

# Enhancing Access to Justice: Comparative Insights into Mobile Courts in Indonesia and Malaysia

Hazar Kusmayanti<sup>a✉</sup>, Nurul Hidayat Ab Rahman<sup>b</sup>

<sup>a</sup> Faculty of Law, Padjadjaran University, Indonesia,  
[hazar.kusmayanti@unpad.ac.id](mailto:hazar.kusmayanti@unpad.ac.id), <https://orcid.org/0000-0003-4236-0787>

<sup>b</sup> Faculty of Law, University Kebangsaan Malaysia, Malaysia,  
[nhidayat@ukm.edu.my](mailto:nhidayat@ukm.edu.my), <https://orcid.org/0000-0003-1008-4263>

✉ Corresponding email: [hazar.kusmayanti@unpad.ac.id](mailto:hazar.kusmayanti@unpad.ac.id)

## Abstract

This research aims to compare the mobile court case settlement practices in Malaysia and Indonesia, such as legal framework and jurisdiction, operational structure, successes and challenges and implementation strategies in both countries. Research methods used in this paper is a normative juridical approach, and the collection of data is conducted through statutory law: gathering relevant statutes, regulations, and legal provisions governing the establishment and operation of mobile courts in Indonesia and Malaysia. The findings reveal a comparison of mobile court case settlement practices in Malaysia and Indonesia, where the mobile court service is advantageous because it facilitates access to the court for justice seekers. Beyond the logistical benefits, these services offer psychological comfort by allowing proceedings to occur in familiar and less intimidating environments. The difference in the implementation of mobile courts is that in Indonesia mobile

courts only exist at the district level religious courts, where judges go to the field to conduct trials in rural locations, for example in the village hall, and the cases handled only involve minor cases such as isbat marriage, divorce, divorce, child custody and determination of heirs. To overcome the geographical and logistical challenges, enhancing collaboration between different government agencies is crucial. In both countries, coordination between the judiciary, local governments, and other relevant agencies, such as transportation and communication departments, can improve the effectiveness of mobile courts.

**KEYWORDS** *Access to Justice, Comparative Study, Indonesia, Malaysia, Mobile Court*

## Introduction

One of the ideas that developed within the judicial system during the Reformation was to implement a 'one-stop system'. The realization of this principle was strengthened through a one-stop judicial system with the Supreme Court as the highest institution.<sup>1</sup> In addition to the one-stop system, the government is gradually changing the status and recruitment policies of judges in all courts. Although this idea has been around for a long time and has been discussed for decades, it has yet to be materialized in Law Number 35 of 1999 on the Basic Provisions of Judicial Power. However, increasing pressure to reform the judicial system eventually bore fruit. To improve service, openness, and accountability of the courts, particularly in relation to case decision-making, a time limit for court decision-making was introduced.<sup>2</sup>

During the early days of the Reformation, some progress towards legal reform was made during Bagir Manan's tenure as Chief Justice of the Supreme Court (2001-2008). In addition to reducing the number of people below the poverty line, empowering communities, and strengthening national resilience, the national development strategy during Reformasi was also characterized by efforts to build a justice system with a strong emphasis on the conceptions of 'Access to Justice' and 'Justice for All' without

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<sup>1</sup> Moh Ali Hofi, "Judicial Review Satu Atap Di Mahkamah Konstitusi Sebagai Refleksi Terhadap Problematika Dan Tantangan Kekuasaan Kehakiman Di Indonesia," *HUKMY : Jurnal Hukum* 1, no. 2 (2021): 221–234, <https://doi.org/10.35316/Hukmy.2021.V1i2.221-234>.

<sup>2</sup> Hazar Kusmayanti, *Sidang Keliling Pengadilan Agama Di Indonesia* (Bandung, Logoz, 2018).

exception.<sup>3</sup> Access to justice refers to the ability of individuals and communities to effectively seek and obtain fair and timely solutions to the legal problems they face. This concept is in line with the principles of the exercise of judicial power set out in Article 2 paragraph (4) of Law Number 48 of 2009 on Judicial Power, which prioritizes simple, speedy and low-cost justice.

Access to justice goes hand in hand with efforts to reform court bodies, including religious courts. Looking at the provisions of the legislation on judicial power, religious courts as one of the judicial bodies exercising judicial power have the same position as other judicial bodies under the Supreme Court.<sup>4</sup> Judicial power in Indonesia is exercised by a Supreme Court and the judicial bodies under it in the general court, religious court, military court, state administrative court and the Constitutional Court. Religious courts are authorized to examine, hear, decide and settle cases between people of the Muslim religion in accordance with the provisions of laws and regulations. Religious Courts are legitimate State Courts, in addition to being Special Courts. Religious Courts are authorized by state law, to implement Islamic material law within the limits of their jurisdiction. To carry out its main duties and functions, the Religious Courts rely on various laws and regulations.

In Indonesia, the regulation of religious courts is expressly regulated in Law Number 7 of 1989 concerning Religious Courts, which was amended by Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, and amended a second time by Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts. To strengthen the formal justice sector, namely access to justice, the religious courts have made optimal efforts to fulfil the rights of justice seekers who cannot access religious court bodies either due to physical, financial or other obstacles through the mobile court program. Explicit arrangements related to mobile courts are contained in Supreme Court Regulation No. 01/2015 on Integrated Mobile Court Services for District Courts and Religious Courts/Mahkamah Syar'iyah in the Context of Issuing Marriage

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<sup>3</sup> Rizki Cintia Devi and Zakki Adlhiyati, "Access To Justice Melalui Class Action," *Jurnal Verstek* 9, no. 2 (2021): 428–435, <https://doi.org/10.20961/Jv.V9i2>

<sup>4</sup> Abdul Halim Talli, "Sistem Pembinaan Dan Pengawasan Hakim Pengadilan Agama Pasca Lahirnya UU No. 50 Tahun 2009," *Jurnal Al Hikam* 15, no. 1 (2015): 23–34, [https://journal.uin-alauddin.ac.id/index.php/al\\_hikmah/article/view/369](https://journal.uin-alauddin.ac.id/index.php/al_hikmah/article/view/369).

