

Normative Gaps in Indonesia's Electronic Civil Court Regulations: Reconstructing Procedural Justice and Access to Justice

1st Dian Latifiani
2nd Baidhowi Baidhowi
3rd Yustina Dhian Novita
4th Nur Arif Nugraha

^{1,2,3} Universitas Negeri Semarang, Indonesia.
⁴ University of Sussex, United Kingdom.

✉ dianlatif@mail.unnes.ac.id

Article Info

Submitted: August 8, 2025

Revised: July 6, 2026

Accepted: July 30, 2026

Keywords:

E-court; E-litigation; Legal access.

How to cite [Chicago Manual of Style 17th edition (full note)]: Dian Latifiani, Baidhowi Baidhowi, Yustina Dhian Novita and Nur Arif Nugraha, "Normative Gaps in Indonesia's Electronic Civil Court Regulations: Reconstructing Procedural Justice and Access to Justice" *Jambura Law Review* 8, no. 2 (2026): 511-534.

Abstract

The development of information technology has transformed Indonesia's public service system, particularly through the implementation of e-court and e-litigation within the Supreme Court. These innovations aim to improve the efficiency of civil proceedings by reducing time, costs, and administrative burdens. This study evaluates whether Indonesia's current e-court regulatory framework adequately protects litigants' procedural rights in electronic civil proceedings from the perspective of procedural justice. A normative juridical approach was employed using statutory and conceptual methods, supported by descriptive-analytical analysis of legal doctrines and regulations. The findings indicate that although the e-court system has enhanced judicial efficiency, the existing legal framework does not adequately protect litigants who face technological barriers or limited access to electronic court services. As a result, essential principles of procedural justice, including equal participation, equal treatment, and transparency, remain insufficiently safeguarded. The study concludes that technological advancement alone is insufficient to achieve procedural justice. Indonesia's e-court regulations should therefore be strengthened through explicit procedural safeguards, alternative procedures for digitally disadvantaged litigants, and effective legal remedies to ensure the constitutional procedural rights of all court users. These reforms are essential to promoting equitable access and strengthening procedural justice within Indonesia's electronic civil justice system..

©2026 – Dian Latifiani, Baidhowi Baidhowi, Yustina Dhian Novita and Nur Arif Nugraha.
Under the license CC BY-SA 4.

Introduction

Information technology is evolving at breakneck speed, and this momentum has spilled into public services, including the judiciary.¹ Courts are moving away from paper-based processes toward digital platforms designed to improve the efficiency and accessibility of judicial administration through electronic procedures. The rapid institutionalization of electronic civil proceedings, however, raises a more fundamental legal question: whether the existing regulatory framework provides adequate procedural safeguards to protect litigants' rights when judicial processes are conducted electronically. In Indonesia, where the number of islands outnumbers telecom towers and resources are unevenly distributed, the web offers a potential bridge across divides but building that bridge still demands considerable local expertise and resilience.² Administrative efficiency should not imply the achievement of procedural justice. Although the acceleration of civil proceedings through electronic means may benefit some litigants, it may cause disadvantage to others. For example, some litigants may face barriers due to lack of access to the internet or digital devices, lack of skills to act or respond in a digital or electronic environment, and lack of representation by a legal practitioner. These issues create a normative problem regarding the adequacy of the existing e-Court regulations to ensure the procedural rights of all parties in electronic proceedings.

In late 2020, the Indonesian Supreme Court rolled out a pair of interconnected electronic platforms e-court and e-litigation as part of a sweeping modernization drive for civil procedure.³ E-court allows litigants to file complaints, upload evidence, and track case status from any internet-connected device, while e-litigation facilitates remote hearings within a virtual courtroom framed by video and chat windows.⁴ Electronic judicial services are primarily governed by Supreme Court Regulation No. 1 of 2019 as well as Supreme Court Regulation No. 7 of 2022. These regulations establish the normative foundation for electronic civil proceedings, including electronic filing, issuance of summons, conduct of hearings, and delivery of judicial decisions. Yet, the same technology raises tougher questions about due-process safeguards, data security, and the risk that individuals without reliable electricity or digital literacy will find themselves excluded from the forum intended to protect their rights. More importantly, the existing regulatory framework does not expressly regulate several legal situations that may directly affect the procedural rights of litigants, including failures of electronic notification, system disruption during court proceedings, unequal digital accessibility, or the legal consequences arising when parties are unable to participate effectively in electronic proceedings. This absence of explicit legal regulation constitutes a normative

¹ Mulyani Zulaeha, "E-Courts in Indonesia: Exploring the Opportunities and Challenges for Justice and Advancement to Judicial Efficiency," *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 183–94, <https://doi.org/10.5281/zenodo.4756212>.

