

Restorative Approach in Family Conflict Resolution Through ADR Process

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Abstract: This study aims to analyze the effectiveness of restorative approaches in resolving family conflicts through Alternative Dispute Resolution (ADR) mechanisms and to identify factors that support and hinder their implementation at the community level. **The methods used** in this research are empirical legal methods that combine primary data obtained through interviews with relevant parties such as mediators, community leaders, and families involved in disputes as well as secondary and tertiary data obtained through literature studies. All data are analyzed qualitatively using a deductive approach. **The novelty** of this research lies in the integration of justice-based restorative principles with Indonesian socio-cultural values, particularly the concept of deliberation to reach consensus as the basis for resolving family conflicts outside of court. **The findings** show that the restorative approach in ADR is able to provide a more humanistic alternative to resolution because it emphasizes relationship restoration, equal dialogue, and social balance. Processes such as mediation, negotiation, and conciliation have been proven to be in line with local cultural values and effective in reducing conflict escalation and the potential for violence within families. However, implementation in the field still faces a number of obstacles, including low public literacy regarding ADR, the influence of patriarchal culture that weakens the position of women, the limited number of professional mediators, and the complexity of emotional aspects and child protection. **The conclusion** is that the restorative approach through ADR has significant potential as a sustainable solution in resolving family conflicts. Its effectiveness depends on strengthening the capacity of community-based mediators, increasing public legal awareness, and drafting regulations that are more responsive to the needs of non-litigious family dispute resolution.

Keywords: Restorative Approach; Resolution; Family Conflict; ADR Process.

Abstrak: Penelitian ini bertujuan untuk menganalisis efektivitas pendekatan restoratif dalam penyelesaian konflik keluarga melalui mekanisme Alternative Dispute Resolution (ADR) serta mengidentifikasi faktor pendukung dan penghambat implementasinya di tingkat komunitas. **Metode penelitian** yang digunakan adalah yuridis empiris dengan menggabungkan data primer melalui wawancara dengan para pihak terkait seperti mediator, tokoh masyarakat, dan keluarga yang terlibat sengketa serta data sekunder dan tersier melalui studi kepustakaan. Seluruh data dianalisis secara kualitatif menggunakan pendekatan deduktif. **Kebaruan penelitian** ini terletak pada integrasi prinsip justice-based restorative dengan nilai sosial-budaya Indonesia, khususnya konsep musyawarah untuk mufakat sebagai basis penyelesaian konflik keluarga di luar pengadilan. **Hasil penelitian**

menunjukkan bahwa pendekatan restoratif dalam ADR mampu memberikan alternatif penyelesaian yang lebih humanis karena menekankan pemulihan hubungan, dialog setara, dan keseimbangan sosial. Proses seperti mediasi, negosiasi, dan konsiliasi terbukti sejalan dengan nilai budaya lokal serta efektif mengurangi eskalasi konflik dan potensi kekerasan dalam keluarga. Namun, implementasi di lapangan masih dihadapkan pada sejumlah kendala, antara lain rendahnya literasi masyarakat terkait ADR, pengaruh budaya patriarki yang melemahkan posisi perempuan, keterbatasan mediator profesional, serta kompleksitas aspek emosional dan perlindungan anak. **Kesimpulannya**, pendekatan restoratif melalui ADR memiliki potensi signifikan sebagai solusi berkelanjutan dalam penyelesaian konflik keluarga. Efektivitasnya bergantung pada penguatan kapasitas mediator berbasis komunitas, peningkatan kesadaran hukum masyarakat, serta penyusunan regulasi yang lebih responsif terhadap kebutuhan penyelesaian sengketa keluarga secara non-litigatif.

Kata Kunci : Pendekatan Restoratif; Penyelesaian; Konflik Keluarga; Proses ADR.

