

RESEARCH ARTICLE

## The Influence of Psychological Approaches on The Success of Child Support Mediation in The Religious Court of Manna-Bengkulu

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### Abstract

*The obligation to provide child support can be determined through a settlement agreement in divorce mediation proceedings, where the use of psychological approaches plays a crucial role in the child support mediation process. This study examines how psychological approaches are applied in child support mediation and their influence on the success of such mediation at the Religious Court of Manna. This research adopts an empirical legal approach with psychological analysis, utilizing attachment theory to analyze the research problem. The findings are as follows: First, the psychological approach in child support mediation at the Religious Court of Manna focuses on three key aspects: (1) raising awareness of the child's best interests, (2) maintaining the emotional bond between parents and children, and (3) assessing the parents' financial capacity. If a father fails to pay court-ordered child support, he may be reported for child neglect (a criminal offense) and face enforcement proceedings for child support payments. Second, psychological approaches significantly influence the success of child support mediation. Fathers obligated to pay child support become more aware of the importance of fulfilling this duty for the child's best interests, while also preserving parent-child attachment and ensuring a healthy emotional relationship.*

**Keyword:** Child Support, Mediation, Attachment, Psychology.

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## INTRODUCTION

Parents have an obligation to care for and educate their children in order to ensure the best possible future for them. This obligation remains in effect even after a divorce, as the concept of a "former child" does not exist in family life. In the event of a divorce, it is important to determine who will be responsible for the care and fulfillment of the child's needs. Article 41(b) of the Marriage Law stipulates that the father is responsible for financing all the child's needs and education. However, if the father is financially incapable, the court has the authority to assign the mother as a coresponsible party for covering these expenses.

The obligation to provide child support can be established through a settlement agreement during the divorce mediation process. Husbands and wives involved in divorce proceedings are first required to participate in mediation. If the divorce petition includes a claim for child support from

the outset or even if there is no specific claim related to child support, the issue of child maintenance may still be addressed during the mediation process.

The implementation of child support mediation at the Manna Religious Court has proven to be effective, as evidenced by a mediation success rate of 81% in matters related to child support (Kinsatker Badilag, 2023). This percentage was obtained by comparing child support settlement agreements to all partial settlement agreements. Partial settlements in divorce cases occur when reconciliation fails, and the proceedings shift focus to post-divorce rights of the wife and children, including the father's obligation to provide child support upon divorce.

A variety of approaches is essential to ensure the success of the mediation process, including the application of psychological perspectives. The psychological approach plays a crucial role in child support mediation, where the primary focus is the best interests of the child and a psychological understanding of the parents responsible for the child's support. The application of psychological methods in the context of child support mediation at the Manna Religious Court is believed to have a positive impact on the success of the mediation process.

Several previous studies have explored child support mediation and the protection of children's rights after divorce. One such study is by Rivanka Gradian Baldi, titled *"Dispute Resolution on the Fulfillment of Child Support Rights After Divorce Through Mediation at the Integrated Service Center for the Empowerment of Women and Children."* The research found that conflict resolution related to child support after divorce, when conducted through the Integrated Service Center for the Empowerment of Women and Children in Dumai City, did not yield satisfactory results, as the agreements reached were not effectively enforced. Consequently, mothers may pursue litigation by filing claims in court to compel fathers to fulfill their child support obligations (Baldi, 2023). The strength of this study lies in its focus on the practice of child support mediation conducted outside of court-registered mediators, specifically through the Integrated Service Center for Women and Children's Empowerment.

The second study is by M. Nur Syafiuddin, titled *"The Accentuation of the Best Interests of the Child in Child Support Decisions as a Means of Guaranteeing Human Rights."* The study emphasizes that prioritizing the protection of the best interests of the child in child support rulings involves efforts to ensure the child's overall well-being. This includes three key aspects: parental presence, the condition of the child, and the child's living environment. The study recommends that judges should consistently conduct thorough legal reasoning (ijtihad) in handling child support cases, considering its importance in fulfilling the child's fundamental rights and improving their quality of life (Syafiuddin, 2022). The main focus of this study is that the principle of the best interests of the child should serve as a fundamental guideline in delivering child support decisions.

