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**REASONS FOR PEOPLE IN LAW BRINGING AN ATTORNEY
AND THEIR ROLES IN ACCOMPANYING CLIENTS
(Case Study of Marriage Cases in Jember Religious Court)**

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ABSTRACT

In proceedings at a religious court, someone who is litigating will experience difficulties in the proceedings. This is because the proceedings and legal rules in religious courts are complicated, so a person needs a lawyer to ask for legal assistance in proceedings at a religious court. However, the reason why a person brings an attorney in a religious court needs to be studied further to find out the reasons why litigants bring attorneys in a religious court and their role in accompanying their clients in religious courts. This research is a field research conducted at the Jember Religious Court using a qualitative approach. The results of this study indicate that the reason someone brings attorneys to Jember Religious Court is a lack of knowledge of law, the complexity of the proceedings at the Religious court, someone who is in a case wants to get a satisfactory result, and someone who is having a case is busy with his livings and work. The role of attorneys in accompanying clients at the Jember Religious Court is to represent clients, to cause the litigants to be present, to provide legal advice to clients, to assist with case administration, to provide legal services to clients, and to defend client interests.

Keywords: *attorney, religious court, litigation reason*

ABSTRAK

Dalam beracara di pengadilan Agama, seseorang yang berperkara akan mengalami kesulitan dalam proses beracara, hal ini karena proses beracara dan aturan hukum di pengadilan Agama yang rumit, maka seseorang membutuhkan kuasa hukum untuk meminta bantuan hukum dalam proses beracara di pengadilan Agama. Namun penyebab seseorang membawa kuasa hukum di pengadilan Agama ini perlu dikaji lebih jauh lagi untuk mengetahui sebab-sebab orang yang

berperkara membawa kuasa hukum di pengadilan Agama dan peran kuasa hukum dalam mendampingi kliennya di pengadilan Agama. Penelitian ini merupakan penelitian lapangan yang dilakukan di Pengadilan Agama Jember dengan menggunakan pendekatan kualitatif. Hasil penelitian ini menunjukkan bahwa sebab seseorang membawa kuasa hukum di Pengadilan Agama Jember yaitu kurangnya ilmu tentang hukum, rumitnya proses beracara di pengadilan Agama, seseorang yang berperkara ingin mendapatkan hasil yang memuaskan, serta kesibukan seseorang yang berperkara terhadap pekerjaan. Adapun peran kuasa hukum dalam mendampingi kliennya di Pengadilan Agama Jember yaitu mewakili klien, menghadirkan para pihak yang berperkara, memberikan nasihat hukum terhadap klien, membantu administrasi perkara, memberikan pelayanan hukum terhadap klien, dan membela kepentingan klien.

Kata kunci: kuasa hukum, peradilan agama, sebab orang berperkara.

A. INTRODUCTION

Indonesia is a country where the majority of the population is Muslim. Even though the State of Indonesia is in fact not an Islamic State, because the State of Indonesia does not enforce Sharia law, except in the province of Aceh, Aceh has special autonomy rights and can apply Islamic sharia to its adherents.

The 1945 Constitution of the Republic of Indonesia clearly states that Indonesia is a country based on law. However, most laws in Indonesia adhere to Islamic law, as evidenced by the existence of Islamic institutions that stand within it. One of them is the existence of a Religious Court in Indonesia.

The Religious Court is a special court in Indonesia. It is said to be a special court because it only adjudicates special civil cases that refer to the guidance of Islamic law originating from the Al-Quran and As-Sunnah. It is the role of the Religious Courts to resolve cases of a person submitted to the Religious Courts.

