

Summons of Registered Letters in Civil Procedure Law of Religious Courts: A Study of Legal Certainty and Substantive Justice Theory in the Perspective of Islamic Studies

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ABSTRACT

This article examines summons by registered mail in civil cases before Indonesia's Religious Courts as a critical intersection between legal certainty, legal protection, and substantive justice from an Islamic Studies perspective. The issue is crucial because summons determine whether a party's right to know, to appear, and to be heard is effectively secured. At the same time, judicial digitalisation and cooperation with the national postal service (PT Pos Indonesia) have significantly altered the traditional bailiff-based model. The aims of this study are: (1) to describe the normative configuration and practical implementation of registered-mail summons in the Religious Courts; (2) to assess them through the Theory of Legal Certainty and Philipus M. Hadjon's Theory of Legal Protection; and (3) to interpret their implications for substantive justice in Islamic Studies. This research employs a qualitative, normative-juridical Design, combined with an Islamic Studies approach, based on library research, statutory, conceptual, and case approaches, and using content, discourse, and interpretive analysis. The findings indicate that registered-mail summons enhances procedural certainty but does not fully guarantee legal protection or substantive justice due to problems with identity, addresses, postal SOPs, and the cost burden of summons. The article argues for a reconstructed susummoDesigning with maligned aqāṣid al-shari'ah and the principles of simple, swift, and low-cost justice.

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1. INTRODUCTION

In modern civil procedure law, the procedure for summoning the parties is considered one of the main prerequisites for ensuring the right to a fair trial. The International Covenant on Civil and Political Rights (ICCPR) affirms that everyone has the right to a fair and open trial by a competent and impartial

court in the determination of their civil rights and obligations. General Comment No. 32 The UN Human Rights Committee then interprets this right to a fair trial as a set of procedural guarantees, including the right to be informed in a timely, clear, and comprehensive manner of ongoing legal proceedings so that the summoned party has a real opportunity to defend themselves, Article 6 of the European Convention on Human Rights also establishes principle and legal certainty as an essential part of a fair hearing, so that the manner and quality of summons are an indispensable parameter in the fulfillment of the right of access to a court. Global discourse on *access to justice*, as popularized by Cappelletti and others, emphasizes that substantive rights only become effective if procedural barriers, including the mode of summons, are simplified and made truly accessible to the socially and economically weak. (Cappelletti, M. & Garth, B. G., 1978)

In the Asian region, similar problems arise in a more complex context: a combination of a high litigation burden, limited infrastructure, and rapid digitalization of the judiciary. Several international criticisms of judicial practices in some Asian countries highlight the lack of procedural transparency, adequate notice, and effective opportunities for parties to come forward and defend themselves, in violation of fair trial obligations under international human rights law. In Indonesia, as a party to the ICCPR and a constitutional state of law, the commitment to ensure a fair trial is internalized through Article 28D of the 1945 Constitution and the Judicial Power Act, which affirm the principles of simple, speedy, and low-cost justice. In this context, the reform of the Supreme Court through the e-Court system and the regulation of summons by registered mail through PERMA No. 1 of 2019 (Supreme Court of the Republic of Indonesia. (2019). Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court. Supreme Court of the Republic of Indonesia, n.d.) No. 7 of 2022 (Supreme Court of the Republic of Indonesia. (2022). Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Amendments to PERMA No. 1 of 2019 concerning the Administration of Cases and Trials in Penga, n.d.) and SEMA No. 1 of 2023 (Supreme Court of the Republic of Indonesia. (2023). Circular Letter of the Supreme Court of the Republic of Indonesia Number 1 of 2023 concerning Procedures for Summons and Notification by Registered Letter. The Supreme Court of the Republic of Indonesia (d.) is part of the effort to address these global-national challenges. Still, it also raises new questions about certainty and legal protection for those summoned to the Religious Court.(Ahmad Manarul Hidayatullah, 2023)

In the context of the procedural law of the Religious Court, summonses, including those served, serve as instruments in the case. Erly Syarifurrizal emphasized the official letter-attended summons (Erly Syarifurrizal 4). Non-official letters—negligence summons result in a summons, verdicts examination etc, al. The same research shows that summonses are always costly and are strongly influenced by the parties' residential proximity. Hence, the e-Court system reduces some of the plaintiff's costs, but the cost of summoning the defendant remains high, especially when the defendant is absent, and the summons must be repeated many times.(Erly Syarifurrizal, 2024). On the other hand, the book on *Procedural Law of religious justice*, as Sudirman explains, states that the spiritual leader or the judge is responsible for upholding justice among Muslims by adhering to the principles of simplicity, speed, and low cost, while maintaining conformity with Sharia values.