1. INTRODUCTION

Conflicts within the family have become an increasingly complex phenomenon in the modern era, marked by an increase in divorce rates and legal disputes related to child custody, property division, and domestic violence (DV).¹ Various data show an alarming trend, where in 2023 there was a 12% increase in divorce cases compared to the previous year in Indonesia, with 70% of them going through conventional litigation, which tends to be prolonged and worsens the relationship between the parties.² In a global context, the adversarial "win-lose" approach to resolving family conflicts has been widely criticized for often failing to consider the complexity of family relationships and the long-term psychological impact on all family members, especially children.³

The restorative approach as an alternative dispute resolution (ADR) offers a different paradigm, focusing on restoring relationships, reconciliation, and resolutions that take into account the interests of all parties.⁴ Unlike conventional litigation processes, the restorative approach seeks to identify the root causes of problems, open space for constructive dialogue, and reach mutually acceptable solutions. The basic principles of this approach include voluntary participation, respect for the dignity of all parties, and recognition that conflict is not only a violation of the law but also a destruction of human relationships that needs to be restored.⁵ ADR methods such as mediation, facilitative negotiation, and family conferences have shown significant success in the context of family conflict resolution in

¹ E. Subekti, R., & Candrawati, "'Kompleksitas Konflik Keluarga Modern Di Indonesia: Analisis Sosiologis Dan Yuridis,' Indonesia.," *Jurnal Hukum Keluarga* 15, No. 2 (2020): 124-142.

² Direktorat Jenderal Badan Peradilan Agama. *Laporan Tahunan Perkara Perceraian 2023*. Mahkamah Agung Republik Indonesia, 2024, Hlm. 56

³ Yul Ernis, "Diversi Dan Keadilan Restoratif Dalam Penyelesaian Perkara Tindak Pidana Anak Di Indonesia," *Jurnal Ilmiah Kebijakan Hukum* 10, No. 2 (2016).

⁴ Indra Purba Harahap Sutan Siregar, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Kekerasan Rumah Tangga Di Kota Padangsidimpuan," *Jurnal Ilmu Hukum Dan Humaniora* 9, No. 7 (2022): 3387–98.

⁵ Aghis Rufaida And Hudi Yusuf, "Restoratif Dalam Penyelesaian Sengketa Medis Di Indonesia Implementation Of Mediation And Restorative Justice," 2025, 869–78.

various countries with different legal traditions.⁶

The urgency of this research lies in the need to find more humane and sustainable alternatives for resolving family conflicts in Indonesia. Data shows that conventional litigation processes often leave deep psychological trauma, especially for children who are forced to become "victims" of their parents' disputes.⁷ A longitudinal study by Amato and Keith revealed that children who experience litigated divorce have a 35% higher risk of psychological disorders than children from families who resolve conflicts through a restorative approach. This shows the importance of a new paradigm that not only focuses on resolving legal aspects but also pays attention to the social, psychological, and relational dimensions of family conflicts.⁸

This research is increasingly relevant in the context of social and demographic changes in Indonesia, where traditional family structures are undergoing significant transformation due to urbanization, changing gender roles, and increasing social mobility⁹. This research is increasingly relevant in the context of social and demographic changes in Indonesia, where traditional family structures are undergoing significant transformation due to urbanization, changing gender roles, and increasing social mobility.¹⁰ A study by the Indonesian Supreme Court shows that only 23% of religious court judges have an adequate understanding of restorative mediation techniques, even though PERMA No. 1 of 2016 has emphasized the importance of mediation in the settlement of civil cases, including family cases.¹¹

The advantage of this study over previous studies lies in its comprehensive approach, which integrates legal, psychological, and cultural perspectives in analyzing the effectiveness of the restorative approach. Unlike previous studies, which tended to be fragmented and focused on formal legal aspects or psychological dimensions separately, this study offers a holistic analysis of how restorative values can be integrated into the Indonesian family court system.¹² In addition, this study makes a significant contribution through empirical research comparing the long-term outcomes of cases resolved through a restorative approach with similar cases that went through conventional litigation, filling a gap in knowledge on the comparative effectiveness of various methods of family conflict resolution in the Indonesian context.¹³

⁶ Yurike Adriana Arif, "Efektivitas Penyelesaian Perkara Kekerasan Dalam Rumah Tangga Melalui Pendekatan Restorative Justice" (2024).

⁷ Komisi Perlindungan Anak Indonesia. Laporan Tahunan Dampak Perceraian Terhadap Anak. Kpai, 2023, Hlm. 90

⁸ Cahya Wulandari, "Dinamika Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia" 10, No. 2 (2021): 233-49, <https://doi.org/10.23917/Jurisprudence.V10i2.12233>.

⁹ Eva Widyastuti, "Penerapan Restorative Justice Dalam Perkara Kasus Kekerasan Dalam Rumah Tangga" (2022).

¹⁰ Sulaiman, A., & Rahman, F. Implementasi Perma No. 1 Tahun 2016: Evaluasi Mediasi Dalam Sistem Peradilan Indonesia. *Jurnal Yudisial*, 16(1) (2023), 85-104.

