

IMPLEMENTATION OF THE PRINCIPLE OF SIMPLE JUSTICE IN DIVORCE CASES IN MSALEMBU FROM A LEGAL SYSTEM PERSPECTIVE

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Abstract

The principles of simple, speedy, and low-cost justice are fundamental in the administration of justice. This study aims to examine the implementation of these principles in the settlement of divorce cases among the community in the Masalembu Islands and analyse them from the perspective of Lawrence M. Friedman's legal system theory. This research uses an empirical legal research method with a legal sociology approach, collecting data through observation, interviews, and documentation, which are analysed using the Miles and Huberman model. The results indicate that the implementation of the principles of simple, speedy, and low-cost justice has not been optimally realised due to various obstacles such as high case fees, geographical conditions, manual summoning of parties, absence of parties, reliance on lawyer services, and the suboptimal application of the e-Court system. From the perspective of Lawrence M. Friedman's legal system theory, there are limitations in the legal structure of the court apparatus, inconsistencies in the substance of the law, and a legal culture in society that has not yet been supportive. Based on these findings and analyses, this study recommends the need for socialisation of the e-Court system to the public and adjustments to the procedural cost deposit policy for archipelagic regions.

Keywords: *Principle of Speedy Trial, Simple, and Low Cost; Divorce; Religious Court; Legal System Theory*

Abstrak

Asas peradilan sederhana, cepat, dan biaya ringan merupakan pokok dalam penyelenggaraan peradilan. Penelitian ini bertujuan untuk menelusuri implementasi asas tersebut dalam penyelesaian perkara perceraian masyarakat di Kepulauan Masalembu serta menganalisisnya dari perspektif teori sistem hukum Lawrence M. Friedman. Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan sosiologi hukum, dengan pengumpulan data melalui observasi, wawancara, dan dokumentasi, yang dianalisis dengan model Miles dan Huberman. Hasil penelitian menunjukkan bahwa implementasi asas peradilan sederhana, cepat, dan biaya ringan belum terwujud secara optimal karena terdapat berbagai hambatan seperti besarnya panjar biaya perkara, kondisi geografis, pemanggilan para pihak secara manual, ketidakhadiran para pihak, ketergantungan pada jasa pengacara, dan serta belum optimalnya penerapan e-Court. Ditinjau dari teori sistem hukum Lawrence M. Friedman, terdapat keterbatasan struktur hukum pada aparaturnya pengadilan, ketidaksesuaian substansi hukum, serta budaya hukum masyarakat yang belum mendukung. Berdasarkan temuan dan analisis tersebut, penelitian ini merekomendasikan perlunya sosialisasi sistem e-Court kepada masyarakat dan penyesuaian kebijakan panjar biaya perkara bagi wilayah kepulauan.

Kata Kunci: Asas Peradilan Cepat, Sederhana, dan Biaya Ringan; Perceraian; Pengadilan Agama; Teori Sistem Hukum

Introduction

The principles of simple, fast and low-cost justice occupy a fundamental position in the judicial power system in Indonesia.¹ This principle is a manifestation of the principle of access to justice and the guarantee of protection of human rights in the judicial process.² Constitutionally, the existence of this principle serves as a guideline for the judiciary to ensure that the process of case resolution is neither prolonged nor procedurally complicated, and does not impose excessive economic burdens on seekers of justice.³

¹ Pasal 2 Ayat (4) Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman.

² Helvi Lutfia Pebriyanti and Encep Abdul Rajak, "Penerapan Asas Peradilan Sederhana, Cepat, Dan Biaya Ringan Di Pengadilan Agama Sumedang," *Jurnal Riset Hukum Keluarga Islam* 2, no. 1 (2022): 7–12, <https://doi.org/10.29313/jrhki.vi.637>.

³ M. Aditya Pratama, Rosmanila Rosmanila, and Alauddin Alauddin, "Penerapan Asas Cepat Sederhana Dan Biaya Ringan Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Bengkulu.," *Qiyas: Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023): 306–15, <http://dx.doi.org/10.29300/qys.v8i2.2688>.