Empirical studies at the national level show the diverse faces of the policy of summing by summing mail—courtesy of Saputra et al. *The Effectiveness of Recorded Letter Summons Via Mail in E-Court Case Settlement at the Padang Religious Court Class IA* concluded that, in general, the summons via the Post was quite effective with a relatively low rate of default due to incorrect addresses, falsified addresses, or incorrect procedural errors on the part of the Post. However, the study also shows that social and cultural barriers at the grassroots level (e.g., reluctance to accept subpoenas) have not been fully addressed by the Design of the subpoena regulation. (Zennis Helen, 2024)

On the other hand, the research of Ryan Erwin Hidayat et al. at the Sukadana Religious Court highlights the other side of the policy of transferring summonses to the Post Office. The change in the bailiff's authority to a summons system through a third party is not in line with the principles of simple, fast, and low-cost justice because it adds to the bureaucratic chain. Ideally, the bailiff is in direct contact with the parties.(Ahmad Manarul Hidayatullah, 2023). The study also shows that the high litigation

burden and the limited number of bailiffs prompted the Supreme Court to seek practical solutions through cooperation with the Post. Still, these solutions raised new problems regarding effectiveness, supervision, and a sense of justice for the parties summoned. If juxtaposed with the proposal of the concept of low-cost relaas proposed by Erly Syarifurrizal through the regulation of domicile clauses and obligations to be present in the initial agreement as well as administrative sanctions in the form of blocking civil services if the obligation is ignored (Erly Syarifurrizal, 2024). It appears that previous studies have focused more on the dimensions of cost efficiency, institutional Design, and technical problems of invocation, but have not explored in depth the tension between legal certainty, legal protection, and substantive justice from the perspective of Islamic Studies.

From a theoretical perspective, the summons by registered letter to the Religious Court invites a rereading of Philipus M. Hadjon's theory of uncertainty. (Hadjon, 1987) He views legal protection as a recognition and guarantee of human dignity and human rights, reaised throgh preventive (dispute prevention) and repressive (dispute resolution) legal measureshe context of summons, preventive means are reflected in the clarity of rules, transparency of procedures, and the reliability of the summons delivery mechanism; Meanwhile, the means of repression appear in the availability of legal remedies when a defective summons, such as objections, resistance to versteek, or other legal remedies harm the party,. If it is related to the principles of substantive justice in Islamic Studies, such as *maqāṣid Al-Syārī'ah* (*hifz al-dīn, al-nafs, al-'aql, al-māl, al-nasl*), the obligation of the judge to hear both sides in a balanced manner, and the rules of *al- Excellency' ala al-sya' far'un 'an taṣawwurih*. Therefore, summonses that only fulfill administrative formalities but do not guarantee that the party really knows and can attend can be seen as contrary to the essential legal protection and the purpose of sharia justSharian this theoretical and empirical basis, this article asks the question: to what extent does the application of summons of registered letters in civil cases in the Religious Court really present legal certainty and legal protection that is in line with substantive justice, both according to the legal protection theory of Philipus M. Hadjon and the perspective of Islamic Studies? This question was born not only from a literature review, but also from the direct experience of the author, Luqman Hariyadi, as a Judge of the Religious Court of Magetan Regency, East Java, who often encounters cases where the defendant feels that he has never known about the summons or is actually burdened with the cost of repeated summonses. At the same time, from the point of view of court administration, all procedures have been declared "legal and proper". This experience indicates a gap between the formal validity of the summons and the sense of substantive justice felt by justice seekers, especially vulnerable and low-bargaining groups.