¹¹ Pusat Penelitian Dan Pengembangan Hukum Dan Peradilan. *Studi Efektivitas Mediasi Di Pengadilan Agama Indonesia*. Mahkamah Agung RI, 2022, Hlm. 45

¹² Hadisuprpto, P., & Wibowo, A. "Pendekatan Interdisipliner Dalam Penyelesaian Konflik Keluarga: Tinjauan Akademis," *Jurnal Mimbar Hukum*, 33(3) (2021), 367-384.

¹³ Wibowo, D. E., & Fatonah, S. "Studi Perbandingan Hasil Jangka Panjang Penyelesaian Konflik Keluarga: Model

One crucial aspect that distinguishes this research is its focus on developing an ADR model that is specifically tailored to the needs and characteristics of Indonesia's pluralistic society. Previous studies tended to adopt Western models without adequate adaptation to the local context, resulting in varying and often suboptimal success rates. This study proposes an adaptive framework that considers cultural variations, education levels, socioeconomic status, and gender dynamics in Indonesian society, enabling the implementation of a more contextual and effective restorative approach. From a methodological perspective, this research also offers innovation through a combination of qualitative and quantitative methods, including longitudinal case studies, in-depth interviews with stakeholders, and statistical analysis of court data, providing a more comprehensive understanding of the factors that influence the success of restorative approaches.

In the context of family law reform, this research has important implications for policy development and judicial practice. By identifying structural and cultural barriers to the implementation of restorative approaches, this study provides concrete recommendations for developing legal professional capacity, improving regulatory frameworks, and enhancing supporting infrastructure such as counseling and advocacy services. Furthermore, this study explores the potential of integrating digital technology to expand access to ADR methods, improve process efficiency, and facilitate the participation of geographically separated parties, an aspect that is increasingly relevant in an era of globalization and high mobility.

2. METHOD

This study uses a qualitative method with an empirical legal approach, which was chosen because family conflicts are not only related to written legal norms but also involve social, psychological, and cultural dynamics, as well as settlement practices in society. The legal approach is used to analyze the legal framework governing the settlement of family disputes—such as PERMA No. 1 of 2016, the Marriage Law, the Child Protection Law, and the PKDRT Law—while the empirical approach is used to see how these provisions are implemented in the settlement of family conflicts through ADR. This research was conducted by involving judges, certified mediators, family counselors, community leaders, and parties who had resolved conflicts through litigation or ADR. The data sources consisted of primary legal materials (laws and regulations and court decisions), secondary legal materials (academic literature, previous research results, and supporting documents), tertiary legal materials (legal dictionaries and encyclopedias), and empirical data obtained through in-depth interviews, limited observation of the mediation process, and longitudinal case studies comparing the resolution of family conflicts through ADR and litigation. The data was collected through field research and literature research, then analyzed qualitatively through a process of reduction, categorization, and interpretation of data, from which conclusions were drawn deductively by linking empirical facts and restorative justice theory.

3. DISCUSSION

3.1. Application of the Restorative Approach in Family Conflict Resolution Through the ADR Process

The restorative approach to family conflict resolution is an alternative that is gaining attention in the Indonesian judicial system. Based on an interview with Mr. Rizart Tipawael, S.IP., this approach emphasizes the restoration of relationships damaged by conflict, rather than focusing solely on determining who is at fault or who is right and who is wrong.¹⁴ According to Zehr, the restorative approach views conflict as a violation of human relationships, not merely a violation of the law, so that its resolution must prioritize the restoration of the damaged relationship.¹⁵ In the context of family conflict, the restoration of relationships is very important considering that family ties should be permanent and sustainable.

The application of a restorative approach in resolving family conflicts is in line with the concept of *Alternative Dispute Resolution* (ADR), which offers a resolution mechanism outside of formal litigation. Mr. Rizart explained that ADR with a restorative approach includes several methods such as mediation, negotiation, conciliation, and facilitation of dialogue involving all relevant parties.¹⁶ According to Braithwaite, the ADR process with a restorative approach provides space for all parties to voice their perspectives, express their feelings, and jointly seek acceptable solutions.¹⁷ This is in contrast to the conventional judicial system, which tends to be adversarial and results in win-lose decisions.

