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Conducting Court Proceedings in Contested Divorce Cases for Persons with Disabilities at Class 1a Malang Religious Court

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Abstract: People with disabilities often receive unequal treatment, especially in the justice process. People with disabilities have equal rights in everything, including the legal process. However, there are barriers for persons with disabilities in the Religious Court of Malang. The purpose of this writing is to find out the obstacles and efforts that occur to persons with disabilities during the legal process. The research method used is empirical juridical, by conducting interviews or observations at the Malang Class 1A Religious Court. In this study, it was found that the barriers to lawyering in the Malang Religious Court were insufficient facilities for persons with disabilities, such as the use of language in communication for persons with disabilities. The purpose of legal services for persons with disabilities when dealing with the law in the Religious Courts is to realize inclusive religious justice services. The obstacles in Religious Court of Malang continue to be pursued optimally and gradually by the Malang Religious Court through capacity building for human resources to understand disabilities within the scope of the court which is needed as part of excellent service, which aims to provide information and information to parties with disabilities without hesitation.

Keywords: *People with Disabilities; Judiciary; Religious Court of Malang.*

INTRODUCTION

The Government of Indonesia has committed to protecting the human rights of persons with disabilities in Indonesia listed in Law Number 8 of 2018 and Guidelines for the Implementation of Services for Persons with Disabilities in the High Court and District Court concerning Persons with Disabilities . Persons with disabilities are part of Indonesian society who have the same position, rights, obligations and roles as other Indonesians in the life of the nation and state.¹ The latest development of Komnas HAM and the Ministry of Social Affairs views that the term *Penyandang Cacat* in the perspective of the Indonesian language has a negative connotation and is not in line with the main principles of human rights, as well as contrary to the ancestral values of the nation that uphold human dignity. Therefore, it was agreed that the term PWD should be replaced with the term Persons with Disabilities.

Persons with disabilities often experience discrimination in obtaining services such as health services, proper education, employment that tends to be limited and participation in society that is restricted, as well as access to justice for persons with disabilities who become obstacles in obtaining legal services. Talking about discrimination for persons with disabilities, we know that women with disabilities have a very high potential to become victims of violence, be it physical, sexual, psychological or financial violence.²

Based on SADPA research, it was found that 65% of women with disabilities were victims of violence, in which case respondents had the choice not to take legal action for the violence experienced, 13.3% chose to remain silent, 18.7% chose to fight back and have in-depth communication with their partners and as many as 3% of women did not know that they were subjected to violence.³ The government has made efforts to protect the lives of persons with disabilities as stipulated in various laws and regulations. In 2011, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD) in Law No. 29/2011 on the Ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

At present, the Malang Religious Court has improved the quality of service and improved the performance of employees by implementing the Integrity Zone Towards a Corruption-Free Area (WBK) and a Clean and Serving Bureaucratic Area (WBBM). Malang Religious Court has achieved the WBK predicate and is preparing to build an Integrity Zone towards WBBM. must be done with various efforts in order to improve the quality of excellent service including services for persons with disabilities, as mandated by Director General Badilag Decree No. 2078/DjA/HK.00/SK/8/2022 concerning Guidelines for the

¹ Nurika Falah Ilmania dan Nofi Sri Utami, "Pemenuhan Hak Kesehatan Bagi Penyandang Disabilitas Sebagai Upaya Perlindungan Sosial," *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 6, no. 2 (20 Juni 2023): 168, <https://doi.org/10.33474/yur.v6i2.19448>.

² Buletin Difabel, *Memaknai Hari Perempuan Internasional: Penanganan Kasus Kekerasan Terhadap Perempuan Difabel*, Yogyakarta: (Yogyakarta: SADPA (Sentra Advokasi Perempuan, Difabel dan Anak., 2010), 4.

³ Difabel, *Memaknai Hari Perempuan Internasional: Penanganan Kasus Kekerasan Terhadap Perempuan Difabel*, Yogyakarta:

Implementation of Disability Friendly Services in Courts within the Religious Courts Environment.

Facilities and infrastructure for disability services at the Malang Religious Court are available, such as the SOP for Disability Services at the One Stop Integrated Service (PTSP), pedestrian paths, guide paths for disabilities, parking areas for people with disabilities, wheelchairs, priority waiting chairs, room doors that meet accessibility aspects for wheelchair users, toilets for people with disabilities, medicines and health facilities, provision of information and complaints at the Disability Corner, disability service counters, services at the legal aid post, guest book for cases for persons with disabilities, provision of service information to persons with disabilities through infographics, which can be displayed on the SmartTV of the One Stop Integrated Service (PTSP), priority identification for persons with disabilities.