The principle of simplicity requires a procedure that is easy to understand and not complex, so that it can be accessed by the public without excessive reliance on third parties. The principle of speedy justice is interpreted as the court's obligation to resolve cases within a reasonable and proportionate time frame, without unnecessary delays.⁴ Meanwhile, the principle of low cost aims to ensure that official case fees and legal proceedings remain affordable, so as not to be a barrier for the public in asserting their rights. These three principles are interconnected and serve as a benchmark for the effectiveness of judicial administration.⁵

In order to realise the principles of a simple, fast, and cost-effective judiciary, the Supreme Court has implemented various judicial modernisation policies, one of which is through the electronic court system (e-Court).⁶ This system is designed to simplify case administration processes, accelerate trial stages, and reduce costs for the parties through online case registration, electronic summons, and electronic trials. Normatively, e-Court is positioned as a strategic instrument to enhance the efficiency and transparency of judicial services.⁷

In addition to e-Court, the implementation of this principle is also realised through the policy of holding court sessions outside the courthouse or mobile courts, especially for communities living in remote and hard-to-reach areas. This policy aims to bring judicial services closer to the people, reduce travel costs and time, and expand access to justice.⁸ In addition, the policy of waiving court fees (*pro deo*) also serves as an important instrument in supporting the realisation of an effective and fair judicial system.⁹

However, the implementation of the principles of simple, fast, and low-cost justice in remote areas such as the Masalembu Islands faces significant challenges. Geographical characteristics such as the separation of areas by the sea, limited transportation facilities, dependence on weather conditions, and high travel costs are major factors hindering community access to judicial

⁴ Martini Idris and Dian Puspa Iwari, *Hukum Acara Peradilan Agama* (Pekanbaru: CV Bravo Press Indonesia, 2025), 25.

⁵ Umarwan Sutopo, Martha Eri Safira, and Neneng Uswatun Khasanah, *Hukum Acara Peradilan Agama Dalam Teori Dan Praktik* (Ponorogo: CV. Nata Karya, 2021), 25.

⁶ Lisfer Berutu, "Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan Dengan e-Court," *Jurnal Ilmiah Dunia Hukum* 5, no. 1 (2020): 41–53, <https://doi.org/10.35973/jidh.v5i1.1552>.

⁷ Nur Ainun Sakinah, "Analysis The Effectiveness of E-Court System at The Religious Court of Bangil Based on Simple Principles Quickly and Low Cost," *Indonesia Law Reform Journal* 3, no. 2 (2023): 184–95, <https://doi.org/10.22219/ilrej.v3i2.25524>.

⁸ Rifda Cahya Alindah Alindah, Musyfikah Ilyas, and Muhammad Fajri, "Efektivitas Sidang Di Luar Gedung Pengadilan Dalam Penyelesaian Perkara Isbat Nikah Tahun 2022 Di Pengadilan Agama Maros Kelas Ib," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 4, no. 1 (2022): 200–214, <https://doi.org/10.24252/qadauna.v4i1.30835>.

⁹ Irawati Mustafa et al., "Optimizing Access to Justice Through the Prodeo and Sidang Keliling in Boroko Religious Court," *Al-Mujtahid: Journal of Islamic Family Law* 4, no. 2 (2024): 101–14, <https://dx.doi.org/10.30984/ajifl.v4i2.3341>.

services. In the context of island regions such as Masalembu, these obstacles can result in the failure to realise the principles of simple, fast, and low-cost justice.

The Masalembu Islands are a region located quite remotely in Sumenep Regency, East Java, with limited accessibility.¹⁰ The geographical condition as an archipelago presents a major challenge in providing legal services, including the resolution of divorce cases. Limited transportation and reliance on sea weather often make it difficult for local communities to access the Religious Court on the main land. Furthermore, limitations in communication and transportation infrastructure slow down the legal process, making it difficult for parties involved in divorce cases to attend hearings or complete the necessary documents.

From a social perspective, the people of the Masalembu Islands have a strong culture and traditional values,¹¹ which affects their views on divorce. Social norms that tend to be conservative can create social pressure for couples who wish to divorce, making the divorce process not only a legal but also a social issue. In addition, low legal literacy and limited access to information result in many people not fully understanding the legal procedures that must be followed in the divorce process. This combination of geographical and social factors influences the effectiveness of resolving divorce cases in the Masalembu Islands, posing a unique challenge for the Religious Court in providing fair and prompt legal services.

Various previous studies have discussed the application of the principles of simple, fast, and low-cost justice. Research by Pebriyanti and Rajak shows that the Sumedang Religious Court has implemented these principles to the fullest, although there are still obstacles from the litigating parties.¹² Meanwhile, Mekka and the team studied the effectiveness of mobile hearings at the Sengkang Religious Court as an effort to bring judicial services closer to the community, with fairly positive results despite ongoing challenges in public participation and knowledge.¹³ Other research by Hasanuddin and Ashari respectively focused on the application of principles in inheritance cases and

¹⁰ Sulisty Salsabila Pratama, "Pulau Masalembu Sumenep: Pulau Di Antara Laut Dan Danau," *SumenepNews.com*, 2023, diakses 24 Januari 2025, <https://sumenep.pikiran-rakyat.com/sumenep/pr-2187004809/pulau-masalembu-sumenep-pulau-di-antara-laut-dan-danau?page=all>.

