



ADVOCATES AND ACCESS TO JUSTICE: STRENGTHENING SIMPLE, EXPEDITIOUS, AND LOW-COST JUSTICE IN RELIGIOUS COURTS

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ABSTRACT

This research aims to examine the optimization of the role of advocates in ensuring the implementation of the principles of simple, fast, and low-cost trial within the Religious Court system. These principles are fundamental to the Indonesian judicial system as regulated under Law Number 48 of 2009; however, in practice, they still face various obstacles such as convoluted processes, lengthy case resolutions, and high costs. This research employs a normative-empirical method, combining literature studies with the author's practical experience as an advocate. The results indicate that advocates hold a strategic role in realizing an efficient judiciary through the preparation of precise legal documents, professional client assistance, and the promotion of dispute resolution through mediation. Furthermore, advocates contribute to reducing litigation costs and accelerating the judicial process by utilizing electronic systems (e-court). Optimizing the advocate's role is determined not only by professional competence but also by integrity, adherence to ethics, and a commitment to providing access to legal aid, including for the underprivileged. Thus, the presence of professional and responsible advocates is key to supporting the realization of simple, fast, and low-cost trial principles and enhancing access to justice for the public.

Kata kunci:

Advokat, Keadilan, Peradilan Biaya Ringan, Peradilan Agama

ABSTRAK

Penelitian ini bertujuan untuk mengkaji optimalisasi peran advokat dalam menjamin terlaksananya asas peradilan sederhana, cepat, dan biaya ringan di lingkungan Peradilan Agama. Asas tersebut merupakan prinsip fundamental dalam sistem peradilan di Indonesia sebagaimana diatur dalam Undang-Undang Nomor 48 Tahun 2009, namun dalam praktiknya masih menghadapi berbagai kendala seperti



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proses yang berbelit, lamanya penyelesaian perkara, dan tingginya biaya. Penelitian ini menggunakan metode normatif empiris dengan menggabungkan studi kepustakaan dan pengalaman praktik penulis sebagai advokat. Hasil penelitian menunjukkan bahwa advokat memiliki peran strategis dalam mewujudkan peradilan yang efisien melalui penyusunan dokumen hukum yang tepat, pendampingan klien secara profesional, serta mendorong penyelesaian sengketa melalui mediasi. Selain itu, advokat juga berkontribusi dalam menekan biaya perkara dan mempercepat proses peradilan dengan memanfaatkan sistem elektronik (e-court). Optimalisasi peran advokat tidak hanya ditentukan oleh kemampuan profesional, tetapi juga oleh integritas, kepatuhan terhadap etika, serta komitmen dalam memberikan akses bantuan hukum, termasuk bagi masyarakat tidak mampu. Dengan demikian, keberadaan advokat yang profesional dan bertanggung jawab menjadi kunci dalam mendukung terwujudnya asas peradilan sederhana, cepat, dan biaya ringan serta meningkatkan akses keadilan bagi masyarakat.

A. INTRODUCTION

The principles of simple, expeditious, and low-cost justice constitute fundamental principles of the Indonesian judicial system, aimed at ensuring access to justice for all segments of society. These principles are expressly regulated under Law Number 48 of 2009 concerning Judicial Power, serving as a guideline for all judicial institutions, including Religious Courts, in carrying out their judicial functions. The implementation of these principles is particularly important in cases handled by the Religious Courts, which predominantly concern family-related matters, such as divorce, inheritance, and sharia economic disputes.

However, in practice, the implementation of the principles of simple, expeditious, and low-cost justice continues to face various challenges. Complex litigation procedures, lengthy case resolution processes, and the high costs that parties are required to bear often constitute major obstacles to achieving effective and efficient justice. This condition demonstrates a gap between the legal norms established by statutory regulations and their practical implementation in the field.

The affordability of litigation costs is closely related to the duration of the proceedings. The longer it takes to resolve a case, the greater the costs that the parties are likely to incur. The simplicity of proceedings, meanwhile, may be influenced by the practices and procedures established by the court. Complicated and bureaucratic procedures may prevent cases from being handled in a simple and efficient manner. Furthermore, whether or not a party engages the services of an attorney may also affect the course and duration of case resolution (Suharizal & Suhelmi Helia, 2024)

In this context, the role of advocates becomes particularly strategic. As legal professionals responsible for providing legal assistance to the public, advocates serve not only

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as legal representatives or counsel but also as parties who contribute to the efficiency and effectiveness of judicial proceedings. The involvement of advocates is expected to assist parties in understanding legal procedures, preparing documents accurately, and facilitating the resolution of cases in a more timely and appropriate manner.