² Rozha Kamal Ahmed et al., "Impact of E-Court Systems Implementation: A Case Study," *Transforming Government: People, Process and Policy* 15, no. 1 (2021): 108–28, <https://doi.org/10.1108/TG-01-2020-0008>.

³ 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): 141, <https://doi.org/10.31949/jpl.v4i2.3280>.

⁴ Iwan Permadi and Herlindah, "Electronic Title Certificate as Legal Evidence: The Land Registration System and the Quest for Legal Certainty in Indonesia," *Digital Evidence and Electronic Signature Law Review* 20 (2023): 54, <https://doi.org/10.14296/deeslr.v20i.5636>.

gap that requires critical examination, particularly because procedural guarantees in judicial proceedings must remain protected irrespective of the mode through which justice is administered.

Procedural justice lies at the heart of what most legal systems consider a fair trial, embodying principles people expect when they enter court.⁵ These principles include the age-old right to be heard, equal treatment for all participants, timely notice about scheduled hearings, clear access to available evidence, and genuine opportunities to speak or respond. Researchers often point out that these rules aim to both protect personal liberties and reassure the public that judges are acting on solid, impartial grounds. Treaties like the Universal Declaration of Human Rights and nearly every modern constitution insist, often in nearly identical language, that fair process is not a mere nicety but a cornerstone of the rule of law⁶. These procedural guarantees begin with constitutional provisions in the Indonesian system of law, with Article 28D (1) of the 1945 Constitution, providing the right to legal certainty and the right to equal protection before the law, complemented by Law No. 48 of 2009 concerning Judicial Power, which, in turn, obliges the courts to respect the principles of justice, equality, and the right to a fair trial. Thus, in evaluating the adequacy of Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022, one should not limit the appraisal to administrative efficiency alone but should examine the regulations in light of the above-mentioned legal norms. This paper considers procedural justice as the main normative framework for assessing the adequacy of the regulations governing electronic civil proceedings in Indonesia in providing litigants' procedural rights. The analysis also focuses on the framework of John Rawls' theory of justice in assessing the regulatory arrangements in relation to the Structural Injustice of the Digitally Disadvantaged Litigants, while the regulatory provisions of e-Court will be evaluated using Hart's theory of the Inner Morality of Law to establish if the e-Court provisions meet the requirements of clarity, accessibility, and congruence to provide procedural justice.

Electronic civil court systems growing developments in judicial administration show promise. However, their legality is based on the governing procedural rules and how well they reflect and protect the procedural rights of litigants during the electronic procedures. Thus, the main legal question does not pertain to the efficiency brought about by electronic procedures, but rather whether the contemporary legal framework provides necessary protections to fundamental procedural rights such as the right to be heard and the equality of arms, as well as the notification within a reasonable time, access to evidence, and meaningful engagement in judicial processes. However, the shift from traditional courtroom litigation to internet-based litigation has introduced many new legal issues that are not explicitly covered in existing procedural regulations. Notably, the legal implications of incomplete electronic summons, arbitrary system crashes during court sessions, disproportionate digital accessibility, and the remedial procedures afforded to litigants undergoing technological obstructions are not adequately covered in

⁵ Herri Swantoro, Efa Laela Fakhriah, and Isis Ikhwanisyah, "Permohonan Upaya Hukum Peninjauan Kembali Kedua Kali Berbasis Keadilan Dan Kepastian Hukum Menuju Pembaharuan Hukum Acara Perdata," *Mimbar Hukum* 29, no. 2 (2017): 189, <https://doi.org/10.22146/jmh.22103>.

⁶ Cekli Setya Pratiwi, "Bridging the Gap Between Cultural Relativism and Universality of Human Rights: Indonesia Attitudes," *Journal of Indonesian Legal Studies* 5, no. 2 (2020): 449–78, <https://doi.org/10.15294/jils.v5i2.39271>.

Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022. As a result, the concern primarily centers on the sufficiency of the legal framework for electronic civil proceedings, rather than the technology itself.⁷

Researchers have closely examined Indonesia's court digitization journey, primarily focusing on the implementation and institutional development of electronic judicial administration. Putrijanti and Wibawa, for instance, studied administrative courts where a hybrid model partly digital, partly in person remains the norm, necessitated by the fact that reject motions and preliminary hearings still require hard-copy submissions as mandated by Laws No. 5 of 1986 and No. 30 of 2014.⁸ Kharlie and Cholil, demonstrate that Supreme Court Regulation No. 3 of 2018 and Supreme Court Regulation No. 1 of 2019 provide the principal regulatory framework for electronic judicial administration, while simultaneously acknowledging that the continued application of the HIR and RBg procedural codes creates normative inconsistencies within Indonesia's civil procedural system.⁹

While these studies focus on the implementation of electronic courts in institutions, they focus heavily on the modernization of the administration, the efficacy of the technology, and the issues of implementation. Literature on the implementation of electronic courts has paid scant attention to whether the current regulations on the implementation of electronic courts balance the right to procedural justice when electronic court proceedings are confronted with legal situations not expressly regulated by law. Furthermore, studies have not examined whether Supreme Court Regulation No 1 of 2019 and Supreme Court Regulation No 7 of 2022 are still in the framework of Law No 48 of 2009 on Judicial Power and the procedural guarantees of Article 28D paragraph (1) of the 1945 Constitution. This normative issue has not been addressed and is the main gap of this research.

Most previous research on electronic courts has been framed around high-income countries with stable broadband access and widespread digital literacy.¹⁰ Consequently, this literature often overlooks the infrastructure bottlenecks and significant digital divides that persist in countries like Indonesia. Empirical surveys conducted in Western nations offer limited insight into an island district where a lawyer might reach the courthouse by motorcycle ferry and every second villager prints legal documents on a thrift-store laptop.¹¹ More importantly, low-income litigants, elderly users, and persons

⁷ Derita Prapti Rahayu et al., "Law Enforcement in the Context of Legal Culture in Society," *Law Reform* 16, no. 2 (2020): 276–89, <https://ejournal.undip.ac.id/index.php/lawreform/article/view/33780>.

⁸ Aju Putrijanti, Kadek Cahya, and Susila Wibawa, "The Implementation of E-Court in Administrative Court to Develop Access to Justice in Indonesia," *Journal of Environmental Treatment Techniques* 9, no. 1 (2020): 105–9, [https://doi.org/10.47277/jett/9\(1\)109](https://doi.org/10.47277/jett/9(1)109).

⁹ Ahmad Tholabi Kharlie and Achmad Cholil, "E-Court and e-Litigation: The New Face of Civil Court Practices in Indonesia," *International Journal of Advanced Science and Technology* 29, no. 2 (2020): 2206–13.

¹⁰ Otabek Sh. Pirmatov, "Features of Procedural Aspects of the Electronic Court Case Management System When Initiating a Civil Case and Preparing a Case for a Court Proceedings," *Gosudarstvo i Pravo*, no. 5 (2024): 169–74, <https://doi.org/10.31857/s1026945224050185>.

¹¹ Sudarsono Sagala, July Esther, and Jusnizar Sinaga, "Legal Analysis of the Handling of M-Banking Electronic Evidence in Bribery Cases in the Digital Era," *Indonesian Journal of Law and Justice* 2, no. 3 (2025), <https://doi.org/10.47134/ijlj.v2i3.3625>.

with disabilities are conspicuously absent from these samples, making it impossible to assess how these groups experience a platform designed primarily for digitally comfortable individuals. Longitudinal studies tracking whether virtual hearings actually strengthen or undermine public faith in the idea of justice remain scarce. Cultural nuances, dialects, and courtroom etiquette that vary significantly from one provincial capital to another seldom appear in discussions, even though they may determine whether the system is perceived as fair or distant.¹²

This study examines the adequacy of Indonesia's electronic civil proceedings regulatory system in fulfilling litigants' procedural rights. This study attempts to analyze Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 to identify gaps, their harmony with Law No. 48 of 2009 on Judicial Power, and Article 28D paragraph (1) of the 1945 Constitution, and provide recommendations to improve procedural justice in Indonesian electronic civil courts. This study addresses the following normative questions: (1) how do the current e-Court regulations safeguard litigants' procedural rights in electronic civil proceedings, if at all; (2) recognizing existing e-Court regulations, which normative gaps are still unaddressed; (3) does the existing e-Court regulations align with constitutional procedural justice as stipulated in Article 28D (1) of the 1945 Constitution and Law No. 48 of 2009 concerning Judicial Power; (4) what normative reconstruction strengthens procedural justice in Indonesia's electronic civil court system?

