

## Implementation Of *Dominus Litis* Religious Court In Indonesian

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Article Info	Abstract
<b>Keywords:</b> <i>Dominus Litis, Judge, Islamic Court</i>	<i>The principle of judicial passivity is a fundamental tenet in Indonesian civil procedural law; however, judges are not passive throughout all trial stages and may adopt an active role at times. Similarly, judges in religious courts—judicial bodies under the Supreme Court—have begun to apply the principle of active judging. This raises the question of whether such judicial activism conflicts with civil procedural regulations in Indonesia. This paper examines the implementation of the Dominus Litis principle (active judge) within Religious Courts by analyzing various judicial decisions and considerations. Employing a qualitative juridical descriptive approach, the research finds that panels of judges in Religious Courts actively apply the Dominus Litis principle during conciliation, evidence assessment, legal counseling, and the mobile court program.</i>
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## A. Introduction

The realization of justice and social justice within the framework of the rule of law is a fundamental yet complex, abstract, and structural objective.<sup>1</sup> Order is a foundational prerequisite for the existence of an organized human society. Beyond the legal goal of maintaining order, the law also aims to ensure justice for all members of society in accordance with evolving social contexts. To achieve both order and justice, legal enforcement that ensures certainty is essential in regulating individual behavior within society.

Substantively, law is classified into public and private (civil) law. Public law governs matters of public interest<sup>2</sup>, while civil law addresses private interests between individuals.<sup>3</sup> Civil law itself is divided into material civil law—commonly referred to simply as civil law—and formal civil law, often known as civil procedural law.<sup>4</sup> Civil law can also be understood in both narrow and broad senses. In the narrow sense, it refers solely to the *Burgerlijk Wetboek* (Civil Code), while in the broader sense it includes the Civil Code, the *Wetboek van Koophandel* (Commercial Code), and other related regulations.<sup>5</sup>

Despite Indonesia's independence from Dutch colonial rule over 75 years ago, the substantive provisions governing civil matters largely derive from the Civil and Commercial Codes. Procedural aspects are primarily regulated by the *Herziene Inlandsch Reglement* (HIR) for Java and Madura, and the *Rechtsreglement voor de Buitengewesten* (RBG) for other regions.<sup>6</sup>

Formal law governs judicial procedures and is instrumental in enforcing substantive legal rights. Indonesia's judicial hierarchy is established by statutory law.<sup>7</sup> According to Article 24 paragraphs (1)–(3) of the 1945 Constitution of the Republic of Indonesia, judicial power is exercised independently by the Supreme Court and subordinate courts, as well as the Constitutional Court, in order to uphold the rule of law and ensure justice.

The Religious Courts are one of the judicial bodies established under the Indonesian Constitution and form part of the national court hierarchy

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<sup>1</sup> Dani Sintara, Marzuki, “Pancasila Justice Relevance In Implementing State Administrative Court Decisions”, *International Journal Of Law Reconstruction*, Vol 5 No. 1, (2021): 151-162, doi: [10.26532/ijlr.v5i1.15646](https://doi.org/10.26532/ijlr.v5i1.15646)

<sup>2</sup> Riduan Syahrani, *Seluk-Beluk dan Asas-Asas Hukum Perdata*, (Bandung: Alumni, 2006), p.1

<sup>3</sup> Chainur Arrasjid, *Dasar-Dasar Ilmu Hukum*, (Jakarta: Sinar Grafika, 2014), p. 97.

<sup>4</sup> Djaja S. Meliala, *Hukum Perdata Dalam Perspektif BW*, (Bandung: Nuansa Aulia, 2013), p. 1

<sup>5</sup> Yoni, *Perkembangan Surat Kuasa (Khusus) Perkara Perdata Dalam Yurisprudensi*, (Jakarta: FH UI Indonesia, 2018), p.62.

<sup>6</sup> Yoni, *Perkembangan Surat Kuasa (Khusus) Perkara Perdata Dalam Yurisprudensi*, (Jakarta: FH UI Indonesia, 2018), p.62.

