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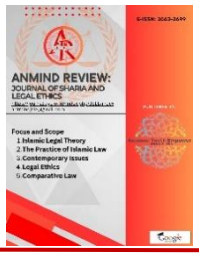

Stagnation of Mobile Court Services and Access to Justice in Remote Island Communities: Evidence from the Religious Court of Labuha, Indonesia

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ABSTRACT

Access to justice remains a major challenge for communities living in remote and geographically isolated regions, particularly in archipelagic states such as Indonesia. Mobile court services (*sidang keliling*) have been established as a judicial outreach mechanism to improve access to legal services for marginalized populations. This study examines the stagnation of mobile court implementation at the Religious Court of Labuha and its impact on the resolution of Islamic family law cases in Pulau Taliabu Regency. Using a qualitative socio-legal research approach, data were collected through in-depth interviews with judges, court officials, and officers of the Office of Religious Affairs, supported by field observations and analysis of institutional documents and case records. The findings show that mobile court services in Pulau Taliabu were effectively inactive between 2018 and 2022 due to limited judicial personnel, weak inter-institutional coordination, budgetary constraints, and geographical barriers. This stagnation resulted in the accumulation of family law cases, particularly divorce and marriage legalization (*isbat nikah*), thereby restricting procedural efficiency and substantive access to justice for local communities. The study further demonstrates that the resumption of mobile court services in early 2023 significantly improved case resolution and legal accessibility. Normatively, these findings underscore the relevance of *maṣlaḥah mursalah* as an ethical-legal framework that emphasizes public benefit, harm prevention, and judicial accessibility. This article contributes to the broader discourse on access to justice and judicial reform by highlighting the importance of sustainable mobile court mechanisms for remote island communities.

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1. INTRODUCTION

Access to justice is widely recognized as a fundamental component of the rule of law and an essential prerequisite for the effective protection of legal rights, particularly for socially and geographically marginalized populations (Cappelletti & Garth, 1978; UNDP, 2004). In many developing and archipelagic countries, physical distance, transportation costs, limited legal infrastructure, and institutional capacity constraints continue to impede equitable access to judicial services (OECD, 2019; World Bank, 2012). These challenges are especially pronounced in remote island communities, where courts are often concentrated in urban centers, leaving peripheral regions underserved.

To address this structural gap, various jurisdictions have adopted judicial outreach mechanisms, including mobile courts, circuit courts, and itinerant judicial services. Empirical studies suggest that mobile courts can significantly enhance access to justice by reducing geographical and financial barriers, accelerating case resolution, and improving public trust in legal institutions (Bedner & Vel, 2010; Hammergren, 2014; World Bank, 2018). In the context of family law, mobile courts play a particularly critical role, as delays in resolving marital, divorce, and legal identity cases often generate long-term social and economic harm, especially for women and children (Merry, 2016; Decker et al., 2019).

In Indonesia, the Religious Courts (*Pengadilan Agama*) exercise jurisdiction over Islamic family law matters, including divorce, marriage legalization (*isbat nikah*), inheritance, and child custody. Recognizing persistent access barriers, the Supreme Court has institutionalized mobile court services (*sidang keliling*) as part of its judicial reform agenda, aiming to extend legal services to remote and underserved communities (Supreme Court of Indonesia, 2016). Normatively, this policy aligns with broader access to justice frameworks and the constitutional mandate to ensure equal legal protection for all citizens. However, existing empirical research indicates that the implementation of mobile courts in Indonesia remains uneven and highly dependent on local institutional capacity, inter-agency coordination, and budgetary support (Butt, 2014; Lindsey, 2018).

While previous studies have examined mobile courts as instruments of procedural efficiency and legal outreach, relatively limited attention has been paid to cases where such services stagnate or fail to operate over extended periods, particularly in geographically isolated island regions. Moreover, much of the existing literature focuses on implementation outcomes rather than the structural and ethical implications of service interruption for access to justice (Galanter, 1974; Rhode, 2004). This gap is significant because prolonged stagnation of judicial outreach services can effectively exclude entire communities from the justice system, undermining both legal certainty and public confidence.

Pulau Taliabu Regency in North Maluku Province presents a compelling case for examining this issue. As a remote island region with limited transportation infrastructure, access to the Religious Court of Labuha poses substantial challenges for local residents. Empirical evidence from court records and field interviews indicates that mobile court services in Pulau Taliabu were largely inactive between 2018 and 2022, resulting in the accumulation of unresolved family law cases. This stagnation illustrates how institutional, logistical, and human resource constraints can neutralize well-designed judicial policies when not supported by effective implementation mechanisms.