### Certificates, Marriage Books and Birth Certificates.<sup>5</sup>

A mobile court is a feature of hybrid legal systems where common law and civil law are combined, and it operates through both adversarial and inquisitorial procedures. Essentially, a mobile court refers to a court that travels from one location to another. The term 'mobile' is derived from 'mobility,' meaning the ability to move easily from place to place. On the other hand, a court is a place where legal matters are adjudicated and laws are interpreted.<sup>6</sup> A court, as an official body or state institution is authorized to examine, hear and decide cases that aim to uphold law and justice. Mobile courts, also known as traveling or circuit courts, are judicial bodies that travel to remote or underserved areas to conduct legal proceedings. According to Wahyu Widiyana, the mobile court is aimed at providing legal certainty to the community in the field of family law, including marriage status, divorce and child status. They are designed to provide access to justice for communities that may have limited access to traditional court facilities due to geographical, infrastructural, or other challenges. These courts often deal with a range of legal matters, including civil, criminal, and administrative cases, and they aim to increase the efficiency and effectiveness of the legal system by bringing justice closer to the people. The main principle of mobile court sessions is to organize simple, fast, and affordable trials. Another objective of the mobile court is to facilitate access for people who live in rural areas or whose domicile does not have a religious court office. Thus, mobile court serve as a solution for resolving cases in the religious courts.<sup>7</sup> Mobile court sessions have generally been implemented in almost all Religious Courts in Indonesia. However, the legal aid provided is not only limited to providing facilities for the community but also serves as a means of education and learning, especially for those in need.

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<sup>5</sup> Hazar Kusmayanti, Sherly Ayuna Putri, and Linda Rahmainy, "Praktik Penyelesaian Sengketa Di Pengadilan Agama Melalui Sidang Keliling Dikaitkan Dengan Prinsip Dan Asas Hukum Acara Perdata," *ADHAPER: Jurnal Hukum Acara Perdata* 4, no. 2 (May 1, 2019): 145, <https://doi.org/10.36913/jhaper.v4i2.83>.

<sup>6</sup> Anwara Begum Tamanna, "A Critical Evaluation of Mobile Court Act 2009: How Mobile Court Demolishes Separation of Judiciary and Other Constitutional Principles of Bangladesh," *Asian Journal of Humanities and Social Studies* 11, no. 6 (2023): 22–28, <https://doi.org/10.24203/ajhss.v11i1.7164>.

<sup>7</sup> Atika Atika, I Ketut Seregig, and Melisa Safitri, "Analisis Hukum Acara Dalam Pelayanan Terpadu Sidang Keliling Pada Pengadilan Agama Gunung Sugih," *MAQASIDI: Jurnal Syariah Dan Hukum* 1, no. 2 (January 10, 2022): 86–93, <https://doi.org/10.47498/maqasidi.v1i2.650>.

In Indonesia, the existing justice system is often unable to reach people in remote areas, either due to long distances, high costs, or the limited number of judges and court facilities. In this case, mobile court hearings are one solution to bring the courts to areas in need. This model was first introduced by the Indonesian Supreme Court in the early 2000s, and has since been expanded, particularly to handle cases involving rural communities or hard-to-reach areas. Although the mobile court has provided easier access for the community, there are still challenges and obstacles in terms of the quality of legal services provided, such as the lack of adequate resources, limited legal knowledge among the community, and potential inequality in the distribution of legal aid in remote areas. Therefore, further efforts are needed to ensure that in addition to wider access, the quality and understanding of the law received by the community can also be improved equally and effectively.

Law reform often focuses on the technical or institutional aspects of reform, but consideration of legal culture is also important. Legal culture as a concept has received significant scholarly attention over the past few decades. The study of legal culture spans several fields, including anthropology, comparative law, and law and society.<sup>8</sup> In this research, the author will examine the practice of mobile courts in Indonesia and Malaysia because as Muslim-majority countries, the Religious Court plays an important role in resolving disputes among Muslims both in Indonesia and Malaysia.<sup>9</sup> The mobile court model is also found in Malaysia, which serves the same purpose of access to justice.

One of the primary objectives of the mobile court initiative is to reach communities residing in rural and remote areas of Malaysia, particularly in the states of Sabah and Sarawak. These regions are predominantly inhabited by indigenous populations who, due to factors such as poverty and limited access to formal education, are often socially and legally vulnerable. The lack of adequate access to justice called for an innovative approach. In response, the Malaysian Judiciary, under the leadership of the then Chief Justice of Sabah and Sarawak, Tan Sri Richard Malanjum, introduced a pioneering mobile court system. This system operated through two main mechanisms. The first involved specially modified vehicles that functioned as mobile courtrooms, each staffed with a judge,

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<sup>8</sup> Siobhán Healy, *The Impact of External Legal Culture on Transitional Justice - A Case Study Of Northern Ireland* (Queen's University Belfast, 2023)z

<sup>9</sup> Raihan Azzahra and Farid Sufian Shuaib, "Religious Courts in Indonesia and Malaysia: History, Structure, And Jurisdiction," *Indonesian Comparative Law Review* 4, no. 2 (2022): 115–130, <https://doi.org/10.18196/lclr.V4i2.15911>.

commissioner for oaths, interpreter, and equipped with mobile information technology devices and recording systems. These units travelled across challenging terrains to deliver legal services and facilitate access to justice for marginalised communities.<sup>10</sup>

Indonesia and Malaysia are two countries that, from a cultural and religious perspective, have similarities, namely Islam as the majority religion. The differences that exist in the two countries are different government systems where Indonesia adheres to the European continental system, while Malaysia follows the common law system, inherited from the British legal framework.<sup>11</sup> Indonesia is a unitary state with a republican form of government, whereas Malaysia is a federal constitutional monarchy composed of states, nine of which are headed by hereditary rulers.<sup>12</sup> These structural distinctions in governance and political organization have a significant impact on the administration of law and justice in both countries. Indonesia's legal system is grounded in the civil law tradition, largely inherited from its Dutch colonial legacy, and is characterised by codified statutes and centralized legal interpretation. In contrast, Malaysia adopts a common law system, shaped by its British colonial past, which emphasises judicial precedent and legal reasoning through case law. These foundational differences reflect the historical, cultural, and political trajectories of the two nations and continue to influence their respective approaches to lawmaking, legal interpretation, and judicial administration.

This research aims to compare the judicial system, characteristics, practices, and arrangements of the mobile court in Indonesia with the mobile court in Malaysia. With this comparison it will find the possible advantages and disadvantages of the two mobile court judicial systems in the two countries. This comparison will also explore how each system addresses the accessibility, efficiency, and unique challenges posed by mobile court operations in rural or remote areas, considering the cultural, legal, and institutional contexts in both countries. The findings are expected to

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<sup>10</sup> Judge Zainun Ali, "Malaysia's Mobile Court - Judging in the Still of the Forest," UNODC United Nation Office on Drugs and Crime, accessed March 1, 2025, <https://www.unodc.org/dohadecclaration/en/news/2019/12/malaysias-mobile-court---judging-in-the-still-of-the-forest.html>.

<sup>11</sup> Siti Zuliyah, "Comparison Of Indonesian And Malaysian Legal Systems In Rules, Traditions, And Community Behavior," *Journal Of Transcendental Law* 3, no. 1 (2021): 15–29, <https://doi.org/10.23917/Jtlin.V3i1.15169>.

