

IMPLEMENTATION OF THE PRINCIPLE OF EQUAL RIGHTS FOR PERSONS WITH DISABILITIES IN THE PROCESS OF PROCEEDINGS AT THE PURBALINGGA RELIGIOUS COURT

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Abstract

This study aims to analyze the implementation of the principle of equal rights for persons with disabilities in the litigation process at the Purbalingga Religious Court, as well as to formulate recommendations and concrete solutions to strengthen inclusive legal services. The research uses a qualitative approach with data collection techniques including interviews, observation, and documentation. The results show that the Purbalingga Religious Court has provided special services for persons with disabilities, reflecting the fulfillment of equal rights in legal proceedings. Recommendations include providing adequate physical access, enhancing the capacity of human resources to be more responsive to the needs of persons with disabilities, and drafting specific Standard Operating Procedures (SOP) for disability-friendly legal services. Concrete solutions that can be implemented include support services such as transportation for persons with disabilities, training court officers on inclusive services, and providing accessible infrastructure and facilities. Therefore, the implementation of the principle of equal rights in the judiciary can be realized in a tangible and comprehensive manner for all members of society, including persons with disabilities.

Keywords: *disability, equal rights, litigation process, Religious Court, inclusion*

Abstrak

Penelitian ini bertujuan untuk menganalisis implementasi prinsip persamaan hak bagi penyandang disabilitas dalam proses beracara di Pengadilan Agama Purbalingga serta merumuskan rekomendasi dan solusi konkret guna memperkuat pelayanan hukum yang inklusif. Metode yang digunakan adalah pendekatan kualitatif dengan teknik pengumpulan data melalui wawancara, observasi, dan dokumentasi. Hasil penelitian menunjukkan bahwa Pengadilan Agama Purbalingga telah memberikan pelayanan istimewa bagi penyandang disabilitas, yang mencerminkan pemenuhan hak yang setara dalam berperkara. Rekomendasi yang diberikan meliputi penyediaan akses fisik yang memadai, peningkatan kapasitas sumber daya manusia agar lebih responsif terhadap kebutuhan penyandang disabilitas, serta penyusunan Standar Operasional Prosedur (SOP) khusus yang mengatur tata cara pelayanan hukum yang ramah disabilitas. Solusi nyata yang bisa diimplementasikan meliputi penyediaan fasilitas pendukung seperti layanan transportasi bagi penyandang disabilitas, pelatihan bagi petugas pengadilan terkait pelayanan yang ramah disabilitas, serta pengadaan infrastruktur dan fasilitas yang mudah diakses. Dengan demikian, penerapan prinsip persamaan hak dalam peradilan dapat terwujud secara nyata dan menyeluruh bagi seluruh lapisan masyarakat, termasuk penyandang disabilitas.

Kata Kunci: *disabilitas, persamaan hak, proses beracara, Pengadilan Agama, inklusi*

1. Introduction

Access to justice is a human right of every citizen, including people with disabilities. In the context of the state of law, the principle of equality before the law is not only formal, but must also be realized subtly, namely by ensuring that every individual has the same opportunity to access legal services, especially in religious courts. (Instead, 2025) However, in reality, people with disabilities still often face various obstacles, both physically and culturally, in accessing the justice system that is supposed to be inclusive.

The urgency of the issue of legal accessibility for people with disabilities is increasingly important to study, considering that this group is included in the vulnerable category that requires special attention from the state. Law Number 8 of 2016 concerning Persons with Disabilities has clearly regulated the rights of persons with disabilities, including the right to receive fair and equal legal protection and services. (RI, 2016) Nevertheless, even though the legal umbrella is already available, its implementation still faces many challenges. The lack of supporting facilities, the lack of understanding of court officers on the needs of people with disabilities, and the uneven affirmative policy are some of the inhibiting factors in the fulfillment of the legal rights of persons with disabilities.

