



## Legal Effectiveness of E-Litigation Implementation on Case Settlement: Evidence from the Malang City Religious Court

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**Abstract.** This study discusses the effectiveness of the implementation of Supreme Court Regulation Number 1 of 2019, as amended by Supreme Court Regulation Number 7 of 2022, concerning Case Administration and Trials in Courts Electronically (e-Litigation). The research focuses on case settlement at the Malang City Religious Court. Using an empirical juridical approach, this study examines the implementation of e-Litigation before and after the regulatory changes, along with the obstacles encountered and efforts made for improvement. The findings indicate that the implementation of e-Litigation has had a positive impact by simplifying processes, improving time efficiency, reducing litigation costs, and enhancing transparency. However, challenges such as limited public understanding of digital systems, inadequate infrastructure, and legal cultural barriers still hinder full effectiveness. Based on the theory of legal effectiveness, the implementation of e-Litigation in Malang City shows a promising direction of development, although it is not yet fully optimal. Strengthening public education, increasing digital legal literacy, and adapting community legal culture are necessary to ensure that the system can operate more efficiently and accountably.

**Keywords:** E-Litigation, Electronic Justice, Legal Effectiveness, Religious Courts, Supreme Court Regulation.

**Abstrak.** Penelitian ini membahas efektivitas penerapan Peraturan Mahkamah Agung (PERMA) Nomor 1 Tahun 2019 jo. PERMA Nomor 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik (e-Litigation) dalam penyelesaian perkara di Pengadilan Agama Kota Malang. Melalui pendekatan yuridis empiris, penelitian ini mengkaji implementasi e-Litigation sebelum dan sesudah perubahan regulasi serta hambatan dan upaya perbaikannya. Hasil penelitian menunjukkan bahwa penerapan e-Litigation memberikan dampak positif berupa penyederhanaan proses, efisiensi waktu, pengurangan biaya, serta peningkatan transparansi. Namun, tantangan seperti kurangnya pemahaman masyarakat terhadap sistem digital, keterbatasan infrastruktur, dan hambatan budaya hukum masih menjadi penghalang efektivitas penuh. Berdasarkan teori efektivitas hukum Soerjono Soekanto, efektivitas e-Litigation di Kota Malang telah menunjukkan arah pertumbuhan yang menjanjikan, meskipun belum sepenuhnya optimal. Diperlukan penguatan edukasi, peningkatan literasi hukum digital, dan penyesuaian budaya masyarakat agar sistem ini dapat berjalan lebih efisien dan akuntabel.

**Kata kunci:** E-Litigation, PERMA, Efektivitas Hukum, Peradilan Elektronik, Pengadilan Agama

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## 1. Introduction

One of the major reforms carried out by the Supreme Court in 2018 was to maximize litigation services in the Court by using information technology development instruments.<sup>1</sup> One of the monumental policies is the birth of Supreme Court Regulation (*Peraturan Mahkamah Agung* or PERMA) Number 3 of 2018 concerning Case Administration in Electronic Court which was enacted on April 4, 2018 and then followed by making a breakthrough in case administration in the Judiciary with the birth of the E-Court application which has been applied in all judicial bodies in civil cases.<sup>2</sup> This regulation is one of the innovations issued by the Supreme Court to ensure convenience for parties engaging in court activities, especially for those registering cases.<sup>3</sup> The regulation was issued based on the realization of the principles of simplicity, speed, and low cost, thereby requiring innovative services in response to the evolving times and the demand for efficient service.<sup>4</sup>

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<sup>1</sup> Sahira Jati Pratiwi et al., "The Application of E-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems," *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 39. See also, Zulfia Hanum Alfi Syahr et al., "Strategic Policy for the Development of Electronic Judiciary in Indonesia During the Pandemic Period," In *Proceedings from the 1st International Conference on Law and Human Rights* (Jakarta: ICLHR, 2021), 133.

<sup>2</sup> Sri Retnaningsih et al., "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. See also, Imanudin Affandi, "Application of E-Court in Different Countries: A Comparative Study in the Development of E-Court," In *3rd International Conference on Law, Governance, and Social Justice* (Dordrecht: Atlantis Press, 2023), 1087.

<sup>3</sup> The e-court application is the implementation of PERMA Number 3 of 2018 concerning Electronic Case Administration in Courts. This application is also integrated with SIPP, so the two can collaborate in managing cases in court. See Pengadilan Agama Lewoleba, "Beracara Secara E-Court & E-Litigasi," Pengadilan Agama Lewoleba, March 17, 2022. Retrieved in July 23, 2025 from <https://pa-lewoleba.go.id/kepaniteraan-accord/prosedur-beracara/ecourt-elitigasi.html>.

Moreover, through the use of e-court, it is hoped that the Supreme Court of the Republic of Indonesia is also now on par with the Supreme Court of the United States, the Supreme Court of the United Kingdom, and the Supreme Court of Singapore, E-Syariah in Malaysia, PACER in the United States, E-Filing in Singapore and India, Electronic legal services in Canada and e-Case administration in Australia. See, Yordan Gunawan and Rizaldy Anggriawan, "E-Court: The Future of Commercial Dispute and the Quality of Judicial Processes in Indonesia," in *Handbook of Research on Disruptive Innovation and Digital Transformation in Asia* (Pennsylvania: IGI Global, 2021), 13. See also, Heni Rosida et al., "The Effectiveness of the Implementation of the E-Court Justice System and the Impact on Administrative Court in Indonesia," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 2 (2022): 259.

<sup>4</sup> Kadek Santiadi, "Expanding Access to Justice Through E-Court in Indonesia," *Prophetic Law Review* 1, no. 1 (2019): 76. See also, Mulyani Zulaeha, "E-Courts in Indonesia: Exploring the

It does not stop there. The Supreme Court continues to strive to develop and improve e-Court. On August 6, 2019, it issued PERMA Number 1 of 2019 concerning the Electronic Administration of Cases and Trials in Court, which revoked PERMA Number 3 of 2018 on Electronic Case Administration in Courts.<sup>5</sup> Initially, e-Court only consisted of three main features: case registration (e-Filing), payment of case fees (e-Payment), and submission of notices and summonses electronically (e-Summons). With the issuance of this regulation, the Supreme Court added the electronic trial feature (e-Litigation), which was launched on Monday, August 19, 2019, to coincide with the 74th Anniversary of the Supreme Court of the Republic of Indonesia.<sup>6</sup>

In the continued modernization of the judicial work system, a significant leap in 2019 was the launch of e-Litigation as the implementation of PERMA Number 1 of 2019 concerning Electronic Case Administration and Trials.<sup>7</sup> This marked a migration from manual to electronic systems, not only in case administration but also in trial practices. The electronic system is applied not only to case registration, payment of fees, and issuance of summonses, but also to the exchange of pleadings, submission of evidence, and electronic delivery of verdicts. Initially, the e-Court system was intended only for advocates as Registered Users. However, with the introduction of PERMA Number 1 of 2019, the e-Court has expanded to serve Other Users, including Prosecutors as State Attorneys, the Government Legal Bureau, the Military (*Tentara Nasional Indonesia* or TNI), the National Police, the Indonesian Prosecutor's Office, directors or employees appointed by legal entities, and incidental attorneys who are qualified as users of the Judicial Information System.<sup>8</sup>

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Opportunities and Challenges for Justice and Advancement to Judicial Efficiency,” *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 183.

<sup>5</sup> Vania Shafira Yuniar et al., “The Court Role in Providing E-court System Education to Community: Post-Enactment of Supreme Court Regulation Number 1 of 2019,” *Unifikasi: Jurnal Ilmu Hukum* 8, no. 1 (2021): 39.

<sup>6</sup> Furthermore, in accordance with the instructions of the Chief Justice of the Supreme Court on Friday, December 27, 2019, during the presentation of the Supreme Court's performance achievements at the 2019 Year-End Reflection event held at the Supreme Court Tower Building in Jakarta, e-Litigation has been implemented in all civil courts in Indonesia, particularly in Religious Courts, General Courts, and State Administrative Courts. According to the e-Court map, there is not a single e-Litigation service that is inactive. See, Mahkamah Agung Republik Indonesia, “Mulai 2 Januari 2020, Seluruh Masyarakat Bisa Menggunakan E-Litigasi,” *Mahkamah Agung*, December 27, 2019. Retrieved in July 23, 2025 from <https://www.mahkamahagung.go.id/id/berita/3944/mulai-2-januari-2020-seluruh-masyarakat-bisa-menggunakan-e-litigasi>. See also, Mukhtar and Tanto Lailam, “Accountability and Transparency of the Electronic Court and Litigation Systems in Indonesia,” *Jurnal Hukum Unissula* 39, no. 2 (2023): 157.

