



Study on the Importance of Creating a Religious Court in South Tangerang

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Abstract

The roots of civil case disputes, especially in the field of marriage, inheritance, wills, and grants, are very complex. Disputes in which there are aspects of civil law which are the domain of general courts and religious courts. The discourse on the establishment of a Religious Court is currently being hotly discussed, especially in the working area of South Tangerang City. Considering that this area is a very strategic area and supports various aspects of economic and social life which is very adequate. Considering that the City of South Tangerang is a developing area of expansion, the large number of immigrants who are generally young, qualified people makes the City of South Tangerang very iconic and the rate of growth is very significant. This research also wants to find answers, how important is the formation of a religious court in the City of South Tangerang considering that the area is a strategic area with various sectors and very adequate human resources. So that the issues raised in this study are all the things that lie behind the importance of establishing the South Tangerang City Religious Court, the efforts made by the South Tangerang City Government to the Supreme Court regarding the proposal to hold a Religious Court in the jurisdiction of South Tangerang City. This research method uses the Sociological approach to law (Socio-legal research) with the Basic Theory (Grand Theory). (Applied Theory) that researcher's uses in this study are two theories at once. that in the framework of equal distribution of opportunities for justice and improvement of legal services to the community in order to achieve quick, simple and low-cost settlement of cases, it is deemed necessary to establish a Religious Court in South Tangerang. The Tansel Religious Court is expected to be realized in the 2020s. The South Tangerang government will provide land for the Tansel Religious Court, while the central government will prepare the budget for its development. The formation of this institution refers to Law Number 51 of 2008 concerning South Tangerang City which requires all agencies to be formed in newly created cities.

Keywords: *Formation of Legal Facility; Court; South Tangerang City*

Introduction

The discourse on establishing a Religious Court is currently being hotly discussed, especially in the working area of the city of South Tangerang. Considering that this area is a very strategic area and supports various aspects of economic and social life which is very adequate. The City of South Tangerang is a division of the Tangerang Regency; the division is carried out with the aim of improving services in

the fields of government, development and society and can provide the ability to utilize the potential of the area to accelerate the realization of community welfare.

Administratively, South Tangerang City consists of 7 sub-districts, 49 sub-districts and 5 villages with an area of 147.19 Km² or 14,719 Ha. Based on the results of the 2022 Population Census by the South Tangerang City BPS, the population of South Tangerang City according to the projected population in 2021 is 1,365,688 people, consisting of 683,474 men and 682,214 women. The population density in the city of South Tangerang is 8,284 people per km².¹

The people of South Tangerang City come from various tribes and cultures, the original inhabitants are Betawi, Sundanese and the rest are urban people who come from various regions. Considering that the City of South Tangerang is a developing area of expansion, the large number of immigrants who are generally young, qualified people makes the City of South Tangerang very iconic and the rate of growth is very significant.

With the description that has been presented regarding the development of the City of South Tangerang, in outline this research wants to see what is the background for the need to form a religious court institution for the City of South Tangerang. The emergence of marital disputes, inheritance, wills, and grants and how the process of resolving these disputes has been going on. This research also wants to find answers, how important is the formation of a religious court in the City of South Tangerang considering that the area is a strategic area with various sectors and very adequate human resources. The author concludes that the establishment of the South Tangerang City Religious Court is currently very much needed and even must be prioritized for its existence and clarity of juridical competence is needed which will be included in the realm of examination from the civil aspect as well as the public legal aspect.

From the data obtained from the Tigaraksa Religious Court in the last four years or so, the number of lawsuits and applications that have entered the Tigaraksa Religious Court from people who are legally domiciled in South Tangerang are as follows:

1. In 2019 the number of cases that were submitted was 3,116 cases consisting of 2,766 lawsuits and 350 requests;
2. In 2020 the number of cases that were submitted was 2,908 cases consisting of 2,610 lawsuits and 298 requests;
3. In 2021 the number of cases that were submitted was 3,070 cases consisting of 2,731 lawsuits and 339 requests;
4. From 2022 to 31 October 2022, the number of cases that were submitted was 2,606 cases consisting of 2,347 lawsuits and 259 requests.

Considering from various perspectives, since the enactment of the division of the Tangerang Regency area which was finally divided into three work areas, namely Tangerang City, Tangerang Regency and South Tangerang City, from the three divisions, we can see the most significant progress from all sectors, both the industrial sector, the economically, socially and culturally, the City of South Tangerang is the leader. Based on this fact, it is an important reason for the formation of the South Tangerang City Religious Court as a forum for resolving disputes in the field of marriage, inheritance, wills and grants in the working area of South Tangerang City in terms of litigation.