Departing from the global, national context, empirical findings, theoretical framework, and practical experience, the purpose of writing this article is: (1) to critically analyze the practice of summoning through registered letters in civil cases in the Religious Court by considering the principles of legal certainty and legal protection; (2) assess the compatibility of the practice with the principles of substantive justice in Islamic Studies; and (3) formulate a more equitable summons model offer, which does not stop at administrative formalities but rather. Seriously, ensure that the summoned party gets a real opportunity to appear and defend their rights. Thus, it is hoped that this article will contribute to strengthening the legal Design of Religious Court proceedings that are responsive to technological developments, international human rights standards, and Islamic justice values.

2. METHODS

The object of this research is a summons by registered letter in civil cases at the Religious Court, a study of legal certainty and substantive justice protection, with a focus on dies. The source of research data is documentary, including: (1) primary data in the form of laws and regulations (HIR/RBg, Law on Judicial Power, Law on Religious Justice, PERMA No. 1 of 2019 (Supreme Court of the Republic of Indonesia. (2019). Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court. Supreme Court of the Republic of Indonesia, n.d.) jo. PERMA No. 7 of 2022, (Supreme Court of the Republic of Indonesia. (2022).

Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Amendments to PERMA No. 1 of 2019 concerning Case Administration and Trials in Penga, n.d.) SEMA No. 1 of 2023 (Supreme Court of the Republic of Indonesia. (2023). Circular Letter of the Supreme Court of the Republic of Indonesia Number 1 of 2023 concerning Procedures for Summons and Notification by Registered Letter. Supreme Court of the Republic of Indonesia, n.d.) as well as relevant Religious Court rulings; (2) secondary data in the form of the Procedural Law of Religious Justice and scientific articles by Syarifurrial, Ihsan Saputra et al., and Ryan Erwin Hidayat et al.; and (3) tertiary data such as legal dictionaries, encyclopedias, and other supporting documents. Data collection is carried out through literature studies and document searching, as is common in qualitative document research, according to Sugiyono (2019).

The research Design uses a qualitative approach with a normative juridical style, combined with the perspective of Islamic Studies, through a statute, conceptual, and case approach. In line with Sugiyono's view that qualitative data analysis includes the stages of data reduction, data presentation, and conclusion/verification, the analysis process in this study is carried out through: content analysis of regulatory texts, literature, and decisions; discourse analysis of the construction of problems in previous studies and judicial practices; as well as interpretive analysis to interpret the overall findings within the framework of Philipus M. Hadjon's theory of legal certainty and legal protection theory, which is then juxtaposed with the principles of substantive justice in Islamic Studies (*maqāṣid al-syarī'ah, al-'adl, lā ḥarār wa lā ḥirār*), as recommended in the development of qualitative analysis by Sugiyono (2019). (Sugiyono, 2019), the form of legal protection that registered trademark owners can obtain.

3. FINDINGS AND DISCUSSION

Results

1. Normative Configuration of the Summons and Position of the Bailiff

Normatively, the civil procedure law within the Religious Court places the bailiff/substitute bailiff as the leading actor in summoning the parties. Books *Procedural Law of Religious Justice* explained that after the Determination of the Panel of Judges (PMH) and the Determination of the Trial Day (PHS), the bailiff/substitute bailiff summoned the parties to attend the trial, and the summons must meet the "official and proper" conditions to be considered valid. (Sudirman, 2021). The summons is delivered to the residence of the party summoned, as signed by the party concerned. If they do not meet, the summons can be delivered by the village head with an official signature and stamp. A summons is also issued one per person and serves as the legal basis for the panel to continue the investigation and render a verdict.

The article on the Change of the Authority of the Bailiff at the Sukadana Religious Court reaffirms the position of the relaas summons as an authentic deed signed by the court official (bailiff/substitute bailiff) and the recipient of the relaarelationrelaas, the concept o"valid and proper" is well known: valid because issued by the court, and appropriate because submitted directly to the litigant. (Ahmad Manarul Hidayatullah, 2023). The study highlights that, at the practical level, the summons process is regulated by the HIR/RB and that its implementation depends on bailiffs' accuracy, which can make the trial process long and convoluted. Here, it appears that historically, the certainty of summons was attached to the bailiff, the direct executor of the judge's order.

