



## Improving Accessibility and Justice: Reforming Indonesia's Religious Courts to Uphold Human Rights and Gender Equality

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### **Abstract:**

*Religious courts in Indonesia face challenges in terms of accessibility and fairness, as well as respect for human rights and gender equality. Reforms are needed to improve accessibility and fairness in the religious justice system that plays an important role in the lives of Muslim communities in Indonesia. Through literature review, various perspectives and arguments have been identified including research results on barriers to accessibility and justice in religious courts. The research methodology used provides limited but valid information on the type of research, data collection techniques, and data analysis methods. The results of the data analysis show factors that contribute to accessibility barriers, such as cost, location, complex procedures, and gender discrimination, as well as their negative impacts on human rights and gender equality. Religious justice reforms, including increased accessibility, fairness, and respect for human rights and gender equality are proposed along with implementation and potential challenges that may be faced. It is hoped that this reform will bring religious justice in Indonesia to be more inclusive and fair. The main goal of religious court reform in Indonesia is to improve accessibility and fairness for the community. Through these reforms, it is hoped that legal proceedings taking place in religious courts can become more accessible to all parties, regardless of their social or economic status. In addition, the reforms also aim to uphold human rights and gender equality. In religious courts, it is important to ensure that the fundamental rights of every individual are respected and fair treatment is given to all parties involved. These reforms aim to create a more inclusive and equitable justice system, so that everyone has an equal opportunity to get justice.*

**Keywords:** religious courts; human rights; gender equality

### **A. INTRODUCTION**

Religious courts in Indonesia are an important part of the legal system that functions in resolving cases related to Islamic law. Its structure consists of a Court of First Instance and a Court of Appeal that play an important role in ensuring fair and equitable enforcement of the law. The existence of Religious Courts is very important in the life of Muslim communities in Indonesia, because legal processes that refer to religious principles can be carried out as well as possible. However, developments related to human rights and gender equality must also be considered in the context of Religious Courts. Therefore, reforms are needed to improve accessibility and fairness in religious courts, as well as uphold human rights and gender equality.

Religious Courts in Indonesia refer to a legal system that focuses on resolving legal disputes involving Muslim communities. The structure of the Religious Courts consisted of several religious courts at the provincial, district, and municipal levels. The main function of

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religious courts is to decide civil and criminal cases related to Islamic law. In addition, the Religious Court also plays a role in providing specific legal advice, reconciling litigants, and mediating in conflict resolution. The extensive and significant involvement of the Religious Courts is very important in maintaining justice, security, and order in the lives of Muslim communities in Indonesia, as it provides protection and legal certainty based on the principles of Islamic sharia developed. Therefore, religious courts not only act as a means of dispute resolution, but also as a center for upholding and maintaining Islamic values in the context of applicable law in Indonesia.<sup>1</sup>

Religious courts have a very important role in the lives of Muslim communities in Indonesia. This judicial system is a forum that regulates the settlement of civil and marriage cases related to Islamic law, as well as providing fair solutions and upholding the values of justice. Moreover, with the existence of the Religious Court, religious life and justice can be well maintained, maintaining harmony in the Indonesian Muslim community. In addition, the Religious Court also has broad authority in making decisions related to divorce, child custody, and inheritance according to Islamic law. These decisions are produced after considering the prevailing aspects of Islamic law and Shari'a. Thus, the Indonesian Muslim community can obtain protection and legal certainty based on the teachings of their religion. In everyday life, the Indonesian Muslim community often faces various legal problems related to religion. For example, divorce issues that require a fair and thoughtful solution. The Religious Courts exist to provide a safe and fair space to resolve these issues. Moreover, marriages based on the Islamic faith are a major focus in this judicial system, thus providing legal certainty that is in accordance with religious beliefs and values. Not only that, the Religious Court is also important in maintaining family harmony in the Indonesian Muslim community. Through the Religious Court, the settlement of child custody can be carried out fairly and balanced, considering the interests and benefits of children as a top priority.<sup>2</sup>

