

JUDICIAL DIGITALIZATION IN CENTRAL INDONESIA: A STUDY OF E-COURT AND E-LITIGATION IMPLEMENTATION IN COURTS

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Abstrak: Penerapan sistem peradilan elektronik di Indonesia mengalami momentum baru dengan terbitnya PERMA Nomor 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. Penelitian ini bertujuan menganalisis implementasi e-Court dan e-Litigasi di Pengadilan Agama Bitung dan Praya, dengan fokus pada identifikasi faktor-faktor yang mempengaruhi tingkat adopsi dan efektivitas sistem. Menggunakan metode yuridis empiris dengan pendekatan kualitatif, penelitian ini menggabungkan wawancara mendalam terhadap 12 informan kunci (meliputi ketua pengadilan, wakil ketua, hakim, dan panitera), observasi langsung selama 3 hari di masing-masing pengadilan, serta analisis dokumentasi. Hasil penelitian menunjukkan tingkat adopsi yang masih rendah, dengan penggunaan e-Court di Bitung hanya 9,26% dan Praya 8,70%, sementara e-Litigasi lebih rendah lagi (0,54% di Bitung dan 0,23% di Praya). Perbedaan volume perkara yang signifikan antara kedua pengadilan (367 perkara di Bitung dan 3.814 perkara di Praya) tidak berkorelasi dengan tingkat adopsi teknologi. Hambatan utama mencakup keterbatasan infrastruktur digital, rendahnya literasi teknologi masyarakat, dan preferensi pengguna terhadap layanan konvensional. Penelitian ini merekomendasikan pengembangan kebijakan bertingkat yang mempertimbangkan karakteristik lokal, penguatan program literasi digital melalui kemitraan dengan lembaga pendidikan, dan sistem insentif berjenjang untuk mendorong penggunaan layanan elektronik.

Kata Kunci: *E-Court, E-Litigasi, Pengadilan Agama, Digitalisasi Peradilan, Teknologi Peradilan.*

Abstract: The implementation of electronic court systems in Indonesia has gained momentum with the issuance of PERMA No. 7 of 2022 on Electronic Case Administration and Court Proceedings. This study aims to analyze the implementation of e-Court and e-Litigation in the Bitung and Praya Religious Courts, focusing on identifying factors that influence the level of adoption and effectiveness of the system. Using an empirical juridical method with a qualitative approach, this research combines in-depth interviews with 12 key informants (including court presidents, vice presidents, judges, and clerks), direct observation for 3 days in each court, and documentation analysis. The results showed a low level of adoption, with the use of e-Court in Bitung only 9.26% and Praya 8.70%, while e-Litigation was even lower (0.54% in Bitung and 0.23% in Praya). The significant difference in case volume between the two courts (367 cases in Bitung and 3,814 cases in Praya) does not correlate with the level of technology adoption. The main barriers include limited digital infrastructure, low technological literacy and user preference for conventional services. The study recommends the development of a multilevel policy that takes into account local characteristics, the strengthening of digital literacy programs through partnerships with educational institutions, and a tiered incentive system to encourage the use of electronic services.

Key words: *E-Court, E-Litigation, Religious Courts, Judicial Digitalization, Judicial Technology.*



INTRODUCTION

The justice system in Indonesia is undergoing fundamental changes in line with the rapid development of information technology.¹ This change became more pronounced when the Covid-19 pandemic hit and forced restrictions on physical interaction in various sectors, including judicial services.² Courts that previously relied on face-to-face meetings had to adapt to the new situation.³ The e-court system in Indonesia began in 2018, starting with select religious courts and gradually expanding to all Religious Courts in Indonesia.⁴ The Supreme Court of Indonesia launched the e-Court application on July 13, 2018, and then enhanced it to include E-Litigation in 2019.⁵

This adaptation step was marked by the issuance of PERMA Number 3/2018 on Electronic Court Case Administration.⁶ This regulation was later refined through PERMA Number 1 of 2019 and PERMA Number 7 of 2022.⁷ This series of rules paved the way for the digitization of administration and trials for civil cases, including civil cases in the Religious Courts. Several pilot courts have shown encouraging results, with significantly reduced case handling times and considerable savings in operational costs.⁸ This transformation laid the foundation for the implementation of an e-Court system designed to integrate digital technology in the judicial process, thereby significantly expanding efficiency and access to justice.⁹

The implementation of an electronic court system (e-Court) in Indonesia has become an integral part of modernizing the legal system in the digital era. The system is designed to

¹ Hamida Hasan dkk., "ITE Legal Review on the Use of Computer Technology in Geological Exploration and Digital Accounting Systems," *Amsir Accounting & Finance Journal* 2, no. 2 (2024): 49–56; Adelia Setya Ayu dan Yudho Taruno Muryanto, "The Impact of Implementing Omnibus Law On The Industrial Revolution 4.0 in Indonesia," *Social, Sciences and Technology (ICESST)* 3, no. 1 (2024): 60–66; Yuni Sandrawati, "Optimizing Judicial Governance : The Imperative of Legal Framework in Employee Talent Management Information Systems for Effective Judiciary Management," dalam *International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)* (Atlantis Press SARL, 2024), <https://doi.org/10.2991/978-2-38476-315-3>.

² F C Susila Adiyanta, "Implementation of Indonesian Government Policy in Anticipation Impact of the Global Covid-19 Pandemic," *International Journal of Latest Research in Humanities and Social Science (IJLRHSS)* 07, no. 05 (2024): 40–46.

