

***Maqashid Shariah: Implementation of the Salus Populi Suprema Lex Esto Principle in the Litigation Process During the Covid-19 Pandemic***

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***Abstract***

The Covid-19 pandemic which has been afflicting Indonesians since the beginning of 2020 has a tremendous influence on their lives in variety of ways. The Indonesian government has taken steps to ensure that citizens are protected and that the number of positives is reduced. Keeping the rights of people seeking justice to continue litigating during the Covid-19 pandemic while simultaneously guaranteeing the safety of those infected with the virus is problematic in the field of law enforcement and justice during the Covid-19 epidemic. As a result, the government through the Supreme Court of Indonesia used the *Salus Populi Suprema Lex Esto* principle which means that people's safety is the highest law by passively using technology in litigation and increasing the supporting facilities for strict health protocols throughout the judiciary, including the Sungguminasa Religious Court. In the context of Maqashid Syariah, the goal of this study was to show and explain the harmony of the use of the *Salus Populi Suprema Lex Esto* Principle during the Covid-19 Pandemic. This study took a qualitative and empirical approach. The study of primary data source was interviews conducted by judges and court personnel. Collecting, decreasing, presenting, and describing results were all part of the data analysis process. The findings of the investigation revealed that during the Covid-19 epidemic, the government's efforts to uphold justice while preserving the safety of the human soul, such as *Maqashid Syariah's* of the *hifz an-nafs*, which is at the primary level was *dharuriyyah*.

***Keywords:*** *Maqashid Syariah, Judiciary, Covid-19 Pandemic*

***Abstrak***

Pandemi *Covid-19* yang masuk ke Indonesia sejak awal tahun 2020 telah memberikan dampak yang begitu besar dalam berbagai bidang kehidupan masyarakat Indonesia. Pemerintah melakukan berbagai upaya untuk kemudian tetap melindungi masyarakat Indonesia serta mengurangi angka kasus positif di Indonesia. Dalam bidang penegakan

hukum dan keadilan di masa pandemic *Covid-19* bukanlah merupakan sesuatu yang mudah mengingat hak masyarakat pencari keadilan untuk tetap bisa berperkara di masa Pandemi harus tetap terpenuhi namun disisi lain tetap pula harus menjaga keselamatan masyarakat terhadap paparan virus *Covid-19*, maka dari itu pemerintah melali Mahkamah Agung RI menggunakan Asas *Salus Populi Suprema Lex Esto* yang berarti keselamatan rakyat merupakan hukum tertinggi dengan memasifkan penggunaan teknologi dalam berperkara serta meningkatkan fasilitas penunjang protokol kesehatan yang begitu ketat di seluruh lingkungan peradilan termasuk di Pengadilan Agama Sungguminasa. Penelitian ini bertujuan untuk mengungkap dan menjelaskan mengenai keselarasan dari penggunaan Asas *Salus Populi Suprema Lex Esto* di masa Pandemi *Covid-19* dalam perspektif *Maqashid Syariah*. Penelitian ini termasuk kualitatif dengan metode pendekatan empiris, sumber data primer pada penelitian ini berasal dari wawancara yang dilakukan kepada hakim dan pegawai pengadilan. Analisis data yang dilakukan dengan pengumpulan data, reduksi data, penyajian data dan penarikan kesimpulan. Hasil penelitian menunjukkan bahwa upaya yang dilakukan pemerintah ini merupakan upaya yang selain bertujuan untuk tetap menegakkan keadilan sekaligus melindungi keselamatan jiwa manusia di masa pandemic *Covid-19*, yang dalam telaah *Maqashid Syariah* hal ini termasuk dalam *hifz an-nafs* yang berada pada tingkatan primer atau utama yakni *dharuriyyah*.

**Kata Kunci:** *Maqashid Syariah, Peradilan, Pandemi Covid-19*

## INTRODUCTION

The condition of the spread of the Covid-19 virus is very worrying. In Indonesia since May 2020, 14,749 people have been confirmed positive, which means that this virus has entered the emergency stage and the death rate continues to increase every day and all of this certainly has an impact on all aspects of human life, even in the field of law enforcement in Indonesia. In the current Covid-19 pandemic situation, the fulfillment of the rights of citizens to resolve disputes in the judiciary must meet 5 (five) aspects, such as: legal aspects, law enforcement aspects, facilities and infrastructure aspects, community social aspects and cultural aspects with efforts to enforce strict health protocol (Sodik 2020).

