

Court Integration as a Form of Inclusiveness in the Indonesian Judicial Sphere

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Abstract

Indonesia, as a nation that officially recognizes religious pluralism, faces unique challenges within its judiciary system, particularly with respect to the exclusive Islamic Religious Courts. Referencing various laws and regulations, such as Law No. 3 of 2006 on Religious Courts, which caters only to Muslims, there exists a potential for discrimination that could impact social harmony and justice. This research aims to investigate possible discriminatory practices in the Religious Courts and explores a comparison with the judiciary system in the Netherlands, which is more inclusive and comprehensive in handling religious cases. Utilizing juridical-normative, comparative, and statutory approaches, this study examines the urgency of integrating the Religious Courts with the Civil Courts to create a more effective and inclusive judiciary system in Indonesia. Findings suggest that this integration is crucial to eliminate exclusive preferences and discriminatory practices, ensuring equal access to justice for all citizens regardless of their religious affiliation. The study recommends legislative reform in judicial laws to include principles of inclusivity, which will strengthen equality and justice across Indonesia.

Keywords:

Court; Religion; Discrimination; Inclusivity; Integration

INTRODUCTION

According to Law No. 24/2013 on Population Administration, Indonesia officially recognizes six religions: Islam, Hinduism, Catholicism, Christianity, Confucianism, and Buddhism.

Therefore, Indonesia can be called a country with religious pluralism among its population. The existence of religion in Indonesia is constitutionally supported by Pancasila, the third paragraph of Article 29 of the Preamble of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as

the 1945 Constitution) on Freedom of Religion, and Article 28E on Human Rights. The Religious Courts Law, with its revisions, reflects government policy to promote national development in the field of religion (Permata & Ali, 2022)

Meanwhile, in the legal context of Indonesia, the Religious Courts exist as an exclusive forum to enforce Islamic law. The religious judges involved in this judicial process are expected to have a deep understanding of Islamic teachings and aim to apply principles of justice in accordance with sharia norms. However, the existence of the Religious Courts implicitly highlights a preference for Islamic law over other religious laws (Yasmin et al, 2024). By emphasizing the

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existence of the Religious Courts as the only institution that deals with Islamic law, it creates the perception that Islamic law takes precedence over other religions in the legal context in Indonesia. Religious Courts in carrying out their functions are called Religious Courts. According to Article 49 of Law of the Republic of Indonesia Number 3 of 2006 concerning amendments to Law Number 7 of 1987 concerning Religious Courts (hereinafter referred to as the Religious Courts Law) states that, "Religious courts have the duty and authority to examine, decide, and resolve cases at the first instance between people of the Islamic faith in the fields of: marriage, inheritance, wills, grants, waqf, zakat, infaq, sadaqah, and sharia economics." This authority is explained in the explanation of Article 50 of Law of the Republic of Indonesia Number 3 of 2006 if there is a property rights dispute or other civil dispute related to the object of the dispute listed in Article 49 of Law of the Republic of Indonesia Number 3 of 2006, the Religious Court is authorized to decide the case (Cahyani, 2019). Glancing at the authority of the Religious Court, there is exclusivity from the Religious Court in resolving civil disputes only for people who are Muslim. The Religious Court has the potential to be discriminatory in the judicial sphere.

Article 50 of Law No. 2 of 1986 on General Courts (hereinafter referred to as the General Courts Law) states that "District Courts have the duty and authority to examine, decide and settle criminal cases and civil cases at the first instance". It can be interpreted that the District Court is authorized to resolve criminal and civil cases. From Article 49

of Law of the Republic of Indonesia Number 3 of 2006, Religious Courts have the authority to resolve civil cases against people who are Muslim.

This reflects the exclusivity of the Muslim community and shows inconsistency with Unity in Diversity. In fact, the District Court also handles civil cases. The authority of the Religious Court has been accommodated by the existence of the District Court. Therefore, the existence of the Religious Courts is not necessary to realize inclusiveness in the judicial sphere.

