

## MEDIATOR OF BHABINKAMTIBMAS MULYOSARI VILLAGE, WEST METRO SUBDISTRICT, METRO CITY IN RESOLVING HOUSEHOLD PROBLEMS

Ricky Rahman<sup>1</sup>, Omaima Abou Bakr<sup>2</sup>, Habib Shulton Asnawi<sup>3</sup>,  
Ahmad Mukhlisin<sup>4</sup>, M. Muslih<sup>5</sup>, Sarif Hidayat<sup>6</sup>

Metro City Police, Indonesia<sup>1</sup> Cairo University, Egypt<sup>2</sup>

Lampung Ma'arif University, Indonesia<sup>3,4,5,6</sup>

### ABSTRACT

This article analyzes the role of Bhabinkamtibmas in making problem solving efforts by prioritizing mediation. The purpose of writing this article is the problem solving techniques of the Bhabinkamtibmas in mediating married couples who experience domestic conflicts. In addition, to reveal the obstacles faced when mediating, because when making efforts to assist there are challenges from the parties that are difficult to make peace. This type of research is field research, which is a type of field research, conducted in Mulyosari Village, West Metro Subdistrict, Metro City. The field research was analyzed qualitatively. This research approach was analyzed using a case study approach. The result of the research is the problem solving of the Bhabinkamtibmas in mediating domestic problems taken by Aibda Ali Iqbal by taking several steps, namely dissecting the siting of the case that occurred then making observations and then implementing the best solution for the parties, the result of mediation is that both parties take the peaceful path. Meanwhile, the obstacle in conducting mediation is the unanimous determination of the married couple to divorce. In addition, the litigants feel reluctant to reconcile, due to the trauma factor of the events that occurred in their household. If peaceful efforts reach a dead end, then Bhabinkamtibmas' efforts are to take repressive measures both criminally and civilly.

**Keywords:** Problem Solving, Bhabinkamtibmas, Media, Household Problems

### A. INTRODUCTION

Bhabinkamtibmas as a security apparatus, assigned by the state based on the law, is tasked with providing protection to the community at the Village or Kelurahan level, conducting counseling efforts, the tasks carried out in the midst of society are carried out as an effort to create a goal, namely community order so that the conditions and situation of the community are safe, peaceful and protected from crime. In addition, the role of Bhabinkamtibmas is also to socialize the law in the community, working together with all apparatus and community members to jointly create security, with efforts to prevent, anticipate crimes and violations of the law and other forms of crime that can disturb the community in general, (Azhari, 2008).

Occupation : Metro City Police, Indonesia<sup>1</sup>

Received : May 21, 2022 – Revised : June 18, 2022 – Accepted : June 30, 2022

Cairo University, Egypt<sup>2</sup>

Universitas Ma'arif Lampung, Indonesia<sup>3,4,5,6</sup>

E-mail: rickyrahman@gmail.com<sup>1</sup>, romaimaabakr@gmail.com<sup>2</sup>, habibshultonI708@gmail.com<sup>3</sup>

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In addition, Bhabinkamtibmas can also play a role in mediating the community, especially in domestic issues. The role of Bhabinkamtibmas is one of the factors that greatly influences the success of mediation of household problems. Through the mediation efforts and strategies carried out by Bhabinkamtibmas, household problems can be resolved properly. As in this study, Bhabinkamtibmas succeeded in mediating household conflicts that occurred in Mulyosari Village, West Metro Subdistrict, Metro City. In the process of mediation, the main thing is observation, to find several family problems, including domestic violence, household disharmony caused by economic factors, and family problems caused by infidelity. From some of these household problems, at first the husband and wife agreed to take legal action, namely divorce, but after mediation by Bhabinkamtibmas, the family problems could be resolved properly without having to go to court.

