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Pro Bono Legal Aid in Religious Courts and the Constitutional Right to Equality Before the Law: Toward Collective Accountability of Law Enforcement Officers

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Abstract

Access to justice in Indonesia's Religious Courts remains structurally constrained, particularly for low-income litigants who frequently navigate divorce, child custody, and inheritance disputes without adequate legal representation. Despite a comprehensive normative framework grounded in Articles 27(1) and 28D (1) of the 1945 Constitution, Law Number 16 of 2011 on Legal Aid, Law Number 50 of 2009 on Religious Courts, and Supreme Court Regulation Number 1 of 2014 concerning Legal Aid Posts (*Posbakum*), the substantive realization of the constitutional right to equality before the law remains limited in practice. This study examines the constitutional urgency of pro bono legal aid provision in Religious Courts and analyzes how the collective responsibility of law enforcement officers should be conceptualized to ensure its effective implementation. This study employed a normative juridical method using statute and conceptual approaches, supported by primary legal materials, regulatory documents, and scholarly literature. The findings reveal three main points. First, pro bono legal aid constitutes a constitutional obligation rather than a discretionary service, as substantive equality before the law requires the removal of economic, geographic, and informational barriers to justice. Second, the implementation gap in Religious Courts is primarily caused by fragmented institutional responsibility, limited budget allocation, uneven distribution of accredited legal aid institutions, and weak accountability mechanisms. Third, effective legal aid provision requires an integrated collective responsibility framework involving judges, advocates, legal aid institutions, and court registrars as interdependent actors in ensuring access to justice. This study contributes to the literature by reframing pro bono legal aid in Religious Courts as a constitutionally mandated collective responsibility essential to fulfilling equality before the law.

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Introduction

Indonesia, as a state founded on the rule of law, constitutionally guarantees every citizen's right to equal recognition, protection, and treatment before the law. Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution affirm that all citizens stand equal before the law and government and are entitled to fair legal certainty as the principle of equality before the law has been guaranteed in Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution, as well as in a number of other legal regulations such as the Criminal Code and the Law concerning Judicial Power. Within the Religious Court (*Pengadilan Agama*), which adjudicates marriage, divorce, child custody, and inheritance disputes among Indonesian Muslims, this constitutional promise faces a persistent empirical challenge. Budget increases for the Religious Courts were intended to expand the courts' access to justice program so that those living in remote areas could access the courts for their family law cases, indicating that the state itself has long recognized that ordinary litigants in this jurisdiction commonly face economic and geographic barriers that obstruct their access to legal protection (Jitmau et al., 2025). Compounding this, a substantial proportion of Religious Court litigants are women, the poor, and other marginalized groups who lack the financial means and legal literacy to navigate formal court procedures unaided, with new legal aid services including legal aid posts inside court buildings intended to provide legal advice and assistance to clients who cannot afford lawyers, which would have a profound impact on increasing the understanding of women, the poor, and other marginalised groups about how to bring their cases to court (Sumner et al., 2011).

Recent scholarship has extensively examined the legal and institutional dimensions of legal aid provision in Indonesia. At the constitutional theory level, the rule of law and the principle of equality before the law have been examined as requiring the life of the nation and state to proceed without arbitrariness and discrimination, with the conclusion that this principle is not only formulated in the state constitution but is also recognized in various subordinate laws and regulations, including within the judicial sphere (Wahyuningsih et al., 2023). At the level of statutory regulation, studies have shown that Law Number 16 of 2011 concerning Legal Aid was enacted as a legal umbrella for legal aid providers, mandated by Article 28 paragraph (1) and Article 34 paragraph (3) of the 1945 Constitution, obliging the state to fulfill citizens' basic needs through public services, including legal aid as a means of fulfilling civil rights for the poor. Empirical studies focusing specifically on Religious Courts have documented the operation of legal aid posts (*Posbakum*); the roles of *Posbakum* at one Religious Court include providing legal assistance free of charge in accordance with the Legal Aid Law and Supreme Court Regulation Number 1 of 2014, providing access to justice for underprivileged communities to court services, implementing the principle of fast and low-cost justice, and realizing accountable judicial service (Alfitri, 2012). Broader reform initiatives have likewise been studied; in August 2010 the Chief Justice of the Indonesian Supreme Court issued a practice direction to almost 800 courts elaborating how judges and staff should facilitate access to the courts, especially for the poor, marking a new phase of collaboration between the courts and legal aid providers, while other research has linked the Religious Courts' access-to-justice program to broader gender equity outcomes, arguing that facilitating women's access to the Religious Courts for divorce cases enables them to document their status as female

