



Maslahah Mursalah as a Foundation for Implementing Hybrid Islamic Mediation to Prevent Divorce among Generation Z

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Submitted: 24-07-2026

Revised: 13-09-2026

Accepted: 29-09-2026

Published: 01-10-2026

Abstract

This study aims to analyze the construction of *maslahah mursalah* as a normative parameter for the implementation of hybrid mediation in divorce cases involving Generation Z. Technological developments and the distinctive characteristics of Generation Z require adaptive dispute resolution mechanisms, while the use of electronic mediation in family disputes necessitates a normative foundation capable of safeguarding public benefit and preventing potential *mafsadah* (harm). This study employs normative legal research using statutory and conceptual approaches. The primary legal materials consist of regulations governing court-annexed mediation, particularly Supreme Court Regulation Number 1 of 2016 and Supreme Court Regulation Number 3 of 2022, while the secondary legal materials include literature on *maslahah mursalah*, *maqasid al-shariah*, *islah*, mediation, and electronic dispute resolution. The analysis is conducted qualitatively and prescriptively through the identification of the principles of *maslahah mursalah*, the mapping of benefits and potential harms arising from hybrid mediation, an assessment of its conformity with *maqasid al-shariah*, and an examination of its compatibility with Indonesian positive law. The findings demonstrate that *maslahah mursalah* can be constructed as a normative parameter for determining the appropriate use of face-to-face, electronic, or combined mechanisms in the mediation of divorce disputes. Such a construction requires that the use of technology in mediation does not conflict with *nass*, supports the objectives of *maqasid al-shariah*, particularly *hifz al-nasl*, *hifz al-nafs*, and *islah*, and generates benefits without creating greater harm. Accordingly, hybrid mediation may be positioned as a context-responsive model of family dispute resolution with normative legitimacy under Islamic law, provided that it satisfies the parameters of *maslahah* and complies with the applicable provisions of Indonesian positive law. This study is not intended to empirically demonstrate a reduction in divorce rates; rather, it seeks to establish a normative foundation for the development of hybrid mediation as a preventive instrument in resolving divorce disputes involving Generation Z.

Keywords: *Maslahah Mursalah*; Hybrid Mediation; Islamic Law; Generation Z Divorce.

A. Introduction

Marriage is a sacred institution that occupies a central position in Islamic teachings. Beyond serving as a bond and relationship between a man and a woman, marriage is intended to establish a stable, harmonious, and sustainable family life (Sahara et al., 2013; Hanafi, 2026). This principle is reaffirmed in Qur'an Surah Ar-Rūm verse 21, which conveys that Allah created spouses so that human beings may attain tranquility, love, and compassion. This ideal underscores the fundamental role of the family as a primary foundation for maintaining the social, moral, and spiritual stability of society.

However, amid contemporary social developments, particularly in the context of digitalization and the modernization of social values, the institution of marriage faces significant challenges. One of the most pressing concerns is the increasing rate of divorce,

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particularly among young married couples. In recent years, data from the Religious Courts have indicated that more than half of divorce cases involve couples aged between 20 and 30 years (Rahman & Hamdani, 2024). This age group substantially overlaps with Generation Z, commonly defined as individuals born between approximately 1997 and 2012. Generation Z is widely characterized as a digital-native generation whose members have been accustomed from an early age to information technology, social media, and application-based communication. They have grown up in a fast-paced environment characterized by immediacy and extensive access to information (Ramadhani & Khoirunisa, 2025). Such conditions have shaped distinctive characteristics that influence their patterns of thought and behavior in interpersonal relationships, including marital relationships. Previous studies have identified several prominent characteristics of Generation Z, including a high dependence on digital technology, a tendency toward brief and informal communication, lower levels of patience, heightened emotional sensitivity, and greater susceptibility to stress when confronting interpersonal conflicts (Ali et al., 2026; Laka et al., 2024; Rusli et al., 2024).