Beyond its procedural implications, the stagnation of mobile court services raises important normative and ethical questions. From an Islamic legal perspective, access to judicial remedies is closely linked to the principle of *maṣlaḥah* (public benefit), which emphasizes the prevention of harm (*dar' al-mafsadah*) and the facilitation of legal ease (*raf' al-ḥaraj*) in social life (Kamali, 2008; Hallaq, 2009). When judicial services fail to reach vulnerable communities, the ethical objectives of Islamic law and the broader ideals of social justice are compromised. Conversely, the revival of

mobile courts and the resolution of accumulated cases in early 2023 demonstrate the practical relevance of *maṣlaḥah mursalah* as a normative framework guiding judicial outreach in plural and resource-constrained contexts.

Accordingly, this study seeks to answer two main research questions: (1) What factors contributed to the stagnation of mobile court services at the Religious Court of Labuha in Pulau Taliabu between 2018 and 2022? and (2) How does the reactivation of mobile courts reflect normative commitments to access to justice and public benefit within Islamic family law adjudication? By employing a qualitative socio-legal approach, this article contributes to international debates on access to justice, judicial reform, and mobile courts by providing empirical evidence from a remote island context and offering policy-relevant insights for strengthening sustainable court outreach mechanisms.

2. METHODS

This study employs a qualitative socio-legal research design that integrates normative legal analysis with empirical field investigation. The socio-legal approach is particularly appropriate for examining access to justice issues, as it enables the analysis of how legal norms and institutional policies operate in real social contexts, especially in geographically marginalized regions (Banakar & Travers, 2013; Halliday & Schmidt, 2009). Normative analysis is used to examine regulations governing mobile court services in Indonesia, while empirical analysis focuses on their implementation and stagnation in Pulau Taliabu.

The research was conducted at the Religious Court of Labuha, which exercises jurisdiction over Islamic family law cases in Pulau Taliabu Regency, North Maluku Province. The temporal scope of the study covers the period 2018–2022, during which mobile court services (*sidang keliling*) were largely inactive, with additional analysis of the reactivation phase in early 2023. This site was selected due to its geographic isolation and the documented stagnation of judicial outreach services, making it a critical case for examining structural barriers to access to justice in remote island communities.

Data were collected from multiple sources to ensure analytical depth and credibility. Primary empirical data were obtained through in-depth, semi-structured interviews with purposively selected informants, including judges of the Religious Court of Labuha, court administrative officials, and officers of the Office of Religious Affairs (*Kantor Urusan Agama*). These participants were selected based on their direct involvement in mobile court planning, coordination, and implementation. Purposive sampling was used to identify information-rich cases and institutional actors capable of providing detailed insights into operational constraints and decision-making processes (Patton, 2015).

Secondary data consisted of institutional documents, including annual work plans, budget allocation records, mobile court reports, case statistics, and relevant judicial correspondence. These documents were used to corroborate interview data and to reconstruct the institutional timeline of mobile court stagnation and reactivation.

Data collection was carried out through three main techniques. First, semi-structured interviews were conducted to capture informants' perspectives on institutional coordination, human resource constraints, budgetary limitations, and geographical challenges affecting mobile court implementation. Second, non-participant observation was used to document court facilities, administrative processes, and logistical conditions relevant to judicial outreach. Third, document analysis was undertaken to examine policy frameworks, program reports, and case statistics, allowing for triangulation between normative rules and empirical practice (Bowen, 2009).

To enhance the credibility and reliability of the findings, this study applied methodological triangulation by integrating interview data, observational notes, and documentary analysis. Source

triangulation was also employed by comparing information obtained from judges, court officials, and religious affairs officers. This triangulation strategy is consistent with qualitative research standards for strengthening trustworthiness and minimizing interpretive bias (Denzin, 2012; Creswell & Poth, 2018).

Data analysis followed a thematic analysis approach. Interview transcripts and field notes were coded inductively to identify recurring themes related to institutional coordination, judicial capacity, budget allocation, and access barriers. These themes were then interpreted in relation to normative access to justice frameworks and the Islamic legal principle of *maṣlaḥah*, enabling the study to connect empirical findings with ethical and legal reasoning (Braun & Clarke, 2006). The analysis was conducted iteratively to ensure consistency between data, interpretation, and theoretical framing.