The adage *fiat justitia ruat coelum* which means justice is still upheld even though the sky will fall is one of the foundations for law enforcement and justice for the community during the Covid-19 pandemic as has happened until now. (Agus, Joharuddin; Muhammad Andi, Septiadi; Sepiha, Maharani; Tarisma Ditya

2020), which means that the enforcement of law and justice is something that must stand and exist whenever and wherever, even during a pandemic. The *Covid-19* pandemic must not hinder the fairest enforcement of the law, According to Lawrence M. Friedman, (Lawrence M. Friedman 2018). The government is making efforts to ensure that justice enforcement through the litigation process continues as it should during the *COVID-19* pandemic. In addition, people seeking justice are also protected from exposure to the *Covid-19* virus. Efforts are made by the government to continue to uphold law and justice through the Supreme Court as a high court institution that oversees the four judicial circles below it.

The Supreme Court then issued a Supreme Court Circular Number 1 of 2020 concerning Guidelines for the Implementation of Duties During the Prevention of the Spread of Covid-19 in the Supreme Court and Judicial Bodies Under It, and referring to the principle of people's safety is the highest law (*Salus Populi Suprema Lex Esto*) (Supreme Court of the Republic of Indonesia 2020).

The issuance of SEMA Number 1 of 2020 is an attempt by the Supreme Court to continue to exist to provide excellent legal services to justice seekers throughout Indonesia. Although until now the global Covid-19 pandemic is still ongoing, the Supreme Court continues to strive in maintaining the mandate given by the 1945 Constitution in providing legal services to people seeking justice by continuing to follow the government's recommendations in this new normal period.

The Supreme Court's efforts to deal with the Covid-19 pandemic were accompanied by various policies, ranging from adjusting working hours through work from home (WFH) and work from office (WFO), budget adjustments, to making breakthroughs in procedural law by conducting electronic trials (e-litigation (Fitria, 2020). which had previously been regulated in Supreme Court (PERMA) regulation Number 1 of 2019 concerning Electronic Case Administration and Trial in Courts for civil, religious, state administration, and military administration cases (Ubed Bagus 2020)

In the midst of the outbreak of the Covid-19 virus pandemic, we often hear the term *Salus Populi Suprema Lex*. There are also those who call it *Salus populi suprema lex esto* or *Salus populi suprema lex est* which means that the safety of the people is the highest law (Prayogo, 2021). This Latin adage was first introduced by the ancient Roman philosopher Marcus Tullius Cicero (106-43 BC). Cicero at that time imagined that being under threat and a situation or emergency situation, the safety of the people should be the main goal. Including

if necessary convey about the rule of law. This principle then became the benchmark in decision-making for centuries, in the theory of government, especially on the European continent. Also according to Benjamin Straumann in his book, *Crisis and Constitutionalism*, Roman Political Thought from the Fall of the Republic to the Age of Revolution. Cicero's principle is very unfortunate because there are many who misinterpret and place it on the goal of people's safety without relying on the law and constitution, but relying more on the character and policies of those who have power (Pan Mohamad 2020).

Safety has the meaning of health, security and welfare. Where health is a very important element during the Covid-19 pandemic. Meanwhile, security and welfare are two elements that will greatly impact the problems during the pandemic. These three things are starting to be threatened not to be achieved because of many activities carried out by the community that require interaction, which according to some people that activities from home are not as effective as they should be in the right place, the government imposes a period that inevitably requires us to live. Side by side with Covid-19 which is called the New Normal era with a more mature strategy (Andriansyah 2020).

In the teaching of Islam, it also strives in protecting the freedom and rights of everyone by continuing to uphold truth and justice among fellow human beings because by upholding truth and justice in the society, peace and security will be created in a harmonious life among members of the community. Carrying out justice is an obligation, and to get fair treatment is the right of everyone (Andi Syamsu 2004).

Safety, security and health are the embodiments of the goals of benefit that can be achieved with the idea of *Maqashid Syariah* which is regulated through Islamic law with the aim of realizing the benefit of both the world and the hereafter (Abdullah, 2018; Hidayati & Tohirin, 2019). The realization of these goals is then determined by the harmonization of the relationship between humans both individually and collectively and how humans relate to their natural surroundings. All of that is determined by the relationship between humans as creatures and Allah SWT as the khaliq (Wijaya 2015). None of Allah's decrees are in vain without a purpose, but everything leads to the benefit, both for the general benefit and for the individual (Busyro 2020).

