



ACCESS TO JUSTICE FOR THE POORS IN THE SUB URBAN AREA IN THE EAST KALIMANTAN (Study of the Mobile Court in Religious Justice)

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Abstract

This study aims to provide an overview of how mobile courts, as one of the main programs of religious courts, can provide access to justice for poor communities in remote areas within the jurisdiction of the Tenggara Religious Court and the Sangatta Religious Court, while also testing the implementation of mobile courts from the perspective of program effectiveness theory. This research is an empirical normative study that examines the implementation of mobile courts at the Tenggara Religious Court and the Sangatta Religious Court. Using the program effectiveness theory, the results of this study indicate that the implementation of mobile courts at the Tenggara Religious Court has been effective, while the Sangatta Religious Court has not been effective in providing access to justice because, out of the 18 sub-districts under its jurisdiction, only 5 sub-districts are used as mobile court locations. Moreover, public awareness is also low,

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as evidenced by the fact that only a few people registered for the mobile court sessions.

Keyword: Access to Justice; Mobile Court; Religious Court

A. Introduction

BPS 2020 data states that the number of poor people in Indonesia as of March 2020 was as much as 26.42 million, up 1.63 million compared to September 2019.¹ One attempt to reduce poverty and strengthen democratic governance is with the Access to Justice program as the mandate of the UNDP.² There is a fairly significant correlation between the institutions of justice and poverty.

The relevance of justice and poverty is not merely material, but more than that will affect justice. Poor communities are helpless due to constraints in both participation, access to information technology, reach to the judiciary, and appreciation of social and cultural practices.

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The results of a study conducted by the Indonesia-Australia Legal Development Facility (IALDF) on access to justice explain that among them; the poorest part of the Indonesian population is unable to bring their case to the Religious Court because of the expensive costs of the case and transportation, especially those who live away from the Court.⁴ It is also emphasized by Dede Kania dkk., who cried to Bagir

¹ Badan Pusat Statistik (bps.go.id), tanggal akses Februari 2021.

² Suyogi Imam Fauzi dan Inge Puspita Ningtyas, "Optimalisasi Pemberian Bantuan Hukum Demi Terwujudnya Access to Law and Justice Bagi Rakyat Miskin Optimization of Legal Assistance to the Fullest Access to Law and Justice for Poor People, *Jurnal Konstitusi*, Vol. 15, Nomor 1, Maret 2018, h. 56.

³ Iman Mahdi, "Pemberian Bantuan Hukum Terhadap Masyarakat Miskin (Studi Pada Lkbh Iain Bengkulu)," *Manhaj: Jurnal Penelitian Dan Pengabdian Masyarakat* 7, no. 1 (September 26, 2019): 22, <https://doi.org/10.29300/mjppm.v3i1.2343>.

⁴ [Providing Justice Bahasa_Aug2010.pdf?MOD=AJPERES&CONVERT_TO=url&CACH EID=4a9d35a0-a814-4117-9615-3175643b489c \(familycourt.gov.au\)](#), tanggal akses Februari 2021.

Manan, that the high cost of things is not affordable to the poor and marginalized society.⁵

Indonesia is a rule of law, with emphasis on law enforcement. As for the indicator of the rule of law, there is an effort by the state to provide protection, progress, respect, and fulfillment of the rights of the citizens of the state.⁶ That's why the state is present through the Supreme Court with an access-to-justice program that aims to bridge social disparities while giving vulnerable groups an opportunity to get justice.

Wahyu Widiana stated, that the equalization of access to justice is at least in the form of: (1) the right to gain benefits and use the judicial institutions; (2) the guarantee of the means of fulfilling the rights of citizens unable to reach justice and; (3) there are effective methods and procedures related to the expansion of acces to justice for the public.⁷

In 2017, 62,787 trial matters involving religious and Sharia courts in Indonesia were resolved, resulting in a budget revenue of IDR. 13,094,361,932. Furthermore, 186,112 individuals received legal assistance through the Posbakum, at a budget of IDR. 8,121,968,420. On the other hand, IDR. 2,943,945,305 is the realization budget for the exemption of expenses in 15,395 cases.⁸

⁵ Yoghi Arief Susanto, Dede Kania, and Burhanuddin Burhanuddin, "Bantuan Hukum Bagi Masyarakat Miskin di Pengadilan Agama Cimahi Tahun 2016," *Asy-Syari'ah* 20, no. 2 (December 21, 2018): 177, <https://doi.org/10.15575/as.v20i2.3079>.

⁶ Bachtiar Baital, "Urgensi Penyelenggaraan Bantuan Hukum Bagi Masyarakat Miskin Oleh Pemerintah Daerah," *SALAM: Jurnal Sosial dan Budaya Syar-i* 3, no. 2 (May 1, 2016): 142, <https://doi.org/10.15408/sjsbs.v3i2.7854>.

⁷ Agus Raharjo dan Rahadi Wasi, "Access to Justice Bagi Rakyat Miskin Korban Kejahataan", Prosiding Seminar Nasional Multi Disiplin Ilmu & Call For Papers Unisbank (Sendi_U) Ke-2 Tahun 2016 Kajian Multi Disiplin Ilmu dalam Pengembangan IPTEKS untuk Mewujudkan Pembangunan Nasional Semesta Berencana (PNSB) sebagai Upaya Meningkatkan Daya Saing Global, h. 404-405.