The Purbalingga Religious Court was chosen as the location for the research because until now there have not been many studies that specifically examine the implementation of the principle of equal rights for persons with disabilities in the religious justice environment, especially in the regions. In addition, Purbalingga as one of the areas that has quite a lot of people with disabilities is interesting to study how local judicial institutions respond to challenges in providing equal services.

Based on this background, the main focus of this study is to examine how to implement the principle of equal rights for persons with disabilities in the litigation process at the Purbalingga Religious Court, as well as explore the recommendations provided by the institution in an effort to provide good and disability-friendly legal services. In addition, this research also aims to formulate concrete solutions that can be applied to strengthen more inclusive and equitable legal services for all levels of society.

2. Literature Review

In a scientific study, a literature review serves to strengthen the theoretical foundation and show the relevance between the current research and previous studies. Through a literature review, researchers can understand the extent to which a theme has been discussed, find research gaps, and avoid duplication of topics. In this study, the literature review focused on previous studies related to the rights of persons with disabilities in the judicial system, especially in the context of services in religious courts. The researcher refers to several relevant scientific journals and academic books to enrich the perspective and provide a strong scientific basis for the core discussion in this study.

2.1. Research by Hendra Irawan & Inge Maulidiana Putri with the title *Fulfillment of Rights for Persons with Disabilities in Obtaining Legal Services in Religious Courts*.

The research was conducted by Hendra Irawan and Inge Maulidiana Putri with the title "*Fulfillment of Rights for Persons with Disabilities in Obtaining Legal Services in Religious Courts*" highlighting the fulfillment of the rights of persons with disabilities in the Kalianda Religious Court. This study uses a qualitative approach based on literature study, without involving field observation or direct interviews. The results of their research show that the Kalianda Religious Court has provided a number of facilities to support the accessibility of people with disabilities, such as guiding blocks for the blind, walking aids, toilets for the disabled, public information boards, wheelchairs, ramps, and special drop zone areas. (Hendra & Putri, 2023).

In contrast to the study, this study uses a sociological juridical approach with a qualitative method that involves data collection through direct interviews with judges, vice chairmen, clerks, and PTSP officers at the Purbalingga Religious Court, as well as observation of physical facilities and studies of internal court documents. The focus of this research is not only to highlight the availability of facilities, but also to evaluate the implementation of the principle of equal rights in the field, including the structural and cultural constraints faced.

2.2 Research by Hana Mifta Rofina Thenu & Leni Widi Mulyani, entitled "*Fulfillment of the Rights of Victims of Persons with Disabilities in the Indonesian Criminal Justice System*"

This research uses primary and secondary data that are analyzed descriptively and associated with relevant regulations such as Law Number 8 of 2016 and Government Regulation Number 39 of 2020. The findings suggest that although normative victims' rights have been regulated, their implementation is often ineffective due to the less pro-disability perspectives of law enforcement officials, lack of access to communication (e.g. sign language interpreters or disability companions), and the absence of formal procedures to ensure full rights to restitution, compensation, or rehabilitation. (Thenu & Leni Widi Mulyani, 2024).

In contrast to the study, this research focuses on the procedural process at the Purbalingga Religious Court with a juridical-sociological approach involving field observation, in-depth interviews with judges, vice chairmen, clerks, and PTSP officers, and the study of internal court documents.

2.3 Research by Aah Laelatul Barkah entitled "*Protection of the Rights of Persons with Disabilities with Disabilities as Victim Witnesses in the Criminal Justice Process in Indonesia*"

This research is normative-descriptive, which examines Law Number 8 of 2016 concerning Persons with Disabilities as the main legal umbrella in Indonesia to guarantee the rights of victims with disabilities. Barkah highlighted that in the practice of trials, victim witnesses with intellectual disabilities must be accompanied by an expert or companion so that they can participate effectively in the delivery of testimony. However, the study notes that such assistance policies have not been consistently implemented across the country, and attention to supporting mechanisms such as adaptive communication and witness psychological preparation is still minimal. (Barkah, 2019).