The household problems handled by Bhabinkamtibmas, in the process, are carried out through mediation techniques with a problem solving approach. In practice, it will begin with observations at the location where the incident of the report or community complaint occurred. This observation is an effort to ensure that the report received is true, and in the process, efforts will be made to extract data sources, such as finding the root of the problem that actually occurred, the cause of the source of the emergence of household problems that arose, by identifying household problems, it will be easier to find what solutions are appropriate to apply. (Sari, 2021, p. 43).

As in this study, the role and efforts of Bhabinkamtibmas in conducting mediation occurred in Mulyosari Village, West Metro Subdistrict, Metro City, which is the fostered area. In mediating with people who are facing domestic problems, Bhabinkamtibmas acts as a facilitator or commonly referred to as a mediator. In making efforts to assist people with household conflicts, the mediator provides a solution by doing it in a family manner, by prioritizing deliberation, eliminating emotions between the two parties. This is done so that the household problems faced can quickly produce an agreement that is not detrimental to one of the parties to the conflict. After the mediation is held, then at the next stage an agreement is made, which in the agreement contains an agreement between the two parties, the agreement is made in writing and signed on stamp duty.

In addition, Bhabinkamtibmas also does not force husband and wife who are in domestic conflict to make a peace agreement, if indeed in the process it turns out that there is no willingness to make an agreement. Bhabinkamtibmas is also ready to provide assistance to

victims, if the victim wants to report household cases such as domestic violence cases to the police.

However, regardless of the main steps taken in handling mediation, Bhabinkamtibmas still provides advice so that they can reconcile and not take legal steps, the mediator also provides advice if there is a legal report to a criminal case report and if it comes to the point of divorce, the victims will be their children. In the Problem Solving activity, Bhabinkamtibmas gave advice so that the litigants could reconcile and make every effort to be able to live in harmony again, creating a harmonious household atmosphere for the continuity of their household.

There are reasons why this research is important to do, first that not all household problems must be resolved through the court, in this case mediation needs to be prioritized, therefore, Bhabinkamtibmas in Mulyosari Village, West Metro District, Metro City offers mediation techniques that are successfully carried out, with the success of the mediation, it can be an illustration and example for other Bhabinkamtibmas, so that they can assist the community in solving community problems, especially households by promoting peace and can provide the best solution. Secondly, given the high divorce rate in the community, Bhabinkamtibmas is not only focused on security issues, but can also be a community solution in reconciling the parties, especially in domestic issues.

Several studies related to this research have been found, including: Research conducted by Albertus Wahyurudhanto, this research is related to the ability of early detection by Bhabinkamtibmas, (Wahyurudhanto, 2018, p. 263) Furthermore, this research discusses the role of Bhabinkamtibmas in early detection in anticipating crime in the community. Another research was conducted by Kamaruddin, the research reviewed mediation techniques in the view of progressive law, (Kamaruddin, 2018) The research explained that mediation in the view of progressive law is an exchange process in dealing with a problem, where certain groups or outsiders do not support one party, and work together with the group asking to find an agreement to end the problem. Another research was conducted by Ferdian, Ferdian's research is to analyze the role of Bhabinkamtibmas in efforts to mediate problems in households, (Ferdian) This research reveals that the Bhabinkamtibmas strategy is to reconcile the parties between husband and wife who are experiencing household problems. One of the techniques of mediating in this case is that the mediator tries to be present in the middle of the case between the two parties, by being polite, friendly and creating a peaceful and relaxed atmosphere. The mediator acts more as a facilitator, who tries to recognize the character attitudes of the parties when in the process of reconciling, then the mediator tries to create a peaceful and relaxed atmosphere.

The difference between this research and the above research is that this research is to find out the problem solving techniques of Bhabinkamtibmas in mediating household problems and to find out the obstacles that occur in problem solving techniques when mediating household problems. The novelty of this research is the role of Bhabinkamtibmas in mediating household problems.