The Religious Court is a court that can provide justice for the Islamic Community regarding certain cases, as stipulated in Law Number 03 of 2006 concerning Religious Courts as stipulated in article 49 which reads:

"Pengadilan Agama bertugas dan berwenang memeriksa, memutus, dan menyelesaikan perkara di tingkat pertama antara orang-orang yang beragama Islam di bidang perkawinan, waris, wasiat, hibah, wakaf, zakat, infaq, shadaqah dan ekonomi Islam".³⁰⁵

(The Religious Courts have the duty and authority to examine, decide, and settle cases at the first level between people who are Muslim in the fields of marriage, inheritance, wills, grants, endowments, zakat, infaq, shadaqah and Islamic economics)

³⁰⁵Law of the Republic of Indonesia Number 03 of 2006 concerning Religious Courts, Article 49.

A person who has a case in a religious court who needs legal aid services is allowed to ask for legal aid services from someone who works as an advocate or lawyer known as a lawyer. A person who works as an advocate usually has several legal services as contained in Law Number 18 of 2003. It is explained that an advocate is a person who provides legal services, both inside and outside the court who fulfills the requirements under the provisions of the law. Advocates provide legal services as stipulated in article 33, namely providing legal consultations, legal assistance, exercising power, representing, accompanying, defending, and carrying out other legal actions for the client's legal interests.³⁰⁶

One of the routine agendas of the Islamic Family Law Study Program at Sekolah Tinggi Dirasat Islamiyah Imam Syafi'i Jember is to hold practicums at the Jember Religious Court, as an effort to increase student competence in the field of law. This activity is routinely carried out every year. In practicum activities carried out in 2023 at the Jember Religious Court, the researchers found a unique phenomenon, that is, people who have litigation at the Jember Religious Court generally bring an attorney, this is something that needs to be researched and studied, what causes a person who has a case to bring attorneys when proceeding at the Jember Religious Court.

From the phenomenon above, the researchers also want to analyze the role of attorneys in accompanying clients at the Jember Religious Court. So that researchers can find out why litigants bring attorneys to the Jember Religious Court and know the role of attorneys in accompanying their clients at the Jember Religious Court. Therefore, researchers are interested in examining the causes of a litigant bringing attorneys to the Jember Religious Court and explaining the role of them in assisting their clients in litigation at the Jember Religious Court.

B. RESEARCH METHODS

This research is a field research. The research location is the Class I A Jember Religious Court. This research uses a qualitative approach. Data taken through primary data and secondary data. Primary data was taken through interviews with informants and documents in the form of Law Number 50 of 2009 concerning Religious Courts, and Law Number 18 of 2003 concerning Attorneys of Law. While secondary data taken in the form of journals and books.

³⁰⁶Law of the Republic of Indonesia No. 18 of 2003 concerning Advocates, Article 33.

As for the informants chosen by the researchers, namely the people who are litigating at the Jember Religious Court who bring attorneys, because they are the ones who know why they bring legal power to the religious court in this study. Researchers conducted field observations at the Jember Religious Court and documented toward informants. This is an attempt by researchers to obtain good data and results to support the formulation of the problem in this study.

C. FINDINGS AND DISCUSSION

1. Reasons for litigants to bring attorneys to the Jember Religious Court

A person who has a case in a Religious court is someone who has an interest in a Religious court to submit a case or business to a Religious court who is referred to as the plaintiff or defendant and also called the applicant or respondent.

The requirements for filing a lawsuit include legal interests, so that not just any individual may sue, a person without a direct interest can have the power to file a lawsuit. The plaintiff is a claimant of civil rights before the court. The defendant is the person who is being sued. Defendants can be individuals or groups. Civil cases include the existence of 2 parties, namely the plaintiff and the defendant who are opposing or a real court, with a legal product in the form of a decision. The applicant is an individual filing and the applicant asserts his rights regarding a legal condition. The application case is usually in the form of a proposal for dispensation of marriage, ratification of marriage, except for divorce by thalaq based on SEMA No. 2 of 1990, classified as a Contentious case with a product in the form of a judge's decision. The respondent is a party present before the hearing to give testimony. The trial of petition cases includes an unreal trial, with the product in the form of a legal determination.³⁰⁷

Cases handled in the Religious courts are specifically civil cases, not all cases can be submitted to the Religious courts. The cases that were found by researchers at the Jember Religious Court from 22-25 May 2023 at the Jember Religious Court were:

- a. Divorce case

³⁰⁷Pradoto, Waluyo Slamet, Santoso Budi Nu, and Electrananda Anugerah Ash-Shidiqui. Pengantar Hukum Acara Pengadilan Agama. Penerbit Lakeisha, 2022.