heads of household, which in turn facilitates access to government pro-poor programs such as cash transfers, subsidized healthcare, and school enrollment for their children (Salam et al., 2022).

Despite this growing body of literature, a significant gap remains. Existing studies have predominantly examined legal aid implementation either through narrow institutional case studies of individual Posbakum units, through doctrinal analyses of the Legal Aid Law in isolation, or through the lens of historical reform projects, without systematically situating pro bono legal aid in the Religious Court within the broader constitutional architecture of equality before the law as a collectively shared obligation. Critical gaps persist in practice: current legal aid regulation is described as not yet fully based on the value of justice, with weaknesses found in legal substance, legal structure, and legal culture, including the unclear definition of legal aid, an uneven distribution of accredited legal aid organizations across provinces, and weak supervision over the implementation of legal aid. Other research similarly finds that although equality before the law has become an integral part of the Indonesian legal system, its implementation in practice still faces challenges including discrimination, abuse of power, and inequality in law enforcement, resulting in a gap between written regulations and field implementation. Notably, prior studies have tended to attribute responsibility for closing this gap to a single actor, typically either the court, the legal aid organization, or the government, rather than examining how judges, advocates, legal aid institutions, and court registrars must function as a collectively responsible system of law enforcement officers if the constitutional guarantee of equality before the law is to be substantively, rather than merely formally, realized within the Religious Court (Jitmau et al., 2025).

Building on this identified gap, this study seeks to answer the following research question: why is the provision of pro bono legal aid in the Religious Court urgent as a means of fulfilling the constitutional right to equality before the law, and how should the collective responsibility of law enforcement officers be conceptualized to ensure its effective implementation? This article aims to analyze the constitutional and statutory urgency of pro bono legal aid within the Religious Court's jurisdiction and to examine the distinct yet interdependent roles of judges, advocates, legal aid institutions, and court registrars in fulfilling this constitutional mandate collectively rather than in fragmented isolation. The novelty of this study lies in its integrative approach, reframing pro bono legal aid in the Religious Court not as a discretionary administrative service or an act of institutional charity, but as a constitutionally mandated, jointly held responsibility distributed across the entire chain of law enforcement actors operating within and around the Religious Court system.

Method

This study employs a normative juridical (doctrinal) research method, which examines law as a system of norms encompassing principles, rules, regulations, court decisions, and legal doctrines relevant to the issue under study. This method is appropriate given that the central concern of this article is the conformity between the constitutional guarantee of equality before the law and the existing legal framework governing pro bono legal aid within the Religious Court, rather than the measurement of field behavior or social variables.

Two approaches are employed in conducting this research. First, the statute approach (*pendekatan perundang-undangan*) is used to examine the hierarchy and substance of relevant laws and regulations, including the 1945 Constitution of the Republic of Indonesia, Law Number 16 of 2011 concerning Legal Aid, Law Number 7 of 1989 concerning Religious Courts as amended by Law Number 50 of 2009, Law Number 48 of 2009 concerning Judicial Power, Supreme Court Regulation (*Peraturan Mahkamah Agung/Perma*) Number 1 of 2014 concerning Guidelines for the Provision of Legal Services for Indigent Communities in Court, and other implementing regulations pertinent to legal aid posts (*Posbakum*) in the Religious Court. This approach is used to identify the normative basis and the extent to which the principle of equality before the law has been translated into concrete legal obligations directed at law enforcement officers.