Judges began when the Supreme Court encouraged the issuance of summonses via registered letters and established institutional cooperation with PT Pos Indonesia. At the Padang Religious Court Class IA, summonses are issued via registered letters through PT Pos, in accordance with PERMA No. 7 of 2022 and the MA-PT Pos MoU, with SEMA No. 1 of 2023 serving as the technical basis. The article by Ihsan Saputra et al. explains that the responsibility for delivering relaas, which originally rested with the bailiff, now shifts to PT Pos Indonesia officers, pursuant to SEMA No. 1 of 2023, which delegates authority from the Padang Religious Court to PT Pos. (Zennis Helen, 2024) From the point of view of legal certainty, a new administrative trail is created in the form of registered letter receipts;

However, from the perspective of legal protection, the question arises about how to ensure that the element of "proper" is fulfilled when the relaas is no longer handed over directly by the bailiff to the party summoned.(Ahmad Manarul Hidayatullah, 2023).

2. Effectiveness and Constraints of Registered Mail Calls Via Mail

Significant findings from the study "The Effectiveness of Registered Mail Summons Via Mail in E-Court Case Settlement at the Padang Religious Court Class IA" indicate that, in general, this mechanism is considered "quite effective". The Padang Religious Court noted that the number of relaas that failed to be sent was not significant, and the failure was more related to the parties' conithan ton, not PT Pos's proceesPosos's (Zennis Helen, 2024). This effectiveness is evident in the ability to increase administrative receipt, proof of delivery, and delivery status, and implementation of the court's SuprSupin the court's sicyess, the authors of the article still emphasize the need for further evaluation, as administrative effectiveness is not necessarily aligned with substantive effectiveness in ensuring that parties actually receive the summons.

The same study identified four main types of obstacles in practice: (1) the defendant/respondent is unknown, (2) the home address is not recognized or falsified, (3) the address is incorrect, and (4) the house is empty. (Zennis Helen, 2024). Field data shows that in some cases, postal officers have difficulty submitting relaas because the defendant's identity is unclear or unknown in the local environment, among other things, due to a local culture that uses nicknames different from the name those cases the ca second plaintiffstsssthondplaintiff is proven to be inaccin useno longer inhabited, so the return letter (return) and the court must interpret the summons status based on administrative evidence from PT Pos. These four obstacles illustrate that the relationship between the recorded letters is highly dependent on the honesty and accuracy of the parties' information, as well as on socio-cultural factors, including the defendant's environment, identity, and address constraints. The research of Ihsan Saputra et al. also highlights the limitations of PT Pos. Normatively, procedural law allows the handover of a warrant to other parties authorized by law, such as the police, or environmental security officers (security guards), when the summoned party is not on the spot. However, postal officers in practice do not apply this mechanism and instead adhere to existing SOPs that existed before cooperation writing, so lelelett beot surned. This fact shows that there is a ga immediatelyp between the normative Design of procedural law and operational practices in the field, which has an impact on the quality of legal protection for the party who the court administratively summons has evidence of delivery, but factually does not necessarily meet the element of "proper" in the sense that the party actually receives and understands the summons.

3. Dimensions of Relaas Costs and Burden of the Called Party

In terms of cost, Erly Syarifurrizal's research in the article "Renewal of the Implementation of Relaas Summons of Trial Based on the Principle of Light Costs" shows that the cost of summons is the most significant component in the estimated cost of civil cases, especially for the defendant/respondent/opponent. Data at the Ponorogo Religious Court shows that in e-court lawsuits/resistances, the summons of the defendant/opponent (for example, 3-5 summonses depending on the type of case and radius) can range from hundreds of thousands of rupiah, while summons to the plaintiff are not subject to radius fees but only certain PNBP. The number of parties determines the size of the fee to the case, the proximity of the radius to their place of residence, and the administrative costs; If the amount is less, the court has the right to ask for the deficiency at the end of the process, and if it is more, it must be returned (or deposited into the state treasury if it is not collected within 6 months). This confirms that summons is not only a procedural problem, but also a significant financial burden for justice seekers.

The implementation of e-court and e-summons does bring efficiency for some parties. KMA No. 363/KMA/SK/XII/2022 explains that electronic call relays (*E-summons*) to the parties or their proxies are not charged radius fees; they are only subject to a PNBP of Rp 10,000 per call.(Erly Syarifurrizal, 2024). However, for those without an electronic domicile, the summons is still served by registered letter

through PT Pos. It may incur higher costs than manual accounts, as the radius fee is in addition to the PNBP. Erly concluded that although the use of e-court reduced the plaintiffs' costs, there has not been a significant reduction in the defendants' costs; thus, the Relaas Cost Collector still accounts for the most prominent share of the total case costs.