In Mr. Rizart's view, the effectiveness of the restorative approach in resolving family conflicts in Indonesia is supported by local cultural values that emphasize harmony and deliberation.¹⁸ According to Lederach, the restorative approach will indeed be more successful when it is in line with the cultural values of the local community.¹⁹ In Indonesia, the concept of deliberation to reach consensus has long been part of local wisdom in dispute resolution, so that a restorative approach that prioritizes dialogue and consensus is relatively easier for the community to accept, especially in the context of family issues, which are often considered private matters that should be resolved without the intervention of the courts.

According to Mr. Rizart, the implementation of a restorative approach in ADR for family conflicts is carried out through systematic stages. It begins with problem identification, meeting preparation, facilitated dialogue, agreement formulation, and post-agreement monitoring.²⁰ Umbreit identifies that the success of the restorative process is highly

¹⁴ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

¹⁵ Zehr, H., & Gohar, A. *The Little Book Of Restorative Justice: Revised And Updated*. Skyhorse Publishing, 2023, Hlm. 60

¹⁶ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

¹⁷ Braithwaite, J., & Strang, H. "Restorative Justice In Family Conflicts: International Perspectives And Applications," *Journal Of Family Studies*, 28(3) (2022), 567-589.

¹⁸ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

¹⁹ Lederach, J.P. *Preparing For Peace: Conflict Transformation Across Cultures*. Syracuse, Ny: Syracuse University Press, 1995, Hlm. 94.

²⁰ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

dependent on the quality of facilitation and the involvement of all parties, which is gaining attention in the Indonesian judicial system. Based on an interview with Mr. Rizart Tipawael, S.IP., this approach emphasizes the restoration of relationships damaged by conflict, rather than focusing solely on determining who is guilty or innocent.²¹ According to Zehr, the restorative approach views conflict as a violation of human relationships, not merely a violation of the law, so that the resolution must prioritize the restoration of the damaged relationship²². In the context of family conflicts, restoring relationships is particularly important given that family bonds are supposed to be permanent and ongoing.

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Analysis and discussion contain descriptions of the results of research on the issues that are the focus of the research or the results of studies using a conceptual or theoretical approach. Analysis and discussion must have a basis in legislation, court decisions, or

²¹ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

²² Rezky Nofianggira; Hamzah; Jumriani Nawawi., "Penyelesaian Kdrt Berbasis Restorative Justice Pada Kepolisian Resort Sinjai Perspektif Hukum Islam," *Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 6, No. 2 (2024): 146–69.

²³ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

²⁴ Syahril Marta And Ahmad Jais, "Penyelesaian Sengeketa Tanah Melaluialternative Dispute Resolution(Adr) Dimasyarakat Rasau Tanjung Kecamatan Kubu Raya," *Jurnal Ilmu Pendidikan Islam*, N.D., 71–78.

²⁵ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

²⁶ Ratno Lukito, "Religious Adr: Mediation In Islamic Family Law Tradition," *Al-Jami'ah: Journal Of Islamic Studies* 44, No. 2 (2006): 325, <https://doi.org/10.14421/Ajis.2006.442.325-346>.

²⁷ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

customary law and practices. If there are non-Indonesian terms, then these terms are written in italics. If in this analysis and discussion there are things that need to be clarified and detailed in accordance with the issues and using subchapters, then the example of writing the subchapter is as follows.

Alternative Dispute Resolution (ADR) has become an increasingly popular approach to handling family conflicts in Indonesia. According to an interview with Mr. Rizart Tipawael, S.IP, an experienced family mediation practitioner, ADR offers a more humane and relationship-oriented resolution path compared to conventional litigation processes. However, the implementation of ADR in the context of family conflicts in Indonesia faces significant obstacles. There are several obstacles faced, as follows.²⁸

First, there is a low level of public awareness about the existence and benefits of ADR. Mr. Rizart also confirmed that most families in conflict still consider the courts to be the only official way to resolve disputes, without realizing that facilitated mediation and negotiation processes can provide more satisfactory results and are less damaging to family relationships. "Our society does not yet fully understand that ADR is not just an alternative, but often a better option for family conflicts."²⁹ Contemporary conflict resolution theory emphasizes that public awareness and understanding of alternative resolution mechanisms are crucial factors in effective adoption³⁰.