*Maqashid Syariah* which is concluded by contemporary scholars that *Maqashid Syariah* is the secret of the ultimate goal to be achieved and realize it with *Syar'i* in every law that He has set (Busyro 2016), and thus according to Busyro that it would be very useful if a *mujtahid* and those who did not reach the

degree of *mujtahid* knew about *Maqashid Syariah* which would help in instituting the law correctly and as a science that is so important to understand the verses of the Qur'an and the Hadith of the Prophet SAW., then others are expected to be able to understand the secrets of every stipulation of Islamic law, so that then it will motivate them to implement the law, because in fact the content of *Maqashid Syariah* which aims is only the benefit of the world and the hereafter (Busyro 2019).

The purpose of Allah SWT, in lowering the shari'ah (rule of law) is once again that there is nothing but to benefit and avoid harm (*jalb al-mashalih wa dar al mafasid*). By using an easier language, as well as legal rules that Allah SWT has determined that it is only for human safety. Imam Syathibi then divided *Maqashid Shariah* into three important parts, such as *dharuriyyat* (primary), *hajiyyat* (secondary), and *tahsiniyyat* (tertiary). The *maqashid* categorization is based on the size of the role and function of a *maslahah* in life. *Maqashid dharuriyyah* includes the maintenance of religion (*al-din*), soul (*al-nafs*), sense (*al-'aql*), offspring (*al-nasab*), and property (*al-mal*). This is in line with one of the rules in Islamic law, such as *الضرر لضرر* (all forms of harm must be eliminated). This rule occupies a very important position in the treasures of Islamic law. Because the purpose of Islamic law is to bring benefits and reject everything that has the potential to cause harm to religion, life, property, intellect, and lineage or lineage. *Maqashid Hajiyyah* which refers to the basis that benefit is in the form of spaciousness and flexibility in law (*tausi'ah al wa raf' al-dilq*) which aims to avoid difficulties (*haraj*) and *masyaqqahan*, even if *Masyaqqahan* in question does not cause chaos for the benefit which is far more important and *maqashid* of this level is in accordance with one of the rules of Islamic law, such as *التيسير لب المشقة* (the existence of difficulties will lead to ease), this rule then gives the understanding that every difficulty will always be easy. accompanying *Maqashid Tahsiniyyah* which refers to the supplementary benefit in the life of living beings which contains ethical (*Makarim al-akhlaq*) and aesthetic (*Mahasin al-'adat*) issues. Then when viewed from the priority scale, *Maqashid dharuriyyah* occupies the first level, then followed by *Maqashid Hajiyyah* *Maqashid Tahsiniyyah*, and *mukmillah*. Therefore, if there is a contradiction between the *Maqashid*, the *dharuriyyah* must be prioritized because it involves the five aspects of interest" (Afridawati 2015).

This study differs from earlier studies on the *Salus Populi Suprema lex Esto* principle in that it looks at the *maslahah* element of applying the principle, whereas previous studies only looked at the implementation of the principle that led to legal substance, effectiveness, and so on. When all is said and done, the

basic goal of Islamic law is to achieve clarity through the classification of degrees of *Maqashid Syariah* that is used in religious courts.

This article aims to explain the urgency of *the Salus Populi Suprema Lex Esto Principle* in the litigation process at the Sungguminasa Religious Court of Class IB during the Covid-19 pandemic which is based on the study of *Maqashid Syariah* as an idea that always directs rather than the goal of enacting a law from a *syar'i* side, then the method of application and the inhibiting factors of the application of the *Salus Populi Suprema Lex Esto Principle*, especially during the *Covid-19* Pandemic, where this provision makes us all take care of each other more, especially as a form of government effort in the field of law and justice.