The Malang Religious Court continues to strive to make services for persons with disabilities better and be able to provide comfort for people with disabilities in litigating at the Malang Religious Court. There are several things that can become obstacles in services for persons with disabilities in litigation, such as insufficient funds/budget for the fulfillment of facilities and infrastructure, service officers who are less capable in providing services for persons with disabilities, inadequate facilities and infrastructure in the judicial process, judges who do not understand the language of persons with disabilities in court, no continuous training for officers in providing services for persons with disabilities. For the Malang Religious Court itself, the most basic obstacles in providing services for persons with disabilities are the lack of continuous special training for officers and judges regarding services for persons with disabilities, the lack of facilities and infrastructure in the courtroom for persons with disabilities and the absence of experts/professionals to assist litigants with disabilities. For example, the author conducted research on the case of gugat divorce No. 551/Pdt.G/2023/PA.MLG where both parties were both persons with disabilities (speech impaired) and the mediation process was constrained due to the language used by the mediation officer and both parties, and the solution used in communicating was a cell phone (mobile phone) as a medium of communication. So that it is necessary to conduct research in the process of resolving lawyers who are carried out to facilitate persons with disabilities, one of which is in the fulfillment of communication facilities.

RESEARCH METHODS

This type of research is research that aims to describe something in a certain area and at a certain time.⁴ This research was conducted by taking a location at the Malang Religious Court. This location was taken with the consideration that there was a case regarding litigation services for persons with disabilities.

⁴ Suratman Suratman dan Phillips Dillah, *Metode Penelitian Hukum* (Bandung: Penerbit Alfa Beta, 2015), 47.

DISCUSSION

A. The Judicial Process for Persons with Disabilities at the Malang Religious Court

The Indonesian state guarantees its citizens to obtain justice in accordance with the applicable law in accordance with judicial power with judicial intermediaries. Religious courts are part of the specialized courts in Indonesia.⁵ A special court is defined as an agency that hears certain cases or certain groups of people only.⁶ In Indonesia, religious courts are regulated by Law of the Republic of Indonesia Number 7 of 1989 *jo.* Law of the Republic of Indonesia Number 3 of 2006 *jo.* Law of the Republic of Indonesia Number 50 of 2009 concerning Religious Courts.⁷

Malang religious court is one of the government agencies included in the Public Agency under the scope of the Supreme Court of the Republic of Indonesia, as it must comply with and implement the Ministerial Regulation and must also comply with and implement the Guidelines for information services stipulated in Article 1 Paragraph (3) of Law Number 14 of 2008 concerning Public Information Disclosure and Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 2-144/KMA/SK/VIII/2022 concerning Public Information Service Standards in Courts. Malang religious court is a religious court that hears cases at the first level between people of the Muslim religion in cases of marriage, inheritance, wills, grants, waqf, zakat, infaq, shadaqah, and sharia economic disputes.⁸

Court services are one of the activities in order to carry out the fulfillment of service needs for the community, especially justice seekers, provided by the Supreme Court and the judicial bodies under it based on laws and regulations and public service principles. Obtaining access to justice is one of the human rights possessed by every individual, including those with disabilities.⁹ This means that the Indonesian State guarantees the rights of every citizen to have access to justice and to be free from discriminatory actions. Such groups are entitled to special protection according to their needs. However, people with disabilities often face various obstacles in obtaining access to justice, ranging from physical access, information, to communication.

The realization of justice does not only form existing regulations, but must be formed

⁵ Agustinus Herwindu Wicaksono, "Tindak Pidana Pelanggaran Pidana Lalu Lintas Oleh Anak Dalam Proses Acara Peradilan Cepat," *Badamai Law Journal* 4, no. 2 (25 September 2020): 280, <https://doi.org/10.32801/damai.v4i2.9237>.

⁶ Basiq Djalil, *Peradilan Agama Di Indonesia* (Jakarta: Kencana, 2006), 8.

⁷ Nabilla Alya Adelia, Siti Muflichah, dan Rochati Rochati, "Gugat Cerai Karena Perselisihan Dan Pertengkaran Terus-Menerus (Tinjauan Yuridis Terhadap Putusan Pengadilan Agama Baturaja Nomor 30/Pdt.G/2019/Pa.Bta)," *Soedirman Law Review* 1, no. 1 (2019): 136, <https://doi.org/10.20884/1.slr.2019.1.1.42>.