⁸ Data diolah dari Buku Laporan Tahunan Badilag 2017 Laptah Badilag 2017.pdf - Google Drive, tanggal akses 3 Februari 2021.

For the year 2018, prodeo cases were successfully resolved in the amount of 15.541 and a budget sum of IDR. 3.494.191.105, while for the mobile court of 70.817 cases with a fund sum of IDR. 13.353.577.971, the legal services in Posbakum managed to serve 199.880 people with a budget of IDR. 9.299.836.875.⁹

The above figures explain that the main program that promoted religious justice, both circuit court, prodeo, and postbakum, from 2017 to 2018 has increased. It also affirms that these programs are sufficiently beneficial to vulnerable communities in terms of access to justice.

There are several religious courts in East Kalimantan with conditions that have a jurisdiction that is geographically far from the headquarters of the Religious Court, such as some inland areas that are in the districts of East Kutai and Kutai Kartanegara.

For example, one of the jurisdictions of the Religious Court of Sangata is Muara Bengkal district; for example, the village of Mulupan, once called costs IDR. 1,500,000. The distance from Muara Bengkal to the RC's office is seven to eight hours. The estimated cost of landfills in this region is more than 6 million, not including the transportation costs that have to be prepared. No wonder there are a lot of serial / informal divorces in this region.

Also in Tabang district, one of the territories of the jurisdiction of the RC of Tenggarong, which is on the radius 24, with a one-time call of IDR. 2,500,000, the funds to be prepared by the petitioner are about IDR. 10,000,000, not including the cost of travel to the court office.

Research on the mobile court has been studied a lot before. Among them by Irwansyah, discussing the execution of the circumnavigation in the Court of Religion Garut read from the perspective of the Mursalalah.¹⁰ Next, Nur Ani highlighted how the circuit court was able to raise public awareness around the Cimahi

⁹ Data diolah dari Buku Laporan Tahunan Badilag 2018 Laptah Badilag 2017.pdf - Google Drive, tanggal akses 3 Februari 2021.

¹⁰ Salma Siti Safira and Shindu Irwansyah, "Implementasi Sidang Keliling di Pengadilan Agama Garut Menurut Masalah Mursalalah," *Jurnal Riset Hukum Keluarga Islam*, July 11, 2022, 27-32, <https://doi.org/10.29313/jrhki.vi.717>.

Religious Court.¹¹ The same theme was also written by Noferi, taking place in Muara Labuh's territory.¹² The effectiveness of mobile court by Mursyid¹³ with the Lokus of the Sungai Raya, while Fauzi¹⁴ highlighted its implementation in the Wonogiri Religious Court, while Ulhani¹⁵ chose in the Bengkalis territory. About the circuit court its correlation with simple, fast and cheap foundations seen in the study of Mecca¹⁶ and Hasibuan.¹⁷ The next study of how the trial revolves

¹¹ Eneng Nuraeni and Dewi Mayaningsih, "Implikasi Sidang Keliling Pengadilan Agama Ciamis Terhadap Peningkatan Kesadaran Penyelesaian Perkara," *Varia Hukum* 1, no. 1 (October 16, 2019): 21-44, <https://doi.org/10.15575/vh.v1i1.5136>.

¹² Hendri Noferi, "Efektifitas Sidang Keliling Dalam Meningkatkan Kesadaran Hukum Masyarakat; Studi Kasus Sidang Keliling Pengadilan Agama Muara Labuh Dalam Penyelesaian Perkara Perceraian," *Jurnal AL-AHKAM* 10, no. 2 (2019): 103-21, <https://www.mendeley.com/catalogue/2cb60cbb-f2c7-35d8-93f1-d4b3fb70dd38/>.

¹³ Mursyid Mursyid, Muhammad Hasan, and Nur Hakimah, "EFEKTIVITAS SIDANG KELILING DALAM PENYELESAIAN PERKARA CERAI GUGAT DI PENGADILAN AGAMA SUNGAI RAYA," *Al-Ushroh* 3, no. 1 (June 26, 2023): 1-13, <https://doi.org/10.24260/al-usroh.v3i1.919>.

¹⁴ M. Latif Fauzi, "Efektivitas Sidang Keliling (Studi di Pengadilan Agama Wonogori)," *Al-'Adalah* 14, no. 2 (2017): 367-90, <https://doi.org/10.24042/adalah.v14i2.2057>.

¹⁵ Syifa Ulhani and Saifunnajar Saifunnajar, "Efektivitas Sidang Keliling Dalam Penyelesaian Perkara Di Pengadilan Agama Bengkalis (Analisis Pelayanan Sidang Keliling Tahun 2021)," *Bertuah Jurnal Syariah Dan Ekonomi Islam* 3, no. 2 (October 17, 2022): 156-71, <https://doi.org/10.56633/jsie.v3i2.400>.

¹⁶ Marzuki Mekka, Imran Ismail, and Sitti Aminah, "Efektivitas Sidang Keliling Dalam Penerapan Asas Sederhana, Cepat Dan Biaya Ringan Di Pengadilan Agama Sengkang," *Jurnal Ada Na Gau: Public Administration* 2, no. 1 (June 30, 2021): 323-30, <https://www.ojs.univprima.ac.id/index.php/jangpa/article/view/148>.