¹¹ Thofu Thofu, "Pulau Masalembu: Keanekaragaman Suku Yang Hidup Harmony Dalam Balut Keindahan Toleransi," *ProEstate.id*, 2024, <https://proestate.id/pulau-masalembu-keanekaragaman-suku-yang-hidup-harmony-dalam-balut-keindahan-toleransi/>.

¹² Pebriyanti and Rajak, "Penerapan Asas Peradilan Sederhana, Cepat, Dan Biaya Ringan Di Pengadilan Agama Sumedang."

¹³ 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 (2020): 323–30.

the pandemic conditions.¹⁴ Hasanuddin studies the application of judicial principles in the Sungguminasa Religious Court, which faces procedural challenges between parties.¹⁵ Ashari and colleagues believe that during the Covid-19 pandemic, the principles of simple, fast, and low-cost justice could not be effectively implemented due to internal and external obstacles.¹⁶

Although various previous studies have provided important insights into the application of the principles of simple, fast, and low-cost justice, most of these studies have still focused on areas with relatively adequate transportation and infrastructure access. These studies only found that the obstacles to applying the principles of justice were related to administrative aspects, party participation, or certain situational conditions, such as a pandemic. However, studies that specifically consider extreme geographical factors of island regions as the main variable in assessing the effectiveness of applying the principles of simple, fast, and low-cost justice are still very limited. Therefore, this point represents the novelty of this research.

To fill this gap, this study uses Lawrence M. Friedman's Legal System Theory as an analytical framework. This theory emphasises that the functioning of law is determined not only by the existence of norms, but also by the effectiveness of the legal structure and the legal culture of society.¹⁷ In the context of the Masalembu Islands, Friedman's theory is relevant for explaining how the limitations of the judicial structure, legal provisions that are not yet fully adaptive, and the legal culture of society influence the implementation of the principles of simple, fast, and low-cost justice. This approach can reveal the factors that make it difficult for these principles to be effectively realised in the archipelago.

Based on the background description, this study is formulated to address the following issues: (1) how the principle of simple, fast, and low-cost justice is implemented in resolving divorce cases for the people of the Masalembu Islands at the Sumenep Regency Religious Court; and (2) what factors affect the effectiveness of applying this principle of justice in the context of island regions from the perspective of Lawrence M. Friedman's Legal System Theory. This problem formulation aims to empirically examine the gap between the

¹⁴ Ahmad Waliyuddin Hasanuddin, Lomba Sultan, and Ibnu Izzah, "Penerapan Asas Sederhana, Cepat, Dan Biaya Ringan Dalam Penyelesaian Perkara Waris Di Pengadilan Agama Sungguminasa Kelas 1B," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 4, no. 3 (2023): 830–41, <https://doi.org/10.24252/qadauna.v4i3.30420>.

¹⁵ Hasanuddin, Sultan, and Izzah.

¹⁶ Ayu Ashari, Halim Talli, and Muhammad Fajri, "Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Ringan Dalam Perkara Perceraian Pada Masa Pandemi Covid-19 Di Pengadilan Agama Sungguminasa.," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 4, no. 2 (2023): 476–97, <https://doi.org/10.24252/qadauna.v4i2.35333>.

¹⁷ Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrence M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital," *Sapientia Et Virtus* 7, no. 2 (2022): 84–99.

normative objectives of the justice principle and the reality of its implementation in the island regions, while also identifying structural, substantive, and cultural obstacles that affect the community's access to justice.

Research Methods

This research is an empirical legal study using a legal sociology approach.¹⁸ The research was conducted at two locations, namely the Religious Court of Sumenep Regency and the Masalembu Islands. The data sources in this study consisted of primary and secondary data. Primary data were obtained through in-depth interviews with informants selected using purposive sampling. The informants in this study included 1 judge from the Religious Court of Sumenep Regency, 3 officials from the Religious Court of Sumenep Regency, 1 village official, 2 officers from the Masalembu District Religious Affairs Office, and 9 members of the Masalembu Islands community. The selection of informants was based on considerations of their direct involvement and knowledge concerning the research object. The instrument used in the study was a semi-structured interview guide.¹⁹

Secondary data were obtained through a documentation study of legislation, books, and scientific literature relevant to the research topic.²⁰ Data analysis was conducted using the Miles and Huberman interactive analysis model, which includes the stages of data collection, data reduction, data presentation, and drawing conclusions.²¹ To ensure the validity of the data, this study uses source triangulation, method triangulation, and time triangulation.²² In addition, this study was conducted with attention to research ethics by providing explanations to informants about the purpose of the research, obtaining consent before interviews were conducted, and maintaining the confidentiality of informants' identities. The data obtained was used solely for academic purposes.