⁸ Rendra Widyakso, "Eksekusi Nafkah Perceraian Di Pengadilan Agama Kota Malang," *Ulumuddin Journal of Islamic Legal Studies* 11, no. 1 (30 Juni 2018): 118, <https://doi.org/10.22219/ulumuddin.v11i1.10409>.

⁹ Adi dan Sulistiyono, *Sistem Peradilan Di Indonesia Dalam Teori dan Praktik*, Jakarta: Kencana. h. 3.

by creating services for good facilities and infrastructure.¹⁰ Thus, the Supreme Court c.q Religious Courts Agency as a representation of the State must provide friendly, safe, and comfortable services because the Constitution of the Republic of Indonesia guarantees equal treatment for all citizens without exception.¹¹

Law enforcement agencies and other institutions related to the implementation of the judicial process create and develop standards for examining persons with disabilities in accordance with the authority stipulated in the internal policy regulations of law enforcement institutions, including qualifications of investigators, public prosecutors, judges and correctional officers, building facilities, service facilities Inspection procedures.¹²

The Director General of Religious Courts Agency of the Supreme Court of the Republic of Indonesia in accordance with its duties and functions can certainly take an active role to fulfill the rights of persons with disabilities who are in conflict with the law in Religious Courts. This active role can be fulfilled by providing Service Standards for Persons with Disabilities in Religious Courts to realize inclusive religious judicial institutions so that the vision of realizing a good judicial body as has been said will soon become a reality.¹³ Service Standards for Persons with Disabilities are guidelines in implementing or providing services for persons with disabilities within the Religious Courts. The objectives of the establishment of Service Standards for Persons with Disabilities in Religious Courts are implementation of services for persons with disabilities in all courts within the religious courts, uniformity and harmony of service framework (unified framework service) for persons with disabilities in the religious courts; fulfillment of rights for persons with disabilities in obtaining comfortable, friendly and safe services in religious courts.

Effective and efficient services are needed to resolve the increasing number of cases in Religious Court of Malang. The implementation of quality public services is one of the characteristics of good governance. The realization of the principles of good governance is very important in the implementation of good and quality court services and will foster the level of public trust in the judiciary in deciding every case that occurs.¹⁴

Based on Decree of the Director General of Religious Courts No. 2078/DJA/HK.00/SK/8/2022, the purpose of legal services for persons with disabilities

¹⁰ Nurlaila Harun, "Proses Peradilan Dan Arti Sebuah Keyakinan Hakim Dalam Memutus Suatu Perkara Di Pengadilan Agama Manado," *Jurnal Ilmiah Al-Syir'ah* 15, no. 2 (31 Desember 2017): 171, <https://doi.org/10.30984/as.v15i2.479>.

¹¹ Agus Digdo Nugroho, *Quo Vadis Pencari Keadilan Penyandang Disabilitas di Pengadilan* (Surabaya: Cipta Media Nusantara, 2019), 103.

¹² Nugroho, *Quo Vadis Pencari Keadilan Penyandang Disabilitas di Pengadilan*.

¹³ Frichy Ndaumanu, "Hak Penyandang Disabilitas: Antara Tanggung Jawab dan Pelaksanaan oleh Pemerintah Daerah," *Jurnal HAM* 11, no. 1 (28 April 2020): 132, <https://doi.org/10.30641/ham.2020.11.131-150>.

¹⁴ Ayuni Sukarna dan Sofyan Sofyan, "Kualitas Pelayanan Publik Di Kantor Pengadilan Agama Bulukumba," *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasa Syar'iyah* 4, no. 2 (28 Mei 2023): 171, <https://journal.uin-alauddin.ac.id/index.php/siyasatuna/article/view/29916>.

when dealing with the law in the Religious Courts is to realize inclusive religious justice services. The inclusive court has a program on capacity building for human resources to understand persons with disabilities within the scope of the court. This has been regulated by the formulation of norms, as follows:

"In order to realize an inclusive court, work units within the Religious Courts can cooperate with civil society organizations, government agencies, universities, special schools, and other stakeholders to realize the fulfillment of inclusive services for persons with disabilities".