³ Uni Sabadina dkk., "Online Criminal Justice Law Enforcement," *ICCCM Journal of Social Sciences and Humanities* 3, no. 3 (2024): 15–20.

⁴ Dian Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)," *Journal of Indonesian Legal Studies* 6, no. 1 (31 Mei 2021): 157–84, <https://doi.org/10.15294/jils.v6i1.44450>.

⁵ Ahmad Tholabi Kharlie dan Achmad Cholil, "E-court and e-litigation: The new face of civil court practices in Indonesia," *International Journal of Advanced Science and Technology* 29, no. 2 (2020): 2206–13.

⁶ Kharlie dan Cholil; Hanum Rahmaniari Helmi, "The existence of electronic courts (E-court) in realizing simple, fast and low-cost justice," *International Journal of Innovation, Creativity and Change* 8, no. 9 (2019): 270–78.

⁷ Maria Rosalina dan Az Zahra Zulfikar, "The Implementation of the Republic of Indonesian Supreme Court Regulation Number 3 of 2022 Concerning Electronic Mediation in Court: A Case Study," *Qubaban Academic Journal* 4, no. 1 (30 Maret 2024): 310–20, <https://doi.org/10.48161/qaj.v4n1a206>; Kharlie dan Cholil, "E-court and e-litigation: The new face of civil court practices in Indonesia."

⁸ Mulyani Zulaeha, "E-Courts in Indonesia: Exploring the Opportunities and Challenges for Justice and Advancement to Judicial Efficiency," *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 183–94, <https://doi.org/10.5281/zenodo.4756212>; Helmi, "The existence of electronic courts (E-court) in realizing simple, fast and low-cost justice"; Kharlie dan Cholil, "E-court and e-litigation: The new face of civil court practices in Indonesia."

⁹ Adi Syahputra Sirait dkk., "Assessing Criminal Penalties in Marriage Law: A Comparative Study of Policy Frameworks within Indonesian and Malaysian Legislation," *Al-Manabij: Jurnal Kajian Hukum Islam*, 22 Agustus 2024, 255–70, <https://doi.org/10.24090/mnh.v18i2.11208>.

improve access to justice through the efficiency of the litigation process with features such as e-filing, e-payment, and e-summon. As revealed by Kharlie and Cholil, the system brought significant changes in the administration of justice in Indonesia, despite facing technical challenges and local legal culture.¹⁰ Latifiani added that in religious courts, the adoption rate is still low, despite intensive socialization to encourage its use.¹¹ In addition, the success of e-Court implementation is also strongly influenced by the readiness of infrastructure and human resources, as explained in a study by Purnomo et al.¹²

Accountability and transparency of the electronic justice system is an important aspect reviewed by Mukhtar and Lailam, who highlighted the need to strengthen the quality assurance of the electronic system to build public trust.¹³ However, implementation constraints in remote areas, including limited digital infrastructure and technological literacy, are a major concern as expressed by Djamaludin et al.¹⁴ Furthermore, Harianti et al. highlighted the regulatory gaps that need to be harmonized to integrate the electronic justice system with cyber law, so as to support the sustainability of judicial digitalization in Indonesia.¹⁵ All of this shows that the success of e-Court is highly dependent on the synergy between technical, legal culture and regulatory aspects.¹⁶

The void in studies on e-Court implementation in Indonesia, particularly in the non-urban parts of Central Indonesia, prompted in-depth research to be conducted at the Praya Religious Court and Bitung Religious Court. These two locations were chosen because they present unique natural laboratories for understanding the adaptation of electronic justice systems amidst various digital infrastructure limitations and distinctive socio-cultural conditions. The geographical characteristics, the level of technological literacy of the community, and the dynamics of the local legal culture in these two areas create their own challenges that have not been mapped in previous studies.¹⁷

This research not only aims to expand the scope of e-Court studies geographically, but also presents a new perspective on court adaptation strategies in overcoming local barriers. Through in-depth observation of the aspects of technological infrastructure, human resource readiness, and socio-cultural influences, this research seeks to uncover the dynamics of electronic court system implementation in non-urban areas. The findings are expected to serve as a practical guide for other courts with similar characteristics, as well as enrich the academic repertoire on judicial digitization in Indonesia.¹⁸

¹⁰ Kharlie dan Cholil, "E-court and e-litigation: The new face of civil court practices in Indonesia."

¹¹ Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)."

¹² Hadi Purnomo dkk., "E-Court Implementation in Realizing Quality Judicial Service Governance (Study at the South Jakarta Religious Court)," *Res Militaris* 12, no. 2 (2022): 1754–70.

¹³ Mukhtar dan Tanto Lailam, "Accountability and Transparency of the Electronic Court and Litigation Systems in Indonesia," *Jurnal Hukum Unissula* 39, no. 2 (2023): 157–73, <https://doi.org/10.26532/jh.v39i2.32552>.

¹⁴ Djamaludin dkk., "Assessing the Impact of Electronic Court Systems on the Efficiency of Judicial Processes in the Era of Digital Transformation," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 1 (2023): 1–18, <https://doi.org/10.24090/volksgeist.v6i1.8082>.

¹⁵ Isnin Harianti dkk., "Indonesian Agrarian Reform in Legal Perspective: a Critical Analysis of Presidential Regulation No. 86/2018," *Revista de Gestao Social e Ambiental* 18, no. 1 (2024), <https://doi.org/10.24857/rgsa.v18n1-159>.