<sup>7</sup> Simamora, Janpatar, “Development of Constitutional Interpretation by Constitutional Court of Indonesia in the Context of State Institutions’ Authority Dispute Settlement”, *IOSR Journal Of Humanities And Social Science (IOSRJHSS)* Vol. 24 Issue 12, (2019): 45-54.

responsible for formal law enforcement.<sup>8</sup> Their primary and absolute jurisdiction covers cases governed by Islamic law. While courts—both generally and specifically the Religious Courts—are not entirely autonomous institutions, they interact continuously with their broader socio-cultural and normative environments. The Law on Judicial Power affirms this dynamic, stating that "the State Court applies and enforces law and justice based on Pancasila," reflecting the court's engagement with foundational national ideology. Furthermore, judges are mandated to "explore, follow, and understand the living legal values within society," indicating the courts' responsiveness to evolving community norms.<sup>9</sup>

Consequently, courts function as dynamic institutions that not only adjudicate but also interpret legal texts in light of societal developments. The Religious Courts, therefore, operate as Islamic courts adapted to the Indonesian context. Though classified as civil courts within the general judiciary under the Supreme Court's authority, they are considered special courts due to their exclusive jurisdiction over certain Islamic civil matters.<sup>10</sup>

From the perspective of procedural law, Religious Courts share several foundational principles with general civil courts. In practice, their proceedings still largely rely on the *Herziene Inlandsch Reglement* (HIR) and *Rechtsreglement voor de Buitengewesten* (RBg), unless otherwise stipulated. The procedural framework for Religious Courts is primarily governed by Law No. 7 of 1989 as amended by Law No. 3 of 2006 and Law No. 50 of 2009 concerning Religious Courts.<sup>11</sup>

The *Herziene Inlandsch Reglement* (HIR) and *Rechtsreglement voor de Buitengewesten* (RBg) are fundamental components of Indonesia's civil procedural law. One of their defining characteristics is the adoption of the passive judge principle, whereby the scope of a civil dispute is determined not by the judge, but by the parties involved. Under this principle, judges are obliged to examine all claims presented but are prohibited from issuing decisions beyond the scope of the demands or granting relief unrelated to the principal claim. As law enforcers, judges are bound by legal principles, including passivity, although such principles only carry binding legal authority if explicitly codified in statutory law. Otherwise, they serve merely as non-binding guidelines.

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<sup>8</sup> Fonaha Hulu, Lenny Mutiara Ambarita, "Pandapotan Damanik, Yurulina Gulo, Implementation of Land Dispute Resolution with Justice", *International Journal of Law Reconstruction* Vol 7 No. 1, (2023): 258-269, doi: [10.26532/ijlr.v7i2.32627](https://doi.org/10.26532/ijlr.v7i2.32627)

<sup>9</sup> Roihan A. Rasyid, *Hukum Acara Peradilan Agama*, (Depok, Raja Grafindo Persada, 2018), p.15

<sup>10</sup> Andi Intan Cahyani, "Peradilan Agama Sebagai Penegak Hukum Islam Di Indonesia". *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, Vol. 6 No. 1, (2019): 119-132

<sup>11</sup> Aah Tsamrotul Fuadah, "Penerapan Prinsip Hukum Acara Perdata Islam Di Pengadilan Agama", *Adliya Jurnal Hukum dan Kemanusiaan*, Vol 9, No 2, 2015, pp. 270-286.

Meanwhile, the *Wetboek op de Burgerlijke Rechtsvordering* (RV)—a Dutch procedural code formerly applied to European residents—reflects a more strictly passive judicial role. While the RV is no longer in force in Indonesia where HIR and RBg apply, doctrinal influences from the RV continue to reinforce the passive judge model. Nonetheless, the HIR and RBg also incorporate elements that allow for a more active judicial role under certain circumstances.

This paper explores the practical application of the active judge principle in the context of Religious Courts in Indonesia, particularly in civil case resolution. Through concrete case examples, it will be demonstrated that judges in Religious Courts can and do adopt an active role when necessary, thereby modifying the traditionally passive model.

To date, no research has specifically analyzed the application of the *Dominus Litis* principle—the idea that parties control the litigation—in Religious Courts in Indonesia. However, existing literature has explored various aspects of Religious Court practice. For instance, one research examines judicial reasoning in the High Religious Court of Samarinda, particularly in marriage legalization cases based on witness testimony.<sup>12</sup> Other comparative studies address the institutional development of Religious Courts in Indonesia and Malaysia, focusing on their historical evolution, structure, and jurisdiction.<sup>13</sup> Amran Suadi's<sup>14</sup> research highlights the reform of Islamic law in Indonesia through legislation and fatwas, while Diana Zuhroh's work investigates the legal concept of heirs and substitute heirs in Religious Court decisions.<sup>15</sup>

This research employs a normative juridical research method, focusing on legal principles and relying primarily on secondary materials such as books, journal articles, and legal commentaries. The legal principle approach involves the analysis of legal norms as standards of appropriate conduct within the legal system. Accordingly, the research examines the relevant norms and principles found within primary, secondary, and tertiary legal materials.