The originality of this research lies in its normative analysis of Indonesia's Electronic Civil Court regulations; this study inspects the convergence of procedural justice and the constitutional principles of judicial protection. In contrast to most prior research, which focuses mainly on the evaluation of the implementation of technology or the efficacy of institutions, this study offers an analysis on the extent to which Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 offer litigants more procedural safeguards, and more specifically, the rights to procedural safeguards in the context of judicial processes conducted in the digital manner. In addition, this study integrates Rawls's procedural justice theory and Fuller's theory of the inner morality of law to provide additional evaluative standards for the body of Indonesian e-Court regulation(s). The normative perspective of this theory offers opportunities to develop legal safeguards for electronic civil procedures, rather than merely assessing the procedural functional aspect. This study is expected to offer a normative assessment of the existing regulatory framework for electronic litigation and to determine how adequate it is. This is expected to assist legislators, the Supreme Court, and judicial policymakers in addressing normative gaps in the existing e-Court rules and developing regulations that strengthen procedural justice, legal certainty, and constitutional rights of litigants. This study goes beyond the scope of Indonesian legal issues. This study also aims to facilitate discussions in the field of digital justice by showing that when Courts are digital, they do not abandon procedural guarantees or constitutional rights. This way, modernization of technology in Courts does not step outside the rule of law.

¹² Muhammad Rafif and Zakki Adlhiyati, "Tinjauan Penerapan E-Court Di Pengadilan Negeri Yogyakarta Berdasarkan Teori Hukum Lawrence M. Friedman," *Verstek* 11, no. 4 (2023): 685, <https://doi.org/https://doi.org/10.20961/jv.v11i4.76143>.

Problem Statement

The application of electronic civil court proceedings in Indonesia, as set out in Supreme Court Regulations No. 1 of 2019 and No. 7 of 2022, represents a positive development in civil procedural law. This development includes electronic filing, electronic summons, electronic hearings, and the electronic delivery of judicial decisions. However, moving from conventional to electronic proceedings presents a challenge with respect to the existing laws, as they do not clearly define electronic civil procedures and may not provide adequate guarantees to litigants for the protection of their procedural rights. Even though the Supreme Court Regulations provide the procedural guidelines for electronic litigation, the Supreme Court Regulations do not provide an adequate description of several legal situations, such as the failures of electronic notification, disruptions of electronic hearings, issues of digital accessibility, and the failures of litigants to participate in electronic litigation that may greatly impact the realization of legal procedural justice. The main normative gap this Research seeks to elucidate stems from regulatory incompleteness. As the Supreme Court Regulations are on a lower level in the Indonesian legal system, their adequacy may be assessed in light of higher-order legal guarantees on Law No. 48 of 2009 on Judicial Power, and Article 28D paragraph (1) of the 1945 Constitution, which encompass the right to a judicial process that provides the assurance of fairness and legal, and the right to the process which is orderly, impartial, and provides equality. Therefore, the main legal question is not whether the deployment of electronic courts has empirically widened access to justice; rather, it is whether the existing legal arrangements provide adequate normative safeguards for litigants' procedural rights in the context of judicial proceedings conducted by electronic means. This normative question then justifies assessing the current e-Court Regulations against the principles of procedural justice, Rawls's normative theories of justice, and Fuller's inner morality of law.

Methods

This study adopts a normative-juridical framework, leaning on both conceptual and statutory approaches.¹³ to examine the adequacy of Indonesia's regulatory framework governing electronic civil proceedings in guaranteeing the procedural rights of litigants. Normative methods suit the inquiry because this study systematically analyzes legal norms, statutes, illegal doctrines, and the framework of electronic civil proceedings. The framework of justice is utilized to develop the normative limits of the study. In particular, the procedural justice principles from Rawls' justice theory and Fuller's theory of the law's inner morality are utilized. These justice theories are employed here as a framework to determine whether existing legal structures protect litigants' procedural justice. A legal framework is also used to assess and analyze the legal structures governing electronic civil proceedings. This study also critiques the Supreme Court Regulations No. 1 of 2019 and No. 7 of 2022 from the perspective of legal consistency with Law No. 48 of 2009 concerning the Judicial Power and with Article 28D of the 1945 Constitution, especially paragraph (1). Different tiers of legal text cases, statutes,

¹³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 133.

administrative guidelines, and scholarly pieces to provide a comprehensive normative analysis of the legal framework governing electronic civil proceedings.