<sup>7</sup> Shafira Yuniar et al., “The Court Role in Providing,” 40.

<sup>8</sup> Pepy Nofriandi, “Ketua Mahkamah Agung, E-Litigasi, Redesain Praktek Peradilan Indonesia,” *Mahkamah Agung*, August 19, 2019. Retrieved in July 23, 2025 from <https://www.mahkamahagung.go.id/id/berita/3730/ketua-mahkamah-agung-e-litigasi-desain-praktek-peradilan-indonesia>.

However, after the Supreme Court evaluated the implementation of PERMA Number 1 of 2019 concerning the Electronic Administration of Cases and Trials in Court, there were still obstacles that needed improvement.<sup>9</sup> Therefore, on October 10, 2022, the Supreme Court of the Republic of Indonesia issued PERMA Number 7 of 2022 as an amendment to Supreme Court Regulation Number 1 of 2019 concerning the Electronic Administration of Cases and Trials in Court, which was then enforced on October 11, 2022.

The Malang City Religious Court, under the Supreme Court, is responsible for handling cases fairly and efficiently. Although it was not chosen as one of the 32 pilot courts for the Supreme Court's e-Court program, it actively supported and implemented the program.<sup>10</sup> The Malang City Religious Court began using e-Court services on December 1, 2018. By September 30, 2022, it had conducted 41 electronic trials (e-Litigation), more than the Malang Regency Religious Court, which handled only 27 cases, even though the regency court covers a wider area and handles more cases overall.<sup>11</sup>

Most studies on e-litigation in Indonesia focus on its technical use and general benefits in public courts.<sup>12</sup> However, few explore how it works in Religious Courts, especially before and after the issuance of PERMA Number 7 of 2022.<sup>13</sup> This is an

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<sup>9</sup> M. Beni Kurniawan, "Implementation of electronic trial (e-litigation) on the civil cases in Indonesia court as a legal renewal of civil procedural law," *Jurnal Hukum dan Peradilan* 9, no. 1 (2020): 50.

<sup>10</sup> Rozha Kamal Ahmed et al., "Impact of e-court systems implementation: a case study," *Transforming Government: People, Process and Policy* 15, no. 1 (2021): 108-128. See also, Zulaeha, "E-Courts in Indonesia," 184.

<sup>11</sup> This commitment was recognized when the Malang City Religious Court received a Charter of Appreciation from the Surabaya Religious High Court on December 9, 2019, for achieving the Best Expected Ranking in the e-Court Implementation Category. It also received the 2020 Supreme Court Award as the Eighth Best Court in the Implementation of Electronic Justice in the Class I A Religious Court category. Its strong performance and readiness in adopting digital justice services may also be influenced by Malang City's status as an educational center, where the public tends to have higher awareness and better access to technology. This demonstrates the court's commitment to innovation and to improving access to justice through digital services.

<sup>12</sup> Riyan Ramdani and Dewi Mayaningsih, "Urgensi Persidangan Secara Elektronik (e-Litigasi) dalam Perspektif Hukum Acara Peradilan Agama di Era Digitalisasi," *Jurnal Al-Ahwal Al-Syakhsyiyah* 2, no. 2 (2021): 124. See also, Indriati Amarini et al., "Digital Transformation: Creating an Effective and Efficient Court in Indonesia," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 269; Santiadi, "Expanding Access to Justice," 79; Zulaeha, "E-Courts in Indonesia," 185; Pratiwi et al., "The Application of E-Court," 43.

<sup>13</sup> Dian Latifiani et al., "Can Advocates' Legal Culture in Civil Law Enforcement Drive Reform in Indonesia's Modern Justice System?," *Journal of Law and Legal Reform* 5, no. 3 (2024): 913. See also, Hasyim Sofyan Lahilote et al., "Judicial Digitalization in Central Indonesia: A Study of E-Court and E-Litigation Implementation in Courts," *Syariah Jurnal Hukum Dan Pemikiran* 24, no. 2 (2024): 317;

important gap because Religious Courts handle civil cases such as marriage and inheritance disputes based on Islamic law. These cases need different procedures and cultural approaches.<sup>14</sup>

Some research supports e-litigation for modernizing courts. However, it does not discuss the challenges faced by Religious Courts, such as low usage and resistance due to culture.<sup>15</sup> For example, in 2019, only 0.13% of cases at the Kendal Religious Court and 0.1% at the Pemalang Religious Court used e-litigation.<sup>16</sup> In other places, such as Bitung (0.54%) and Praya (0.23%), adoption was also low because of poor infrastructure and low digital literacy.<sup>17</sup>

Other studies explain the benefits of e-court systems, including more transparency and easier access. However, they do not discuss the impact of PERMA Number 7 of 2022, which removed the requirement for the defendant's consent.<sup>18</sup> This change is important because the earlier rule made it harder to

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Mukhtar and Lailam, "Implementasi Peradilan Elektronik Pada Pengadilan Negeri Dan Agama di Daerah Istimewa Yogyakarta," *Masalah-Masalah Hukum* 53, no. 1 (2024): 45; Eti Yusnita and Muhammad Toriq, "Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts," *Nurani* 24, no. 2 (2024): 506; Azhar Alam et al., "Identifying Problems and Solutions of the E-Court System of Religious Courts in Indonesia: An Analytic Network Process Study," *UUM Journal of Legal Studies* 15, no. 2 (2024): 647.

<sup>14</sup> Dian Latifiani et al., "The Revitalizing Indonesia's Religious Courts System: The Modernization Impacts and Potentials of E-Court," *Jurnal Hukum Unisula* 40, no. 1 (2024): 5. See also, 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 (2021): 157; Ida Gede Ayu Agung Gde Putri Dinar et al., "Effectiveness of the Parties-Written-Approval Requirement for Conducting Electronic Litigation Through the E-Court System in Indonesia," *Journal of Legal, Ethical and Regulatory Issues* 24, no. 1 (2021): 4; Djamaludin et al., "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* 12, no. 3 (2023): 6.

<sup>15</sup> Sigid Susanto, "E-Court as the Prevention Efforts Against the Indonesia Judicial Corruption," *Yustisia* 9, no. 1 (2020): 120. See also, Amarini et al., "Digital Transformation: Creating an Effective," 269; Zulaeha, "E-Courts in Indonesia," 186; Santiadi, "Expanding Access to Justice," 83; Pratiwi et al., "The Application of E-Court," 44; Lahilote et al., "Judicial Digitalization in Central Indonesia," 319.

<sup>16</sup> Latifiani et al., "Revitalizing Indonesia's Religious Courts System," 4.

<sup>17</sup> Dian Latifiani et al., "Implementation of Simple, Fast and Low-Cost Principles in E-Summons with the E-Court System," *Diponegoro Law Review* 8, no. 1 (2023): 111. See also, Lahilote et al., "Judicial Digitalization in Central Indonesia," 322.

<sup>18</sup> Irina A. Gronic, "On some aspects of case management in electronic courts of Indonesia," In *New Technology for Inclusive and Sustainable Growth: Technological Support, Standards and Commercial Turnover* (Singapore: Springer Singapore, 2022), 195. See also, Odi Jarodi et al., "From Fragmentation to Coherence: Enhancing Human Resource Capacity in Indonesian Law Reform for Effective Justice Delivery," *Journal of Law and Legal Reform* 5, no. 4 (2024): 2072; Maulidi Hilal et al., "Transforming Human Resources: The Key to Revolutionizing Indonesian Legal Reform and Justice System Efficiency," *Journal of Law and Legal Reform* 5, no. 3 (2024): 1471; Retnaningsih et al., "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018," 128.

expand the use of e-litigation.<sup>19</sup> In addition, research on general and administrative courts talks about legal inconsistencies and infrastructure problems. However, they do not look at the special legal and social conditions in Religious Courts.<sup>20</sup> Some studies also discuss how e-courts improve public service and efficiency but do not compare the situation before and after PERMA Number 7 of 2022.<sup>21</sup>

This study fills that gap by looking at how effective e-litigation is in the Malang City Religious Court. It uses Soerjono Soekanto's theory of legal effectiveness, which includes legal rules, enforcement, facilities, society, and culture.<sup>22</sup> Unlike earlier studies, this research focuses on the shift from PERMA Number 1 of 2019 to Number 7 of 2022 and looks at issues such as digital literacy, legal habits, and infrastructure. These topics have not been widely studied in Religious Courts.<sup>23</sup>

This study aims to examine the problems faced by the Malang City Religious Court by looking at two periods: before PERMA Number 7 of 2022 was issued and two years after it came into effect. The research offers a clearer understanding and adds to the discussion about digital reform in the judiciary based on earlier studies.<sup>24</sup> The purpose is to determine whether the regulation has brought any changes in its application at the Malang City Religious Court. This study also aims to identify the differences and obstacles faced by the court in implementing electronic trials (e-Litigation), how those challenges are addressed, and to assess the effectiveness of PERMA Number 1 of 2019 in conjunction with PERMA Number 7 of 2022 in resolving cases through electronic trials.<sup>25</sup> Therefore, the focus of this study is to discuss the effectiveness of PERMA Number 1 of 2019 jo.