These characteristics may contribute to difficulties in maintaining long-term relationships, including marriage. Inadequate conflict-management skills, miscommunication, excessive use of social media, and the involvement of third parties in digital spaces may trigger marital disharmony. In addition, shifts in social values, increasing personal expectations, economic pressures, and insufficient psychological preparedness may further increase the risk of divorce among members of this generation.

In the resolution of marital disputes, the state has established mediation as a mechanism for promoting reconciliation before a case is adjudicated by a judge. Supreme Court Regulation (PERMA) No. 1 of 2016 provides the procedural framework for court-annexed mediation and is intended to assist disputing parties in reaching a mutually beneficial or win-win solution (Sari, 2017). Conceptually, mediation constitutes a peaceful dispute-resolution mechanism that is consistent with the Islamic principle of *islah* (reconciliation), as reflected in Qur'an Surah An-Nisā' verse 35, which instructs the appointment of *hakam* to reconcile a husband and wife. Nevertheless, the effectiveness of conventional mediation in the context of the digital generation is often considered less than optimal. Previous studies have indicated that young couples may feel uncomfortable engaging in face-to-face dialogue, experience psychological pressure, or even be reluctant to attend mediation sessions because they are not emotionally prepared. In addition, work commitments, high mobility, and the tendency of this generation to feel more comfortable communicating through digital devices pose distinct challenges to conventional mediation schemes.

In response to technological developments and changing social dynamics, an innovative approach known as hybrid mediation has emerged. Hybrid mediation refers to a mediation model that combines in-person meetings (offline mediation) with technology-mediated or virtual sessions (online mediation) (Munira et al., 2025). This approach enables disputing parties to communicate through digital technologies, including videoconferencing platforms, instant messaging applications, and professional mediation platforms. Its principal advantages include greater scheduling flexibility, cost efficiency, convenience, accessibility, and compatibility with the characteristics of Generation Z, whose members are highly familiar with digital technology. A number of international studies have also demonstrated the potential effectiveness of online dispute resolution (ODR) and hybrid models in resolving various forms of contemporary disputes (Ashari, 2021; Baihaqi, 2024; Najah et al., 2026).

The implementation of hybrid mediation as an innovation in family dispute resolution

may be examined through the framework of *maslahah mursalah* from several perspectives (Arifin, 2025). First, from the perspective of preserving lineage and family continuity (*hifẓ al-nasl*), hybrid mediation has the potential to serve as a preventive mechanism for maintaining marital integrity through an approach that is more responsive to the characteristics of the digital generation. Second, from the perspective of protecting life and psychological well-being (*hifẓ al-nafs*), hybrid mediation may reduce psychological pressure and emotional tension that often arise when spouses are required to engage in direct face-to-face mediation. Third, from the perspective of preserving dignity and honor (*hifẓ al-'ird*), the use of digital technology may enhance the protection of the parties' privacy throughout the mediation process. Fourth, from the perspective of removing hardship (*raf' al-haraj*), the hybrid model provides greater flexibility for both the disputing parties and mediators without diminishing the substantive objective of the *islah* process.

Building on this analysis, hybrid mediation demonstrates considerable potential as a mechanism for contributing to the prevention of divorce among Generation Z. Nevertheless, its implementation requires careful formulation within the framework of positive law and the principles of Sharia. The application of *maslahah mursalah* to dispute resolution through mediation has been addressed in several previous studies (Akmal, 2024), for instance, examined the application of *maslahah mursalah* in the mediation process for resolving Islamic economic disputes. The study demonstrated that considerations of public benefit may provide a normative basis for directing mediation toward outcomes that generate benefits for the disputing parties. Other studies examining mediation in divorce cases from the perspective of *maslahah mursalah* have similarly employed the concept of public benefit as a normative framework for assessing the role of mediation in mitigating the adverse consequences of divorce. However, these studies have not specifically developed *maslahah mursalah*-based parameters for determining the appropriate integration of face-to-face and electronic mechanisms in the mediation of family disputes.