¹⁷ Ahmad Soleh Hasibuan, "Efektivitas Sidang Keliling Dalam Penerapan Asas Persidangan Cepat, Sederhana Dan Biaya Ringan (Studi Di Pengadilan Agama Padangsidempuan)," *HUKUMAH: Jurnal Hukum Islam* 4, no. 1 (June 19, 2021): 1-14, <https://doi.org/10.55403/hukumah.v4i1.244>.

from the legal perspective of the event is written by Kusmayanti¹⁸ and Atika.¹⁹

To complement the previous study, this article is intended to provide an overview of how the conduct of mobile court, as one of the main religious justice programs is able to provide access to justice for the poor in the remote areas that are under the jurisdiction of the Tenggara and Sangatta Religious Court, while also testing whether the execution of the mobile court in the two religious courts is already in line with the theory of the effectiveness of the program.

This study is qualitative descriptive research, which is a form of research in its procedure using the results of interviews and observations, in order to discover, observe, and understand the activities of the circuit court as a defender of access to justice for the peripheral communities in the jurisdiction of the Tenggara and Sangatta Religious Courts. The interview was conducted to understand how the mobile court sessions were carried out and what obstacles were encountered during the implementation of the mobile court sessions.

The informants were taken with purposive sampling techniques, and their connectivity and involvement in the conduct of the mobile court were considered capable of revealing the things required by the research. As for the information, the Chairman of the Religious Court, the Judge, the Panitera, and the people who attend the mobile court. Informant are chosen based on their expertise and direct involvement in the execution of mobile court sessions.

The data collected is processed in a qualitative descriptive way and then analyzed by classifying aspects of the study focus, then

¹⁸ Hazar Kusmayanti, Sherly Ayuna Putri, and Linda Rahmainy, "Praktik Penyelesaian Sengketa Di Pengadilan Agama Melalui Sidang Keliling Dikaitkan Dengan Prinsip Dan Asas Hukum Acara Perdata," *ADHAPER: Jurnal Hukum Acara Perdata* 4, no. 2 (2019): undefined-undefined, <https://doi.org/10.36913/jhaper.v4i2.83>.

¹⁹ Atika Atika, I. Ketut Seregig, and Melisa Safitri, "Analisis Hukum Acara Dalam Pelayanan Terpadu Sidang Keliling Pada Pengadilan Agama Gunung Sugih," *MAQASIDI: Jurnal Syariah Dan Hukum*, 2021, 86-93, <https://doi.org/10.47498/maqasidi.v1i2.650>.

analyzed with the theory of program effectiveness and access to justice, so that the focus of the problem will be solved.

B. Mobile Court and Access to Justice

1. Access To Justice

Access to justice,²⁰ meaning that the state guarantees the fulfillment of fundamental rights in accordance with UUD 1945 and the universal principles of human rights, means that every citizen of the state has knowledge, understanding, and awareness of the use of these rights both through official and informal institutions. There's a public complaint mechanism, and people get access to it so they can improve their quality of life.²¹

Access to justice means being executed fairly under the law; otherwise, one will not get a good "redress".²² Access to justice is one of the principles that society seeks in law enforcement, both formally and substantially.

²⁰ Ada beberapa istilah terkait *access to justice*, di antaranya *justice for the poor*, digunakan oleh World Bank waktu mempublikasikan hasil kajiannya di Indonesia; *justice for all*, digunakan oleh UNDP dan BAPPENAS dalam penelitiannya tentang akses keadilan di 5 provinsi. Sementara Wahyu Widiana, sebagai pegiat *access to justice* di peradilan agama, menggabungkan dua istilah tersebut menjadi *access to justice for the poor*. Lihat Majalah angka Kelompok Rentan Sebagai Hak Asasi Setiap Orang", Anonimus, *Majalah Peradilan Agama*, Edisi 6, Mei 2015, h. 5.

²¹ PEKKA dan AusAID, "Akses terhadap Keadilan: Pemberdayaan Perempuan Kepala Keluarga di Indonesia", 2010, h. 57 http://www.familycourt.gov.au/wps/wcm/connect/fbd64e65-229d-4c73-8c2c-d446f4fd5d2d/Access_to_Justice_July2010.pdf%3F, tanggal akses 7 Februari 2021.

²² Agus Raharjo, A. Angkasa, and Rahadi Wasi Bintoro, "Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 3 (February 10, 2016): 435, <https://doi.org/10.22146/jmh.15881>.

The primary goal of access to justice is for everyone from all walks of life to have access to the legal system and fair decisions, both individually and collectively.²³

The term access to justice interprets justice under a condition in which there is a guarantee from the state that the fundamental rights of its people will be fulfilled. Citizens of the state have the ability to understand that the inherent rights of each such individual can be exercised both through formal and non-formal institutions.²⁴

Access to justice will be achieved if: (1) there is a facility for settling cases; (2) facilities and means are available to the public to obtain justice; and (3) procedures and procedures are available for obtaining justice.²⁵

The realization of law enforcement and the creation of equal access to justice for all is one of the goals of sustainable development.²⁶ Nevertheless, in its implementation, there are several obstacles, among them: regulation, professionalism of the apparatus, and a lack of public understanding regarding access to justice.²⁷

2. Suburban Communities and Mobile Court

Peripherals can be described as people who are unable to afford because of poverty and have no access to the law because of their

²³ Kamarusdiana Kamarusdiana, "Akses Keadilan Bagi Masyarakat Kabupaten Kepulauan Seribu," *Mizan: Journal of Islamic Law* 3, no. 1 (July 3, 2019): 3, <https://doi.org/10.32507/mizan.v3i1.401>.