According to legal experts, the Religious Courts Law is not considered to be in conflict with the 1945 Constitution. However, further research is needed to ensure that there is no element of exclusivity in the government's policy regarding the Religious Courts Law. Types of discrimination can be divided into two, namely direct discrimination includes restrictions aimed at certain groups, while indirect discrimination involves making policies that prevent free interaction between certain races or ethnicities, so that these policies systematically disadvantage certain groups of society (Permata & Ali, 2022). This needs to be done so that there is no discrimination in the judicial sphere in Indonesia.

One of the reasons for maintaining the existence of the Religious Court can be traced from a historical perspective. The roots of the Religious Courts relate to the various kingdoms and sultanates in the archipelago that already have a judicial system based on customary law and Islamic law. Islamic law began to be applied starting from the entry of Islam

into Indonesia in the 13th century, especially in areas that became the center of the spread of Islam such as Sumatra, Java and Sulawesi. Furthermore, during Dutch colonialism, Islamic Courts were established because the majority of the indigenous population was Muslim in 1882 with the existence of Staatsblad No.152 concerning the establishment of a religious court system in Java and Madura aimed at handling civil cases related to Islam, such as marriage, divorce, inheritance, and waqf (Muttaqin, 2020).

The shortcomings of previous research are the absence of discussion on the urgency and discriminatory potential of the existence of religious courts for other religions. Previous research has also been lacking in providing comparisons with other countries regarding the existence of religious courts as well as a lack of innovation that truly addresses the issue of religious discrimination in the judicial realm. On the other hand, this study provides an explanation of the discriminatory aspects that arise in relation to the existence of religious courts, provides comparisons with other countries regarding the existence of religious courts, and also provides innovations in dealing with existing issues, namely the integration of religious courts and district courts in order to realize inclusiveness within the scope of the courts. Therefore, this study examines the discriminatory potential of religious courts, a comparison of the existence of courts authorized to hear religious disputes in Indonesia and the Netherlands, and the integration of religious courts and district courts as a

form of novelty to resolve existing problems.

RESEARCH METHOD

The type of research used is Juridical-Normative. Juridical Normative Research is a process of searching for rules, principles, or legal doctrines used to study problems that arise (Marzuki, 2010). The Juridical-Normative Research Method in this study considers the starting point of the research analysis is a juridical review of the urgency of integrating religious courts with state courts.

Research Approach

The approaches used are conceptual research (Conceptual Approach), comparative research approach (Comparative Approach), and statutory approach (Statute Approach). The conceptual approach is a method based on expert opinions contained in legal science. Based on these expert opinions, researchers can determine ideas in forming an understanding of the concepts, principles, and legal ideas relevant in dealing with the problem under study. This approach is used by the author to examine the urgency of the integration of religious courts with general courts in Indonesia based on existing doctrines.

Comparative Approach is a comparative approach using comparison to understand and study something (science). Therefore, the comparative approach can be applied in various scientific fields to find and analyze a discipline by comparing them and paying attention to their similarities and

differences (Firli, 2022). This approach is used by the author to compare the settlement of religious court disputes in the Netherlands with those in Indonesia.

The statutory approach is based on a search for laws and regulations related to the issues discussed. This approach is also used to assess the consistency and compatibility between one legislation and another. This approach is used by researchers to associate the urgency of the integration of religious courts with general courts in Indonesia based on existing regulations in Indonesia.

Data Collection and Retrieval Techniques

Researchers collect data using primary and secondary legal materials. this technique is carried out through library research and internet sources (Waluyo, 2002). This technique is carried out by researchers to collect accurate information about the legal issues studied. The information was obtained from books, scientific journals, laws and regulations, as well as other data accessed through the internet, relating to the integration of religious courts and district courts.