## **B. Method**

This type of research is field research, which is a type of field research, conducted in Mulyosari Village, West Metro Subdistrict, Metro City. The field research was analyzed with qualitative research analysis. This qualitative research is to analyze in depth which aims to explore the extent of the efforts of the techniques and methods used by the three parties in the mediation process. This research approach was analyzed using a case study approach. The case that occurred was a household case, namely a married couple who experienced household conflicts, such as when rukunan, quarrels due to economic factors and infidelity. This case study is analyzed qualitatively with the study of mediation theory. To obtain data in accordance with the research problem, the data collection technique is through observation, interviews and documentation. Observation is carried out with an effort to observe conditions and dig up information in the place where the location of the incident or event occurred to ensure the truth of the report or complaint received. Interviews are conducted to explore data to direct data sources, this is done to reveal what methods are used when making peace efforts, of course obstacles and obstacles are also experienced by mediators, so that researchers reveal what findings are obstacles in the process of handling assistance to community objects experiencing conflict.

## **C. THE IMPORTANCE OF MEDIATING DOMESTIC PROBLEMS**

Mediation is the resolution of disputes or differences in judgment through the methods set out in deliberation, namely special settlements outside the court through consensus, deliberation, (Mertokusumo, 1999, p. 76) The legal basis for mediation is regulated in Law. No. 30 Year 1999 on Arbitration and Alternative Dispute Resolution. The law explains that when a conflict occurs, where in the conflict the problems faced do not find a point of resolution, the litigants through a written agreement can request assistance to resolve the case or case at hand, through an institution or expert advisor where the institution or an expert who helps resolve the case is called a mediator, (Hidayat, p. 54).

The purpose of mediation in dealing with problems, especially domestic violence cases, is to deal with problems that arise in the family by changing the thinking of the parties to the conflict and finding the best answer to the problem at hand. So that it can realize a family that is harmonious, harmonious and cheerful, (Ishaq, p. 91) The application of Mediation is an ordinary litigation process to bridge the interests between parties as a "*winwinsolution*".

From the above review, it can be seen why mediation efforts are very important to be prioritized in resolving conflicts, especially conflicts in domestic life. Because mediation efforts are one of the easier, faster, low-cost and non-procedural ways, with easy procedures, every conflict will be easily resolved, while still prioritizing a sense of justice and benefits for the parties. Mediation is an easy way to go, without having to involve many elements, so that the process will be more open and there is no pressure from any party.

## **D. DISCUSSION**

### **I. Problem Solving Techniques of the Habibinkamtibmas in Mediating Household Problems**

Disputes that occur in households in Islam are called shiqaq. The meaning of the word syiqaq is crack, which means the cracking of the relationship in marriage. This is caused by several factors, be it economic problems, maturity and knowledge possessed by the husband or wife, (Basyir, 1999, p. 88) However, all problems should be resolved in a family and deliberative manner, this step is a rare initial step that can be taken before deciding to divorce in court. This settlement with a family approach is referred to as a mediation effort, which is carried out by Bhabinkamtibmas.

The presence of Bhabinkamtibmas in the midst of society is very important, not only creating conditions of security, but also being able to be present in the midst of society as a protector and mediator in every kinfil or household problem. Bhabinkamtibmas is present to help the community, provide counseling and can also identify problems which then provide alternative solutions that make it easier for the community.

The advantages of mediation are carried out in resolving every household conflict by prioritizing problem solving, which is an approach whose purpose is to cool the situation, direct the situation to the desired goal, by producing the best agreement for the parties to the household conflict. with problem solving, it will be easier to identify problems and provide the best alternative solutions.

As in this study, the mediation process in handling cases of household disharmony was carried out by Bhabinkamtibmas on behalf of Aibda Ali Iqbal, who carried out problem solving

or problem solving that occurred in his foster residents. There are several steps taken by Aibda Ali Iqbal in problem solving in mediating the household problems of his citizens, which are described as follows:

1. Identify the problem (define the problem) of the household
2. Search for alternative solutions or problem solving (Brainstorming) households
3. Choose the best solution
4. Implementing the chosen solution

From several problem solving methods as above, Aibda Ali Iqbal took strategic steps in creating peaceful foster residents in building a household. Among them are listening to the complaints of the parties, describing the case experienced, the case experienced is described clearly and clearly, so that the parties including Aibda Ali Iqbal can understand the background of the emergence of the problems experienced by husband and wife who are divorced.