Second, the conceptual approach (*pendekatan konseptual*) is employed to construct the analytical framework of the study, drawing on legal doctrines and scholarly concepts concerning equality before the law, access to justice, fair trial, and the collective responsibility of law enforcement officers (judges, advocates, legal aid institutions, and court registrars). This approach is necessary because the issue examined in this study, the constitutional urgency of *pro bono* legal aid as a shared institutional obligation, has not been fully and explicitly codified within a single legal instrument, requiring the researcher to develop legal arguments from established legal principles and doctrinal constructs developed by legal scholars.

The legal materials used in this study consist of primary, secondary, and tertiary legal sources. Primary legal materials comprise the 1945 Constitution and statutory and regulatory instruments governing legal aid and the judicial power as identified above. Secondary legal materials consist of books, journal articles, research reports, and prior academic studies relevant to legal aid, equality before the law, and access to justice in the Religious Court. Tertiary legal materials consist of legal dictionaries and encyclopedic references used to clarify legal terminology where necessary.

Data collection was conducted through library research (*studi kepustakaan/library research*), by systematically tracing, collecting, and classifying legal materials relevant to the research question from statutory databases, academic journal repositories, and institutional publications. The collected legal materials were then analyzed using a qualitative descriptive method, in which the substance of statutory provisions is described, systematized, and interpreted in light of the conceptual framework of equality before the law, before being synthesized into legal arguments concerning the urgency of *pro bono* legal aid and the collective responsibility of law enforcement officers in the Religious Court.

Results

Normative Framework Governing Pro Bono Legal Aid in the Religious Court

Document analysis of the prevailing statutory and regulatory framework reveals a layered, multi-instrument architecture governing the provision of legal aid within Indonesia's judicial system, including the Religious Court. At the constitutional level, Article 28D paragraph (1) of the 1945 Constitution affirms the right of every person to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law. (Huda, 2014) Indonesia has guaranteed every person's right to recognition,

guarantees, protection, and fair legal certainty as well as equal treatment before the law, as explicitly stated in Article 28D paragraph (1) of the 1945 Constitution.

At the level of judicial-power legislation, Law Number 51 of 2009 amending the Law on State Administrative Courts, together with parallel provisions for the General Courts and Religious Courts, establishes the legal aid post (Posbakum) mechanism. Law Number 51 of 2009, Articles 144C and 144D, regulates the right of every person involved in a case to obtain legal aid, with the state bearing case costs for indigent justice seekers and mandating the establishment of legal aid posts at every District Court, Religious Court, and State Administrative Court for justice seekers who cannot afford legal services. This is reinforced by Law Number 16 of 2011 concerning Legal Aid, which defines legal aid in Article 1(1) Based on Law Number 16 of 2011 concerning Legal Aid, Article 1(1), legal aid is defined as legal services provided free of charge by a legal aid provider to a legal aid recipient, with recipients defined as poor individuals or groups unable to independently fulfill their basic rights when facing legal problems. (Putra et al., 2022)

The technical implementation of Posbakum within the Religious Court is further regulated by Supreme Court Regulation (Perma) Number 1 of 2014 concerning Guidelines for the Provision of Legal Services for Indigent Communities in Court. (Iksan et al., 2023) Under Perma Number 1 of 2014, those entitled to receive services from the Legal Aid Post are persons unable to afford advocate fees, particularly women, children, and persons with disabilities, whether positioned as plaintiff/petitioner or defendant/respondent, with such assistance provided entirely free of charge. Document analysis further shows that the scope of services rendered by Posbakum within the Religious Court is restricted to non-litigation legal assistance. The types of legal services provided by the Legal Aid Post include the provision of information, consultation, advice, and the drafting of lawsuit or petition documents, while service providers assigned to the Posbakum may receive compensation from the state through the Religious Court's budget allocation (DIPA).