Judicial Practice in Divorce Cases within the Masalembu Islands Community at the Sumenep Religious Court

The Sumenep Religious Court is a judicial institution with relative authority to handle Islamic family law cases for the people of Sumenep Regency,

¹⁸ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), 68.

¹⁹ Sigit Sapto Nugroho, Anik Tri Haryani, and Farkhani, *Metodologi Riset Hukum* (Karanganyar: Oase Pustaka, 2020), 67.

²⁰ Bahtiar Bahtiar, *Metode Penelitian Hukum* (Tangerang Selatan: UNPAM Press, 2018), 137.

²¹ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 171.

²² Muri Yusuf, *Metode Penelitian: Kuantitatif, Kualitatif, Dan Penelitian Gabungan* (Jakarta: Kencana, 2014), 395.

including the Masalembu District area. Administratively and legally, all divorce cases filed by the people of the Masalembu Islands are processed and examined at the Sumenep Religious Court, even though geographically the area is separated by the sea and quite far from the regency's administrative centre. This condition makes the Sumenep Religious Court the only formal access for the resolution of divorce cases for the people of Masalembu.²³

As a court overseeing the Masalembu District, the Sumenep Religious Court handles all divorce cases filed by the residents of these islands. Based on divorce case data from 1 January 2020 to 31 December 2024, petitioned divorce s are recorded as more dominant compared to talak divorce. Masalima Village recorded the highest number with 85 petitioned divorce and 8 talak divorce, followed by Sukajeruk Village with 52 petitioned divorce and 4 talak divorce. A similar pattern is also seen in Kramian Village with 16 petitioned divorce and 1 talak divorce as well as Masakambing Village which recorded 7 petitioned divorce with no talak divorce.²⁴

Along with the number of divorce cases handled from Masalembu Subdistrict, the costs that must be borne by the parties also form part of the ongoing judicial practice. Based on the Decree of the Chairperson of the Sumenep Religious Court Number 106/KPA.W13-A32/SK.HK2.6/I/2025 regarding the Advance Court Fees for First-Level Cases at the Sumenep Religious Court in 2025, the advance fee for a petitioned divorce for the Masalembu Islands community is set at IDR 6,240,000, while the advance fee for a talak divorce is IDR 8,640,000. These advance fees apply from the case registration stage and are charged to the parties filing for divorce through the Sumenep Religious Court.²⁵

The amount of court fees is closely related to the geographical conditions of Masalembu District, which is the outermost islands of Sumenep Regency. Geographically, the Masalembu Islands are located in the middle of the Java Sea, about 180 kilometres by sea from Kalianget Port as the access to Sumenep Religious Court. Transportation access to this area is entirely dependent on sea transport with limited sailing frequency, generally only once or twice a week. The sea travel time ranges from 12 to 18 hours, depending on the type of vessel and often unpredictable weather conditions.²⁶

²³ "Peta Wilayah Hukum Pengadilan Agama Sumenep Kelas 1A," Pengadilan Agama Sumenep, 2025, diakses pada 24 Desember 2025, <https://pa-sumenep.go.id/wilayah-yurisdiksi/>.

²⁴ Pengadilan Agama Sumenep, "Laporan Tahunan Pengadilan Agama Sumenep Tahun 2021-2024" (Sumenep, 2024).

²⁵ Keputusan Ketua Pengadilan Agama Sumenep Nomor 106/KPA.W13-A32/SK.HK2.6/I/2025 Tentang Panjar Biaya Perkara Tingkat Pertama Pengadilan Agama Sumenep Tahun 2025.

²⁶ Fairus Abadi, Perangkat Desa Kecamatan Masalembu, Wawancara, 7 April 2025.