Meanwhile, research on electronic mediation has expanded alongside the digital transformation of judicial services and the increasing use of digital technologies. Previous studies have generally examined electronic mediation in terms of its implementation, effectiveness, time and cost efficiency, accessibility, and technical constraints, including internet connectivity, digital literacy, and the quality of communication between mediators and disputing parties (Saillellah, 2025). Studies on electronic mediation have also indicated that the use of technology may provide greater flexibility in dispute-resolution processes, particularly for parties facing geographical and time-related constraints (Munira et al., 2025). However, these studies have generally not systematically examined whether different forms of technology use in mediation satisfy the principle of *maslahah* while simultaneously minimizing potential *mafsadah* from the perspective of Islamic law.

In parallel, studies on Generation Z and divorce have predominantly focused on the characteristics of the digital generation, communication patterns, technology use, and the social and psychological factors that influence marital relationships (Zulkarnaen et al., 2025). These characteristics are important considerations in designing dispute-resolution mechanisms that are responsive to the evolving dynamics of digital society. Nevertheless, research on Generation Z, *maslahah mursalah*, and electronic mediation has yet to be integrated into a systematic legal framework. This leaves a significant area of inquiry concerning how the need for technological flexibility can be reconciled with the principle of *maslahah* in the resolution of divorce disputes.

Based on the mapping of previous studies, three strands of scholarship remain relatively fragmented. First, studies on *maslahah mursalah* and mediation tend to focus on the legitimacy or utility of mediation in dispute resolution. Second, research on electronic mediation primarily addresses implementation, efficiency, accessibility, and the technical challenges associated with the use of digital technology. Third, studies on Generation Z largely examine the social characteristics and communication patterns of the digital generation within family life. Relatively few studies have brought these three strands together within a normative model that explains how online and face-to-face mediation mechanisms can be integrated while remaining consistent with the principle of *maslahah* and preventing *mafsadah*.

This study offers a novel contribution by developing a *maslahah mursalah*-based construction of hybrid mediation. The novelty of this study does not merely lie in the use of technology in the mediation process, but rather in the formulation of normative parameters for determining the appropriateness of electronic mediation, face-to-face mediation, or a combination of both. These parameters include: (1) the existence of tangible benefits for the disputing parties; (2) the absence of greater *mafsadah*; (3) conformity with the principles of *maqasid al-shariah*; and (4) compatibility with Indonesian positive law. Through this framework, *maslahah mursalah* is positioned not only as a normative basis for legitimizing the use of hybrid mediation, but also as an evaluative instrument for assessing the design and implementation of each feature incorporated into the hybrid mediation process.

Accordingly, the contribution of this study lies in formulating a normative model of hybrid mediation grounded in *maslahah mursalah* that integrates technological features, potential benefits and risks, the objectives of *maqasid al-shariah*, and their legal implications. The proposed model is intended to provide a conceptual basis for implementing a more flexible mediation mechanism in Generation Z divorce cases without disregarding the principles of confidentiality, voluntariness, information security, equality of access, quality of communication, and the protection of vulnerable parties. In this context, hybrid mediation is not positioned as a mechanism that automatically reduces divorce rates, but rather as a preventive legal construction that may normatively strengthen reconciliation efforts and mitigate potential *mafsadah* arising from marital conflict.

Based on the foregoing background and identified research gap, this study addresses two principal research questions. First, how can *maslahah mursalah* be constructed as a normative parameter for the implementation of hybrid mediation in divorce cases involving Generation Z? Second, to what extent is hybrid mediation compatible with Indonesian positive law, and how can a hybrid mediation model be formulated to satisfy the principle of *maslahah* while minimizing potential *mafsadah* in the resolution of divorce disputes?

This study therefore aims to: (1) analyze the construction of *maslahah mursalah* as a normative parameter for the implementation of hybrid mediation in divorce cases involving Generation Z; and (2) examine the compatibility of hybrid mediation with Indonesian positive law and formulate a hybrid mediation model that satisfies the principle of *maslahah* while minimizing potential *mafsadah* in the resolution of divorce disputes.

B. Research Methodology

This study employs a normative legal research design to analyze the construction of *maslahah mursalah* as a normative parameter for the implementation of hybrid mediation in divorce cases involving Generation Z (Nurhayati et al., 2021). Normative legal research is

used to examine legal norms, principles, concepts, and provisions relevant to the object of study without collecting empirical field data through interviews, observations, or surveys.