On the other hand, advocates are also regulated under Law Number 18 of 2003 concerning Advocates, which affirms their roles and responsibilities as a profession that is independent, autonomous, and accountable in upholding the law and ensuring justice. Accordingly, advocates occupy an important position in supporting the realization of the principles of simple, expeditious, and low-cost justice, particularly within the Religious Courts.

Advocates constitute an integral component of the judicial system and one of the pillars supporting the rule of law and the protection of human rights. In carrying out their professional duties, advocates seek to uphold justice in accordance with the law for members of the public seeking legal remedies, while also empowering them to recognize and exercise their fundamental rights before the law (Khaliq, 2015)

This is where the role of advocates becomes particularly important. Advocates have an obligation to provide legal assistance to the public, including individuals who lack the financial means to obtain legal services. Advocates may assist their clients in various matters, including the following (Aulia et al., 2024):

- a. Providing legal consultations
- b. Representing clients in court
- c. Assisting clients in negotiation processes
- d. Conducting legal research
- e. Preparing legal documents

In the development of judicial administration, the realization of the principles of simple, expeditious, and low-cost justice is determined not only by the performance of judicial institutions but also by the involvement of the parties and the legal professionals assisting them throughout the litigation process. Professional legal assistance can help parties fulfill administrative requirements and determine appropriate legal steps based on the circumstances of their cases (Rochman & Ratih, 2021).

This role has become increasingly relevant with the growing use of technology in court administration and litigation processes. The implementation of the e-Court system has facilitated several stages of case administration, including case registration, payment of court fees, and the electronic management and submission of case documents. In the context of the Religious Courts, the use of this system can support the implementation of the principles of

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simple, expeditious, and low-cost justice by reducing the need for parties to appear in person at the court during certain stages of the proceedings. A study on the implementation of e-Court at the Sungguminasa Religious Court found that advocates experienced greater convenience in conducting electronic proceedings, particularly in terms of case processing time, payment of court fees, and access to case documents (Indriani et al., 2022).

Nevertheless, the implementation of e-Court continues to face several challenges. The same study identified issues related to internet connectivity, system maintenance, and the ability of some advocates to operate information technology effectively (Indriani et al., 2022). Therefore, the effective use of electronic systems in judicial proceedings also requires adequate technological readiness among advocates as key users of these services.

Beyond the use of technology, optimizing the role of advocates is also closely related to public access to legal services. Legal aid serves as an important means of helping members of the public obtain legal protection and assistance, particularly those with limited financial resources. Advocates play a significant role in providing legal assistance, thereby ensuring that financial constraints do not become an absolute barrier to access to justice (Rochman & Ratih, 2021).

Cost-related issues are also inseparable from discussions of the principle of low-cost justice. The costs borne by justice seekers involve not only court administrative fees but may also include legal fees incurred throughout the process of resolving a case. Research on access to justice in Indonesia indicates that the regulation of advocates' fees can constitute one of the factors that hinder low-income communities from obtaining legal services. Therefore, cost transparency, the appropriateness of legal fees to clients' financial circumstances, and the provision of legal aid services for those who cannot afford them are important aspects of optimizing the role of advocates in supporting access to justice (Utami et al., 2024).

Therefore, efforts are needed to optimize the role of advocates within the Religious Court system so that they can contribute more effectively to the realization of the principles of simple, expeditious, and low-cost justice. Such optimization should not be limited to advocates' professionalism and ethical conduct but should also encompass regulatory frameworks, oversight mechanisms, and greater public awareness of the importance of access to legal aid.

Based on the foregoing discussion, this study is important for examining how the role of advocates can be optimized to ensure the effective implementation of the principles of simple, expeditious, and low-cost justice within the Religious Court system, as well as for

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identifying the challenges and potential solutions that may enhance the effectiveness of the judicial system in Indonesia.

B. RESEARCH METHOD

This study employs a normative-empirical approach, which combines an examination of legal norms with an analysis of their practical implementation in the field. The normative approach is used to examine legal provisions concerning the role of advocates and the principles of simple, expeditious, and low-cost justice. Meanwhile, the empirical approach is employed to examine the implementation of these legal provisions based on the author's practical experience in assisting parties involved in litigation within the Religious Court system. The normative and empirical approaches can be employed concurrently to examine the relationship between applicable legal provisions and their implementation in society (Rosidi et al., 2024).