From the perspective of substantive justice and legal protection, these findings illustrate the existence of a cost asymmetry: plaintiffs are relatively benefited by e-courts, while defendants continue to bear the potential costs of repeated summonses due to absences, even when such absences may be related to identity and address issues that are not always their fault. Syarifurrizal proposed several ideas for reform, including the implementation of domicile clauses and the obligation to attend, agreed upon by the parties from the beginning, as well as the imposition of administrative sanctions, such as blocking e-KTP, for parties who deliberately hinder the summons process. Although still conceptual, this proposal suggests that the discourse on the relaas of a recorded summons has moved from mere cost efficiency to a deeper question: how to organize a summons mechanism that can balance legal certainty, cost efficiency, and real protection of the rights of the questioned party that will then, in your article, be linked to Philipus M. Hadjon's theory of legal protection and substantive justice in perspective Islamic Studies.

Discussion

First, in terms of the normative background, the transition from the bailiff model to registered letters via PT Pos arose from the need for judicial modernization and bailiffs' limited resources. Classical procedural law places the bailiff as an official who directly summons and informs the parties, with a relaas as an authentic deed that guarantees a "lawful and proper" summons.(Erly Syarifurrizal, 2024) When the Supreme Court issued PERMA No. 7 of 2022 and SEMA No. 1 of 2023, and established an MoU with PT Pos, the apparent policy logic was to create new procedural legal certainty through recorded letters: receipts, shipment status, and national standards for postal services. From the theoretical point of view of perspectivity, an effort to clarify and standardize the summons mechanism in religious courts, findings, and Inkadana Courts show that procedural certainty is not automatically proportional to substantive legal protection. In Padang, the recorded correspondence is considered "quite ineffective" due to obstacles, including unknown identities, false/incorrect addresses, empty houses, and a culture of nicknames that differ from the names on ID cards, resulting in many calls failing to be delivered. In Sukadana, the judge and researcher noted that adding a bureaucratic chain (the post office as an intermediary) actually distanced the bailiff from the litigant and drastically changed procedural practices that previously allowed bailiffs to establish direct communication with the summoned party. Within the framework of Hadji's theory of legal protection, this condition shows that preventive measures do not fully guarantee the party's right to know the existence of a case concerning him.

In terms of impact and logical consequences, the cost burden of the call shows inequality. Syarifurrizal's research confirms that the call cost takes the highest position in the structure of the case fee calculation, and the efficiency of the new e-court is felt by the plaintiff; meanwhile there has been no significant reduction in the relaydant/respondent/relawan/ponent's relay fees. On the one hand, the use of registered mail is designed to simplify and streamline summons; On the other hand, if the address is problematic and requires repeated summonses, the parties who ultimately bear the additional costs are the justice seekers whose positions are often economically weak. From the perspective of legal protection and *maqāṣid al-shari'ah*, this situation may be contrary to the principles of *low cosprotection* (*hifz al-māl*), especially for the defendant who does not fully control the address information the plaintiff enters.

When compared to the theory of legal certainty, the above data shows an ambivalent position. Textually, the Supreme Court's rules and the MoU with PT Pos provide clarity on who is calling, how to call, and the evidence of summons (receipt, proof of submission). However, Hadjon's theory of legal protection reminds us that formal certainty without the guarantee that the parties actually receive and understand the summons will only yield administrative certainty that is poor in substantive justice. In

many cases, the trial continues and is rerendered solely based on the evidence submitted, even though there are factual indications that the defendant was difficult to contact or never met. This situation shifts the focus from protecting citizens' rights (preventive and repressive) to simply fulfilling administrative indicators that make it easier for the court to close case files.

