

The Open Court Principle in Electronic Hearings at the Gorontalo State Administrative Court

Fahrul Pakaya^{1*}, Fence M. Wantu², Abdul Hamid Tome³

^{1,2,3} Faculty of Law, Universitas Negeri Gorontalo, Indonesia

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Corresponding Author:

 pakayafahrul027@gmail.com

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Abstract

Indonesian statutory law treats the open court principle not as an administrative formality but as a condition for the validity of a judgment: the examination must be open to the public, the judgment must be pronounced in open court, and failure to comply renders the judgment void. Supreme Court regulations on electronic litigation, by contrast, deem a hearing conducted through the court information system to have satisfied that principle, although the platform can be opened only by account holders registered in the case concerned. This article asks how the open court principle is implemented in electronic hearings at the Gorontalo State Administrative Court, and what consequences follow from restricting public access to those hearings. The study is normative legal research with a case study, combining statutory, conceptual, and case approaches with the case records of the court, and it measures openness against four indicators drawn from the statutory formulation of the principle. It finds that openness is satisfied formally but not substantively, because access has shifted from an open courtroom to a credential-based channel open only to the parties. Four consequences follow: social control over judicial conduct weakens; the deeming provision exceeds the Supreme Court's own regulatory mandate; judicial policy diverges from the international standard of a public hearing; and the absence of any rule on public access produces legal uncertainty. The article proposes a regulated channel of public observation in place of the deeming provision.

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1. Introduction

Judicial power in a state governed by law is expected not only to decide cases correctly but also to decide them openly. Open proceedings turn the examination of a case from an internal matter of court officials into an event that the public can observe, assess, and criticise. Article 1(3) of the 1945 Constitution declares Indonesia a state based on law, and Article 24(1) vests judicial power in an independent judiciary.¹ Scholarship describes the resulting conception as eclectic, combining elements of the *rechtsstaat* and the rule of law with national constitutional values.² On the question of judicial openness, however, these traditions meet at a single point: the legitimacy of a judgment rests on the possibility of public scrutiny of the process that produced it.³ Publicity is also an obligation the state has assumed under international law. Article 14(1) of the International Covenant on Civil and Political Rights, ratified by Law No. 12 of 2005, guarantees a fair and public hearing, and the Human Rights Committee has read that guarantee to require courts to make information on the time and venue of hearings available and to provide adequate facilities for attendance by interested members of the public.⁴

Indonesian positive law gives this premise normative form. Article 13(1) of Law No. 48 of 2009 on Judicial Power provides that all court examination hearings are open to the public unless a statute provides otherwise; paragraph (2) provides that a judgment is valid and has legal force only if it is pronounced in a hearing open to the public; and paragraph (3) attaches nullity by law to a failure to comply with either requirement.⁵ In the administrative courts the same construction is distributed across two provisions. Article 70 of Law No. 5 of 1986 on Administrative Courts requires the presiding judge to open the hearing and declare it open to the public, allows the panel to close it only where the dispute concerns public order or state security, and provides that a failure to comply with the first paragraph may render the judgment void by law; Article 108 requires the judgment to be pronounced in a hearing open to the public and provides that a failure to do so renders the judgment invalid and without legal force.⁶ Two features of this arrangement matter for the argument that follows. First, the sanction in Article 70(3) is formulated permissively and is tied to the opening of the hearing, whereas the sanction in Article 108(3) is formulated categorically

¹Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, arts. 1(3) and 24(1).

²Hadi Mahmud Widiatama and Suparwi, "Ideologi Pancasila sebagai Dasar Membangun Negara Hukum Indonesia," *Jurnal USM Law Review* 3, no. 2 (2020): 310–27, <https://doi.org/10.26623/julr.v3i2.2774>; Laurensius Arliman, "Mewujudkan Penegakan Hukum yang Baik untuk Mewujudkan Indonesia sebagai Negara Hukum," *Doktrinal* 2, no. 2 (2020): 509–32, <https://jurnal.um-palembang.ac.id/doktrinal/article/view/2523>.

³Andi Arifin, "Peran Hakim dalam Mewujudkan Negara Hukum Indonesia," *IJOLARES: Indonesian Journal of Law Research* 1, no. 1 (2023): 6–10, <https://doi.org/10.60153/ijolares.v1i1.2>.

⁴International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, art. 14(1), ratified by Undang-Undang Republik Indonesia, "Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan *International Covenant on Civil and Political Rights* (Kovenan Internasional tentang Hak-Hak Sipil dan Politik)," 2005; UN Human Rights Committee, *General Comment No. 32: Article 14: Right to Equality before Courts and Tribunals and to a Fair Trial*, UN Doc. CCPR/C/GC/32 (23 August 2007), paras. 28–29.

⁵Undang-Undang Republik Indonesia, "Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman," 2009, arts. 13(1)–(3).

⁶Undang-Undang Republik Indonesia, "Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara," 1986, arts. 70 and 108, <https://peraturan.go.id/files/uu5-1986.pdf>. The Act was amended by Law No. 9 of 2004 and Law No. 51 of 2009; neither amendment altered these two provisions.

and is tied to the pronouncement of the judgment. Second, in both statutes openness operates as a condition of validity and not as an administrative recommendation.⁷

At the same time, Article 2(4) of Law No. 48 of 2009 requires that justice be administered in a simple, speedy, and low-cost manner. The Supreme Court has pursued that objective through successive regulations. Supreme Court Regulation No. 3 of 2018 introduced electronic case administration and was then revoked;⁸ Supreme Court Regulation No. 1 of 2019 replaced it and extended the system to the conduct of hearings;⁹ and Supreme Court Regulation No. 7 of 2022 amended the 2019 Regulation, revising among other things the rules on the electronic pronouncement of judgments and on the examination of witnesses and experts at a distance.¹⁰ The norm in force is therefore the 2019 Regulation as amended, and the 2018 Regulation is of historical interest only. The efficiency gains of this policy are documented both nationally and at the level of individual courts, including changes in the working patterns of advocates.¹¹

Three expressions used in this field are often treated as synonyms, and are distinguished here. “Electronic hearing” denotes the conduct of the examination through the court information system; “*e-Court*” denotes the application through which case administration and that examination are carried out; and “electronic litigation” denotes the stage of the examination that the 2019 Regulation added to electronic administration.

The problem arises where the two groups of norms meet. Article 27 of the 2019 Regulation provides that an electronic hearing conducted through the court information system on the public internet has, as a matter of law, satisfied the principle and the provisions on hearings open to the public.¹² Article 26, as amended, provides in the same manner that the electronic pronouncement of a judgment, followed by the uploading of a copy to the court information system, has as a matter of law satisfied that principle.¹³ Both are deeming provisions: they do not produce openness but declare that something shall be treated as open. Alongside

⁷Luhut M. P. Panjaitan, “Penyelesaian Sengketa Tata Usaha Negara pada Peradilan Tata Usaha Negara,” *Jurnal Hukum dan Kebijakan Publik* 5, no. 2 (2022): 115–28.