Data for this study were collected through a literature review and the author's professional experience as an advocate. The literature review involved examining legislation, legal literature, and previous studies concerning advocates, the Religious Court system, the principles of simple, expeditious, and low-cost justice, legal aid, and the use of electronic judicial systems. The author's professional experience served as an empirical data source for identifying the processes involved in providing legal assistance, challenges encountered in handling cases, and efforts undertaken to support effective and affordable judicial proceedings.

The data obtained were subsequently analyzed qualitatively by relating the applicable legal provisions to the conditions identified in practice. This analysis was conducted to assess the extent to which advocates' roles can support the implementation of the principles of simple, expeditious, and low-cost justice, as well as to identify various obstacles that may affect the optimization of advocates' roles in judicial proceedings. The normative-empirical approach enables legal research to examine law not merely as a set of norms but also in terms of its practical implementation (Muhammad, Hendri et al., 2023).

The results of the analysis are subsequently presented descriptively and systematically in the discussion to provide an overview of the roles, contributions, challenges, and efforts to optimize the role of advocates within the Religious Court system. The empirical data were derived from the author's professional experience during the period [year/research period], particularly from experience in handling and assisting cases involving [type of case according to the research data]. This experience was used to identify the processes of providing legal assistance, preparing and submitting case documents, utilizing electronic judicial services,

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conducting court proceedings and mediation, as well as various challenges encountered in efforts to realize simple, expeditious, and low-cost justice.

C. RESULTS AND DISCUSSION

Advocates, as law enforcers who perform an *officium nobile*, occupy a strategic position in assisting justice seekers, particularly in cases falling within the jurisdiction of the Religious Courts, such as divorce, inheritance, and sharia economic disputes. Within the judicial system under the Supreme Court of the Republic of Indonesia, advocates are responsible for providing legal assistance, accurately preparing case documents, and representing clients in court proceedings (Nurwandri et al., 2024). This role is not merely procedural but also influences the extent to which the principles of simple, expeditious, and low-cost justice can be realized in practice.

In addition, advocates play an important role in upholding the principles of simple, expeditious, and low-cost justice as stipulated in Law Number 48 of 2009 concerning Judicial Power. This includes encouraging dispute resolution through mediation, avoiding unnecessarily prolonged proceedings, and helping protect the rights of vulnerable parties, particularly women and children. Such protection has been further strengthened following the enactment of Supreme Court Regulation Number 3 of 2017, which requires judicial institutions, including law enforcement officials involved in judicial proceedings, to apply the principles of non-discrimination and substantive justice for women involved in legal proceedings. This is particularly relevant because family law cases, such as divorce, claims for maintenance, and child custody disputes, frequently involve issues concerning the rights and interests of women and children (Suadi, 2018).

In the context of mediation, the role of advocates must be understood proportionately. Under Supreme Court Regulation Number 1 of 2016, the mediator is responsible for facilitating the parties in seeking the most appropriate resolution, whereas the advocate, acting as legal counsel, is responsible for protecting and defending the client's legal rights and interests. Accordingly, the two roles operate in parallel but must not substitute for one another. The involvement of advocates in mediation should therefore be directed toward helping clients understand the available dispute-resolution options without assuming or encroaching upon the mediator's function.

The principal roles of advocates include:

- a. Providing clear and realistic legal advice;
- b. Effectively preparing lawsuits or petitions;
- c. Professionally representing clients in court proceedings; and
- d. Encouraging dispute resolution through mediation.

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A. Advocates' Contributions to the Principles of Simple, Expeditious, and Low-Cost Justice

Advocates' contributions to realizing the principles of simple, expeditious, and low-cost justice can be observed in the manner in which they manage cases from the preparation stage through the trial process. By preparing clear case documents, ensuring the completeness of evidence from the outset, and complying with procedural requirements, advocates can help facilitate judicial proceedings and prevent unnecessary delays. This role is consistent with the principles set forth in Law Number 48 of 2009 concerning Judicial Power and Law Number 18 of 2003 concerning Advocates, both of which underscore the importance of advocates' professionalism in supporting a fair and efficient judicial system (Manurung, 2019).