## RESEARCH METHOD

This research is a type of qualitative research (Sugiyono 2013) which is a study that provides a factual and systematic description of situations and events regarding the factors, characteristics and relationships between one phenomenon and another (Satori and Komariah 2009), This study is field's research using an empirical approach, because of the existence of law that cannot be separated from social conditions in society and how human behavior is in carrying out the law (Mukti, Fajar; Yulianto 2009). The primary data source in this study by interviews which conducted with judges and employees of the Sungguminasa Religious Court of Class IB where the judges as justice enforcement officers which understood the rules of the Supreme Court during this pandemic, then court employees who directly provided services to the community seeking justice. In accordance with what is also regulated by the Supreme Court in the litigation process in Court during the Covid-19 pandemic by adhering to *the Salus Populi Suprema Lex Esto Principle*, the secondary sources used in this research are from supporting literature such as books, journals, SEMA and so on. Then the data analysis was carried out by collecting data, reducing data, presenting data and drawing conclusions.

## RESEARCH FINDINGS AND DISCUSSION

### **Application of the *Salus Populi Suprema Lex Esto Principle* in Cases at the Sungguminasa Religious Court of Class IB Studying *Maqashid Syariah***

Based on the results of field's research conducted by the researchers at the Sungguminasa Religious Court of Class IB regarding the Implementation of *the Salus Populi Suprema Lex Esto Principle* which is regulated based on the Supreme Court Circular Number 1 of 2020 concerning the adjustment of the work of

judges and judicial apparatus during the Covid-19 pandemic which is also applied at the Sungguminasa Religious Court Class IB as a judicial environment under the Supreme Court. The researchers met the first informant who was a Judge of the Sungguminasa Religious Court of Class IB whose presentation could be concluded that, the Sungguminasa Religious Court of Class IB applied the rules issued by the Supreme Court, in addition to the fact that the Sungguminasa Religious Court is a judicial institution under the Supreme Court as well because the Law which is closely related to the community, so that the existence of the community is a criterion for the existence of law, so the safety of the community must be prioritized and then the law can run as it should.

Then the second informant that the researchers met was an officer in the post-bakum of the Sungguminasa Religious Court. From the results of interviews between the researchers and the informant, it can be concluded that he explained that the implementation of the rules issued by the Supreme Court was applied properly at the Sungguminasa Religious Court by directing online consultations regarding cases of justice seekers, but if there are people seeking justice who visit directly, they must follow strict health protocols and of course there are barriers, spaced chairs, places to wash hands and other supporting facilities where officers can still serve justice seekers who come with the rules. Health protocols that must be adhered to for the safety of all.

Therefore, based on the two informants that the researchers met in the field, such as at the Sungguminasa Religious Court of Class IB, it can be concluded that the Sungguminasa Religious Court is trying very hard to uphold *the Salus Populi Suprema Lex Esto* principle in litigation at the Sungguminasa Religious Court and even the addition of facilities that the researchers encountered which is a court effort in order to remain able to maintain the safety of the community seeking justice when in the process of resolving cases.

Based on the results of interviews and the reality that researchers encountered in the field, there was a law that was enacted concerning safety to be achieved by avoiding exposure to the Covid-19 virus. The basis applied in the Court is the Circular Letter of the Supreme Court of the Republic of Indonesia Number 1 of 2020 which refers to the *Salus Populi Suprema Lex Esto* principle which means that the safety of the people is the highest law.

In Islamic law, there is an idea that is able to measure and consider *syar'i* the ultimate goal of each existing law and reveal the benefits to be achieved from the application of the law. *Maqashid Syariah* in reviewing the application of *the Salus Populi Suprema Lex Esto Principle* in the litigation process at the

Sungguminasa of class IB religious court during the Covid-19 Pandemic, starting with adjusting the part in meeting the needs in *Maqashid Syariah* in the form of benefits that will be realized which according to *al-Syatibi* has been divided into three parts, including *dharuriyyah* (primary), *hajiyyat* (secondary), and *tahsiniyyat* (tertiary). Through a study of the objectives to be achieved from *the Salus Populi Suprema Lex Esto Principle*, such as saving the lives of justice seekers from exposure to the Covid-19 virus which is easily transmitted and can result in death, it is in accordance with the first or primary level of *Maqashid Syariah*, it was *dharuriyyah*. As explained in the introductory discussion that everything related to the safety of religion, soul, mind and lineage as well as property is included in the first level of *Maqashid Syariah* or previously discussed with *Maqashid dharuriyyah* including maintenance of religion (*al-din*), soul (*al-nafs*), sense (*al-'aql*), offspring (*al-nasab*), and property (*al-mal*). This is also in line with one of the rules in Islamic law, including *الضرر* (all forms of harm must be eliminated). This rule occupies a very important position in the treasures of Islamic law. Because the purpose of Islamic law is to bring benefits and reject everything that has the potential to cause harm to religion, soul, property, intellect, and *nasab* or lineage.