Religious Court of Malang has guaranteed the position of persons with disabilities as legal subjects, as one of them makes priority in serving persons with disabilities. This was stated by the Chairman of the Malang Religious Court, Mr. Misbah, in an interview on November 1, 2023 at the Malang Religious Court Office Class 1A, namely:

"Disability is one of the main programs promoted by the Supreme Court. In this case, the Directorate General of Religious Courts of the Supreme Court is required to take a role in order to fulfill the mandate contained in Law No. 8 of 2016 concerning Persons with Disabilities, especially in terms of legal services for persons with disabilities when dealing with the law in religious courts/mahkamah syar'iyah in order to realize inclusive religious justice services. Persons with disabilities have the same legal status and human rights as other Indonesian citizens, namely to live and develop fairly and with dignity. For this reason, special attention is needed in accessibility, especially in receiving public services."

To carry out the duties and functions mandated by the Law, the Malang Religious Court has realized public services for parties with disabilities who will litigate at the Malang Religious Court in the form of Standard Operating Procedures. This SOP is very important to establish because it is a standardized workflow / way, this Standard Operating Procedure has the power as a guide (nature: binding and directive). This includes matters of operation that have a definite written procedure (steps). SOPs are prepared according to the needs, vision and mission of each company or organization with different objectives.

Friendly services for persons with disabilities in malang religious court include two aspects, namely the provision of reasonable accommodation and the provision of physical and non-physical accessibility. Reasonable Accommodation includes services and facilities and infrastructure provided to Persons with Disabilities in every judicial process, as the regulation of reasonable accommodation for persons with disabilities is contained in judicial procedures listed in Principle 3 of the International Principles and Guidelines on Access to Justice for Persons with Disabilities which reads: "Persons with disabilities,

including children with disabilities, have the right to reasonable accommodation". Meanwhile, physical accessibility includes accessibility for persons with disabilities to physical infrastructure to support their active role in society, including in fighting for and obtaining their rights as citizens.

The reasonable accommodation referred to in Principle 3 of the International Principles and Guidelines on Access to Justice for Persons with Disabilities is described in Guidelines 31 and 32. Guideline 31 states that, in order to avoid discrimination and ensure the effectiveness and equality of persons with disabilities at all stages of the judicial process, states must provide reasonable accommodation that is appropriate to the needs of persons with disabilities. Persons with disabilities must be provided with all necessary and necessary accommodations in a case, including intermediaries or facilitators, modifications and adjustments to procedures, environmental adjustments and communication supports, to ensure they can access justice.¹⁵

Based on Article 6 of Government Regulation Number 39 of 2020 concerning reasonable accommodation for persons with disabilities in the judicial process, which includes the provision of services and facilities and infrastructure, including perlakuan non diskriminatif, fulfillment of a sense of security and comfort, effective communication, fulfillment of information related to the rights of Persons with Disabilities and the progress of the judicial process, provision of long distance audio visual communication facilities, provision of standards for the examination of Persons with Disabilities and the development of the judicial process and standards for the provision of legal services, provision of disability companion and/or translator.

The form of implementation of the provision of proper accommodation in malang religious court based on interviews conducted with Mr. Misbah in the interview are. Adjust the stages of the legal process for persons with disabilities, give permission to family/relatives of persons with disabilities to accompany them during the proceedings

In this case, malang religious court has not provided translators and has not provided devices or tools needed by persons with disabilities, such as hearing aids, stationery, and other aids. During the legal process, if persons with disabilities need aids to communicate, they are usually assisted directly by the panel of judges on duty. Although in this case the judges have removed obstacles for persons with disabilities, legal services must still be accommodated properly. Thus, all forms of attention are noteworthy, given the many obstacles they face in interacting with court staff.

Based on Article 21 of Government Regulation No. 39/2020, office buildings must meet physical accessibility requirements, as follows:

¹⁵ Muhammad Garda Romado dan Mitro Subroto, "Upaya Pemenuhan Hak Bagi Narapidana Penyandang Disabilitas," *Jurnal Pendidikan Tambusai* 5, no. 3 (2021): 6382.

1. Standardized and accessible rooms for Persons with Disabilities;
2. Transportation facilities that are easily accessible for Persons with Disabilities to the place of examination in accordance with their authority; and
3. Accessible facilities in buildings in accordance with the provisions of laws and regulations.

The form of implementation of the provision of physical accessibility for persons with disabilities in Malang religious court based on interviews conducted with Mr. Drs. H. Misbah, M.H.I. are the existence of a pedestrian path. Pedestrian paths are paths for pedestrians that are generally parallel to the axis of the road and higher than the road surface to ensure the safety of people with disabilities. The pedestrian path must be able to accommodate people with disabilities to carry out activities safely. In addition, the pedestrian path in Malang religious court is recreational, meaning that it supports comfort, especially for people with disabilities while being and using facilities in Malang religious court.