Ethical considerations were addressed throughout the research process. All participants provided informed consent prior to participation, and anonymity was ensured by omitting personal identifiers. The study focuses on institutional practices rather than individual misconduct, thereby minimizing ethical risks while preserving analytical integrity. This approach aligns with ethical standards for socio-legal field research involving judicial institutions (Israel & Hay, 2006).

3. RESULTS AND DISCUSSION

Stagnation of Mobile Court Services and Its Empirical Consequences

The empirical findings of this study demonstrate that the mobile court services (*sidang keliling*) of the Religious Court of Labuha experienced prolonged stagnation in Pulau Taliabu Regency between 2018 and 2022. During this period, mobile court sessions—designed as a primary judicial outreach mechanism for geographically isolated communities—were largely absent, despite the continuous existence of unmet legal needs related to Islamic family law. Court records, institutional documents, and interview data consistently indicate that no regular mobile court hearings were conducted in Pulau Taliabu throughout these years, resulting in a structural gap between formal legal guarantees and their practical realization at the local level.

This stagnation had direct and measurable consequences for access to justice. Residents of Pulau Taliabu who sought legal resolution for divorce, marriage legalization (*isbat nikah*), and other family law matters were required to travel to the Religious Court of Labuha, which involved long-distance sea transportation, unpredictable weather conditions, and substantial financial costs. For many litigants—particularly women, low-income households, and informal workers—these barriers effectively rendered judicial access unattainable. Empirical access to justice scholarship emphasizes that when the cost and distance of accessing courts exceed individuals' economic and physical capacity, legal rights become nominal rather than effective (Cappelletti & Garth, 1978; Rhode, 2004). The Taliabu case exemplifies this phenomenon, where geographic isolation combined with institutional inaction produced de facto legal exclusion.

The accumulation of unresolved cases represents another significant empirical consequence of mobile court stagnation. Interview data reveal that many individuals postponed or entirely abandoned legal claims due to the logistical burdens of pursuing litigation in Labuha. In family law contexts, such delays are not merely procedural inefficiencies; they carry substantive social implications. Unresolved divorce cases can perpetuate legal uncertainty regarding marital status, maintenance obligations, and child custody, while the absence of *isbat nikah* decisions leaves families without formal legal recognition, limiting access to civil registration, education, healthcare, and social protection programs. Comparative studies in remote and marginalized settings confirm that unresolved family law disputes disproportionately harm women and children, reinforcing cycles of vulnerability and exclusion (Sandefur, 2008; Merry, 2016).

Beyond individual hardship, prolonged stagnation undermines public confidence in judicial institutions. The absence of mobile court services over several consecutive years contributed to

perceptions that formal legal institutions were distant, unresponsive, or irrelevant to local realities. Socio-legal research consistently shows that institutional visibility and responsiveness are key determinants of legal legitimacy, particularly in peripheral regions where state presence is otherwise limited (Tyler, 2006; World Bank, 2019). In Pulau Taliabu, the lack of judicial outreach weakened the symbolic and practical authority of the Religious Court, encouraging reliance on informal dispute resolution mechanisms that may not provide adequate legal protection or procedural safeguards.

Table 1. Empirical Consequences of Mobile Court Stagnation in Pulau Taliabu (2018–2022)

Dimension	Empirical Observation	Implications for Access to Justice
Service Availability	Mobile court services (*sidang keliling*) were largely inactive in Pulau Taliabu between 2018 and 2022, despite ongoing demand for family law adjudication.	Formal legal guarantees existed, but judicial services were practically inaccessible, creating a gap between law on the books and law in action.
Geographical Barriers	Litigants were required to travel by sea to the Religious Court of Labuha, involving long distances, high transportation costs, and weather-related uncertainty.	Physical distance functioned as a de facto exclusion mechanism, disproportionately affecting low-income litigants, women, and informal workers.
Case Accumulation	Divorce and marriage legalization (*isbat nikah*) cases accumulated due to the absence of mobile court sessions.	Delayed legal resolution resulted in prolonged legal uncertainty and weakened procedural efficiency.
Social Vulnerability	Unresolved family law cases affected marital status, child legitimacy, access to civil registration, education, and social protection.	Legal inaccessibility translated into broader social and economic vulnerability, particularly for women and children.
Institutional Trust	Prolonged absence of judicial outreach reduced court visibility and responsiveness in remote communities.	Declining public confidence in formal legal institutions and increased reliance on informal or non-legal dispute resolution.
Latent Legal Demand	Rapid case resolution following the reactivation of mobile courts in early 2023.	Confirms that stagnation resulted from institutional constraints rather than lack of community demand.