#### **Method of Application of the *Salus Populi Suprema Lex Esto Principle* in Cases at the Sungguminasa Religious Court of Class IB**

During the Covid-19 pandemic, the Sungguminasa Religious Court continued to provide services to the people seeking justice and also to maintain the safety of people in the litigation process through:

##### ***Application of the Salus Populi Suprema Lex Esto Principle in the Case Administration Process at the Sungguminasa Religious Court of Class IB***

Based on a direct field review conducted by the researchers then in the case Administration system at the Sungguminasa Religious Court of Class 1B, it was carried out as follows. As already mentioned that the religious courts made maximum efforts to be able to provide the best legal services to the justice-seeking community, this also applies starting at the case registration stage where, for some people who are technology-savvy and online systems of course have used the online court service system, it was e-Court which in the e-Court has arranged the administration of the trial (Anggita Dromania Lumbarja 2020). then Case Payments via e-Payment and checking the status of the summons of the parties through e-Summons without having to come to court then for justice seekers who want to register their cases offline or directly subject to constraints one thing or another then the Sungguminasa Religious Court applies a health protocol



that very strict which started with the 3M of movements, such as wearing masks, social distancing, and washing hands.

Courts in maximizing efforts as much as possible by adding PTSP or service posts that have been equipped with barriers between court officials and confirming the social distancing system where usually the court waiting room is crowded with justice seekers and during the pandemic a line has been provided a space between one chair and other. Then the most interesting thing was that the researchers found that Sungguminasa Religious Court used a monitoring feature such as CCTV which focuses on monitoring what queue numbers the case has been called for further processing which can be accessed through the EZVIZ application where everyone can download this application on their smartphones individually, free and with this feature justice seekers can from anywhere monitor the number of cases called anytime and anywhere and can see the condition of the density of the court waiting room at that time and this is very effective to avoid the crowds and implementing health protocols and things, etc. this application is very effective, especially during a pandemic as today, especially in managing administrative files directly at the Sungguminasa Religious Court of Class IB. Then the researchers who directly conducted research in the field also met PTSP officers who were in charge of serving case administration for justice seekers. From the interviews that have taken place, the researcher could conclude that according to the PTSP officer that there were differences in terms of services in normal times and during the pandemic, such as previously the Supreme Court had initiated a modern justice system for the creation of the principle of quick, simple and low-cost justice, now in During the pandemic period, justice seekers who do not want to come directly to register their cases can go through an online e-court application and for people who still want to come to court must follow the health protocols and social distancing and wearing masks and providing the facilities with barrier between employees and the public seeking justice.

Furthermore, the researchers met the third informant who was also a judge who the researcher asked for an interview regarding the method of applying *the Salus Populi Suprema Lex Esto Principle* at the Sungguminasa Religious Court of Class IB during the Covid-19 Pandemic which also from the results of the interviews were in line with the informants who previous researchers who said that the court had provided the best service as a form of tackling and preventing the spread of the Covid-19 virus, especially in the judicial environment, both in accordance with the rules set by the Supreme Court, supported by new innovations as a support for enforcing health protocols by the court.

***Application of the Salus Populi Suprema Lex Esto Principle in the Trial Process at the Sungguminasa Religious Court of Class IB***

Based on the reviews and conclusions from the views of the informants, the researchers can describe a common thread as follows, at the Sungguminasa Religious Court, especially during the Covid-19 Pandemic, the trials were conducted online through the e-Litigation application which was through an e-Litigation system based on in Supreme Court Regulation (Perma) No.1 of 2019 concerning Electronic Case Administration and Trial in which the process of submitting various documents (soft copies) can be carried out online in the e-Litigation trial system. In the form of documents needed in the trial agenda, including the submission of answers, replicas, duplicates, conclusions, evidence documents, legal efforts, conclusions and other case documents. Also the Sungguminasa Religious Court applies an offline litigation system in several cases as regulated in SEMA Number 1 of 2020, with restrictions and application of rules in accordance with the health protocols in it.