Divorce is the most common case found in religious courts, because divorce cases can only be resolved in religious courts. Someone who divorces his partner is not considered valid if it is not done in the Religious Courts.

b. Marriage ratification case

Legal efforts are made to obtain legal recognition or state recognition of unrecorded marriages, namely through the ratification of marriages or *itsbat nikah*. Ratification or *Itsbat* of marriage is a new term in *munakahat fiqh*, which literally means "determination", or "confirmation" of marriage.³⁰⁸

c. Marriage guardian case

Marriage guardian (*wali adhol*) is a guardian who does not want/reluctant to marry or prohibits a woman who has reached puberty from marrying unjustly, that is, without any Shar'i reason. This reluctance can be accepted and can be rejected, if between the woman and her future husband there are obstacles to getting married, then the guardian can refuse the marriage to take place.³⁰⁹

Attorney or legal adviser is a law enforcement profession that has areas of responsibility including consulting, law, legal aid, exercising power, representing, accompanying, defending, and carrying out other legal actions for the benefit of the client's law (Article 1 paragraph 2 of Law No. 18 of 2003 concerning Advocates). This profession has an important influence in the dispute resolution process. Because their job is to defend the legal interests of the client, the attorney or legal adviser is the party trusted by the client. This is where the legal profession or attorney has a strategic position.³¹⁰

The court is an institution (agency) to adjudicate or resolve legal disputes within the judiciary, which has absolute and relative authority in accordance with the laws and regulations that determine it. Meanwhile, the Religious Court is a religious judicial body at the first level. The High Religious Court (PTA) is an appellate level religious court. The religious court is domiciled in the district/city capital and its jurisdiction covers the district/city area, but exceptions do not rule out. The high religious court is domiciled in

³⁰⁸Lestaluhu, Rajab. "Pelaksanaan Itsbat Nikah Di Pengadilan Agama Sorong." JUSTISI 5.2 (2019): 78-83.

³⁰⁹Hamdi, Abdul Ridho, Muhammad Jamil, and Ramadhan Syahmedi Siregar. "Penetapan Wali Adhol Dalam Perkawinan Masyarakat Muslim Binjai." Nuansa Akademik: Jurnal Pembangunan Masyarakat 8.1 (2023): 45-62.

³¹⁰Ubaidillah, Nizam. "Implementasi Perma Nomor 1 Tahun 2016 Tentang Proses Mediasi Yang Diwakilkan Pada Kuasa Hukum." Islamic Law: Jurnal Siyasah 8.01 (2023): 55-63.

the provincial capital and its jurisdiction covers the province. (article 1 point 3 Law No. 3 of 2006).³¹¹

Research conducted at the Jember Religious Court in practicum activities, researchers found that a litigant who submits his case to the religious court with several problems including divorce cases. In general, the most frequently found cases are divorce cases.

As for why the person in the case brought attorney at the Jember Religious Court, the researchers collected some of the results of interviews with 15 informants starting from 22 May 2023 – 25 May 2023, at the Jember Religious Court. This was based on the results of interviews conducted by researchers with informants FDJ, KK, MAF, MSY, AD, they were informants who had litigation at the Jember Religious Court, saying:

In general, someone who has a case bringing attorney at the Jember Religious Court knows that an attorney is a person who assists in cases in the religious court, then some people do not really know the duties of attorney, they only know that the attorney's duties are people who assist cases in court. Someone who brings an attorney find the attorneys through their relative and some are looking for it themselves, some of them are paid to use the services of a lawyer and some are not paid, because there are relatives who help to get attorneys who are not paid. Because it's common for someone to bring attorney in a religious court, namely those who don't understand law and want to speed up the case process (Interview, 22 May 2023).