Legal Material Analysis Technique

Researchers apply a systematic analysis approach by interpreting laws and regulations and then linking them with other regulations. The researcher also used comparative analysis to compare regulations in different countries. Systematic interpretation is used to find out the regulations in Indonesia regarding religious courts in Indonesia and district courts in

Indonesia. Comparative interpretation is used to compare the settlement of religious civil disputes in Indonesia and the Netherlands.

RESULTS AND DISCUSSION

Potential Discrimination and Inefficiency in the Existence of Religious Courts

In the Preamble of the 1945 Constitution of the Republic of Indonesia, there is a statement affirming that "The Republic of Indonesia, which has the sovereignty of the people based on : The One True God, ..." (Constitution of the Republic of Indonesia 1945).

The statement in the preamble indicates the commitment of the Indonesian State to guarantee justice without discrimination to all religious communities. Therefore, every citizen regardless of religion must receive fair treatment in all aspects of life, especially in access to the judiciary, where every citizen regardless of religion is entitled to fair and equal treatment before the law. However, the existence of the Religious Courts, especially in Article 2 and Article 49 of the Religious Courts Law, where there are sentences "people seeking justice who are Muslims" and "people who are Muslims" creates a sense of discomfort for people of other religions because there is an element of religious discrimination and from the government it seems to take sides and make Islam look more exclusive than other religions.

Basically, the existence of Religious Courts and District Courts has the same function, namely examining, deciding, and adjudicating cases by applying or finding relevant laws (Sudirman L,

2021). Both are judicial institutions that have the authority to handle cases in the civil sector, but with different scopes. The District Court handles general civil cases that are not bound to a particular religion, while the Religious Court has special authority in handling cases related to Islamic law, especially those concerning the rights of Muslims, which cannot be resolved by the District Court.

In more detail, the District Court focuses on general civil matters, involving individuals or legal entities in the context of contracts, agreements, property disputes, debts and receivables, and other matters not directly related to a particular religion (Aidi Zil 2022). For example, if there is a dispute over property rights or financial obligations that is not related to religious law, then the case will be handled by the District Court. This makes the District Court a broader judicial institution, accommodating the interests of a more heterogeneous society, involving different religions, beliefs or cultural backgrounds.

On the other hand, Religious Courts have more focused authority in handling cases related to Islamic law, which includes, among others, issues of marriage, divorce, inheritance, waqf, and other trusts. This authority is given with the aim that Muslims can get justice in accordance with the teachings and principles of Islamic law (Asman et al 2023). Therefore, every case related to aspects of family law or property of Muslims, which is regulated in Islamic fiqh, will be decided by the Religious Court. For example, in divorce cases involving Muslim couples, inheritance rights in Muslim families, as well as

waqf arrangements, all of these become the domain of the Religious Courts, so that the Religious Courts have more specific authority to resolve cases relating to Muslims, which cannot be handled by the District Courts.

When viewed from the budget issued to finance the management of state property (BMN) in the Supreme Court in 2023, it reaches Rp.31,765,293,728,890, which includes costs for the entire judicial system, including District Courts and Religious Courts. Then, specifically in the Directorate General of Religious Courts, it reaches Rp.53,999,257,581.00 and the budget allocation received by the Religious Courts Agency is Rp.116,279,332,000. This shows that the budget allocation spent by the state is quite large for religious courts, especially the Directorate General of Religious Courts, which has led to inefficiencies in the use of ministerial / institutional budgets. This significant amount of budget shows how much the government cares about the smooth operation of the religious courts. However, inefficiency in the use of the budget was caused by the large amount of funds allocated where the government and related institutions should ensure that the budget spent was used effectively and efficiently, to avoid waste that could reduce the performance of the judiciary so that proper budget management would ensure better legal services to the community without causing waste to the state.