Source: data analysis, 2023

Table 1 synthesizes the empirical consequences of mobile court stagnation in Pulau Taliabu by linking observable institutional conditions to their concrete effects on access to justice. Rather than presenting stagnation as a mere administrative delay, the table demonstrates how prolonged service inaction generated a chain of interrelated impacts—ranging from physical inaccessibility and case backlog to social vulnerability and erosion of institutional trust. This structured overview reinforces the argument that mobile courts are not auxiliary judicial programs, but essential mechanisms for translating formal legal rights into effective legal protection in geographically isolated regions.

By complementing the narrative analysis in Section 3.1, the table enables readers to quickly grasp the scope and severity of stagnation while preserving analytical depth in the accompanying discussion. Such triangulation between narrative explanation and tabular synthesis enhances clarity,

strengthens empirical credibility, and aligns the presentation with international standards for socio-legal research reporting.

Importantly, the empirical evidence suggests that stagnation was not the result of low community demand for judicial services. On the contrary, interviews with court officials and religious affairs officers indicate a persistent backlog of potential cases that could not be processed due to the absence of mobile court sessions. This finding aligns with international research demonstrating that unmet legal needs often remain invisible in official statistics until access barriers are reduced (Sandefur & Smyth, 2011). The rapid resolution of numerous cases following the reactivation of mobile courts in early 2023 confirms the existence of latent demand and reinforces the conclusion that institutional constraints—rather than social disinterest—were the primary cause of service stagnation.

From an access to justice framework, the prolonged stagnation of mobile court services in Pulau Taliabu constitutes a form of structural injustice that operates through administrative omission rather than overt denial. While the legal framework formally guarantees access to Religious Courts, the failure to operationalize mobile courts in remote island regions resulted in unequal enjoyment of legal rights based solely on geographic location. Such disparities contradict core principles of equality before the law and undermine the normative foundations of judicial reform initiatives aimed at inclusive justice delivery (OECD, 2019; World Bank, 2018).

In sum, the stagnation of mobile court services in Pulau Taliabu between 2018 and 2022 produced a chain of empirical consequences: restricted physical access to courts, accumulation of unresolved family law cases, heightened legal and social vulnerability, and erosion of institutional legitimacy. These consequences illustrate that judicial outreach mechanisms are not peripheral supplements to court systems, but essential components of effective justice delivery in geographically fragmented states. Understanding the depth and scope of these empirical impacts is critical for evaluating both the urgency of mobile court reform and the ethical responsibility of judicial institutions to ensure that access to justice is realized in practice, not merely promised in law.

Institutional and Structural Barriers to Mobile Court Implementation

The stagnation of mobile court services in Pulau Taliabu cannot be attributed to a single cause; rather, it resulted from the interaction of multiple institutional and structural barriers operating across different levels of the justice system. Empirical evidence from interviews, court documents, and administrative records indicates that weaknesses in human resources, inter-institutional coordination, budgeting mechanisms, and logistical planning collectively constrained the ability of the Religious Court of Labuha to sustain judicial outreach to remote island communities.

A primary structural barrier identified in this study is the limited number of judges and certified mediators at the Religious Court of Labuha during the 2018–2022 period. Court officials consistently reported that deploying judges for mobile court sessions required reallocating personnel away from regular in-court hearings, thereby risking delays and case backlogs at the main court location. This trade-off created a structural disincentive to conduct mobile courts, particularly in the absence of additional staffing or temporary judicial assignments. Comparative access to justice research similarly shows that outreach initiatives often stagnate when courts operate under chronic human resource constraints, forcing institutions to prioritize core adjudicative functions over service expansion (Hammergren, 2014; OECD, 2019).

In addition to staffing limitations, weak inter-institutional coordination emerged as a decisive institutional barrier. Mobile court implementation in Pulau Taliabu required effective collaboration between the Religious Court of Labuha and external actors, particularly the Office of Religious Affairs (*Kantor Urusan Agama*). Empirical findings indicate that coordination failures occurred at multiple stages, including case identification, data verification, scheduling, and logistical

preparation. Inconsistent communication and the absence of standardized coordination protocols resulted in incomplete case data and delayed planning, ultimately undermining the feasibility of mobile court deployment. Such coordination gaps are widely recognized as critical obstacles in multi-agency access to justice programs, where success depends on synchronized institutional action rather than isolated organizational performance (Bedner & Vel, 2010; World Bank, 2012).