The research is analytically descriptive in nature, aiming to provide a detailed and accurate account of the application of the *Dominus Litis* principle—particularly the active role of judges—in the practice of Religious

<sup>12</sup> Fajriyyah, Latifatul, and Alfitri Alfitri, "Hearsay Evidence Admissibility: Due Process and Evidentiary Rules in Muslim Marriage Legalization (Isbat Nikah)". *Fiat Justitia: Jurnal Ilmu Hukum* Vol. 16 No. 3 (2022): 265-92. <https://doi.org/10.25041/fiatjustisia.v16no3.2464>.

<sup>13</sup> Raihan Azzahra, Farid Sufian Shuaib, "Religious Courts in Indonesia and Malaysia: History, Structure, and Jurisdiction", *Indonesian Comparative Law Review*, Vol. 4 No.2, (2022):115-130, DOI:[10.18196/iclr.v4i2.15911](https://doi.org/10.18196/iclr.v4i2.15911).

<sup>14</sup> Amran Suadi, "The Role Of Religious Court In Islamic Law Reform In Indonesia", *Asy-Syariah*, Vol. 21 No. 2, (2020): 125–134. <https://doi.org/10.15575/as.v21i2.5821>

<sup>15</sup> Diana Zuhroh, "Konsep Ahli Waris Dan Ahli Waris Pengganti: Studi Putusan Hakim Pengadilan Agama", *Al-Ahkam* Vol. 27 No. 1, (2017): 43–58. <https://doi.org/10.21580/ahkam.2017.27.1.1051>

Courts. The research will be conducted in two stages: (1) library research, which involves collecting and analyzing secondary data from legal sources (primary, secondary, and tertiary legal materials), and (2) field research, which may include empirical data collection to complement the normative analysis.

## B. Discussion

Indonesia's national legal politics affirm the country as a state based on law (*rechtsstaat*), as stipulated in Article 1 paragraph (3) of the 1945 Constitution.<sup>16</sup> The realization of this legal ideal depends on the enforcement of laws by judicial authorities. Consequently, judges play a critical role in ensuring that legal proceedings are conducted fairly, transparently, and accessibly for all parties.

Sudikno Mertokusumo, a prominent legal scholar, distinguishes between the principles of passive and active judges. He clarifies that the principle of passive judges does not imply total inaction, but rather refers to the limited scope of judicial intervention, where the subject matter of the dispute is determined by the litigating parties. Conversely, the principle of active judges requires judicial initiative in managing civil proceedings, ensuring the fair and efficient resolution of disputes, and assisting justice seekers in overcoming procedural obstacles.

Since their inception during the colonial era as *Priesterraad*, Indonesia's Religious Courts have undergone significant institutional, legal, and human resource development.<sup>17</sup> These courts have implemented various programs to enhance public service, with judges increasingly adopting an active role in adjudication.

While the principle of active judges has been widely analyzed in the context of general courts, this research seeks to explore its application—specifically the implementation of the *Dominus Litis* principle—in Religious Court proceedings, across several stages of the trial process.

### 1. Peace in Religious Courts

Judges are obliged to seek reconciliation between disputing parties, a duty that reflects the active role they must assume in civil proceedings. This obligation is first articulated in Article 130 paragraph (1) of the *Herzien Indonesisch Reglement* (HIR), which mandates that on the appointed day, both parties must appear before the District Court, and the presiding judge must attempt to reconcile them. Furthermore, Article 131 paragraph (1) HIR emphasizes that if reconciliation fails, the judge must explicitly record this

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<sup>16</sup> Agus Sugiarto, Asep Hermawan, Yanto Irianto, "The Authority Reconstruction Of Judges In Detaining Children Based On The Justice Value", *International Journal Of Law Reconstruction*, Vol 7 No. 1, (2023): 316-326, Doi: [10.26532/Jph.V10i2.33297](https://doi.org/10.26532/Jph.V10i2.33297).