¹⁶ Syaikhu Syaikhu dkk., "Community, Family and Animal Conservation Sustainability in the Perspective of Normative Law and Maqasid Sharia," *El-Ushrah: Jurnal Hukum Keluarga* 7, no. 2 (20 Desember 2024): 521–40, <https://doi.org/10.22373/ujhk.v7i2.25085>.

¹⁷ Faisal Husen Ismail dkk., "Customary and Islamic Practices in Inheritance Distribution: Insights from The Gampong Customary Court in Pidie," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 2 (30 Desember 2024): 1–16, <https://doi.org/10.30631/alrisalah.v24i2.1544>.

¹⁸ Zainal Muttaqin Dahli dkk., "Delegitimization Of Religious Motives in Polygamy in Banjar Society," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (27 Mei 2024): 119–35, <https://doi.org/10.18592/sjhp.v24i1.12392>.

METHODS

This research uses empirical juridical method with qualitative approach to analyze the implementation of e-Court and e-Litigation in Religious Courts.¹⁹ The selection of the empirical juridical method is based on the consideration that this research not only examines the normative aspects of PERMA No. 7 of 2022, but also analyzes the practice of its implementation in the field, particularly in relation to factors affecting the effectiveness of its implementation. Compared to case study methods that tend to focus on one specific case or quantitative surveys that emphasize statistical measurement, empirical juridical methods allow researchers to gain a deeper understanding of the dynamics of e-Court and e-Litigation implementation from the perspective of implementers and service users.²⁰

Data collection was conducted through three main techniques: in-depth interviews, observation, and documentation studies.²¹ In-depth interviews were conducted with 12 key informants selected by purposive sampling based on their involvement in the implementation of e-Court and e-Litigation. The informants consisted of the Chief Justice (2 people), Deputy Chief Justice (2 people), Judges (4 people), and Clerks (4 people) from the Bitung and Praya Religious Courts. The criteria for selecting informants included: (1) having at least 2 years' experience in electronic case handling, (2) being directly involved in the implementation process of e-Court and e-Litigation, and (3) understanding the policies and technical procedures related to electronic case administration.²²

Interviews were conducted using a semi-structured guide developed based on four main dimensions: (1) infrastructure and human resource readiness, (2) e-Court and e-Litigation implementation process, (3) barriers and challenges in implementation, and (4) problem-solving strategies. Each interview lasted about 60-90 minutes and was recorded with the informant's consent. To ensure data validity, the researcher conducted member checking by sending the interview transcripts to the informants for verification.²³

Observations were conducted for 3 days in each court to directly observe the process of implementing e-Court and e-Litigation. Aspects observed included: availability of technological infrastructure, electronic case registration procedures, implementation of electronic trials, and interaction between court officials and service users. Observations were recorded in a structured observation sheet and supplemented with field notes.

¹⁹ Mandy Burton, *Doing empirical research exploring the decision-making of magistrates and juries*, *Research Methods in Law*, 2017, <https://doi.org/10.4324/9781315386669>; Sayid Muhammad Rifki Noval, "Sociological Impact of Cyber Laws on Media: Virtue Community and Controversies," *HighTech and Innovation Journal* 5, no. 1 (2024): 44–53, <https://doi.org/10.28991/HIJ-2024-05-01-04>; John Baldwin dan Gwynn Davis, *Empirical Research in Law, The Oxford Handbook of Legal Studies*, 2012, <https://doi.org/10.1093/oxfordhb/9780199248179.013.0039>.

²⁰ Ahmad Nabilul Maram, Imam Ghazali Said, dan Titik Triwulan Tutik, "Fatwā on The Ruling of Hajj Without Taṣrīh; The Case of Indonesian Hajj Pilgrims in 2024," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (31 Desember 2024): 413–43, <https://doi.org/10.19105/al-lhkam.v19i2.15437>.

²¹ P Galanis, "Methods of data collection in qualitative research," *Archives of Hellenic Medicine* 35, no. 2 (2018): 268–77; Nicola J Petty, Oliver P Thomson, dan Graham Stew, "Ready for a paradigm shift? Part 2: Introducing qualitative research methodologies and methods," *Manual Therapy* 17, no. 5 (2012): 378–84, <https://doi.org/10.1016/j.math.2012.03.004>.

²² Mutiara Fahmi dkk., "Islamic Jurisprudence and Local Wisdom in the Humanitarian Protection of Rohingya Refugees by Acehese Figures," *El-Mashlahah* 14, no. 2 (29 Desember 2024): 323–42, <https://doi.org/10.23971/el-mashlahah.v14i2.8958>.

²³ Baihaqi Baihaqi dkk., "Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya," *Journal of Islamic Law* 5, no. 2 (29 Agustus 2024): 242–68, <https://doi.org/10.24260/jil.v5i2.2819>.

Documentation studies were conducted on various related documents, including: court annual reports, case statistics, e-Court and e-Litigation SOP documents, as well as documentation on the implementation of electronic trials. These documents were used to complement and verify the data obtained from interviews and observations.

Data analysis used a thematic approach with stages:²⁴ (1) transcription of interview data, (2) coding to identify main themes, (3) categorization of data based on themes, (4) analysis of patterns and relationships between themes, and (5) drawing conclusions. To increase the credibility of the analysis results, researchers used source triangulation techniques (comparing data from various informants) and method triangulation (comparing data from interviews, observations, and documentation).

This study has several methodological limitations that need to be considered. First, there is potential bias in the interviews as informants may tend to provide answers that are considered “ideal” or as expected. To minimize this bias, researchers conducted probing and cross-checking with observation and documentation data. Secondly, the geographical challenges in data collection, as the two courts are located far apart, limited the observation time in the field. Thirdly, this study only focuses on the perspective of court officials and does not comprehensively cover the experience of service users (the justice-seeking public).