The problem solving method carried out by Bhabinkamtibmas Aibda Ali Iqbal provides in-depth enlightenment to husbands and wives in domestic conflict, Aibda Ali as a mediator takes an in-depth approach, so that both parties can live in harmony again. The mediator in this case tried to find the causes and reasons for JM who intended to leave I. Bhabinkamtibmas in opening problem solving activities enlightened the married couple, providing education that domestic violence is a form of offense that can be punished criminally for the perpetrator, and the law received is quite high. Therefore, Aibda Ali Iqbal provides a solution that household problems can be resolved through mediation, enlightening the parties to prioritize household harmony.



Based on the interview Aibda Ali Iqbal said:

*"Every problem in a household can actually be solved by deliberation. With deliberation, which puts aside the ego of each partner, every household problem can easily find a solution, thus harmony can be realized. The thing that is prioritized in the household is, prioritizing mutual understanding, accepting the shortcomings of each partner. Thus, Insyallah, harmony in the household can be realized with peace." (Iqba, 2023)*

Another step taken is through problem solving taken by Aibda Ali Iqbal, in solving the problems of his citizens in Mulyojati, West Metro District by inviting village officials, as well as calling both parties and also the conflicting families.

Aibda Ali Iqbal as a mediator makes awareness efforts to the litigants, this awareness is related to the purpose of marriage in religion, what is the impact of domestic disputes on children's psychology, things like this become mediation techniques by the Mediator team, so that the parties realize and return to the original purpose of building a household. This was conveyed by the litigants to realize that in a household there will certainly be problems, it's just how the problems that arise are addressed wisely, realize their respective shortcomings, and try to change their personal attitudes towards the better. This advice is given by the mediator, with the aim that the parties realize that harmony is the main mission in building a household.

From the analysis as above, the role of the Mediator in an effort to reconcile the parties to the household conflict is in line with Islam. In Islam regulates that, if there is a dispute in the household, then Islam offers a solution, namely both husband and wife each send a peacemaker or in Islam is referred to as Hakam. This provision is regulated in surah An-Nisa 'verse 35. Explaining the verse as above, then in Islam, the existence of Hakam is expected to find the source of the problems that arise in the household, the cause that is the source of dispute between husband and wife, then Hakam, trying to reconcile the parties so that they can build a household in harmony.

## **2. Constraints of Problem Solving Techniques When Mediating Household Problems**

There are several obstacles or constraints carried out by Aibda Ali Iqbal in making efforts to mediate household problems. The obstacles experienced can trigger mediation failure. Based on the research results, not all mediation processes carried out reap success. In the mediation process, the mediator often finds obstacles, so that the problems being mediated experience a dead end.

One of the obstacles when conducting mediation is that the husband and wife are difficult to reconcile, between husband and wife are determined to continue to make divorce efforts. The impatience of both parties in the mediation process which in the end the conflicted husband and wife want to end the mediation process immediately, and still want their household case to be processed legally.

Another obstacle in the mediation of domestic violence cases is that the conflict has been going on for a long time but there is no effort to resolve it, so that the problems that occur are more complicated, complex and increasingly difficult to handle. There are factors that make

household conflicts difficult to handle by mediators, one of which is because both parties do not want the process of having other people intervene in their household, this is coupled with the fact that household problems are domestic affairs, which are private, so household conflicts are often kept secret, because this is a disgrace to the family, this is what makes mediation handling difficult to reach in the community.

If the mediation process finds a dead end, then the mediator still provides direction, that if you still want to continue at the stage of the legal process, the mediator provides procedural direction on how to file a lawsuit with the police if indeed the motive for the conflict is domestic violence, if the motive for the problem is other than domestic violence, meaning that it is only an argument between husband and wife and it is difficult to reconcile, then the way to go is civil legal remedies, namely filing a divorce to the court. This is the repressive step taken by Aibda Ali Iqbal, a repressive step is a step that focuses on an action, no longer on prevention efforts.