This study applies two approaches: the statute approach and the conceptual approach. The statute approach is employed to analyze legal provisions governing court-annexed mediation, particularly Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Courts and Supreme Court Regulation No. 3 of 2022 on Electronic Mediation in Courts (Ponzetto & Fernandez, 2008). Meanwhile, the conceptual approach is used to examine the concepts of *maslahah mursalah*, *maqasid al-shariah*, *islah*, and hybrid mediation as the conceptual basis for developing the normative framework of this study (Zins, 2007).

The legal materials used in this study consist of primary and secondary legal materials. Primary legal materials comprise statutory provisions and regulations related to mediation and the resolution of cases before the courts. Secondary legal materials include books, scholarly journal articles, previous research findings, and other literature addressing *maslahah mursalah*, *maqasid al-shariah*, mediation, electronic mediation, online dispute resolution, and the dynamics of divorce among young couples (Sulung & Muspawi, 2024).

Legal materials were collected through library research by identifying, inventorying, and examining sources relevant to the research questions. The collected materials were subsequently analyzed using a qualitative-prescriptive method through four stages: identifying the principles of *maslahah mursalah*; mapping the potential benefits (*maslahah*) and harms (*mafsadah*) associated with hybrid mediation mechanisms; assessing their conformity with the principles of *maqasid al-shariah*; and evaluating their compatibility with Indonesian positive law.

The analysis is used to formulate normative parameters for determining the appropriate use of electronic mediation, face-to-face mediation, or a combination of both in divorce disputes. This study does not seek to empirically measure mediation success rates or demonstrate a reduction in divorce rates among Generation Z. Rather, it aims to develop a normative framework explaining how hybrid mediation may be structured as a preventive legal mechanism that promotes *maslahah* while minimizing potential *mafsadah*.

C. Results

Based on the mapping of *maslahah* and *mafsadah*, the implementation of hybrid mediation is formulated around three principal considerations: flexibility based on the specific needs of the case; protection of the mediation process, including confidentiality, authentication, information security, voluntariness, and communication quality; and protection of vulnerable parties from technological limitations, psychological pressure, and disparities in the parties' capacities. These findings position hybrid mediation as an adaptive mechanism capable of supporting the *islah* process and serving as a preventive approach to marital conflict among Generation Z.

The study also finds that hybrid mediation has a normative basis within the Indonesian legal framework through the regulation of mediation under Supreme Court Regulation (PERMA) No. 1 of 2016 and electronic mediation under Supreme Court Regulation (PERMA) No. 3 of 2022. Although the term "hybrid mediation" is not explicitly stipulated, a combination of electronic and face-to-face mechanisms may be constructed on the basis of the needs and circumstances of the parties.

The findings further demonstrate that *maslahah mursalah* can be constructed as a normative parameter for the implementation of hybrid mediation in divorce cases involving Generation Z. This parameter requires the existence of tangible benefits, conformity with the objectives of *maqasid al-shariah*, consistency with the principles of Sharia, and the absence of greater *mafsadah*.

D. Discussion

D.1 *Maslahah Mursalah* as the Normative Foundation of Hybrid Mediation

Maslahah mursalah is a concept in *usul al-fiqh* that places public benefit as a consideration in legal determination for matters that are not specifically regulated in the *nass*, provided that such benefit does not conflict with the principles of Sharia and remains consistent with the objectives of *maqasid al-shariah*. Accordingly, the application of *maslahah mursalah* cannot be based solely on the existence of general benefits; rather, it requires an assessment of the nature and degree of such benefits, the potential harms (*mafsadah*), and their conformity with the objectives of Sharia (Adinugraha & Mashudi, 2018; Quthny & Hariati, 2019).