⁸Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan Secara Elektronik,” 2018, <https://peraturan.bpk.go.id/Details/206063/perma-no-3-tahun-2018>. This regulation was revoked by Supreme Court Regulation No. 1 of 2019.

⁹Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik,” 2019, <https://peraturan.bpk.go.id/Details/206067/perma-no-1-tahun-2019>.

¹⁰Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 7 Tahun 2022 tentang Perubahan atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik,” 2022, arts. 24(3) and 26, <https://peraturan.bpk.go.id/Details/248072/perma-no-7-tahun-2022>.

¹¹L. Berutu, “Mewujudkan Peradilan Sederhana, Cepat, dan Biaya Ringan dengan e-Court,” *Jurnal Ilmiah Dunia Hukum* 5, no. 1 (2020): 41–53; Abdul Rachmat Ariwijaya and Palupi Lindiasari Samputra, “Evaluasi Kebijakan Peradilan Elektronik (E-Court) Mahkamah Agung Republik Indonesia,” *Jurnal Hukum & Pembangunan* 51, no. 4 (2022): 1104–22, <https://doi.org/10.21143/jhp.vol51.no4.3303>; on the working patterns of advocates, I. Atikah, “Implementasi E-Court dan Dampaknya terhadap Advokat dalam Proses Penyelesaian Perkara di Indonesia,” *Prosiding Konferensi Masyarakat Terbuka* 107 (2018): 127.

¹²Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 1 Tahun 2019,” art. 27.

¹³Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 1 Tahun 2019,” art. 26, as amended by Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 7 Tahun 2022,” art. 26(2)–(4) and (7).

them, Article 5 of the 2022 Regulation determines who may use the service – registered users and other users who meet specified identity requirements – without regulating who may observe a case to which he or she is not a party.¹⁴ The position of the outsider is thus left unregulated: no provision grants a member of the public access to an electronic examination, and no provision denies it. The distance between a norm that deems a hearing open and a practice in which no channel of observation is provided is the starting point of this study.

Previous studies have not closed that distance. Lumban Tobing examined electronic hearings in criminal cases in their relation to the open court principle, and Pratama and Sugama reached a similar conclusion for online criminal hearings; both argue from criminal procedure, where the structure of interests differs because openness serves chiefly to protect the accused against arbitrary proceedings.¹⁵¹⁶ Setyawan discussed the fulfilment of the principle in electronic hearings generally, without connecting it to any particular branch of the judiciary.¹⁷ Herlambang, Utama, and Putrijanti examined *e-Court* at the Semarang Administrative Court, but addressed efforts to increase use of the system rather than the quality of its openness,¹⁸ and Shidiq placed *e-Court* wholly within the framework of simple, speedy, and low-cost justice.¹⁹ The literature therefore tends to measure electronic litigation against efficiency; where openness is discussed the setting is criminal justice or the judiciary at large, and the practice is not tested against the international standard of a public hearing.

The gap that remains concerns the administrative judiciary. An administrative dispute is a dispute between a citizen and a public official over the validity of an administrative decision or action, and the decision under review originates in the public sphere.²⁰ Its legal effects frequently reach beyond the parties – environmental permits, civil service decisions, and determinations affecting land rights are the standard examples – so that persons who are not parties may nonetheless be affected by the outcome, and third parties may seek to intervene. Research on this branch also shows that its authority over public officials depends on institutional safeguards: a study of the forced execution of administrative judgments identifies low awareness among officials and the absence of adequate implementing rules

¹⁴Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 7 Tahun 2022,” art. 5; see also Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 1 Tahun 2019,” art. 1(4)–(5).

¹⁵W. P. Lumban Tobing, “Implementasi Persidangan Elektronik (E-Court) dalam Perkara Pidana Guna Perwujudan Asas Peradilan Terbuka untuk Umum” (master’s thesis, Universitas Hasanuddin, 2023).

¹⁶I Putu Siwa Pratama and I Dewa Gede Dana Sugama, “Penerapan Asas Pemeriksaan Pengadilan Terbuka untuk Umum dalam Persidangan Perkara Pidana Secara Online,” *Jurnal Kertha Desa* 10, no. 5 (2022): 298–310.

¹⁷Setyawan, “Pemenuhan Asas Persidangan Terbuka untuk Umum dalam Persidangan Secara Elektronik,” *Sol Justicia* 5, no. 1 (2022): 1–7.

¹⁸Pratama Herry Herlambang, Yos Johan Utama, and Aju Putrijanti, “Upaya Peningkatan dan Penerapan Penggunaan E-Court pada Pengadilan Tata Usaha Negara Semarang,” *Jurnal Hukum Progresif* 11, no. 2 (2023): 94–107, <https://doi.org/10.14710/jhp.11.2.94-107>.

¹⁹A. Z. Shidiq, “Sistem E-Court sebagai Wujud Implementasi Asas Peradilan Sederhana, Cepat, dan Biaya Ringan (Studi di Pengadilan Negeri Mojokerto),” *Dinamika* 27, no. 3 (2021): 331–49.

²⁰Nizar Naufal Khoiriyah, “Studi Analisis Terkait Penyelesaian Sengketa Tata Usaha Negara,” *Jurnal Syntax Admiration* 3, no. 6 (2022); Enrico Simanjuntak, *Hukum Acara Peradilan Tata Usaha Negara: Transformasi dan Refleksi* (Jakarta: Sinar Grafika, 2021), 53.

as obstacles to that authority.²¹ Where enforcement is institutionally weak, public scrutiny of how the court examines the government is not an ornament but a substitute source of pressure. Existing work on the court studied here has examined the quality of judicial reasoning rather than the openness of proceedings: Bahutala, Wantu, and Ahmad compared the reasoning of the Gorontalo State Administrative Court and the Manado High Administrative Court in civil service disciplinary cases and found disparities that generate legal uncertainty.²²

The novelty of this article lies in reading the open court principle as a condition of the validity of administrative judgments, and in testing the deeming provisions of the Supreme Court regulations against that condition in the practice of one administrative court. The contribution is thus doctrinal, in locating those provisions within the hierarchy of norms and within the Supreme Court's own regulatory mandate, and practical, in describing what openness amounts to in the daily operation of electronic litigation.