There is a guided pathway for people with disabilities, in Religious Court of Malang, a guide path is provided for persons with disabilities to utilize special facilities for persons with disabilities in Religious Court of Malang. The guideway for people with disabilities is divided into 2 (two), namely directional tiles and warning tiles. The directional tile serves as a guide to the direction of travel, while the warning tile serves to provide a warning (warning) of the environment in Religious Court of Malang. Guiding paths for special and general disabilities in Religious Court of Malang are located in front of entrances/exits, stairs or facilities in Religious Court of Malang, and in front of Religious Court of Malang special stops.

Disabled parking area, in Religious Court of Malang, the parking area for persons with disabilities is marked with a symbol of a parking sign for persons with disabilities that applies as this aims to facilitate and distinguish with facilities for the general and special, and a curb ramp is provided on both sides of the vehicle. The parking area in Religious Court of Malang has free space in the neighborhood and is located on the nearest lane at the entrance/exit of the building so that people with disabilities, especially those who use wheelchairs, can easily enter and exit the vehicle used.

Stairs are vertical movement facilities designed by considering the size and slope of steps and inclines with adequate width. In Religious Court of Malang, stair facilities for persons with disabilities have a slope of 35 degrees.. Disabled Toilet, in Religious Court of Malang toilets for people with disabilities have been given special symbols for users with disabilities, as well as equipped with handles to make it easier for people with disabilities to move from wheelchairs to the toilet.

Service Counter for Persons with Disabilities. Religious Court of Malang implements a service mechanism that prioritizes persons with disabilities, as in this case prioritizing serving persons with disabilities in litigation. If persons with disabilities are not accompanied by a companion or family, Religious Court of Malang staff provide a companion as needed by persons with disabilities.

Priority identification for people with disabilities, the Religious Court of Malang implements a priority identification card that aims to facilitate access to programs for people with disabilities, including accessible facilities. Service information to people with disabilities through infographics. People with disabilities can obtain information using simple language. For this reason, a stronger approach is needed through the use of accessible media so that people with disabilities can obtain information properly. Technology is needed to help realize services for people with disabilities in the form of software, as well as product systems that function to maintain or improve functional abilities for people with disabilities. Technology is used in the process of providing and receiving information for persons with disabilities. Therefore, the Malang Religious Court facilitates the fulfillment of this technology with the infographic of available services.

Disability Case Guest Book, with the innovation of Disability Friendly Service, namely the disability case guest book, the accessibility of people with special needs such as the elderly and people with disabilities can be improved. Disabilities, the accessibility of people with special needs such as the elderly and people with disabilities can easily access services and find information at the Malang Religious Court. Easily access services and find information at the Religious Court of Malang.

In the aspect of non-physical accessibility aimed at understanding the apparatus, namely in malang religious court there are judges, replacement clerks and malang religious court staff need to be given as a form to make it easier for persons with disabilities to realize harmony and equality to obtain legal certainty. Efforts to realize non-physical accessibility in malang religious court are friendly, easy and fast services in the judicial process. Implementation in this case is provided through the assistance of law enforcement officers for persons with disabilities to be given legal assistance regarding their focus in the religious court environment from the beginning of the examination to the reading of the final decision.

Article 36 of Law No. 8/2016 explains the obligation of the court to accommodate the reasonable things provided to persons with disabilities, which is basically not limited to the physical facilities needed. Judicial proceedings involving persons with disabilities must include a personal assessment as a standard of satisfaction of the special services.¹⁶

¹⁶ Maghfira Nur Khaliza Fauzi, "Kompleksitas Pemenuhan Hak Penyandang Disabilitas Yang Berhadapan Dengan

Based on the description above, Religious Court of Malang has not fulfilled and implemented the realization of equal rights for persons with disabilities in the legal process at Religious Court of Malang. Adequate facilities and infrastructure for both the service and legal process are an inseparable part of the fulfillment of the right to justice for persons with disabilities who are in conflict with the law. Inadequate facilities and infrastructure in Religious Court of Malang is a form of violation of human rights, the applicable legal system has not placed persons with disabilities as individuals who must get the same justice. The position of justice in society is very important, even this justice is sometimes not only about the person of an individual, but with other people and even the state. Aristotle placed justice as part of goodness and the law is an indicator of whether something is fair or not. Aristotle argued that justice can be created when people obey the law to create happiness in society. Everyone should get the same proportion in every court proceeding, in accordance with distributive justice (*iustitia distributive*) as the rights and obligations of people with disabilities must be implemented in the same way as the general public..