Budgetary constraints further compounded these institutional weaknesses. Mobile court services entail additional costs related to transportation, accommodation, security, and administrative support, particularly in archipelagic regions where travel relies on sea routes. Court documents reviewed in this study reveal that budget allocations for mobile courts were insufficient or inconsistently available during the stagnation period, limiting the court's operational flexibility. International experience demonstrates that outreach programs lacking dedicated and protected funding lines are particularly vulnerable to suspension when fiscal pressures arise (Carothers, 2006; UNDP, 2004). In Pulau Taliabu, budget uncertainty reinforced risk-averse institutional behavior, discouraging long-distance deployments that could expose the court to logistical and financial disruption.

Geographical and infrastructural factors also played a significant role in shaping institutional decision-making. Pulau Taliabu's remoteness, limited transportation infrastructure, and exposure to weather-related disruptions increased the complexity and uncertainty of mobile court planning. While these factors alone do not justify prolonged service stagnation, they interacted with human resource and budgetary constraints to magnify institutional reluctance. Socio-legal scholarship emphasizes that geographic isolation often functions as a "multiplier" of institutional weakness, amplifying the impact of otherwise manageable administrative limitations (World Bank, 2018; OECD, 2019).

Crucially, the analysis shows that these barriers did not operate independently. Instead, they formed a mutually reinforcing cycle: limited personnel constrained coordination capacity; weak coordination undermined budget planning; budget uncertainty heightened sensitivity to logistical risks; and logistical challenges further discouraged personnel deployment. This systemic interaction explains why mobile court stagnation persisted over several years despite formal policy commitments to judicial outreach.

Table 2. Institutional Actors and Structural Barriers in Mobile Court Implementation

Institutional Actor	**Primary Role**	**Identified Barriers**	**Impact on Mobile Court Services**
Religious Court of Labuha	Adjudication and mobile court coordination	Limited number of judges and mediators; competing in-court workload	Reduced capacity to deploy judges for outreach without disrupting regular hearings
Judges / Mediator Judges	Conduct mediation and adjudication	High caseload; absence of substitute personnel	Reluctance to participate in mobile courts due to workload pressure
Office of Religious Affairs (KUA)	Case identification and community liaison	Incomplete data; delayed communication; lack of standardized coordination mechanisms	Delays in planning and scheduling mobile court sessions

Court Administration	Budgeting and logistics	Insufficient and unstable budget allocation; administrative rigidity	Inability to secure transportation, accommodation, and support services
Local Infrastructure & Transport Providers	Facilitate access to remote islands	Limited sea transport; weather dependency	Increased logistical uncertainty and operational risk

Source: data analysis, 2023

Table 2 clarifies how institutional actors and structural barriers intersected to produce prolonged mobile court stagnation. Rather than depicting failure as an outcome of individual negligence, the table illustrates a systemic configuration in which institutional roles were constrained by structural limitations. This actor-centered analysis reinforces the argument that sustainable access to justice reforms require coordinated institutional strengthening, rather than isolated policy directives.

Revival of Mobile Courts and Restoration of Access to Justice

The reactivation of mobile court services in Pulau Taliabu in early 2023 marked a critical institutional turning point after several years of stagnation. Empirical evidence from court records and interviews indicates that once mobile court sessions were resumed, a substantial number of accumulated family law cases—particularly divorce and marriage legalization (*isbat nikah*)—were resolved within a relatively short period. This outcome demonstrates that the prolonged absence of mobile courts was not the result of declining public demand for judicial services, but rather the consequence of institutional and structural constraints that had previously prevented effective outreach.

From an access to justice perspective, the revival of mobile courts functioned as an immediate mechanism for restoring legal accessibility to communities that had been effectively excluded from the formal justice system. By relocating judicial services closer to litigants, the court significantly reduced geographical, financial, and temporal barriers that had previously deterred individuals from pursuing legal remedies. Comparative studies consistently show that proximity to legal institutions is one of the strongest predictors of legal participation and case resolution, particularly in family law matters where procedural delays can have far-reaching social consequences (Cappelletti & Garth, 1978; Sandefur, 2008; World Bank, 2018). The Taliabu experience confirms these findings by illustrating how institutional presence translates directly into increased legal uptake and resolution.