²⁴ Mustika Prabaningrum Kusumawati, "Peranan Dan Kedudukan Lembaga Bantuan Hukum Sebagai Access To Justice Bagi Orang Miskin," *Arena Hukum* 9, no. 2 (November 7, 2016): 196, <https://doi.org/10.21776/ub.arenahukum.2016.00902.3>.

²⁵ raharjo, Angkasa, And Bintoro, "Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)," 436.

²⁶ Nirmala Many and Ahmad Sofian, "Bantuan Hukum Cuma-Cuma (Pro Bono) Sebagai Perwujudan Akses Keadilan Bagi Masyarakat Miskin Di Indonesia," *Media Informasi Penelitian Kesejahteraan Sosial* 44, no. 3 (2020): 271, <https://doi.org/10.31105/mipks.v44i3.2308>.

²⁷ Oki Wahyu Budijanto, "Peningkatan Akses Bantuan Hukum Kepada Masyarakat Miskin," *Jurnal Penelitian Hukum DE Jure*, Vol. 16, No. 4, Desember 2014, h. 475.

financial and economic inability or are more familiar with the term "poor people".²⁸

Vulnerable groups, especially the poor, lack capacity and affordability due to: (1) low participation in policymaking; (2) insufficient access to technology and information; (3) under-supported state justice and administration systems; and (4) minimal rewards for social and cultural values.²⁹

The categories of remote areas or suburbs are: (1) areas that are difficult to reach due to restricted means of transport for entry either by land, sea, or air; (2) facilities and means of social and economic support are minimal, so that it is not possible for entrepreneurs to develop the area.³⁰

The problems of poor communities in remote areas include: (1) the location of religious courts in the capital of the district or city and the distance is so far that it is difficult to reach; (2) many settlements that have not had a religious court, so they have to appeal to the existing religious tribunals in other districts; and (3) the high cost of transportation because of the minimal means of access to it.³¹

The principle of universal law is equality before the law and equal access to justice. But the truth is that not all things go according to plan, because not everyone can get them. But the doctrine is that justice must be available to all people without exception. (Justice for all).

²⁸ Sapri Ali, "Komparasi Hukuman Pidana Masyarakat Pinggiran Dalam Perspektif Hukum Positif Dan Hukum Islam," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 5, no. 1 (April 30, 2019): 2, <https://doi.org/10.29062/faqih.v5i1.7>.

²⁹ Mahdi, "Pemberian Bantuan Hukum Terhadap Masyarakat Miskin (Studi Pada Lkbh Iain Bengkulu)," 53.

³⁰ Suciati Suciati and Ariningsih Ariningsih, "Pengembangan Model Pendidikan Menengah Sekolah Kebangsaan Di Daerah Terpencil, Tertinggal, Terluar Dan Perbatasan Sebagai Implementasi Pembelajaran PKn," *Jurnal Moral Kemasyarakatan* 1, no. 1 (June 16, 2016): 79, <https://doi.org/10.21067/jmk.v1i1.1188>.

³¹ Eneng Nuraini dan Dewi Mayaningsing, "Implikasi Sidang Keliling Pengadilan Agama Ciamis Terhadap Peningkatan Kesadaran Penyelesaian Perkara", *Varia Hukum*, Vol. 1, No. 1 Januari 2019, h. 22-23.

There is a triangular relationship between justice, access to justice, and poor and suburban communities, usually associated with the cost of high and expensive things.³²

For that, the Supreme Court issued a major program, one of which was a circuit court, through SEMA 10/2010 on the Legal Assistance Guidelines. Historically, this SEMA emerged on the basis of Cate Summer's study, in collaboration with the High Court, the Family Court of Australia and Indonesia Australia Legal Development Facilities (IALDF), that poor communities face major obstacles in financial and transportation issues to come to court.³³

SEMA was subsequently supplemented with other technical rules, including the setting up of procedures for the service of mobile court, as well as the Decision of the Young Chairman of the MA RI Environmental Affairs of the Religious Court No. 01/SK/TUADA-AG/2013 on the Guidelines for the Circular Meeting in the Environment of Religious Justice. The latest norm is PERMA 1/2014, that hearings outside the court office are intended to facilitate the access of justice seekers to the court, thereby reducing distances and costly costs.³⁴

C. Discussions and Explanations

1. Implementation of circuit court access to justice for suburban communities in East Kalimantan

The religious courts that are the locus of this study are Tenggara and the Sangata Religious Court. Tenggara Religious Court is an I-B class religious court, located in Kutai District of Kartanegara. Legally, Tenggara has three districts in eastern

³² Susanto, Kania, and Burhanuddin, "Bantuan Hukum Bagi Masyarakat Miskin Di Pengadilan Agama Cimahi Tahun 2016," 178.