Primary sources of Indonesian procedural law now tower over the e-court landscape. Supreme Court Regulation No. 1 of 2019 lays the groundwork for electronic case management; Supreme Court Regulation No. 7 of 2022 further refines the procedural framework governing electronic civil proceedings. The HIR, RBg, and Law No. 48 of 2009 on Judicial Power still anchor the larger doctrinal edifice. Together, these texts furnish the statutory skeleton on which the normative analysis of electronic civil proceedings is conducted. Secondary authorities include judicial decisions, textbooks, peer-reviewed articles, and other scholarly publications pertaining to procedural justice and judicial administration. It includes both scholarly and judicial publications that discuss statutory provisions and normative inconsistencies. Tertiary resources perform a different task. Black's Law Dictionary, the Encyclopedia of Indonesian Law, and similar compendia turn vague terms into definable signals, making statutes less intimidating for new clerks. Such reference works also contextualize concepts that statutes mention only in passing.

Alongside primary and secondary legal materials, this research employs publicly available data disseminated by the Supreme Court on the Mapecourt platform (https://ecourt.mahkamahagung.go.id/mapecourt_umum) The current study does not categorize this kind of information as empirical research data. Instead, it classifies them as supporting documentary materials that provide background for the implementation of the electronic court in Indonesia. Thus, the author uses the statistics in this study only to describe the institutional context of the regulatory system under study. They are not the main focus of the study. This analysis uses a descriptive-analytical method under the umbrella of normative legal research. Provisions governing electronic civil procedures are evaluated in order to find gaps and ambiguities in the norm. These results will then be assessed with the standards of procedural justice and the theories of justice by Rawls and the inner morality of law by Fuller. This will help determine if the current e-Court regulations provide justice in terms of fairness, certainty, and equality, as well as in the right to due process. This study will provide recommendations to improve the legal framework of electronic civil procedures in Indonesia.¹⁴

The Concept of Procedural Justice in Civil Procedure Law

1. The meaning of procedural justice: the right to notification, participation, transparency, and equal treatment

Procedural justice standards, including equity, ensure fair and equal treatment of litigants and serve as an essential premise for all judicial systems. In legal scholarship, procedural justice is conceptualized as a principle of fairness and a criterion for assessing whether a procedural regulation is adequate to protect a litigant's rights. In the case of Indonesia's electronic civil court system, procedural justice is used as a primary framework to analyze the extent to which the procedural rights of litigants are accommodated by both Supreme Court Regulation No. 1 of 2019 and Supreme Court

¹⁴ Irwansyah Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021), 20.

Regulation No. 7 of 2022, and as a result, it is the main framework used by this study. For this purpose, procedural justice is defined by four interrelated normative dimensions: adequate notification, meaningful participation, judicial transparency, and equal treatment. The four dimensions are used as design criteria to evaluate the present e-Court system of Indonesia.

Adequate notification occupies a central place in any meaningful discussion of procedural justice.¹⁵ It compels authorities to inform individuals about legal actions that could alter their rights, holdings, or reputations. Rooted in the older idea of natural justice, the right asks that people receive word in advance and in a form they can actually understand. Typical notices describe the claim itself, flag the legal rules being invoked, and outline the possible fallout. Because of that clarity, recipients can look for a lawyer, gather documents, and decide whether to push back or let the case play out.¹⁶ Courts once thought mere delivery was enough mostly a postal stamp or a court clerk's signature would do. Case law, however, drifted toward a substance-over-form outlook, asking whether the paper reached the person and whether that paper carried real information. In the context of electronic civil proceedings, this principle establishes a normative standard against which the current e-Court policy can be evaluated to determine whether there are sufficient legal safeguards for the effective reception of litigants' electronic summons, notifications, and judicial documents. Thus, for the purpose of this study, this dimension is used to determine to what extent Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 provide regulations to the legal implications of unsuccessful electronic notifications; delayed electronic communications; and system interruptions, as well as other situations which prevent litigants from receiving timely notification of judicial proceedings. The provisions of these regulations are also evaluated in order to assess the extent to which the existing legal order, in line with the principles of procedural justice, provides adequate protection to litigants' procedural rights.¹⁷