<sup>17</sup> Euis Nurlaelawati, Arskal Salim, "Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia", *Al-Jāmi'ah*, Vol. 51, No. 2, (2013): 248-278, <https://doi.org/10.14421/ajis.2013.512.247-278>

failure in the official minutes of the trial. The absence of such a record constitutes a formal procedural defect, potentially rendering the trial examination null and void by operation of law.<sup>18</sup>

Based on these provisions, the active role of judges in religious courts, especially in facilitating reconciliation through mediation, is not merely encouraged but required. This preventive measure is intended to avert the continuation of litigation by resolving disputes early. When successful, mediation not only expedites the process but also promotes settlements that align with the mutual interests of both parties—a "win-win" resolution that emphasizes not only legal justice but also fairness and harmony.

The importance of this approach is further reinforced by several judicial policies, such as the Supreme Court Circular No. 1 of 2002, Supreme Court Regulation No. 1 of 2008, and its latest amendment through Supreme Court Regulation No. 1 of 2016 on Mediation. These regulations aim to promote case resolution through mediation, particularly for cases pending at the Supreme Court level before being reviewed by a panel of judges.<sup>19</sup>

For instance, in Case No. 954/Pdt.G/2022/PA.Bn at the Bengkulu Religious Court, a successful mediation took place in the court's mediation room under the facilitation of Dr. Yusmita, M.Ag. The case, involving a talaq divorce, proceeded smoothly, with both parties reaching a settlement agreement. This agreement was documented in a Deed of Peace and the Mediator's Report, which was submitted to the presiding judge.

In divorce cases, judges are required to investigate the underlying causes of the dispute. If the conflict stems solely from irreconcilable arguments and the judge fails to make sufficient reconciliation efforts, the trial and resulting decision may be rendered invalid due to procedural non-compliance. However, in cases involving more severe causes—such as adultery or physical incapacity affecting marital obligations—the judge's reconciliation efforts are limited to a moral duty rather than a legal one. Nevertheless, the judge is expected to continue attempting reconciliation throughout the proceedings, including during the final hearing before issuing a decision.<sup>20</sup>

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<sup>18</sup> Suharto, "Pengkajian Praktek Tugas Wewenang dan Prosedur Sidang Di Pengadilan Agama Kabupaten Kediri (Berdasar Pasal 49 Undang-undang No.50 Tahun 2009)", *Journal Diversi*, Vol.1, No 2, (2015):114-253.

<sup>19</sup> Haeratus, Adi Sulistiyono, Isharyanto, "Mediation as an Alternative Institution of Disclaimer in Religion Court in Indonesia According to Justice Perspective", *Atlantic Press, Series:Advances in Social Science, Education and Humanities Research*, Vol.358 (2019): 115-118, <https://doi.org/10.2991/icglow-19.2019.29>.

<sup>20</sup> Ummul Khaira, Azhari Yahya, "Pelaksanaan Upaya Perdamaian dalam Perkara Perceraian (Suatu Kajian terhadap Putusan Verstek pada Mahkamah Syar'iyah Bireuen)", *Jurnal Penelitian Hukum De Jure*, Vol. 18 No.3, (2018): 319-334, <http://dx.doi.org/10.30641/dejure.2018.V18.319-334>.

## 2. Case Examination Stage at Court.

### a. Providing legal assistance in the form of legal advice and information to the parties to the dispute.

Not all litigants possess adequate legal knowledge; therefore, the provision of legal guidance by judges, according to the author, does not violate the principle of judicial passivity. Such guidance ensures the smooth conduct of proceedings, promotes the proper application of the law, and ultimately upholds justice, legal certainty, and societal benefit. The application of *Dominus Litis* (active judge) and passive principles is contextual. Under the passive principle, judges are bound by the claims and arguments presented by the parties and are tasked only with ensuring procedural compliance.<sup>21</sup>

Judges are required to be active in religious courts in terms of giving advice, for example, in the divorce process, by advising divorce applicants and respondents and reminding them of the essence of marriage to form a happy and lasting family (household) based on belief in one almighty God and divorce as one of the acts Halal is the most hated by God or Allah SWT.<sup>22</sup>

An illustrative example of judicial advice is found in the case handled by the Panel of Judges at the Ngamprah Religious Court.<sup>23</sup> In case No. 2731/Pdt.G/2021/PA.Nph, the plaintiff ultimately withdrew her contested divorce claim after receiving persuasive guidance from the panel. The panel—composed of Muhammad Najid AUFAR, S.H.I., M.H., Ahmad Luthfi Maghfurin, S.H.I., M.Ag., and Riana Elfriyani, S.H., with Triningsih Subekti, S.H., serving as the substitute registrar—successfully encouraged reconciliation between the parties. According to the panel chair, the plaintiff was initially grateful for the judges' advice and subsequently reaffirmed her decision to remain with her husband (Supreme Court, 2023). This practice aligns with the *Dominus Litis* principle, which is legally recognized under Article 119 HIR/143 RBg, allowing judges to provide limited advice to litigants. This is particularly pertinent in religious courts, where legal representatives may lack adequate knowledge of Islamic law.