³³ Cate Summer, "Memberi Keadilan Bagi Para Pencari Keadilan: Laporan Penelitian Tentang Akses Dan Kesetaraan Pada Pengadilan Negeri dan Pengadilan Agama di Indonesia Tahun 2007 - 2009, (Laporan Penelitian Mahkamah Agung and Ausaid, 2010), h. 24.

³⁴ Ulhani and Saifunnajar, "Efektivitas Sidang Keliling Dalam Penyelesaian Perkara Di Pengadilan Agama Bengkalis (Analisis Pelayanan Sidang Keliling Tahun 2021)," 159.

Kalimantan, namely Kutai Kartanegara district, West Kutai district, and Mahulu district. However, since 2016, Tenggarong has only one district: Kutai Kartanegara, while Western Kutai District and Mahulu District are part of the Sendawar district located in western Kutai.³⁵

The Tenggarong Religious Court has 18 districts under its jurisdiction. Where the nearest district is the Tenggarong, with radius I, call costs range from IDR. 100,000 up to IDR. 175,000, while the district with radius 21 up to the radius 24, where the one-time call costs IDR. 1,200,000 up to IDR. 2,500,000, is spread across various districts that are located far from the office of Tenggarong Religious Justice. Among them are the districts of Muara Wis, Kenohan Kahala, and Kembang Janggut; the most distant district is Tabang, with a radius of 24; and the cost of a single call is IDR. 2,500,000.³⁶

In addition to the geographical conditions as well as the means of transplantation that are quite expensive and difficult to access for people in remote areas, the region of Tenggarong RC is also quite unique. This singularity can be seen where there are some locations geographically and the distance is closer to the Religious Court than the RC of Tenggarong, for example, the district of Samboja is close to the Balikpapan RC, 48.8 km (1 hours 23 minutes), but this lokus falls within the jurisdiction of the Religion Court of Tenggarong (the distance is approximately 98.9 km/2 hours 28 minutes).³⁷

The Sangatta Religious Court is a second-class court, located in the Sangatta Territory of Eastern Kutai and is one of many territories resulting from the annexation of the Kutai District of Kartanegara (Tenggarong) as stipulated in Act 47 of 1999 on annexing the territory of provinces and districts in Indonesia. With the annexation of the Eastern Kutai district, the Sangatta RC was established in accordance

³⁵ "LAPTAH 2022.Pdf," Google Docs, accessed July 1, 2023, https://drive.google.com/file/d/1fshiJ1gIGBMw6nHLGBZHWfz0OOGJWbXD/view?usp=share_link&usp=embed_facebook.

³⁶ "Radius Biaya Panggilan," accessed June 6, 2023, <http://www.patenggarong.go.id/layanan-hukum/radius-biaya-panggilan>.

³⁷ Lilik Andaryuni, "The Program of Circuit Isbat Nikah as the Embodiment of Access to Justice in Indonesia," *Mazahib*, June 30, 2018, 80, <https://doi.org/10.21093/mj.v17i1.1054>.

with the Order of the President of the Republic of Indonesia No. 62 of 2002, and officially, Sangatta RC was formalized by the Director of Religious Justice Construction on 26 March 2006.³⁸ With 18 cases spread across Eastern Kutai district, most of the cases are located far from the religious court offices, such as Karanganyar, Sandaran, Muara Ancalong, Long Mesangat, and Bengkal Muara, Busang,³⁹ where the cost of one call is around IDR. 1,200,000, up to IDR. 3,000,000.

Given the geographical conditions and transportation, especially in remote areas, where it is still difficult to reach both courts, the mobile court is an excellent program as a follow-up to the efforts of the Supreme Court towards access to justice, justice for all.

A mobile court, is a trial that is conducted outside the court's office. This activity is carried out by the Religious Court as one of the advocates of access to justice, in order to give a direct opportunity to the public to more easily get justice, because of the control of various things. With regard to the execution of the mobile court in two courts, some things will be shown, among them:

a) Execution method

Perma 1/2014 explains that a mobile court is a trial conducted outside the court's office, either periodic or incidental, by a court at a location within its jurisdiction. With simple principles, fast and inexpensive.⁴⁰

Both the Tenggara and Sangata Religious Courts conduct mobile circuit regularly and incidentally, as permitted by the PERMA. If the Tenggara RC regularly performs once a week, on a Friday, the religious court drops two teams off at a specified location.⁴¹ Then Sangata RC performs it twice a week.

³⁸ Pengadilan Agama, "Sejarah Singkat Pengadilan Agama Sangatta," accessed 14 April, 2022, <https://pa-sangatta.go.id/tentang-pengadilan/profile-pengadilan/sejarah-pengadilan.html>.

³⁹ Pengadilan Agama, "Wilayah Yurisdiksi," accessed 14 April, 2022, <https://pa-sangatta.go.id/tentang-pengadilan/profile-pengadilan/wilayah-yurisdiksi.html>.

⁴⁰ Safira and Irwansyah, "Implementasi Sidang Keliling Di Pengadilan Agama Garut Menurut Masalah Mursalah," 28.