Based on the provisions for summoning parties in divorce cases, the delivery of summons letters is in principle carried out through postal services.²⁷ However, in practice, postal services do not directly reach the Masalembu Islands. This situation means that summons cannot be carried out through the postal system, and must instead be done manually by a bailiff. Carrying out the summons in person requires the bailiff to travel by sea to the Masalembu Islands using a boat. This process takes longer as it depends on the availability of sea transport and the weather conditions during the journey.²⁸

The execution of summonses, which requires a considerable amount of time, affects the attendance of the parties in court. Based on field findings, parties residing in the Masalembu Islands often cannot attend hearings held at the Sumenep Religious Court.²⁹ This absence is due to limitations in sea transport, long distances, and irregular sailing schedules.³⁰ In some divorce cases, the trial continues even if one or both parties are not present in person, so the case examination process proceeds without the parties' presence.³¹

The absence of the parties in the trial has prompted the people of the Masalembu Islands to use the services of lawyers or third parties to handle divorce cases.³² Based on the research findings, some litigants choose to entrust their case management to local lawyers on a 'done-for-you' basis, from case registration, administrative handling, to attendance in court hearings.³³ The use of lawyers or third parties has become a common practice among the people of Masalembu in divorce cases filed with the Sumenep Religious Court.³⁴

Although the e-Court system policy has been implemented at the Sumenep Religious Court, its execution still faces limitations. Based on research findings, the process of registering an e-Court account as another user's account requires the public to come directly to the Sumenep Religious Court.³⁵ Furthermore, the people of the Masalembu Islands have not fully understood

²⁷ Surat Edaran Nomor 1 Tahun 2023 Tentang Tata Cara Panggilan Dan Pemberitahuan Melalui Surat Tercatat.

²⁸ Afifa Aha, Juru Sita Pengganti Pengadilan Agama Sumenep, Wawancara, 11 April 2025.

²⁹ Hidayatur Rahman, Petugas Layanan Informasi Pengadilan Agama Sumenep, Wawancara, 11 April 2025.

³⁰ Herliyanto, Masyarakat Kepulauan Masalembu, Wawancara, 5 April 2025; Sahwi, Masyarakat Kepulauan Masalembu, Wawancara, 5 April 2025; Anis Nurdiansyah, Masyarakat Kepulauan Masalembu, Wawancara, 5 April 2025.

³¹ Hirmawan Susilo, Hakim Pengadilan Agama Sumenep, Wawancara, 11 April 2025d.

³² Mukammar, Petugas Kantor Urusan Agama Kecamatan Masalembu, Wawancara, 9 April 2025; Hidayatullah, Petugas Kantor Urusan Agama Kecamatan Masalembu, Wawancara, 9 April 2025.

³³ Musa, Masyarakat Kepulauan Masalembu, Wawancara, 5 April 2025; Sarpa'ati, Masyarakat Kepulauan Masalembu, Wawancara, 6 April 2025.

³⁴ Moh. Jari, Masyarakat Kepulauan Masalembu, Wawancara, 5 April 2025.; Manti Ariska, Masyarakat Kepulauan Masalembu, Wawancara, 6 April 2025.

³⁵ Maya Ariandini, Petugas Layanan E-Court Pengadilan Agama Sumenep, Wawancara, 11 April 2025.

the features available in the e-Court system, particularly the e-Litigation feature related to the electronic court proceedings. This situation has resulted in the e-Court being underutilised for divorce cases from the Masalembu Islands.³⁶

Overall, the series of empirical findings indicate that the divorce case resolution practices experienced by the Masalembu Islands community at the Sumenep Religious Court possess their own distinctive characteristics and dynamics. Various aspects, ranging from geographical conditions, case costs, summons mechanisms, the presence of the parties, to the use of the e-Court system, shape a court practice pattern that differs from other regions. These findings provide an important empirical basis for further analysis to assess the extent to which the principles of simple, fast, and low-cost justice are implemented in divorce case resolution practices in the archipelagic region.

Implementation of the Principle of Simple, Fast, and Low-Cost Justice in Resolving Divorce Cases in the Masalembu Islands

The principle of simple, fast, and low-cost justice is a fundamental principle in the administration of judicial power in Indonesia.³⁷ However, the implementation of this principle does not always run ideally in practice, especially in regions with specific geographical characteristics such as the Masalembu Islands. Therefore, this subsection examines the application of the principle of simple, fast, and low-cost justice in the resolution of divorce cases among the Masalembu Islands community at the Sumenep Religious Court based on empirical research findings.