The third study, conducted by Dewi Sri Andriani and colleagues, is titled *"Judicial Legal Protection of Child Support After Divorce from the Perspective of Judges at the Sungguminasa Religious Court (A Study of Decision Number 22/Pdt.G/2021/PA.Sgm)."* The research found that the legal consequences of divorce involve the responsibilities of both spouses and all children born from the marriage, particularly regarding the obligation to provide child support. Challenges in fulfilling child support obligations after divorce often arise when the father faces limited income, unemployment, or has remarried (Andriani et al., 2021). The focus of this study is to examine the factors that contribute to the failure in the implementation of child support payments following divorce proceedings in court.

Based on the aforementioned studies, there has been no discussion on the influence of psychological approaches on the success of child support mediation. This research introduces a novelty by exploring the psychological approach model applied by mediators in child support mediation and how this approach affects the success of the mediation process. Accordingly, the research problem formulated in this study is the use of psychological approaches in child support mediation and the impact of such approaches on the success of child support mediation at the Manna Religious Court.

Based on this problem formulation, the aim of this study is to describe the implementation of psychological approaches by mediators in child support mediation and to determine the extent to which these approaches influence the success of the mediation.

To address these issues, the study employs attachment theory. According to John Bowlby, attachment refers to the emotional bond between an individual and specific experiences, reflecting distinct characteristics of that relationship. Ainsworth further explains that attachment is a long-lasting emotional connection between individuals. (Suci Lia Sari et al., 2018) This theory is used to analyze the emotional closeness between parents and children, particularly in the context of providing child support following parental divorce.

## **METHODS**

This study is a qualitative research employing an empirical juridical approach, which aims to describe the legal provisions related to child support mediation as well as the practice of child support mediation using a psychological approach. The research site is the Manna Religious Court, selected due to its highest child support mediation success rate in 2023 among the jurisdictions under the Bengkulu High Religious Court.

Data collection was conducted through document studies and interviews (Qamar & Rezah, 2020). Document studies were carried out to gather legal literature and administrative case data related to child support mediation. Interviews were conducted with two mediators—one judicial mediator and one non-judicial mediator focusing on the application of psychological approaches in child support mediation.

The data analysis technique used is descriptive-analytical, which involves analyzing research data with the aim of clarifying a specific truth and providing an assessment of that truth (Sugiyono, 2008). The researcher will elaborate on all collected data, including legal literature on child support mediation, mediation administrative records, and interview results with mediators at the Manna Religious Court regarding the implementation of psychological approaches in child support mediation. These findings will then be analyzed using the theoretical framework adopted in this study to address the research problem and draw conclusions.

## **FINDINGS AND DISCUSSION**

### **On Child Support Mediation**

*Mediation* is derived from the English word *mediation*, referring to a method of dispute resolution through a third-party approach. This process involves the role of a mediator, whose task is to mediate or intervene in ongoing conflicts (M. Echols & Shadily, 2000). Mediation is a dispute resolution method that involves negotiation aimed at reaching an agreement between the disputing parties, with the assistance of a mediator (Article 1 point 1 of Supreme Court Regulation No. 1 of 2016).

The system of conflict resolution through mediation is also recognized in Islamic legal tradition. When significant discord arises in a marital relationship that cannot be resolved independently, Islam mandates that the couple appoint *hakam* (arbitrators or mediators) to seek a resolution, as revealed in Surah An-Nisa, verse 35.

Nurnaningsih Armiani outlines the elements of mediation as follows: mediation is a dispute resolution based on voluntary principles through a negotiation process; the presence of a mediator who is acceptable to both parties; the mediator's role in facilitating the best solution for the dispute; the limited authority of the mediator in making decisions during negotiations; and the ultimate goal of reaching a mutually agreed settlement among the disputing parties (Armiani, 2012).