⁴¹ Wawancara dengan Ketua PA Tenggara, Juli 2023

On Religious Court of Sangata, mobile court is held every two weeks, because the budget is still limited, also there are some suburbs of Sangata district that cannot be reached either because the road is broken or the means to the location are not possible. Circuit court on Sangata RC are usually held in the district or village hall or government office like the KUA and so on.

b) Place of Execution

As regards the location and venue of the trial outside the building specified in Article 18: (1) A trial out of the building may be held in the form of a trial at a fixed place or trial surrounding or at government offices such as the district or the KUA and other buildings. Referring to Section 18, the circuit court of the RC of Tenggara is held in a permanent place called a court hall, and the RC of the Tenggara has two court hall, namely in the districts of the Kota Bangun, which include: Kota Bangun, Muara Muntai, Muara Wis, Muara Kaman, Kenohan, Kembang Janggut, and Tabang District. The second trial hall is located in the coastal region, including Muara Java, Samboja, Handil, Sanga-Sanga, and Anggana districts.⁴²

The mobile court program in Tenggara RC, is called "SIRAWING PLUS," or the trial of suburban areas plus. If there were such a courtroom, it would have been more convenient for the people who lived around the courtroom. The term plus is used because the cost of the matter is calculated from the location where the courtroom is located.⁴³

Being in a religious court of Sangatta, is very much done in a district office or a village hall, depending on the region in which the trial is held.⁴⁴

The above description provides an illustration of the fact that the RC of Tenggara holds a circuit court in a place that has been fixed or permanent and is called a trial room. Nevertheless, the trial continues to exist and is usually held at the KUA or the

⁴² Wawancara dengang Ketua PA Tenggara, Juli 2023

⁴³ Wawancara dengan Hakim PA Tenggara, Agustus 2023.

⁴⁴ Wawancara dengan Hakim PA Sangata, Mei 2023

local emergency office. For the RC of Sangatta, there is very much more execution in government buildings, such as emergency or emergency offices, and it has not had a permanent building like the RC of Tenggarong. The execution of the trial at both RC has already been referred to in Article 18 above.

c) Type/ scope of the matter

Aspects of the matter, described in Article 16 Perma 1/2014, include the type of matter that is accepted for trial outside the building in special cases and cases whose proof is simple.

In the religious court of Tenggarong, the kinds of matters that are accepted in the mobile court include Divorce lawsuits, custody⁴⁵, itsbat marriage, divorce, and marriage dispensation.

⁴⁶

For the Religious Courts of Sangatta, there are more cases of itsbat marriage due to the change of location, and to come back regularly and periodically at the same place in a month is not possible because of the difficult location and the distance to be travelled. ⁴⁷ But for the regular mobile court held every two weeks at one place, the divorce is also acceptable.

If the religious courts of Tenggarong can accept divorce and so on because they have a routine schedule carried out every week and in the same place, while in Sangata RC conducted twice a week with different locations, the acceptance of matters is not too complicated in the process of its settlement, such as repairs of the marriage certificate, and the itsbat marriage.

⁴⁵ "Sidang Keliling Dan Verifikasi Perkara Di Balai Sidang Kecamatan Kota Bangun (26/08/2022)," accessed October 8, 2023, <http://www.patenggarong.go.id/kegiatan-peradilan/1357-sidang-keliling-pengadilan-agama-tenggarong-26-08-2022>.

⁴⁶ "Kegiatan Verifikasi Sidang Keliling Di Kecamatan Sebulu Mendapat Animo Besar Dari Masyarakat (31/10/2022)," accessed October 8, 2023, <https://www.patenggarong.go.id/kegiatan-peradilan/1489-verifikasi-sidang-keliling-sebulu-pengadilan-agama-tenggarong-31-10-2022>.

⁴⁷ Wawancara dengan Hakim PA Sangata, Mei 2023

To see how the conduct of the mobile court at the two religious courts is intended will be seen from the theory of the effectiveness of the program. Sugiyono explains several indicators of the effectiveness of a program, among them: (1) the targeted program; that the participants are the parties already planned; (2) the program is well socialized, in the sense that the information related to the implementation agenda has been well received by the public; (3) the purpose of the program activities, there is an alignment between the outcome of the program and the goals that have been previously agreed; (4) there is an evaluation and monitoring of the programs that have already been implemented.⁴⁸

1) The Exact Target Program

As explained earlier, mobile court was intended to facilitate the prosecution of suburban communities in the courts, due to barriers both in terms of costs and transportation. To see if the mobile court program has been carried out in line with the objectives and targets, here's the report of it over the last three years.

Referring to the annual report book of the Tenggarong Religious Court, in 2020 the number of circuit court 221 cases, in 2021 a decrease, that is, about 158 cases, and in 2022, to 205, as seen in the following table.

Tabel 1: The Mobile court of the RC of Tenggarong in 2020, 2021, and 2022

No		Lokas/ Tahun/ perkara			
			2020	2021	2022
1	Januari	Muara Badak		3	
		Marang Kayu		25	

⁴⁸ Wawan Wawan, Dadan Kurniansyah, and Kariena Febriantini, "Efektivitas program karawang cerdas dalam meningkatkan sumberdaya manusia di kabupaten karawang," *Kinerja: Jurnal Ekonomi dan Manajemen* 18, no. 2 (May 28, 2021): 194, <https://doi.org/10.30872/jkin.v18i2.9486>.