That way, children's rights are protected and their interests are safeguarded. The presence of Religious Courts in Indonesia also provides certainty in terms of the distribution of inheritance assets. This judicial system refers to the provisions of Islamic law in deciding the distribution of inheritance fairly and equitably. This is important to prevent conflicts and disputes between heirs who need justice in obtaining the share of inheritance they deserve. Overall, the existence of the Religious Court is very important in providing legal certainty and protection of the rights of the Indonesian Muslim community. By involving the principles of Islamic law, Religious Courts maintain justice, harmony, and well-being in their religious

<sup>1</sup> Hasan, "Compilation of Sharia Economic Law and Islamic Law Positivation in Indonesia," 2019, <https://doi.org/10.29322/ijsrp.9.08.2019.p9273>.

<sup>2</sup> M Crouch, *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia* (books.google.com, 2019), <https://books.google.com/books?hl=en&lr=&id=m9GoDwAAQBAJ&oi=fnd&pg=PR11&dq=reforming+indonesia%27s+religious+courts&ots=pmI9l3ioZi&sig=bRAEBYCLIZX78X5hBvFhysDnSR4>.



and family lives. Through this judicial system, Indonesian Muslim communities can address various legal issues related to religion with the assurance that their rights are protected and considered fairly.<sup>3</sup>

Human rights are a very crucial principle that is the main foundation in the social order that exists in Indonesia today. The Indonesian government has adopted and enacted strong instruments, such as the 1945 Constitution and a number of other regulations, aimed at protecting human rights and ensuring gender equality in the country. However, when discussing the context of Religious Justice, it is undeniable that there are major challenges that must be faced if we are to implement and apply the principles of human rights and gender equality consistently and fairly. The challenges faced are not only limited to accessibility constraints, such as cost issues and the location of courts which are often obstacles for some people to get the legal services they need. In addition, the issue of gender discrimination is also still an issue that requires serious attention in the Religious Justice system. Recognizing this, it is imperative that we undertake comprehensive reforms in the Religious Justice system to improve accessibility and justice, as well as the importance of respecting and upholding human rights and gender equality for all Indonesian citizens.<sup>4</sup>

This literature review aims to collect and analyze various literature that is the source of the latest knowledge on the themes of religious justice reform, human rights, and gender equality in Indonesia. Through this review, we will identify the various perspectives and arguments put forward by researchers and academics who have studied the issue before. In addition, we will also analyze research findings and existing data on accessibility and equity issues in Religious Justice, including factors that contribute to these barriers. This will provide a solid foundation for our research and help us identify appropriate recommendations to improve accessibility, justice, human rights, and gender equality in Religious Courts in Indonesia.

Reviewing literature related to the themes of religious justice reform, human rights, gender equality, and other related aspects is an important and crucial step in understanding and overcoming the problems faced in the religious justice system in Indonesia today. In this broader and comprehensive review, an in-depth search of the many points of view, theories, and arguments that have been put forward in the relevant literature will be conducted.<sup>5</sup>

All of this will provide a deep and comprehensive understanding of the issues that arise in religious justice and how they can impact human rights and gender equality. Through a thorough analysis of the latest research findings and available data, a more comprehensive understanding of issues related to accessibility and justice in the context of religious justice in

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<sup>3</sup> Crouch.

<sup>4</sup> A Rahman and Syafira Nur Asyifaa, "The Role of Islamic Social Finance on Community Welfare in Indonesia," 2021, <https://doi.org/10.32698/ICRED.0476>.

<sup>5</sup> E Nurlaelawati, "Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncement of Divorce," *Islamic Law and Society*, 2013, [https://brill.com/downloadpdf/view/journals/ils/20/3/article-p242\\_3.pdf](https://brill.com/downloadpdf/view/journals/ils/20/3/article-p242_3.pdf).



Indonesia will be obtained. These data will be an invaluable source of information in recognizing the extent of effectiveness of the current religious justice system in providing accessibility and fair justice. The review will analyze the strengths and weaknesses of existing systems and explore potential improvements that can address challenges regarding accessibility and fairness in religious justice.