The application of mediation principles throughout the process greatly influences the success of mediation. Ahwan Fanani (2012) outlines several fundamental principles of mediation, namely:

1. Principle of Voluntariness

Mediation must be conducted based on the voluntary will of all parties involved, without any coercion or pressure to participate in the process. A mediation process that is truly voluntary is more likely to result in a resolution that genuinely reflects the interests of the disputing parties.

2. Principle of Neutrality and Impartiality

The mediator must be accepted by all parties and must not have any conflicts of interest with them. In conducting mediation, the mediator must ensure that their language, body language, and demeanor do not indicate any bias toward either party.

3. Joint Problem Solving

Mediation is a collaborative effort to resolve the dispute between the parties involved. The disputing parties are expected to actively participate in finding solutions to the problems they face, with the mediator serving as a facilitator who assists them in negotiating and reaching the best possible resolution.

4. Principle of Mutual Agreement

Mediation aims to resolve disputes through mutual agreement, allowing the parties to feel satisfied with the outcome rather than defeated. The process encourages parties to actively seek solutions to their problems, with the goal of reaching a resolution that is acceptable to all involved.

5. Principle of Confidentiality

Confidentiality must be maintained with respect to any information shared during the mediation negotiations. This guarantee of confidentiality is intended to foster openness among the parties, create a positive dialogue environment, and enable honest and pressure-free exploration of solutions.

6. Empowerment and Recognition

Mediation empowers parties by encouraging them to acknowledge each other's basic needs. It is successful when parties recognize the urgency of the problem, understand the available resolution options, believe in their ability to solve the dispute, and are capable of making decisions. The highest form of recognition occurs when all parties acknowledge their shared human needs and commit to having those needs met.

7. Unique Solutions

Mediation allows for the creation of innovative solutions that are not constrained by formal legal boundaries. The mediator cannot predict the outcome of the mediation, as the solutions

are generated and agreed upon by the disputing parties themselves, rather than being imposed by legal rules. As such, mediation outcomes are inherently unique.

One of the mechanisms for determining child support in divorce case rulings at court is through a settlement agreement reached during the mediation stage. Married couples attending divorce proceedings are required to undergo mediation as an initial step. Mediation is a method of conflict resolution through negotiation aimed at achieving an agreement, with the assistance of a mediator. The mediator—who may be either a judge or a non-judge—acts as a neutral party who facilitates negotiations between the disputing parties to help them find the best possible solution, without making decisions or imposing outcomes (Aco Nur & Sugiri Permana, 2022).

The obligation to participate in mediation as part of court proceedings carries significant legal implications. If mediation is not conducted, it may result in legal consequences that judges must consider in their decisions. A judge who fails to instruct the disputing parties to undergo mediation is deemed to have violated procedural rules. In cases where mediation has not taken place and the parties proceed with legal remedies, appellate courts or the Supreme Court may issue an interlocutory decision requiring mediation to be conducted first.

Claims related to child support, whether filed alongside a divorce petition or submitted separately after the divorce, can be resolved through mediation. If both parties reach an agreement regarding the obligation and amount of child support, this agreement will be recorded as a settlement agreement, upon which the judge may base the ruling regarding child support. Pursuant to Article 31 of the Supreme Court Regulation on Mediation (Perma Mediation), in divorce cases involving additional claims, if reconciliation efforts fail, the mediation continues with the remaining claims. If the mediation results in agreement on those other claims, such agreements are recorded in the settlement agreement, which includes clauses related to the divorce. The settlement on such additional claims can only take legal effect once the court's decision to grant the divorce becomes final and binding. If the divorce petition is denied, the settlement agreement becomes void.

Even if the original divorce petition does not include child support claims, the issue can still be raised and discussed during the mediation process, as child support remains a legal consequence of divorce. According to Article 25 of the Supreme Court Regulation on Mediation, the scope of mediation discussions is not limited to the claims outlined in the initial petition. If the mediation results in an agreement on matters not originally included in the lawsuit, the plaintiff has the right to amend the claim to incorporate the agreement reached.