The selection of research locations in Bitung and Praya Religious Courts was based on consideration of the representation of different characteristics in terms of case volume (Bitung with 367 cases/year and Praya with 3,814 cases/year) as well as geographical conditions that reflect the challenges of e-Court and e-Litigation implementation in the central part of Indonesia. These differences in characteristics allow for a more comprehensive analysis of the factors affecting the effectiveness of electronic justice system implementation in different contexts.

RESULT AND DISCUSSION

Technological Developments in the Justice World

One of the most significant developments in this era is the rapid development witnessed by the world community in the field of communication and information technology. The interaction between humans has led to the emergence of an international information network known as the internet which is characterized by the possibility of communication in the form of digital information exchange within the framework of a unified protocol between electronic devices and networks around the world that overshadows most areas of life in the world that make interaction methods accessible in a short time, which affects various aspects of social life, including in the fields of education, trade, government, and judicial services.

Internet technology has influenced the development of the world. The internet has entered a new phase that is more popularly known as the digital economy. Its existence is marked by the increasing number of economic activities that utilize the internet as a medium of communication, collaboration, and cooperation.²⁵ The use of the internet through information technology has a huge impact on the dispute resolution process. Various documents can be transmitted quickly to various parties at a low cost. As a result,

²⁴ Kristina M Scharp dan Matthew L. Sanders, “What is a theme? Teaching thematic analysis in qualitative communication research methods,” *Communication Teacher* 33, no. 2 (3 April 2019): 117–21, <https://doi.org/10.1080/17404622.2018.1536794>.

²⁵ Tapio Puurunen, “The Judicial Jurisdiction of States Over International Business-to-Consumer Electronic Commerce from the Perspective of Legal Certainty,” *UC Davis J. Int’l L. & Pol’y* 8 (2002): 0.

parties can save costs because they do not need to attend distant trials.²⁶ In line with this, digital applications have penetrated various aspects of human social life today. The digitization project in this millennium has made significant changes in various aspects of human life. The application of digitalization in each sector is a problem faced by every country as the digitalization of various sectors develops in the world, including the economic sector, financial administration, taxation, office administration, and the law enforcement sector. In the law enforcement sector, this has become a momentum for judicial institutions to restore the implementation of the judicial process by implementing a digitization system in the world of justice. Each country has its own way of implementing the digital justice process which requires each country to reform itself in line with the development of the digital world that has developed today.²⁷

The implementation of an electronic court record system designed to facilitate litigation procedures through the use of modern scientific data to improve court performance, and the implementation of electronic litigation, will facilitate litigation procedures, and achieve features such as increasing the speed and accuracy for litigants and will shorten the lawyer in unnecessary administrative matters from the court and can access files in his office. This system will prevent the prolongation of the litigation process and will prevent delays in court hearings and reduce congestion in the courts.²⁸

According to Al-Naimat et al, there are six characteristics of the application of digitization in the judicial process in a country in order to facilitate the judicial process in relation to the application of information technology and computerization which can be mentioned among others:

1. Moving from a paper system to an electronic system.
2. Faster action of receiving and sending documents.
3. Using electronic media in carrying out litigation procedures.
4. Expediting the adjudication process and implementation of litigation procedures.
5. Electronic substantiation of litigation procedures.
6. Using electronic means to pay lawsuit fees and expenses.²⁹

In the world of justice, the digitization project is often referred to as E-court and E-litigation which in principle makes it easier for the judiciary to implement the process of implementing justice digitally through various applications that support the application of information technology and computerization in the world of justice. The idea of electronic litigation comes from the idea of electronic management, which means moving methodically from the provision of services and information to people in traditional paper form to electronic form via the Internet. It is the development of judicial performance in terms of administrative or judicial services.³⁰

²⁶ Andi Bagulu, "Penyelesaian Sengketa Arbitrase Melalui Sarana Elektronik/Online," *Lex Et Societatis* 7, no. 6 (2019).

²⁷ Budi Rahmat Hakim dkk., "Peran Ulama Dan Baznas Kalimantan Selatan Dalam Peningkatan Zakat Produktif Di Kalimantan Selatan," *Islamika: Jurnal Ilmu-Ilmu Keislaman* 24, no. 1 (30 Juni 2024): 1–18, <https://doi.org/10.32939/islamika.v24i1.3482>.

²⁸ Nayef bin Nahar al-Shamari, "Popular Sovereignty in Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (31 Oktober 2024): 341–66, <https://doi.org/10.21580/ahkam.2024.34.2.22067>.

²⁹ Osamah Al-Naimat, Noor Akiyf Al-Dabbas, dan Mohammad Mufdi Faleh Maaqqbeh, "Transition to E-litigation as a mechanism to activate e-court in Jordan: an analytical study," *J. Legal Ethical & Regul. Issues* 24 (2021): 1.

³⁰ Akhmad Wafi dkk., "Reaktualisasi Persyaratan Perempuan Menjadi Saksi Perkara Perdata Dalam Fikih Klasik Dan Korelasinya Pada Hukum Modern," *JOURNAL OF ISLAMIC AND LAW STUDIES* 7, no. 2 (27 November 2023): 186–206, <https://doi.org/10.18592/jils.v7i2.11550>.