In the context of electronic judicial services, advocates can also contribute to efficiency by utilizing the available facilities to streamline case administration. Research on the implementation of e-Court indicates that electronic services can support the realization of the principles of simple, expeditious, and low-cost justice, although their effectiveness remains influenced by users' technological capabilities and the availability of adequate infrastructure (Ropei & Dini, 2024).

The findings of this study are based on the author's professional experience as an advocate directly involved in handling various cases within the Religious Court system, particularly in assisting parties from the consultation stage through the court proceedings. This professional experience was used to identify the dynamics of implementing the principles of simple, expeditious, and low-cost justice throughout the processes of legal assistance and case resolution.

1. Realizing the Principle of Simplicity

In realizing the principle of simplicity, advocates play an important role in ensuring that judicial proceedings are neither unnecessarily complex nor difficult for the parties to understand. Advocates are expected to prepare legal documents, such as complaints, responses, and petitions, in a concise, clear, and precise manner so as to avoid ambiguity and unnecessary prolongation of the proceedings. Advocates should also refrain from presenting excessive or irrelevant arguments, as these may complicate the proceedings rather than contribute to their resolution. At the same time, advocates have a responsibility to help clients understand legal procedures by using clear and accessible language, thereby reducing confusion and preventing clients from feeling intimidated by legal terminology. Accordingly, advocates' efforts to

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simplify legal processes contribute directly to the effectiveness and efficiency of judicial proceedings.

The implementation of the principle of simplicity is also closely related to the use of judicial facilities that can reduce unnecessary administrative procedures. In the implementation of e-Court in the Religious Courts, the electronic system enables certain administrative processes to be conducted online, meaning that parties do not always need to appear in person to complete particular administrative stages. This can contribute to simplifying litigation procedures, although its implementation remains dependent on system readiness and users' technological capabilities (Ropei & Dini, 2024).

2. Realizing the Principle of Expeditious Justice

In realizing the principle of expeditious justice, advocates play an important role in ensuring that judicial proceedings proceed without unnecessary obstacles or delays. Advocates should avoid requesting unnecessary adjournments without legitimate grounds, as such practices may prolong the resolution of cases and adversely affect the parties involved. They are also expected to ensure that all documents and administrative requirements are complete from the outset of the proceedings, thereby avoiding repeated submissions or procedural back-and-forth that may consume additional time. The utilization of the e-Court system developed by the Supreme Court of the Republic of Indonesia also represents a strategic measure for expediting judicial proceedings, as it enables case registration, payment of court fees, and submission of documents to be carried out electronically. Accordingly, the active and professional involvement of advocates is crucial to achieving judicial proceedings that are expeditious, efficient, and responsive to the needs of justice seekers.

However, the implementation of e-Court does not necessarily mean that all stages of judicial proceedings will automatically become faster. A study conducted at the Makassar District Court found that e-Court services have been effective in account creation, case registration, payment of court fees, and service of summonses, but challenges remain at the trial stage. These challenges include technological infrastructure, the professionalism of service providers, and advocates' capacity to use information technology effectively (Sepriana M. et al., 2024).

These findings indicate that expediting judicial proceedings through technology still requires adequate readiness on the part of advocates as users of electronic judicial services. Proficiency in operating electronic systems constitutes an important aspect of advocates' professionalism, as difficulties in using technology may diminish the benefits that should

otherwise be achieved through the implementation of e-Court. Accordingly, optimizing the principle of expeditious justice depends not only on the availability of electronic systems but also on advocates' ability to utilize such systems effectively and appropriately.

3. Realizing the Principle of Low-Cost Justice

In realizing the principle of low-cost justice, advocates play an important role in helping clients control the costs incurred throughout the litigation process. Advocates should provide clients with transparent information regarding costs from the outset, including legal fees and other case-related expenses, in order to prevent uncertainty or unexpected financial burdens. Furthermore, advocates should avoid unnecessarily prolonged litigation strategies, as these may increase the costs borne by clients. Advocates also have a moral and professional responsibility to promote and provide legal aid or pro bono services to individuals who cannot afford legal representation, in accordance with the mandate of Law Number 16 of 2011 concerning Legal Aid.

Cost-related issues become increasingly significant when access to legal aid mechanisms is not yet widely understood by the public. Therefore, optimizing the role of advocates should not be limited to controlling costs in the cases they handle but should also involve providing information about legal aid mechanisms to members of the community who meet the eligibility criteria for receiving such assistance.