So that for the above, the problem issues of this research are First, what is the background to the Importance of Establishing the South Tangerang City Religious Court? Second, what and how are the efforts made by the South Tangerang City Government to the Supreme Court regarding the proposal to convene a Religious Court in the jurisdiction of South Tangerang City?

¹ Central Bureau of Statistics for South Tangerang City, South Tangerang City in figures for 2022. p.43

Research Methods

The legal research used is the study of Sociology of law (Socio-legal research). Where is this research studied Public.²

Implementation Method with Perimer Data in the form of Interviews conducted at 7 (seven) Offices of Religious Affairs (KUA) in the jurisdiction of South Tangerang City, Tigaraksa Religious Court, South Tangerang BPS, South Tangerang Ministry of Religion, Using secondary data in the form of review of laws and regulations, theories -theories of scholars related to the problem under study, which will be successfully obtained and then used as the basis for theoretical writing. So that the framework of thinking used in this study is to use 3 (three) theories which are interconnected with each other, namely the Basic Theory (Grand Theory) which the researchers express in this study is the Rule of Law Theory. The term rule of law is a translation of the term "*rechtsstaat*".³ The Middle Theory that the researchers reveal in this study is the Legal Development Theory. Basically, in the history of legal development in Indonesia, one of the legal theories that has attracted much attention from experts and the public is the Development Law Theory of Muchtar Kusumaatmaja. Applied Theory that researchers use in this study are two theories at once. Where researchers use the theory of Legal Politics and Authority Theory.

Discussion

1. Aspects of the General Description of the City of South Tangerang in the Background of the Interests of the Establishment of the Religious Courts

South Tangerang City as the youngest city located in the eastern part of Banten Province, to the north is directly adjacent to DKI Jakarta Province and Tangerang City, to the east is directly adjacent to DKI Jakarta Province and West Java Province (Depok City), to the south it is bordered by West Java Province (Bogor Regency and Depok City), and to the west it is bordered by Tangerang Regency.



Figure 4.1 Map of the South Tangerang Region

² Salim H.S. dan Erlies Septiana Nurbani, "Penerapan Teori Hukum pada Penelitian Disertasi dan Tesis", Jakarta: Raja Grafindo Persada, 2015, p. 7.

³ Philipus M.Hadjon, Perlindungan Hukum Bagi Rakyat- Sebuah Studi Tentang Prinsip-prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara, Bina Ilmu, Surabaya, 1987, p.30



Figure 4.2 Outer South Tangerang area by district

The area of South Tangerang City is 164.85 km² or 1.11 percent of the total area of Banten province. The widest sub-district is Pondok Aren sub-district with an area of 29.8 km² or 18.08 percent of the total area of South Tangerang City, while the sub-district with the smallest area is Setu with an area of 16.76 km² or 10.17 percent.

South Tangerang City was formed in 2008 based on Law Number 51 of 2008. South Tangerang City has the same government as other cities. The administrative unit under the city is the sub-district, each sub-district consists of several sub-districts. The number of sub-districts in South Tangerang City is 7 sub-districts which are further divided into 54 sub-districts. Of the existing number of kelurahan, it is further divided into 746 neighborhood units (RW) and 3,913 neighborhood units (RT). The area of South Tangerang City is 164.85 Km² with a population of 1,367,405 people in 2021 with a population density of 8,294 people per Km², meaning that in South Tangerang City every 1 Km² is inhabited by an average of 8,294 residents. The highest population density is in Ciputat District, which is 10,216 people per Km². This will lead to an increasingly dense population in South Tangerang City if the population growth rate is not reduced. Setu sub-district is the sub-district with the lowest population density, namely 5,196 people per Km².

Uraian	Satuan	2021
Penduduk	Jiwa	1 367 405
- Laki-laki	Jiwa	682 934
- Perempuan	Jiwa	684 471
Rasio Jenis Kelamin	-	99,78
Kepadatan Penduduk	jiwa/km ²	8294

Sumber: Dinas Kependudukan dan Pencatatan Sipil Kota Tangerang Selatan

Figure 4.3 Table of the population of South Tangerang in 2021

The population of South Tangerang City in 2021 is 1,367,405 people with a male population of 682,934 and a female population of 684,471. From this size it seems that it is very complex and proportional to the need for the existence of a Religious Court within it.