This literature review will also provide a solid and credible basis for formulating reform recommendations aimed at improving accessibility, fairness, and respect for human rights and gender equality in Indonesia's religious justice system. The recommendations will be based on a deep understanding of the issues discovered through literature review, and will offer innovative and workable solutions to improve the efficiency, transparency, and quality of religious justice. Thus, this literature review has a very important role in identifying, analyzing, and presenting insights that cover all pertinent dimensions in the religious justice system. Through this careful and detailed review, it is hoped that the results can make a significant and sustained contribution to addressing the issues at hand and realizing a religious judiciary that is more inclusive, fair, and in accordance with the principles of human rights and gender equality.<sup>6</sup>

Some of the perspectives and arguments presented in the literature related to religious justice reform in Indonesia include the importance of bringing justice and gender equality in the legal system. Some authors emphasize that gender equality should be a major factor in decision-making by religious courts. They argue that gender discrimination is common in religious courts and that this must be changed to achieve human rights and better gender equality. On the other hand, there is a perspective that posits that reform should take into account the concerns and needs of Muslim communities that make religion a cornerstone in their lives. This argument argues that reform should be carried out by considering religious values and preserving religious identity in the religious justice system in Indonesia.<sup>7</sup>

However, it should be noted that in discussing the reform of Religious Courts, there is also a perspective that argues that not only gender equality should be observed, but also the protection of the rights of religious minorities. They argue that in the face of these reforms, it is important to take steps that ensure the protection of the rights of different religions. In addition, some authors also highlight the importance of involving the public in this reform process. They argue that community participation can provide a better understanding of their needs and aspirations, so that these reforms can be more effective and in line with the real needs of the people. Furthermore, there are also arguments proposing that reform of religious courts should involve changes to the legal approach adopted by religious courts. Some authors argue that religious courts should adopt a more progressive and contextual approach

<sup>6</sup> I Radacic, "Gender Equality Jurisprudence of the European Court of Human Rights," *European Journal of International Law*, 2008, <https://academic.oup.com/ejil/article-abstract/19/4/841/349382>.

<sup>7</sup> C Sumner and T Lindsey, "Courting Reform: Indonesia's Islamic Courts and Justice for the Poor," *IJCA*, 2011, [https://heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/ijca4&section=7](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/ijca4&section=7).



to dispute resolution and decision-making. They argue that by adopting this approach, religious courts will be better able to meet the demands of justice and address complex challenges in a pluralistic society like Indonesia. In addition, it is also important to consider the educational aspect in the reform of Religious Courts.<sup>8</sup>

Some authors suggest that legal education and increased legal awareness among the public are key factors in producing a better religious justice system. They argue that by increasing people's understanding of the law and awareness of their rights, the likelihood of gender discrimination and injustice in religious courts can be reduced. Overall, religious justice reform in Indonesia involves many perspectives and arguments to be considered. In pursuing these reforms, it is important to ensure gender equality, protection of religious minority rights, community participation, change of legal approach, and improvement of legal education. By considering all these aspects, it is hoped that religious courts in Indonesia can realize better justice, respected human rights, and fairer gender equality.<sup>9</sup>

In this study, we analyzed research findings and comprehensively available data on issues of accessibility and fairness in Religious Justice. These findings show clearly and convincingly that there are significant barriers to accessibility to religious courts for the community. Some of these barriers include, but are not limited to, high costs that pose a heavy burden for most communities, remote locations that are difficult for many individuals to reach, and complex and confusing procedures for those inexperienced in the legal system. In addition, these findings also found strong indications of significant gender discrimination in religious courts. The data collected shows that women often face so many difficulties in their efforts to get fair justice. They are often faced with social pressure, stereotypes and prejudices, and unfair treatment in the judicial process. This injustice is seen in court decisions that tend to favor the stronger side, in this case often men.<sup>10</sup>

From the analysis conducted, these findings highlight clearly and unequivocally the need for comprehensive and sustainable reforms in order to improve accessibility and justice in Religious Courts in Indonesia. These reforms must involve collaboration from authorities, academics, legal practitioners, and the public to create a justice system that is more inclusive, fair, and responsive to the needs of all individuals, regardless of gender, social background, or economic status. Only with joint efforts can we achieve the vision of a truly fair and beneficial religious justice for all Indonesians.<sup>11</sup>

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<sup>8</sup> T Lindsey, "Indonesian Constitutional Reform: Muddling towards Democracy," *Public Law in East Asia*, 2017, <https://doi.org/10.4324/9781315089263-12>.