B. Obstacles and Resolution Efforts Faced by Officers, Judges and Persons with Disabilities in Litigating at the Religious Court of Malang

Each religious court certainly has procedures in providing services to the parties to the dispute, both for the community in general and people with disabilities. The Malang Class 1A Religious Court in providing its services strives to be as efficient as possible, including in providing services, judges and court employees will act in accordance with the supervision and code of ethics of judges, judicial service standards, disability-friendly website features, physical and non-physical accessibility for persons with disabilities, as well as facilities and infrastructure for persons with disabilities.

According to Law No. 48/2009 on Judicial Power Article 2 Paragraph (4) states that "the judiciary shall be conducted in a simple, speedy and low cost manner. The elucidation states that "The principles of simplicity, speed and low cost are the most basic judicial principles of the implementation and administration of justice services that lead to effective and efficient principles and principles. Simple is the examination and settlement of cases carried out in an efficient and effective manner. The simple principle in practice is only interpreted as a mere administrative matter without any understanding that the simple principle must become the soul and spirit of the motivation of law enforcers which is carried out thoroughly at every level and institution. Fast, must be interpreted as a strategic effort to make the judicial system an institution

that can guarantee the realization or achievement of justice in law enforcement quickly by justice seekers.¹⁷

In the implementation of the litigation process, of course, not everything will run smoothly. Based on the results of interviews with Mr. Misbah there are several obstacles that exist in the Malang Religious Court in the litigation process, namely accessibility to physical facilities and infrastructure in court, accessibility here is not only related to the facilities or infrastructure in the Court office itself, but also includes the affordability of the Court office by those who want to litigate, stereotypes, service intentions and assumptions that are counterproductive to the needs of persons with disabilities. It is not uncommon for persons with disabilities to be forced to work much harder just to obtain information and fight for their legal rights in a conventional way that does not accommodate their limitations at all, many people with disabilities do not understand the process of litigating in court and become the beneficiaries of injustice when they go to the judicial office, the service and communication process is still not from a disability perspective.

The theory of expediency is to provide the greatest value of benefit and happiness for as many people as possible. So, the concept is to put benefit as the main function of the law and its size provides as much as possible for many people. Thus, the assessment of good and bad, fair and unfair law depends on the extent to which it is able to provide happiness to the community. The basic theory of Bentha's teaching, it can be explained, is that the purpose of law is to guarantee the happiness of each individual, then to many people.¹⁸

Standardization of services for disabilities in the Courts is necessary so that justice seekers who experience disabilities can obtain reasonable access. The standardization of Court services refers to the principles of the administration of justice, the principles of disability-friendly public services, the needs of disability, and the context of the judicial institution itself. From the above explanation, in general, a standardized service for Court services for disabilities can be developed, namely physical service standards for disabilities.

Physical service standards for disabilities are developed with the assumption that physical services must be able to support and reach every form of disability experienced by justice seekers so that they can still express their will and access the courts like non-disabled people. This service standard is a unit that includes various physical

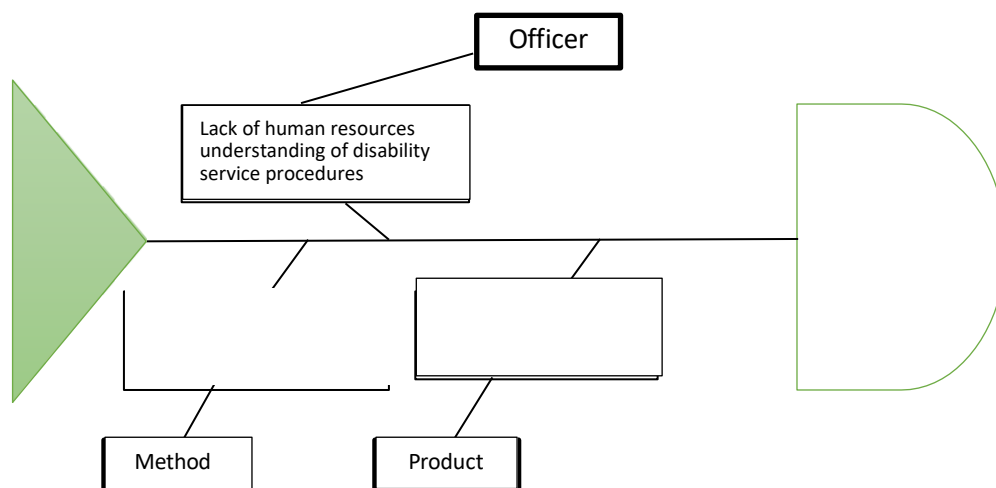
¹⁷ Nevey Varida Ariani, "Gugatan Sederhana dalam Sistem Peradilan di Indonesia," *Jurnal Penelitian Hukum De Jure* 18, no. 3 (21 September 2018): 384, <https://doi.org/10.30641/dejure.2018.V18.381-396>.