Table 1. Mapping of Statutory and Regulatory Instruments Governing Pro Bono Legal Aid in the Religious Court

No	Regulation	Relevant Provision	Relevance to Religious Court Legal Aid
1	1945 Constitution of the Republic of Indonesia	Article 27(1); Article 28D(1)	Constitutional foundation for equality before the law and fair legal certainty
2	Law No. 48 of 2009 on Judicial Power	Chapter XI, Arts. 56–57	General mandate for courts to provide legal aid to indigent justice seekers
3	Law No. 50 of 2009 (Second Amendment to Law No. 7 of 1989 on Religious Courts)	Articles 60B and 60C	Specific obligation of the Religious Court to provide legal aid services
4	Law No. 16 of 2011 on Legal Aid	Articles 1, 3, 5, 8	Defines legal aid, recipients, providers, and accreditation requirements
5	Supreme Court Regulation (Perma) No. 1 of 2014	Whole regulation	Technical guidelines for Posbakum operations, eligible recipients, and scope of services
6	Supreme Court Circular Letter (SEMA) No. 10 of 2010	Lampiran B; Article 25	Operational mechanism and types of legal services at Posbakum prior to Perma No. 1/2014

Normative Framework Governing Pro Bono Legal Aid in the Religious Court

Beyond the normative framework itself, document and literature analysis also reveals empirical conditions that illustrate the scale and distribution of pro bono legal aid capacity in Indonesia. As of the 2019–2021 accreditation period, the Ministry of Law and Human Rights recorded 524 accredited legal aid organizations (Organisasi Bantuan Hukum/OBH) distributed across Indonesia. The number of OBH resulting from the 2019–2021 Verification and Accreditation process was 524 organizations distributed throughout Indonesia, yet only 42% of the 514 districts/cities in Indonesia had a legal aid provider organization present within their jurisdiction. This figure improved only modestly in the subsequent period, with secondary data indicating that by the 2022–2024 period, 619 legal aid institutions or organizations had passed verification and were accredited by the National Legal Development Agency (Budiarti et al., 2023).

This uneven distribution is corroborated by province-level data. Document analysis found, for instance, that one province recorded only nine accredited legal aid organizations covering an entire province, a number considered minimal relative to the number of districts and cities within that jurisdiction, while another province reported 37 accredited organizations as of 2023. Separately, document analysis of an earlier reform-monitoring report found that prior research identified weaknesses in legal aid implementation including the unclear definition of legal aid, ambiguity regarding the poor as recipients of legal aid, unclear rights of legal aid providers, and weak verification mechanisms for legal aid providers, alongside structural weaknesses such as difficulties in passing verification and accreditation and a lack of community organization participation in providing legal aid (Wahyuningsih et al., 2023).

With respect to the Religious Court specifically, programmatic data from an earlier phase of judicial reform documented a substantial reach of legal aid services. Legal aid programs at 46 Religious Courts served more than 35,000 people seeking justice, three times the initial target, while the accompanying mobile court program successfully handled more than 18,550 cases, 60 percent more than targeted, and free legal aid was separately provided to approximately 10,500 clients (Bank, 2012). This finding indicates that, where adequately resourced and supported, the legal aid infrastructure embedded in the Religious Court has demonstrated a capacity to absorb demand significantly exceeding initial program targets, suggesting that the constraint on access to justice lies less in an absence of public demand than in the limited and unevenly distributed supply of legal aid institutions and funding.

Taken together, the documentary findings indicate two parallel conditions: first, a constitutional and statutory framework that formally and explicitly mandates the provision of free legal aid within the Religious Court as an instrument for realizing equality before the law; and second, an empirical pattern of uneven institutional distribution and capacity constraints that limits the practical reach of that mandate. The interpretation of how these two conditions relate to the urgency of pro bono legal aid and the collective responsibility of law enforcement officers is addressed in the following Discussion section.