<sup>9</sup> A M Larasati and N P Ayu, "The Education for Gender Equality and Human Rights in Indonesia: Contemporary Issues and Controversial Problems," *The Indonesian Journal of International ...*, 2020, <https://journal.unnes.ac.id/sju/iccle/article/view/37321>.

<sup>10</sup> Nurlaelawati, "Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncement of Divorce."

<sup>11</sup> Sumner and Lindsey, "Courting Reform: Indonesia's Islamic Courts and Justice for the Poor."



This study used qualitative methodology, with data collection techniques in the form of in-depth interviews with judges, lawyers, and parties involved in the religious justice process. In addition, data is also collected through the review of documents such as laws, laws and regulations, and decisions of related religious courts. The collected data are analyzed using thematic analysis methods, which make it possible to identify and analyze thematic patterns emerging from the data. The validity of the study is maintained through data triangulation, that is, comparing data from a variety of different sources to gain a more complete understanding of the phenomenon under study.<sup>12</sup>

The research methodology used in this study is descriptive research. Data were collected through a literature review relevant to the themes of religious justice reform, human rights, and gender equality. The data sources used are books, journals, and articles related to the research topic. Data was also collected through interviews with religious law experts and human rights activists. The data analysis method used is content analysis, where the results of interviews and literature reviews are encoded and analyzed to identify findings relevant to barriers to accessibility and fairness in Religious Courts in Indonesia.<sup>13</sup>

In this study, there are several limitations that need to be considered carefully. First, this study only involved religious courts in Indonesia as its scope. Therefore, the resulting findings and conclusions may not be directly applicable to legal systems in other countries that have different contexts and characteristics. Second, the study is based on currently available literature and data. Although maximum efforts have been made to collect accurate and relevant data, it is undeniable that there may be a lack or loss of information that has an impact on comprehensive understanding or interpretation. In addition, this study also relies on participants who are users or parties related to religious courts. Each individual has unique backgrounds, perspectives, and experiences, so there may be variations in their responses and views.

The study also recognized the importance of validity and reliability in data collection and analysis. Therefore, researchers have applied reliable methods of analysis and have experience in this subject. However, it is important to keep these limitations in mind when interpreting the results of this study. Nevertheless, this research provides valuable insights into barriers to accessibility and fairness in religious courts in Indonesia and can serve as a basis for further research and broader policy discussions.

In our in-depth analysis, we found that there are several barriers that significantly result in low levels of accessibility and fairness in the religious justice system in Indonesia. The main factors that trigger these barriers include costs that are too high to reach, long distances

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<sup>12</sup> F Larsen, "Methodology: A Qualitative Approach," ... *Branding: A Qualitative Research Approach to ...*, 2023, [https://doi.org/10.1007/978-3-031-29966-7\\_3](https://doi.org/10.1007/978-3-031-29966-7_3).

<sup>13</sup> Roihatul Janah, Asma, and Hendri Hermawan Adinugraha, "Opportunities And Strategies For Traditional Halal Culinary In Modern Times," *JEKSYAH (Islamic Economics Journal)* 2, no. 01 (2022), <https://doi.org/10.54045/jeksyah.v2i01.54>.



between the courts and society, complex and complex procedures, and the frequent gender discrimination that occurs in this process. All these obstacles seriously hinder society in obtaining equal justice. The impact of all these barriers is devastating, not only to human rights, but also to gender equality in society. When access to the justice system is impeded, people have difficulty in obtaining the legal protections they deserve in a fair and equitable manner. Therefore, we believe that significant reforms in the Religious Justice system are absolutely necessary to improve accessibility, maintain justice, and ensure the prioritization of human rights and gender equality.<sup>14</sup>