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<sup>19</sup> Parulian Lumbantoruan et al., "E-Mediation in E-Litigation Stages in Court," *JL Pol'y & Globalization* 108 (2021): 69. See also, Latifiani et al., "Can Advocates' Legal Culture," 917; Dinar et al., "Effectiveness of the Parties-Written-Approval," 5; Retnaningsih et al., "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018," 130; Lahilote et al., "Judicial Digitalization in Central Indonesia," 326.

<sup>20</sup> Ayu Putrijanti and Krisna Cipta Samodra Wibawa, "Indonesia Administrative E-Court Regulation Toward Digitalization and E-Government," *Jurnal Ius Kajian Hukum Dan Keadilan* 9, no. 1 (2021): 21. See also, Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 47.

<sup>21</sup> Zulfia Hanum Alfi Syahr et al., "The Bailiff's Services in the Electronic Judicial Era in Indonesia," *Transforming Government: People, Process and Policy* 17, no. 3 (2023): 317. See also, Yusnita and Toriq, "Embracing E-Court Innovation," 508; Latifiani et al., "The Revitalizing Indonesia," 7.

<sup>22</sup> Soerjono Soekanto, *Sosiologi Hukum Dalam Masyarakat* (Jakarta: CV. Rajawali, 1988), 10. See also, Latifiani et al., "Implementation of Simple," 109.

<sup>23</sup> Muhamad Iqbal Susanto and Wawan Supriyatna "Creating an Efficient Justice System with E-Court System in State Court and Religious Court of Rights," *International Journal of Arts and Social Science* 3, no. 3 (2020): 361. See also, Alam et al., "Identifying Problems and Solutions," 647.

<sup>24</sup> Latifiani, "Human Attitude and Technology," 164. See also, Hilal et al., "Transforming Human Resources," 1475.

<sup>25</sup> Nasaritha Randithia Permata, "Ecourt Application and Litigation in Perma Number 7 Of 2022 On Electronic Case and Trial Administration (PA Pasuruan Year 2022)," *Journal of Law, Politic and Humanities* 4, no. 3 (2024): 310.

PERMA Number 7 of 2022 in the implementation of e-Litigation in case settlement at the Malang City Religious Court.

## 2. Research Methods

This study employs an empirical-juridical research design, which examines the implementation of normative legal provisions in social practice, specifically focusing on the application of Supreme Court Regulations (PERMA) Number 1/2019 and Number 7/2022 on electronic case administration and trials (e-litigation) at the Malang City Religious Court.<sup>26</sup> The empirical-juridical approach integrates legal analysis with empirical observations to assess the alignment between legal norms and their practical outcomes in the context of judicial modernization.<sup>27</sup> Data were collected through semi-structured interviews with court officials (judges and registrars) and litigants, direct observations of e-litigation processes conducted in September 2022 and January 2025, and analysis of court documents, including case statistics and procedural records. The study adopts an inductive reasoning method, deriving conclusions from empirical findings to evaluate the effectiveness of e-litigation based on Soerjono Soekanto's legal effectiveness theory.<sup>28</sup> The qualitative data were analyzed using a thematic approach to find patterns in the challenges and results of implementation. The focus was on key rules, such as Article 20 of PERMA Number 7 of 2022, which requires electronic trials for cases filed through e-Court, and how this rule connects with broader judicial principles under Law Number 48 of 2009 on Judicial Power. This method helps provide a clear and complete picture of how legal, social, and infrastructure factors affect the success of e-litigation in solving civil cases at the Malang City Religious Court.<sup>29</sup>

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<sup>26</sup> Ni Ketut Ragawati et al., "Implementation of Supreme Court Regulation No 7 of 2022 concerning electronic case administration and court proceedings at The Denpasar District Court," *Indonesian Journal of Multidisciplinary Science* 3, no. 11 (2024): 3. See also, Asriani and Prodip Kumar, "Sharia Economic Dispute Resolution During Covid-19 Pandemic," *Al-Adalah* 18, no. 2 (2021): 364.

<sup>27</sup> Dedi Putra, "A Modern Judicial System in Indonesia: Legal Breakthrough of E-Court and E-Legal Proceeding," *Jurnal Hukum dan Peradilan* 9, no. 2 (2020): 278. See also, Bambang Waluyo, *Penelitian Hukum dalam Praktek* (Jakarta: Sinar Grafika, 2002), 15.

<sup>28</sup> Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: PT Raja Grafindo Persada, 2008), 21. See also, Jarodi et al., "From Fragmentation to Coherence," 2069; Gronic, "On Some Aspects of Case Management," 199; Susanto, "E-Court as the Prevention Efforts," 115.

<sup>29</sup> Abd Harris and Hani Ridho Nasution, "Implementation of Civil Procedural Law E-litigation in Justice System in Indonesia (Study in District Court in North Sumatra Region)," *DE LEGA LATA: Jurnal Ilmu Hukum* 7, no. 2 (2022): 248. See also, Dinar et al., "Effectiveness of the Parties-Written-Approval," 5. See also, Asriani and Kumar, "Sharia Economic Dispute Resolution," 368.

### 3. Results and Discussion

#### 3.1. Implementation of e-Litigation Before and After PERMA Number 7 of 2022

The Malang City Religious Court has embraced electronic litigation, known as e-Litigation, as part of Indonesia's judicial modernization efforts.<sup>30</sup> E-Litigation aligns with the principles of simplicity, speed, and low cost outlined in Article 2 of Law Number 48/2009 on Judicial Power. It allows trial documents like replicas, duplicates, answers, and conclusions to be submitted electronically through the e-Court application. This study examines the implementation of e-Litigation at the Malang City Religious Court by comparing two periods: before and after the issuance of PERMA Number 7/2022, which amended PERMA Number 1/2019. Research was conducted through interviews and observations in September 2022 (before PERMA Number 7/2022) and January 2025 (two years after PERMA Number 7/2022 became effective). The findings highlight procedural changes, case statistics, and shifts in implementation due to regulatory updates, providing a clear picture of e-Litigation's evolution.<sup>31</sup>

Electronic Trial or Online Trial, commonly referred to as e-Litigation, is part of the implementation of the principles of simple, fast, and low-cost justice as stated in Article (2) of Law Number 48 of 2009 concerning Judicial Power.<sup>32</sup> It is currently accommodated as one of the e-Court services, which serves as a supporting application for electronic trials (e-Litigation), allowing trial documents such as Replications, Duplications, Answers, and Conclusions to be submitted electronically.<sup>33</sup>

With the change in the legal basis regulating the application of e-Litigation, the implementation of electronic trials (e-Litigation) in case settlements at the Malang

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<sup>30</sup> Gracious Kesuma Prinstama Perangin Angin and Triana Dewi Seroja, "Justice Modernization in the Digital Divide of Indonesian Society: A Challenge," *Awang Long Law Review* 6, no. 1 (2023): 210. See also, Putrijanti and Wibawa, "Indonesia Administrative E-Court," 29; Yusnita and Toriq, "Embracing E-Court Innovation," 509; Jarodi et al., "From Fragmentation to Coherence," 2077; Gronic, "On Some Aspects of Case Management," 191; Susanto, "E-Court as the Prevention Efforts," 112; Jarodi et al., "From Fragmentation to Coherence," 2075; Djamaludin et al., "Assessing the Impact of Electronic," 10; Ramdani and Mayaningsih, "Urgensi Persidangan Secara Elektronik (e-Litigasi)," 126.

<sup>31</sup> Muhammad Amjad Adhyaksa Arifin et al., "Realizing Progressive Law through E-Courts in Indonesian Civil Procedure Law: A Comparative Study," *Pakistan Journal of Life & Social Sciences* 23, no. 1 (2025): 464.

<sup>32</sup> Rio Marshel Sahertian, "Analysis of Law-Making No. 48/2009 on Judicial Power using Jutidic, Sociological, and Philosophical Analysis," In *Proceeding International Conference Restructuring and Transforming Law* (February 29, 2024), 250. See also, Zulaeha, "E-Courts in Indonesia," 191; Waluyo, *Penelitian Hukum dalam Praktek*, 19.