Based on the data of incoming and outgoing cases from the Clerk of the Sungguminasa of Class IB Religious Court, it showed that incoming cases counted from 2017 to 2020 experienced ups and downs. The data on cases that were entered and decided were 4,212 total cases, in 2018 a total of 1,758 cases, and in 2019 there were 3,603 cases and in 2020 which was the entry period for the Covid-19 pandemic in Indonesia, cases that were entered and terminated were a total of 4,428 cases. From the data of 2020, the Sungguminasa Religious Court had experienced a decrease in the number of cases that were entered and received in April-May starting from the time when government began to impose restrictions and according to what the judge had explained that there was a limit on the acceptance of cases per-day. But after that the number of cases received and re-entered to the original amount before the pandemic every month.

This showed that the cases submitted by the community are not limited by the time or the existing situation. Circumstances that are completely restricted due to the pandemic certainly have no effect on people who still want to get justice and file their cases, and things like the government has been trying to anticipate by imposing restrictions based on the *Salus Populi Suprema Lex Esto* principle, in which justice enforcers and employees The court provides the best service but still prioritizes the safety of the people as the highest legal peak. Therefore, in the application at the Sungguminasa Religious Court of Class IB, which is a court under the auspices of the Supreme Court, it also implements according to instructions and then carries out several developments to further emphasize the importance of the safety of the soul of the justice-seeking community during the pandemic while still being able to carry out justice.

In accordance which has been explained above that the use of the application of modern justice system is a form of actualization of the government's efforts to enforce these principles in the enforcement of justice in court, although not all people are able to operate it and some choose to stay in court, but the court has also anticipated this by holding several facilities such as at the service desk where at the registration there is very often density, therefore the Sunguminasa Religious Court initiates to then use of waiting room to avoid overcrowding between justice seekers.

It is the government's hope that the Covid-19 pandemic will end soon and will not take more victims and the efforts to enforce law during the current pandemic are a form of commitment by law enforcers and the government to continue to give the rights of the community, namely to get justice even in this situation. Taking into account many things and restrictions in such a way that are intended only to maintain the safety of people who are seeking justice during the current Covid-19 Pandemic.

In the implementation and efforts of the government, absolutely it will also not succeed if there is no awareness from the public to comply with health protocols and follow government decisions and this is the governments hopes to be able to work together to break the chain of the spread of Covid-19 in Indonesia

### **Factors of Inhibiting the Application of the Principle of *Salus Populi Suprema Lex Esto* in Litigation Process at the Sungguminasa Religious Court of Class IB Lack of knowledge about the use of technology**

In the modern era as today, the technology that is present is closer to humans in their environment who are in various levels of society. However, it is undeniable that there are some people who only know how to use Social Media and only move in this regard. Which is where technology is actually present to help humans in everyday life and includes litigation in court.

The judiciary world is familiar with the information technology-based justice system, which can actually be accessed easily and is important in this pandemic period. however, there are inhibiting factors such as lack of knowledge on the use of technology that hinders the realization of this technology-based justice system and the urgency of its application during the Covid-19 Pandemic.

Based on the research that conducted by the researchers at the Sungguminasa Religious Court of Class IB, the researchers met the justice-seeking community who was currently taking care of a case filed at the Sungguminasa Religious Court, and then the researcher asked him/her to be an informant and she/he agreed. They asked about why do not use a technology-based justice system?, the answer was that he/she does not understand and recognize what is meant by a technology-based justice system and does

not know how to operate it. And according to the researchers, such obstacles are not encountered by only one or two people, but quite a number of parties who do not even know the technology-based justice system at all.

### ***Internet Reaches in the Outback***

Network problem that is no longer a new thing encountered in the era of technological development as it is today. Network constraints have always been the number one inhibiting factor in the process of using technology to access information.

The reasons behind the internet network being bad include, such as, bad weather, closed rooms, problematic network operating systems and the most frequently encountered are service providers who have not yet reached the area where the last thing is that many of them experience mainly those who live quite far from urban areas where even more effort is required when accessing the Internet.

According to researchers, the factors occur when a process is good administration, even until the trial takes place, absolutely, it will disrupt the agenda and communication built during the trial. Meanwhile, during the Covid-19 pandemic, as it is today, it is very important to carry out a massive online justice system or an information technology-based justice system, which with this system can certainly reduce the number of pandemic spreads in the absence of meetings that trigger direct contact.