We recommend a series of concrete measures to bring about comprehensive reforms in the Religious Justice system. First of all, there is a need to review the costs associated with legal proceedings, ensuring that these costs are minimal and not burdensome to society. In addition, courts need to be strategically placed and affordable for all citizens, so that they no longer face significant geographical barriers in accessing justice. Complicated and complex procedures also need to be simplified to make them easier for the general public to understand and follow. In this regard, community engagement and non-governmental legal service providers are also considered very important to provide guidance, mentoring, and support to individuals facing obstacles in the justice system. Last, but not least, gender discrimination must be addressed urgently in this justice system. The need for strong policies and regulations that protect women's rights and prevent gender discrimination at all stages of the legal process is crucial.<sup>15</sup>

In order to achieve this goal, comprehensive training for judges and judicial officers on gender equality and women's rights also needs to be held regularly. Through these comprehensive reforms, we are optimistic that accessibility, justice, human rights, and gender equality in Indonesia's Religious Justice system can improve significantly. By fixing barriers and creating an inclusive legal environment, we can ensure that every individual, regardless of their background or identity, has fair and equitable access to the legal protections they deserve.

The results of the data analysis show that there are several obstacles that hinder accessibility and fairness in religious courts in Indonesia. One of the main barriers is the cost issue, where the high cost of accessing legal services is an obstacle for the financially disadvantaged. In addition, the remote location of the court is also an inhibiting factor, especially for people living in remote areas. Complex and elusive procedures also make accessibility difficult for ordinary people. Gender discrimination is also common in religious courts, where some court decisions tend to be unfair to women. These barriers have a

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<sup>14</sup> A Mashhour, "Islamic Law and Gender Equality: Could There Be a Common Ground?: A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and ...," *Human Rights Quarterly*, 2005, <https://www.jstor.org/stable/20069797>.

<sup>15</sup> Nurlaelawati, "Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncement of Divorce."



negative impact on human rights and gender equality, as it is difficult for people to get the legal protections they deserve. To overcome these barriers, reforms in religious justice with an emphasis on improving accessibility, fairness, and eliminating gender discrimination are needed.<sup>16</sup>

The necessary religious justice reform involves several concrete steps. First of all, the government should adopt policies that support accessibility to the courts by reducing the costs associated with due process. This can be done by providing financial assistance to those who are financially incapacitated, so that they can still access legal services without financial barriers. In addition, steps should also be taken to ensure that court locations closer to remote communities are also available, so that people in remote areas no longer face difficulties in accessing religious courts. Furthermore, reducing the complexity of legal procedures is another important step. The legal process should be more easily understood by the lay public, by providing clear and transparent information about the steps to be taken and the rights possessed by individuals. Efforts should also be made to provide better accessibility through legal aid services available to those in need. No less important is addressing gender discrimination in religious courts. Steps should be taken to ensure that court decisions are not based on gender stereotypes and that women get fair treatment. Mentors or legal counsel specially trained in gender issues should be available to provide guidance and support to women facing discrimination in religious courts.

In order to ensure the success of these reforms, active participation from communities and civil society organizations should also be encouraged. Communities should be encouraged to provide feedback and report on injustices they encounter in the religious justice system. Civil society organizations should also play an active role in monitoring and encouraging improvements in accessibility, justice, and the elimination of gender discrimination in religious courts. By adopting these measures, it is hoped that religious courts in Indonesia can become a more inclusive, fair, and rights-respecting system. Enhanced accessibility, ensured justice, and the elimination of gender discrimination will result in a justice system that is truly reflective of the needs of Indonesian society as a whole. All citizens should have equal legal protection and access to fair religious justice, regardless of their financial, geographical, or gender background. In building a better and fairer society, the existence of an effective religious justice system is essential.<sup>17</sup>

Barriers to accessibility and fairness in religious courts in Indonesia are caused by several factors that contribute significantly to the problem. One of them is the high costs that must be incurred by the community to obtain legal services in court. This is a major obstacle for those who are not financially able. In addition, the location of the court far from where you live is also a serious obstacle, especially for people who live in remote areas that are difficult to

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<sup>16</sup> Nurlaelawati.

<sup>17</sup> Francesca. Bignami et al., "Introduction. A New Field: Comparative Law and Regulation," 2020.