1. Principles of Simple Justice

The principle of simple justice fundamentally requires that legal proceedings be conducted through procedures that are easy to understand, straightforward, and directly accessible to seekers of justice without the need for excessive intermediaries.³⁸ The judicial process is said to be simple if the public is able to go through the stages of the legal process independently and obtain legal certainty without having to face complex procedures.³⁹

³⁶ Ahmad Salim, Masyarakat Kepulauan Masalembu, Wawancara, 6 April 2025; Suma'iye, Masyarakat Kepulauan Masalembu, Wawancara, 6 April 2025.

³⁷ Lihat Pasal 2 Ayat (4) Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman; M. Aditya Pratama, Rosmanila Rosmanila, and Alauddin Alauddin, "Penerapan Asas Cepat Sederhana Dan Biaya Ringan Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Bengkulu," *Qiyas: Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023): 306–15.

³⁸ Martini Idris and Dian Puspa Iwari, *Hukum Acara Peradilan Agama* (Pekanbaru: CV Bravo Press Indonesia, 2025), 25.

³⁹ Fuad Hasyim, "Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Murah Melalui E-Court," *Syariati: Jurnal Studi Al-Qur'an Dan Hukum* 8, no. 2 (2022): 255–68, <https://doi.org/10.32699/syariati.v8i2.4069>.

Based on research findings, the implementation of the principle of simple justice in resolving divorce cases in the Masalembu Islands community has not been optimally fulfilled. The geographical condition of the archipelagic region, separated by the sea, makes court procedures difficult for the parties to access directly, thus preventing the simplicity of the judicial process from being achieved. In addition to geographical factors, the manual summoning of the parties by bailiffs also adds to the complexity of judicial procedures and prolongs the administrative stages of case resolution.

This situation encourages the people of the Masalembu Islands to use the services of lawyers or third parties in handling divorce cases, indicating that the parties are not yet able to undertake the legal process independently. On the other hand, the implementation of the e-Court system, which has not yet been optimally operational, has not been able to function as an instrument to simplify court procedures. Thus, the principle of simple justice in the practice of resolving divorce cases in the Masalembu Islands has not been substantively realised.

2. Principle of Speedy Trial

The principle of speedy justice emphasises the importance of resolving cases within a reasonable and efficient timeframe without compromising the quality of case examination.⁴⁰ This fundamental indicator includes the timeliness of summoning the parties, the certainty of the hearing schedule, and the time taken to resolve cases. Swift justice is reflected in the absence of unnecessary delays and the continuous conduct of case examinations until the decision acquires legal force.⁴¹

The implementation of the principle of speedy justice in the resolution of divorce cases for the communities of the Masalembu Islands has not been carried out optimally. The long geographical distances and full reliance on sea transport mean that summons and trial stages cannot be conducted efficiently. Limited sailing frequency and uncertain weather conditions directly impact the length of the summons process for the parties involved.

In addition to geographical factors, the manual summoning mechanism by the bailiff also hinders the speed of legal proceedings. The absence of parties in court is a consequence of limited transportation access to the Sumenep Religious Court, which in practice affects the smoothness of the case examination process. On the other hand, the e-Court system, which has not been optimally utilised, has yet to function as a means to expedite the judicial process for the people of the Masalembu Islands.

⁴⁰ Ashari, Talli, and Fajri, "Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Ringan Dalam Perkara Perceraian Pada Masa Pandemi Covid-19 Di Pengadilan Agama Sungguminasa."

⁴¹ Umarwan Sutopo, Martha Eri Safira, and Neneng Uswatun Khasanah, *Hukum Acara Peradilan Agama Dalam Teori Dan Praktik* (Ponorogo: CV. Nata Karya, 2021), 25.

3. Principles of a Low-Cost Justice System

The principle of low-cost justice aims to ensure that legal proceedings are accessible according to the economic capacity of the community. Indicators of this principle include the affordability of court fees, the proportionality of costs with the socio-economic conditions of the parties, and the limitation of additional costs incurred during the trial process.⁴² The application of the low-cost principle can also be seen from the availability of mechanisms for fee reductions for underprivileged members of society, so that economic factors do not become a major barrier for those seeking justice in accessing judicial institutions.⁴³

The implementation of the principle of low-cost justice in the resolution of divorce cases in the Masalembu Islands community has not been carried out optimally. The high costs of the cases that must be borne by the parties constitute a distinct economic burden for the island community. These costs not only cover court administrative fees but are also influenced by the geographical conditions of the Masalembu region, which is separated by the sea, thus the litigation process requires additional expenses for transportation.