On this basis the article addresses two questions. First, how is the open court principle implemented in electronic hearings at the Gorontalo State Administrative Court? Second, what legal and institutional consequences follow from restricting public access to the conduct of those hearings? The significance of the questions lies in the fact that the digitalisation of the judiciary has moved faster than the adjustment of the procedural norms that govern it, so that assessing the quality of openness is a precondition for ensuring that modernisation does not sacrifice a principle that is a source of its own legitimacy.²³ The argument proceeds in three steps: section 2 sets out the method and the indicators used; section 3 describes the practice and tests the deeming provisions against it; and section 4 analyses the legal and institutional consequences before the conclusion turns to proposals for reform.

2. Method

2.1. Research Design

This study is normative legal research combined with a case study, that is, research that examines positive legal norms and then tests them against the way they operate in a single court.²⁴ The design follows from the problem: what is at issue is not merely a gap or a conflict between norms, but the distance between what a norm declares and what the parties and the public actually encounter. Three approaches are used in combination. The statutory approach examines Law No. 48 of 2009, Law No. 5 of 1986, Law No. 14 of 2008, and Supreme Court Regulations No. 1 of 2019 and No. 7 of 2022, together with a hierarchical test of their consistency; Supreme Court Regulation No. 3 of 2018 is considered only as background,

²¹Viorizza Suciani Putri, Ahmad Ahmad, and Mohamad Hidayat Muhtar, "Antara Otoritas dan Otonomi: Pertautan Hak Asasi Manusia dalam Praktik Eksekusi Putusan PTUN," *Jurnal Konstitusi* 21, no. 3 (2024): 392–412, <https://doi.org/10.31078/jk2133>.

²²Andris E. Bahutala, Fence M. Wantu, and Ahmad Ahmad, "The Contest of Judicial Rationality: An Examination of Judges' Considerations in PTUN Cases No. 21/G/2022/PTUN.GTO and 19/B/2023/PT.TUN.MDO," *Damhil Law Journal* 5, no. 1 (2025): 54–69, <https://doi.org/10.56591/dlj.v1i1.2953>.

²³Fence M. Wantu et al., "Restoration of Court Services as a Configuration for Legal Development with Legal Certainty, Justice and Benefits," *Multidisciplinary Reviews* 7, no. 4 (2024).

²⁴Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2017), 35.

having been revoked. The conceptual approach unpacks the meaning of the open court principle in procedural doctrine and compares it with the construction of openness built by the regulations. The case approach traces how electronic litigation is actually conducted at the Gorontalo State Administrative Court, from registration to the pronouncement of judgment.²⁵

2.2. Data Collection

Secondary data were obtained through a literature study of legislation, doctrine, and earlier research. The primary legal materials are the two Supreme Court Regulations that govern electronic litigation, the statutes on judicial power, administrative justice, and public information disclosure, and the Supreme Court's own standard for public information services in the courts. The materials on practice are of two kinds. The first is the case records of the Case Tracking Information System (SIPP) of the Gorontalo State Administrative Court for claims registered between 2022 and 2025, which show the volume of electronic litigation and the disposition of each claim. The second is the structure of access that the *e-Court* application affords to each category of user, as that structure is defined by the regulations and reflected in the operation of the application at this court. The two are read together: the case records show how far electronic litigation has displaced the conventional examination, and the structure of access shows what a person who is not a party can reach of that examination.²⁶

2.3. Analysis and Indicators

The analysis was qualitative and proceeded in three stages: reduction and categorisation of the data, comparison of the field findings with the applicable norms, and the drawing of conclusions on the degree of conformity between the two.²⁷ Because "openness" is the variable under examination, four indicators were used to give the comparison a measurable form. They are drawn from the statutory formulation of the principle and from the reading of Article 14(1) of the Covenant by the Human Rights Committee: (a) whether a person may attend or observe without having to demonstrate a legal interest; (b) whether the time, the agenda, and the stage of a hearing can be known in advance by someone who is not a party; (c) whether the course of the examination, and not merely its outcome, can be followed; and (d) whether any restriction on access is case-specific, reasoned, and open to review.²⁸ A practice that satisfies (a) to (d) is treated here as substantively open; a practice that satisfies none of them while being declared open by a norm is treated as formally open only.

2.4. Limitations

Three limitations should be recorded. The study covers one court and one period, so its findings cannot be generalised to the general, religious, or military courts, or to other administrative courts whose local practice may differ, and it includes no comparison court. It works from the regulations and from case records rather than from interviews with those who use the system, so it describes the framework of access rather than the perceptions of

²⁵Marzuki, *Penelitian Hukum*, 133–34 and 147.

²⁶Pengadilan Tata Usaha Negara Gorontalo, "Sistem Informasi Penelusuran Perkara (SIPP)," case data on claims registered between 2022 and 2025.

²⁷Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 125.

²⁸UN Human Rights Committee, *General Comment No. 32*, paras. 28–29.

litigants, judges, and court staff; testing those perceptions is a task for further research. And because the features of the *e-Court* application change over time, the description of the system holds for the period examined and should be re-tested against later versions of the platform.

3. Implementation of the Open Court Principle

3.1. The Practice of Electronic Litigation at the Gorontalo State Administrative Court

Electronic hearings at the Gorontalo State Administrative Court are an established mode of litigation rather than a pilot project. Under the Supreme Court regulations the stages of the examination — the filing of the claim, the response, the reply, the rejoinder, the presentation of evidence, the conclusions, and the pronouncement of judgment — are conducted through the exchange of electronic documents in the application, accompanied by electronic summonses to the parties.²⁹ Two qualifications belong here. First, the regulations permit witnesses and experts to be examined remotely by audio-visual means, so the examination is not exclusively documentary. Second, the pronouncement of judgment is governed by a provision of its own: the judgment is pronounced electronically and a copy is uploaded to the court information system, which the regulation treats as satisfying the open court principle.³⁰ At this court the stages of the examination are carried out in that manner, so that the parties are no longer required to appear in person at every stage and the burden of travel cost and time is considerably reduced.³¹

Case data from the Case Tracking Information System show a stable annual volume over the four years from 2022 to 2025, as presented in Table 1.³²

Table 1. Cases filed through *e-Court* at the Gorontalo State Administrative Court, 2022–2025.

Year	e-Court Cases	Decided	Not Decided or Not Accepted
2022	29	28	1 (not accepted)
2023	18	18	–
2024	21	21	–
2025	20	16	4 (under examination)
Total	88	83	5

Source: Case Tracking Information System (SIPP), Gorontalo State Administrative Court, claims registered 2022–2025, processed by the authors. The last column comprises one claim not accepted (2022) and four claims still under examination (2025).

Between 2022 and 2025, 88 claims were filed through *e-Court*; 83 of them had been disposed of, one was not accepted, and four were still under examination. The volume is steady rather

²⁹Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 1 Tahun 2019,” as amended by Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 7 Tahun 2022.”