2	Februari	Muara Badak	37		
		Kota Bangun			12
3	Februari	Tenggarong Seberang		12	
		Muara Badak	37	-	
4	Maret	Muara Badak	30	-	
		Kota Bangun	-	-	28
5	Maret	Marangkayu	16		
6	Mei	Muara Jawa		19	
		Kota Bangun			27
7	Juni	Anggana	12		-
		Samboja	-	10	26
		Kota Bangun	-	-	15
8	Juli	Muara Jawa	21		
		Kota Bangun			23
9	Agustus	Samboja	25		
		Kota Bangun	-	-	30
10	September	Kota Bangun	-	13	-
		Loa Kulu			17
11	Oktober	Muara Jawa	17	-	-
		Kota Bangun	-	21	18
12	November	Kota Bangun	6		
		Loa Kulu		56	
		Marangkayu	25		
		Muara Jawa	-	-	12
Jumlah			221	158	205

Data source: RC of Tenggarong Annual Report Book for 2020, 2021, and 2022

The above data gives an overview of how the enthusiasm of the public for attending the round trial is proven by the number of cases received. The table also affirmed that the conduct of the mobile court at the Tenggarong RC was more

evenly because it was conducted in several locations within its jurisdiction.

In the Sangatta RC, in 2020, quite a lot of cases were received about 398 cases, taking place in two: Teluk Pandan and Sangkulirang district.

Geographically, teluk Pandan district is close to the religious court office, with a distance of about 45 minutes. However, it is very much accepted in the incident, while the district of Sangkulirang is about 5 hours away from the court office.

If in 2020 the cases were received quite a lot, in contrast, in 2021 the cases received in the circuit court the Religious Court were only a small range of 82 cases, with the same location as the previous year. The execution of mobile court in these two years can be said to taking the location is not the right target as only 2 from the 18 district. Besides, Teluk Pandan district is close and easily accessible by vehicle, with a drivetiem of about 45 minutes, as shown in the table below.

Tabel 2
The Mobile Court the RC of Sangata in 2020

No		Lokasi	Jumlah Perkara
1	Maret	Teluk Pandan	37
2	Juli	Teluk Pandan	47
3	Agustus	Teluk Pandan	47
4	September	Teluk Pandan	57
5	Oktober	Sangkulirang	57
6	November	Sangkulirang	57
7	Desember	Sangkulirang	57
	Jumlah		398

Tabel 3

The Mobile Court the RC of Sangata in 2021

No		Lokasi	Jumlah Perkara
1	Januari	Sangkulirang	8
2	Februari	Sangkulirang	9
3	April	Sangkulirang	9
4	Juni	Sangkulirang	5
5	Juli	Teluk Pandan	5
6	Agustus	Teluk Pandan	7
7	September	Teluk Pandan	7
8	November	Teluk Pandan	25
		Jumlah	82

Table 4

The Mobile Court the RC of Sangata in 2022

No		Lokasi	Jumlah Perkara
1	Februari	Rantau Pulung	50
2	Maret	Batu Ampar	50
3	April	Batu Ampar	50
4	Mei	Sangkulirang	13
5	Juni	Bengalon	15
6	Juli	Batu Ampar	36
7	Agustus	Konbeng	17
8	Oktober	Muara Bengkal	24
9	Desember	Bengalon	37
		Jumlah	234

2) Have good socialization

Socialization is a first step in providing information and knowledge to the general public, as long as the work program can run well. Both religious courts are trying to socialize well, hoping what has become an outstanding

program is known to the general public, and the messages are expected to be delivered to the needy.

During this time, the socialization was carried out by two religious courts by sending a letter of notification to the district, which will be used as the location of the trial.

The district authorities will then forward the letter to the villages around the incident, so that information about the planned activities is known to the general public.

3) There's a purpose to the program

There's a correlation between a planned goal and a program that has been implemented. Explanation of PERMA No. 1/2014 Article 3: of the purpose of conducting the mobile court includes: (a) reducing the cost burden of justice seekers with weak economies; (b) providing as wide as possible access for the wider public that is controlled to come to the judiciary due to the cost and distance barriers as well as access to transportation. This description affirms that the general purpose of the mobile court is to provide facilities for justice-seeking communities.⁴⁹

In line with this, as also revealed in Wahyu Widiana, the purpose of the circuit court is to provide legal certainty to specialized communities in the field of family law related to marriage status, divorce and child status.⁵⁰ In addition, the objective should also include the basic principle of a

⁴⁹ Hazar Kusmayanti and Sherly Ayuna Puteri, "Dispute Settlement Practices through the Religious Court's Mobile Court (Sidang Keliling)," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 14, no. 3 (2020): 290, <https://doi.org/10.25041/fiatjustisia.v14no3.1708>.

⁵⁰ Tri Aji Pamungkas, Imam Mahdi, Toha Andhika, "Kepastian Hukum Penyelesaian Perkara Perceraian Melalui Sidang Keliling Pengadilan Agama Arga Makmur Dalam Yurisdiksi Kabupaten Mukomuko," 19, accessed July 3, 2024, <https://garuda.kemdikbud.go.id/documents/detail/1662006>.

simple, cheap, and prompt trial,⁵¹ as set out in Article 2 (4) of Law No. 48 of 2009 on the Power of the Judiciary.

Referring to the above objectives, the execution of the mobile court is in line with the intended objective, namely to facilitate society seeking justice and the process of realizing the foundations of justice.