In contrast to the study, this study takes a more empirical and comprehensive juridical-sociological approach: not only focusing on victims of disability in the context of criminal justice, but directly exploring the implementation of the principle of equal rights for all persons with disabilities (not just disabled people) in the Purbalingga Religious Court.

Based on some of the research that has been stated above, it can be concluded that the issue of protection and fulfillment of the rights of persons with disabilities in the justice system has been widely studied, both from the normative aspects of criminal law, the role of companions, and procedural accessibility. However, most of the research still focuses on the realm of criminal justice and normative-descriptive approaches. Therefore, this research comes with a more empirical, contextual, and focused approach on the implementation of the principle of equality for persons with disabilities in the Religious Court, especially in the Purbalingga Religious Court. This research will not only reveal the applicable policies and regulations, but also explore directly how the realization of these principles is at the level of services, facilities, and awareness of the judicial apparatus.

3. Research Methods

This research uses a sociological or empirical juridical approach, which is a method that not only examines the law as a written norm, but also pays attention to how the law is implemented in people's lives. (Syahrin, 2024) This approach is used to examine the implementation of the principle of equal rights for persons with disabilities in the process of proceedings at the Purbalingga Religious Court, including the obstacles and realities faced in its implementation in the field. The sociological juridical approach allows legal analysis to be carried out by considering the sociocultural aspects and behavior of the legal apparatus in its empirical context.

In this study, a qualitative approach is used. This approach was chosen because it is able to explore the meaning, understanding, and experience of the research subject in depth. (Lexy, 2006) With a qualitative approach, researchers can understand how people with disabilities are treated in the justice system, as well as the extent to which court officials have sensitivity to the principle of inclusion. This approach is considered the most relevant to explore socio-legal issues that cannot be revealed through quantitative data alone.

The data collection technique in this study consists of three main ways. First, semi-structured interviews were conducted with several key informants, such as judges, deputy chief justices, clerks, and One-Stop Integrated Service (PTSP) officers, in order to obtain a direct perspective from the actors of the justice system. Second, observations are carried out directly on the facilities and infrastructure within the Purbalingga Religious Court, especially those related to accessibility for people with disabilities. Third, document studies are carried out on internal regulations, service SOPs, and relevant case archives. The triangulation technique is also used to test the validity of the data obtained.

The location of this research is the Purbalingga Religious Court which is under the jurisdiction of the Supreme Court. This court was chosen because it is a first-level judicial institution that directly interacts with the community, including vulnerable groups such as people with disabilities. Through research at this location, it is hoped that a real picture can be found related to the application of the principle of equality in the event process, as well as the factors that affect the success and obstacles.

4. Results and Discussion

4.1. Conditions of Service for Persons with Disabilities at PA Purbalingga

Access to justice is a fundamental right for every citizen, including people with disabilities. Law Number 8 of 2016 concerning Persons with Disabilities mandates that the state is obliged to guarantee the rights of persons with disabilities, including in obtaining accessible public services and facilities without discrimination. (RI, 2016) In the context of the judiciary, the court institution has a great responsibility to ensure that the legal process can be accessed and understood by persons with disabilities, both as parties, witnesses, and visitors. (Syam, 2023) The Purbalingga Religious Court, as one of the judicial institutions in Indonesia, is expected to have implemented guidelines and service standards that are disability-friendly in accordance with the mandate of related laws and regulations.

In general, services for persons with disabilities in judicial institutions in Indonesia have been regulated through various policies, including the Decree of the Director General of the General Judiciary of the Supreme Court of the Republic of Indonesia Number 1692/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Services for Persons with Disabilities in High Courts and District Courts, as well as Government Regulation Number 39 of 2020 concerning Adequate Accommodation for Persons with Disabilities in Judicial Processes. Although these guidelines are intended for the High Court and the District Court, the spirit and principles are relevant to be applied in the Religious Courts. (Putranto, 2023).