A second example involves cases where the judge, upon receiving a case delegation, identifies procedural flaws in the lawsuit—despite its preparation by legal counsel. Common formal defects include incorrect dates, improper court address, incomplete or unclear identification of parties, inadequate legal arguments (*posita*), and imprecise formulation of claims (*petitum*). In such

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<sup>21</sup> Zulkarnaen, *Hukum Acara Peradilan Agama Di Indonesia*, (Bandung, Pustaka Setia, 2017), 75

<sup>22</sup> Hazar Kusmayanti, “Akibat Hukum Sumpah Li'an yang Tidak Terbukti Kebenarannya Terhadap Status Anak Berdasarkan Hukum Islam dan Perundang-Undangan”, *Jurnal Al-Hukamah*, Vol.10 No.1, (2021): 123-149, [10.15642/alhukama.2020.10.1.123-149](https://doi.org/10.15642/alhukama.2020.10.1.123-149).

<sup>23</sup> <https://badilag.mahkamahagung.go.id/seputar-peradilan-agama/berita-daerah/dinasehati-oleh-majelis-hakim-penggugat-terima-kasih-saya-cabut-gugatan-cerai-saya>, accessed, 20/02/2023



instances, the judge provides legal guidance to help parties revise and resubmit the claim in accordance with procedural rules. For example, in Supreme Court Decision No. 613K/Sip/1992 (March 5, 1973), a lawsuit concerning unauthorized control of Baitulmal assets was deemed to fall under the jurisdiction of the General Courts, not the Religious Courts—demonstrating the importance of judicial intervention to correct jurisdictional mistakes.

### **b. The Judge is Active in Matters of Local Evidence**

In civil procedural law, judges are confined to considering only legally admissible evidence when rendering decisions. Article 164 HIR/284 RBg and Article 1866 of the Civil Code specify five types of permissible evidence: written documents, witness testimony, physical evidence, admissions, and oaths.<sup>24</sup> Beyond these, two additional forms of evidence, though not explicitly regulated in these codes, are commonly recognized: local examinations (*descente or plaatselijke opneming en onderzoek*) and expert testimony.<sup>25</sup>

A local examination involves the judge personally inspecting the disputed property or site outside the courtroom to obtain direct knowledge of relevant facts, such as the extent of damage claimed by the plaintiff.<sup>26</sup> This onsite inspection allows the judge to gather firsthand information, including reviewing documents, hearing witnesses, and assessing physical conditions—such as land boundaries, size, and state. All findings from the local examination become the judge's direct knowledge, informing the adjudication process. This practice enhances factual certainty by enabling the judge to verify conditions pertinent to the dispute.<sup>27</sup>

In practice, local inspections (*descente*) as regulated under Article 153 HIR or 180 RBg involve several key supporting elements: the Panel of Judges responsible for examining the dispute, the Registrar who records the inspection and its findings, the litigating parties, representatives of local authorities such as the *nagari* guardian, officials from the National Land Agency, and security personnel.

For example, the Panyabung Religious Court conducted a local inspection in the Joint Assets case No. 49/Pdt.G/2022/PA.Pyb, registered on January 13,

<sup>24</sup> Febrina Indrasari, Tinjauan Tentang Kekuatan Pembuktian Pemeriksaan Setempat Dalam Pemeriksaan Sengketa Perdata (Sengketa Tanah) Di Pengadilan Negeri Surakarta, *Jurisprudence*, Vol 5 No. 1, (2015):9-14, <https://doi.org/10.23917/jurisprudence.v5i1.4216>

<sup>25</sup> Hazar Kusmayanti, Yudha Arnova, “Keabsahan Pembuktian Akta Notaris di Pengadilan sebagai Akta Otentik (Kajian Putusan No. 3591K/PDT/2018)”, *Jurnal Adhaper Vol 6 No 2*, 2020.): 1-12, [10.36913/jhaper.v6i2.129](https://doi.org/10.36913/jhaper.v6i2.129).