Furthermore, the Religious Courts Law stipulates that the requirement for the appointment of judges in the Religious Courts is that they must be Muslim. This reflects that the Religious

Court as a judicial institution that handles Islamic law cases requires judges who have an understanding of the teachings and principles of Islamic law. Indeed, the task of judges is to realize justice in every case handled, based on the principle of *Ius Curia Novit*, which means that judges are considered to know about all relevant laws in a case (Khoirul Anwar, 2022). Thus, the meaning of the Judge is considered to know all the laws does not correlate with the requirement to be Muslim to become a judge in the Religious Court.

If, a judge masters Islamic law even though he is not Muslim and this has been proven by the existence of a law degree and passing the judge's education in accordance with Article 13 of the Religious Courts Law. This indicates that there is an element of discrimination against judges who are not Muslim but already have sufficient understanding of Islamic law and have met the educational qualifications of judges in accordance with what has been determined. The same is true for other professions in the Religious Courts, such as Registrar, Bailiff, Secretary, and Deputy Secretary, whose duties are not directly related to the mastery of Islamic law. The requirements for these positions do not require a particular religion, indicating that an understanding of Islamic law is not always a major factor in the appointment of employees to these positions.

Religious discrimination is the unfair or unequal treatment of individuals, groups, or communities based on their religious beliefs (Purba Gomgom, 2022). Thus, discrimination

occurs when a person is judged or ignored simply because of their religious beliefs, either directly or indirectly. In this context, if correlated with articles 2 and 49 of the Religious Courts Law, which implicitly state that religious courts do not accommodate Indonesian citizens outside the Islamic religion (Ramadani et al, 2024). This regulation indirectly closes access for those of non-Muslim religions to obtain justice in the Religious Courts, whereas every citizen is entitled to equal treatment before the law. Thus, religious courts and regulations regarding religious courts clearly have the potential to represent the presence of discrimination.

To realize inclusivity in the justice system, both in the Religious Courts and the District Courts, reforms are needed in the regulations that govern the judicial process. These reforms must ensure that every citizen, regardless of religious background, can access justice fairly and equally. In Indonesia, with its vast religious and cultural diversity, the judiciary must reflect universal principles of equality, recognize and respect religious diversity, and provide a real sense of justice for all Indonesians (Mansyur et al, 2023). It is also important to ensure that the justice system is not only a tool for law enforcement, but also a means to strengthen the sense of unity among the various groups in society.

The implementation of this novelty in judicial regulation must include the revision or improvement of laws that are more inclusive, which can accommodate the needs of every religious group without discrimination. These inclusive changes to judicial regulations will not only provide more equitable access to

justice for the entire community, but will also create mutual respect between citizens, strengthen a sense of unity, and support the development of a more just and democratic state. Inclusiveness in the judiciary is one of the important pillars in realizing a prosperous and peaceful Indonesian society, where every individual is respected for their rights, without exception.

Comparison of the Existence of Courts Authorized to Adjudicate Religious Disputes in Indonesia and the Netherlands

The development of law in Indonesia is inseparable from a long history that has been running for centuries, where one of the most prominent influences came from the Netherlands. As a former colony that was under Dutch control for more than three centuries, Indonesia directly or indirectly received various legacies that influenced the structure of its society. One of the most visible legacies is in the field of law.

Historically, Dutch colonialism has shaped Indonesia's legal system, as the Dutch brought with them their legal system, civil law. This system is based on written law as the main foundation, where all case settlements and legal processes refer to rules that have been recorded in certain codifications. This approach is different from the customary law system that existed in the archipelago before the colonial era, which emphasized local values, traditions and customs.

The existence of the Dutch as colonizers has put pressure on Indonesia to adopt their legal system. The adoption of this system was not merely a choice,

but a consequence of Indonesia's status as a colonial state. In various aspects, this legal system continues to be used even after independence, although it has undergone adjustments and modifications to suit the needs of an independent nation.