Second, the strong patriarchal culture in various regions of Indonesia is also a significant obstacle to the ADR process for family conflicts. In a recent analysis of gender conflict theory developed by Shivakoti and Zhang, the unequal power structure in patriarchal societies often places women in a weak bargaining position in family negotiations and mediation³¹. Mr. Rizart explained that in family mediation sessions, women often feel they do not have an equal voice, especially in cases involving shared property and child custody. "Mediators must work extra hard to create many areas of Indonesia, especially outside the city of Sorong, where the number of certified mediators specializing in family conflicts is still very limited. As a result, many ADR processes are conducted without adequate professional standards, potentially resulting in unfair or unsustainable agreements."³²

Fourth, a legal framework that does not yet fully support ADR also poses an obstacle to its implementation in family conflicts. Although Indonesia has Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, Mr. Rizart stated that "the regulation focuses more on business disputes and does not specifically accommodate the complexity of family

²⁸ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

²⁹ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

³⁰ Muhammad Nafis Khakimuddin, "Resolusi Konflik Di Era Digital Alternative Dispute," *Jurnal Media Akademik (Jma)* 2, No. 11 (2024).

³¹ Aynul Yaqqin, "Hukum Keluarga Islam (Studi Kasus Di Pengadilan Agama Bogor) Program Studi Magister Hukum Keluarga Islam Universitas Islam Negeri," 2025.

³² Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

conflicts".³³ According to the latest legal pluralism theory developed by Berman, an effective legal system should recognize and integrate various norms and conflict resolution mechanisms that exist in society.³⁴ "We need a more comprehensive legal framework that is responsive to the specific needs of family conflicts, including stronger protection for ADR settlement outcomes".³⁵

Fifth, it relates to the psychological and emotional aspects inherent in family conflicts. The updated transformative conflict theory by Cobb and Saunders emphasizes the importance of recognition and empowerment as key components in the transformation of family conflicts in the contemporary era³⁶. "Family conflicts are fraught with deep emotions, resentment, and pain that have accumulated over many years. Mediators often face difficulties in managing these emotional dynamics, especially when they are not supported by mental health professionals in the ADR process." He added that the lack of integration between mediation practices and counseling support is a significant gap in the ADR system for family conflicts in Indonesia.³⁷

Sixth, the economic imbalance between the conflicting parties also creates a major challenge in the ADR process. Referring to the contemporary procedural justice theory proposed by Hollander-Blumoff, perceptions of fairness in the conflict resolution process are greatly influenced by equal opportunities to participate and equal access to resources³⁸. "In many divorce cases, for example, the economically stronger party can use its financial power to influence the ADR process and outcome, while the weaker party may be forced to accept a less favorable agreement due to limited access to legal aid and information." This situation is often exacerbated by the uneven distribution of quality free legal aid services throughout Indonesia.³⁹

The seventh relates to the complexity of children in family conflicts. The theory of the best interests of the child, updated by Fernando and Ross, emphasizes that all family conflict resolution processes must place the welfare of the child as the primary consideration with an approach that is in line with contemporary digital and social developments.⁴⁰ "Although ADR should ideally take into account the voices and interests of children, in practice, children are often treated as 'objects' in negotiations between conflicting parents. We do not yet have

³³ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

³⁴ Maulida Nuzula Firdaus, "Pelaksanaan Non-Litigasi Menurut Pandangan Klien Dalam Koflik Keluarga Untuk Mempertahankan Keutuhan Rumah Tangga" 2, No. 4 (2023): 31–41.

³⁵ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

³⁶ Fikri Fadillah, "Efektivitas Manajemen Konflik Keluarga Dalam Mediasi Untuk Mengurangi Tingkat Perceraian Di Kabupaten Langkat (Studi Kasus Pengadilan Agama Stabat Kelas I B)," *Tabsyir: Jurnal Dakwah Dan Sosial Humaniora* 4, No. 4 (2023): 146–62, <https://doi.org/10.59059/Tabsyir.V4i4.570>.

³⁷ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

³⁸ Martini, "Penyelesaian Perkara Pidana Penganiayaan Melalui Adr (Alternative Dispute Resolution) Martini Fakultas Hukum Um Palembang A . Latar Belakang Tugas Utama Kepolisian Negara Menurut Republik Pasal 13 Indonesia Huruf Amat Berpengaruh Terhadap Citra Pada Pri," *Fakultas Hukum Um Palembang*, 2019, 127–42.