4. Challenges and Optimization of the Role of Advocates

Although legal aid has become an important instrument for expanding access to justice, its implementation continues to face various challenges. Research by Sari and Sanyoto indicates that the provision of legal aid to low-income communities has not yet fully achieved meaningful *access to law and justice*. These challenges include limited public awareness of legal aid services, access to courts that remains largely formalistic, complex funding procedures, and inadequate oversight of the implementation of legal aid programs (Sari & Sanyoto, 2024).

This condition demonstrates that access to justice is not merely a matter of the availability of legal aid services but also depends on the public's ability to access, understand, and effectively utilize such services. In this context, advocates can play an important role by explaining the public's right to obtain legal aid and directing individuals toward appropriate legal assistance mechanisms. This role is particularly important for economically disadvantaged communities and those with limited understanding of the legal procedures they must follow. Such initial assistance can significantly influence individuals' ability to determine

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appropriate legal steps, as not all people facing legal problems are aware of which institutions provide legal assistance or the procedures they must follow. Legal aid services available at courts are, in principle, also intended to provide information and legal consultation, as well as assistance in preparing legal documents for those in need (Kamila et al., 2022). Therefore, advocates' involvement in providing legal information and consultation constitutes an important means of expanding access to justice, not merely when a case has already entered the litigation process.

Another challenge concerns public access to legal aid. The availability of legal aid services is not always accompanied by adequate public awareness of their existence and the mechanisms for obtaining them. Some members of the public remain unaware that legal aid may be provided free of charge, meaning that limited access to information may ultimately prevent individuals from exercising rights that are legally available to them. A similar condition has been identified in the implementation of Posbakum (Legal Aid Post), where limited public knowledge regarding the existence and functions of legal aid services is one of the factors affecting their utilization (Henny Suryaningsih et al., 2024).

Beyond the issue of access to information, the provision of free legal aid also faces institutional and resource-related challenges. Research on the development of legal aid institutions indicates that legal aid services for low-income communities continue to face challenges in terms of equitable distribution and require institutional strengthening to ensure broader access to justice (Purwanto et al., 2023).

Optimizing the role of advocates can also be pursued by strengthening the implementation of their *pro bono* obligations toward individuals who cannot afford legal services. The provision of free legal assistance constitutes one form of professional responsibility through which advocates assist economically disadvantaged individuals in obtaining legal representation. However, its implementation continues to face challenges, both at the institutional level and in the practical application of this obligation. The practice of *pro bono* legal services in Indonesia still encounters various obstacles, despite the existence of a legal basis establishing advocates' obligation to provide legal assistance to individuals who lack the financial means to obtain it (Prawira, 2024).

Therefore, optimizing the role of advocates should be directed not only toward increasing the quantity of legal aid provided but also toward improving the quality of legal assistance, facilitating public access to legal services, and strengthening coordination among advocates, legal aid institutions, bar associations, and the state. In this way, legal aid can

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function more effectively as an instrument for reducing disparities in access to justice among economically disadvantaged communities.

D. CONCLUSION

Based on the findings of this study, it can be concluded that advocates occupy a highly strategic position in realizing the principles of simple, expeditious, and low-cost justice, particularly within the Religious Court system. Advocates do not merely function as legal representatives but also contribute to the effectiveness and efficiency of judicial proceedings through accurate document preparation, professional legal assistance, and efforts to promote the prompt resolution of disputes, including through mediation. In practice, advocates' professionalism also plays an important role in reducing obstacles that may prolong the resolution of cases. Although professional legal representation can improve the efficiency of judicial proceedings, the involvement of advocates may simultaneously raise concerns regarding the affordability of legal services for economically disadvantaged communities. In this context, the principle of "low-cost justice" should not be assessed solely in terms of the efficiency of court proceedings but must also take into account the ability of the public to obtain legal representation. Therefore, the availability of legal aid for economically disadvantaged communities constitutes an important instrument to ensure that the benefits of advocates' professionalism are not limited to those with sufficient financial resources.

Optimizing the role of advocates involves more than litigation skills. It also requires the ability to utilize electronic judicial services, manage cases efficiently, provide transparent information regarding legal costs, and provide or facilitate access to legal aid for economically disadvantaged communities. However, the use of judicial technology continues to face challenges related to infrastructure and users' technological capabilities. Therefore, strengthening advocates' professionalism and competencies, accompanied by adequate support from the judicial system, is necessary to enable advocates to contribute more effectively to the realization of simple, expeditious, and low-cost justice.

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