<sup>12</sup> Fatkhul Muin, "Politik Hukum Islam Di Indonesia Dan Malaysia: Suatu Kajian Perbandingan," *Al- Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017): 269–280, <https://doi.org/10.24090/Mnh.V10i2.938>.

provide insights that can inform potential improvements and adaptations to enhance the effectiveness of mobile court services in Indonesia and Malaysia.

As for previous research, there was indeed research on mobile courts, but it did not compare with other countries as the author will analyze in this paper. These studies are: *The Mobile Court In The Administration Of Criminal Justice In Nigeria*, researched by Boniface E. Ewulum, which provides an explanation of the key ideas and the structure of these mobile courts, the researcher also looked at the advantages and disadvantages of these courts in relation to the Nigerian Constitution, specifically with regard to the right to a fair trial and hearing in public.<sup>13</sup> Kazi Iqramul Haq who researched *Flip Side of Mobile Court: How the Wheel of Mobile Court Smashes the Right to Fair Trial in Bangladesh*.<sup>14</sup> Research conducted by Bilge Sahin, namely the implementation of the principle of complementarity of the International Criminal Court, international criminal law enforcement is transferred from international courts to national courts in the Democratic Republic of Congo through mobile courts to try international crimes in the Eastern Congo area.<sup>15</sup> The next research is from Dwiki Maulana N Ritonga, Kartika Septiani Amiri, which aims to find out how the implementation of online mobile court and how the challenges, obstacles, and solutions in the implementation of online mobile court at the Belitung Religious Court<sup>16</sup>, the latest research, namely *The Effectiveness of Mobile Court Implementation in Manado Religious Court* by Hasyim Sofyan Lahilote.<sup>17</sup>

Despite the availability of studies focusing on mobile courts within individual countries, there remains a lack of comparative analysis specifically between Indonesia and Malaysia, two culturally

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<sup>13</sup> Boniface E Ewulum, "The Mobile Court In The Administration Of Criminal Justice In Nigeria," *IJOCLLEP* 1, no. 1 (2019): 27–32.

<sup>14</sup> Kazi Iqramul Haq, "Flip Side of Mobile Court: How Wheel of Mobile Court Smashes Right to Fair Trial in Bangladesh," *BiLD Law Journal* 5, no. 2 (2022): 62–75, <https://doi.org/10.24203/ajhss.v11i1.7164>.

<sup>15</sup> Bilge Sahin, "Mobile Hearings in the Eastern DRC: Prosecuting International Crimes and Implementing Complementarity at National Level," *Journal of Eastern African Studies* 15, no. 2 (2021): 297–316, <https://doi.org/10.1080/17531055.2021.1913700>.

<sup>16</sup> Dwiki Maulana N Ritonga and Kartika Septiani Amiri, "Implementasi Sidang Keliling Secara Online Pengadilan Agama Bitung Di Tengah Pandemi Covid-19: Tantangan, Hambatan Dan Solusi," *Al-Mujtahid: Journal of Islamic Family Law* 2, no. 1 (2021): 52–59, <https://doi.org/10.30984/ajifl.v2i1.1912>.

<sup>17</sup> Hasyim Sofyan Lahilote, "The Effectiveness of Mobile Court Implementation in Manado Religious Court," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2023): 55–74, <https://doi.org/10.29240/jhi.v7i1.3809>.

and religiously similar yet legally distinct jurisdictions. This study aims to fill that gap and contribute to regional discourse on judicial innovation and access to justice.

This research employs a normative juridical approach, focusing on the examination of laws and regulations through secondary legal sources, such as statutes and related legal documents. The normative juridical method is suitable for this study because it allows for a systematic examination of legal texts and regulations that form the basis for mobile court practices. Coupled with a qualitative descriptive approach, this method enables a nuanced understanding of how these legal provisions function in practice within different institutional and cultural contexts. Data collection is carried out through the analysis of statutory laws, including the identification and review of relevant statutes, regulations, and legal provisions that govern the establishment and operation of mobile courts in Indonesia and Malaysia. A comparative study of legislation is conducted to compare the statutory provisions governing mobile courts in Indonesia and Malaysia, focusing on key areas such as jurisdiction, procedural rules, and types of cases handled. The analytical method used in this paper is a qualitative descriptive analysis, which is an analysis carried out on research data with an in-depth study, which is then interpreted by the researcher to draw the expected conclusion. The qualitative data analysis chosen for this research is a narrative analysis by presenting a reformulation of the source information and considering the context of the problem as well as cases and experiences between mobile court arrangements in Indonesia and Malaysia which are different from each other. This analysis is grounded in the access to justice framework, emphasizing equity, inclusivity, and institutional responsiveness in the delivery of legal services, particularly for marginalized rural populations.

## Result & Discussion

### A. The Mobile Court System in Indonesia

Every start aims to achieve welfare and justice, the preamble of the 1945 Indonesian Constitution states that Indonesia will protect all citizens, promote general prosperity, encourage the spiritual life of its people, and maintain a world order based on freedom, lasting peace, and social justice.<sup>18</sup> One of the main instruments in realizing

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<sup>18</sup> Tinuk Dwi Cahyani, Muhamad Helmi Md Said, and Muhamad Sayuti Hassan, "A Comparison Between Indonesian And Malaysian Anti-Corruption Laws," *Padjadjaran Jurnal Ilmu Hukum (Journal Of Law)* 10, no. 2 (2023):



the fulfilment of the basic rights of citizens is the realization of judicial independence to uphold law and justice, including ensuring a fair trial.<sup>19</sup> Judicial independence is essential to prevent external influences, whether from governments, political entities, or other interest groups, that could jeopardize impartiality and fairness in legal proceedings. This independence ensures that judges can make decisions based solely on facts and law, without fear of reprisal or bias, thereby strengthening public confidence in the justice system and safeguarding the protection of individual rights.

The judicial system serves as the third sector of the government. Its primary duty is to apply the laws and settle conflicts. When judges make decisions in different circumstances, they interpret the true "meaning of law." Citizens view the judiciary as the most crucial part of the government, as it safeguards them against potential abuses from the legislative and executive branches.<sup>20</sup> The authority of a sovereign state in running the judicial system to ensure compliance with law and justice based on the values of Pancasila and the constitution of the 1945 Constitution of the Republic of Indonesia, can be said to be judicial power, as in carrying out their responsibilities and exercising their authority, judges and constitutional judges are required to maintain judicial independence.<sup>21</sup>

Bagir Manan in one of his doctrines argues that judicial power exists in two ways, namely in the sense of an independent body that is free from all elements of influence or interference from power and the relationship between judicial power and other institutions presents the principle of separation of power rather than division of power, therefore there is still one link and is not completely separated from the existence of a check and balance mechanism as a means of supervision of power.<sup>22</sup> The role of the courts is also

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275–299, <https://doi.org/10.22304/Pjih.V10n2.A4>.