Discussion

The Constitutional Imperative of Pro Bono Legal Aid as a Fulfillment of Equality Before the Law

The principle of equality before the law is not merely a procedural guarantee within the Indonesian constitutional order; it is a substantive mandate requiring that legal protection be rendered meaningfully accessible to all citizens regardless of their socioeconomic standing. As the Results section established, this guarantee is anchored in Articles 27 (1) and 28D (1) of the 1945 Constitution, yet its fulfillment cannot be achieved by the existence of a legal text alone. Doctrinal analysis reveals that equality before the law in its substantive sense as distinguished from its purely formal reading demands that the state and all actors within the justice system actively remove barriers that prevent disadvantaged persons from exercising their legal rights.

Access to justice is an integral part of the concept of equality before the law, which is itself part and parcel of the doctrine of the rule of law (Bank, 2012). In the Religious Court context, this is particularly urgent because litigants who appear without legal counsel whether in divorce, child custody, or inheritance disputes face a structurally unequal proceeding in which they must navigate complex procedural rules, draft their own pleadings, and articulate legal arguments against parties who may be represented, or against institutional pressures they do not understand. Formal equality the mere right to appear in court is thus rendered hollow without the substantive equality that legal representation provides.

The implementation of legal aid is a manifestation of Indonesia as a legal state that guarantees the human rights of citizens to equality before the law, and free legal aid is the right of the poor to obtain the same justice as other communities so that the protection of their rights is well fulfilled (Azifah, 2021). This framing is significant: it repositions pro bono legal aid not as an act of charity or discretionary goodwill, but as a constitutional right of the poor that corresponds to a legally binding obligation on the part of the state and its agents within the justice system. Pro bono legal aid is not only a reflection of the social concern of the advocate profession, but is also an important element in the implementation of the principle of equality before the law (Muflikh, 2025).

The urgency of this reframing is compounded by the particular demographics of Religious Court litigants. Unlike general courts, where the full spectrum of civil and criminal matters is litigated, the Religious Court deals predominantly with matters of personal status divorce petitions, child custody disputes, and inheritance matters that disproportionately implicate the rights of women and children. Where a woman petitioning for divorce is unrepresented, she may be unable to articulate grounds recognized by law, unable to request financial rights (mut'ah, iddah support, or child maintenance), and unable to challenge the opposing party's claims in procedurally valid form. The absence of pro bono legal assistance in such proceedings is therefore not merely an access-to-court problem; it is a substantive rights-deprivation problem with direct consequences for the constitutional guarantee of equal legal protection.

The Collective Responsibility of Law Enforcement Officers: A Systemic Framework

The central argument of this article is that pro bono legal aid in the Religious Court cannot be fulfilled through fragmented, single-actor approaches. It requires a conceptualization of collective responsibility distributed across all law enforcement officers operating within and around the Religious Court: judges, advocates, legal aid institutions (Posbakum), and court registrars. Each actor bears a distinct but interdependent role, and the failure of any one of them to perform their legal obligation creates a gap that the other actors cannot fully compensate for independently.

The Role of Judges

Judges in the Religious Court occupy a unique position in the legal aid ecosystem because they are simultaneously adjudicators and under Indonesian law active participants in ensuring that proceedings are conducted fairly for all parties, including those without legal representation. Under Article 119 of the Revised Indonesian Civil Procedure (HIR) and Article 58 of Law Number 48 of 2009 on Judicial Power, judges are authorized and obligated to provide guidance to unrepresented parties. More specifically, the prodeo mechanism whereby the court waives case filing fees for indigent litigants depends on a judge's or registrar's proactive identification and endorsement of the applicant's eligibility. The sidang keliling (mobile court) program similarly depends on judicial commitment to reach geographically remote communities.