<sup>33</sup> Rozha Kamal Ahmed et al., "Impact of E-Court Systems Implementation: A Case Study," *Transforming Government: People, Process and Policy* 15, no. 1 (2021): 111.

City Religious Court has also evolved. Therefore, the author will discuss and analyze this comprehensively by examining the situation both before the issuance of PERMA Number 7 of 2022 based on research conducted through interviews and observations at the Malang Religious Court in September 2022 and after the issuance of PERMA Number 7 of 2022 through further interviews and observations conducted in January 2025, approximately two years after the regulation became effective.<sup>34</sup>

To discuss the implementation of e-Litigation before the issuance of PERMA Number 7 of 2022 (which amended PERMA Number 1 of 2019), Chafidz Syafiuddin (interviewed on October 3, 2022), Registrar of the Malang City Religious Court (2020–2023 period), explained that the pre-trial stage is the second phase typically carried out once a case has been registered by the court, following the Electronic Case Acceptance stage.<sup>35</sup>

Regarding the trial stage, Achmad Suyuti, Judge of the Malang City Religious Court (2020–2024 period), who has frequently handled electronic cases, stated that e-Litigation can be applied as long as both parties agree to proceed electronically. The key element is the Defendant's consent, as the Plaintiff has already provided legal consent during the electronic case registration.<sup>36</sup> Once the Defendant gives consent, both parties (the Plaintiff/Applicant and the Defendant) can agree to conduct the trial electronically.<sup>37</sup> This includes all stages of case resolution, starting from the first trial, mediation, responses, evidentiary submissions, and conclusions, up to the issuance of the verdict which all is carried out electronically.<sup>38</sup>

According to Chafidz, after approximately three years of the enactment of PERMA Number 1 of 2019, the implementation of e-Court at the Malang City Religious Court has gradually increased, including in electronic trials (e-Litigation). However, in practice, some aspects of electronic trial administration are still occasionally overlooked. For example, uploading documentary evidence,

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<sup>34</sup> Donald R. Songer and Susan J. Tabrizi, "The religious right in court: The decision making of Christian evangelicals in state supreme courts," *The Journal of Politics* 61, no. 2 (1999): 536. See also, Hilal et al., "Transforming Human Resources," 1472.

<sup>35</sup> Juliani Paramitha Yoesuf et al., "Strengthening the Implementation of E-Court-Based Judiciary as a Legal Protection in the Implementation of E-Litigation-Based Trials," *Jurnal Hukum dan Peradilan* 12, no. 2 (2023): 306.

<sup>36</sup> Dwi Wahyu Nur Prapti et al., "Effectiveness of Case Registration Services via the E-Court Application in Resolving Cases at the Cibinong Religious Court," *Mizan: Journal of Islamic Law* 8, no. 1 (2024): 83. See also, Waluyo, *Penelitian Hukum dalam Praktek*, 15; Santiadi, "Expanding Access to Justice," 79.

<sup>37</sup> Yahya Yunus, "Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate," *Law and Justice* 9, no. 1 (2024): 140. See also, Pratiwi et al., "The Application of E-Court," 42.

<sup>38</sup> Nahliya Purwantini, "Penerapan E-Litigasi Terhadap Keabsahan Putusan Hakim Di Pengadilan Agama Menurut Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Secara Elektronik," *Dinamika* 27, no. 8 (2021): 1123.

conclusions, and the court calendar are often used only up to the trial and response stages. In reality, the trial continues in accordance with the procedural law applicable to face-to-face hearings. Furthermore, PERMA Number 1 of 2019 governs case administration and electronic trials. Therefore, if there are administrative irregularities during the trial process that do not violate procedural law and the trial proceeds in line with applicable rules, then the trial examination and the verdict will not be declared null and void by law.<sup>39</sup>

At the Malang City Religious Court, most litigants, especially Registered Plaintiffs (Advocates), have registered their cases via e-Court. Moreover, an increasing number of cases are being heard electronically (e-Litigation), as the parties have truly experienced the benefits of litigating electronically.<sup>40</sup> The process is simpler, the costs are lower, and case resolution is faster. Additionally, it offers a high degree of transparency.

After the issuance of PERMA Number 7 of 2022, which amended PERMA Number 1 of 2019, further research was conducted through interviews and observations at the Malang Religious Court in January 2025, approximately two years after the regulation came into effect. Following the amendment of PERMA Number 1 of 2019 by PERMA Number 7 of 2022 and the issuance of the Decree of the Supreme Court of the Republic of Indonesia Number 363/KMA/SK/XII/2022, subsequently followed by the enactment of the Decree of the Director of Religious Justice Administration Development of the Supreme Court of the Republic of Indonesia, Decree Number 1465/DJA/HK.05/SK/IX/2023, which serves as a guideline for the implementation of case administration in the electronic religious judiciary environment, the implementation of electronic trials (e-Litigation) in Religious Courts has also undergone changes in accordance with the latest regulations.<sup>41</sup> Therefore, the Malang Religious Court, as one of the Religious Court Work Units, must comply with these new regulations, particularly those related to the stages of trial proceedings.<sup>42</sup>

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<sup>39</sup> I. Gede AB Wiranata and Tisnanta HS Tisnanta, "Small Claims in Indonesia: Fundamental Problems and Way Forward," *Hong Kong Journal of Social Sciences* 59, no. 1 (2022): 207.

<sup>40</sup> Otong Rosadi et al., "Padang Advocates' Perception Toward the Implementation of E-Court Policy as Efficiency Effort in Law Enforcement," *Palarch's Journal of Archaeology of Egypt/Egyptology* 17, no. 6 (2020): 7091. See also, Junianto James Losari, "Geography Has Little Impact: A Comparative Study on the Role of Judges in Singapore and Indonesia in the Taking of Evidence in Civil Proceedings," *Asia Pacific Law Review* 32, no. 1 (2024): 191.

<sup>41</sup> Miftahus Sholehudin and Hartika Nurfaizah, "Legal defect of verstek decision with invalid and proper summons in the context of Civil Procedure Law," *Al-Bayyinah* 7, no. 2 (2023): 252. See also, Yoesuf et al., "Strengthening the Implementation," 307.

<sup>42</sup> Aristo Evandy A. Barlian et al., "Electronic Criminal Justice in Indonesia: Challenges and the Future Measures," *Jambura Law Review* 7, no. 1 (2025): 245. See also, Aristo Evandy A. Barlian

Nurul Maulidah, Chairperson of the Malang City Religious Court, explained that in the pre-trial stage following the issuance of PERMA Number 7 of 2022, most procedures remain the same as those under PERMA Number 1 of 2019. These include the Chairman or Deputy Chairman assigning the Panel of Judges, the Registrar appointing the Clerk of the Trial, and the Registrar appointing a Bailiff or Substitute Bailiff for both ordinary and simple lawsuit cases. However, there are two significant differences: the determination of the trial date by the Chairman of the Panel or Judge, and the method of summons by the bailiff.<sup>43</sup>

As in the example of case Number 1372/Pdt.G/2024/PA.MLG, the defendant was summoned by registered mail. The use of registered mail for summons is regulated by the Supreme Court Circular Letter Number 1 of 2023 concerning Procedures for Summons and Notification by Registered Mail.<sup>44</sup>

Furthermore, according to Nurul, it is important to note that, as with PERMA Number 1 of 2019, there remain two main conditions that must be fulfilled for a case to be heard electronically (e-Litigation).<sup>45</sup> First, the case must be a civil case. Second, it must be registered electronically through the e-court system. This is because all activities and instruments related to electronic litigation are conducted through the e-court application, which is limited to civil cases only. Therefore, electronic trials do not apply to cases registered through conventional means that are not included in the e-court database.<sup>46</sup>

Nurul further stated that the implementation of electronic trials (e-Litigation) in case resolution has helped the court realize a clean and serving bureaucratic area.<sup>47</sup> This is especially evident in terms of information transparency and the ability to provide excellent service by upholding the principles of simplicity, speed, and low cost as the benefits directly felt by litigating parties. From the initial stage of case registration through e-Court, users can already experience convenience due to

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et al., "The Digital Transformation of Criminal Justice: A Comparative Examination of Indonesia's E-Court System and Global Best Practices," *Lex Scientia Law Review* 9, no. 1 (2025): 1502.

<sup>43</sup> Konstantin Büchel et al., "Automated assignment of judges to court panels: principles and empirical findings based on the Swiss Federal Administrative Court," *Revue française d'administration publique* 184, no. 4 (2022): 1008.

<sup>44</sup> Ahmad Faiz Shobir Alfikri and M. Azam Rahmatullah, "Interfaith Marriage from a Legal Justice Perspective After the Supreme Court's (SEMA) 2023 Circular Letter," *Alauddin Law Development Journal* 6, no. 1 (2024): 98.