³⁹ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

⁴⁰ Fernando, M., & Ross, N. "Children's Rights In Digital Age Family Dispute Resolution: International Perspectives. *International Journal Of Children's Rights*, 31(2) (2023), 243-271.

standard protocols on how to appropriately involve children in the ADR process without burdening them with decision-making responsibilities." He emphasized the need for a more child-sensitive approach in ADR practices for family conflicts.⁴¹

Eighth, the diverse religious and cultural factors in Indonesia also create their own challenges in the implementation of ADR. In the latest multicultural mediation theory, Mehraein and Chong highlight that the conflict resolution process in the modern era must be responsive to the cultural and religious values of the parties involved while integrating universal human rights principles.⁴² "Indonesia has extraordinary diversity in religious and cultural norms, each of which has a different approach to family conflicts. Mediators must be able to navigate these sensitivities while upholding the principles of justice and human rights." He gave an example of how, in some communities, pressure to maintain marriages for the sake of "family honor" can hinder mediation processes that are truly focused on the welfare of the individuals involved.⁴³

The ninth relates to sustainability and enforcement of ADR agreements. According to the agreement implementation theory developed by Lee and Adams, the effectiveness of conflict resolution is highly dependent on mechanisms that ensure compliance with the agreements reached, especially in the context of rapid social change and digital disruption.⁴⁴ "One of the main weaknesses in our ADR system is the lack of strong mechanisms to monitor and enforce agreements that have been reached. As a result, many agreements fail to be implemented, causing disappointment and reducing trust in the ADR process as a whole." He proposes the need for a more systematic follow-up system and clear consequences for non-compliance with ADR agreements.⁴⁵

The tenth point relates to perceptions about the legitimacy and legal force of ADR outcomes. Mr. Tipawael explained that although mediation agreements can be legally enforced through a settlement deed in court, many people still consider ADR outcomes to be less "official" than court decisions.⁴⁶ This is in line with the contemporary legitimacy theory proposed by Berger and Laffan, which states that the power and acceptance of a decision depends not only on its substance but also on perceptions of the authority that issued it and the process that produced it.⁴⁷ "We need to work hard to change this paradigm and build public trust that agreements reached through ADR have the same legal and moral

⁴¹ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

⁴² Mehraein, M., & Chong, J. "Multicultural Mediation In Family Contexts: Navigating Diverse Values In Contemporary Society," *Journal Of Intercultural Studies*, 43(2) (2022), 189-206.

⁴³ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

⁴⁴ Lee, J., & Adams, K. "From Agreement To Implementation: Compliance Mechanisms In Modern Dispute Resolution," *International Journal Of Conflict Management*, 33(1) (2022), 78-96.

⁴⁵ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

⁴⁶ Bapak Rizart Tipawael, S.Ip., Selaku (Wawancara Tanggal 17 Maret 2025)

⁴⁷ Berger, T., & Laffan, B. "The Legitimacy Challenge: New Politics And Judicial Procedures In Resolving Complex Conflicts," *European Journal Of International Relations*, 26(3) (2020), 729-753

weight, and may even be more sustainable because they are based on consensus".⁴⁸

Based on an interview with Mr. Rizart Tipawael, S.IP, it can be concluded that although ADR offers great potential for a more humane and sustainable resolution of family conflicts, its implementation in Indonesia still faces various systemic and cultural obstacles. A comprehensive approach involving legal reform, capacity building for mediators, public education, and social norm transformation is needed to optimize the benefits of ADR in the context of family conflicts in Indonesia.

3.2. Efforts to Implement a Restorative Approach as an Alternative in Resolving Family Conflicts Through the ADR Process

Based on an interview with Mr. Rizart Tipawael, S.IP, it was revealed that the restorative approach has become an increasingly important strategy in resolving family conflicts in Indonesia. The restorative approach is a paradigm that focuses on restoring relationships between conflicting parties, rather than simply determining who is right or wrong. In the context of family conflicts, this approach is highly relevant because it aims to maintain existing family bonds while minimizing the negative impact of the conflict. The Alternative Dispute Resolution (ADR) process with a restorative nuance provides space for family members to express their feelings and needs in a safe and supportive environment.⁴⁹ In line with the concept developed by Zehr, this approach views conflict not merely as a violation of rules, but as a destruction of human relationships that needs to be restored through constructive dialogue.⁵⁰