<sup>19</sup> Rofingi Rofingi, Umi Rozah, and Adifyan Rahmat Asga, "Problems of Law Enforcement in Realizing The Principle of Equality Before The Law in Indonesia," *Law Reform* 18, no. 2 (2022): 222–237, <https://doi.org/10.14710/lr.v18i2.47477>.

<sup>20</sup> Nur Mohammed Helali Tushar, Imtiaz Adib, and Abdullah Mohammad Erfan, "An Overview Study on Mobile Court in the Context of Bangladesh," *International Journal of Law* 8, no. 6 (2022): 283–287.

<sup>21</sup> Adinda Thalia Zahra, Aditia Sinaga, and Muhammad Rafli Firdausi, "Problematika Independensi Hakim Sebagai Pelaksana Kekuasaan Kehakiman," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (2023), <https://doi.org/10.53363/bureau.v3i2.303>

<sup>22</sup> Nuria Siswi Enggarani, "Independensi Peradilan Dan Negara Hukum,"

regulated in the provisions of Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states, "Judicial power is an independent power to administer justice in order to uphold law and justice". Therefore, a fair law enforcement process must be required in accordance with the applicable rules of law in accordance with the principles of justice specified in the law.<sup>23</sup>

In the legal aspect, the use of information technology in a judicial institution is a necessity, so that the court proceedings can proceed simply, fast, and at low cost.<sup>24</sup> The application of information technology in the judiciary accompanied by clear regulations, strict data protection, and the readiness of adequate human resources will have a very good impact on solving problems in the courts. Without effective supervision, the digitalization of the judiciary can actually create new problems, such as the risk of data leakage, inequality of access for people who are less technologically literate, and the potential for system manipulation that can threaten the principles of justice.

In the Indonesian judicial system, simple, speedy and low-cost litigation is an important principle in the context of dispute resolution in the courts. This principle is stated in Article 2 paragraph (4) of Law Number 48 of 2009 Concerning Judicial Power. Initially, this principle was regulated in Article 4 paragraph (2) of Law Number 14 of 1970, which in its explanation is explained in number 8, namely: "the provision that the trial shall be conducted with simple law, speed and light costs must still be adhered to, which is reflected in the laws on criminal procedure and civil procedure which contain regulations on examination and proof that are much simpler."

The principle of simple, speedy and low-cost court proceedings aims to provide better access to the public in obtaining justice, so that they can resolve cases without facing complicated procedures and high costs. The existence of this principle is expected to reduce the burden on justice seekers and increase public confidence in the legal system, but the implementation of this principle often faces

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*Jurnal Law and Justice* 3, no. 2 (2018): 82–90, <https://doi.org/10.23917/laj.v3i2.7426>.

<sup>23</sup> Lily Bauw, Erni Dwita Silambi, Ibrahim Kama, Nurwita Ismail, "Pre-Trial As Investigation Process Control System," *SASI* 28, no. 4 (2022): 608–18, <https://doi.org/10.47268/Sasi.V28i4.1077>.

<sup>24</sup> M. Beni Kurniawan, "Implementation Of Electronic Trial (E-Litigation) On The Civil Cases In Indonesia Court As A Legal Renewal Of Civil Procedural Law," *Jurnal Hukum Dan Peradilan* 9, no. 1 (April 3, 2020): 43, <https://doi.org/10.25216/jhp.9.1.2020.43-70>.

obstacles in the field.<sup>25</sup>

Based on these provisions, the principles of speedy, simple and low-cost justice must not only be realized in the process of examining cases in court when the case has definite legal force.<sup>26</sup> But this principle must be applied in the implementation of court decisions in civil cases as well because it is an inseparable unity with the process of examining civil cases. Too many incomprehensible formalities or complicated rules, which may lead to a variety of laws and cause reluctance or fear to go to court. The word speed refers to the course of justice, too many formalities are an obstacle to the course of not only the examination before the court but also the completion of the minutes of the examination at trial up to the signing of the decision by the judge and its implementation. It is not uncommon for a case to be delayed for years because witnesses do not come, or the parties take turns not coming or asking to withdraw. The case is even continued by the heirs. The speed of the judicial process will increase the authority of the court and increase public confidence in the court. The determination of low costs to be borne by the people, high court costs mostly cause the parties to be reluctant to submit claims to the court.<sup>27</sup>

The existence of religious courts in Indonesia must be one of the forefronts in protecting the rights of the community, especially those who are neglected and untouched by justice, with this religious court can be a way for weak and blind people to get access to justice, where every community can feel justice.<sup>28</sup> Religious courts have absolute authority to hear cases granted by law to religious courts and religious high courts.<sup>29</sup> The religious court is located in

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<sup>25</sup> Renly Aprilia Pakaya, "Implementasi Asas Peradilan Sederhana, Cepat, Dan Biaya Ringan Dalam Sistem Electronic Justice System: Kajian Normatif Terhadap Efektivitas Teknologi Informasi Pada Proses Peradilan," *Jurnal Hukum De'Rechtsstaat*, 2025, 35–48, <https://ojs.unida.ac.id/LAW/article/view/16357>.

<sup>26</sup> Hazar Kusmayanti et al., "Acte Van Dading In the Settlement of Industrial Relations Disputes in Indonesia," *Cogent Social Sciences* 9, no. 2 (2023): 1–13, <https://doi.org/10.1080/23311886.2023.2274148>.

<sup>27</sup> Hazar Kusmayanti and Sherly Ayuna Puteri, "Dispute Settlement Practices Through The Religious Court's Mobile Court (Mobile Court)," *Fiat Justitia: Jurnal Ilmu Hukum* 14, no. 3 (2020): 287–300, <https://10.25041/Fiatjustisia.V14no3.1708>.

<sup>28</sup> Wahyu Widiani, *Peran Peradilan Agama Dalam Pembangunan Acces To Justice Di Indonesia* (Direktorat Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia, 2022)

<sup>29</sup> Rifda Cahya Alindah, Musyrikah Ilyas, and Muhammad Fajri, "Efektifitas Sidang Di Luar Gedung Pengadilan Dalam Penyelesaian Perkara Isbat Nikah

the municipality or regency capital and its jurisdiction covers the municipality or regency. Meanwhile, the religious high court is in the provincial capital and its jurisdiction covers the provincial territory. Technical development of religious courts is carried out by the Supreme Court, while organizational, administrative and financial development of courts is carried out by the Minister of Religious Affairs as stipulated in Article 5 paragraphs (1) and (2) of Law No. 7 of 1989 Concerning Religious Courts.