Repressive measures are measures of follow-up action, for the event of an offense that has been committed by the perpetrator. Repressive measures taken are legal assistance by providing lawyers or lawyers. This lawyer service will provide legal assistance, starting from the legal process of case complaints to the police, this legal assistance step starts from the investigation process, investigation until the collection of evidence, complete P2I files, then is the stage of file submission to the Prosecutor's Office. The importance of this repressive effort was conveyed by Aibda Ali Iqbal in an interview who stated that:

"The importance of this repressive effort is that the victim, in this case the wife, gets good, transparent and fair legal services. Given that the wife as a victim is a community that is illiterate in legal procedures, so maximum assistance is needed until the trial stage in court." (Iqba, 2023)

This legal assistance is urgently needed by victims of domestic violence, considering that in cases of domestic violence the settlement process the victim often gets a legal process service that is not optimal, where the perpetrator often intimidates and threatens the victim. This intimidation is related to the right to joint property which is not shared proportionally by the perpetrator, in this case the husband. The wife as a victim often does not dare to claim her joint property rights to the perpetrator, considering that the perpetrator has a temperamental nature and easily commits physical and psychological violence against his wife.

With the legal assistance provided by lawyer Aibda Ali Iqbalr, there are two stages of action. First, the criminal law stage, where the perpetrator is reported to the police and the second stage is the civil law process, namely the divorce lawsuit process in court. This divorce

process was initiated as a repressive step, because indeed in this domestic violence case the parties could not be reconciled, so the step taken was divorce. This is in line with article 39 Paragraph (I) of Law. No. 16 of 2019 concerning Amendments to Law Number I of 1974 concerning Marriage.

With legal assistance in filing a divorce lawsuit in court, the rights of the wife, such as the right to obtain a division of joint property after divorce, can be legally guaranteed through a court decision, so that the division of joint property can be obtained fairly. The victim party in the divorce process in court receives free legal assistance. With this legal assistance, the rights of women as victims of domestic violence can be fulfilled by the perpetrator, and the fulfillment of the division of joint property rights is recognized through a court decision. This repressive step is also in the form of criminal sanctions given to perpetrators of domestic violence, the provision of criminal sanctions refers to the Criminal Code, and the Law on the Protection of Women, which clearly regulates that perpetrators of domestic violence crimes can be subject to criminal sanctions.

## **E. CONCLUSION**

The role of Bhabinkamtibmas in handling domestic problems taken by Aibda Ali Iqbal is through mediation, with a problem solving approach. That is a method that finds the point of household problems, then applies the best solution to the problem bag experienced by the litigants. With this approach, the mediation process was successful, and resulted in a written agreement signed by both parties and witnessed by Bhabinkamtibmas. The mediation conducted was in line with Islam and the prevailing laws and regulations. The obstacles when Bhabinkamtibmas makes mediation efforts are that both parties have emotional characters, educational factors, and the delay in handling the household conflict, besides that another obstacle is that household problems are often kept secret, because this is considered a family secret that is private and considered a disgrace, so that other people do not need to know or interfere in the household affairs of the litigants. In this condition, Bhabinkamtibmas' effort is to take preventive steps. That is, efforts to take action in criminal law and civil law. In these two legal processes, the victim is given legal assistance, by providing a lawyer as the victim's legal representative. Criminal law means the process of reporting to the police for the actions of the perpetrator against the victim, and the civil law process means that the victim gets assistance. Suggestions, mediator education is needed for Bhabinkamtibmas, adequate education and training is important, as an effort to master cases, so that in the process of mediating all community

problems, especially household problems, Bhabinkamtibmas already have techniques in a trained manner, thus in the mediation efforts of disputing communities can end in peaceful steps.

Acknowledgments: The author would like to thank you, because this article is the result of research funded by Ma'arif University Lampung/UMALA.

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