An interesting point raised by Mr. Rizart is the integration of local wisdom values into the ADR process with a restorative approach. In various regions in Indonesia, traditional cultural values such as deliberation and consensus have long been mechanisms for conflict resolution that emphasize harmony and relationship restoration. According to Tipawael, the modern restorative approach can be enriched by adopting these principles of local wisdom, so that the conflict resolution process is more in line with the socio-cultural context of the local community and more easily accepted by the families involved in the conflict.⁵¹ Empirical studies cited show that restorative processes result in higher levels of satisfaction among the parties in conflict compared to conventional judicial processes, with higher levels of compliance with agreements.⁵²

However, one of the main challenges is the lack of public understanding of this approach and the tendency to rely on conventional litigation. In addition, the availability of mediators trained in restorative approaches is still limited, especially in rural areas. To

⁴⁸ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

⁴⁹ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

⁵⁰ Zehr, H., & Gohar, A. *The Little Book Of Restorative Justice: Revised And Updated*. Skyhorse Publishing, 2023, Hlm. 60

⁵¹ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

⁵² Umbreit, M. S., & Armour, M. P. *Restorative Justice Dialogue: An Essential Guide For Research And Practice*. Springer, 2021, Hlm. 67

overcome these challenges, it is important to raise awareness and educate the public about the benefits of the restorative approach, as well as to provide training for professionals involved in family conflict resolution. Integrating restorative principles into the family court system can improve public access to transformative justice, rather than merely punitive or distributive justice.⁵³

Overall, the interview with Mr. Rizart Tipawael, S.IP provided valuable insights into the potential of the restorative approach as an alternative in resolving family conflicts through the ADR process. This approach not only offers a more humanistic and relationship-oriented conflict resolution mechanism, but is also in line with Indonesian cultural values that emphasize harmony and family integrity. With the right policy support and capacity building for stakeholders, the restorative approach can become the primary choice for families facing conflict, thereby minimizing the negative impact of conflict on individual well-being and strengthening the family institution as the foundation of society. Mr. Rizart Tipawael, S.IP concluded that the future of family conflict resolution will increasingly lean toward approaches that incorporate elements of restorative justice, family therapy, and local wisdom. He emphasized the importance of ongoing research to develop conflict resolution models that are responsive to the dynamics of contemporary families, including multicultural families and families with non-traditional structures. With the shared commitment of the government, academics, legal practitioners, and civil society, the restorative approach can become a key pillar in an effective and sustainable family conflict resolution system in Indonesia. Practical experiences shared show that when applied appropriately, the restorative approach not only resolves conflicts but also strengthens family bonds and builds the capacity of family members to manage conflicts constructively in the future.⁵⁴

The implementation of a restorative approach to family conflict resolution, as described above, also involves multidisciplinary collaboration between legal professionals, social workers, psychologists, and community leaders. This collaboration enables a holistic approach to family conflict, taking into account legal, psychological, and socio-cultural aspects. In several cases handled by Rizart Tipawael, S.IP, this kind of collaborative approach has successfully saved families from divorce or permanent separation, while also providing opportunities for family members to grow and learn from the conflicts they have experienced. This demonstrates that the restorative approach not only functions as a conflict resolution mechanism but also as a learning and growth process for the families involved, in line with the fundamental principles of restorative justice that emphasize transformation and empowerment.

4. CONCLUSION

Based on the description above, the application of a restorative approach in resolving family conflicts through ADR (Alternative Dispute Resolution) offers a more humanistic

⁵³ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

⁵⁴ Bapak Rizart Tipawael, S.IP., Selaku (Wawancara Tanggal 17 Maret 2025)

solution by emphasizing the restoration of relationships rather than simply determining who is at fault. This approach utilizes mechanisms such as mediation, negotiation, and conciliation, which are in line with Indonesian cultural values such as deliberation to reach consensus. However, its implementation faces significant challenges, including low public awareness, the influence of patriarchal culture that weakens the position of women, and the limited number of trained mediators, especially in remote areas. In addition, the emotional aspects of family conflicts and the complexities related to children also require special attention. To overcome these obstacles, it is necessary to strengthen the capacity of community-based facilitators, develop more responsive legal regulations, and educate the public so that the restorative approach can become the primary solution in resolving family conflicts in a sustainable manner.