Within the Indonesian judiciary, the position of the Religious Courts in the reform era was parallel to other judicial bodies under the Supreme Court. This happened when Law Number 35 was born in 1999 concerning amendments to Law No. 14 of 1970 concerning Principles of Judicial Power.⁴ The

⁴ Jaenal Aripin, Religious Courts in the Frame of Legal Reform in Indonesia, Kencana, Jakarta, 2008, p. 250

Religious Courts are a social institution of Islamic law in Indonesia. The term judiciary, etymologically, comes from the word just having a prefix and ending -an, which means something that has to do with matters of justice. In Arabic it is known as al qadla. This term etymologically in the Qur'an has various meanings. It can mean ending or completing, fulfilling and can also mean ordering.

Terminologically, this judicial term is meant by one of the Islamic jurists as *fashlun filkhusmati hasman littadai wa waqt'an linnizaa'i bil ahkaamisy syar'iyati almutalaqqati minal kitaabiwas sunnati*. The meaning is an affair or task to resolve disputes in order to stop lawsuits and to cut disputes with sharia laws taken from the Al-Quran and As-Sunnah. In essence it is none other than the task of resolving legal disputes and violations of laws and statutes in order to uphold the law in achieving justice, truth, order and legal certainty. The goal is to create an orderly and orderly way of life in society and the state, where everyone can be protected from any disturbances.

In this regard, religious courts are included in special courts as is the case with military courts which are indeed courts for military groups regarding criminal cases and military discipline committed by persons with military status, and state administrative courts whose authority falls within the field of state administration which one of the parties is the ruler or government. Whereas the specialty for religious courts is that they are courts for justice seekers who are Muslim regarding civil cases which are limited to family law such as marriage, divorce and inheritance as well as some contract law such as wills, endowments, grants and sadaqah. On the other hand, the religious court is said to be a special court, because:⁵

- a. Tried certain cases that applied certain material laws. Islamic religious material law by the Religious Courts;
- b. Judging certain groups of people. The Religious Courts try certain civil cases for those who are Muslim.

This means that in terms of the specificity of the Religious Courts as referred to, lies in the authority to try certain civil cases or regarding certain groups of people. The unification of the religious courts below the Supreme Court is intended to make the legal system the subject of reform (independent variable). This is based on the hypothesis that law is a tool that is utilized as a tool to accelerate evolution.⁶

No	Kecamatan	Luas Wilayah
1	Kecamatan Serpong	2.404 Ha ²
2	Kecamatan Serpong Utara	1.784 Ha ²
3	Kecamatan Pondok Aren	2.988 Ha ²
4	Kecamatan Ciputat	1.838 Ha ²
5	Kecamatan Ciputat Timur	1.543 Ha ²
6	Kecamatan Pamulang	2.682 Ha ²
7	Kecamatan Setu	1.480 ²

Figure 4.4 Table of the area of the sub-district of South Tangerang City

⁵ Ahmad Mujahidin, Reform of the Law on Religious Courts, Ghalia Indonesia, Bogor, 2014, p. 27

⁶ Jaenal Aripin, Religious Courts in the Frame of Legal Reform in Indonesia, Kencana, Jakarta, 2008, p. 250

The City of Tangerang Selatan itself is an independent region which since its formation in 2008 until now has experienced very significant progress in various sectors. Particularly in the legal field, the South Tangerang City area already has several institutions in the legal field, including:

- a. National Land Agency (BPN), based on the decree of the minister for the utilization of state apparatus and bureaucratic reform of the Republic of Indonesia number B/1424/M.PANRP/4/2014 dated 7 April 2014 and regulation of the national land agency of the Republic of Indonesia number 4 of 2014 dated 16 May 2014 regarding the establishment of the South Tangerang City land office, starting on August 25 2014 the South Tangerang City land office has started operating to serve the people of South Tangerang City which has an area of 14,719 Ha² covering 7 sub-districts;
- b. The South Tangerang Police, the South Tangerang Police, which is under the ranks of the Greater Jakarta Metro Police, has the main duties in terms of security and order, enforcing the law, providing regulations, protecting and serving the community in the jurisdiction for which they are responsible. The South Tangerang Resort Police (Polres) was inaugurated on August 19, 2015 by the Kapolda Metro Jaya, General Police Prof. Drs. H. Muhammad Tito Karnavian, M.A., Ph.D.⁷ At that time the South Tangerang Police had 5 (five) Sector Police (Polsek), two of which were split from the South Jakarta Police, namely the Ciputat Police and Pamulang Police, the other 3 (three) Polsek were fragments of the Tangerang District Police, namely the Serpong Police, Pondok Aren Police and Cisuk Police. Furthermore, it is proposed to add 9 (nine) Polsek, namely the Ciputat Police, Pamulang Police, Pondok Aren Police, Serpong Police, Cisauk Police, Pagedangan Police, Kelapa Dua Police, Legok Police and Curug Police. On April 12 2017, Kapolda Metro Jaya Inspector General Pol. Drs. Mochamad Iriawan, S.H., M.M., M.H inaugurated the South Tangerang Police Office on Jl. BSD Promoter, Lengkong Gudang Timur Village, Serpong District, South Tangerang City, the new office was built on an area of 10,282 square meters, with a building construction project worth Rp. 5.3 billion of the excess budget financing (silpa) Regional Revenue and Expenditure of South Tangerang City;
- c. South Tangerang District Attorney, South Tangerang District Prosecutor's Office was officially established based on Presidential Decree number 14 of 2017 concerning the establishment of District Attorneys' Offices in several district cities in Indonesia. With the establishment of the South Tangerang Prosecutor's Office, all legal issues in the South Tangerang city area are no longer subject to the Tigaraksa Prosecutor's Office in Tangerang Regency.