M. Aditya Pratama (interview, December 2023) stated that child support mediation at the Manna Religious Court is conducted in stages that refer to the provisions of the Supreme Court Regulation on Mediation (Perma Mediation), namely:

1. Mediator-Party Meeting

Once all parties have been informed of the identity of the appointed mediator during the hearing, they are required to attend the initial mediation session in the designated mediation room according to the set schedule, to ensure a smooth and efficient process. The meeting is held in a closed setting to allow the parties to freely discuss and negotiate their issues. However, parties are entitled to request the presence of another individual during the mediation process, if they wish.

2. Explanation of the Mediator's Role

After introducing themselves, the mediator at the Manna Religious Court explains their role as a facilitator in helping the parties reach a mutual agreement. The mediator emphasizes their

neutrality, acts as an attentive listener to understand the issues faced by the parties, and stresses that there is no intention to impose decisions. All outcomes must be based solely on the agreement of the parties.

3. Identifying the Core Issues

The next stage involves the submission of case summaries by the parties, especially in complex cases involving marital property at the Manna Religious Court. In divorce cases, the mediator focuses on identifying the root causes and underlying reasons for the divorce by listening to each party in turn.

4. Problem Solving and Solution Finding

Once the key issues have been identified, the mediator assists the parties in finding solutions and offers advice on building a healthy family life, particularly by considering the future of the children. If reconciliation is not possible, the mediator guides discussions on the rights of women and children after divorce, including matters of child support.

5. Formulating a Settlement Agreement

During the mediation of divorce cases at the Manna Religious Court, if mediation results only in agreement to reconcile or to proceed with the divorce, the mediator generally does not draft a settlement agreement unless it involves the consequences of divorce—such as joint property division, the wife's request for past support, *iddah* maintenance, and child support. The mediator becomes actively involved in drafting agreements when the mediation includes inheritance or other property-related disputes. If the case concerns only the intent to divorce, a mediation report alone is sufficient.

6. Preparation of the Mediation Report

In the final stage of mediation at the Manna Religious Court, the judicial mediator prepares a written mediation report and submits it to the presiding judge. The report outlines whether the mediation was successful or not. If the divorce mediation is successful, the lawsuit is withdrawn at the scheduled hearing. If unsuccessful, the trial proceeds as scheduled. If no full agreement is reached but a partial agreement—such as on child support—is achieved, it is documented in a partial settlement agreement and submitted to the judge for consideration in the final ruling.

### **Application of Psychological Approaches in Child Support Mediation**

The application of psychological approaches in mediation aims to restore effective and constructive communication patterns between the disputing parties. Individuals involved in legal processes often prioritize emotional responses over rational thinking, which can hinder their ability to assess situations objectively. Established behavioral patterns show that individuals need time to identify the root causes of the problems they face.

When emotions are heightened, contributing positively to problem identification becomes difficult. Conversely, in a calmer state, individuals are more capable of reflecting clearly on the factors causing conflict and exploring feasible solutions. Mediation is unlikely to succeed in emotionally chaotic situations if the mediator focuses solely on legal technicalities without employing psychological approaches to calm the parties. While emotions can sometimes inspire creative solutions, negative emotions often obstruct constructive thinking (Hartawati et al., 2022).

The dynamics of mediation are closely related to counseling psychology, as mediators function similarly to counselors. Both counselors and mediators aim to explore the substance of the

problem and formulate the best possible solutions for the involved parties. A basic understanding of psychology is essential for mediators, as the focus in both mediation and counseling is to help individuals recognize the root of their problems, acknowledge their errors and shortcomings, and encourage self-reflection and understanding (Asnawi, 2017).

An effective mediator establishes communication with the parties by understanding their psychological conditions and by building rapport and mutual trust. The mediation setting must provide comfort and safety as key prerequisites for successful communication. Therefore, mediators are expected to foster this atmosphere throughout the mediation process.

According to Pinta Zumrotul Izzah (Judicial Mediator) and M. Aditya Pratama (Non-Judicial Mediator) (interview, December 2023), the psychological approach in child support mediation at the Manna Religious Court focuses on three key areas:

1. The Best Interests and Future of the Child

The mediator explains to the obligated party that child support is not merely a material requirement, but essential to the child's overall well-being. It enables the child to meet daily needs and secure a better future. This understanding helps the paying party recognize the importance of fulfilling their child support obligation.