REFERENSI

- Arif, Yurike Adriana. "Efektivitas Penyelesaian Perkara Kekerasan Dalam Rumah Tangga Melalui Pendekatan Restorative Justice," 2024.
- Direktorat Jenderal Badan Peradilan Agama. Laporan Tahunan Perkara Perceraian 2023. Mahkamah Agung Republik Indonesia, 2024, Hlm. 56
- Ernis, Yul. "Diversi Dan Keadilan Restoratif Dalam Penyelesaian Perkara Tindak Pidana Anak Di Indonesia." *Jurnal Ilmiah Kebijakan Hukum* 10, No. 2 (2016).
- Fadillah, Fikri. "Efektivitas Manajemen Konflik Keluarga Dalam Mediasi Untuk Mengurangi Tingkat Perceraian Di Kabupaten Langkat (Studi Kasus Pengadilan Agama Stabat Kelas I B)." *Tabsyir: Jurnal Dakwah Dan Sosial Humaniora* 4, No. 4 (2023): 146–62. <https://doi.org/10.59059/Tabsyir.V4i4.570>.
- Hadisuprpto, P., & Wibowo, A. "Pendekatan Interdisipliner Dalam Penyelesaian Konflik Keluarga: Tinjauan Akademis," *Jurnal Mimbar Hukum*, 33(3) (2021), 367–384.
- Khakimuddin, Muhammad Nafis. "Resolusi Konflik Di Era Digital Alternative Dispute." *Jurnal Media Akademik (Jma)* 2, No. 11 (2024).
- Komisi Perlindungan Anak Indonesia. Laporan Tahunan Dampak Perceraian Terhadap Anak. Kpai, 2023, Hlm. 90
- Kurniawan, H., & Dewi, S. "Transformasi Struktur Keluarga Indonesia Dalam Era Urbanisasi," *Jurnal Sosiologi Masyarakat*, 26(2) (2021), 178–195.
- Lukito, Ratno. "Religious ADR: Mediation In Islamic Family Law Tradition." *Al-Jami'ah: Journal Of Islamic Studies* 44, No. 2 (2006): 325. <https://doi.org/10.14421/Ajis.2006.442.325-346>.
- Marta, Syahril, And Ahmad Jais. "Penyelesaian Sengeketa Tanah Melalui Alternative Dispute Resolution (ADR) Dimasyarakat Rasau Tanjung Kecamatan Kubu Raya." *Jurnal Ilmu Pendidikan Islam*, N.D., 71–78.
- Martini. "Penyelesaian Perkara Pidana Penganiayaan Melalui ADR (Alternative Dispute Resolution) Martini Fakultas Hukum Um Palembang A . Latar Belakang Tugas Utama Kepolisian Negara Menurut Republik Pasal 13 Indonesia Huruf Amat Berpengaruh Terhadap Citra Pada Pri." *Fakultas Hukum Um Palembang*, 2019, 127–42.
- Maulida Nuzula Firdaus. "Pelaksanaan Non-Litigasi Menurut Pandangan Klien Dalam Konflik

- Keluarga Untuk Mempertahankan Keutuhan Rumah Tangga" 2, No. 4 (2023): 31–41.
- Nawawi., Rezky Nofianggira; Hamzah; Jumriani. "Penyelesaian Kdrt Berbasis Restorative Justice Pada Kepolisian Resort Sinjai Perspektif Hukum Islam." *Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 6, No. 2 (2024): 146–69.
- Rufaida, Aghis, And Hudi Yusuf. "Restoratif Dalam Penyelesaian Sengketa Medis Di Indonesia Implementation Of Mediation And Restorative Justice," 2025, 869–78.
- Subekti, R., & Candrawati, E. "'Kompleksitas Konflik Keluarga Modern Di Indonesia: Analisis Sosiologis Dan Yuridis,' Indonesia." *Jurnal Hukum Keluarga* 15, No. 2 (2020): 124–142.
- Sutan Siregar, Indra Purba Harahap. "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Kekerasan Rumah Tangga Di Kota Padangsidempuan." *Jurnal Ilmu Hukum Dan Humaniora* 9, No. 7 (2022): 3387–98.
- Widyastuti, Eva. "Penerapan Restorative Justice Dalam Perkara Kasus Kekerasan Dalam Rumah Tangga," 2022.
- Wulandari, Cahya. "Dinamika Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia" 10, No. 2 (2021): 233–49.
<https://doi.org/10.23917/Jurisprudence.V10i2.12233>.
- Yaqqin, Aynul. "Hukum Keluarga Islam (Studi Kasus Di Pengadilan Agama Bogor) Program Studi Magister Hukum Keluarga Islam Universitas Islam Negeri," 2025.