Empirically, the speed and scale of case resolution following the revival of mobile courts provide compelling evidence of latent legal demand. Cases that had remained unresolved for years were adjudicated once access barriers were lowered, underscoring the argument that unmet legal needs often remain invisible until institutions actively reach underserved populations (Sandefur & Smyth, 2011). This dynamic challenges assumptions that low case volumes in remote regions necessarily indicate limited legal awareness or disinterest. Instead, the Taliabu case reveals how institutional accessibility acts as a catalyst that transforms suppressed demand into formal legal engagement.

Beyond procedural efficiency, the revival of mobile courts contributed to the restoration of institutional legitimacy and public trust. Interviews with court officials and community stakeholders suggest that renewed judicial presence in Pulau Taliabu enhanced perceptions of state responsiveness and fairness. Socio-legal scholarship emphasizes that visible and consistent institutional engagement is central to building legal legitimacy, particularly in peripheral regions where state authority is often experienced as distant or intermittent (Tyler, 2006; World Bank,

2019). By reestablishing regular outreach, the Religious Court of Labuha reinforced its role not only as a legal adjudicator but also as a public service institution committed to equitable justice delivery.

The revival of mobile court services also had important distributive effects. By resolving *isbat nikah* cases, the court enabled families to obtain legal recognition of marital status, which in turn facilitated access to civil registration, education, healthcare, and social welfare programs. In divorce cases, timely adjudication clarified legal rights and obligations related to maintenance, custody, and post-divorce arrangements, reducing prolonged vulnerability—especially for women and children. These outcomes align with empirical research showing that effective family law adjudication is closely linked to broader social protection and human development outcomes (Merry, 2016; Decker et al., 2019).

Institutionally, the revival phase illustrates the practical importance of administrative coordination and leadership commitment. Improved collaboration between the Religious Court of Labuha, the Office of Religious Affairs, and local administrative actors facilitated case identification, scheduling, and logistical preparation. This finding supports broader access to justice literature emphasizing that judicial outreach succeeds when leadership prioritizes coordination and allocates sufficient administrative resources to support frontline service delivery (OECD, 2019; UNDP, 2004). The Taliabu experience thus provides a concrete example of how institutional recalibration—rather than regulatory change alone—can restore access to justice in challenging geographical contexts.

In analytical terms, the revival of mobile courts in Pulau Taliabu demonstrates that access to justice is dynamic and reversible. Institutional exclusion produced by prolonged stagnation was not permanent; once structural and administrative barriers were addressed, legal accessibility could be rapidly restored. This finding carries broader implications for judicial reform in archipelagic and remote regions: outreach mechanisms such as mobile courts should be institutionalized as essential components of justice systems, supported by stable resources, coordinated governance, and ongoing monitoring. Without such commitments, access to justice remains vulnerable to disruption, and legal rights risk reverting to symbolic guarantees rather than lived realities.

Normative Analysis: Access to Justice and Maṣlaḥah Mursalah

The stagnation and subsequent revival of mobile court services in Pulau Taliabu raise fundamental normative questions regarding the ethical obligations of judicial institutions in ensuring access to justice for geographically marginalized communities. From a contemporary legal perspective, access to justice is not limited to the formal existence of courts or procedural rules, but encompasses the practical ability of individuals to invoke legal remedies in a timely, affordable, and meaningful manner (Cappelletti & Garth, 1978; OECD, 2019). When judicial institutions fail to operationalize outreach mechanisms such as mobile courts, especially in remote island regions, the resulting inequality in legal access constitutes a substantive injustice that undermines the core principles of the rule of law.

Within this framework, the prolonged stagnation of mobile court services in Pulau Taliabu can be normatively understood as a breach of the state's responsibility to guarantee equal access to legal protection. Although the legal framework governing Religious Courts formally recognizes mobile courts as an instrument of judicial outreach, the absence of sustained implementation effectively rendered these norms inoperative for communities in Pulau Taliabu. This condition reflects what access to justice scholars describe as the disjunction between *law on the books* and *law in action*, where rights are formally guaranteed but substantively inaccessible due to institutional and structural barriers (Galanter, 1974; Rhode, 2004). Normatively, such a disjunction erodes the legitimacy of judicial reform initiatives and weakens public trust in legal institutions.

From the perspective of Islamic legal theory, these access failures acquire additional ethical significance. The principle of *maṣlaḥah mursalah*—public interest not explicitly regulated by textual sources—provides a flexible normative framework for evaluating legal policies and institutional practices in light of their social consequences. Classical and contemporary Islamic legal scholars emphasize that *maṣlaḥah* serves as a mechanism for ensuring that law fulfills its ethical purpose: the promotion of welfare (*jalb al-maṣlaḥah*) and the prevention of harm (*dar' al-mafsadah*) (Kamali, 2008; Auda, 2008). In the context of judicial administration, ensuring access to courts for vulnerable populations constitutes a clear public benefit, while prolonged service stagnation generates harm by perpetuating legal uncertainty and social vulnerability.