¹⁸ Ainullah Ainullah, "Penerapan Teori Kemanfaatan Hukum (Utilitarianisme) Dalam Kebijakan Pembatasan Usia Pernikahan," *Ulumuna: Jurnal Studi Keislaman* 3, no. 1 (27 Juni 2017): 91, <https://ejournal.kopertais4.or.id/madura/index.php/ulumuna/article/view/4120>.

infrastructure that is accessible to persons with disabilities, such as physical facilities and infrastructure leading to and leaving the court building / courtroom, physical facilities and infrastructure inside the building / courtroom, non-physical service standards for disabilities, legal information available to persons with disabilities.

This research examines a case that occurred at the Malang Religious Court, where there was a case with a party with a disability. Based on information from service officers at the priority counters for persons with disabilities that throughout 2023 there was only 1 case where the party was a person with a disability, namely the case of Divorce No. 551/pdt.G/2023/PA.MLG with a party with a disability. From the results of the author's interview with the party with a disability, he is speech impaired, but can still communicate with PTSP officers at the Malang Religious Court. In this thesis, the author focuses on the excellent service obtained by the litigant so that it can be input for the Malang Religious Court in providing services to litigants.

Based on the results of the author's interviews with the substitute clerk and the panel of judges, it can be concluded that in handling cases with parties with disabilities, special handling needs to be carried out by officers from security guards to PTSP officers of the Malang Religious Court so that excellent service can be channeled properly to litigants. Regarding infrastructure, the substitute clerk handling the case said that the facilities and infrastructure available at the Malang Religious Court are quite good, such as the existence of special parking lots for people with disabilities, priority counters, priority seating, pedestrian paths, special bathrooms for people with disabilities. but there are several things that need to be realized, especially infrastructure for trials with parties with disabilities. This can be seen from unavailability of braille books for the visually impaired, unavailability of communication devices in court to assist communication, such as hearing devices for the hearing impaired, unavailability of professional staff to assist the judges in communicating with parties with disabilities, there is no special training for substitute clerks or judges to learn sign language or how to communicate with the disabled during court sessions, the unavailability of sign language that must always be displayed on infographics. It is only limited to papers made by certain employees to fulfill training education, without any follow-up from the Malang Religious Court to implement it, there is no special training for security guards and service officers on how to provide good service to parties, especially those with disabilities, and the disability service counter at PTSP has not been optimized.



Based on the diagram above, the causes of the obstacles and shortcomings faced by the Malang Religious Court in providing excellent service to disabled litigants can be identified. After finding the cause of the problem, several alternative solutions can be found, including:

| Element | Cause | Solution |
|----------------|--|---|
| Officer | Lack of understanding of One Stop Integrated Service officers and judges about services for parties with disabilities | Mutual coordination between One Stop Integrated Service service officers to communicate with the disabled party and the panel of judges using a communication tool in the form of a cell phone for the process. communication tools in the form of cell phones for the process. |
| Method | No special classification of persons with disabilities in providing information about service procedures that are only through verbal only | Creation of Disability-Specific Digital Guest Book; Infographic Creation Service Priority Classification |

| | | |
|----------------|--|-----------------------------|
| Product | There is no special identification for litigants with disability | Creation of Priority badges |
|----------------|--|-----------------------------|

Source: Observation in Malang Religious Court Class 1A

The substitute registrar and the panel of judges hearing case No. 551/pdt.G/2023/PA.MLG concluded that they found it difficult during the evidentiary agenda when the Plaintiff had to explain the details of the statement of claim that the Plaintiff had made. Besides the Plaintiff was not accompanied by a family member who could translate the language used by the Plaintiff, the panel of judges finally used communication media, namely cell phones to communicate for the smooth running of the trial. However, this was also an obstacle as the principles of simple, speedy and low cost trials could not be fully met, as the speedy trial process could not be fulfilled due to the unavailability of experts/professionals to assist in the trial process.