2. The Emotional Bond Between Parent and Child

The psychological approach helps revive or establish emotional bonds between parents and children, which may have deteriorated or never formed due to marital disputes. Mediators help parents understand that regardless of marital breakdown, the child's needs—especially financial support—remain a parental priority.

3. The Financial Capacity of the Parent

In many mediations, the obligated parent cites financial incapacity as a reason for being unable to pay child support. The mediator helps address this issue by emphasizing the importance of child support for the child's survival and development. Parents are encouraged to prioritize their child's needs by exploring income-generating opportunities. Simultaneously, the other party is guided to understand the paying party's limitations. Negotiations seek to meet at a realistic intersection between the child's minimum needs and the parent's maximum ability to provide, forming a balanced and implementable support arrangement.

These three psychological approaches—focusing on the child's best interests, emotional parent-child bonds, and financial capacity—align with attachment theory. This theory suggests that when mediators help parents understand the importance of child support in meeting the child's best interests, it re-establishes emotional closeness between father and child, which may have weakened due to parental conflict and separation.

A child support agreement reached through mediation can help maintain the emotional bond between parent and child. When children feel cared for, they are more likely to feel motivated and supported in life. Neglect, on the other hand, may have psychological effects, causing emotional instability or loss of motivation. Furthermore, when the father fulfills his child support obligations, he affirms that the parent-child relationship persists despite divorce, and acknowledges his responsibility until the child reaches adulthood and self-sufficiency.

If a father fails to comply with a child support ruling from the Religious Court, the custodial mother may report the matter to the police as a domestic violence offense in the form of family neglect, supported by the court decision that obliges the father to pay monthly child support. Article 5 of Law No. 23 of 2004 on the Elimination of Domestic Violence defines domestic violence to

include physical, psychological, sexual abuse, and family neglect. Article 9(1) stipulates that no person may neglect a household member whom they are legally or contractually obligated to support. Article 49 provides that a person found guilty of neglect under Article 9 may face up to 3 years of imprisonment or a fine of up to IDR 15,000,000.

A Religious Court judgment that includes child support serves as authentic evidence of the obligation. The obligated party must comply with the ruling, which carries executorial force. If the judgment is not fulfilled, execution can be pursued by identifying the father's assets to be auctioned, or criminal charges may be filed under domestic violence law for neglecting the child.

### **The Influence of Psychological Approaches on the Success of Child Support Mediation**

Successful child support mediation occurs when a settlement agreement regarding child support is reached. If child support is part of a divorce case but the core divorce issue cannot be resolved through mediation, the agreement on child support may be categorized as a partially successful mediation. A child support agreement typically outlines the party responsible for providing support, the monthly amount, and the duration of the obligation. Mediation is a crucial mechanism due to its various advantages, such as: (a) fostering a sense of collaboration between the parties, where negotiation outcomes are pursued jointly without coercion or pressure, and (b) offering solutions that promote mutual welfare and a win-win resolution (As'adi, 2012).

Based on 2023 mediation data from the Manna Religious Court, 63 cases underwent mediation. Of these, 1 case resulted in a peace deed related to child custody and child support; 11 cases ended in reconciliation and withdrawal of divorce petitions; 13 mediations failed; and 31 were partially successful—where the divorce could not be reconciled but agreements were reached regarding the post-divorce rights of the wife and child. Among the 31 partial successes, 25 cases resulted in a child support agreement, and 1 included both custody and support, resulting in a child support mediation success rate of 81% (Kinsatker Badilag, December 2023).

Psychological approaches have a significant impact on the success of child support mediation. These approaches aim to understand each party individually, considering social and spiritual factors. During the mediation process, the mediator must assess the underlying reasons for a party's refusal to provide child support. This refusal may stem from individual factors such as financial constraints, emotional resentment toward the spouse, a desire to control the child, or a lack of understanding regarding religious obligations to provide support. Through psychological strategies, mediators can identify root causes and negotiate solutions that reflect the best interests of the child (Pinta Zumratul Izzah, interview, December 2023).