Mobile court is one of the work programs of the Religious Court in recent years which aims to provide easy access for justice seekers, this goal is in line with the big agenda of the Supreme Court and the Director General of Badilag to create conditions where the public (justice seekers) can easily gain access and channel their rights to obtain justice from the Court institution, with the motto (justice for all).<sup>30</sup> Mobile court is a court session held outside the courthouse which is intended for people who experience obstacles to coming to the court office due to distance, transportation and cost. The mobile court breakthrough also provides free services through legal aid posts. Mobile court activities according to Article 1 point 1 of Supreme Court Rules 1/2015, are a series of activities carried out jointly and coordinated at a certain time and place between the District Court or Religious Court / Sharia Court, District / City Population and Civil Registration Office, District Religious Affairs Office, in mobile services to provide marriage validation services and other cases in accordance with the authority of the District Court and its *bat nikah* in accordance with the authority of the Religious Court / Sharia Court and to fulfil marriage registration and birth registration.

The existence of Supreme Court Rules No.1 of 2015 is so that the existence of a difficult and convoluted system can be a factor for justice seekers to be disgusted and reluctant to deal with the law. A long and convoluted judicial system is one of the ways to open loopholes for corruption.<sup>31</sup> For this reason, many poor people are not reached by the law. Seeing this problem, the Religious Courts also made a breakthrough to reach the poor and marginalized groups

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Tahun 2022 (Studi Pengadilan Agama Maros Kelas IB)," *Qaḍāunā* 4, no. 1 (2022): 200–214, <https://doi.org/10.24252/qadauna.v4i1.30835>.

<sup>30</sup> Mardiana Abubakar and Gazali Rahman, "Efektivitas Mobile Court Dalam Pemberian Layanan Hukum Bagi Masyarakat Di Pengadilan Agama Tilamuta," *As-Syams: Journal Hukum Islam* 1, no. 1 (2020): 47–79, <https://ejournal.iaingorontalo.ac.id/index.php/AS-SYAMS/article/view/137>.

<sup>31</sup> Budi Setiyono, "Understanding Corruption At Local Level Post Decentralization: Evidence From Four Case Studies," *Politika* 8, no. 1 (2017): 27–62, <https://10.14710/Politika.8.1.2017.27-62>.

involved in family law cases. Integrated Services mobile court According to Article 3 paragraph (1) of Supreme Court Rules No. 1 Year 2015 aims to:

- a. on access to services in the field of law.
- b. to assist the community, especially the underprivileged, in obtaining their rights to marriage certificates, marriage books and birth certificates in a simple, fast and low-cost manner.

All cases can basically be filed through the mobile court, but due to the limitations of the mobile court service, the cases that can be filed through the mobile court include:

- a. *Itsbat nikah*: legalization/recording of marriage for marriages that are not registered at the Religious Affairs Office.
- b. Contested divorce: a divorce suit filed by the wife.
- c. Combination of *Itsbat* and divorce cases if the marriage is not registered and will file for divorce.
- d. Child custody: A lawsuit or petition for custody of a minor child.
- e. Determination of heirs: A request to determine the legal heir.

The mobile court location of the Religious Courts does not yet have a fixed location. Generally, the mobile court is held in the Village Hall building. Integrated Services conducted by the District Court or Religious Court/*Syar'iyah* Court, District/City Population and Civil Registration Office and Sub-District Religious Affairs Office, are realized in the form of mobile court service activities. The place where the Integrated Service is conducted for mobile court services is determined based on an agreement between the Court, the District/City Population and Civil Registration Office and the District/City Office of the Ministry of Religious Affairs. The conditions required for the community to obtain Integrated Services for mobile court services are the same as the conditions that must be met to file a case application or lawsuit.

Regarding the practice of resolving cases through circuit courts in Indonesia, there are several types:

First, search for mobile court information. Information about mobile courts can be obtained through the local court office, telephone, court website, sub-district office or village office. Second, get mobile court information. Parties who are going to file a lawsuit or application must ensure that they get the correct information about: Mobile court times, mobile court venues, case fees and procedures for filing cases through the mobile court.

Third, complete mobile court requirements. The administrative requirements that need to be completed to file a case in the mobile court are making a lawsuit or application letter, completing the necessary documents in accordance with the case submitted. The

amount of the court fee is estimated to be sufficient to settle the case, based on article 193 RBg or article 90 of the Religious Courts Law.<sup>32</sup> However, for those who cannot afford to pay, they can apply for prodeo or free trial (in accordance with Article (273 HIR - 281 RBg and (Supreme Court Rules No. 1 of 2014 concerning Guidelines for Providing Legal Services for the Poor in the Court)).<sup>33</sup> At the time of the hearing, the plaintiff/plaintiff must bring at least 2 witnesses who are aware of the plaintiff/plaintiff's problem. Submit all the completed requirements mentioned above to the court office either personally or by an appointed representative. After the requirements have been submitted, ask for proof of payment (SKUM), and a copy of the lawsuit/application letter that has been given a case number.

Forth, following the mobile court trial process. Arrive on time at the designated mobile court venue with 2 witnesses by bringing SKUM and a copy of the lawsuit/application letter. Follow the entire trial process in an orderly manner and dress politely. If you cannot attend the mobile court, the trial will be postponed. Fifth, The judge decides the case. After the case is decided a copy of the decision can be picked up at the Court or at the mobile court.

## B. Mobile Court Practice in Malaysia

Access to justice in Malaysia is enshrined in the Federal Constitution, where individual rights of equality before the law and fundamental rights and freedoms are protected equally without discrimination. Although the term "access to justice" can imply different things to different individuals, it usually refers to the broader social context of the justice system and omits systemic barriers that different members of society must overcome.<sup>34</sup>

Federal Constitution, Article 5 emphasized on individual liberty, while Article 8 stated on equality are two relevant provisions in claims relating to access to justice.<sup>35</sup> While Article 8(1) states that everyone is equal before the law and entitled to equal protection,

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<sup>32</sup> Atika, Seregig, and Safitri, "Analisis Hukum Acara Dalam Pelayanan Terpadu Sidang Keliling Pada Pengadilan Agama Gunung Sugih."

<sup>33</sup> Syanaya Mela Abyta, Kasuwi Saiban, and Sunarjo Sunarjo, "Implementation Of A Mobile Court In The Settlement Of Divorce Cases At The Tuban Regency Religious Court," *Jurnal Penelitian* 19, no. 1 (2022): 1–10, <https://doi.org/10.26905/jp.v19i1.8026>.

<sup>34</sup> Ali, "Malaysia's Mobile Court - Judging in the Still of the Forest."

<sup>35</sup> Faridah Abdul Jalil, "Challenges And Prospects On Access To Justice In Malaysia," in *International Conference Access To Justice Faculty Of Law Brawijaya University* (International Conference Access To Justice Faculty Of Law Brawijaya University, 2015).