Ideally, the Purbalingga Religious Court has provided decent accommodations including:

a. Physical accessibility

Religious Courts have provided various physical accessibility facilities to support the mobility of persons with disabilities. These facilities include a disability-friendly ramp and special toilets designed specifically to meet the needs of people with disabilities. The provision of this facility aims to enable persons with disabilities to undergo the judicial process more easily and comfortably without experiencing physical obstacles. (Muhibbudin, 2025)

b. Accessibility of priority services

People with disabilities usually receive priority services to reduce the burden and waiting time during the process. Service officers directly approach those with disabilities to provide assistance and serve if they experience difficulties. For example, if there is a party with hearing impairment, the employees of the Religious Court use written media as a means of communication, including in the trial process. However, the Purbalingga Religious Court does not provide a special accompanying officer or translator. If needed, the companion or translator must be brought or provided by the party concerned himself. (Muhibbudin, 2025)

c. Case administration accessibility

In terms of accessibility of case administration, the procedures applied to persons with disabilities are essentially the same as the general provisions that apply. This is because not all people with disabilities come from underprivileged groups, many of them have financial capabilities like ordinary citizens, including in terms of paying case fees. Therefore, there are no special exceptions in the case administration procedure for persons with disabilities. The main difference lies in the provision of services and information, where people with disabilities receive more priority and attention compared to those who do not experience disabilities. (Muhibbudin, 2025).

4.2 Perception and Commitment of the Purbalingga Court Apparatus

In an effort to realize an inclusive justice system, the perception and commitment of the judicial apparatus plays a very decisive strategic role. Based on the results of interviews with a number of officials at the Purbalingga Religious Court, it was found that the majority had an adequate level of understanding of the urgency of providing services that are responsive to the needs of people with disabilities. The apparatus recognizes that individuals with disabilities have equal rights in accessing the justice system and obtaining justice in a fair and dignified manner.

The positive perception of inclusive services is reflected in the openness of the apparatus in accepting and implementing service innovations, especially in terms of their preparedness in welcoming and serving people with disabilities with a humanist and discrimination-free approach. Some respondents also indicated that the existence of internal training or socialization, although still limited, has contributed to the apparatus's understanding of ethics and appropriate approaches in interacting with litigants who have physical and mental obstacles. (Haryanto, 2021).

However, this positive attitude has not been fully balanced with even technical abilities among the apparatus. Some employees still experience obstacles, especially when handling cases involving people with disabilities with special communication needs, such as the deaf or visually impaired. This condition underscores the importance of building the capacity of human resources in a structured and sustainable manner in order to realize inclusive and equal judicial services for all parties. (RI, 2016).

The commitment of the Purbalingga Religious Court apparatus in providing services for people with disabilities is reflected in their increasing awareness of the importance of providing accessibility and respect for the rights of individuals with disabilities. The apparatus began to show an open attitude towards the diversity of individual capacities and actively strive to realize the principle of equality in the provision of legal services. This level of awareness is in line with the principle of inclusive justice, which affirms that the good administration of justice must ensure the absence of discrimination of any kind, including discrimination against persons with disabilities (Muhibbudin, 2025).

4.3 Recommendations given by the Purbalingga Religious Court

Based on the results of interviews with the Purbalingga Religious Court and the results of observations in the field, it is known that this institution is committed to creating inclusive and disability-friendly services. Although not entirely ideal, there are several strategic steps and recommendations that have been developed to support legal accessibility for people with disabilities (Salim, 2025).

According to the statement of the Purbalingga Religious Court Apparatus, there are a number of recommendations submitted to improve the quality of services for people with disabilities, including through strengthening physical service aspects, developing human resource capacity, and preparing relevant standard operating procedures (SOPs). (Muhibbudin, 2025)

a. Improved physical services

The Purbalingga Religious Court has made several efforts to improve disability-friendly physical services. Among them are the provision of ramps for wheelchair users, handrails on stairs, and special toilets that can be accessed by people with disabilities.