<sup>45</sup> Michael Gerry and Rina Elsa Rizkiana, "Good Governance Implementation by PERMA 1/2019 in Letter Evidence Submission Regulation for E-Litigation Cases," *The Digest: Journal of Jurisprudence and Legisprudence* 4, no. 1 (2023): 47.

<sup>46</sup> Herliana, "How Judiciary Supports Contract Law Enforcement: Indonesian Experience," *Jurisdictie: Jurnal Hukum dan Syariah* 13, no. 2 (2022): 146.

<sup>47</sup> Lisnawatie Lisnawatie, "The Effectiveness of Electronic Court Proceedings Implementation in the Jurisdiction of the Palangkaraya Religious High Court," *Journal of Public Administration Science: Policy Dynamics Public Services and Bureaucracy Transformation* 2, no. 1 (2025): 32.

a very straightforward process.<sup>48</sup> As noted by Happy, a Registrar at the Malang City Religious Court, the continuation of the e-Litigation process also follows a simpler flow. In addition, Rio Hartoyo, an advocate who has handled several cases electronically at the court, explained that electronic trials significantly accelerate proceedings and save time, making case resolution faster and more efficient. Another user, Santi Maria Ulfa, shared that she greatly benefited from the advantages of e-Litigation. One major benefit, she noted, is the reduced cost of litigation, which she believes is a crucial need for justice seekers both advocates and non-advocates alike.

The implementation of e-Litigation at the Malang City Religious Court, both before and after PERMA Number 7 of 2022, shows clear progress in following the principles of simplicity, speed, and low cost, as stated in Article 2 of Law Number 48 of 2009. Before 2022, e-Litigation adoption was still low. Previous research explained that this was due to resistance to change, weak infrastructure, and low digital literacy.<sup>49</sup> For example, Latifiani<sup>50</sup> reported that e-Litigation usage was only 0.13% in Kendal and 0.1% in Pemasang. Malang had a slightly higher rate at 2.69%, but most people still preferred traditional methods under PERMA Number 1 of 2019, which required both parties' agreement.

These studies also found problems like limited understanding of the system and unclear procedures, especially in areas like evidence checking, which was still done manually.<sup>51</sup> Malang also faced difficulties with uploading documents and handling trials electronically during this early phase. After PERMA Number 7 of 2022 came into effect, improvements followed. The requirement for the defendant's consent was removed, and summons procedures were made simpler. As a result, Malang reached 100% e-Litigation use by 2025. This progress is in line

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<sup>48</sup> William Edward Sibarani, "Modern Justice: Indonesia's Supreme Court's Challenges to Uphold Fair Trial Principles Through Digitalization," *Bravijaya Law Journal* 10, no. 1 (2023): 106. See also, Andriati et al., "Justice on Trial," 920.

<sup>49</sup> Evans, Mark I., and David W. Britt. "Resistance to change." *Reproductive Sciences* 30, no. 3 (2023): 835-853. See also, Latifiani et al., "Can Advocates' Legal Culture," 920; Lahilote et al., "Judicial Digitalization in Central Indonesia," 327; Putra, "A Modern Judicial System in Indonesia," 280; Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 50.

<sup>50</sup> Zil Aidi, "E-litigation as the Amenities for the Principle of Contante Justitie Manifestation of Civil Jurisdiction in Indonesia" *Jurnal Cendekia Hukum* 6, no. 2 (2021): 214. See also, Latifiani, "Human Attitude and Technology," 165.

<sup>51</sup> Fikri Hi Asnawi Amiruddin and Sofyan AP Kau, "Penerapan Administrasi Perkara Elektronik (E-Court) Dan Pemeriksaan Perkara Secara Elektronik (E-Litigasi) di Pengadilan Agama (Studi Kasus Di Pengadilan Agama Gorontalo)," *AS-SYAMS* 3, no. 1 (2022): 104. See also, Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 48; Yusnita and Toriq, "Embracing E-Court Innovation," 510; Latifiani et al., "Implementation of Simple," 113; Pratiwi et al., "The Application of E-Court," 41.

with the findings in previous studies, which showed that courts became more transparent and efficient.<sup>52</sup>

### 3.2. Challenges and Responses in Adopting E-Litigation

Electronic Litigation (e-Litigation) after the issuance of PERMA Number 7 of 2022 is significantly different from PERMA Number 1 of 2019, which still required the consent of both parties, especially the Defendant.<sup>53</sup> Under PERMA Number 7 of 2022, the Defendant's consent is no longer required to conduct an electronic trial (e-Litigation). In accordance with Article 20 paragraph 1 of this PERMA, it states that “cases registered electronically are heard electronically,” and Article 20 paragraph 3 further explains that “In the event that the Defendant does not agree that the trial is conducted electronically, hard copies and soft copies of answers, duplicates, and conclusions are submitted to the trial clerk no later than before the scheduled hearing to be uploaded into the information system,” which is known as Hybrid.

Based on PERMA Number 7 of 2022, it is clear that the Supreme Court of the Republic of Indonesia is highly committed to developing e-Courts as part of judicial reform toward a modern judiciary.<sup>54</sup> This initiative aims to provide justice that is simple, fast, low-cost, transparent, and accountable. The implementation of electronic trials (e-Litigation) in case resolution at the Malang City Religious Court, which has adopted e-Court since the end of 2018 and e-Litigation since the end of 2019, has brought various benefits directly felt by both the court and the parties involved.<sup>55</sup>

However, despite these benefits, the implementation of e-Litigation under PERMA Number 1 of 2019 still has many shortcomings that need to be addressed. As the e-Court system is still in development, continuous monitoring and evaluation are necessary to achieve optimal performance. Additionally, human

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<sup>52</sup> Iqbal Juliansyah et al., “Effectiveness of E-Court-Based Services in Resolving Civil Cases at the Sukadana District Court,” *Istinbath: Jurnal Hukum* 21, no. 02 (2024): 9. See also, Gerry and Rizkiana, “Good Governance Implementation,” 42; Djamaludin et al., “Assessing the Impact of Electronic,” 6; Zulaicha, “E-Courts in Indonesia,” 188; Latifiani, “Human Attitude and Technology,” 168; Retnaningsih et al., “Pelaksanaan E-Court,” 130; Pratiwi et al., “The Application of E-Court,” 40.

<sup>53</sup> Zulqisthi Hasbi Kawu et al., “Eksistensi Pemeriksaan Perkara Secara Elektronik (E-Court) Dalam Mewujudkan Asas Peradilan Yang Cepat, Sederhana, Dan Biaya Ringan,” *Journal of Lex Philosophy* 4, no. 2 (2023): 428. See also, Gerry and Rizkiana, “Good Governance Implementation,” 54.

<sup>54</sup> Simon Butt and Nicholas Parsons, “Judicial review and the Supreme Court in Indonesia: a new space for law,” *Indonesia* 97, no. 21 (2014): 65.

<sup>55</sup> Laily Rahma Agustina et al., “Innovation of Public Service E-Court of Bojonegoro Religious Court: Study Case of Divorce Case,” *Journal of Management and Administration Provision* 4, no. 3 (2024): 359.

resource factors play a significant role in the effectiveness of e-Court implementation at the Malang City Religious Court. Several challenges and obstacles were identified based on an interview with Chafidz (interview conducted on October 3, 2022).<sup>56</sup>

The first is that e-litigation does not have a fixed procedure. There is no standard infrastructure model, and the current regulations still rely on the principle of consensualism (agreement of the parties) in the use of litigation procedures.<sup>57</sup> This means that there is no explicit compulsion for the parties to use the e-litigation trial procedure. Even Book II of the Guidelines for the Implementation of Duties and Administration of Religious Courts, which is currently still in force, does not yet include material related to electronic trials (e-litigation).

The second is that e-litigation cannot be fully optimized because the basic regulations still refer to HIR/RBg and other procedural laws scattered across various laws and regulations. Many stakeholders still do not understand the operationalization of Supreme Court Regulation Number 1 of 2019.<sup>58</sup> In general, the case administration process still uses a conventional system with some adjustments to the electronic system. For example, during the witness examination stage, witnesses are still required to appear in court for direct examination, and documentary evidence must still be submitted physically with affixed stamps. This is because judges continue to emphasize the importance of transparency at the evidentiary stage and still require original documents to verify them against the digital versions uploaded by the parties.<sup>59</sup>

The third is that there are still many stakeholders, namely court officials and litigants, both advocates and non-advocates, who do not understand the operationalization of Supreme Court Regulation Number 1 of 2019 and are even

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<sup>56</sup> Hafizh Daffa Setiawan et al., "E-Court Paradigm Shift: Problems of Legitimacy Mechanisms of Electronic Evidence in State Administrative Procedure Law," *Indonesian State Law Review* 6, no. 1 (2023): 54. See also, Andriati et al., "Justice on Trial," 919; Ahmed et al., "Impact of E-Court Systems Implementation," 117.