Article 5(3) guarantees that everyone is entitled to be legally represented in the court system. According to Vaibhav,<sup>36</sup> having access to justice is a guarantee of equality and equal protection, and is a component of the right to life. Essentially, "access to justice" encompasses several key components. States are required to provide efficient justice mechanisms that are reasonably accessible in terms of distance. The adjudication process must be prompt, and individuals must be able to access it at an affordable cost. Effective remedies must be available, and the capacity of individuals to navigate the legal process must also be taken into account.<sup>37</sup>

Malaysia has implemented various initiatives to improve access to justice institutions. The state governments of Sabah and Sarawak in Malaysia have created two types of mobile courts to ensure access to justice for residents in far-flung places where geographical challenges dominate.<sup>38</sup> The first type involves cars converted into "mobile courtrooms" equipped with a judge, oath commissioner, and interpreter as well as a recording system and portable IT equipment. These trucks travel across difficult terrain where court officials provide justice and legal assistance to those in need. The second type of mobile court is where judges, Commissioners of Oath and court interpreters gather in remote areas by using long boats, vehicles or airplanes. In addition, the Court Rules 2012 have been passed, creating simpler court processes that will improve access to justice.<sup>39</sup>

Malaysia's mobile court practice involves specially modified buses and four-wheel drives carrying the logo, "Justice for One and All." The vehicles are clearly recognizable and align with the motto that "justice must not only be done, it must also be seen to be done." Mobile courts are conducted in the district where the case originates, instead of the usual practice of hearing cases in the main court in the city. This approach facilitates the administrative process. Court

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<sup>36</sup> Kumar Vaibhav, "Access to Justice during the Covid-19 Pandemic: An Indian Perspective | International Bar Association," International Bar Association the global voice of the legal profession, accessed March 1, 2025, <https://www.ibanet.org/article/F1A1E3A6-675F-455B-B190-038306399CBB>.

<sup>37</sup> Dina Binti Imam Supaat, "Vulnerable Survivors And The Right Of Access To Justice In Time Of Disaster"," in *The 4th International Conference Of The Postgraduate Students And Academics In Syariah And Law 2023 (INPAC 2023)*, *Syariah And Law Studies In Facing The Contemporary Challenges*, 2023, 370.

<sup>38</sup> Federal Court Malaysia, *The Malaysian Judiciary Yearbook 2012* (Kuala Lumpur: Federal Court Malaysia, 2012).

<sup>39</sup> Federal Court Malaysia, *The Malaysian Judiciary Yearbook 2012* (Kuala Lumpur: Federal Court Malaysia, 2012).

procedures take place in a bus modified to provide an open court atmosphere. It is more cost-effective than building a courthouse in the city. Therefore, it is designed to offer the same services as a city courtroom. The mobile court program was launched on 22 March 2007 in Pitas, while the Mobile Courtroom (bus) was launched by the Governor of Sabah, Tan Sri Datuk Seri Panglima Musa Haji Aman, on 9 May 2011 in Penampang. When the idea was voiced by Sabah and Sarawak Chief Justice Tan Sri Richard Malanjun and became a reality in 2007, it was thought that mobile courts should provide the same services as regular courts. Malanjun, the first Sabahan to hold the post of Chief Justice of Borneo covering Sabah and Sarawak, at the age of 53 in 2006, wanted it to function as an inclusive court.<sup>40</sup>

This is not the first legal reform he has undertaken as he also helped digitize the court procedure system which now allows judges and prosecutors to type their notes into a computer as the case progresses. The first Mobile Court was established in Sapulut, Keningau. The Mobile Courts usually conduct hearings in the districts where the cases originate, instead of the usual practice of hearing cases in the main Court in the city. Under the current arrangement, at least three officers are assigned to each visit by the Court. The officers involved are an interpreter, a Commissioner of Oaths, and a Judge. The Court has adopted Kg Inarad and Kg Saliku in the interior of Sabah as part of this deployment program and will be including more villages in the future.

The bus-based courts are equipped with satellite communications to assist operations. This means not only hearing civil and criminal cases but also providing other services normally available in regular courtrooms such as attestation of documents, Declaration of Statutes, various issues from citizenship, late registration of births and deaths, marriage, family as well as some criminal offences such as use of firearms and illegal logging. Generally, crime rates and civil disputes are relatively low in these parts. Although there are no available statistics obtainable, what can be discerned is that one of the most pressing issues is about the late or non-registration of births and deaths.

Apart from bringing the concept of justice to the rural people, the Mobile court also has a humanitarian element through the provision of health care, welfare assistance and other benefits. Each visit also includes the distribution of food, used books, and clothes

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<sup>40</sup> Sabah News, "How the Mobile Court Works | Daily Express Malaysia - Sabah's Leading News Portal," 2017, <https://www.dailyexpress.com.my/news/121469/how-the-mobile-court-works/>.



to the villagers. It is common for judges in mobile courts sitting in remote areas to also draft letters for people in need of assistance, especially in correspondence with other government agencies. For those from developed societies with common law traditions, Mobile However, in remote areas of Sabah, where legal resources are scarce or non-existent, Mobile Courts serve as a valuable public service. The Mobile Court program would not be complete without the participation of other departments and NGOs. The Department of National Registration, Department of Health, and various NGOs, including the Sabah Law Society have been actively involved from the beginning. In addition to bringing the concept of justice to the rural people, the Mobile Courts also have a humanitarian element through the provision of health care, welfare assistance and other benefits. Food and used books and clothes are also distributed to villagers on each visit.

The Court has adopted Kg Inarad and Kg Saliku in Interior Sabah as part of this deployment program and will be adding more villages in the future. The Mobile Court Program would not be complete without the participation of other departments and NGOs. The Department of National Registration, Department of Health, and various NGOs, including the Sabah Law Society have been actively involved since the beginning.<sup>41</sup> Whole villages would gather to these mobile courts - for it could be that rare occasion when one has an opportunity to vindicate one's rights and obtain justice. This 'local justice' as primitive as it may seem, is an important component in the fundamental principle of a properly functioning justice system, committed to the rule of law. It is an avenue for the just and peaceful settlement of disputes between people in far-flung places to whom this right belongs.

Mobile courts, therefore, serve a very critical function in terms of enhancing public legitimacy, confidence and trust in the integrity and delivery of justice. One example of a mobile court can be found in Northern Sabah.<sup>42</sup> The people living in rural Malaysia are mainly in the states of Sabah and Sarawak (formerly known as North Borneo) - home of the famous "Orang dari Sandakan". Most of the population in these areas are indigenous. For the most part, they are vulnerable due to their poverty and intellectual limitations. Geographical and physical barriers mean that access to justice for them is particularly challenging. Their physical exclusion from the proper space of the

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<sup>41</sup> Borneo Post Online, "Mobile Court Heads to Northern Sabah | Borneo Post Online," 2023, <https://www.theborneopost.com/2023/11/18/Mobile-Court-Heads-To-Northern-Sabah/>.