This was based on the results of interviews conducted by researchers with informants namely: MHF, UKH, JF, RSU, IK, they were informants who had litigation at the Jember Religious Court said:

In general, because someone who has a case bringing an attorney in a religious court is to want the case process to run smoothly and quickly finish the case, then regarding the knowledge of attorneys and attorneys' duties, they do not know much about the duties of attorneys, they only know that attorneys are those who help process cases and are tasked with making lawsuits and accompanying them in the Religious Courts. The use of attorney services among them is paid and unpaid depending on how they get legal power, there are those who get legal power by looking for themselves and getting help from relatives so that the use of attorney services is free (Interview, 23 May 2023).

³¹¹ Sulaikin Lubis, S. H. *Hukum Acara Perdata Peradilan Agama di Indonesia*. Kencana, 2018.

This is based on the results of interviews conducted by researchers with informants namely: AM, AG, UK. They are informants who have had cases at the Jember Religious Court:

According to the public, an attorney is someone who helps cases in a religious court, while not many understand their duties. A person who is in a case usually gets legal assistance from their relative, who has had a case in a religious court. As for the reason someone who has a case bringing an attorney in a religious court is a lack of knowledge about law, that is why they need the help of them so that the case process in a religious court is faster than if they manage their own case (Interview, 24 May 2023).

This is based on the results of interviews conducted by researchers with informants, namely: INJ, RS, as litigants and an attorney:

According to the public, an attorney is someone who helps in the process of cases, while according to the attorney, an attorney is an advocate, in details are contained in Law Number 18 of 2003 concerning advocates. The attorney's duties are to accompany, represent and assist in preparing the data required in court. Using the services of attorneys is not all paid but some are free. When the attorney is registered with *LBH (Lembaga Bantuan Hukum/Legal Aid Institute)*, then every year there is an allotment to help someone free of charge but only pays a registration fee. The reason for a client using the services of an attorney is that he is busy working so that he is given power of attorney and another reason is that he does not want to come to court and if he takes care of it himself the process can take longer (Interview, 25 May 2023).

Based on the results of the interview in accordance with the results of observations of researchers at the Jember Religious Court:

In general, the reason for someone who brings attorneys to the Jember Religious Court is the lack of knowledge of law so they bring them to make it easier for them to process cases at court so that by bringing attorneys the case process becomes faster than they manage themselves. In fact, what causes someone to bring them is to want a satisfactory result. With the presence of attorneys, they can consult, can ask if they have problems they don't know about, receive assistance in court (Observation 22-25 May 2023).

Based on the results of interviews and observations conducted by researchers from May 22-25, 2023 at the Jember Religious Court, several points can be gathered for a person in a case to bring attorneys at the Jember Religious Court:

- a. In general, the community's knowledge is very minimal about law and how to proceed in court before the Religious Courts, this is evidenced by the statements of the sources, it was found that from 13 sources, 10 of them stated that they did not really understand the law in the Religious Courts. By using the services of an attorney, they feel helped in carrying out a case in a religious court.
- b. The people who use the services of attorneys want their cases to be resolved quickly, as evidenced by the results of interviews with the litigants from 15 informants who stated that they brought attorneys so that the cases would be resolved quickly. Attorneys have helped complete the administration of cases in court, attorneys can represent parties to litigation who are not present at the trial process, compared to if they manage it themselves, with the help of attorneys the process can be completed more quickly.
- c. People who use the services of attorneys in resolving their cases in the Religious courts want to get satisfactory results compared to them resolving their own cases without the help of attorneys. From the results of interviews with the community they wanted satisfactory results, therefore they brought attorneys.
- d. Being busy with work, so someone prefers to ask for the help of an attorney as a representative in court. That's why someone who is in a case prefers to use legal representation rather than taking care of it himself on the grounds that he is busy with work.