<sup>57</sup> Rini Hairul Ummah and Muh Risnain, "Implementation of Electronic Court Administration and Trials (E-Litigation) at the Giri Menang Religious Court," *Lex Journal: Kajian Hukum dan Keadilan* 5, no. 1 (2021): 294. See also, Herliana, "How Judiciary Supports Contract Law Enforcement" 151.

<sup>58</sup> Putri Purnama and Fransiscus M. Nelson, "Penerapan E-Court Perkara Pidana Sebagai Salah Satu Upaya Terwujudnya Integrated Judiciary dalam Sistem Peradilan Pidana di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 1 (2021): 97.

<sup>59</sup> Marlinang Diarta Siburian et al., "The progression of clinical trials in Indonesia: an observational study of records from clinical trial registries databases." *Global Health Journal* 4, no. 3 (2020): 90. See also, Ragawati et al., "Implementation of Supreme Court Regulation," 3; Büchel et al., "Automated assignment of judges," 1010.

still confused about how to operate the e-Court application itself.<sup>60</sup> In general, the case administration process still relies on a conventional system with adjustments to the electronic system and often still requires the important role of an admin or operator to assist in operating the e-Court application.

The fourth is that the electronic trial is also constrained by issues of evidence, namely that the Malang City Religious Court still does not fully implement all stages of electronic evidence. Specifically, during the trial stages of examining evidence and witnesses, the Panel of Judges often orders the parties to attend the trial in person, bringing written evidence and presenting witnesses. This is because the Panel of Judges believes that evidence has a very important and sacred role in establishing the facts of the case, enabling the judges to reach full confidence in accepting and considering the written evidence and witness statements presented. In addition, judges often find that the written evidence uploaded to the e-Court system is not accessible or clearly readable.<sup>61</sup>

Also, there are many parties, both Advocates and Non-Advocates, whose understanding is still lacking regarding documents uploaded on e-Court, from the registration stage to the e-litigation trial stage. It can be seen that there are still many documents uploaded with poor quality, and some are even unreadable or incomplete because they are only taken using perfunctory mobile phone photos.<sup>62</sup>

Moreover, due to the lack of understanding among the parties in following the rules of the electronic trial, they often assume that new documents can be uploaded at the time listed on the specified trial schedule. In fact, the presiding judge, at the beginning of the trial, has already provided instructions and explained that documents must be uploaded before the trial time. The time listed on the schedule is actually the deadline for uploading documents. After that point, the portal or document upload menu on the parties' accounts becomes locked and closed.<sup>63</sup>

The findings showed that the use of e-Litigation in Indonesia's Religious Courts, based on PERMA Number 1 of 2019, offers a new way to handle court processes more efficiently. Courts in cities like Malang, Kendal, and Semarang have

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<sup>60</sup> Heru Setiawan et al., "Digitalization of Legal Transformation on Judicial Review in the Constitutional Court," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 263. See also, Pratiwi et al., "The Application of E-Court," 56; Wiranata and Tisnanta, "Small Claims in Indonesia," 209; Losari, "Geography Has Little Impact," 193.

<sup>61</sup> Muhammad Nur Hussein Wahyudin et al., "Ratio Decidendi Judge's Decision in Case Cancellation Marriage: Antinomy between Justice and Legal Certainty at the Cibinong Religious Court," *Indonesian Cyber Law Review* 2, no. 2 (2025): 69. See also, Putra, "A Modern Judicial System in Indonesia," 287; Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 57.

<sup>62</sup> Hasanul Mulkan et al., "Legality of E-Court in the Legal Reform towards a Judicial System with Legal Certainty," *Jurnal Pembaharuan Hukum* 11, no. 3 (2024): 612.

<sup>63</sup> Nuarta et al., "Pengaturan Persidangan Pidana secara Elektronik dalam Perspektif Peradilan Modern," *Kertha Wicaksana* 18, no. 1 (2024): 40. See also, Purwantini, "Penerapan E-Litigasi Terhadap Keabsahan," 1125.

started to adopt this system. However, its implementation still faces many serious problems. One major issue is the lack of clear and uniform procedures. This is made worse by the use of outdated rules such as HIR/RBg and by the requirement for parties to agree before using e-Litigation. These rules create confusion and make it hard to apply e-Litigation in every case.<sup>64</sup> A new legal system that clearly supports e-Litigation is needed to reduce these problems.<sup>65</sup>

Another important challenge is the lack of digital skills. Many judges, court staff, lawyers, and users do not fully understand how to use the e-Court system. They find it hard to register, upload documents, or follow procedures.<sup>66</sup> To fix this, more training and awareness programs must be provided for all parties.<sup>67</sup> Technology problems also make the system difficult to use. People often upload documents with poor quality, such as blurry or unreadable photos. The e-Court system itself is not always easy to use. Internet connections are often weak, and the equipment in many courtrooms is not good enough to support online trials.<sup>68</sup> Better internet, modern devices, and simpler systems are needed to make e-Litigation work well.<sup>69</sup>

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<sup>64</sup> Fahim Achmad Rizaldi and P. L. Tobing, "Titik Singgung Penggabungan Gugatan dengan Gugatan Kelompok," *UNES Law Review* 6, no. 2 (2023): 7707. See also, Gronic, "On Some Aspects of Case Management," 194; Retnaningsih et al., "Pelaksanaan E-Court," 133; Latifiani et al., "The Revitalizing Indonesia's," 9; Dinar et al., "Effectiveness of the Parties," 3.

<sup>65</sup> Rian Saputra et al., "Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 245. See also, Setiawan et al., "E-Court Paradigm Shift: Problems," 55; Putrijanti and Wibawa, "Indonesia Administrative E-Court," 25; Setiawan et al., "Digitalization of Legal," 264.

<sup>66</sup> Della Amelia Ulfanora and Hendra A. Aziz, "Penerapan Persidangan Secara Elektronik di Pengadilan Negeri Sumatera Barat," *Jurnal Hukum Bisnis Bonum Commune* 5, no. 1 (2022): 85. See also, Hilal et al., "Transforming Human Resources," 1480; Jarodi et al., "From Fragmentation to Coherence," 2078; Amarini et al., "Digital Transformation: Creating an Effective," 270; Latifiani, "Human Attitude and Technology," 169.

<sup>67</sup> Enya Dryland and Hisar Siregar, "The Impact of Technology Developments on Legal Practice: Challenges for Advocates in the E-Court Era," *Golden Ratio of Data in Summary* 5, no. 1 (2025): 20. See also, Latifiani, "Human Attitude and Technology," 173; Mukhtar and Lailam, "Accountability and Transparency," 160; Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 49.

<sup>68</sup> Sumarwoto Sumarwoto et al., "Implementasi E-Court Dalam Meningkatkan Efisiensi Proses Peradilan (Studi Kasus Pada Pengadilan Agama Sragen)," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 1 (2025): 889. See also, Purnama and Nelson, "Penerapan E-Court Perkara Pidana," 100; Latifiani et al., "Implementation of Simple," 115; Pratiwi et al., "The Application of E-Court," 45; Susanto, "E-Court as the Prevention Efforts," 119; Amarini et al., "Digital Transformation: Creating an Effective," 272; Latifiani, "Human Attitude and Technology," 172.

<sup>69</sup> I. Gusti Ayu Ketut Rachmi Handayani et al., "Optimizing the Role of Information and Communications Technology within the State Administrative Court Environment," *Jurnal Media Hukum* 32, no. 1 (2025): 83.

Handling evidence is also a challenge. Many judges still prefer physical documents and in-person witness statements. They do not fully trust digital evidence, which slows down the process.<sup>70</sup> Therefore, there must be clear rules on how to check and use electronic evidence.<sup>71</sup> Many parties also misunderstand how e-Litigation works. Some upload documents late or send low-quality files. They do not always follow the proper steps or deadlines, even when the judge has explained them.<sup>72</sup> The e-Summons feature, which should help notify people about their court schedule, often does not work well for users who are not familiar with technology.<sup>73</sup> In addition, the work of bailiffs, who help carry out court decisions, is still mostly offline. Their role needs to be included in the digital system to make the process more transparent and efficient, especially after delays during the COVID-19 pandemic.<sup>74</sup> Even with these problems, e-Litigation has already helped speed up some cases and shows potential to match Indonesia's long-term plan for the justice system from 2010 to 2035.<sup>75</sup> To make e-Litigation better, serious improvements are needed. These include making e-Litigation mandatory, updating the legal system, improving digital tools and internet access, and offering regular training. It is also important to make sure data is safe and stored properly.<sup>76</sup> If these problems are addressed together, e-Litigation can make the justice system in Indonesia faster,

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<sup>70</sup> Alzasyah Bachsin et al., "Kedudukan dan Penilaian Hakim terhadap Alat Bukti Elektronik dalam Proses Pembuktian Perkara Perdata," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 2369. See also, Syarifah Lisa Andriati et al., "Justice on Trial: How Artificial Intelligence is Reshaping Judicial Decision-Making," *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 911; Gerry and Rizkiana, "Good Governance Implementation," 49; Barlian et al., "Electronic Criminal Justice in Indonesia," 244; Barlian et al., "The Digital Transformation," 1504.