<sup>42</sup> Ali, "Malaysia's Mobile Court - Judging in the Still of the Forest."

courtroom compels the court to go to them if the symbolic function and integrity of the court is to be maintained.

The mobile court went to the northern district of Kota Belud to serve the rural community there on Saturday. Supreme Court Judge Datuk Christopher Chin Soo Yin said that every Malaysian is entitled to access justice, and the mobile court is the best way to ensure that such services can be properly provided. According to Christopher, the Law Society of Sabah, the National Registration Department and the Malaysian Insolvency Department have also made the program a success by offering their services.

The Sabah Court continues the initiative of former Chief Justice Tun Richard Malanjum to reach out to the rural community via its Mobile Court Program. High Court Judge Datuk Christopher Chin Soo Yin said Richard's initiative is the best way to ensure successful delivery of these services. "Every Malaysian citizen has the right to access justice. The program is continuously improved in terms of infrastructure to ensure broader access to other rural areas. "For areas without road access, the court also collaborates with off-road vehicle clubs to enable the services to reach the residents in those areas. "This program, which has been running for 20 years, consistently implements its activities every month, and the next location is expected to be in Pulau Banggi, Kudat next month.<sup>43</sup>

As explained above, the idea of establishing Mobile Courts stemmed from YAA Tan Sri Datuk Seri Panglima Richard Malanjum's observation that the services provided by the Courts were limited and mostly accessible only to city dwellers, while most rural communities were unable to access the services due to the distance between the Courts and their villages. The procedures for mobile court in Malaysia are as follows<sup>44</sup> :

1. At least three officers are assigned to each visit by the court. They are an interpreter, a commissioner of oaths, and a judge. Currently, there is one officer assigned to each district. They are required to visit their assigned area, to register the case and to obtain feedback from the relevant authorities in the area. Once the case is registered, they will inform the applicant of the court hearing date. Once all the arrangements have

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<sup>43</sup> Borneo Echo, "Sabah Continues to Reach out Rural Community via Its Mobile Court Services," 2019, <https://borneoecho.com/2023/11/18/Sabah-Continues-To-Reach-Out-Rural-Community-Via-Its-Mobile-Court-Services/>.

<sup>44</sup> Kehakiman, "YAA Tan Sri Datuk Seri Panglima Richard Malanjum: Mobile Court," 2019, [https://www.kehakiman.gov.my/Sites/Default/Files/Documents/Teks\\_Ucap an/2019/Shorten Speech.bPdf](https://www.kehakiman.gov.my/Sites/Default/Files/Documents/Teks_Ucap an/2019/Shorten Speech.bPdf).

been finalized, the Magistrate will visit the area and conduct the hearing.

2. Once all the arrangements have been finalized, the Magistrate visits the area, and accordingly conducts the hearing of the case. With the establishment of Mobile Courts, the issue of inaccessibility of services provided by Courts to the rural population is now a thing of the past and now Courts sit in almost all districts across the state.
3. Section 22(2) of the Registration of Births and Deaths Regulations (Sabah Chap.123)<sup>45</sup> provides that "Every birth record made after the expiry of forty two days after such birth and every death record made after the expiry of ten days after such death shall be clearly marked as "Late Registration?" and, notwithstanding the provisions of paragraph (3), the provisions of Article 31 shall apply to certified extracts from such records in the same manner as they apply to other certified extracts.
4. Section 22 (3) of the Regulations on the Registration of Births and Deaths (Early Chap.123) further stipulates that "Every copy of such a record shall be clearly written with the words "LATE REGISTRATION" As stated in Article 31, this marked copy cannot be used as evidence unless the Magistrate Court of First Class finds the facts in it to be true in the case brought before it under this section and the court has recorded its decision in the register. Article 22(3) further provides that "Any copy of the record must be written clearly with the word "Late REGISTRATION" And no copy so marked shall be acceptable in the testimony, as set forth in Article 31 except that the truths of the fact contained in it must be discovered by the First-Class Magistrates Court in the procedure before him under that section and its verification has been found in the registry."
5. After the implementation of the Case Management System (CMS) in the state of Sabah in 2011, late registration cases should be registered under Code 79BE (previously registered under code 89BE) and all supporting documents should be uploaded as virtual files in the CMS.
6. Applicants must obtain an application form from the Court Registry Office and to fill in the required details. The processing fee is RM3.00 for each Birth Certificate.
7. Once the details are complete together with supporting documents, the applicant must file the same with the Court for

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<sup>45</sup> Sabah, "Registration of Births and Deaths Ordinance (Sabah Cap.123)" (1966).

processing. The applicant will receive a Registration Slip as proof of registration and a hearing date.

8. The CMS automatically generates a digitally signed electronic letter to the Witnesses Identification Card (NRD) for verification of the Birth Certificate submitted by the applicant. Once the verification is complete, the NRD will upload the verification letter to the CMS. Applicant to obtain an application form from the Court Registry Office and to fill in the required details. The processing fee is only RM3.00 for each Certificate of Birth.
9. Once the details are complete along with supporting documents, the applicant should file the same to the Court for processing. The applicant will receive a Registration Slip as proof of registration and hearing date. The CMS automatically generates a digitally signed electronic mail to the National Registration Department (NRD) for verification of the Certificate of Birth submitted by the applicant. Once the verification is complete, the NRD will upload the verification letter into the CMS.
10. If the application is rejected, the applicant can always apply for a civil revision to the High Court.

## C. The Comparison Mobile Court of Indonesia and Malaysia

Here is a comparison table of Mobile Courts in Indonesia and Malaysia

**TABLE 1.** Comparison Mobile Courts in Indonesia and Malaysia

Aspect	Indonesia	Malaysia
Official Name	Pengadilan Keliling (Mobile Court)	Mahkamah Bergerak (Mobile Court)
Main Objective	To improve access to justice for remote and underprivileged communities.	To provide court access in remote and rural areas.
Legal Basis	Articles 4 and 5 Law No. 48 of 2009 on Judicial Authority, state that court proceedings must be conducted simply, quickly, and at low cost the core justification for mobile courts.  Supreme Court Regulation (PERMA) No. 1 of 2014 on Guidelines for Legal Services to the Poor in Courts.	Article 182 of the Federal Constitution of Malaysia establishes the Special Court, which has exclusive jurisdiction over cases involving the Yang di-Pertuan Agong (the King) and the Rulers of the States in their personal capacities.