Meaningful participation sits at the heart of procedural justice. This principle mandates relevance to actual opportunities for litigants throughout judicial proceedings, including the right to defend oneself by way of argument and counter-evidence, the right to sufficient preparation, and the right to participate in all stages of the legal process to the fullest extent possible. Within the context of Indonesia's electronic civil court system, the e-Court system in mind, meaningful participation serves as a standard for determining whether current e-Court regulations provide litigants with the necessary legal protections to participate fully in electronically conducted judicial proceedings. This dimension is therefore used to assess whether Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 provide adequate regulation for litigants facing technological disruptions, digital gaps, e-disruptive communication barriers, and other circumstances that restrict access to justice in defense of their rights. The analysis

¹⁵ E E Uksusova, "Access to Court as a Determinative Procedural Act for the Exercise of Justice and Protection of Rights in Civil Cases (Part 2)," *Actual Problems of Russian Law* 16, no. 1 (2021): 99–110, <https://doi.org/10.17803/1994-1471.2021.122.1.099-110>.

¹⁶ Arief Budiono et al., "Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate," *Law and Justice* 9, no. 1 (2024): 130–50, <https://doi.org/10.23917/laj.v9i1.3903>.

¹⁷ Adel Allouzi, "Digital Justice and Its Impact on the Functioning of Procedural Rivalry in UAE Law," *Research Journal in Advanced Humanities* 5, no. 4 (2024), <https://doi.org/10.58256/4f8zyx55>.

thus captures the existing legal protections in the context of disruptive electronic proceedings, rather than the actual practices of such proceedings.¹⁸

Judicial transparency serves as the bedrock of procedural fairness; judicial proceedings must be conducted in a manner where both participants and the public can comprehend the legal framework and the steps and reasoning involved in the court's decisions. Transparency also means that the rules and procedures are clear and consistent, so that participants can exercise their rights and understand the law with confidence. In this research, judicial transparency sets the standard for assessing if the existing e-Court provisions are sufficiently certain regarding legal concepts of electronic (i) filing and (ii) hearings, (iii) access to court documents, (iv) the publishing of court decisions, and (v) other methods of online civil court (iv) proceedings. This aspect also reviews if the provisions are flexible enough to incorporate clear and predictable procedures framed within transparency, and the balance of (i) open justice, (ii) the privacy of individuals, and (iii) confidentiality of the court.¹⁹ According to Latifiani et al, state that The attainment of digital justice based on ethical, social, and institutional factors is a focal point of global discussions. For this reason, digital justice related discourses are some of the most pertinent to contemporary policymaking. In the context of Indonesia, Digital Justice and ICT policies require the optimization of fairness, access, and integrity, as the foundational values.²⁰

Equal treatment, as a basic concept of procedural justice, it entails the necessity of equal legal protections and procedural opportunities afforded to each litigant without regard to their social, economic, geographical, or technological conditions. In the context of electronic civil litigation, this principle, as applied to procedural formal equality, necessitates the law's proactive requirement to guard against structural inequalities caused by digital inequality or technological disadvantage. In this regard, equal treatment is utilized in this study as a reference point to assess whether Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 contain the necessary legal provisions that safeguard litigants' equal rights to procedural protection in the context of their participation in electronic proceedings. More specifically, this study aims to explore whether existing regulations address situations in which litigants face violations of the right to equality before the law due to technological barriers.²¹

In this study, equal treatment as a principle is a point of reference for assessing the existing e-Court regulations concerning the availability of legal protections against the violation of rights related to electronic judicial proceedings. The analysis that follows

¹⁸ Simon Chesterman, "Do Better Lawyers Win More Often? Measures of Advocate Quality and Their Impact in Singapore's Supreme Court," *Asian Journal of Comparative Law* 15, no. 2 (2020): 250-80, <https://doi.org/10.1017/ASJCL.2020.13>.

¹⁹ Maria C Tavares, Graza Azevedo, and Rui P Marques, "The Challenges and Opportunities of Era 5.0 for a More Humanistic and Sustainable Society—A Literature Review," *Societies* 12, no. 149 (2022): 1-21, <https://doi.org/https://doi.org/10.3390/soc12060149>.

²⁰ Dian Latifiani et al., *Designing the Ideal E-Court E-Litigation: A Global Comparative Framework for Indonesia's Electronic Civil Case Management System*, *Journal of Law and Legal Reform*, vol. 7, (2026) :679, <https://doi.org/10.15294/jllr.v7i2.41981>.

²¹ Anton Peez, "Contributions and Blind Spots of Constructivist Norms Research in International Relations, 1980-2018: A Systematic Evidence and Gap Analysis," *International Studies Review* 24, no. 1 (2022), <https://doi.org/10.1093/isr/viab055>.

considers the extent to which the existing regulations configure the situation of participants in legal proceedings who face technological disadvantages and do not violate the constitutional right of equality before the law.