³⁰Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 1 Tahun 2019,” art. 26, as amended by Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 7 Tahun 2022,” art. 26(2)–(4) and (7).

³¹Ariwijaya and Samputra, “Evaluasi Kebijakan Peradilan Elektronik.”

³²Pengadilan Tata Usaha Negara Gorontalo, “Sistem Informasi Penelusuran Perkara (SIPP).”

than exceptional, which indicates that electronic litigation is the ordinary route to this court and not a residual one. The figures matter less for their size than for what they describe: 83 dispositions produced through an examination for which the regulations provide no channel of public observation. The question of openness discussed below is therefore not a theoretical one, but one that arises in the ordinary run of cases.³³

Service users are divided into registered users, namely advocates who meet the requirements of Law No. 18 of 2003 and have been verified by the Supreme Court, and other users, who include individuals and legal subjects other than advocates, such as government legal bureaus, state attorneys, and representatives of legal entities.³⁴ This construction does broaden the reach of judicial services, but it operates on an axis different from that of openness: it widens who may litigate electronically, not who may observe the litigation of others. Procedural law conditions the right to bring an administrative claim on an interest, since Article 53(1) of Law No. 5 of 1986 requires the claimant to feel that his or her interest has been harmed by the administrative decision in dispute; the open court principle, by contrast, asks no interest of anyone who wishes to attend.³⁵ The two are easily conflated in discussion of *e-Court* policy, yet it is the second, and not the first, that is at issue in this article.

3.2. From an Open Courtroom to Credential-Based Access

In procedural doctrine, openness of proceedings has two complementary dimensions. The first is physical: the possibility for anyone to attend the courtroom without demonstrating a legal interest. Yahya Harahap emphasises that an open hearing means that everyone is permitted to attend, watch, and listen to the proceedings without unlawful restriction.³⁶ The second is substantive: the accessibility of the whole sequence of examination, and not merely of its final stage. Sudikno Mertokusumo treats the pronouncement of judgment in an open hearing as the event that brings the judgment into being, so that openness is a constitutive element rather than an accessory.³⁷ These authors write on criminal and civil procedure respectively, and transferring their analysis to administrative procedure needs a justification. The justification is textual: Article 70(1) and Article 108(1) of Law No. 5 of 1986 use the same construction as the provisions on which they comment – the hearing is declared open, and the judgment must be pronounced in open court – and the administrative procedural literature treats the principle as performing the same function in this branch of the judiciary.³⁸

Measured against the four indicators set out in section 2.3, the practice at this court yields the following picture. As to attendance without a legal interest, the exchange of documents

³³Pengadilan Tata Usaha Negara Gorontalo, “Sistem Informasi Penelusuran Perkara (SIPP).”

³⁴Undang-Undang Republik Indonesia, “Undang-Undang Nomor 18 Tahun 2003 tentang Advokat,” 2003; Peraturan Mahkamah Agung, “Peraturan Mahkamah Agung Nomor 7 Tahun 2022,” art. 5.

³⁵Undang-Undang Republik Indonesia, “Undang-Undang Nomor 5 Tahun 1986,” art. 53(1). For a comparative treatment of interest as a condition of admissibility in another jurisdiction, see Chami Yassine et al., “Admissibility of Lawsuits Based on Interest under Algerian Civil and Administrative Procedures,” *Jambura Law Review* 6, no. 2 (2024): 286–303, <https://doi.org/10.33756/jlr.v6i2.24309>.

³⁶M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali* (Jakarta: Sinar Grafika, 2016), 110.

³⁷Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*, 8th ed. (Yogyakarta: Liberty, 2009).

³⁸Simanjuntak, *Hukum Acara Peradilan Tata Usaha Negara*, 53.

that constitutes the examination can be opened only by the account holders registered in the case concerned, because the regulations define the categories of user by reference to their standing in the case and create no category of observer. As to advance knowledge of hearings, the case register of the court information system records that a case exists and that it is being examined electronically, but the summons and the agenda are delivered to the parties through their accounts, and no provision requires the stage or the agenda of an electronic hearing to be announced to anyone else. As to following the course of the examination, a member of the public cannot follow the filing of the claim, the response, the reply, the rejoinder, or the presentation of evidence, because each of these stages takes place in a channel to which he or she has no point of entry; what remains available is the judgment, after the event. As to the fourth indicator, no panel order is made in these cases, because nothing in the design of the system requires one.

What occurs is therefore not a closure of the hearing within the meaning of Article 70(2) of Law No. 5 of 1986, which requires a decision of the panel on grounds of public order or state security.³⁹ It is a restriction built into the design of the system, applying to every case without any order at all. That is what distinguishes the restriction in electronic litigation from the exceptions known to procedural law: an exception is case-specific, reasoned, and reviewable, whereas a restriction of this kind is comprehensive, automatic, and never assessed by a judge. An exception leaves the principle intact and justifies a departure from it in a particular case; a design restriction removes the occasion for justification altogether.

The shift can accordingly be described as a reduction in the meaning of openness, from access by the general public to access by credential. In a conventional hearing the condition of observing is physical presence; in an electronic hearing it is legal standing as a party. The second condition is far narrower than the first, and it excludes precisely the group at which the principle is doctrinally aimed: members of the public who have no direct interest in the case but do have an interest in oversight.⁴⁰ The same objection arises under the Covenant, since the Human Rights Committee has stated that a hearing must be open to the general public and must not be limited to a particular category of persons. Access conditioned on registration in the case is, in substance, a limitation of that kind.⁴¹

3.3. Testing the Deeming Provisions

Two serious objections can be raised against the foregoing, and both must be answered before any conclusion is drawn. The first is that openness remains satisfied because administrative judgments are published in the Supreme Court's Decision Directory, so that the public in fact enjoys broader access than before. The second is that Article 27 of the 2019 Regulation is a legitimate adaptation of an old principle to a new medium, of the same order as earlier adaptations such as summons by newspaper or examination by video conference.

The first objection conflates openness of outcome with openness of process. Publication improves access to the final product of adjudication, but it does not restore the ability to witness how that product was formed. The arguments put forward, the way the judge

³⁹Undang-Undang Republik Indonesia, "Undang-Undang Nomor 5 Tahun 1986," art. 70(1)–(2).

⁴⁰Setyawan, "Pemenuhan Asas Persidangan Terbuka untuk Umum."

⁴¹International Covenant on Civil and Political Rights, art. 14(1); UN Human Rights Committee, *General Comment No. 32*, para. 29.

responds to them, the quality of the evidence, and the panel's conduct towards the parties do not appear in the copy of a judgment. Oversight of the outcome cannot replace oversight of the process, because what the open court principle is designed to deter is precisely the conduct that occurs before the judgment is drafted. The point also has a textual basis: Article 13(1) of Law No. 48 of 2009 speaks of all examination hearings, not only of the hearing at which judgment is pronounced, so that an interpretation confining the principle to its final stage reduces the scope the legislature gave it.⁴² The force of the objection also depends on the promptness with which judgments are published, which is a matter of administrative practice rather than of entitlement.