In the practice of the existing legal system in Indonesia, there are four main judicial environments, each of which has specific jurisdiction according to the type of case being handled. The first is the General Court, which includes the district courts. This institution has the authority to examine, hear and decide criminal and civil cases. Second, the Religious Courts, which handle cases in the areas of family law and inheritance based on the principles of Islamic law. Third, the Military Court, which focuses on resolving criminal or disciplinary cases involving members of the TNI. Fourth, the State Administrative Court, which is tasked with examining disputes between citizens and government agencies related to administrative decisions. All of these judicial bodies are under the Supreme Court as the highest judicial institution (Constitution of the Republic of Indonesia, 1945). In the Netherlands, the public justice system has a structure consisting of several levels, each with its own functions and authority. At the first level is the Court of First Instance (Rechtbank), which acts as the main court in handling various types of cases. The Rechtbank includes the judicial bodies of the district courts which have jurisdiction to examine, hear and decide cases in the criminal, civil and public administration sectors. If the parties involved in a case are not satisfied with

the decision of the (Rechtbank), they can appeal to the Court of Appeal or (Gerechtshof). This court serves to re-examine the case based on the facts and evidence that have been submitted at first instance. The Gerechtshof is also responsible for ensuring that the judicial process is conducted in accordance with the law. At the highest level there is the Court of Appeal or (Hoge Raad), which functions as an institution of cassation.

The (Hoge Raad) does not examine new facts, but rather focuses on the application of the law and ensures that decisions at lower levels are in accordance with correct legal principles (Suryajiyoso, 2021). In outline, the comparison of the authority of the courts in Indonesia with the courts in the Netherlands is as follows:

Table 1. Differentiation of Court Authority in Indonesia and the Netherlands

Differentiation	Indonesia	Netherlands
District Court	The District Court is the first instance that handles the examination, trial and decisionmaking process in criminal and civil cases.	The District Court in the Netherlands acts as the initial instance for hearing, adjudication and decision-making in criminal, civil, military, religious and public administration cases.
Military Court	The Military Court is authorized as the initial agency to hear criminal cases involving military personnel, examine, decide, and resolve military administrative disputes.	-
Religious Court	Religious courts function as the first instance for civil cases involving people who follow Islam, such as marriage, divorce, inheritance distribution, waqf, zakat, infaq, grants, and disputes related to sharia economics.	-
Administrative disputes at the appellate level.	This court is the initial instance Courts on state administration	Court of administrative disputes.

In the context of religious disputes in the Netherlands, each religion is given the freedom to resolve these issues through mechanisms that are in accordance with its religious teachings and traditions. This reflects the respect for religious freedom and diversity, which are fundamental principles of the Dutch legal system and society. This internal resolution of disputes is often done through religious institutions or

mediation mechanisms that are based on religious values and norms.

However, if resolution through the internal religious system cannot reach a result that is satisfactory to all parties, or if one of the parties desires resolution through state legal channels, the Dutch constitution guarantees the right of every individual to access the district court. The district court that has jurisdiction in the relevant region can deal with the religious dispute. In this

case, the district court will decide the case based on civil law, while respecting the constitutionally recognized principles of freedom of religion. (Van Bijsterveld & Sophie, 2015)

Unlike the Netherlands, Indonesia has a Religious Court that deals specifically with disputes relating to religion. This judicial institution is a form of adaptation of the Indonesian legal system to the needs of the Muslim community, which makes up the majority of the population in this country. The Religious Courts are designed to accommodate the resolution of certain cases based on Islamic law, such as issues of marriage, divorce, inheritance distribution, waqf, zakat, infaq, grants, and disputes related to sharia economy. The jurisdiction of the Religious Courts is limited to cases involving individuals of the Muslim faith. In other words, people of other religions do not have access to the Religious Courts, even if their issues relate to religious law. In contrast, disputes involving non-Muslims are generally resolved through the internal mechanisms of their respective religions or, alternatively, through the District Court. This significant difference in legal systems has implications that need to be examined. One impact is the potential for a sense of discrimination or injustice for non Muslims.