In addition, there is also a priority waiting room in the public service area for people with disabilities, the elderly, and pregnant women. These facilities aim to remove physical barriers and ensure that people with disabilities can access court buildings and services safely and comfortably. (Muhibbudin, 2025)

b. Increasing human resource capacity

To improve the quality of services for people with disabilities, the Purbalingga Religious Court has sought to increase the capacity of human resources (HR) through various strategic steps. One of the concrete steps taken is to provide special training for service officers, especially those who serve in the One-Stop Integrated Service (PTSP) section and information desks. This training includes effective and empathic communication skills towards people with disabilities, as well as knowledge of different types of disabilities, both sensory, physical and intellectual. (Indriyanto, 2025)

In addition, officers are also equipped with an understanding of applicable legal provisions, such as Law Number 8 of 2016 concerning Persons with Disabilities, so that they understand the legal rights of persons with disabilities as a whole. Not only that, the Court also held inclusive service simulations, such as exercises to deal with service users with special needs, so that officers can get used to providing fast, precise, and solution responses. These efforts demonstrate the institution's commitment to building a service culture that is not only procedurally friendly, but also humane and respectful of the diverse conditions of justice seekers. (Indriyanto, 2025)

c. Preparation of SOPs for people with disabilities

In order to ensure consistency and standardization in services for people with disabilities, the Purbalingga Religious Court initiated the preparation of a special Standard Operating Procedure (SOP)

that focuses on inclusive services. This SOP aims to provide technical guidance to all court apparatus in handling service users with special needs, starting from the initial stage of arrival, the case administration process, to the implementation of trials. (Indriyanto, 2025)

In the preparation of the SOPs, the court pays attention to the principles of equality, non-discrimination, and appropriate accommodation, as mandated in laws and regulations. The preparation of this SOP also involves input from organizations with disabilities to ensure that the procedures prepared are truly in accordance with the needs in the field.

With a clear and comprehensive SOP, it is hoped that there will be no difference in treatment between officers, and will be able to minimize the potential for discrimination or negligence in serving people with disabilities. This is an important step in building a professional, responsive, and fair legal service system for all justice seekers (Indriyanto, 2025).

4.4 Solutions that can be done by the Religious Court

Based on the results of interviews conducted with the Purbalingga Religious Court, there are several concrete steps that have been and are being pursued in supporting inclusive services for people with disabilities, namely:

- a. Provision of Shuttle Services for Persons with Disabilities
One form of attention to the limited physical access is the existence of a shuttle service for people with disabilities who have difficulty reaching the courthouse. This service demonstrates the court's active commitment to ensuring that the right to justice is not impeded by the factor of limited physical mobility. (Salim, 2025)
- b. Improving the Quality of Service by Court Officers
The Purbalingga Religious Court also provides guidance to court officers so that they can provide friendly and responsive services to the needs of people with disabilities. This effort is carried out through socialization of the principles of non-discriminatory services, debriefing on inclusive service ethics, and strengthening understanding of the importance of equal treatment for justice seekers from vulnerable groups. (Salim, 2025)
- c. Development and Equipment of Disability-Friendly Facilities
The court recognizes the importance of adequate physical facilities, so efforts are made to equip disability-friendly facilities that include future efforts to provide additional facilities such as special toilets, easily recognizable signs, or hearing aids for the deaf (Salim, 2025).

5. Conclusion

Based on the results of the research that has been conducted, it can be concluded that the implementation of the principle of equal rights for persons with disabilities in the litigation process at the Purbalingga Religious Court has shown a positive commitment. This is reflected through adaptive and inclusive services, such as preferential treatment in the administrative and trial processes that show that persons with disabilities have equal rights with other parties in the judicial process.

The Purbalingga Religious Court has also responded to the needs of this vulnerable group by identifying a number of relevant recommendations. These recommendations include providing adequate physical access, increasing the capacity of human resources through continuous training or socialization, and the preparation of Standard Operating Procedures (SOPs) specifically for services to persons with disabilities.

As a form of concrete solution to strengthen inclusive legal services, steps are needed such as the provision of shuttle services for persons with disabilities, the optimization of disability-friendly facilities in the court environment, and the improvement of officer competence through a human rights-based and non-discriminatory approach. Thus, the implementation of the principle of equal rights can be further strengthened and realized comprehensively in religious justice institutions.