The reason for litigants bringing attorneys at the Jember Religious Court in general is a lack of knowledge of law. One of the discussions that is important to analyze is the discussion about the relationship of a case and why someone brings attorneys in the Jember Religious Court.

Researchers want to analyze the relationship of a case and why someone uses attorneys in the Jember Religious Court. The most common cases are divorce cases. Of all the informants who were interviewed, 12 of them came to the Jember Religious Court with a divorce case, then 1 person with a *wali 'adhol* case and 1 person with a marriage ratification case. In general, the relationship between a case and the reasons for using attorneys, whether in divorce cases, marriage ratification case, *wali 'adhol* case, are the same, namely with the reason that the case is resolved quickly.

Because divorce cases are cases that have opponents or are referred to as contentious cases, it was found that an informant who had a case brought attorneys at the Jember Religious Court on the grounds that he wanted to get a satisfactory outcome because he knew the opposing party had come with his attorney, so he needed resistance by bringing attorney too, in order to get satisfactory results when proceeding at the Religious court.

Meanwhile, cases of *wali 'adhol* and marriage ratification have similarities in that a person who is in a case brings attorney at the Jember Religious Court, namely a lack of knowledge of law and is the first time proceeding at the Jember Religious Court with the assumption that the proceedings at the Religious court are complicated, this is the reason a person brings an attorney at the Jember Religious Court.

2. The Role of Attorney in Accompanying Clients in the Jember Religious Court

In the process of proceeding at the Religious Courts, the litigants will experience difficulties in the form of making lawsuits, replicas, duplicates, appeals and others related to administration or proceedings at trial, this is due to the complexity of the legal rules in the Religious Courts so that it is not easy for the public to understand.

Therefore, the parties to a case in a religious court use the assistance of attorneys to resolve legal issues in a religious court, so that they can obtain their rights and obligations. This statement is based on Law 48 of 2009 concerning Judicial Power in article 56 which states that everyone who is involved in a case has the right to obtain legal assistance.

The term attorney in a religious court is someone who works as a legal service provider known as an advocate or lawyer. An attorney has the authority and duties at all levels in the justice system, with one goal, namely to provide legal assistance to people who are in a lawsuit against the plaintiff/defendant.³¹²

Law Number 18 of 2003 concerning advocates includes providing legal consultations, legal assistance, exercising power, representing, accompanying, defending and carrying out other legal actions for the legal interests of clients. To act as a legal representative or representative of a litigant, article 3 (1) which states that an advocate must meet the following requirements:

- a. Citizen of the Republic of Indonesia

³¹²Tolib Effendi, *Sistem Peradilan Pidana; Perbandingan Komponen dan Proses Sistem Peradilan Pidana di Beberapa Negara*, (Vol. III; Yogyakarta: Pustaka Yustisia, 2013), p. 165.

- b. Residing in Indonesia
- c. Not having the status of a civil servant or state official
- d. At least 2 (two) years continuously in the advocate's office
- e. Never been sentenced for committing a crime punishable by imprisonment for 5 (five) years or more;
- f. Behave well, be honest, be responsible, be fair, and have high integrity.³¹³

After an attorney or advocate fulfills the above requirements, the role and duties of an attorney will arise in accompanying his client. The role of attorneys in providing legal services for the interests of their clients aims to make peace efforts for the litigants, the role of attorneys is very decisive. What is meant by the role of attorney here is how they can carry out his profession in accordance with his duties and functions as an attorney, which is in accordance with the code of ethics and the oath of an advocate/legal attorney. Whereas what is meant by the provision of legal services by advocates is accompanying, becoming 15 attorneys, providing legal services to clients both socially and on the basis of getting an honorarium.³¹⁴