We can see the feasibility of this in the Circular Letter of the Secretary of the Supreme Court Number 5 of 2019 concerning Requirements for the Formation of Courts within the Supreme Court and the Judiciary Bodies Under it Number 2 letter a which reads: "Establishment of High Courts, Religious High Courts and High Courts State Administration is as follows:

- a. There is regional expansion at the provincial level;
- b. Another legal apparatus (law enforcement apparatus) has been formed, and;
- c. There is a proposal from the Regional Government (Governor) of the province in question.

Apart from this, another thing that supports the immediate formation of a Religious Court in South Tangerang is the ratio of the population to which the majority is Muslim. From the Ministry of Religion data for 2022, data was obtained. From the total population of South Tangerang in 2022, which totaled 1,399,146 people, 1,166,211 or as many as 84% of South Tangerang residents are Muslims. Where many issues will be resolved and decided on in the Religious Courts, including cases at the first level between people who are Muslims in the field of marriage, inheritance, wills and grants made based on Islamic law, as well as waqf and shadaqah. In detail will be shown in the following table:

⁷ <https://restangsel.id/sejarah/> accessed on 2 December 2022

NO KECAMATAN	PENDUDUK		PEMELUK ADAMA						TEMPAT PERBADATAN					
	LAKI	PEREMPUAN	ISLAM	KATOLIK	KRISTEN	HINDU	BUHA	KONGHUCU	MASJID	MUSHOLLA	GEREJA	VIHARA	KLENTENG	
1 SERPONG	95.046	94.872	110.069	10.006	12.070	283	8326	130	85	118	8	2	0	
2 CIPUTAT	118.186	114.393	211.582	9.485	7.302	1.365	2.814	--	110	230	19	--	--	
3 PAMULANG	177.047	174.026	816.055	9.134	21.061	1.406	2.810	707	191	248	15	2	1	
4 PONDOK AREN	132.824	131.017	242.082	7.858	12.694	547	900	10	130	265	12	2	1	
5 CIPUTAT TIMUR	81.183	97.833	148.535	9.025	6.996	481	289	20	92	156	6	1	0	
6 SERPONG UTARA	80.038	48.811	90.717	3.477	1.005	18	3.199	0	32	68	8	1	0	
7 SETU	36.834	35.156	48.221	187	370	32	55	--	33	72	--	--	--	
JUMLAH	701.238	697.908	1.166.211	42.962	61.498	4.162	13.393	130	633	1.175	68	8	2	

Table 4.5 Table of the population of South Tangerang City by Religion

From the data from the Tigaraksa court, data was obtained that the number of cases that came to the Tigaraksa court in the last 4 (four) years who were domiciled by law in the City of South Tangerang was very appropriate if the City of South Tangerang should have its own separate Religious Court office. The following is the case data that entered the Tigaraksa Court for the last 4 (four) years from 2019 to 31 October 2022:

No	KECAMATAN	TAHUN 2019		TAHUN 2020		TAHUN 2021		TAHUN 2022	
		GUGATAN	PERMOHONAN	GUGATAN	PERMOHONAN	GUGATAN	PERMOHONAN	GUGATAN	PERMOHONAN
1	Serpong Utara	208	10	159	13	171	25	152	14
2	Serpong	428	33	365	36	377	42	334	37
3	Ciputat	691	76	602	77	647	84	539	61
4	Ciputat Timur	295	29	280	34	305	45	257	34
5	Pondok Aren	491	90	458	51	485	59	466	45
6	Pamulang	520	67	571	70	611	69	447	54
7	Setu	133	36	175	17	135	15	152	14
	JUMLAH	2.766	350	2.610	298	2.731	339	2.347	259
	JUMLAH TOTAL	3.116		2.908		3.070		2.606	

Table 4.6 Table of cases that have been submitted to the TigaRaksa PA for the last 4 years

Claims include: divorce lawsuits, contentious isbat lawsuits, inheritance lawsuits, Hadhonah/child control lawsuits, joint property lawsuits, grant lawsuits, sharia economic lawsuits, polygamy permits, and marriage annulments. Application cases include: application for confirmation of marriage, application for heirs, application for dispensation of marriage, application for child guardianship, application for legal guardian, application for origin of children.