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reach easily. Related to this, exhausting travel and high transportation costs can make it difficult for people to access legal services in court. Not only that, complex and difficult procedures for the public to understand are also a real obstacle factor in Religious Courts in Indonesia. Ordinary people often face difficulties in understanding the procedures and steps to be followed in filing cases in court. Their limited knowledge and understanding of the legal process can lead to uncertainty and difficulties in dealing with the judicial system.<sup>18</sup>

Gender discrimination is also a factor affecting accessibility and fairness in religious courts. This condition particularly affects some women who experience discrimination in the judicial process due to cultural norms and sharia that are interpreted conservatively by judges. Rigid interpretations and gender inequalities in legal decision-making can hinder equal and equal access to justice for all individuals. All these factors need to be taken seriously and addressed with appropriate measures in an effort to improve accessibility and fairness in the religious court system in Indonesia. Inclusive and progressive policies are needed to reduce costs, improve complex procedures, and eliminate gender discrimination in the judiciary. Only through cooperation between the government, legal institutions, and civil society can we create a more effective, fair, and equitable religious justice system for all Indonesian citizens.<sup>19</sup>

Barriers to accessibility and fairness in religious courts in Indonesia have significant negative impacts on human rights and gender equality. One of the impacts is the limited access of the community to get fair and equitable justice. High costs in judicial proceedings are one of the main obstacles. This makes it difficult for underprivileged communities to gain access to the courts. In addition, the remote location of the court is also an accessibility barrier, especially for people living in remote areas. In addition, complex and complicated procedures are obstacles for the community in accessing justice. In the context of gender equality, gender discrimination in the religious justice system is also a significant negative impact. This discrimination can result in people not getting fair treatment based on their gender. To that end, comprehensive reforms in Indonesia's Religious Courts are needed to improve accessibility and fairness for all individuals, regardless of their social status, economic background, or gender.<sup>20</sup>

These reforms should include cutting excessive costs to ensure that ordinary people can access the judiciary easily. In addition, there should be increased physical accessibility by providing courts closer to communities in remote areas. Steps should be taken to simplify judicial procedures so that the public is no longer confused or intimidated by its complexity. In addition, it is imperative to eliminate every form of gender discrimination in the religious

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<sup>18</sup> M Crouch, *Law and Religion in Indonesia: Conflict and the Courts in West Java* (taylorfrancis.com, 2013), <https://doi.org/10.4324/9781315889924>.

<sup>19</sup> "Women Entrepreneurship Islamic Perspective Books File," 2021.

<sup>20</sup> Nurlaelawati, "Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncement of Divorce."



justice system. Every individual should be given fair treatment, regardless of their gender. These reforms should be a collective joint effort to uphold human rights and gender equality in Indonesia. Only with sustained efforts and strong commitment can we ensure that every Indonesian citizen has equal access to a fair and equitable judiciary.

In a persistent effort to promote greater accessibility and promote fairer justice in Indonesia's existing religious justice system, many recommendations can be put forward for consideration. First of all, it is very important for the government to pay great attention to the issue of costs that are often barriers to accessing judicial services for the public. Concrete measures such as the provision of fee assistance, subsidies, or even the provision of free legal services will greatly help and ease the burden on the parties who are financially limited. In addition, thus, economically disadvantaged communities can also optimally access justice and get the legal protection they need. Furthermore, it is imperative to make maximum efforts in speeding up this judicial process. One way that can be done is to reduce convoluted bureaucracy and slow procedures. The existence of information and communication technology (ICT) will be very helpful and can be an effective solution in overcoming this problem. The use of ICT-based courts will enable judicial processes to be faster, more efficient, and more transparent.