Country/Jurisdiction	Overall Score	% Change in Overall Score	Global Rank	Change in Global Rank	Country/Jurisdiction	Overall Score	% Change in Overall Score	Global Rank	Change in Global Rank
Kyrgyz Republic	0.45	-1.4%	100	1 +	Dominica	0.58	0.1%	53	1 +
Latvia	0.73	0.7%	22	2 +	Dominican Republic	0.49	1.0%	86	8 +
Lebanon	0.45	0.0%	107	1 +	Ecuador	0.47	-2.1%	96	1 +
Liberia	0.44	0.8%	112	2 +	Egypt, Arab Rep.	0.35	-1.2%	136	1 +
Lithuania	0.77	0.4%	18	0	El Salvador	0.45	-2.5%	108	4 +
Luxembourg	0.83	0.8%	6	2 +	Estonia	0.82	0.0%	9	0
Madagascar	0.43	-1.4%	114	1 +	Ethiopia	0.38	-3.1%	129	4 +
Malawi	0.52	-0.5%	69	1 +	Finland	0.87	0.4%	3	0
Malaysia	0.57	0.8%	55	1 +	France	0.73	-0.4%	21	0
Mali	0.40	-5.3%	121	5 +	Gabon	0.39	0.3%	124	4 +
Malta	0.68	0.1%	30	0	The Gambia	0.49	0.1%	85	3 +
Mauritania	0.36	-1.4%	133	0	Georgia	0.60	0.3%	48	1 +
Mauritius	0.61	-0.4%	46	1 +	Germany	0.83	0.0%	5	1 +
Mexico	0.42	-1.3%	116	1 +	Ghana	0.55	-0.5%	61	1 +
Moldova	0.53	1.3%	48	2 +	Greece	0.61	-1.4%	47	3 +
Mongolia	0.53	-0.6%	64	0	Grenada	0.60	1.4%	49	1 +
Montenegro	0.56	-	57	-	Guatemala	0.44	-0.3%	111	1 +
Morocco	0.48	0.9%	92	4 +	Guinea	0.41	0.8%	118	1 +
Mozambique	0.38	-3.0%	128	4 +	Guyana	0.50	0.2%	76	1 +
Myanmar	0.35	-3.7%	135	1 +	Haiti	0.34	-3.5%	139	1 +
Namibia	0.61	0.5%	44	2 +	Honduras	0.41	1.6%	119	4 +
Nepal	0.52	-0.9%	71	0	Hong Kong SAR, China	0.73	-0.2%	23	1 +
Netherlands	0.83	-0.3%	7	2 +	Hungary	0.51	-0.2%	73	2 +
New Zealand	0.83	-0.2%	8	1 +	India	0.49	-0.7%	79	0
Nicaragua	0.35	-4.4%	137	2 +	Indonesia	0.53	0.2%	66	0

According to the Rule of Law Index 2023 released by the World Justice Project (WJP), the Netherlands is ranked 7th in the world for the best justice system, while Indonesia is ranked 66th in the world (World Justice Project, 2023). These rankings indicate a significant gap in the effectiveness, fairness and accessibility of the justice systems in the two countries. The justice system in the Netherlands is considered more effective and able to deliver justice equitably, supported by the transparency, independence and efficiency of the judiciary. On the other hand, Indonesia's ranking reflects the huge challenges that still need to be overcome in improving the quality of the legal and justice system.

One aspect that needs special attention in Indonesia is the Religious Court system. These courts can only be accessed by individuals of the Muslim faith to deal with certain matters concerning the Islamic religion. This limitation, while appropriate to the needs of the majority Muslim population in Indonesia, can lead to potential discrimination against people of other religions who do not have similar access. This poses a challenge in creating a

justice system that is inclusive and fair to all Indonesians, regardless of religious background.