Moreover, the manual summons process by bailiffs, who must undertake sea travel, further increases the components of case costs. This condition encourages people to use lawyers or third parties in managing divorce cases, which ultimately adds indirect costs for the parties involved. On the other hand, the e-Court system, which has yet to be fully optimised, has not been able to function as a tool to curb litigation costs as was originally intended.

Table 1: Implementation of the Principles of Simplicity, Fastness and Low Cost

No.	Research Findings	Unfulfilled Principles		
		Simple	Fast	Low Cost
1.	Case Fee Deposit			✓
2.	Geographical Conditions	✓	✓	✓
3.	Manual Summons by the Bailiff	✓	✓	✓
4.	Absence of the Parties		✓	
5.	Use of Lawyers	✓		✓
6.	e-Court is not optimal	✓	✓	✓

⁴² Hasyim, "Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Murah Melalui E-Court."

⁴³ M. Hatta Ali, *Peradilan Sederhana Cepat & Biaya Ringan Menuju Keadilan Restoratif*, Bandung (Penerbit Alumnus, 2022).

Based on the analysis of the implementation of the principles of simple, fast, and low-cost justice, it can be concluded that the resolution of divorce cases of the Masalembu Islands community at the Sumenep Religious Court has not fully reflected the substantive fulfilment of these three principles. Therefore, the difference between the normative principle of justice and empirical practice in the field indicates a gap that needs to be further analysed through a legal system theory approach to understand the structural, substantive, and legal cultural factors that influence the implementation of the principle of justice in the context of the archipelagic region.

Analysis of the Implementation of the Principles of Simple, Fast, and Low-Cost Justice in the Perspective of Lawrence M. Friedman's Legal System Theory

To gain a deeper understanding of the factors affecting the suboptimal implementation of the principle of simple, quick, and low-cost justice in resolving divorce cases among the Masalembu Islands community, a systemic analytical approach is required. The legal system theory proposed by Lawrence M. Friedman is used in this study as an analytical framework to comprehensively examine judicial practices through three main elements, namely legal structure, legal substance, and legal culture.⁴⁴

This approach allows tracing not only normative and procedural aspects but also institutional conditions and legal behaviour that affect the course of judicial processes. Using Friedman's legal system theory, this subsection aims to analyse how the interaction between structure, substance, and legal culture plays a role in shaping divorce case settlement practices in the archipelago.

1. Legal Structure

In Lawrence M. Friedman's theory of legal systems, legal structure refers to the institutions and law enforcement personnel who implement the law in practice, including courts, judges, bailiffs, as well as the administrative mechanisms that support the law enforcement process. The legal structure determines how the law is operationalised and the extent to which legal procedures can be effectively carried out. The effectiveness of the legal structure is determined not only by the presence of institutions and personnel but also by the institutional capacity to respond to the social and geographical conditions of the served community.⁴⁵

Research findings indicate that the personnel and institutional mechanisms of the Sumenep Religious Court are not yet fully capable of

⁴⁴ Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Bandung: Nusa Media, 2019); Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Rusel Sage Foundation, 1975).

⁴⁵ Al Kautsar and Muhammad, "Sistem Hukum Modern Lawrence M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital."

supporting the effectiveness of judicial administration for the Masalembu Islands community. The summoning of parties, which must be done manually by the court bailiff, is a consequence of the inaccessibility of postal services in the archipelago. This condition places the bailiff in a structurally limited position, as the execution of their duties heavily depends on the availability of sea transport and weather conditions. As a result, the function of summoning as an important part of the litigation process cannot be carried out in a timely and efficient manner, impacting the overall proceedings.

Furthermore, the legal structure also appears to be suboptimal in supporting the utilisation of judicial technology through the e-Court system. The lack of adequate socialisation by the court authorities to the people of the Masalembu Islands indicates the weak role of the legal structure in bridging electronic-based judicial policies with the real conditions of the island communities. Thus, from the perspective of the legal structure, the practice of resolving divorce cases at the Sumenep Religious Court still faces institutional and operational limitations, which has implications for the suboptimal implementation of the principles of simple, fast, and low-cost justice for the people of the Masalembu Islands.

2. Legal Substance

In Lawrence M. Friedman's legal system theory, legal substance encompasses the entirety of norms, rules, and legal policies that form the operational basis for the administration of law. Legal substance is not only constituted by legislation, but also includes procedural provisions and technical policies that govern how a legal process is conducted. The success of legal substance is largely determined by its alignment with societal conditions and its ability to be effectively applied in judicial practice.⁴⁶

Based on research findings, the legal substance in resolving divorce cases among the Masalembu Islands community shows limitations in its application. Regulations regarding case fee deposits have been normatively established through court policies, but the amount of these fees does not fully take into account the socio-economic conditions of the island communities. Furthermore, provisions for summoning parties via postal services are normatively available, but cannot be applied because postal services do not reach the Masalembu Islands.