One of the objectives is to reduce the costs for the seekers of justice while implementing the basic light and cheap costs, among them, the existence of a courtroom around Kota Bangun that includes the districts of Tabang, Muara Wis, Muara Kaman, Kenohan, and Kembang Janggut. Tabang district, the distance to the Religious Court is about 157 km, with a duration of about 7 hours, and a one-time call cost IDR. 2,500,000, with radius of 24.

The same goes for one of the villages in Muara Wis district, the cost of a one-time call is IDR. 1,500,000, - with a radius of 22. The existence of the court hall of Kota Bangun is quite beneficial to the community around, not only from the cost aspect, but also a shorter travel distance, not to mention the execution of the circuit court in the court hall of Kota Bangun, which applied a Radius 2 call fee, which is IDR. 100,000.

The Religion Court of Sangata, in the execution of the mobile court, used a radius of 1. It can be said that the cost is very low and not expensive. It means that if the trial is carried out in the area of Muara Bengkal, where the cost of calling from Muara Bengkal to the court is IDR. 1,500,000, then using the radius of 1 of the call is IDR. 80,000.⁵²

For the Busang region, where a one-time call costs IDR. 3,000,000, if the circuit court is carried out in the district using the 1 radius, then the cost is very cheap. However, from 2020 until 2022, there are some suburban

⁵¹ Atika, Seregig, and Safitri, "Analisis Hukum Acara dalam Pelayanan Terpadu Sidang Keliling Pada Pengadilan Agama Gunung Sugih," 88.

⁵² Wawancara dengan Panitera PA Sangata, Mei 2023.

areas that have not yet been the site of the trial, such as Busang district, Sandaran, and some other areas.

4) There is an Evaluation and Monitoring of The Work Program That Has Been Implemented

Evaluation and monitoring of the conduct of the mobile court have been carried out by the two religious courts in question, it is proved that there are reports of activities made each month as well as the number and location of conducting the circuit court, which are loaded in the book of annual reports of the two courts.

The RC of Tenggara report in detail the kinds of cases received in the mobile court, the date of execution, and their location, instead the RC of Sangata only reports in general, such as the number of matters received in that month as well as their location without specifying the type of cases or the date for execution.

While seeing how access to justice for the people is realized, it can be seen with some of the following indicators: (1) ease in settling cases; (2) facilities and means of prasarana support the people to obtain justice; and (3) mechanisms and procedures for obtaining justice are available.

Point (1) provides ease in the process of settling matters; it is seen that the registration of matters can be at the location of the mobile court, As the formula in SEMA No. 10 Year 2010 Article 6 Paragraph (8) that regulates the acceptance of new matters, can be carried out at the location at the time of the mobile court. In the execution of both religious courts, usually the first day is for the filing and registration of cases; the second day continues with the trial process as well as the reading of judgments.

Point (2); There are sufficient facilities, especially in the Tenggara Religious Court, with two courtrooms; Kota Bangun and Muara Java, where the courtroom is

equipped with facilities such as the execution of a trial, both tables, chairs, and other supporting tools. Also, with the courtroom facilities around the Sangata Religious Court, although held in the government building /KUA / village office, facilities that support the conduct of the trial are also available.

Point (3); Regarding the procedures that facilitate the obtaining of justice, there is a simple and uncomplicated process in place so that the public can easily understand and implement it. Both religious courts, in conducting the circuit court, began the process of inspection and trial carried out quickly, non-collusion, efficiently, and does not rule out rigor and speed. It's in line with a simple and fast foundation. The process and procedure are quick and easy because of the trust in Article 6 PERMA No. 1/2015 that, in the execution of the trial outside the building, there are things whose proof is simple and simple.

2. Problems with The Implementation of Mobile Court

One form of religious court service in order to approach the parties in the dispute is in the form of circuit court. The location of the courthouse in the district is a matter of its own for justice seekers, as sometimes geographical conditions are not conducive to reaching the building's location. In addition to the obstacles to transportation, expensive costs and expenses are also a problem for the poor in the suburbs.

Some of the problems that arise in the execution of mobile court are:

1. Not all suburbs and remote areas, especially in the territory of Sangata RC, have ever been the venue for the conduct of circuit court;
2. Lack of socialization, so that not all communities know about the timing of the mobile circuit;

3. The number of human resources is still scarce, especially in Sangata RC , so it becomes an obstacle when going to conduct a mobile court in the suburbs.
4. Some districts in Sangata can only be reached by specific vehicles, making it difficult for the court to reach the location.
5. Public awareness is still low.

D. Conclusion

The implementation of mobile court sessions in both religious courts for access to justice for the community in those regions has been in line with existing norms. For the Tenggarong and Sangata religious courts, the access to justice indicators have been met. From the perspective of program effectiveness theory, the Tenggarong Religious Court has met its elements. However, in the Sangata Religious Court, the target accuracy as one of the effectiveness elements of the program is lacking due to the uneven distribution of implementation areas, as only 5 out of 18 sub-districts have been designated as mobile court locations.

The study only focus on two religious courts in East Kalimantan. Because the geograpichal conditions and infrastructure of each region are different, the findings in this study cannot be generalized to other regions in Indonesia. This study is solely the aspect of access to justice using the program effectiveness theory approach, and it has not yet examined the understanding of law in peripheral community areas. Therefore, future research is expected to use a comparative study by selecting different geographical locations and adding the aspect of community legal literacy as one of the indicators of the success of access to justice.

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