In America, the Supreme Court started accepting electronic filing of cases in 1999 which marked the implementation of the judicial process through electronic systems.³¹ In Malaysia, the effort to implement E-court has undergone a dynamism along with the development of society regarding the digitalization of the judicial system in Malaysia. The first E-Court implementation was carried out in 2002 which ended in failure and then continued with the implementation carried out in 2009 which has been successful until now.³² In India, the implementation of E-courts began in 2005 with the aim of accelerating the process of case resolution and providing more transparent and easy access to justice to the public.³³

The implementation of E-Court in Indonesia began with the issuance of PERMA number 3 of 2018 concerning the administration of cases in court electronically, although this is considered rather late compared to other countries. This is an innovation made by the Supreme Court as well as a commitment from the Supreme Court to the implementation of reforms in the world of justice that combines aspects of digital-based information technology associated with the application of applicable procedural law. There are several characteristics about the application of E-litigation in a judicial institution that reflect the application of it as an indication of the application of electronic procedures in the judicial process. Lumbanraja asserted that good utilization of the e-court system that has been running is a solution for the judiciary under the Supreme Court to provide legal services even though justice seekers do not have to appear before the court.³⁴

E-court or electronic court is a service for registered users to register online, get an estimate of case fees online, online payment, summons using electronic channels and trials conducted electronically³⁵ The legal basis for the implementation of e-court is Article 1 point 6 of PERMA number 7 of 2022 which states that electronic case administration is a series of processes for receiving lawsuits / requests / objections / objections / oppositions / interventions, acceptance of payment, delivery of summons/notices, answers, replications, duplicates, conclusions, acceptance of legal remedies, as well as management, delivery and storage of civil / religious / military / state administrative case documents using electronic systems that apply in each judicial environment. Meanwhile, e-litigation is an application that supports electronic trials,³⁶ which is based on the provisions of article 1 point 7 of PERMA number 7 of 2022 which states that electronic trials are a series of

³¹ Deborah Leonard Parker, "Electronic filing in North Carolina: using the internet instead of the interstate," *J. App. Prac. & Process* 2 (2000): 351.

³² Wan Satirah Wan Mohd Saman Mrs dan Abrar Haider, "E-Court: Technology Diffusion in Court Management," 2013.

³³ Kshitiz Verma, "e-courts project: A giant leap by indian judiciary," *Journal of Open Access to Law* 6, no. 1 (2018).

³⁴ Anggita Doramia Lumbanraja, "Perkembangan Regulasi Dan Pelaksanaan Persidangan online di indonesia dan amerika serikat selama pandemi covid-19," *Crepido* 2, no. 1 (2020): 46–58.

³⁵ Dian Latifani dkk., "The Revitalizing Indonesia'S Religious Courts System: the Modernization Impacts and Potentials of E-Court," *Jurnal Hukum Unissula* 40, no. 1 (2024): 1–13, <https://doi.org/10.26532/jh.v40i1.32279>.

³⁶ Siti Nur Intihani, Arifudin, dan Juliani, "Efektivitas Persidangan Berbasis E-Court Pada Masa Pandemi Covid 19 Pada Pengadilan Negeri Bekasi," *Veritas* 8, no. 1 (2023): 67–81, <https://doi.org/10.34005/veritas.v8i1.1804>.

processes for examining and adjudicating cases by the Court which are carried out with the support of information and communication technology.³⁷

As is known, the civil procedural law used in every Religious Court in Indonesia is still scattered in several applicable laws and regulations. Such as HIR/RID based on Stb 1941-44, RBg based on Stb 1927-227, RV based on Stb 1847 -52.³⁸ In subsequent developments, according to Hamid S. Attamimi as quoted by Lutfi and Muallim,³⁹ the Compilation of Islamic Law has been included as one of the sources of procedural law in the Religious Courts in order to bridge the lack of enforcement of procedural law in Religious courts today. Furthermore, Article 79 of Law No. 14 of 1985 concerning the Supreme Court jo Law No. 5 of 2004, jo Law No. 3 of 2009, has given the Supreme Court the authority to regulate matters deemed necessary for the smooth administration of justice including making regulations deemed necessary to fill the legal vacuum in the realm of civil procedural law in the scope of the Religious Courts.⁴⁰ The Supreme Court Regulation (PERMA), as well as the Supreme Court Circular Letter (SEMA) is one of the instruments carried out by the Supreme Court to fill the legal vacuum that is often found in the traffic of procedural law in the Religious Courts in Indonesia as the authority of the Religious Courts develops in accordance with the provisions in Law number 50 of 2009 concerning the second Amendment to Law number 7 of 1989 concerning Religious Courts.⁴¹

The efforts of the Supreme Court in order to realize a simple, fast and low-cost judiciary through a breakthrough in the creation of digital-based applications in the form of e-courts and e-digital by issuing PERMA number 1 of 2019 as amended to PERMA number 7 of 2022 is an innovation that can answer the obstacles and challenges of the judicial world in terms of efficiency and effectiveness of the main tasks and functions of the Judiciary in Indonesia and public accountability. Miftah Toha as quoted by Baso Alamsyah emphasized that one of the functions of accountability is that every legal product and public policy concerning the lives of the people must be based on legislation, so that the people have access to control it.⁴² Maani further underlined that the conception of public policy transparency must refer to a situation where aspects of public services are open and easily known to users and stakeholders in need, in this case justice seekers.⁴³

³⁷ Chuzaimah Batubara dkk., “Realizing Justice and Masalah in E-Commerce: Fiqh Muamalah Insights and Challenges in Malaysia and Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (10 September 2024): 253–67, <https://doi.org/10.31958/juris.v23i2.12356>.