The legal substance also appears not to fully support the goal of modernising the judiciary through the implementation of the e-Court system. The provisions for creating user accounts, which require people to come directly to the court, contradict the purpose of e-Court as an electronic-based judicial service. As a result, the legal provisions regulating e-Court have not yet been

⁴⁶ Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*; Friedman, *The Legal System: A Sosial Science Perspective*.

able to function as an instrument for simplification, acceleration and cost reduction in litigation.

3. Legal Culture

In Lawrence M. Friedman's legal system theory, legal culture refers to the attitudes, values, perceptions, and behavioural patterns of both the public and law enforcement officials towards the law and its enforcement process.⁴⁷ Legal culture determines how laws are understood, accepted, and applied in everyday life. This element is important because the success of implementing legal norms and structures is greatly influenced by legal awareness and the community's habits in accessing and complying with the law.⁴⁸

The legal culture of the Masalembu Islands community in divorce cases shows a tendency not to be directly involved in court proceedings, particularly taking into account the limitations of transportation access and geographical distance. This condition also affects the course of trials, as case examinations often take place without active participation from the parties, making it difficult to achieve the objectives of participatory and transparent justice optimally.

Furthermore, the practice of using lawyers or third parties under a "take it as is" system has created a distinct legal culture in the Masalembu Islands community. The reliance on lawyers is due to limited access, a lack of understanding of legal procedures, and low digital literacy in utilising the e-Court system. Such a legal culture indicates that the community has not yet viewed the judicial process as a mechanism that can be accessed independently.

Table 2: Analysis of Lawrence M. Friedman's Legal System Theory

No.	Obstacle	Elements of Legal System Theory		
		Structure	Substance	Culture
1.	Case Fee Deposit	-	Regulations on the Case Fee Deposit that have been established	-
2.	Geographical Conditions	-	-	-
3.	Manual Summons by the Bailiff	Postal workers do not reach the island regions	The rules for sending summons by post do not apply	-

⁴⁷ Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*; Friedman, *The Legal System: A Sosial Science Perspective*.

⁴⁸ Choiru Fata, "Efektifitas Peraturan Pelaksanaan Bimbingan Perkawinan Calon Pengantin Perspektif Teori Sistem Hukum Lawrence M. Friedman (Studi Di Kantor Urusan Agama Blimbing Kota Malang)" (Thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2022), <http://etheses.uin-malang.ac.id/40323/>.

4.	Absence of the Parties	-	-	People who do not want to attend the trial
5.	Use of Lawyers	-	-	The culture of 'just accept it' that is widespread in society
6.	e-Court is not optimal	There was no public information from the court officials	User accounts must be created directly at the Court	The low level of digital literacy among the public

Based on Lawrence M. Friedman's legal system theory analysis, it can be concluded that the suboptimal implementation of the principles of simple, fast, and low-cost justice in resolving divorce cases among the Masalembu Islands community is a systemic issue involving the elements of legal structure, legal substance, and legal culture simultaneously. The interaction of these three elements indicates that the fulfilment of the principles of simple, fast, and low-cost justice cannot be achieved partially, but requires a comprehensive reform of the legal system to be more responsive to the characteristics of the island regions.

Conclusion

The implementation of the principles of simple, fast, and low-cost justice in resolving divorce cases for the people of the Masalembu Islands at the Sumenep Religious Court has not been optimally realised due to several obstacles, including high case fee advances, geographical conditions, the manual summoning of parties by bailiffs, the absence of parties, the community's dependence on the use of lawyers, and the suboptimal application of the e-Court system. Viewed from Lawrence M. Friedman's legal system theory, the limitations of the legal structure are evident in the manual summoning process by bailiffs and the lack of e-Court socialisation. From the perspective of legal substance, there are several obstacles: the rules on advance payment fees, unfulfilled postal summons, and the requirement to create an e-Court account by visiting the court in person. Meanwhile, obstacles in the legal culture aspect include the public's continued reliance on lawyers, absence from court proceedings, and low digital literacy.

Based on these findings and analyses, this study recommends the need for socialisation of the e-Court system to the public and adjustments to the

advance payment policies for court fees in the island regions. This study is limited by its focus on the Sumenep Religious Court, so the findings cannot yet be generalised to all religious courts in other island regions.

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