	Supreme Court Regulation Number 1 of 2015, on Integrated Mobile Court Services of the District Court and the Religious Court/Sharia Court for the Issuance of Marriage Certificates, Marriage Books, and Birth Certificates.	
<b>Trial Stage</b>	In Indonesia mobile courts only exist at the district level religious courts, where judges go to the field to conduct trials in rural locations.	The mobile court in Malaysia is a mobile service using specially modified buses and Four-Wheel Drives carrying the logo, "Justice for One and All."
<b>Selection of Trial Location</b>	Remote regions, outer islands, underdeveloped villages.	Rural and interior areas, especially in Sabah and Sarawak.
<b>Service Focus</b>	Marriage Legalization or Marriage Validation Petition, Divorce, Divorce Petition by Wife (Contested Divorce Filed by Wife), Divorce Petition by Husband (Talaq Divorce), Child Custody, Heir Determination or Legal Heir Confirmation.	<p>Civil Cases: Cases involving small claims, such as debt recovery or losses where the amount is below a certain threshold. Cases related to minor violations, such as traffic offences or local ordinance violations.</p> <p>Criminal Cases: Minor criminal offenses, such as traffic violations or breaches of local regulations where the fines or penalties are below a specified limit.</p>

Sources: Authors, 2025

## D. Challenges And Future Directions The Mobile Court System In Indonesia and Malaysia

Both Indonesia and Malaysia face significant geographical challenges that hinder the effective operation of mobile courts. In Indonesia, the vast archipelago nature of the country means that reaching remote areas can be difficult, time-consuming, and expensive. Similarly, in Malaysia, especially in the states of Sabah and Sarawak, the difficult terrain and dispersed rural communities make it challenging to access justice. The mobile courts in both countries must navigate through forests, mountains, and areas with poor infrastructure, which can delay proceedings and limit the frequency of court sessions. For instance, in the interior regions of Sabah, many villages lack proper roads, and the only way to reach them is by longboat, helicopter, or all-terrain vehicles. The mobile courts must navigate these difficult terrains, which not only delays the delivery of justice but also increases operational costs. An

example is the mobile court's visit to Pulau Banggi, Kudat, where the court team had to coordinate with local off-road vehicle clubs to reach the remote island, illustrating the logistical hurdles these courts face.

A common issue for mobile courts in both countries is the limited availability of resources and funding.<sup>46</sup> The operational costs of maintaining mobile courts, including vehicles, equipment, and personnel, are high. In Indonesia, the lack of sufficient funding often leads to inadequate facilities and limited outreach. Similarly, Malaysia's mobile courts face constraints in expanding their services to all remote areas, leading to uneven access to justice. Strategies for overcoming challenges and improving mobile court operations.

### 1. Enhancing Inter-Agency Collaboration

To overcome the geographical and logistical challenges, enhancing collaboration between different government agencies is crucial. In both countries, coordination between the judiciary, local governments, and other relevant agencies, such as transportation and communication departments, can improve the effectiveness of mobile courts. For instance, Malaysia's practice of collaborating with off-road vehicle clubs to reach remote areas could be a model for Indonesia. This strategy not only improves access but also ensures that mobile courts are well-equipped to handle the unique challenges of rural locations.

Recent developments in Malaysia regarding the support for mobile courts and broader legal operations have been shaped significantly by the Malaysia Budget 2024, which emphasizes digitalization and innovation across various sectors. The government has allocated substantial funding aimed at fostering digital transformation and improving access to justice, particularly for remote and underserved populations.

### 2. Key Initiatives Supporting Mobile Courts:

**Increased Funding for Digital Infrastructure:** The Budget 2024 outlines RM200 billion to incentivize digitalization, including enhancing digital infrastructure. This funding supports the development of technologies that can improve the operations of mobile courts, such as virtual hearings and enhanced communication tools. These advancements aim to

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<sup>46</sup> Hazar Kusmayanti et al., "Implementation of the Mobile Court Policy in Religious Courts On The Legal Political Perspective," *Jurnal Hukum Islam* 22, no. 1 (2024): 1–24, [https://doi.org/10.28918/jhi\\_v22i1\\_1](https://doi.org/10.28918/jhi_v22i1_1).

make legal services more accessible in remote areas, reducing the reliance on physical presence and improving the efficiency of court operations.

### 3. Public-Private Partnerships:

Malaysia is increasingly leveraging public-private partnerships to support technological advancements in various sectors. For example, U Mobile's recent RM200 million financing for 5G deployment underlines the role of enhanced connectivity in supporting digital services. Such advancements are crucial for mobile courts, enabling real-time data processing and communication even in Malaysia's most remote areas.

### 4. Support for SME Digitalization:

While primarily aimed at small and medium enterprises (SMEs), the government's digitization grants and funding could indirectly benefit the legal sector, including mobile courts. By improving the digital capabilities of businesses and institutions, these grants ensure that the necessary infrastructure and technological support are available to facilitate the operation of mobile courts across the nation.

### 5. Securing Sustainable Funding and Resources

Securing sustainable funding is essential for the continued operation and expansion of mobile courts. In Indonesia, increasing budget allocations specifically for mobile court operations could ensure that these courts have the necessary resources to function effectively. Malaysia can further explore public-private partnerships or international funding opportunities to support the mobile court system. Additionally, both countries could consider utilizing technology, such as virtual courtrooms, to reduce operational costs and extend the reach of justice to even the most inaccessible areas.

## Conclusion

Based on the above analysis, the author concludes that the establishment of mobile courts in Indonesia and Malaysia is instrumental in strengthening public legitimacy, trust and confidence in the integrity and administration of justice. It will increase awareness of the justice system among rural communities, reduce costs for them and bring justice to their neighbourhoods. The mobile court service is advantageous at least in that it facilitates access to the court for justice seekers, in practical terms, litigants

do not need to travel physically to give testimony, but also for psychological reasons: a familiar and safe environment can make it easier for parties to talk.

The difference in the implementation of mobile courts is that in Indonesia mobile courts only exist at the district level religious courts, where judges go to the field to conduct trials in rural locations, for example in the village hall, and the cases handled only involve minor cases such as *Itsbat nikah*, divorce, divorce, child custody and determination of heirs. The mobile court in Malaysia is a mobile service using specially modified buses and Four-Wheel Drives carrying the logo, "Justice for One and All." Mobile courts in Malaysia receive civil and criminal complaints, grant bail and pre-trial detention, issue summonses, receive police reports, record evidence, issue and execute judgments and sentences, impose penalties and sentence prisoners. To overcome the geographical and logistical challenges, enhancing collaboration between different government agencies is crucial. In both countries, coordination between the judiciary, local governments, and other relevant agencies, such as transportation and communication departments, can improve the effectiveness of mobile courts.

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