In order to further support the efforts of the religious courts to be pursued, the researcher also conducted interviews with the headmasters and heads of KUA in South Tangerang City.

- a. 1st resource person An Mr. Akhmad Khotib ⁸ as the chief of KUA Pamulang, he said that the religious court in the jurisdiction of South Tangerang had been eagerly awaited by South Tangerang residents for a long time considering the distance from Pamulang to Tigaraksa which reaches a radius of 3 and this will take time as well as transportation costs. So that many of them are reluctant to go to court;
- b. 2nd resource person An with Mr. Ahmad Baihaqi ⁹ as the head of the KUA Ciputat, he also conveyed the same thing. That the people of South Tangerang are looking forward to the presence of a religious court in the jurisdiction of South Tangerang. Because in addition to the distance that is quite far, it will also take time and costs. And for KUA employees themselves it will also be very helpful if in the South Tangerang area a religious court is immediately formed, because what many people know is that KUA only serves marriage matters. There is much that can be done, including issues of inheritance, wills, grants made under Islamic law, as well as endowments and sadaqah;

⁸ Interview with Mr. Akhmad Khotib as head of KUA Pamulang on 23 November 2022

⁹ Interview with Mr. Ahmad Baihaqi as head of KUA Ciputat on 23 November 2022

- c. 3rd resource person An Mr. H. Aliudin, S.Ag.¹⁰ as Penghulu KUA Ciputat east. He expressed his great appreciation if there was a religious court in South Tangerang. Considering that the distance from Ciputat Timur to Tigaraksa is very far and it takes time and energy, besides that in terms of costs it is also necessary to get to Tigaraksa. Considering that the eastern ciputat contributes quite a lot of events each year;
- d. The 4th resource person, Mr. H. Abdul Aziz¹¹ as Penghulu at KUA Pondok Aren. He fully agrees and strongly supports the establishment of a religious court in the South Tangerang area. According to him, it is also appropriate for South Tangerang to have its own religious court. For assistance is also not far away. Because the distance from the third sugar palm hut is quite far and takes almost a day. Not to mention if there is a follow-up trial that requires you to go back there again. This is very contrary to the concept of fast and low cost;
- e. The 5th resource person, Mr. Abung Hanifah, SH.I.¹² As headmaster at KUA Serpong. He said that as soon as possible this religious court was formed in the jurisdiction of South Tangerang. There are many complaints from residents who say that the distance from Serpong to Tigaraksa is very far and they are confused about having to use public transportation. Not to mention if there is a follow-up trial that requires going back and forth, of course it will be very time consuming and costly;
- f. 6th resource person Mr. Drs. H. Syamsudin Musad¹³ as Head of North Serpong KUA. He strongly supports the establishment of a religious court in the jurisdiction of South Tangerang. If necessary as soon as possible. There have also been many requests from North Serpong residents who have had an interest in why there is no religious court in South Tangerang. And why is the location of the religious court so far away in Tigaraksa. All related to time and cost issues;
- g. The 7th resource person, Mr. Cecep Ibnu Khaldun, S.Ag.¹⁴ as head of KUA Setu. He agreed with previous sources. If in South Tangerang this is very appropriate and even very urgent to establish a religious court. In addition to the large number of cases, some of which came from the jurisdiction of South Tangerang, the distance is quite far, especially from Setu sub-district to Tigaraksa.