6. Bibliography

- Badalu, F. (2025). The Role of Law in Realizing Social Justice in Society. *Ganec Swara*, 19(1), 140–146.
<https://doi.org/10.59896/gara.v19i1.193>
- Barkah, A. L. (2019). Protection of the Rights of Persons with Disabilities as Victim Witnesses in the Criminal

- Justice Process in Indonesia. *ADLIYA: Journal of Law and Humanities*, 12(2), 123–140.
<https://doi.org/10.15575/adliya.v12i2.4494>
- Haryanto. (2021). *Public services for people with disabilities*. Nusa Creative Media.
- Hendra, H. I., & Putri, I. M. (2023). Fulfillment of rights for persons with disabilities in obtaining legal services in religious courts. *Siyasah Journal of Constitutional Law*, 3(1), 60–67.
<https://doi.org/10.32332/siyasah.v3i1.7165>
- Lexy, M. (2006). *Qualitative research methods*. Rosdakarya.
- Putranto, D. (2023). The influence of religiosity, understanding of puberty, and social media use on adolescent sexual behavior. *Al Qalam: Scientific Journal of Religion and Society*, 16(6), 2338.
<https://doi.org/10.35931/aq.v16i6.1638>
- RI, P. (2016). Law Of The Republic Of Indonesia Number 8 Of 2016 Concerning Persons With Disabilities. *Angewandte Chemie International Edition*, 6(11), 951–952., 4(1), 2017.
[https://sedempr.gob.es/es/sede/csv%0Ahttp://www.researcherid.com/rid/I-2366-2012%0Ahttp://www.ige.eu/igebdt/esqv.jsp?ruta=verTabla.jsp?OP=1&B=1&M=&COD=5592&R=9928\[12\]; 0\[2015\]; 2\[all\]&C=1\[0\]; 3\[0\]&F=&S=&SCF=%0Ahttps://emea.mitsubishielectric.com/ar/products-soluti](https://sedempr.gob.es/es/sede/csv%0Ahttp://www.researcherid.com/rid/I-2366-2012%0Ahttp://www.ige.eu/igebdt/esqv.jsp?ruta=verTabla.jsp?OP=1&B=1&M=&COD=5592&R=9928[12]; 0[2015]; 2[all]&C=1[0]; 3[0]&F=&S=&SCF=%0Ahttps://emea.mitsubishielectric.com/ar/products-soluti)
- Syahrun, M. (2024). *Introduction to Legal Research Methodology, Normative and Empirical Research Studies, Proposal Writing, Thesis and Thesis Reports*. DOTPLUS Publish.
https://books.google.co.id/books?hl=id&lr=&id=hNFIEAAAQBAJ&oi=fnd&pg=PA1&dq=Pengantar+Penelitian+Hukum&ots=AXORcEgmja&sig=-vSD9N0gYN9OSgeoBhoAseJgbis&redir_esc=y#v=onepage&q=Pengantar+Legal+Research&f=false
- Syam, A. D. (2023). Risk Factor Sexual Risk Behaviour of Adolescents: a Literature Review. *Journal of Health*, 16(1), 9–18. <https://doi.org/10.24252/kesehatan.v16i1.36291>
- Thenu, H. M. R., & Leni Widi Mulyani. (2024). Fulfillment of the Rights of Victims of Persons with Disabilities in the Indonesian Criminal Justice System. *Journal of Law, Humanities and Politics*, 4(6), 2192–2199.
<https://doi.org/10.38035/jihhp.v4i6.2591>
- Indriyanto, S. A. (2025, July 28). An interview with the Religious Court of Purbalingga. (Syafik, Interviewer)
- Muhibbudin, M. (2025, July 28). Interview with the Deputy of the Purbalingga Religious Court. (S. Muhammad, Interviewer)
- Salim, W. (2025, July 28). Interview with the Junior Clerk of the Purbalingga Religious Court. (F. N. Syafik, Interviewer)