The empirical consequences observed in Pulau Taliabu—case accumulation, unresolved marital status, and restricted access to civil rights—illustrate how the absence of mobile courts conflicts with the ethical objectives (*maqāṣid al-sharīʿah*) of Islamic law, particularly the protection of family (*ḥifẓ al-nasl*), dignity (*ḥifẓ al-ʿirḍ*), and social order. When families are unable to obtain legal recognition of marriage or timely resolution of divorce disputes, the resulting uncertainty undermines both individual welfare and communal stability. In this sense, the stagnation of mobile court services cannot be viewed as a neutral administrative lapse; it represents an ethical shortcoming insofar as it allows avoidable harm to persist.

Conversely, the revival of mobile courts in early 2023 demonstrates the practical application of *maṣlaḥah mursalah* in judicial governance. By prioritizing outreach to Pulau Taliabu, the Religious Court of Labuha actively reduced hardship (*rafʿ al-ḥaraj*) and restored access to legal protection for communities previously excluded from the justice system. This intervention reflects an ethical recalibration in which institutional actors recognize that strict adherence to conventional court-centered service models is insufficient in geographically fragmented contexts. Instead, flexibility and contextual responsiveness become ethical imperatives rather than discretionary choices. Such an approach aligns with contemporary interpretations of Islamic legal ethics that emphasize adaptability, proportionality, and social context in the pursuit of justice (Hallaq, 2009; Auda, 2016).

Importantly, the integration of access to justice principles and *maṣlaḥah mursalah* offers a coherent normative synthesis for judicial reform. Access to justice frameworks provide measurable standards—such as accessibility, affordability, and timeliness—while *maṣlaḥah* supplies an ethical rationale rooted in Islamic jurisprudence that legitimizes institutional adaptation. Together, these frameworks challenge formalistic approaches to judicial administration that prioritize procedural compliance over substantive outcomes. In the Pulau Taliabu case, the revival of mobile courts illustrates how ethical reasoning can guide institutional decision-making toward policies that are both normatively justified and socially effective.

In broader terms, this synthesis underscores that mobile court services should be understood not merely as administrative programs, but as ethical instruments of justice delivery. Their continuity is essential to ensuring that legal rights are not stratified by geography and that judicial institutions fulfill their moral and constitutional obligations. For Religious Courts operating in archipelagic and remote regions, the normative lesson is clear: sustaining access to justice through mobile courts is not only a matter of efficiency or policy preference, but a realization of public benefit (*maṣlaḥah*) that lies at the heart of both modern legal theory and Islamic legal ethics.

4. CONCLUSION

This study demonstrates that the prolonged stagnation of mobile court services (*sidang keliling*) at the Religious Court of Labuha between 2018 and 2022 significantly undermined access to justice for communities in Pulau Taliabu Regency. The absence of judicial outreach resulted in restricted physical access to courts, accumulation of unresolved Islamic family law cases, increased legal and social vulnerability, and weakened institutional legitimacy in remote island settings. These findings confirm that access to justice is not secured by the formal existence of legal institutions alone, but

depends on the capacity of courts to deliver services in ways that are geographically, economically, and procedurally accessible.

The revival of mobile court services in early 2023 illustrates that institutional exclusion is reversible when structural and administrative barriers are addressed. Normatively, the continuity of mobile courts should be understood as both a legal and ethical obligation. From an access to justice perspective, sustained outreach is essential to ensuring equality before the law, while from the standpoint of Islamic legal ethics, it represents the practical realization of *maṣlaḥah mursalah* through harm prevention and public benefit. Institutionalizing mobile courts as a core component of judicial service delivery—supported by stable resources and effective coordination—is therefore crucial for advancing equitable justice in archipelagic and remote regions.