The position of an advocate in trial examination can act as a representative or companion. This position depends on the special power given by the power giver. If the position authorized is only as a companion, it means that the advocate concerned does not have the right to speak in court. Conversely, if an advocate has been authorized as a representative, then the endorser no longer has the right to speak at trial. This distinction is important so that the proceedings of the trial are not disrupted. For example, due to differences in the information provided by the attorney and the applicant's statement. This kind of situation often occurs when both of them speak in court without prior coordination between themselves.³¹⁵

In the practicum activities carried out by researchers from May 22-25 2023 at the Jember Religious Court, researchers found uniqueness in the role of attorneys in accompanying their clients at the Jember Religious Court, namely:

³¹³Republik Indonesia, *Undang-undang No. 24 Tahun 2003 tentang Mahkamah Konstitusi disertai dengan Undang-undang No.18 Tahun 2003 tentang Advokat* (Vol. I; Surabaya: CV. Karina Anfaka Perdana, 2003), p. 56.

³¹⁴ Gunawan, Edi. "Eksistensi Dan Peran Advokat Dalam Memberi Bantuan Hukum di Pengadilan Agama." *Jurnal Ilmiah Al-Syir'ah* 10.1 (2016).

³¹⁵ 4 Jimly Assidieqy, *op.cit*, p. 199-200

1. An attorney can accompany more than one client. In practicum activities at the Jember Religious Court, researchers found an attorney in and out of court with various kinds of cases, even accompanying more than one client. This is unique because with so many cases and so many clients, an attorney can solve the cases handled.
2. An attorney at the Jember Religious Court can also serve as an officer at POSBAKUM. Legal aid post or known as POSBAKUM is a legal aid institution that is given free of charge to people who can't afford it. This means that people who cannot afford to pay the cost of making a lawsuit can come to POSBAKUM to make a lawsuit. So, attorneys have a role besides accompanying clients, a lawyer can also be an officer at POSBAKUM.

As for the role of attorneys in assisting their clients in the Jember Religious Court, researchers found that among them were:

1. Representing clients

An attorney has a role in the interests of his client. An attorney is needed when a client has problems, such as being unable to attend a trial, so the attorney can represent the client who is unable to attend. Among the roles of attorneys in representing their clients, namely, attorneys must protect and defend the rights of someone who is in a case for the benefit of defence, during the examination process.

Researchers in practicum activities at the Jember Religious Court stated that when a litigant faces problems in the field of law, the role of attorney is needed for someone who is litigating at the Jember Religious Court to represent his client in order to obtain his rights as a user of attorney services. This is because someone who is in a case uses an attorney when proceeding at the Jember Religious Court (Observation, 22-25 May 2023).

2. Providing legal advice

It is appropriate for an attorney to provide legal advice to his client so that an attorney can reconcile the two parties to the case and defend the interests of the client while in court. Attorneys must also provide actual facts related to their client so that it is possible for the judge to give the fairest decision possible.

Researchers in practicum activities at the Jember Religious Court stated that the main task of attorneys found at the Jember Religious Court for their clients was to

provide legal advice to their clients so that a conflict could be resolved between the two parties. Attorneys as legal advisors must try to protect and defend the interests of clients in proceedings at the Jember Religious Court (Observation, 22-25 May 2023).

3. Providing legal services

An attorney has a role towards his client, namely providing legal services in court with the aim of providing legal assistance to someone who is in a case. The legal services referred to here are the same legal services that are provided to every litigant, such as assisting clients in administrative settlements at religious courts, then in terms of protecting the rights that should be obtained by a litigant.

Researchers in practicum activities at the Jember Religious Court stated that attorneys have a very important role in providing legal assistance to litigants. Attorneys found by researchers at the Jember Religious Court play a role in accompanying clients when they are in court proceedings, both inside and outside the courtroom, even starting from the initial level of processes such as case administration to everything related to the client's rights to obtain equal rights in held at the Jember Religious Court (Observation, 22-23 May 2023).