The second objection is stronger, but it still does not save the provision. Adapting procedural law to technology is both common and necessary; the difficulty lies not in the adaptation but in its form. Summons by newspaper preserves the function of the rule it implements, which is to give notice. Article 27, by contrast, does not preserve the function of the principle it implements; it declares that function fulfilled without providing any means of fulfilling it. In that respect it operates as a legal fiction, in the classical sense of a statement advanced with awareness of its falsity because it is useful for some purpose.⁴³ Legal fictions are not prohibited. They are customarily used, however, to simplify proof or to fill a gap, and not to declare satisfied a condition of validity that a statute has imposed. The distinction matters for the question of authority, which the next section takes up: where an implementing regulation deems fulfilled a statutory condition without a delegation permitting it to do so, what occurs is a reduction of the norm rather than an adaptation of it.

Two further counter-arguments deserve a reply. It may be said that the Supreme Court acted within Article 79 of Law No. 14 of 1985, which allows it to regulate further those matters needed for the smooth conduct of adjudication where the Act has not regulated them sufficiently. The reply is that the Elucidation of that very article distinguishes such regulation from legislation and states that the Supreme Court will not regulate the rights and obligations of citizens in general, nor matters of proof; the fulfilment of a validity condition that a statute attaches to a judgment is not a gap in procedure but an element of the statutory norm itself.⁴⁴ It may also be said that the practical consequences are slight because the public rarely attends hearings in any event. The reply is that the principle protects the possibility of attendance and not its frequency; a right that nobody exercises is still a right, and its removal still changes the position of the court towards those it serves.

The test therefore yields a two-part finding. Formally, every electronic hearing at the Gorontalo State Administrative Court is open, because Article 27 declares it so, and every electronically pronounced judgment satisfies the principle, because Article 26 declares that too. Substantively, on the indicators applied in section 3.2, there is no mechanism by which a person outside the parties may observe the examination of a case. It should be stressed

⁴²Undang-Undang Republik Indonesia, "Undang-Undang Nomor 48 Tahun 2009," art. 13(1).

⁴³Lon L. Fuller, *Legal Fictions* (Stanford: Stanford University Press, 1967), 1–6.

⁴⁴Undang-Undang Republik Indonesia, "Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung," 1985, art. 79 and its Elucidation, <https://jdih.bkn.go.id/common/dokumen/UU%20NOMOR%2014%20TAHUN%201985@MAHKAMAH%20AGUNG.pdf>.

that this finding does not portray electronic litigation as a mistaken policy: its benefits for the speed and the accessibility of justice are real, and this study does not propose a return to paper. What is problematic is the absence of any regulation of public access to accompany digitalisation.

4. Legal and Institutional Consequences

4.1. Weakened Social Control and Judicial Accountability

The first consequence is institutional. The open court principle operates as an instrument of social control that encourages judges to maintain independence, impartiality, and care, because their conduct takes place before persons who have no stake in the outcome.⁴⁵ Such oversight is thought to work even when no one attends, since what is said to produce discipline is the possibility of being observed rather than observation itself. That proposition is argumentative rather than measured, and this study does not claim to have tested it; what can be said is narrower, namely that when the possibility of observation is removed by the design of the system, whatever disciplinary force the principle carries is removed with it.

The loss is greater in the administrative judiciary. Here the court reviews the action of government, so that public oversight of the conduct of an examination is at the same time oversight of the way the state accounts for its decisions. This is the forum in which abuse of authority by public officials is examined, which makes the manner of the examination a matter of public concern.⁴⁶ Administrative judges are, moreover, procedurally active: Article 63 of Law No. 5 of 1986 obliges the judge to hold a preparatory examination and to advise the claimant on completing the claim, Article 80 entitles the presiding judge to give the parties directions on the legal remedies and evidence available to them, and Article 107 leaves it to the judge to determine what must be proved, where the burden lies, and how the evidence is to be valued.⁴⁷ That breadth of authority is counterbalanced, in an open hearing, by the presence of the public.⁴⁸ Where the breadth is retained and the counterweight removed, the balance that procedural law constructed becomes lopsided, and accountability shifts from accountability towards society to internal accountability through hierarchical supervision. The two are not substitutes. Proposals to reformulate the constitutional authority of the Judicial Commission proceed from a related concern, namely that judges require external supervision; but supervision of that kind operates through institutional channels, addresses the conduct of judges rather than the conduct of proceedings, and cannot replace the diffuse scrutiny that an open hearing invites.⁴⁹

⁴⁵Fence M. Wantu, "Mewujudkan Kepastian Hukum, Keadilan, dan Kemanfaatan dalam Putusan Hakim di Peradilan Perdata," *Jurnal Dinamika Hukum* 12, no. 3 (2012): 479–89, <https://doi.org/10.20884/1.jdh.2012.12.3.121>.

⁴⁶Ahmad Ahmad, "Analysis of Abuse of Authority by Government Apparatus in the State Administrative Legal System," *International Journal of Constitutional and Administrative Law* 1, no. 1 (2025): 69–83.

⁴⁷Undang-Undang Republik Indonesia, "Undang-Undang Nomor 5 Tahun 1986," arts. 63, 80, and 107.

⁴⁸Simanjuntak, *Hukum Acara Peradilan Tata Usaha Negara*, 53.

⁴⁹Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, art. 24B; Usman Rasyid et al., "Reformulation of the Authority of Judicial Commission: Safeguarding the Future of Indonesian Judicial Power," *Jambura Law Review* 5, no. 2 (2023): 386–413, <https://doi.org/10.33756/jlr.v5i2.24239>; Rheina Aini Safa'at, Graciella Azzura Putri Ananda, and Rasji, "Kedudukan dan Kewenangan Mahkamah Agung dalam

4.2. Norm Disharmony and the Limits of the Supreme Court's Regulatory Mandate

The second consequence concerns the order of norms. Article 13 of Law No. 48 of 2009 and Articles 70 and 108 of Law No. 5 of 1986 require factual openness and attach the loss of validity to its absence. Article 27 of the 2019 Regulation declares that requirement satisfied by the holding of a hearing electronically. The assessment of the two is governed in the first place by the hierarchy of norms: Article 7(1) of Law No. 12 of 2011 does not list a Supreme Court Regulation among the types of legislation it ranks, while Article 8(1) recognises such a regulation as binding so far as it is ordered by a higher norm or made under an authority to regulate, and Article 8(2) requires it not to conflict with higher law.⁵⁰ The question is therefore not only one of rank but also one of mandate: whether the Supreme Court was authorised to determine when a statutory condition of validity is fulfilled.⁵¹

On the material examined here, it was not. Article 79 of Law No. 14 of 1985 authorises the Supreme Court to regulate further what is needed for the smooth conduct of adjudication where the Act is insufficient, and its Elucidation expressly confines that power, distinguishing it from legislation and excluding the general rights and obligations of citizens.⁵² Declaring the open court principle satisfied is not a measure for the smooth conduct of adjudication; it determines the content of a statutory requirement on which the validity of a judgment depends. Nothing in Law No. 48 of 2009 or Law No. 5 of 1986 delegates that determination to the Supreme Court. The provision is, in that sense, not an implementation of the principle but a narrowing of it.