In the context of hybrid mediation, *maslahah mursalah* should not be positioned merely as a justification for the use of technology in dispute resolution. Instead, it functions as a normative parameter for assessing whether the combination of electronic and face-to-face mechanisms generates greater benefits than the potential *mafsadah* arising from their implementation. Accordingly, a particular feature of hybrid mediation may be regarded as serving *maslahah* when it provides tangible benefits, does not conflict with the principles of Sharia, supports the objectives of *maqasid al-shariah*, and does not result in greater harm to the disputing parties (Fathoni & Zikwan, 2025; Musataklima et al., 2025).

These parameters are particularly important because the use of technology in mediation does not automatically produce beneficial outcomes. Videoconferencing, electronic documents, online caucuses, and digital communication may reduce geographical and temporal constraints. Nevertheless, these mechanisms may also give rise to problems such as unstable internet connectivity, limited digital literacy, difficulties in verifying the identities of the parties, risks of information leakage, third-party interference, and the diminished quality of non-verbal communication. Therefore, the assessment of hybrid mediation should simultaneously consider both its potential benefits and associated risks. This is consistent with studies on electronic mediation, which indicate that the use of technology in dispute resolution may enhance efficiency and accessibility while continuing to present technical and procedural challenges (Delisa et al., 2025; Kossay et al., 2024).

From the perspective of *maqasid al-shariah*, hybrid mediation may be associated with several objectives of Sharia protection. *Hifẓ al-nafs* may provide a basis for protecting the psychological well-being of the parties by offering alternative mechanisms that can reduce the pressure arising from direct confrontation. *Hifẓ al-nasl* is related to efforts to preserve family continuity and protect the interests of children from the adverse consequences of parental conflict. *Hifẓ al-mal* relates to the potential reduction of costs and time through the use of electronic mechanisms. Meanwhile, *hifẓ al-'aql* may be associated with creating a deliberative environment that enables the parties to make decisions in a calmer and more rational manner. Finally, *hifẓ al-din* is reflected in the orientation toward *islāh*, namely the resolution of conflict through reconciliation and efforts to prevent further deterioration of family relationships (Hamzah, 2025).

Nevertheless, the relationship between hybrid mediation and *maqasid al-shariah* should not be understood as automatic or unconditional. For example, videoconferencing may support *Hifẓ al-mal* by reducing travel-related costs, yet this benefit may be diminished when one of the parties lacks adequate internet access. Similarly, online mediation may support *Hifẓ al-nafs* when face-to-face interaction generates psychological pressure, but it may instead give rise to *mafsadah* if a more dominant party is able to control the process from a location or environment beyond the mediator's effective oversight. Accordingly, the assessment of *maslahah* must take into account the concrete circumstances of the parties rather than focusing solely on the technological features of the mediation mechanism.

On the basis of this construction, *maslahah mursalah* in this study functions as an instrument of normative assessment rather than merely as a form of theoretical legitimation. The assessment is structured around four questions: whether the resulting benefit is tangible; whether the benefit is distributed fairly rather than accruing only to one party; whether its implementation is consistent with the principles of Sharia and Indonesian positive law; and whether the resulting benefits outweigh the potential *mafsadah*. The outcome of this assessment provides the basis for determining whether a particular stage of mediation should be conducted electronically, face-to-face, or through a combination of both mechanisms.

This construction also demonstrates that hybrid mediation is distinct from electronic mediation or Online Dispute Resolution (ODR), in which technology generally serves as the principal medium for dispute resolution. Hybrid mediation instead treats electronic and face-to-face mechanisms as interchangeable and complementary modalities that may be employed according to the specific needs of each case. Technology, therefore, is not an end in itself, but an instrument that must remain subordinate to the objectives of *islah*, the protection of the parties, and the realization of *maslahah*. This approach extends previous discussions of *maslahah*-based mediation, which have largely emphasized public benefit as a normative basis for dispute resolution, by introducing parameters for determining when electronic, face-to-face, or combined mediation mechanisms should be employed (Fauzi et al., 2025; Nona, 2024).