<sup>71</sup> Ramiyanto Ramiyanto, "Bukti elektronik sebagai alat bukti yang sah dalam hukum acara pidana," *Jurnal Hukum dan Peradilan* 6, no. 3 (2017): 474. See also, Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 52.

<sup>72</sup> Fatin Hamamah, "E-litigasi dalam mewujudkan asas peradilan sederhana, cepat dan biaya ringan," *Mahkamah: Jurnal Kajian Hukum Islam* 7, no. 2 (2022): 240. See also, Santiadi, "Expanding Access to Justice," 38. See also, Purnama and Nelson, "Penerapan E-Court Perkara Pidana," 97; Latifiani et al., "Implementation of Simple," 116.

<sup>73</sup> Erik Rahman et al., "Pelaksanaan Tugas Jurusita Pada Perkara Perdata," *Qawanin Jurnal Ilmu Hukum* 3, no. 1 (2022): 7. See also, Latifiani et al., "The Revitalizing Indonesia's Religious," 7; Latifiani et al., "Can Advocates' Legal Culture," 920; Latifiani, "Human Attitude and Technology," 175.

<sup>74</sup> Orin Gusta Andini et al., "The Impact of Covid-19 Pandemic on Effective Electronic Criminal Trials: A Comparative Study," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 188. See also, Syahr et al., "The Bailiff's Services," 319; Ulfanora and Aziz, "Penerapan Persidangan Secara Elektronik," 89.

<sup>75</sup> Sudikno Mertokusumo, "Sistem Peradilan di Indonesia," *Jurnal Hukum Ius Quia Iustum* 6, no. 9 (1997): 5. See also, Herliana, "How Judiciary Supports Contract Law Enforcement" 148; Amarini et al., "Digital Transformation: Creating an Effective," 274.

<sup>76</sup> Mukhtar and Lailam, "Implementasi Peradilan Elektronik," 51. See also, Handayani et al., "Optimizing the Role of Information," 84.

cheaper, and more open. It can also help build more public trust and give more people access to justice.<sup>77</sup>

### 3.3. Effectiveness of PERMA No. 1/2019 and No. 7/2022 in E-Litigation

From 2018 until September 30, 2022, the Malang City Religious Court received a total of 15,907 cases, with 1,525 cases, or 9.59%, registered through the e-Court system. Of these e-Court cases, 41 cases, or 2.69%, were conducted electronically through e-Litigation. This data is based on the period during which PERMA Number 1 of 2019 was in effect, as amended by PERMA Number 7 of 2022, or after the issuance of PERMA Number 7 of 2018. It clearly shows a significant increase in e-Court cases compared to the period before the issuance of PERMA Number 7 of 2022. Furthermore, e-Litigation has been fully implemented, at 100%, by the Malang Religious Court since early 2025.

The effectiveness of e-Litigation under PERMA Number 1 of 2019 in Indonesia can be evaluated by how well it achieves the goal of resolving legal disputes efficiently and fairly. This analysis is based on Soerjono Soekanto's theory.<sup>78</sup> The theory of legal effectiveness is interpreted as a rule regarding attitudes, actions or behaviors that are used as a benchmark in measuring the success of a rule. The theory explains that the effectiveness or not of a law is determined by 5 (five) factors, namely: the substance of the law, the law enforcement factor, the factor of facilities or facilities that support law enforcement, the community factor, and the cultural factor.<sup>79</sup> These components help measure the performance of e-Litigation in Religious Courts, such as in Malang Religious Court.

The legal factor relates to how clearly and consistently a law is written, and how well it aligns with the values of society.<sup>80</sup> An effective legal system must ensure that laws are easy to understand and uphold both certainty and justice. However, PERMA Number 1 of 2019 struggles with this. Its reliance on outdated legal codes like HIR/RBg, the use of consensualism, and the lack of mandatory procedures

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<sup>77</sup> Fadhilah Rizky Aftriani Putri et al., "Hambatan Pembuktian Dalam Pelaksanaan E-Litigasi Guna Mendukung Pembaruan Hukum Di Era Revolusi Industri 4.0," *Jurnal Hukum PRIORIS* 8, no. 2 (2020): 167. See also, Sibarani, "Modern Justice: Indonesia's Supreme Court's," 108; Andini et al., "The Impact of Covid-19 Pandemic," 191; Andriati et al., "Justice on Trial," 917.

<sup>78</sup> Soerjono Soekanto, *Efektivitas Hukum dan Penerapan Sanksi* (Bandung: CV. Ramadja Karya, 1988), 80. See also, Affandi, "Application of E-Court in Different Countries, 1088.

<sup>79</sup> Bukti Padang et al., "Budaya Hukum Dan Pengaruhnya Dalam Penegakan Hukum Di Indonesia (Analisis Restorative Justice)," *Jurnal Hukum dan Kebijakan Publik* 6, no. 3 (2024): 239. See also, Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, 20; Retnaningsih et al., "Pelaksanaan E-Court," 136; Pratiwi et al., "The Application of E-Court," 41.

<sup>80</sup> Widyani Putri, "Apakah Restorative Justice Sejalan Dengan Nilai-nilai Hukum dan Rasa Keadilan yang Hidup dalam Masyarakat Indonesia?," *Gema Keadilan* 9, no. 2 (2022): 101. See also, Hilal et al., "Transforming Human Resources," 1479; Ramdani and Mayaningsih, "Urgensi Persidangan Secara Elektronik (e-Litigasi)," 128.

for e-Litigation create confusion. Moreover, the absence of clear guidelines on digital evidence makes it harder to apply the law consistently.<sup>81</sup> These gaps weaken the legal foundation needed for digital justice and show the urgent need for a unified, modern legal framework that can guide electronic litigation practices more effectively.<sup>82</sup>

Law enforcement is another crucial element. The quality of the judges, court staff, and legal advocates determines whether justice is fairly applied. For e-Litigation to work, these professionals must be digitally literate and open to adapting to new systems. Unfortunately, many still prefer traditional, in-person methods, especially when dealing with evidence. This reluctance undermines the purpose of digital processes. In many cases, technical limitations and lack of training slow down the process and reduce public trust in the legal system. Therefore, increasing the digital competence of legal practitioners and strengthening inter-agency coordination are necessary steps to improve the credibility and performance of e-Litigation.<sup>83</sup>

The third factor, supporting facilities, includes the technology, infrastructure, and human resources needed to implement e-Litigation smoothly. Currently, Religious Courts face problems such as unstable internet connections, outdated equipment, and poor-quality electronic document uploads. These issues disrupt case handling and delay decisions. If systems are not reliable or user-friendly, they hinder rather than help the judicial process. Investment in modern infrastructure, user-centered software, and ongoing technical support is essential to ensure that digital litigation meets the standards of speed, accuracy, and efficiency.<sup>84</sup>

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<sup>81</sup> Iwan Setiawan et al., “Jejak Digital Sebagai Alat Bukti Petunjuk Menurut Pasal 184 Kitab Undang Undang Hukum Acara Pidana,” *Jurnal Ilmiah Galuh Justisi* 10, no. 1 (2022): 121. See also, Wiranata and Tisnanta, “Small Claims in Indonesia,” 210; Losari, “Geography Has Little Impact,” 194.

<sup>82</sup> Ahmad Arif, “Kesiapan Sistem Peradilan Perdata Indonesia dalam Implementasi Bukti Digital: Kajian Sistematis dan Perbandingan Internasional,” *Journal of Law and Digital Policy* 2, no. 1 (2024): 39. See also, Gronic, “On Some Aspects of Case Management,” 195; Retnaningsih et al., “Pelaksanaan E-Court,” 137; Gerry and Rizkiana, “Good Governance Implementation,” 52; Dinar et al., “Effectiveness of the Parties-Written-Approval,” 3; Saputra et al., “Under-Legislation in Electronic Trials,” 247.