2. The efforts made by the South Tangerang City Government to the Supreme Court regarding the proposal to hold a religious court in South Tangerang

That in the framework of equal opportunity to obtain justice and increase legal services to the community in order to achieve quick, simple and low-cost settlement of cases, it is deemed necessary to form a Religious Court in South Tangerang. Religious courts were formed based on Law Number 7 of 1989 concerning Religious Courts; Religious Courts were formed by Presidential Decree.¹⁵

The jurisdiction of the South Tangerang Religious Court will later cover the jurisdiction of South Tangerang City. With the formation of the Religious Court, the South Tangerang City Region was excluded from the jurisdiction of the Tigaraksa Court. With the establishment of the South Tangerang Religious Court, the status of the Tigaraksa Religious Court has become the Tangerang District Religious Court.¹⁶

The South Tangerang Religious Court is included in the jurisdiction of the Banten High Religious Court. Cases that were under the authority of the Tigaraksa Religious Court prior to the formation of the South Tangerang Religious Court. Those that have been examined but have not yet been decided respectively by the Tigaraksa Religious Court are still being investigated and decided by the said Religious Court.¹⁷

¹⁰ Interview with Mr. H. Aliudin, S.Ag as head of KUA East Ciputat on November 23, 2022;

¹¹ Interview with Mr. H. Abdul Aziz as head of KUA Pondok Aren on 23 November 2022;

¹² Interview with Mr. Abung Hanifah, SH.I. as head of KUA Serpong on 24 November 2022;

¹³ Interview with Drs. H. Syamsudin Musad as Head of North Serpong KUA on 24 November 2022;

¹⁴ Interview with Cecep Ibnu Khaldun, S.Ag as head of KUA Setu on 244 November 2022;

¹⁵ Decree of the President of the Republic of Indonesia Number 145 of 1998

¹⁶ *Ibid*

¹⁷ *Ibid*

The Religious Court Class, duties, functions, organizational structure and work procedures of the South Tangerang Religious Court Secretariat are determined by the Minister of Religion after obtaining approval from the Minister who is responsible for the utilization of state apparatus. The duties and responsibilities as well as the work procedures for the clerkship of the South Tangerang Religious Court are determined by the Supreme Court after obtaining approval from the Minister who is responsible for the utilization of the state apparatus.

The South Tangerang City Government (Tangsel) will propose the formation of the South Tangerang Religious Court to the Tiga Raksa Religious Court (PA) of Tangerang Regency and the Supreme Court. This was conveyed some time ago by the Head of the Tangsel Ministry of Religion Office, Abdul Rojak.

The Tangsel Religious Court is expected to be realized in the 2020s. The South Tangerang government will provide land for the Tangsel Religious Court, while the central government will prepare the budget for its development. The formation of this institution refers to Law Number 51 of 2008 concerning South Tangerang City which requires all agencies to be formed in newly created cities. For the Tangsel Ministry of Religion (Kemenag) itself, it was established in 2013 with the issuance of a letter from the Indonesian Ministry of Religion as of late 2013 and established in 2014. The South Tangerang City Government in this case also appointed the LPPM (Research and Community Service Institute) Pamulang University (Unpam) to carry out study of the formation of the South Tangerang Religious Court.

Conclusion

1. The principle of good urban planning is the existence of support for sustainable urban development. Among them is by continuing to improve public service facilities. The City of South Tangerang already has quite complete legal institutions, namely the National Land Agency, the Police, and the District Attorney's Office. Seeing from this, South Tangerang should also have its own Religious Court. We can see the feasibility of this in the Circular Letter of the Secretary of the Supreme Court Number 5 of 2019 concerning Requirements for the Establishment of Courts within the Supreme Court and the Judiciary Bodies below it. Another thing that supports the immediate formation of a Religious Court in South Tangerang is the ratio of the population to which the majority is Muslim. From the data from the Ministry of Religion for 2022, data was obtained. From the total population of South Tangerang in 2022, totaling 1,399,146 people, 1,166,211 or 84% of South Tangerang residents are Muslim. And there are approximately 2,000 cases that go to the Tigaraksa Religious Court each year;
2. Efforts by the Supreme Court in the framework of equal opportunity to obtain justice and improvement of legal services to the community in order to achieve quick, simple and low-cost settlement of cases, it is deemed necessary to form a Religious Court in South Tangerang. Religious courts were formed based on Law Number 7 of 1989 concerning Religious Courts, Religious Courts were formed by Presidential Decree. The duties and responsibilities as well as the work procedures for the clerkship of the South Tangerang Religious Court are determined by the Supreme Court after obtaining approval from the Minister who is responsible for the field of State Apparatus Empowerment. The South Tangerang City Government will propose the formation of the South Tangerang Religious Court to the Tiga Raksa Religious Court (PA), Tangerang Regency and the Supreme Court. The Tangsel Religious Court is expected to be realized in the 2020s. The South Tangerang government will provide land for the Tangsel Religious Court, while the central government will prepare the budget for its development. The South Tangerang City Government in this case also appointed the Pamulang University Research and Community Service Institute (LPPM) to conduct a study on the formation of the South Tangerang Religious Court.