D.2 Hybrid Mediation from the Perspectives of Islamic Law and Indonesian Positive Law

Mediation in the resolution of family disputes is fundamentally aligned with the principle of *islah*, namely the pursuit of peaceful settlement before the relationship between the parties culminates in the dissolution of marriage. Under Indonesian positive law, court-annexed mediation is regulated by Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Courts. This regulation positions mediation as an integral part of judicial dispute resolution and provides the parties with an opportunity to pursue reconciliation with the assistance of a mediator (Supreme Court Regulation No. 1 of 2016).

Technological developments have subsequently encouraged changes in the mechanisms through which mediation is conducted. Supreme Court Regulation No. 3 of 2022 on Electronic Mediation in Courts provides the legal basis for conducting mediation through electronic means. Its provisions encompass the use of virtual meeting rooms, electronic submission of documents, electronic caucuses, and mechanisms for verifying the identities of the parties. These provisions demonstrate that Indonesian procedural law has accommodated the use of digital technology within the mediation process.

Supreme Court Regulation No. 3 of 2022 does not explicitly employ the term “hybrid mediation.” Nevertheless, its regulation of electronic mediation, together with the possibility of conducting certain stages face-to-face based on the needs and agreement of the parties,

indicates the existence of normative space for constructing a hybrid mediation model. Accordingly, hybrid mediation in this study is not understood as a form of mediation expressly prescribed by existing regulations, but rather as a legal construction that integrates electronic and face-to-face mechanisms within the existing regulatory framework governing mediation.

The existence of this normative space is particularly significant because divorce cases do not necessarily share identical characteristics. Electronic mechanisms may provide greater convenience for parties facing constraints related to distance, time, or mobility. However, where communication difficulties, limited access to technology, authentication concerns, or particular psychological conditions arise, face-to-face mechanisms may constitute a more appropriate option. Accordingly, procedural flexibility is not intended to dilute the fundamental principles of mediation, but rather to ensure that the chosen mechanism continues to support the objective of reconciliation.

From the perspective of Islamic law, such flexibility may be situated within the framework of *maslahah mursalah*. Technology may be utilized insofar as it generates justifiable benefits and does not conflict with the principles of Sharia. Conversely, where the use of technology increases the risk of harm, exacerbates disparities between the parties, or diminishes the quality of the reconciliation process, the mechanism should be adjusted accordingly. Thus, the legality of technology use and its capacity to realize *maslahah* constitute two dimensions that must be assessed simultaneously.

Accordingly, hybrid mediation in this study may be conceptualized as an adaptive mechanism that derives normative legitimacy from two complementary legal perspectives. From the standpoint of Indonesian positive law, hybrid mediation finds normative space through the development of electronic mediation under Supreme Court Regulation No. 3 of 2022. From the perspective of Islamic law, its implementation may be assessed through the principles of *maslahah mursalah*, *maqasid al-shariah*, and *islah*. The intersection of these two perspectives provides the normative foundation for formulating a hybrid mediation model that is oriented not merely toward technological efficiency, but also toward protecting the interests of the parties and preventing further deterioration of family relationships.

D.3 Implementation of Hybrid Mediation as a Preventive Approach to Divorce among Generation Z

In this study, Generation Z is understood as a generation that has grown up within an increasingly digitalized social environment. Familiarity with technology constitutes a relevant contextual factor in designing mechanisms for resolving marital conflict, but it should not be used as a basis for generalizing that all members of Generation Z share identical psychological characteristics. Studies on marital role expectations among Generation Z indicate evolving perspectives on married life that should be taken into account in efforts to foster harmonious family relationships (Lestari et al., 2024). In addition, research on interpersonal conflict among Generation Z highlights the importance of communication skills and conflict management in maintaining healthy relationships (Syaidah & Dewi, 2024).

Within the context of marriage, poorly managed conflict may escalate into disputes that ultimately lead to divorce. Divorce trends among individuals of productive age indicate that marital problems affecting younger age groups require preventive attention, including the strengthening of conflict-resolution mechanisms before divorce becomes the final option (HR et al., 2026). The development of social media and digital communication also forms part of the dynamics of marital relationships and may influence the quality of spousal

interaction (Baidowi, 2025). Accordingly, the use of technology in the mediation process may be considered as an alternative mechanism for providing more flexible access to conflict resolution.