<sup>83</sup> Hilal et al., “Transforming Human Resources,” 1484. See also, Jarodi et al., “From Fragmentation to Coherence,” 2081; Ulfanora and Aziz, “Penerapan Persidangan Secara Elektronik,” 90; Latifiani, “Human Attitude and Technology,” 160; Gerry and Rizkiana, “Good Governance Implementation,” 55; Retnaningsih et al., “Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018,” 130.

<sup>84</sup> Linda Kalinda, “Pengelolaan Arsip Berbasis Digital Oleh Pegawai di Kantor Pengadilan Agama Ciamis,” *Dinamika: Jurnal Ilmiah Ilmu Administrasi Negara* 6, no. 3 (2019): 79. See also, Amarini et al., “Digital Transformation: Creating an Effective,” 275; Syahr et al., “The Bailiff’s Services,” 322; Pratiwi et al., “The Application of E-Court,” 46; Latifiani et al., “Implementation of Simple,” 119; Handayani et al., “Optimizing the Role of Information,” 85.

The society factor involves how well people understand and follow the law. In more modern societies, legal compliance often comes from internal awareness, while in traditional communities, people may follow laws out of respect for authority or religion. In Indonesia, many litigants struggle with e-Court systems due to low digital literacy. Common problems include failure to upload correct documents or misunderstanding procedural steps. These obstacles show that legal awareness is not yet strong enough to support widespread e-Litigation. Public education campaigns, especially in rural or underdeveloped areas, are needed to help users engage with the legal system confidently and correctly.<sup>85</sup>

Lastly, cultural values play a key role in how legal reforms are received. Religious Courts operate within communities where traditions and religious norms strongly influence behavior. The digital processes of e-Litigation, such as online hearings or electronic evidence submission, often clash with established customs that value face-to-face interaction and physical documentation. Without careful communication and cultural sensitivity, these changes may be rejected or resisted by the very people they aim to help. Promoting e-Litigation in a way that respects local values will be critical for its long-term acceptance and legitimacy.<sup>86</sup>

E-Litigation in Indonesia has clear benefits for handling cases faster and more cheaply. Yet, it still faces major hurdles that keep it from working as well as planned.<sup>87</sup> Laws remain unclear in some areas, technology is sometimes unreliable, and both court staff and users lack sufficient training. On top of that, many people do not know how to use the system, and long-standing customs make it hard for everyone to accept digital processes. A big problem is that many litigants and legal professionals have not yet grown comfortable with electronic filings.<sup>88</sup> They often do not understand how to upload documents or follow digital steps correctly. As a result, hearings get delayed not because the system fails, but because users are

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<sup>85</sup> Syamsarina Syamsarina et al., “Kesadaran Hukum dan Kepatuhan Hukum: Analisis Faktor yang Mempengaruhi Kesadaran Hukum dan Kepatuhan Hukum Masyarakat,” *Jurnal Selat* 10, no. 1 (2022): 89. See also, Santiadi, “Expanding Access to Justice,” 85; Latifiani, “Human Attitude and Technology,” 175; Amarini et al., “Digital Transformation: Creating an Effective,” 277; Mukhtar and Lailam, “Accountability and Transparency,” 163; Alam et al., “Identifying Problems and Solutions,” 647.

<sup>86</sup> Yusnita and Toriq, “Embracing E-Court Innovation,” 516. See also, Lahilote et al., “Judicial Digitalization in Central Indonesia,” 328; Latifiani et al., “Revitalizing Indonesia’s Religious Courts System,” 7; Sibarani, “Modern Justice: Indonesia’s Supreme Court’s,” 110; Andini et al., “The Impact of Covid-19 Pandemic,” 193.

<sup>87</sup> Umami Maskanah, “Tantangan dalam Pembaharuan Sistem Peradilan Melalui Perkembangan Teknologi: E-Court dan E-Litigasi sebagai Sarana Menuju Peradilan Modern di Indonesia,” *Jurnal Hukum Mimbar Justitia* 9, no. 2 (2023): 245. See also, Lahilote et al., “Judicial Digitalization in Central Indonesia,” 322.

<sup>88</sup> Yeni Nuraeni and Firman Pratama, “Implementasi Dan Dampak E Litigasi Dalam Perspektif Hukum Acara Perdata Dihubungkan Dengan Peraturan Mahkamah Agung Nomor 1 Tahun 2019,” *Journal Presumption of Law* 4, no. 2 (2022): 148.

unprepared. Court officers then step in to help manually, that is extra work that would be unnecessary if users and staff were fully confident with the system.<sup>89</sup>

This shows that the shift from paper-based to digital processes is far from complete. Cultural habits still favor face-to-face meetings and physical papers.<sup>90</sup> In Religious Courts especially, these traditions run deep. Without clear communication and respect for local values, people may ignore or resist e-Litigation even if it would make their cases easier. To make e-Litigation work as intended under PERMA Number 1 of 2019 and its update PERMA Number 7 of 2022, several steps are essential. First, regulations need more detail and consistency so everyone knows exactly how to use the system. Second, the technical setup (internet connections, software, and hardware) must be reliable and user-friendly. Third, judges, clerks, lawyers, and litigants all need regular training to build digital skills. Finally, public outreach campaigns are vital.<sup>91</sup> These should explain how e-Litigation works, show its benefits, and offer hands-on guidance. By improving laws, technology, human resources, and community outreach in tandem, Indonesia can bring its judicial system in line with the 2010–2035 reform roadmap. Only with these changes can e-Litigation truly deliver on its promise of simple, speedy, and affordable justice. A legal culture that embraces digital tools will not only speed up court processes but also strengthen public trust in the justice system.<sup>92</sup> With patience, careful planning, and respect for tradition, Indonesia's courts can build a fairer, more efficient future.

#### 4. Conclusion

This study demonstrates that Supreme Court Regulations No. 1 of 2019 and No. 7 of 2022 have significantly improved the implementation of e-Litigation at the Malang City Religious Court, advancing the principles of simple, fast, and cost-

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<sup>89</sup> Otong Rosadi et al., "Padang Advocates' Perception," 7095. See also, Putrijanti and Wibawa, "Indonesia Administrative E-Court," 27; Setiawan et al., "Digitalization of Legal," 266.

<sup>90</sup> I. Komang Merta Ardiasa et al., "The Effectiveness of Electronic Trials in the Jurisdiction of the District Court Semarang Class II Based on Supreme Court Regulation Number 7 of 2022," *INJURY: Journal of Interdisciplinary Studies* 3, no. 8 (2024): 510. See also, Saputra et al., "Under-Legislation in Electronic Trials," 247.

<sup>91</sup> Loso Judijanto et al., "Tinjauan Yuridis Penggunaan Digital Justice Untuk Akuntabilitas Dan Efisiensi Sistem Peradilan di Indonesia," *Sanskara Hukum Dan HAM* 3, no. 02 (2024): 104.

<sup>92</sup> Alam et al., "Identifying Problems and Solutions," 670. See also, Latifiani, "Human Attitude and Technology," 175; Amarini et al., "Digital Transformation: Creating an Effective," 276; Lahilote et al., "Judicial Digitalization in Central Indonesia," 322; Gerry and Rizkiana, "Good Governance Implementation," 54; Mukhtar and Lailam, "Accountability and Transparency," 164; Latifiani et al., "Revitalizing Indonesia's Religious Courts System," 7; Jarodi et al., "From Fragmentation to Coherence," 2087; Hilal et al., "Transforming Human Resources," 1493; Yusnita and Toriq, "Embracing E-Court Innovation," 515.

effective justice. The removal of the defendant's consent requirement under PERMA No. 7/2022 has streamlined pre-trial and trial procedures, leading to full e-Litigation implementation by early 2025. This marks a significant shift from the previously low adoption rate, where only 2.69% of e-Court cases were processed electronically prior to the amendment.

Key benefits include enhanced transparency, simplified legal processes, faster case resolution, and reduced costs for litigants. However, several challenges remain, such as limited digital literacy among stakeholders, inadequate technological infrastructure, and resistance to digital legal culture. These factors hinder optimal effectiveness and suggest that, while e-Litigation is progressing, it has not yet fully achieved the legal norms and objectives it aims to fulfill.

The findings have important implications for judicial modernization, highlighting both the potential and limitations of e-Litigation in improving access to justice. Nevertheless, this study is limited to a single Religious Court and may not fully capture the broader challenges across Indonesia's judicial system. Additionally, the use of qualitative methods and a small interview sample constrain the generalizability of the results. Future research should investigate e-Litigation in other court types, such as District Courts, and include quantitative indicators, like case duration and cost savings, for a more comprehensive assessment. Expanding digital infrastructure and public education initiatives is essential for sustainable success.

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