From the perspective of Islamic Studies and substantive justice, the summons procedure should be seen as an integral part of the *Qadhā* (judiciary), which aims to create *Al-'ADL* (justice) and *Maslahah*. Sudirman described the Religious Courts as an Islamic judicial chain comprising the court, the litigants, the reference law, the examination procedure, and the purpose of enforcing justice. (Sudirman, 2021) If a relaas is only valid on paper but fails to fulfill its informative function, then from the point of view of substantive justice and *maqāṣid*, the summons has the potential to violate the rules *lā ḥarār lā ḥirār*, because it opens the possibility that the party's right to be heard is ignored for the sake of smooth administration. In this framework, Padang and Sukadana's research actually strengthens the criticism that technical modernization without alignment with the values of sharia justice can produce practices contrary to the original purpose of sharia.

At this point, some of Syarifurrizal's reform proposals, such as domicile clauses, attendance obligations, and even the discourse of blocking e-KTP for parties who hinder the process, can be read critically alongside Hadjon'Hadjon's. On the one hand, the idea seeks to strengthen preventive protection by encouraging the responsibility of parties to be active in the judicial process; On the other hand, there is a risk of adding burdens and sanctions to parties who may be structurally weak and do not fully understand the legal consequences of their negligence or absence. Therefore, this discourse needs to be further elaborated: whether these administrative sanctions are in line with the principles of corrective and distributive justice, or have the potential to give rise to new injustices not anticipated by the regulatory Design.

Finally, when viewed as a whole, exposure to existing results tends to elaborate on and reinforce, and at some point correct, the assumption that automated recorded mail summonses are better than conventional summonses. Empirical findings show that: (1) formal certainty is increasing, but substantive protection is not yet guaranteed; (2) the costs for the defendant remain high; (3) the delegation of authority to PT Pos reduces the space for direct interaction of the bailiff of the litigant, which could previously be an informative clarification channel. By rereading this policy through Hadjon's theory of legal certainty and legal protection, as well as the Islamic principle of substantive justice, this article encourages a shift in focus: from simply assessing administrative "effectiveness" to weighing how far the drafting of a writ of summons actually guarantees a party's right to know, be present, and be heard fairly before the Religious Court.

4. CONCLUSION

Based on normative descriptions, empirical findings, and theoretical analysis, it can be concluded that summons by registered letter in civil cases at the Religious Court does increase procedural legal certainty (the existence of national standards, receipts, and written relaas), but does not fully guarantee legal protection and substantive justice for the summoned party. The constraints of unknown identity, incorrect or uninhabited addresses, limitations of PT Pos's SOPs, and high relaas costs, especially for the defendant/respondent, indicate that there is a gap between "administrative certainty" and absolute protection of the party's right to know, be present, and be heard before the verdict is rendered (including *verstek*). From the perspective of Islamic Studies, this condition raises serious questions about whether the practice of summoning is in line with the principles of *al-'adl* and *maslahah*, and with the rules of *lā ḥarār wa lā ḥirār*.

Academically, this article contributes by shifting the focus of the study of the call relaas from purely administrative and cost technical issues to a more conceptual Reading: the summons of recorded letters is mapped as a meeting point and at the same time a tension point between the Theory of Legal Certainty and the Theory of Legal Protection of Philipus M. Hadjon, and then reinterpreted within the framework of substantive justice in Islamic Studies. By integrating the four previous studies

(Syarifurrizal, Ihsan Saputra et al., Ryan Erwin Hidayat et al., and Sudirman) as well as the author's practical experience as a judge of the Religious Court, this article expands the discourse that the Design of the summons should not be judged only in terms of administrative effectiveness and cost efficiency, but also from the extent to which it protects the substantive rights of the summoned party, especially those who are socio-economically weaker.

In the future, several things need to be developed. First, this research needs to be continued with a broader, comparative empirical study across Religious Courts to map the variation in practice and the concrete impact of summoning recorded letters on versteek decisions, the success rate of relaas, and the parties' perceptions of justice. Second, normatively it is necessary to recalibrate policies in the Supreme Court related to summons, including aligning PT Pos's SOPs with procedural law (including the mechanism of submission to local officials), resetting the structure of relaas fees, and strengthening the role of bailiffs as supervisors and the final responsible for the quality of summons. Third, from the perspective of Islamic Studies, it is necessary to develop a summons model with the standpoint of *maqāṣid al-shari'ah*, which explicitly considers the protection of the soul, property, and honor of the litigants, so that the summons does not stop at administrative formalities, but really becomes an instrument of substantive justice in the Religious Courts.

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