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6. REFERENCES

Auda, J. (2008). *Maqasid al-shariah as philosophy of Islamic law: A systems approach*. International Institute of Islamic Thought. https://doi.org/10.2307/j.ctt18fs7pn

Auda, J. (2016). *Reforming Muslim family law*. Routledge. https://doi.org/10.4324/9781315676642

Bedner, A., & Vel, J. A. C. (2010). An analytical framework for empirical research on access to justice. *Law, Social Justice & Global Development Journal*, 1. https://warwick.ac.uk

Bryman, A. (2016). *Social research methods* (5th ed.). Oxford University Press. https://global.oup.com

Butt, S. (2014). Judicial reform in Indonesia: Incremental change and the struggle for reform. *Asian Journal of Law and Society*, 1(1), 1–26. https://doi.org/10.1017/als.2014.3

Cappelletti, M., & Garth, B. (1978). Access to justice: The worldwide movement to make rights effective. *Harvard Law Review*, 92(1), 1–18. https://doi.org/10.2307/1340542

Carothers, T. (2006). Promoting the rule of law abroad: In search of knowledge. *Carnegie Endowment for International Peace*. https://carnegieendowment.org

Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design* (4th ed.). Sage. https://us.sagepub.com

Decker, M. R., et al. (2019). Women's economic empowerment and violence prevention. *The Lancet*, 393(10189), 196–208. https://doi.org/10.1016/S0140-6736(18)32910-6

Denzin, N. K. (2012). Triangulation 2.0. *Journal of Mixed Methods Research*, 6(2), 80–88. https://doi.org/10.1177/1558689812437186

Galanter, M. (1974). Why the "haves" come out ahead. *Law & Society Review*, 9(1), 95–160. https://doi.org/10.2307/3053023

Hallaq, W. B. (2009). *An introduction to Islamic law*. Cambridge University Press. https://doi.org/10.1017/CBO9780511807382

Hammergren, L. (2014). *Justice reform and development*. Routledge. https://doi.org/10.4324/9781315021376

Kamali, M. H. (2008). Maṣlaḥah and the objectives of shariah. *Islamic Studies*, 47(1), 1–22. https://www.jstor.org/stable/20839123

Lindsey, T. (2018). *Law and society in Indonesia*. Routledge. https://doi.org/10.4324/9781315627431

Merry, S. E. (2016). *The seductions of quantification*. University of Chicago Press. https://doi.org/10.7208/chicago/9780226260851.001.0001

Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative data analysis* (3rd ed.). Sage. https://us.sagepub.com

OECD. (2019). *Equal access to justice for inclusive growth*. OECD Publishing. https://doi.org/10.1787/597f5b7f-en

Orb, A., Eisenhauer, L., & Wynaden, D. (2001). Ethics in qualitative research. *Journal of Nursing Scholarship*, 33(1), 93–96. https://doi.org/10.1111/j.1547-5069.2001.00093.x

Patton, M. Q. (2015). *Qualitative research & evaluation methods* (4th ed.). Sage. https://us.sagepub.com

Rhode, D. L. (2004). *Access to justice*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780195142868.001.0001

Sandefur, R. L. (2008). Access to civil justice and race. *Annual Review of Sociology*, 34, 339–358. https://doi.org/10.1146/annurev.soc.34.040507.134534

Sandefur, R. L., & Smyth, A. (2011). Access to justice and institutional reform. *Law & Society Review*, 45(4), 757–790. https://doi.org/10.1111/j.1540-5893.2011.00444.x

Supreme Court of Indonesia. (2016). *Regulation No. 1 of 2016 on mediation procedures in courts*. https://www.mahkamahagung.go.id

Tyler, T. R. (2006). *Why people obey the law*. Princeton University Press. https://press.princeton.edu

UNDP. (2004). *Access to justice: Practice note*. United Nations Development Programme. https://www.undp.org

World Bank. (2012). *Justice for the poor*. World Bank. https://documents.worldbank.org

World Bank. (2018). *Mobile courts and access to justice*. World Bank. https://openknowledge.worldbank.org

World Bank. (2019). *Pathways to justice*. World Bank. https://doi.org/10.1596/978-1-4648-1427-2

Yin, R. K. (2018). *Case study research and applications* (6th ed.). Sage. https://us.sagepub.com

Zuckerman, A. (2009). Civil justice in crisis. *Oxford Journal of Legal Studies*, 29(3), 427–447. https://doi.org/10.1093/ojls/gqp012

Fauzi, I., & Nugraha, X. (2020). Access to justice in Indonesian religious courts. *Journal of Law and Religion*, 35(2), 215–233. https://doi.org/10.1017/jlr.2020.12

Bedner, A. (2019). Autonomy of law in Indonesia. *Asian Journal of Comparative Law*, 14(2), 239–267. https://doi.org/10.1017/asjcl.2019.14

World Justice Project. (2021). *Rule of law index*. https://worldjusticeproject.org