In addition to conducting interviews with substitute clerks and judges, the author also conducted interviews with officers at the One Stop Integrated Service (PTSP) counter regarding the duties of officers to provide optimal service to litigants, especially parties with disabilities as priority parties in case No. 551/pdt.G/2023/PA.MLG, namely all PTSP malang religious court officers have not received continuous training on services for the disabled, communication tools used in services for the disabled are handwritten or mobile phones, there are no sign language experts to help provide services for persons with disabilities, and there is no regular display of infographics about information in sign language that can be displayed on the SmartTV of the One-Stop Integrated Service (PTSP) of Malang Religious Court Class 1A.

This research has conducted interviews with the Plaintiff conducted at the Malang Religious Court Office. The Plaintiff assesses that overall, the services obtained by the Plaintiff who is included in the disability (speech impaired) who litigates get priority service well. Starting from the friendly security guard who escorted the Plaintiff to the One-Stop Integrated Service lobby by occupying a priority seat, the priority queue number which was immediately served by the PTSP officer in the information and complaints section, then directed to the Posbakum room for making a lawsuit to the cashier's counter to make payment of case fees also received assistance from the Malang Religious Court security guard. However, for the trial process that has been passed by the Plaintiff starting from mediation to trial with the agenda of reading the decision, according to the statement of the Plaintiff himself that the Plaintiff did not bring a companion from the family during the litigation.

The plaintiff suggested that the Malang Religious Court should provide sign

language experts to assist parties with disabilities who want to litigate and provide communication tools while in the courtroom such as listening devices to help communicate with the panel of judges. From some of the obstacles described above, there are several efforts to overcome these obstacles including:

1. The Malang Religious Court seeks to improve the facilities and infrastructure available to serve parties, especially parties with disabilities. The Malang Religious Court seeks physical improvements to buildings and infrastructure that are accessible to persons with disabilities in all public areas, such as parking spaces, registration counters, waiting rooms, toilets, courtrooms, special rooms for examining parties with disabilities, etc.
2. The Malang Religious Court provides a means to find out various kinds of information regarding litigation, such as providing service information to persons with disabilities through infographics that can be displayed on the SamrtTV One Stop Integrated Service (PTSP), there is an information service accessibility menu on the Malang Religious Court website.
3. Capacity building for human resources at the Malang Religious Court to understand disability within the scope of the court is also needed as part of excellent service, which aims to be able to provide information to parties with disabilities without fear.
4. All law enforcement officers at the Malang Religious Court starting from security guards, PTSP officers, the panel of judges must be able to provide the best service in providing information for persons with disabilities who will litigate.
5. Employees of the Malang Religious Court, especially service officers at PTSP to receive and attend training or training in terms of providing excellent service to litigants, especially to persons with disabilities.
6. The Malang Religious Court must strive to provide the best service, especially in trials where the litigants are persons with disabilities, such as the availability of tools for communication such as listening devices for the deaf and providing training or training to the panel of judges and substitute clerks so that they can interact with parties with disabilities.
7. The Malang Religious Court must endeavor to provide experts or professionals to facilitate communication with litigants with disabilities, if human resources at the Malang Religious Court cannot interact properly with parties with disabilities for the smooth running of the trial process.

CONCLUSIONS

Based on Decree No. 2078/DjA/HK.00/SK/8/2022 the purpose of legal services for persons with disabilities when dealing with the law in the Religious Courts is to realize inclusive religious justice services, which is an inclusive court has a program for capacity

building for human resources in order to understand persons with disabilities within the scope of the court. In implementing the Decree of the Director General of Badilag, Malang Religious Court has guaranteed the position of persons with disabilities as legal subjects, as one of them makes priority in serving persons with disabilities. For this reason, Religious Court of Malang strives to realize and improve facilities and infrastructure for disability services. Obstacles or obstacles in Malang Religious Court continue to be pursued optimally and gradually by the Malang Religious Court through capacity building for human resources at the Malang Religious Court to understand disability within the scope of the court which is needed as part of excellent service, which aims to provide information and information to parties with disabilities without hesitation. In addition, standardization of services for disabilities in the Court is needed so that justice seekers who experience disabilities can obtain reasonable access. The standardization of court services refers to the principles of the administration of justice, the principles of disability-friendly public services, the needs of persons with disabilities, and the context of the judicial institution itself.

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