Furthermore, according to Pinta Zumratul Izzah (interview, December 2023), the key factors influencing the success or failure of child support mediation include:

1. **Good Faith and the Father's Awareness**

A father who understands the importance of supporting his child makes the mediation process smoother. However, if the father is irresponsible and indifferent toward the child, reaching an agreement becomes significantly more difficult. The father's unwillingness to compromise may also be linked to his strong desire to keep the marriage intact, even if the relationship is already dysfunctional.

2. **Employment and Income**

A father with stable employment and sufficient income will likely facilitate a smoother mediation process. When a father acknowledges the importance of providing for the child's

future and is financially capable, negotiations regarding responsibility and the amount of support are easier to resolve.

Mediations that integrate psychological approaches have shown higher success rates. When both parties are aware of the importance of fulfilling the child's needs and upholding the child's best interests, and when the emotional bond between parent and child is preserved—despite the parents' divorce—settlement agreements on child support become more attainable.

Post-divorce parent-child relationships, particularly regarding child support agreements reached through court mediation, can be analyzed through John Bowlby's three attachment patterns: Secure Attachment, Anxious-Resistant Attachment, and Anxious-Avoidant Attachment (Hermasanti, 2009).

#### 1. Secure Attachment Pattern

Secure attachment is formed through consistent interactions between parent and child, in which the child trusts the parent as a reliable, responsive, and caring figure. In this relationship, the child feels safe and comfortable seeking protection, while the parent provides emotional support, affection, and assistance in times of fear or perceived threat. After a divorce, the parent-child relationship can still remain strong and stable as long as the child continues to feel cared for and supported by both parents. A father's responsibility to provide financial support for the child's basic needs such as living expenses, education, and healthcare—can foster a secure attachment between father and child, even when the child resides primarily with the mother after the divorce.

#### 2. Anxious-Resistant Attachment Pattern

Anxious-resistant attachment is formed when a child experiences inconsistent responses from a parent, causing uncertainty about the parent's presence, responsiveness, and availability during times of need. As a result, the child often becomes overly anxious during separations, excessively dependent, demanding of attention, and uneasy in exploring their surroundings. This pattern arises from a lack of consistent parental support and frequent separations. Parental indifference to the child's well-being after a divorce can lead to weakened attachment, or even emotional distancing. The child may feel victimized by the divorce, perceiving it as a threat to their future stability. When a father provides little or irregular financial support leading to the child's needs being inadequately met it can diminish the emotional closeness between parent and child.

#### 3. Anxious-Avoidant Attachment Pattern

Anxious-avoidant attachment develops when a child's efforts to seek affection are consistently ignored or rejected by a parent, causing the child to lose confidence in forming emotional connections. In this pattern, emotional conflict is often suppressed, as the parent routinely rejects the child's attempts to seek comfort or security. Parental neglect after divorce evident in lack of attention, absence of financial support, and abandonment can cause the child to emotionally withdraw and reject the parent's later attempts at contact. In such cases, the child may display antipathy toward the parent and become more focused on navigating life independently, without expecting emotional or financial involvement from the parent.

## CONCLUSION

Based on the discussion above, two key conclusions can be drawn:

1. The psychological approach in child support mediation at the Manna Religious Court focuses on three main aspects: raising awareness of the child's best interests, strengthening the emotional bond between parent and child, and considering the financial capacity of the parent. If a father who is obligated to provide child support fails to comply with the court ruling, he may be reported to the police for the criminal offense of child neglect and may be subject to enforcement of payment through seizure of his assets.
2. The psychological approach has a significant impact on the success of child support mediation at the Manna Religious Court. Fathers who understand the importance of fulfilling their child support obligations for the sake of the child's best interests are more likely to maintain a secure attachment and a healthy emotional relationship with their children.

## RECOMMENDATIONS

Given the crucial role of child support in securing a child's future, the implementation of child support mediation using psychological approaches should be maintained and further enhanced, as it has proven effective in increasing mediation success rates. Additionally, mediators' understanding of psychological principles should be strengthened through targeted training and continuous evaluation of mediation performance.

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