutionally integrated through structured training, legal recognition, and policy support, mediation processes become more consistent, systematically documented, and significantly impactful.

From a theoretical and policy perspective, the findings affirm that culturally grounded authority can operate as a legitimate complement to state-centric family law systems. Malaysia's structured collaboration between religious institutions and



state agencies illustrates how informal religious mediation can be transformed into a sustainable component of legal governance without losing its moral depth. Conversely, Indonesia's experience highlights the limitations of relying solely on informal legitimacy without institutional support. This study therefore calls for a paradigm shift in family law reform towards adaptive legal pluralism, in which religious values, community trust, and public policy are strategically integrated to strengthen family resilience and ensure more humane and effective dispute resolution in diverse sociocultural contexts.

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The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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