It does not follow that Article 27 is void. The review of regulations below the level of statutes belongs to the Supreme Court under Article 24A(1) of the 1945 Constitution and Article 31 of Law No. 14 of 1985, and is exercised through the procedure for material review; until a provision is annulled in that procedure it remains in force and binding.⁵³ Two observations follow. The first is practical: such a review would place the Supreme Court in the position of assessing a regulation of its own making, which is a reason for the Court to address the question by regulation rather than to await litigation. The second concerns the shape that a challenge would take. An argument that electronic judgments are invalid cannot rest on Article 13(2) of Law No. 48 of 2009 alone, since that paragraph governs the pronouncement of judgment, which Article 26 of the Regulation addresses separately; it would have to rest on Article 13(1) read with Article 13(3), and in the administrative courts on Article 70(1) read with Article 70(3), whose sanction is in any event permissively formulated, or on Article 108(3) in relation to the manner of pronouncement.⁵⁴ The prospects of such a claim

Menyelenggarakan Kekuasaan Kehakiman di Indonesia," *Jurnal Kewarganegaraan* 8, no. 1 (2024): 303–9, <https://doi.org/10.31316/jk.v8i1.6150>.

⁵⁰Undang-Undang Republik Indonesia, "Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan," 2011, arts. 7(1) and 8(1)–(2).

⁵¹Undang-Undang Republik Indonesia, "Undang-Undang Nomor 12 Tahun 2011," art. 8(2).

⁵²Undang-Undang Republik Indonesia, "Undang-Undang Nomor 14 Tahun 1985," Elucidation of art. 79.

⁵³Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, art. 24A(1); Undang-Undang Republik Indonesia, "Undang-Undang Nomor 14 Tahun 1985," art. 31; Peraturan Mahkamah Agung, "Peraturan Mahkamah Agung Nomor 1 Tahun 2011 tentang Hak Uji Materiil," 2011, <https://peraturan.bpk.go.id/Download/258564/Perma%20Nomor%201%20Tahun%202011.pdf>.

⁵⁴Undang-Undang Republik Indonesia, "Undang-Undang Nomor 48 Tahun 2009," art. 13(1) and (3); Undang-Undang Republik Indonesia, "Undang-Undang Nomor 5 Tahun 1986," arts. 70(3) and 108(3).

are beyond the scope of this article. What can be affirmed is that the provision occupies a normatively vulnerable position, and that the vulnerability is itself a cost: it invites doubt about the validity of judgments and so works against the Supreme Court's own interest in legal certainty. Resolving the disharmony by providing a real mechanism of openness, rather than maintaining a fictional norm, is the course that carries the least institutional risk, because it removes the ground of challenge instead of waiting for it to be litigated.

4.3. Public Information and the Right to a Public Hearing

The third consequence touches the right of citizens to information about the exercise of public power. Law No. 14 of 2008 on Public Information Disclosure treats courts as public bodies and subjects their information to a regime in which disclosure is the rule and exemption the exception.⁵⁵ Restricting access to the conduct of electronic hearings does not of itself breach that statute, because the disclosure regime operates through requests for documents rather than through presence at proceedings; the Supreme Court's own standard for public information services in the courts is built on the same model of request and response.⁵⁶ Yet both regimes rest on one premise: the exercise of public power is in principle open, and secrecy is an exception that must be justified. Where technological design reverses that premise, so that the inaccessibility of the process becomes the default, judicial policy moves in the opposite direction to national information policy. The claim here is therefore not that a right has been violated, but that two bodies of policy have come apart.

The international standard sharpens the point. Article 14(1) of the Covenant guarantees a public hearing, and the Human Rights Committee has specified what that entails: courts must make information on the time and venue of oral hearings available to the public and provide adequate facilities for the attendance of interested members of the public, within reasonable limits, and the hearing must not be limited to a particular category of persons.⁵⁷ Electronic litigation as presently regulated fails both requirements at once: no information about the progress of an examination is made available to non-parties, and the only facility that exists is reserved to a defined category of account holders. That the Covenant has been ratified gives the standard domestic significance, and it supplies a yardstick for the reform proposed below that is more concrete than the general appeal to transparency.

4.4. Legal Uncertainty

The fourth consequence is uncertainty. Legal certainty requires rules that are clear, consistent, and predictable in application, so that people know their rights and obligations and are protected against arbitrary action.⁵⁸ In the practice of electronic litigation there is no norm determining who may observe a hearing, through what channel, on what conditions,

⁵⁵Undang-Undang Republik Indonesia, "Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik," 2008, arts. 1(3) and 17.

⁵⁶Keputusan Ketua Mahkamah Agung Republik Indonesia, "Keputusan Nomor 2-144/KMA/SK/VIII/2022 tentang Standar Pelayanan Informasi Publik di Pengadilan," 30 August 2022, which revoked Keputusan Nomor 1-144/KMA/SK/I/2011 tentang Pedoman Pelayanan Informasi di Pengadilan.

⁵⁷International Covenant on Civil and Political Rights, art. 14(1); UN Human Rights Committee, *General Comment No. 32*, para. 29.

⁵⁸Fence M. Wantu, "Kendala Hakim dalam Menciptakan Kepastian Hukum, Keadilan, dan Kemanfaatan di Peradilan Perdata," *Jurnal Mimbar Hukum* 25, no. 2 (2013): 205-18, <https://doi.org/10.22146/jmh.16092>.

and with what safeguards for the parties' data. The instruments examined for this study — the 2019 and 2022 Regulations, the Supreme Court's standard for public information services, and the statutes on judicial power, administrative justice, and public information disclosure — regulate the users of the system and the handling of requests for documents, but not the position of an observer. The conclusion drawn here is therefore a conclusion about an absence, and it is offered on the basis of that search rather than as an exhaustive negative claim.⁵⁹

The consequences of the absence are borne on both sides. The public that wishes to exercise oversight has no procedure to invoke; the court that receives a request for access has no rule to apply, and must fall back on technical policy and the administrative interpretation of each work unit. Any regulation that fills the gap will also have to address the protection of personal data, since Law No. 27 of 2022 on Personal Data Protection applies to the processing of data within judicial administration and the case file of an administrative dispute routinely contains personnel and land records.⁶⁰ The absence of a norm is thus not neutral: it leaves both openness and privacy to be settled ad hoc.