However, hybrid mediation cannot be regarded as serving *maslahah* merely because it offers technological convenience. Based on the concept of *maslahah mursalah*, the use of electronic mechanisms must be assessed by considering both the benefits they generate and the potential *mafsadah* they may create. Such an assessment may be formulated as follows:

Table 1. Normative Assessment of Hybrid Mediation Features Based on *Maslahah*, *Mafsadah*, and *Maqasid al-Shariah*

Hybrid Mediation Feature	Maslahah	Potential Mafsadah	Maqasid al-Shariah	Implementation Parameter
Videoconference Meeting	Saves time and costs and overcomes geographical constraints	Network disruptions and limitations in non-verbal communication	<i>Hifẓ al-mal, hifẓ al-nafs</i>	Used when the parties have adequate technological access and sufficient communication capacity
Face-to-Face Meeting	Enables more intensive communication and direct interaction	Psychological pressure or mobility constraints	<i>Hifẓ al-nafs, hifẓ al-nasl</i>	Used when direct interaction is considered more conducive to the <i>islah</i> process
Alternating Online and Face-to-Face Sessions	Provides flexibility according to the needs of the case	Potential inconsistency in the mediation mechanism	<i>Hifẓ al-nafs, hifẓ al-mal</i>	Applied based on the circumstances of the case and the specific needs of the parties
Electronic Caucus	Provides flexible space for individual communication	Risk of being overheard or influenced by third parties	<i>Hifẓ al-'ird, hifẓ al-nafs</i>	The mediator must ensure confidentiality and a secure communication environment
Electronic Documents	Facilitates faster transmission and management of documents	Risk of data leakage or unauthorized access	<i>Hifẓ al-mal, hifẓ al-'ird</i>	The use of electronic means must ensure information security and proper authentication
Electronic Identity Verification	Facilitates the identification of the parties	Risk of identity errors or manipulation	<i>Hifẓ al-'ird, hifẓ al-mal</i>	Verification must be conducted adequately and may be supplemented by face-to-face verification when necessary
Parties with Limited Technological Access or Capacity	Expands access to mediation	Digital inequality or digital divide	<i>Hifẓ al-mal, hifẓ al-nafs</i>	The mediator must ensure that technological limitations do not disadvantage either party

As shown in Table 1, each mode of hybrid mediation entails both potential benefits and possible *mafsadah*. Videoconference meetings, for example, may improve time and cost efficiency, yet these benefits may be diminished when one of the parties experiences inadequate internet connectivity or limited technological capacity. Similarly, face-to-face meetings may enhance the quality of communication, but they may become less beneficial where particular circumstances create psychological pressure that restricts a party's ability to express views freely.

Confidentiality and information security are also central considerations in determining the *maslahah* of hybrid mediation. Divorce cases inherently involve private matters and family dignity; therefore, the use of electronic media must take into account the risk of third parties overhearing communications, unauthorized dissemination of documents, and access to confidential information without consent. From the perspective of *hifz al-'ird*, safeguarding the dignity and privacy of the parties constitutes an essential condition for ensuring that the use of technology does not generate *mafsadah*. Accordingly, mediators play an important role in ensuring that electronic mediation is conducted within a secure and confidential environment (Wibowo, 2023).

Disparities in access to technology must likewise be taken into account. Not all parties possess equal access to devices, internet connectivity, or digital literacy. Where electronic mechanisms create difficulties for one party in participating effectively in the mediation process, the use of technology can no longer be regarded as fully consistent with the principle of *maslahah*. In such circumstances, face-to-face mediation may serve as an appropriate alternative. This principle demonstrates that hybrid mediation does not position technology as a mechanism that must be used throughout the entire mediation process, but rather as an instrument that may be selected according to the needs and circumstances of the parties.

Based on the assessment of *maslahah* and *mafsadah*, the implementation of hybrid mediation for Generation Z may be constructed around three principles. *First*, case-based flexibility, whereby electronic and face-to-face mechanisms are selected according to the circumstances of the parties and the characteristics of the conflict. *Second*, protection of the mediation process, requiring the use of technology to preserve confidentiality, authentication, information security, voluntariness, and communication quality. *Third*, protection of vulnerable parties, ensuring that technological limitations, psychological pressure, or disparities in the parties' capacities do not place either party at a disadvantage.