To prevent such potential discrimination, improvements in the Religious Courts system need to be prioritized. Expanding legal accessibility for other religious groups, either through the existing judicial system or other specialized mechanisms, can be a solution to creating a more inclusive legal system. By improving the justice system, including within the Religious Courts, Indonesia can strengthen public trust in legal institutions, promote effective law enforcement, and ensure that the rights of every citizen are protected.

Integration of Religious Courts and District Courts as a Novelty to Achieve Inclusiveness in the Judicial Sphere

The Court Integration mechanism plays a strategic role in promoting inclusiveness in the judiciary through the merger of religious and district courts. This provides a platform to bring together two judicial institutions with different characteristics and jurisdictions into one more coordinated system. Religious courts, which have focused on handling Muslim civil matters such as marriage, inheritance and waqf, are often perceived as exclusive and limited in scope. By integrating religious courts into the state court system, there is potential to address fragmentation in the justice system while ensuring that the legal needs of all citizens can be met equally.

This integration also provides scope for sharing resources, whether in the form of infrastructure, experts or technology, so that the courts can

improve their operational efficiency. In the context of state courts with broader jurisdictions, religious courts can contribute specific expertise in Islamic law to handle relevant cases. Conversely, the district courts can provide administrative support and access to greater resources to expedite the case handling process. This collaboration allows for a strong synergy between the two institutions, ultimately improving the quality of legal services to the community. In addition, Court Integration also aims to remove the barriers that have separated the justice system based on religion, thus providing more equitable access for all citizens. This supports the principle of inclusivity by emphasizing that justice should be accessible regardless of religious background or other social identities. With this approach, the justice system is not only more efficient but also more responsive to the needs of a diverse society, creating a broader and deeper sense of justice in the community. Furthermore, it also has a positive impact on strengthening social cohesion in a plural society. By integrating the judicial system, this mechanism reflects recognition and respect for religious diversity, without compromising the principle of equality under the law. Thus, Court Integration serves not only as a technical effort to simplify the justice system but also as a strategy to strengthen the foundation of an inclusive, harmonious and fair law for all elements of society.

This mechanism was concretely designed by integrating religious court judges into the district courts, with the aim of improving the efficiency of the

civil justice system, especially for Muslim communities. This measure does not aim to abolish the existence of religious courts, but rather to optimize their role within the structure of the district courts. This integration allows for the handling of civil disputes based on Islamic law without requiring the existence of religious courts as independent institutions. A similar model has been successfully implemented in the Netherlands, which is known for its advanced civil law legal system, as an effort to overcome fragmentation in the judicial system.

In the context of the Dutch legal system, district courts are empowered to handle religion-based disputes by accommodating specific legal needs through the appointment of judges who have expertise in the relevant legal norms. This approach allows district courts to effectively handle religious matters without establishing a separate institution. With reference to this model, state courts in Indonesia could be provided with a special division tasked with resolving Islamic civil cases. The placement of religious court judges in this division would ensure that disputes are still resolved in accordance with the principles of Islamic law, as set out in the Compilation of Islamic Law (KHI). As an implementation measure, this mechanism requires a clear differentiation between Islamic civil cases and general civil cases in the district courts. This differentiation could be organized systematically, similar to the separation between civil and criminal cases in the existing justice system. In addition, supporting regulations are needed to regulate the procedures of the

district courts in handling Islamic civil cases, including the separation of sources of reference in handling cases which are then divided into the Criminal Code, the Civil Code, and the Compilation of Islamic Law. Other procedures also include the provision of supporting resources, as well as training for judges to understand aspects of Islamic law and national law in an integrated manner so that the implementation of court integration can be actualized. Through the implementation of this mechanism, the district courts can not only improve judicial efficiency and accessibility, but also create a legal system that is inclusive and responsive to the needs of a plural society. This approach eliminates the potential for religious-based discrimination in the judiciary while simplifying the national judicial structure. By learning from the success of the Dutch legal system, Indonesia can develop a model of justice that harmonizes national and religious law within an integrated framework, thus supporting the creation of substantive justice for all levels of society.