5. Conclusion

On the first question, the open court principle is implemented at the Gorontalo State Administrative Court formally but not substantively. Every electronic hearing is deemed open by Article 27 of Supreme Court Regulation No. 1 of 2019, and every electronically pronounced judgment is deemed to satisfy the principle by Article 26 as amended; yet on the four indicators applied in this study no mechanism exists by which a person who is not a party may attend, learn the agenda of, or follow the examination of a case. Of the 88 claims filed through *e-Court* between 2022 and 2025, 83 had been disposed of when the data were retrieved, and on the evidence presented here the examination ran through a channel that only account holders registered in the case could open. Openness, which once meant the freedom of anyone to attend and observe, has been reduced to access by credential, and the reduction applies across all cases without the panel order that Article 70(2) of Law No. 5 of 1986 requires before a hearing may be closed.⁶¹

On the second question, the restriction has four consequences. First, social control and judicial accountability are weakened, particularly because the procedurally active authority of the administrative judge loses the counterweight of public presence. Second, Article 27 stands in disharmony with Article 13 of Law No. 48 of 2009 and Articles 70 and 108 of Law No. 5 of 1986, and, more seriously, exceeds the regulatory mandate that Article 79 of Law No. 14 of 1985 and its Elucidation confer on the Supreme Court, which places it in a vulnerable position and leaves room for objections to the validity of judgments. Third, judicial policy on access has come apart from national information policy and from the requirements that the Human Rights Committee derives from Article 14(1) of the Covenant.

⁵⁹Zulfahmi Nur, "Keadilan dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum dalam Pemikiran Hukum Imam Syâtibî)," *Misykat al-Anwar: Jurnal Kajian Islam dan Masyarakat* 6, no. 2 (2023): 247-72, <https://doi.org/10.24853/ma.6.2.247-272>.

⁶⁰Undang-Undang Republik Indonesia, "Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi," 2022, https://jdih.kemenkeu.go.id/download/46c17b53-4a45-411c-9b76-c6799e5769fc/UU_Nomor_27_Tahun_2022%20Pelindungan%20Data%20Pribadi.pdf.

⁶¹Undang-Undang Republik Indonesia, "Undang-Undang Nomor 5 Tahun 1986," art. 70(2).

Fourth, the absence of any norm on public access produces legal uncertainty for the public and for the court alike.

Three sets of recommendations follow. To the Supreme Court: replace the deeming approach with a regulation that provides real means of openness: a channel of public observation available on request and subject to verification of the applicant; the publication of the schedule, agenda, and stage of electronic hearings; and a room at the court building in which an electronic hearing can be followed by members of the public who attend in person. Each should be accompanied by proportionate safeguards — the protection of the parties' personal data under Law No. 27 of 2022, the security of the system, the exclusion of recording, and the existing power to close a hearing under Article 70(2) of Law No. 5 of 1986 — and each should be laid down as a norm, so that it can be reviewed and does not depend on the policy of an individual court. To the Gorontalo State Administrative Court: publish the schedule and the stages of electronic hearings, and ensure that judgments are uploaded promptly after they are pronounced. To future research: test the acceptability and the technical feasibility of a public observation channel, including the administrative burden it would impose, and compare the arrangements of other administrative courts, so that openness in electronic litigation rests on evidence rather than on a declaration.

AI Use Disclosure

The authors used a generative artificial intelligence assistant to help with language editing, the structuring of the argument, and the checking of citations against their sources. All AI-assisted outputs were reviewed and verified by the authors. The authors remain fully responsible for the content, analysis, arguments, sources, and conclusions presented in the manuscript.

References

- Ahmad, Ahmad. "Analysis of Abuse of Authority by Government Apparatus in the State Administrative Legal System." *International Journal of Constitutional and Administrative Law* 1, no. 1 (2025): 69–83.
- Arifin, Andi. "Peran Hakim dalam Mewujudkan Negara Hukum Indonesia." *IJOLARES: Indonesian Journal of Law Research* 1, no. 1 (2023): 6–10. <https://doi.org/10.60153/ijolares.v1i1.2>.
- Ariwijaya, Abdul Rachmat, and Palupi Lindiasari Samputra. "Evaluasi Kebijakan Peradilan Elektronik (E-Court) Mahkamah Agung Republik Indonesia." *Jurnal Hukum & Pembangunan* 51, no. 4 (2022): 1104–22. <https://doi.org/10.21143/jhp.vol51.no4.3303>.
- Arliman, Laurensius. "Mewujudkan Penegakan Hukum yang Baik untuk Mewujudkan Indonesia sebagai Negara Hukum." *Doktrinal* 2, no. 2 (2020): 509–32. <https://jurnal.um-palembang.ac.id/doktrinal/article/view/2523>.
- Atikah, I. "Implementasi E-Court dan Dampaknya terhadap Advokat dalam Proses Penyelesaian Perkara di Indonesia." *Prosiding Konferensi Masyarakat Terbuka* 107 (2018): 127.
- Bahutala, Andris E., Fence M. Wantu, and Ahmad Ahmad. "The Contest of Judicial Rationality: An Examination of Judges' Considerations in PTUN Cases No.