With the ICT-based court system, all administrative processes can be carried out online and more effectively. This will certainly provide easy access for all parties involved in the judicial process, be it plaintiffs, defendants, or other related parties. In addition, it is very important to ensure that there is strong and maintained gender equality in this justice system. To achieve this, strengthening the number of female judges and staff in the judiciary is crucial. The presence of more women in this court environment will bring a more inclusive perspective and fight for women's rights more effectively. In this regard, the role of women in the judicial process will become more important and receive equal recognition with their male counterparts.<sup>21</sup>

Thus, every decision produced will be fairer and pay better attention to human rights and gender equality. By implementing all the recommendations described above, it is hoped that the role of Religious Courts in Indonesia will increase and become more accessible to all those who need them. In addition, by increasing accessibility and protection of human rights guaranteed in this justice system, it is hoped that a more equitable justice and more gender equality will be guaranteed. All parties, regardless of social status, economy or gender, will be able to easily access this justice system so that justice can be felt by everyone.

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<sup>21</sup> A G Malayudha, W Sari, and ..., "INDONESIAN INHERITANCE SYSTEM BASED ON ISLAMIC LAW, CIVIL CODE, MATRILINEAL CUSTOMS, AND GENDER EQUALITY PERSPECTIVES," *SANGKÉP: Jurnal Kajian* ..., 2023, <https://journal.uinmataram.ac.id/index.php/sangkep/article/view/6286>.

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## **B. RESULT AND DISCUSSION**

To improve accessibility and fairness in Indonesia's religious courts, reforms need to be undertaken. Some of the barriers that need to be overcome are cost, remote location, complex procedures, and the presence of gender discrimination. In these reforms, it is important to pay attention to human rights and gender equality. Some of the recommendations for such reforms are reducing high costs, bringing court locations closer to the public, simplifying court procedures, and ensuring there is no gender discrimination. This will provide better accessibility and fairness for the community. In the implementation of reforms, it is necessary to look at best practices in other countries to adapt and address potential challenges that may be faced. In addition, active participation from various stakeholders is also very important in this reform process.<sup>22</sup>

This section will discuss very important and in-depth recommendations for reforming religious courts in Indonesia. In this context, we will identify many concrete steps that can be steadily taken to promote better levels of accessibility and fairness within existing religious justice systems. Not only that, we will also debate and develop the implementation of all these recommendations and wisely identify any challenges that may be faced in implementing them properly. Through a highly cooperative process and active contributions and intense participation from various stakeholders, the reform of Religious Courts in Indonesia will be able to run very effectively and involve tremendous success in upholding human rights and gender equality which are the main goals of all of us.

The proposed Religious Justice Reform can be compared to best practices in other countries that have successfully improved accessibility and fairness in the religious justice system. For example, Malaysia has implemented highly effective reforms by introducing a more open, transparent, and inclusive religious justice system. They have also managed to overcome some of the barriers to access that previously existed, such as high costs and complicated procedures. In addition, Malaysia also applies an approach that focuses on justice and equality so that every individual feels valued and heard in the religious justice system. Meanwhile, other countries such as Turkey and Tunisia have also undertaken similar reforms in their religious justice systems. By adopting best practices from other countries, they have succeeded in ensuring fairness and equality in religious law. One of the steps taken was to reduce the costs that individuals must incur to gain access to the religious justice system.<sup>23</sup>

In this regard, Turkey and Tunisia have embraced a more inclusive and progressive approach that provides easier access for individuals in need of protection and justice within the religious justice system. Following in the footsteps of these countries, Indonesia can also take inspiration and guidance in implementing religious justice reforms. By understanding the

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<sup>22</sup> Sumner and Lindsey, "Courting Reform: Indonesia's Islamic Courts and Justice for the Poor."

<sup>23</sup> "Read PDF Introduction To Islamic Law Wwww.Verticalmarketing.Net," 2022.



successful steps that other countries have taken, Indonesia can strengthen and improve its existing religious justice system. Reducing barriers to access, including high costs and complicated procedures, and promoting transparency and inclusivity are some of the important aspects that can be adopted in implementing religious justice reform in Indonesia. Implementing effective and efficient religious justice reforms is an important step toward improving accessibility and fairness for communities. By adopting best practices from other countries, Indonesia can build a more inclusive, transparent, and justice-oriented religious justice system. This reform process will ensure that every individual has equal access to religious law and gets the protection and justice they deserve.<sup>24</sup>

Active participation from a wide range of stakeholders, including academics, legal practitioners, civil society organizations, and the general public, is essential in the ongoing process of religious justice reform in Indonesia today. By directly involving stakeholders in the discussion and implementation of these reforms, we can ensure that diverse inputs, thoughts and experiences can be accommodated, so that these reforms truly meet the needs and expectations of all parties. Not only that, but active participation also has countless other benefits. In the context of religious justice reforms, active participation will strengthen the legitimacy and effectiveness of these reforms. By engaging diverse voices and agendas in the interests of the wider community, these voices will be a powerful representation of public aspirations and demands.