³⁸ Sonyendah Retnaningsih dkk., “Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Pengadilan Negeri Di Indonesia),” *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 124–44.

³⁹ Lutfi Lutfi dan Amir Muallim, “Penerapan Kompilasi Hukum Islam Pada Peradilan Agama Dalam Perkara Hadhohonah Dan Eksekusi Putusannya,” *Millah: Journal of Religious Studies*, 2021, 275–300.

⁴⁰ Retnaningsih dkk., “Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Pengadilan Negeri Di Indonesia).”

⁴¹ Tutik Hamidah dkk., “The Dynamics of Urban Muslim Families Post-Divorce: The Contribution of Islamic Law in Building Resilience of Indonesian and Malaysian Families,” *De Jure: Jurnal Hukum Dan Syariah* 16, no. 2 (17 Desember 2024): 363–81, <https://doi.org/10.18860/j-fsh.v16i2.27461>.

⁴² Baso Alam Syah, “Akuntabilitas Dan Transparansi Sektor Publik,” 2014.

⁴³ Karjuni Dt Maani, “Transparansi dan Akuntabilitas dalam Pelayanan Publik,” *Jurnal Demokrasi* 8, no. 1 (2009).

Historically, the implementation of e-litigation through teleconference hearings is not new, since 2002 witnesses have been examined through teleconference hearings in court.⁴⁴ The purpose of e-litigation is to break through the barriers to judicial effectiveness, where the implementation of e-litigation can overcome geographical constraints and reduce the high cost of cases. The Religious Court as one of the spearheads of the Judiciary in the region, is expected to be able to answer the challenges of the 21st century with the rapid development of information technology without reducing the formal legal aspects related to the main duties and functions of the Judiciary as an agency that exercises judicial power in Indonesia.⁴⁵

PERMA number 7 of 2022 is a regulation made by the Supreme Court to facilitate the judicial process carried out virtually in line with the development of the judicial world which requires the implementation of virtual trials when it is desired. The PERMA regulates the use of electronic systems covering case administration in the Court, including case registration, payment of case fees, summoning fees, and the use of electronic systems in the process of implementing justice, which includes the process of answering answers in court (replication and duplicates), and the delivery of a judge's decision on a case, including legal remedies taken by litigants in terms of appeal, cassation and electronic review.

According to Tuyadiah, in general there are 4 scopes of implementation of E-Court and E-Litigation in the Judiciary, namely:

1. Online case registration (e-filing)
2. Online payment of fees (e-payment)
3. Electronic summoning of litigants (e-summons)
4. Electronic court proceedings (e-litigation).⁴⁶

In addition to PERMA number 1 of 2019 as the legal basis for the implementation of E-Court and E-Litigation in the Court, there are other implementing rules that support the implementation of these policies in the Court, among others: Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia number 129/KMA/SK/VIII/2019 on Technical Guidelines for Case Administration and Trial in Court Electronically; and Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia number 271/KMA/SK/XII/2019 on Technical Guidelines for Case Administration and Trial in the Court of Appeal, Cassation, and Electronic Review.

Implementation of E-Court and E-Litigation in Bitung Religious Court

E-Court in Indonesia was launched by the Supreme Court on July 13, 2018 through PERMA No. 3 of 2018, which was later refined into E-Litigation through PERMA No. 1 of 2019. The system initially provides three main services: e-filing (electronic case registration), e-payment (electronic payment of court fees), and e-summons (electronic summons), which were later expanded to include handling more complex judicial processes such as electronic submission of evidence and decisions. Although

⁴⁴ Dewi Rahmaningsih Nugroho dan Suteki Suteki, "Membangun Budaya Hukum Persidangan Virtual (Studi Perkembangan Sidang Tindak Pidana via Telekonferensi)," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 291–304.

⁴⁵ A. Zaenurrosyid, Hidayatus Sholihah, dan Nur Hidayatuloh, "The Islamic Philanthropy Model Based on Masalahah Principles for Developing Islamic Campus in Java," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (30 Desember 2024): 279–304, <https://doi.org/10.18326/ijtihad.v24i2.279-304>.

⁴⁶ Amal Tuyadiah dkk., "Realisasi Persidangan Melalui Media Elektronik (Elitigation) Di Pengadilan Agama (Studi Tentang Perma No. 1 Tahun 2019 dan Pelaksanaannya di Pengadilan Agama Rantauprapat)," *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial* 8, no. 02 (2020): 357–76.

implementation has faced challenges such as regulatory inconsistencies, infrastructure limitations especially in remote areas, and the need to adapt the legal culture, the system has delivered significant benefits in terms of efficiency, cost savings and increased judicial transparency. The system applies to various types of cases including civil, religious, military, and state administrative, with the main objective of realizing a more modern, efficient, and transparent justice system in Indonesia.⁴⁷

In its implementation in various parts of Indonesia, the application of e-Court and e-Litigation requires the readiness of adequate infrastructure and human resources in each court, including in the Religious Courts spread across various regions. One of the Religious Courts that has implemented this system is the Bitung Religious Court.

Bitung Religious Court is a Religious Court that has jurisdiction around the city of Bitung which is part of North Sulawesi Province, which has 8 sub-districts with 69 villages. Historically, the birth of the Bitung Religious Court was a logical consequence of the formation of Bitung City in 1990 based on Law number 7 of 1990. And in 1996 the Bitung Religious Court was formed based on Presidential Decree number 85 of 1996, and operationally the Bitung Religious Court began operating in August 1997.