References

Books

- Abdul hakim Garuda Nusantara, Politik Hukum Nasional, makalah pada Kerja Latihan Bantuan Hukum, LBH, Surabaya, September 1985.
- Abdul Gani Abullah, Catatan Kuliah Politik Hukum (Jakarta: Sekolah Pasca Sarjana Universitas Islam Negeri Syarif Hidayatullah Jakarta), 14 April 2010.
- A.Gunawan Setiardi, Dialektika Hukum dan Moral dalam Pembangunan Masyarakat Indonesia, Kanisius, Jogjakarta, 1990.
- Ahmad Mujahidin, Pembaharuan Hukum Acara Peradilan Agama, Ghalia Indonesia, Bogor, 2014.
- Artidjo Alkosta, (editor) Pembangunan Hukum Nasional dalam Perspektif Kebijakan dalam Identitas Hukum Nasional (Yogyakarta: FH-UII, 1997).
- Badan Pusat Statistika Kota Tangerang Selatan, Kota Tangerang Selatan Dalam angka 2022.
- F.A.M Stroink dalam Abdul Rasyid Thalib, Wewenang Mahkamah Konstitusi dan Aplikasinya dalam Sistem Ketatanegaraan Republik Indonesia, Citra Aditya Bakti, Bandung, 2006.
- Fuad Hassan, Pengertian Kewenangan, Balai Pustaka, Jakarta, 1999 Indroharto, Usaha Memahami Peradilan Tata Usaha Negara, Pustaka Sinar Harapan, Jakarta, 2002.
- Jaenal Aripin, Peradilan Agama Dalam Bingkai Reformasi Hukum Di Indonesia, Kencana, Jakarta, 2008.
- Lili Rasjidi, Hukum Sebagai Suatu Sistem, Mandar Maju, Bandung, 2003.
- Lilik Mulyadi, Teori Hukum pembangunan Prof.Dr. Muchtar Kusumaatmadja: Sebuah Kajian Deskriptif Analitis, makalah tanpa tahun.
- Mahfud MD, Politik Hukum di Indonesia (Jakarta: Rajawali Press, 2009).
- MD, Moh. Mahfud. Politik Hukum di Indonesia. Penerbit PT Raja Grafindo Persada, Jakarta, 2014.
- Miriam Budiardjo, Dasar-Dasar Ilmu Politik, Gramedia Pustaka Utama, Jakarta, 1998.
- Mohamad Ilyas Abdullatif, Urgensi Pembentukan Pengadilan Perikanan di Provinsi Gorontalo, Fakultas Hukum Universitas Negeri Gorontalo, Sulawesi Tenggara, 2021.
- Mochtar Kusumaatmadja, Konsep-konsep Hukum dalam Pembangunan, Alumni, Bandung, 2002.
- Muhammad Yamin, Proklamasi dan Konstitusi Republik Indonesia, Ghalia Indonesia, Jakarta, 1982, hlm.72.
- Mukti Fajar, Yulianto Achmad, 2010, Dualisme Penelitian Hukum Normatif & Empiris, Yogyakarta, Pustaka Pelajar.
- Mukti Fajar, Yulianto Achmad, 2007, Dualisme Penelitian Hukum, Yogyakarta, Fakultas Hukum Universitas Muhammadiyah Yogyakarta.
- O. Notohamidjojo, Makna Negara Hukum, Badan Penerbit Kristen, Jakarta, 1970.
- Padmo Wahyono, Guru Pinandita, Badan Penerbit Fakultas Ekonomi Universitas Indonesia, Jakarta, 1984.
- Padmo Wahyono, Indonesia, Negara Berdasarkan atas Hukum, Ghalia Indonesia, Jakarta, 1983, Cet. Pertama.
- Padmo Wahyono, Menyelidik Proses terbentuknya Perundang-undangan, Forum Keadilan No. 29, Jakarta, 1991.
- Peter Mahmud Marzuki, Pengantar Ilmu Hukum Edisi Revisi, Kencana Pranadamedia Groub, Jakarta, cet-ke 6, 2014.
- Philipus M.Hadjon, Tentang Wewenang, Yuridika, Volume No.5&6, Tahun XII, September-Desember, 1997.
- Philipus M.Hadjon, Perlindungan Hukum Bagi Rakyat- Sebuah Studi Tentang Prinsip-prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara, Bina Ilmu, Surabaya, 1987.
- Poewardarmita, Kamus Umum Bahasa Indonesia, Balai Pustaka Jakarta, 1980.
- Prajudi Admosudirjo, Hukum Administrasi Negara, Ghalia Indonesia, cet.9. Jakarta, 1998.
- Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan kebudayaan, Kamus Besar Bahasa Indonesia, edisi kedua, (Jakarta: balai pustak, 1995).
- Ridwan HR, Hukum Administrasi Negara, Edisi Revisi, Rajawali Prees, Jakarta, 2010
- Satjipto Raharjo, Ilmu Hukum, Penerbit Citra Aditya Bakti, Bandung, 2000.