Judges support civil legal aid because they value equal justice and the protection of the disadvantaged, and they support legal aid because it assists in the efficient and effective administration of the courts they run. This dual motivation—rights-based and institutional—is relevant in the Indonesian Religious Court context, where unrepresented litigants slow proceedings, produce procedurally defective pleadings, and require repeated court guidance that consumes judicial resources. (Caplan et al., 2019) A judge who facilitates or actively directs an unrepresented litigant toward available Posbakum services is therefore not merely fulfilling a welfare function; they are also discharging their obligation under the principle of fast and low-cost justice (*asas sederhana, cepat, dan biaya ringan*) enshrined in Article 2(4) of Law Number 48 of 2009.

The Role of Advocates and Legal Aid Institutions

Advocates bear a statutory pro bono obligation under Article 22(1) of Law Number 18 of 2003 concerning Advocates, which requires every advocate to provide free legal services to indigent clients. This obligation is not discretionary. As a respected profession (*officium nobile*), the advocate has a duty and responsibility to embody the rule of law principle, and pro bono legal service is a duty of every advocate as mandated by the Advocate Law (Putri, 2022). However, empirical evidence shows a persistent gap between this normative mandate and actual practice. Despite the normative obligation for advocates to provide pro bono services, there are still various structural barriers, including the lack of institutional support, low appreciation of pro bono services, and operational constraints in the field (Muflikh, 2025).

At the institutional level, Posbakum units embedded within Religious Courts serve as the primary structural mechanism for channeling pro bono services to litigants. The responsibility of Posbakum is to provide legal assistance to people who are unable to pay, free of charge, and every court must have a Legal Aid Post because members of the public who do not understand the law will face difficulty resolving their cases (Ulva et al., 2022).

Nevertheless, the scope of Posbakum services remains limited to non-litigation assistance consultation, legal advice, and pleading drafting and does not extend to courtroom representation, a restriction that critics argue leaves the most vulnerable litigants only partially served during the most critical phases of their case (Siska et al., 2025).

The disparity between the number of pro bono legal aid providers and the volume of cases they handle has become a serious issue, with one main contributing factor being the lack of appreciation from both the government and internal advocate organizations, reflected in the minimal budget allocation designated for legal aid programs. This budget constraint is a structural obstacle that no amount of advocacy voluntarism can overcome without systematic government commitment (Simanjuntak et al., 2025).

The Role of Court Registrars

Court registrars (panitera) constitute the third node of collective responsibility and are perhaps the most systematically overlooked actor in the legal aid literature. Under Perma Number 1 of 2014, the registrar is responsible for maintaining a special registration book to monitor the implementation of legal aid services, and the Chief of the Religious Court bears overall responsibility for legal aid delivery under the same regulation. The registrar therefore functions as both a gatekeeper directing unrepresented litigants to Posbakum and an accountability mechanism, ensuring that legal aid obligations are documented, monitored, and reported. A lack of coordination and support from law enforcement officers in informing the rights of those seeking justice, as well as the absence of sanctions for officials who neglect their obligations, are among the key structural weaknesses that undermine the right to legal assistance (Marzuki, 2024). In the Religious Court, where a significant proportion of litigants arrive with no understanding of their procedural rights, the registrar's active information-sharing role is constitutive of not merely supplementary to the litigant's access to justice

Implementation Challenges and the Path Toward Collective Accountability

The foregoing analysis reveals that each individual actor within the Religious Court system bears a legally grounded obligation toward pro bono legal aid delivery, yet the system as a whole continues to underperform. Three structural challenges, identified through the document and literature analysis in the Results section, explain this gap.

First, budgetary inadequacy remains the most persistent obstacle. The state's allocation for legal aid through the Ministry of Law and Human Rights is channeled to accredited OBHs but does not directly fund courtroom representation within the Religious Court's Posbakum structure. The Posbakum's budget (funded through the court's own DIPA) is limited and uneven across jurisdictions, particularly in remote areas. The programme for pro bono services is still lacking in monitoring and evaluation, and the interest of lawyers to carry out this obligation and their reporting remains minimal (Putri, 2022).