Cases in the Bitung Religious Court can be seen in table 1:

Table. 1

Composition of the number of cases in the Bitung Religious Court

No.	Type of Case	Number of Cases	Percentage
1.	Polygamy Permit	1	0,27 %
2.	Divorce	52	14,16 %
3.	Plaintiff's Divorce	191	52,04 %
4.	Joint Property	1	0,27 %
5.	Child Control	2	0,54 %
6.	Itsbat Nikah	20	5,44 %
7.	Guardianship	2	0,54%
8.	Origin of Children	1	0,27 %
9.	Dispensation of Marriage	91	24,79 %
10.	P3HP / Determination	3	0,81%
11.	Wali Adhol	1	0,27 %
12.	Inheritance	1	0,27 %
13.	Other	1	0,27%

⁴⁷ Irina A Gronic, "On Some Aspects of Case Management in Electronic Courts of Indonesia," *Smart Innovation, Systems and Technologies* 288 (2022): 193–99, https://doi.org/10.1007/978-981-16-9808-8_21; Indriati Amarini dkk., "Digital Transformation: Creating an Effective and Efficient Court in Indonesia," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 266–84, <https://doi.org/10.22219/ljih.v31i2.28013>; Mukhtar dan Lailam, "Accountability and Transparency of the Electronic Court and Litigation Systems in Indonesia"; Zulaeha, "E-Courts in Indonesia: Exploring the Opportunities and Challenges for Justice and Advancement to Judicial Efficiency"; Kharlie dan Cholil, "E-court and e-litigation: The new face of civil court practices in Indonesia"; Aju Putrijanti dan Kadek Cahya Susila Wibawa, "Indonesia Administrative E-Court Regulation Toward Digitalization and E-Government," *Jurnal IUS Kajian Hukum dan Keadilan* 9, no. 1 (2021): 18–33, <https://doi.org/10.29303/ius.v9i1.796>; Helmi, "The existence of electronic courts (E-court) in realizing simple, fast and low-cost justice."

Total	367	100 %
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Source : Bitung Religious Court.

From the number of cases in 2021 at the Bitung Religious Court, the composition of cases using the E-Court application and the use of E-Litigation can be seen in table 2:

Table. 2

Composition of E-Court and E-Litigation cases in Bitung Religious Court.

No.	Description	Number	Percentage
1.	Ordinary Case Settlement	367	100 %
2.	Use of E-Court Application	34	9,26 %
3.	Application of E-Litigation	2	0,54 %

Source : Bitung Religious Court

From the data listed above, it can be analyzed that the Bitung Religious Court in 2021 has received 367 cases. Of the total number of cases, 34 cases or 9.26% of the total number of cases were registered online through the E-Court application which has been provided by the Bitung Religious Court for people who are willing to use the application in order to help the community in terms of easy access to information in the field of justice so as to help the community in time efficiency and simplification of stages in the judicial process for people who want it. With this percentage, it can be seen that the application of online applications in the registration system in the judicial system has had an influence on the judicial system in Bitung Court, although in quantity it has not yet had a significant effect.

Meanwhile, in terms of the implementation of the online judicial process through the application of E-litigation at the Bitung Religious Court, it is not yet clear that it has had an effect on public access in this regard, this can be seen from the percentage of E-litigation application which only amounted to 0.54% of the total number of cases received in 2021. Factors affecting the application of E-Court and E-litigation in the Bitung Religious Court according to Madjibban Tjebbang include:⁴⁸

1. In terms of quantity, the infrastructure for the implementation of E-litigation in the Bitung Religious Court is ready in terms of the availability of computers and internet networks, although additional human resources are needed to manage the infrastructure professionally;
2. In general, the composition of cases in the Bitung Religious Court is relatively small when compared to other Religious Courts;
3. The implementation of E-litigation in the Bitung Religious Court depends on the willingness of the litigants, especially the legal counsel of each party;
4. The implementation of E-court in the Bitung Religious Court depends on the readiness of the parties in terms of the availability of digital information networks prepared by each party;
5. The litigants still consider the location of the Bitung Religious Court to be easy to reach due to the relatively small jurisdiction of Bitung City.

Implementation of E-Court and E-Litigation in Praya Religious Court

⁴⁸ Wakil Ketua Pengadilan Agama Bitung

Praya Religious Court is a religious court that has jurisdiction covering Central Lombok Regency, West Nusa Tenggara Province, which has 12 sub-districts consisting of 138 villages. Historically, the Praya Religious Court originated from the Court of the indigenous people of the Earth commonly called Raad Sasak which was formed in 1896 since the Dutch colonial era, which is authorized to hear criminal and civil cases in general and is domiciled in Mataram for the island of Lombok. The existence of the Praya religious court after independence was strengthened by the issuance of government regulation no. 45 of 1957, and state sheet no. 99 of 1957, which was accompanied by a decree of the Minister of Religion no. 5 of 1958. With the issuance of the Decree of the Minister of Religious Affairs no. 195 of 1968 has confirmed de jure the existence of the Praya Religious Court.⁴⁹

The case situation at the Praya Religious Court can be seen in table 3:

Table. 3

Composition of types of cases decided at the Praya Religious Court in 2021

No.	Type of Case	Number of Cases	Percentage
1.	Polygamy Permit	5	0,13 %
2.	Marriage Annulment	1	0,02 %
3.	Divorce	274	7,18 %
4.	Plaintiff's Divorce	1167	30,59 %
5.	Join Property	16	0,41 %
6.	Rights of Former Wife/Husband	1	0,02 %
7.	Guardianship	25	0,65 %
8.	Origin of Children	4	0,10 %
9.	Marriage Validation/Itsbat Nikah	1915	50,20 %
10.	Marriage Dispensation	307	8,04 %
11.	Guardian Adhol	3	0,07 %
12.	Inheritance	57	1,49 %
13.	Grant	1	0,02 %
14.	Sharia Economics	1	0,02 %
15.	P3HP / Determination of Heirs	29	0,76 %
16.	Lain-lain	8	0,20 %
Total		3814	100 %

Source : Praya Religious Court

From the number of cases in 2021 at the Praya Religious Court, the composition of cases using the E-Court application and the use of E-Litigation can be seen in table 3 below:

Table. 3

Composition of E-Court and E-Litigation cases in Praya Religious Court

⁴⁹ "Sejarah Pengadilan," diakses 1 September 2022, <https://pa-praya.go.id/tentang-pengadilan/profile-pengadilan/sejarah-pengadilan>.

No.	Description	Number	Percentage
1.	Ordinary Case Settlement	3.814	100 %
2.	Use of E-Court Application	332	8,70 %
3.	Application of E-Litigation	9	0,23 %

Source : Praya Religious Court

From the data listed above, it can be analyzed that the Praya Religious Court in 2021 has received 3814 cases. Of the total number of cases, 332 cases or 8.70% of the total number of cases were registered online through the E-Court application provided by the Praya Religious Court for people who are willing to use the application in order to help the community in terms of easy access to information in the field of justice so as to help the community in time efficiency and simplification of stages in the judicial process for people who want it. With this percentage, it can be seen that the application of online application in the registration system in the judicial system through the E-court application has had an influence on the judicial system, especially in the Praya Court, although in quantity it has not yet had a significant effect.

Meanwhile, in terms of the implementation of the online judicial process through the application of E-litigation at the Praya Court, it is not yet clear that it has had an impact on public access to this matter, this can be seen from the percentage of the application of E-litigation which only amounted to 0.23% of the total number of cases received in 2021. After extracting data at the research site, it can be analyzed that there are factors that influence the application of E-Court and E-litigation at the Praya Religious Court, according to Syafruddin⁵⁰ and Ahmad⁵¹ among others:

1. In general, the Praya Religious Court is ready in terms of infrastructure and human resources in anticipation of the implementation of e-court and e-litigation;
2. The existence of PERMA number 1 of 2019 which is relatively newly implemented so that there are still shortcomings in terms of implementation in the field;
3. Awareness of the attorneys litigating in the Court who have not fully accessed the application of E-Court and want to apply the E-litigation that has been provided by the Court;
4. Lack of readiness of both parties to the case to agree to the application of E-Litigation in the trial;
5. Public awareness that they prefer to conduct court proceedings in person, rather than online;
6. Not maximizing the availability of personnel in the field of digital access that facilitates the implementation of online trials;

CONCLUSIONS

This study shows that the implementation of e-Court and e-Litigation in the Bitung and Praya Religious Courts is still at an early stage with a limited level of adoption.

⁵⁰ Ketua Pengadilan Agama Praya

⁵¹ Panitera Pengadilan Agama Praya

Empirical data shows the use of e-Court in both courts is still below 10% of total cases (9.26% in Bitung and 8.70% in Praya), while the implementation of e-Litigation is even lower (0.54% in Bitung and 0.23% in Praya). The difference in context between the two courts is evident from the vastly different case volumes - Praya with 3,814 cases has ten times the workload of Bitung with 367 cases - yet both courts face similar challenges in the adoption of judicial technology.

This low level of adoption is not solely due to infrastructure limitations, but is the result of a complex interaction between technical, social and cultural factors. In the Bitung Religious Court, although basic infrastructure was in place, the relatively small jurisdiction reduced the urgency of using electronic systems because people still perceived physical access to the courts as relatively easy. Meanwhile, in the Praya Religious Court, despite having a much larger volume of cases, the community's preference for conventional lawyering and limited digital literacy are major obstacles.

This research makes an important contribution to the literature on judicial digitization by exposing the gap between infrastructure availability and actual adoption rates, particularly in the context of religious courts in non-urban Indonesia. The findings enrich the understanding of the complexity of judicial technology implementation which cannot be solved simply by the provision of infrastructure, but requires a holistic approach that considers the socio-cultural aspects of society.

To improve the effectiveness of e-Court and e-Litigation implementation, the Supreme Court needs to develop a multilevel policy that takes into account the different characteristics and readiness of each court, including case volume, geographical conditions, and the level of digital literacy of local communities. Religious Courts also need to build strategic partnerships with universities and educational institutions to organize sustainable digital literacy programs, not only for court officials but also the justice-seeking public. A tiered incentive system to encourage the use of e-Court and e-Litigation, such as reduced case fees or priority handling for electronically filed cases, can be an effective strategy to increase system adoption.

An intensive mentoring program for system users, especially in the early stages of implementation, needs to be developed involving specialized officers trained in providing technical assistance and education to users. Courts also need to develop a systematic monitoring and evaluation mechanism to measure the effectiveness of implementation and identify areas for continuous improvement. The implementation of these recommendations requires long-term commitment and collaboration between various stakeholders, ranging from the Supreme Court, religious courts, local governments, to civil society. With a comprehensive and gradual approach, it is hoped that the adoption of judicial technology can increase significantly, thereby supporting the realization of a more efficient, transparent and accessible justice system.

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