The implementation of Court Integration not only requires legislative reform, but also structural and procedural adjustments to create an inclusive justice system. One of the main challenges is the removal of discriminatory provisions contained in legislation. Provisions that require judges in general courts to be Muslim not only contradict the principle of equality, but also potentially hamper efforts to build a justice system that is responsive to the needs of a pluralistic society. As such, the requirement for expertise in Islamic law should be

prioritized as a key competency indicator regardless of the religion of the prospective judge.

The integration of the Religious Courts Law into the General Courts Law requires substantial revision of various clauses, including the formal requirements to become a judge handling Islamic civil cases. In this context, a judge's ability to understand and apply relevant principles of Islamic law is far more important than personal religious background. This revision will not only create a more inclusive legal framework, but also support harmonization between the national legal system and religious law in the context of integrating the judiciary.

Moreover, this reform is in line with the commitment to uphold the principle of non-discrimination, which is one of the important pillars of a modern legal system (Kholis, 2018). The imposition of religion-based clauses in public positions, including in the judiciary, not only risks discrimination, but can also reduce access to competent individuals

who have a deep understanding of Islamic law but come from different religious backgrounds. Therefore, removing the religion requirement is a strategic move to open up wider opportunities for competent legal professionals to contribute to the judicial system. With this reformulation, Court Integration not only serves as a mechanism to bring together the religious and general courts, but also a platform to strengthen an inclusive and adaptive national legal system. This move reflects a commitment to the principles of equality, inclusiveness and professionalism, which are fundamental values in realizing a fair and transparent justice system in a diverse society.

Recommendations for reformulation in terms of the integration of religious court laws into state courts within the scope of general justice in order to minimize the potential for discrimination and realize inclusiveness within the scope of the courts:

Table 2. Recommendations for Reformulation of the General Courts Law

General Court Law before Integration	General Court Law after Integration
<p>Article 50 "The District Court has the duty and authority to examine, decide and settle criminal and civil cases at the first instance."</p> <p>There are no provisions regarding the requirements to be a judge who can hear civil disputes using Islamic law.</p>	<p>Article 50 "The District Court has the duty and authority to examine, decide, and settle criminal cases, civil cases, and civil cases using Islamic law at the first level."</p> <p>Provides provisions regarding the requirements to become a judge who can adjudicate in civil disputes using Islamic law by eliminating the requirement to be Muslim, to be :</p> <p>"To be appointed as a judge who resolves civil disputes using Islamic law, a person must fulfill the following requirements:</p> <ol style="list-style-type: none"> a. Indonesian citizen; b. be devoted to God Almighty; c. be loyal to Pancasila and the 1945 Constitution of the Republic of Indonesia; d. bachelor of shari'ah, bachelor of Islamic law or bachelor of law who mastered Islamic law; e. passed the judge's education; f. be spiritually and physically able to carry out duties and obligations; g. authoritative, honest, fair, and of irreproachable behavior; h. be at least 25 (twenty five) years old and at most 40 (forty) years old; and 1. has never been sentenced to imprisonment for committing a crime based on a court decision that has obtained permanent legal force."

CONCLUSIONS

The integration of the Religious Courts with the District Courts is an important step in realizing inclusivity within the scope of justice in Indonesia. By integrating these two institutions, the justice system not only becomes more efficient but also more inclusive, serving the legal needs of all citizens regardless of religious background. This would also reduce the potential for discrimination against certain religions that may arise from the exclusive nature of the Religious Courts. The reformulation recommendations in the General Courts Law, particularly in relation to the

requirements to become a judge who resolves civil disputes using Islamic law, can be a concrete step in eliminating discriminatory elements and ensuring justice in law enforcement for all Indonesian citizens. Thus, the integration of Religious Courts and District Courts is an important breakthrough to achieve the goals of inclusivity and justice in the Indonesian justice system.

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