Accordingly, mediation may be conducted electronically when the use of technology provides tangible benefits while continuing to ensure a fair and secure process. Conversely, where certain obstacles cause electronic mechanisms to no longer satisfy the principle of *maslahah*, the mediator may direct particular stages of the process to be conducted face-to-face. This ability to shift between mechanisms constitutes a defining feature of hybrid mediation and, at the same time, reflects the application of *maslahah mursalah*, as the means of dispute resolution are adjusted to the objectives of law and the concrete circumstances of the parties.

In the context of preventing divorce among Generation Z, hybrid mediation may provide couples with a more flexible avenue for resolving conflict before divorce becomes the final option. Such flexibility enables couples facing geographical and time-related constraints to retain access to mediation, while face-to-face mechanisms remain available when more intensive communication is required. Accordingly, the use of technology does

not replace the principle of *islrah*; rather, it serves as a means of supporting reconciliation within an increasingly digitalized social environment (Ilmiyah & Luthfiah, 2025).

Efforts to prevent divorce through hybrid mediation should also be situated within a broader framework that includes strengthening spousal communication, premarital education, family counseling, and digital literacy. Mediation should not be viewed merely as a procedural stage initiated after a dispute has entered the court system, but also as a forum for assisting the parties in identifying the underlying causes of conflict and exploring mutually acceptable solutions. In this regard, mediation strategies should take into account the nature of the conflict and the specific needs of the parties so that the objective of reconciliation can be pursued more effectively.

Thus, *maslahah mursalah*-based hybrid mediation may be positioned as a preventive mechanism for addressing marital conflict among Generation Z. In this study, “preventive” does not imply a guarantee that hybrid mediation will empirically reduce divorce rates, since the research adopts a normative legal approach. Rather, prevention refers to the provision of a flexible, secure, and *islrah*-oriented mechanism for conflict resolution that gives the parties an opportunity to preserve their marital relationship where reconciliation remains possible. Where divorce ultimately cannot be avoided, the principle of *maslahah* may still serve as a normative basis for ensuring that the dispute-resolution process takes into account the interests of both parties and their children.

E. Conclusion

Maslahah Mursalah in Islamic law places public benefit as a basis for legal consideration, provided that such benefit is tangible, does not conflict with the principles of Sharia, is consistent with the objectives of *maqasid al-shariah*, and does not generate greater *mafsadah*. In the implementation of hybrid mediation, these principles function as normative parameters for determining the appropriate use of electronic and face-to-face mechanisms according to the circumstances and needs of the parties. Hybrid mediation is not merely directed toward resolving conflict, but also toward promoting *islrah*, protecting the interests of families and children, and preventing the adverse consequences of divorce. Accordingly, *maslahah mursalah* may serve as both a normative and ethical foundation for constructing hybrid mediation as a preventive mechanism in addressing divorce among Generation Z.

Furthermore, the regulation of court-annexed mediation under Supreme Court Regulation No. 1 of 2016 and the development of electronic mediation under Supreme Court Regulation No. 3 of 2022 provide a normative basis for the use of technology in mediation. Although hybrid mediation has not yet been explicitly regulated as a distinct form of mediation, the existing provisions on electronic mediation and the possibility of conducting certain stages face-to-face create normative space for its construction. From the perspective of *maslahah mursalah*, its implementation must balance potential benefits and *mafsadah*, particularly in relation to confidentiality, information security, authentication, equality of technological access, voluntariness, and communication quality. In the context of Generation Z, hybrid mediation may therefore be developed as a flexible and adaptive conflict-resolution mechanism that supports *islrah* before divorce becomes the final option. Its effective normative implementation requires further refinement of technical guidelines, enhancement of mediator competence, and stronger safeguards for the parties to ensure consistency with both Islamic law and Indonesian positive law.

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