However, the internet of course runs using a network and if the network gets interference, the internet with a signal will be unstable in an unpredictable period of time, especially for areas that are in remote areas. Internet access is still very minimal and only in certain places where the network is sometimes found but not so good and this is also an inhibiting factor in the application of the *Salus Populi Suprema Lex Esto Principle* in proceedings at the Sungguminasa Religious Court of Class 1B during the Covid-19 Pandemic.

### ***The Offline Habits of Justice Seekers***

Within the scope of the community that has implemented a system that adherence will certainly become a habit and very difficult to get rid of. Almost the same as the level of adat but not like adat which is a hereditary local traditions.

The existence of a habit that is embedded in society always has positive and negative aspects at the same time according to various contexts or scopes.

The positive thing is to cultivate a habit which with the existence of a habit that is maintained becomes a guide for the next generation but in a different context the negative thing is that if the habit does not adapt to the development of conditions and times then of course this will be less appropriate and even no longer valid and will have an impact on the backwardness of progress.

As is the custom of the justice-seeking community, which has always instilled that if you want to have a case, you must come directly to the court, whether it be administrative arrangements to the trial system that will take place. But when juxtaposed with the discussion about the situation during the Covid-19 pandemic, which forced us to start a new life route and habit called the New Normal era. An era where everything is limited with a goal that is none other than protecting and saving each other from the transmission of the Covid-19 virus.

In the Sungguminasa Religious Court of Class 1B, in accordance with the reality that occurs where there are still people who have litigation offline by going directly to the court, but previously the court had made a strategy by maintaining a safe distance and implementing strict health protocols. However, the use of information technology-based justice systems should play a role in this and this inhibiting factor is also the reason for the inhibition of the implementation of the online justice system during the Covid-19 pandemic with the aim of enforcing the *Salus Populi Suprema Lex Esto* Principle at the Sungguminasa Religious Court of Class IB.

The clearer constraints conveyed by the source were related to the use of the modern online justice system during the pandemic, such as the lack of understanding in the use of technology, education factors for people seeking justice who are not all the same, the location of community settlements which are difficult to access the network, the lack of curiosity about the system. The new implementation, the community's habit of using the offline system and so on, which at this time the Court has increased various facilities that can be accessed via each person's phone. If the community fully understands this system or is dominant in the community who understands it, this is very helpful for the Court and absolutely supports the establishment of the implementation of the *Salus Populi Suprema Lex Esto Principle* in litigation at the Sungguminasa Religious Court because automatically the parties will stay at home while carry out administration and hearings from their respective residences and of course reduce things that are prohibited by the government, especially during the Covid-19 Pandemic.

This is also in line with what was conveyed by the informants who is also one of the judges at the Sungguminasa Religious Court of Class IB which can be concluded that the lack of knowledge regarding the use of technology by the community has been explained through the media by the court regarding the available features and methods that can be used by the public. Seekers of justice in litigation mainly during the Covid-19 pandemic, for the safety of the people's souls themselves.

## CONCLUSION

Based on the results that has been found by the researchers, it can be concluded that the purpose of applying the *Salus Populi Suprem Lex Esto Principle* in the litigation process at the Sungguminasa Religious Court of Class IB is an efforts by the government to protect people seeking justice but still give them for their right to litigate in court. With a sense of security because of the supporting facilities and health protocols. The Covid-19 pandemic is very dangerous, apart from being so easy to transmit; this virus of Covid-19 can also lead to death. Therefore, *Maqashid Syariah* examined the use of this principle, especially during the pandemic and then fit into the first primary level was *dharuriyyah* which includes everything that can threaten in human life.

Then the method applied at the Sungguminasa Religious Court in terms of applying this principle is by strictly enforcing health protocols through the addition of infrastructure supporting health protocols, but behind that all the judicial systems that are expected to work optimally, such as the modern justice system, are still unknown more by the public. The community is partly due to several factors such as, the lack of using technology because they do not know how to operate it, internet problem because of bad weather, closed rooms, problematic network operating systems and the most frequently encountered are service providers who have not yet reached the area where the last thing is that many of them experience mainly those who live quite far from urban areas, and lack of knowledge and offline habits carried out by the community of justice seekers. However, among these three sub-discussions, they are interrelated and overcome each other, and there is great hope that everything will be back to normal and there will be a better development in the future.

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