2. Theories and principles of procedural justice (such as according to Rawls, Fuller, or the principle of due process)

John Rawls's theory of justice offers a detailed, court-ready lens for thinking about fairness by insisting that institutions be scrupulously neutral. Within his schema, he describes three kinds of justice perfect, imperfect, and pure to isolate the brand he sees operating where due process rules dictate outcomes instead of the other way around.²² Envision decision-makers concealed behind a veil of ignorance, utterly blind to their own wealth, race, or rank; that separation of self and role is what, in his view, guarantees equality of opportunity before the law.²³ From that vantage point, the rules themselves must remain transparent, equally reachable, and free of hidden advantages that tilt the playing field toward insiders. Applying Rawls's difference principle, courts would pay special heed to the least privileged litigants so their claims do not drown beneath procedural obstacles. Shift the stage to cyberspace, though, and the inquiry sharpens: inequality of bandwidth, hardware, or digital literacy can easily flip a supposedly neutral platform into one that favors the technically savvy.²⁴ A just e-court, then, cannot stop at shiny log-in screens; it must invent safeguards that level the playing field while protecting every user's dignity and voice.

Lon Fuller turned heads with his idea that law has its own inner morality, a discussion most students first meet in a survey course on jurisprudence. He boiled the concept down to eight yardsticks: rules must be general, published, non-retroactive, clear, free of contradiction, possible to follow, steady over time, and and this is the kicker coincide with what officials actually do. When the courts handle civil cases, those yardsticks morph into a rough definition of procedural justice.²⁵ Legal processes have to be visible, intelligible, consistently enforced, and realistically doable by the people who wind up in the courtroom. Fuller was blunt about clarity; if a rule can only be decoded by code-writers, it might as well be written in Martian. Electronic filings, auto-generated notices, and platform-specific jargon all put that point to the test. The congruence principle carries its own weight; if the website says forms are due Friday but the clerk's desk closes Thursday, the system whispers that honesty is optional.²⁶ Fuller's insistence on possibility what he called the feasibility of compliance presses courts to watch for those who still send faxes or who rely on borrowed Wi-Fi at the library. Taken together, his principles give us a

²² Gargi Sengupta, "John Rawls After 100 Years : An Overview," *Athena IV*, no. July (2020): 49–54.

²³ Victoria Tabita Majesty Lamada and Tetania Retno Gumilang, "The Function of Legal Research in Formulation of Legislation," *Jurnal Hukum Prasada* 7, no. 1 (2020): 61–65, <https://doi.org/10.22225/jhp.7.1.1373.61-65>.

²⁴ Donna Revilia and Nfn Irwansyah, "Social Media Literacy: Millennial's Perspective of Security and Privacy Awareness," *Jurnal Penelitian Komunikasi Dan Opini Publik* 24, no. 1 (2020): 1–15, <https://doi.org/10.33299/jpkop.24.1.2375>.

²⁵ Abdul Halim, "The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 883, <https://doi.org/10.37680/almanhaj.v5i1.2729>.

²⁶ Dian Latifiani et al., *Teknis Penggunaan E-Court (E-Filing, E-Payment, E-Summons, Dan E-Litigasi* (Semarang: Fastindo, 2021).

litmus strip for the new digital dockets, a way to measure whether they still rest on a foundation the public can actually trust.

Models and Mechanisms of Electronic Civil Court in Indonesia

1. Overview of the E-Court and E-Litigation Process

Indonesia has recently put its electronic civil courts into operation through a regulatory framework primarily established by Supreme Court Regulation No. 3 of 2018 and further adjusted by Supreme Court Regulation No. 1 of 2019. While these provisions describe the principal procedural mechanisms for electronic filing, electronic hearings, electronic summons, and electronic delivery of judicial decisions, their presence does not, in all situations arising from the conduct of electronic proceedings, guarantee adequate protection of the litigant's procedural rights. Supreme Court Regulation Number 1 of 2019 is a transformational document for Indonesia's civil procedure system as it is the first regulation to include elements of an integrated procedure at the national level. The Regulation includes the use of electronic procedures. As positive as this development is, it still leaves many procedural gaps unaddressed, and these gaps can adversely affect participants' rights in the civil procedure system. Some of these gaps include the lack of regulation for the legal consequences of interrupted electronic notifications, disrupted systems, or participants' failure to be present due to technological impediments. Unaddressed gaps in the Regulation require procedural systems to be established while the Regulation fails to address the legal consequences of the gaps.²⁷ This regulatory constraint is important because litigants' constitutional procedural rights, including the right to adequate informational notice, the right to participate in the process, and the right to procedural equality, are adversely affected by electronic procedural mechanisms. The Electronic Information and Transactions Law (Law No. 1 of 2024), provides the grounds for the recognition of electronic documents and signatures. However, while the provisions address the legal validity of electronic information, they do not provide adequate and complete legal protection for litigants in the electronic court. Thus, the primary normative concern is less about how the e-Court system operates and more about whether the current regulatory structure affords the necessary legal assurances that the expedience of court procedures will not come at the expense of the procedural rights of litigants.