Second, the uneven geographic distribution of legal aid institutions means that in provinces with few accredited OBHs some covering entire provinces with fewer than ten organizations the Religious Court's ability to partner with external legal aid providers for Posbakum staffing is severely constrained. As shown in the Results section, the 2019–2021 period saw only 42% of Indonesian districts and cities covered by any accredited OBH, a figure that had improved modestly by 2022–2024 but remained structurally

insufficient relative to the caseload of 359 first-instance Religious Courts operating across the country

Third, the absence of effective accountability mechanisms means that no actor currently bears enforceable consequences for failing to discharge their legal aid obligation. Weaknesses in legal substance, legal structure, and legal culture including an unclear definition of legal aid, uneven distribution of accredited legal aid organizations, and weak supervision over implementation produce a gap between written regulations and field realities. Without enforceable reporting obligations on judges, advocates, and registrars alike, and without a cross-institutional monitoring mechanism, collective responsibility risks becoming collective irresponsibility where each actor defers to the other and the litigant falls through the gaps

The resolution of these three challenges requires a move from fragmented obligation to integrated collective accountability, in which the Supreme Court, the Ministry of Law and Human Rights, bar associations (PERADI and KAI), and legal aid institutions are bound by a common accountability framework that specifies each actor's distinct role, sets minimum service standards, and establishes meaningful consequences for non-fulfillment not as a punitive measure, but as an institutional commitment to the constitutional principle that equality before the law is not aspirational, but obligatory.

Conclusion

This study has demonstrated that the provision of pro bono legal aid in the Religious Court is not a discretionary institutional service but a constitutionally mandated obligation rooted in the principle of equality before the law under Articles 27(1) and 28D (1) of the 1945 Constitution. The gap between the formally adequate normative framework encompassing Law Number 16 of 2011 on Legal Aid, Law Number 50 of 2009 on Religious Courts, and Perma Number 1 of 2014 on Posbakum and its persistent implementation deficit is attributable not to regulatory absence but to fragmented institutional responsibility, insufficient budget allocation, uneven geographic distribution of accredited legal aid organizations, and weak accountability mechanisms. The central contribution of this study lies in its integrative collective responsibility framework, which distributes legally grounded obligations across four interdependent actors judges, advocates, legal aid institutions, and court registrars and argues that the constitutional promise of equality before the law in the Religious Court can only be substantively fulfilled when these actors function as a coordinated system rather than in fragmented isolation. It must be acknowledged, however, that as a normative juridical study relying on document analysis and secondary literature rather than empirical fieldwork, the conclusions regarding implementation gaps are indicative rather than definitive, and the collective responsibility framework proposed here requires empirical testing across diverse Religious Court jurisdictions before broader generalizations can be drawn.

Future research should pursue at least two directions to build upon and empirically validate the findings of this study. First, qualitative or mixed-method empirical studies conducted across multiple Religious Court locations particularly in provinces with low accredited legal aid organization coverage are needed to examine how judges, registrars, advocates, and Posbakum officers perceive and perform their respective obligations in practice, and where coordination among them breaks down. Second, gender-

disaggregated studies tracking the outcomes of divorce and custody cases where pro bono legal assistance was provided versus absent would generate causal evidence on the substantive impact of legal aid on equality outcomes, thereby transforming the constitutional urgency argument advanced in this study from a normative claim into an evidence-based one. At the policy level, this study recommends that the Supreme Court, the Ministry of Law and Human Rights, bar associations, and BPHN jointly develop a cross-institutional accountability framework with enforceable minimum service standards directed at each actor in the Religious Court legal aid ecosystem, and that Posbakum budget allocations be standardized to account for caseload volume and geographic remoteness across jurisdictions.

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