- 21/G/2022/PTUN.GTO and 19/B/2023/PT.TUN.MDO." *Damhil Law Journal* 5, no. 1 (2025): 54–69. <https://doi.org/10.56591/dlj.v1i1.2953>.
- Berutu, L. "Mewujudkan Peradilan Sederhana, Cepat, dan Biaya Ringan dengan e-Court." *Jurnal Ilmiah Dunia Hukum* 5, no. 1 (2020): 41–53.
- Fuller, Lon L. *Legal Fictions*. Stanford: Stanford University Press, 1967.
- Harahap, M. Yahya. *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*. Jakarta: Sinar Grafika, 2016.
- Herlambang, Pratama Herry, Yos Johan Utama, and Aju Putrijanti. "Upaya Peningkatan dan Penerapan Penggunaan E-Court pada Pengadilan Tata Usaha Negara Semarang." *Jurnal Hukum Progresif* 11, no. 2 (2023): 94–107. <https://doi.org/10.14710/jhp.11.2.94-107>.
- International Covenant on Civil and Political Rights. 16 December 1966. 999 UNTS 171.
- Keputusan Ketua Mahkamah Agung Republik Indonesia. "Keputusan Nomor 2-144/KMA/SK/VIII/2022 tentang Standar Pelayanan Informasi Publik di Pengadilan." 2022.
- Khoiriyyah, Nizar Naufal. "Studi Analisis Terkait Penyelesaian Sengketa Tata Usaha Negara." *Jurnal Syntax Admiration* 3, no. 6 (2022).
- Lumban Tobing, W. P. "Implementasi Persidangan Elektronik (E-Court) dalam Perkara Pidana Guna Perwujudan Asas Peradilan Terbuka untuk Umum." Master's thesis, Universitas Hasanuddin, 2023.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2017.
- Mertokusumo, Sudikno. *Hukum Acara Perdata Indonesia*. 8th ed. Yogyakarta: Liberty, 2009.
- Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.
- Nur, Zulfahmi. "Keadilan dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum dalam Pemikiran Hukum Imam Syâtibî)." *Misykat al-Anwar: Jurnal Kajian Islam dan Masyarakat* 6, no. 2 (2023): 247–72. <https://doi.org/10.24853/ma.6.2.247-272>.
- Panjaitan, Luhut M. P. "Penyelesaian Sengketa Tata Usaha Negara pada Peradilan Tata Usaha Negara." *Jurnal Hukum dan Kebijakan Publik* 5, no. 2 (2022): 115–28.
- Pengadilan Tata Usaha Negara Gorontalo. "Sistem Informasi Penelusuran Perkara (SIPP)." Case data on claims registered between 2022 and 2025.
- Peraturan Mahkamah Agung. "Peraturan Mahkamah Agung Nomor 1 Tahun 2011 tentang Hak Uji Materiil." 2011. <https://peraturan.bpk.go.id/Download/258564/Perma%20Nomor%201%20Tahun%202011.pdf>.
- Peraturan Mahkamah Agung. "Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik." 2019. <https://peraturan.bpk.go.id/Details/206067/perma-no-1-tahun-2019>.

- Peraturan Mahkamah Agung. "Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan Secara Elektronik." 2018. <https://peraturan.bpk.go.id/Details/206063/perma-no-3-tahun-2018>.
- Peraturan Mahkamah Agung. "Peraturan Mahkamah Agung Nomor 7 Tahun 2022 tentang Perubahan atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik." 2022. <https://peraturan.bpk.go.id/Details/248072/perma-no-7-tahun-2022>.
- Pratama, I Putu Siwa, and I Dewa Gede Dana Sugama. "Penerapan Asas Pemeriksaan Pengadilan Terbuka untuk Umum dalam Persidangan Perkara Pidana Secara Online." *Jurnal Kertha Desa* 10, no. 5 (2022): 298–310.
- Putri, Viorizza Suciani, Ahmad Ahmad, and Mohamad Hidayat Muhtar. "Antara Otoritas dan Otonomi: Pertautan Hak Asasi Manusia dalam Praktik Eksekusi Putusan PTUN." *Jurnal Konstitusi* 21, no. 3 (2024): 392–412. <https://doi.org/10.31078/jk2133>.
- Rasyid, Usman, Novendri Mohamad Nggilu, Fence M. Wantu, Julisa Aprilia Kaluku, and Ahmad Ahmad. "Reformulation of the Authority of Judicial Commission: Safeguarding the Future of Indonesian Judicial Power." *Jambura Law Review* 5, no. 2 (2023): 386–413. <https://doi.org/10.33756/jlr.v5i2.24239>.
- Safa'at, Rheina Aini, Graciella Azzura Putri Ananda, and Rasji. "Kedudukan dan Kewenangan Mahkamah Agung dalam Menyelenggarakan Kekuasaan Kehakiman di Indonesia." *Jurnal Kewarganegaraan* 8, no. 1 (2024): 303–9. <https://doi.org/10.31316/jk.v8i1.6150>.
- Setyawan. "Pemenuhan Asas Persidangan Terbuka untuk Umum dalam Persidangan Secara Elektronik." *Sol Justicia* 5, no. 1 (2022): 1–7.
- Shidiq, A. Z. "Sistem E-Court sebagai Wujud Implementasi Asas Peradilan Sederhana, Cepat, dan Biaya Ringan (Studi di Pengadilan Negeri Mojokerto)." *Dinamika* 27, no. 3 (2021): 331–49.
- Simanjuntak, Enrico. *Hukum Acara Peradilan Tata Usaha Negara: Transformasi dan Refleksi*. Jakarta: Sinar Grafika, 2021.
- UN Human Rights Committee. *General Comment No. 32: Article 14: Right to Equality before Courts and Tribunals and to a Fair Trial*. UN Doc. CCPR/C/GC/32. 23 August 2007.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara." 1986. <https://peraturan.go.id/files/uu5-1986.pdf>.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights." 2005.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan." 2011.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung." 1985. <https://jdih.bkn.go.id/common/dokumen/UU%20NOMOR%2014%20TAHUN%201985@MAHKAMAH%20AGUNG.pdf>.

- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik." 2008.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 18 Tahun 2003 tentang Advokat." 2003.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi." 2022.
- Undang-Undang Republik Indonesia. "Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman." 2009.
- Wantu, Fence M. "Kendala Hakim dalam Menciptakan Kepastian Hukum, Keadilan, dan Kemanfaatan di Peradilan Perdata." *Jurnal Mimbar Hukum* 25, no. 2 (2013): 205–18. <https://doi.org/10.22146/jmh.16092>.
- Wantu, Fence M. "Mewujudkan Kepastian Hukum, Keadilan, dan Kemanfaatan dalam Putusan Hakim di Peradilan Perdata." *Jurnal Dinamika Hukum* 12, no. 3 (2012): 479–89. <https://doi.org/10.20884/1.jdh.2012.12.3.121>.
- Wantu, Fence M., Jufry Puluhulawa, Vina Swarianata, L. Djafar, Sunarti, and G. E. Hayatulah. "Restoration of Court Services as a Configuration for Legal Development with Legal Certainty, Justice and Benefits." *Multidisciplinary Reviews* 7, no. 4 (2024).
- Widiatama, Hadi Mahmud, and Suparwi. "Ideologi Pancasila sebagai Dasar Membangun Negara Hukum Indonesia." *Jurnal USM Law Review* 3, no. 2 (2020): 310–27. <https://doi.org/10.26623/julr.v3i2.2774>.
- Yassine, Chami, Ahmad Ahmad, Mohamad Hidayat Muhtar, Kevin M. Rivera, and Viorizza Suciani Putri. "Admissibility of Lawsuits Based on Interest under Algerian Civil and Administrative Procedures." *Jambura Law Review* 6, no. 2 (2024): 286–303. <https://doi.org/10.33756/jlr.v6i2.24309>.