The role of advocates practicing in the Religious courts in providing legal services is considered positive for seekers of justice, truth and law enforcement. The positive role of the advocate can be described in several ways as follows:

1. Accelerate the administrative settlement of cases in the Religious Courts.
2. Assisting in bringing the litigants to the Religious Courts.
3. Provide legal understanding related to the case and position towards the parties in submitting requests or lawsuits or accepting decisions of the Religious Courts.
4. Accompanying parties who are litigating in the Religious Courts so that they feel protected by justice.
5. Representing the parties who are unable to attend the trial process, thereby facilitating the trial process.
6. In providing legal assistance, as a professional advocate, he must uphold the advocate's oath and professional code of ethics in carrying out his role in accordance with his duties and functions.³¹⁶

³¹⁶ Rahmat Rosyadi, op.cit, p. 70

In addition to analyzing the role of attorneys in accompanying clients who have litigation at the Jember Religious Court, the researcher also wants to analyze the relationship of a case to the role of attorneys at the Jember Religious Court. In each different case, the researcher finds uniqueness in the role of attorneys in accompanying their clients who are litigating at the Jember Religious Court.

The most common case is the case of divorce. The role of attorneys in accompanying clients who have divorce cases includes representing clients and accompanying clients in court when proceedings are held at the Jember Religious Court.

Based on the results of interviews with informants who were litigating about divorce from May 22-25 at the Jember Religious Court, including: FDJ, UKH, RS as litigants stated that attorneys had a role in accompanying their clients when they were in court, representing clients when they were absent and assisting the client's administrative processes at the Jember Religious Court.

Meanwhile, the case of the guardian of marriage (*wali adhol*) and ratification of marriage (*itsbat nikah*) both have similarities which show the role of attorneys in accompanying their clients, namely providing legal knowledge and accompanying clients during proceedings at the Jember Religious Court.

Based on the results of interviews with informants who were in litigation about guardian of marriage (*wali adhol*) and ratification of marriage (*itsbat nikah*) from 22-25 May 2023 at the Jember Religious Court including: KK, MH as litigants, stated that the role of attorneys in accompanying their clients is to provide legal knowledge to clients as well as accompanying clients when they are in court at the Jember Religious Court.

D. CONCLUSION

Based on the results of this study, it can be concluded several things as follows:

1. The reasons for a person having a case to bring attorneys to the Jember Religious Court, there are 4 big points, namely: (a) Lack of knowledge about law for someone who is in a case so that having an attorney can help someone who is having a case. (b) The process of proceedings in the Religious courts is complicated so that with the help of attorneys the proceedings can be done more quickly than taking care of it yourself. (c) A person who is in a case wants a satisfactory outcome, because the attorney can provide a legal understanding of the client. (d) The busyness of

someone who is in a case, so that with the help of an attorney the proceedings can be represented. As for the relationship in divorce cases, there is a reason for someone to use attorneys, namely because the opposing party brings attorneys, so it is necessary to fight by bringing attorneys as well, while in guardian of marriage (*wali 'adhol*) and ratification of marriage (*itsbat nikah*) cases, there is a reason for someone to use an attorney, namely because the proceedings at the Jember Religious Court are complicated.

2. The role of attorneys in assisting clients at the Jember Religious Court, namely, representing clients at trial; providing legal advice to clients; providing legal services to clients; assisting the administration of client cases; presenting the litigants; defending client interests. The relationship in divorce cases with the role of attorney in client assistance is to represent the client and accompany the client in court, while the relationship in the case of guardian of marriage (*wali 'adhol*) and ratification of marriage (*itsbat nikah*) with the role of attorney in assisting clients is to provide legal knowledge and assist clients when proceedings in the Religious Courts Jember.

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