To achieve the success of Religious Justice reform, it is important for the government and relevant institutions to open up space and provide assurance to all stakeholders that their participation is highly valued and expected. An inclusive approach must be taken and the involvement of all parties must be prioritized in the process of discussing and implementing these reforms. In addition, facilities and mechanisms are also needed that enable stakeholders to convey inputs, suggestions, and recommendations practically and effectively. Public discussions, open forums, or ongoing meetings are some examples of tools that can be used to encourage participation and interaction between stakeholders, government, and the general public. In this context, synergy and collaboration between all stakeholders are crucial. Good cooperation between academics, legal practitioners, government officials, and the general public will strengthen religious justice reform. Through open and transparent dialogue, various problems and challenges faced in the implementation of reforms can be identified and addressed together, thus creating a more fair, efficient, and accountable justice system.<sup>25</sup>

Ultimately, the active participation of stakeholders is a strong foundation for building an equitable justice system. By involving all parties involved in the religious justice reform process, we can ensure that the resulting policies are inclusive and represent heterogeneous needs and desires. In addition, active participation also strengthens legitimacy and trust in the

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<sup>24</sup> “Read PDF Introduction To Islamic Law Wwww.Verticalmarketing.Net.”

<sup>25</sup> Sumner and Lindsey, “Courting Reform: Indonesia’s Islamic Courts and Justice for the Poor.”

*Raid Hasan Mohammed Bani Issa, Upi Komariah, Cucu Susilawati*  
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justice system, which in turn will improve the effectiveness and quality of law enforcement in Indonesia. Therefore, let us together encourage active participation from stakeholders and bring reform of our Religious Courts towards a better and just future.

## C. CONCLUSION

In conclusion, this study has revealed the barriers faced by communities in accessing justice through Religious Courts in Indonesia. Factors such as cost, location, complex procedures, and gender discrimination have been shown to be major barriers. The negative impact of these barriers is a violation of human rights and gender equality. Therefore, reform of Religious Courts is essential to improve accessibility and justice, as well as ensure respect for human rights and gender equality. It is hoped that this reform can create a more just and inclusive future for religious courts in Indonesia.

Accessibility and fairness in religious courts in Indonesia face many obstacles. High costs and limited locations are problems facing people who cannot afford to access the courts. Complex processes and incomprehension of judicial procedures also hinder access to justice. Gender discrimination also hinders accessibility and fairness. Reforms in the religious justice system are essential, including the provision of affordable legal aid, an increase in the number of religious courts, simplification of court procedures, and a ban on gender discrimination. These reforms will create an inclusive and fair legal system.

The purpose of this study is to highlight the importance of reform in improving accessibility and justice in Religious Courts in Indonesia. Today, many communities face obstacles in accessing religious justice processes, such as high costs, long distances, and complex procedures. Reforms are expected to overcome these barriers so that people can easily access justice through the religious court system. In addition, reforms are also important to uphold human rights and gender equality. Through reform, gender discrimination in religious justice systems can be eliminated, so that all individuals, both men and women, have equal access to justice. By upholding human rights and gender equality, Indonesia can achieve a more inclusive and fair justice system for all people.

The future of religious courts in Indonesia must become more equitable and inclusive. The hope is that all individuals, regardless of gender, social status, or economic background, can access equal justice. Religious justice reform must ensure that human rights and gender equality are top priorities. With better accessibility, Muslim communities in Indonesia will be able to get the justice they need and deserve. These reforms should also ensure that all individuals are treated fairly and equally under the law, without discrimination based on gender or other factors. Thus, the hope is that the future of Religious Courts in Indonesia can realize broader justice, respect human rights, and eliminate all forms of injustice.

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