<sup>26</sup> Desi Soekromo, “Proses Pembuktian dan Penggunaan Alat-alat Bukti Pada Perkara di Pengadilan”, *Jurnal Hukum Unsrat*, Vol 2 No 1, (2014): 124-136.

<sup>27</sup> Ramdani Wahyu Sururie, Fahadil Amin Al Hasan, “Pelaksanaan Pemeriksaan Setempat (Descente) Pada Perkara Hak Asuh Anak”, *Jurnal Yudisial*, Vol.15 No. 2, (2022):187-205. <http://dx.doi.org/10.29123/jy.v15i2.500>



2022. The inspection commenced at 08:00 WIB, led by Chief Judge A. Latif Rusydi Azhari Harahap, with Judges Muhammad Fadli, S.H.I., and Abdul Azis Alhamid, S.H.I., Alternate Registrar Fatimah, S.H., and Bailiff Substitute Rudi Sofyan, S.H.I., M.H. Both the plaintiff's and defendant's attorneys attended the hearing, alongside officials from Sidomakmur Village, Sinunukan District, Mandailing Natal Regency. The team proceeded to examine the disputed property on site, gathering direct evidence relevant to the case.

### **3. Mobile court**

The authors observe the proactive role of judges in the mobile court program implemented by the Class Ib Religious Court. This initiative aligns with the principles of civil procedural law—speed, simplicity, and affordability—by bringing court hearings directly to remote communities. The mobile court targets individuals living in geographically isolated areas who face difficulties accessing courthouse facilities. Judges travel to these locations and conduct hearings on site, facilitating greater access to justice.<sup>28</sup>

This program is consistent with the Supreme Court of Indonesia's broader mandate to enhance access to justice, understood not only as the ability to seek and obtain rights through formal and informal justice institutions but also as ensuring fair and accountable mechanisms, especially for marginalized groups. Bedner (2010)<sup>29</sup> defines access to justice as:

“Access by people, in particular from poor and disadvantaged groups, to fair, effective and accountable mechanisms for protection of rights. This includes the ability to seek remedies through justice systems and to influence lawmaking and implementation.”

Therefore, a mobile court is defined as a judicial session conducted outside the traditional courthouse—such as in village offices, sub-district centers, religious affairs offices, or mosque courtyards—intended to overcome geographic and economic barriers to court access. The authors argue that the active involvement of judges in mobile courts complies with procedural rules and furthers access to justice and the principles of a simple and expeditious legal process. This is supported by Supreme Court Regulation No. 1 of 2015 on Integrated Services for Mobile Courts.<sup>30</sup>

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<sup>28</sup> Hazar Kusmayanti, Sherly Ayuna Putri, Linda Rahmainy, “Praktik Penyelesaian Sengketa di Pengadilan Agama Melalui Sidang Keliling Dikaitkan dengan Prinsip dan Asas Hukum Acara Perdata” *Jurnal Adhaper*. Vol. 4 No.2, (2018): 50- 63, [10.36913/jhaper.v4i2.83](https://doi.org/10.36913/jhaper.v4i2.83)

<sup>29</sup> Bedner. *Toward Meaningful Rule of Law Research: An Elementary Approach*, (MS Unpublished, WI, Leiden and UNDP (n.d) Access to Justice Practitioner Guide 2010).

<sup>30</sup> Hazar Kusmayanti, Sherly Ayuna Putri, “Dispute Settlement Practices through the Religious Court's Mobile Court (Sidang Keliling)”, *Fiat Justicia*, Vol.15 No.2, 2021, p.288, <https://doi.org/10.25041/fiatjustisia.v14no3>

### C. Conclusion

In Indonesian civil procedural law, judges generally adhere to the principle of passivity, whereby the scope of a civil case is determined by the parties involved, not by the judge. Judges are obligated to hear all claims submitted but must neither decide beyond the parties' demands nor grant relief outside the principal claims presented. However, certain aspects of judicial practice reflect the implementation of the *Dominus Litis* principle, which characterizes judges as active participants in the proceedings. Based on the research, panels of judges in religious courts apply the *Dominus Litis* principle actively during conciliation, evidence examination, legal counseling, and the execution of mobile court programs.

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