- Saut Maruli, Tua Manik, Pembentukan Pengadilan Khusus Ekonomi Syariah di Lingkungan Peradilan Agama Dalam Rangka Memperkuat Sistem Hukum Nasional Indonesia, Tesis Universitas Andalas, Sumatra Barat, 2018.
- Suwoto Mulyosudarmo, Kekuasaan dan Tanggung Jawab Presiden Republik Indonesia, Suatu Penelitian Segi-Segi Teoritik dan Yuridis Pertanggungjawaban Kekuasaan, Universitas Airlangga, Jakarta, 1990.
- Soerjono Soekanto, Pengantar Penelitian Hukum, (Jakarta: UI Press, 1986).
- Salim H.S. dan Erlies Septiana Nurbani, "Penerapan Teori Hukum pada Penelitian Disertasi dan Tesis", Jakarta: Raja Grafindo Persada, 2015.
- Soedarto, dalam Moh. Mahfud MD, Membangun Politik Hukum, Menegakkan Konstitusi, Rajawali Pers, Jakarta, 2011.
- Soerjano Soekanto dan Sri Mamudji, 2011, "Penelitian Hukum Normatif, Suatu Tinjauan Singkat", cetakan ke-13, PT. Raja Grafindo Persada, Jakarta.
- Soerjono Soekanto, Pengantar Penelitian Hukum, (Jakarta: UI Press, 1986 Subekti, Kamus Hukum, Pradnya Paramita, Jakarta, 1978.
- Suwoto Mulyosudarmo, Kekuasaan dan Tanggung Jawab Presiden Republik Indonesia, Suatu Penelitian Segi-Segi Teoritik dan Yuridis Pertanggungjawaban Kekuasaan, Universitas Airlangga, Jakarta, 1990.
- T. Wijayanta, Urgensi Pembentukan Pengadilan Niaga Baru, Mimbar Hukum-Fakultas Hukum Universitas Gadjah, Yogyakarta, 2010.

Legislation

- Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts.
- Law Number 50 of 2009 concerning Religious Courts.
- Law Number 48 of 2009 concerning Judicial Powers.
- Republic of Indonesia, Law Number 14 of 1985 concerning the Supreme Court.
- Law number 14 of 1970 concerning Basic Provisions of Judicial Power
- Decree of the President of the Republic of Indonesia Number 145 of 1998.

Journal

- Ateng Syafrudin, "Menuju Penyelenggaraan Pemerintahan Negara yang Bersih dan Bertanggungjawab", Jurnal Pro Justisia Edisi IV, Universitas Parahyangan, Bandung, 2000.
- Endah Sulastris, Teguh Triesna Dewa, Urgensi Pembentukan Peradilan Khusus Agraria, Jurnal Cita Hukum Vol II No.2, Fakultas Hukum UIN Jakarta, Tangerang Selatan, 2015
- Iwan Rois, Ratna Herawati, Urgensi Pembentukan Peradilan Khusus Pemilu Dalam Rangka Mewujudkan Integritas Pemilu, Jurnal Magister Hukum Udayana, Magister Ilmu Hukum Universitas Diponegoro, Semarang, 2018.
- Jimly Asshiddiqie, Cita Negara Hukum Indonesia Kontemporer, Papper. Sarjana Hukum Fakultas Hukum Universitas Sriwijaya Palembang, 23 Maret 2004 dalam Simbur Cahaya No. 25 Tahun IX Mei 2004 ISSN No. 14110-0614
- M. Zulfa Aulia, "Hukum Pembangunan dari Mochtar Kusuma-atmadja : Mengarahkan Pembangunan atau Mengabdikan pada Pembangunan?," Jurnal Hukum 1, no. 2 (2018): 363-392
- Saut Maruli, Tua Manik, Pembentukan Pengadilan Khusus Ekonomi Syariah di Lingkungan Peradilan Agama Dalam Rangka Memperkuat Sistem Hukum Nasional Indonesia, Tesis Universitas Andalas, Sumatra Barat, 2018
- Tata Wijayanta, Urgensi Pembentukan Pengadilan Niaga Baru. Jurnal Mimbar Hukum Vol.22 No.2, Fakultas Hukum Universitas Gadjah Mada, 2020.

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