The e-Litigation framework introduced by Indonesia's judiciary applies traditional civil procedural elements to electronic judicial administration, but keeps the established formal structures of civil litigation per the HIR and the RBg. While the procedural system aims to maintain the continuity of civil procedural law, its normative sufficiency will derive from the governing rules' capacity to address the specific legal challenges posed by electronic proceedings.²⁸ The e-Court platform enables electronic submission under Article 118 of the HIR and Article 142 of the RBg. Government Regulation No. 71 of 2019

²⁷ Bearlly Deo Syahputra and Enggal Prabawuri Khotimah, "Problematika Keabsahan Pembuktian Pada Implementasi Persidangan Elektronik (E-Litigasi)," *Supermasi Hukum: Jurnal Penelitian Hukum* 30, no. 2 (2021): 148, <https://ejournal.unib.ac.id/index.php/supremasihukum/article/download/13616/9336>.

²⁸ Rida Ista Sitepu and Nuchraha Alhuda Hasnda, "Analysis of the Implementation of E-Litigation with Artificial Intelligence Approach in Procedural Justice and Access to Justice in Pretrial Proceedings," *Perspektif Hukum*, 2024, 45–71, <https://doi.org/10.30649/ph.v24i1.275>.

recognizes electronic systems and electronic signatures. However, the Supreme Court Regulations and the said provisions do not adequately address several of the procedural problems that arise from electronic litigation, such as a system crash during a hearing, disrupted electronic communication, or the implications of litigants being unable to participate in electronic court sessions due to technical difficulties.²⁹

As meetings roll on, the court clerk clicks a button to zip every screen share into the record, and later no one can deny who uploaded what because blockchain tags mark every shift. That ledger-supplemented chain of custody keeps hackers at bay and keeps the judges calm, even as the pandemic has rattled nearly every other public institution. Over the life of a case, these small automations and digital safeguards stack up, shrinking queues, flattening travel maps, and letting a litigant see justice march forward without ever leaving home. The e-court delivery system lends legal certainty by embedding each ruling with the presiding judges' digital signature and automatically notifying all concerned parties. Because the software plugs directly into the national legal database, a complete digital record is formed and preserved. That archive can then be called upon during appeal hearings or enforcement stages, and it remains subject to the transparency and accountability safeguards outlined in Indonesian court administration rules.

2. Technical and Administrative Regulations

Indonesian electronic civil court operations rest on a carefully assembled technical framework that seeks to convert paper-based routines into orderly digital workflows. Central to this architecture is Supreme Court Regulation No. 1 of 2019, which prescribes how cases and hearings are to be handled entirely online, from the moment a claim is lodged to the point when a judgment appears on screen. That very rule requires every district court to plug into the SIPP-Elektronik system so that filing, scheduling, and verdict delivery can run on a single set of standardized digital rails.³⁰ Complementing these procedural mandates, Supreme Court Regulation No. 3 of 2018 spells out the underlying interoperability criteria, covers data security protocol, and describes how users will authenticate themselves in a digital courtroom. Taken together, the two ordinances specify a secure server backbone, mandated encryption for all traffic, and fingerprint or iris checks to verify that the right person is present at trial. Cybersecurity is not left to business-as-usual practice; Government Regulation No. 71 of 2019 compels routine vulnerability scans, disaster recovery drills, and the prompt reporting of any breach that could compromise case data. The new technical requirements explicitly mandate that any deployed system must interoperate with core state platforms such as the National Single Identity Number registry and the Electronic Identity Card database.³¹ Such interoperability is meant to give citizens frictionless entry to court services while

²⁹ Tri Sugondo, "The Use of E-Court In The Settlement of Civil Cases, In Realizing Simple, Fast, And Low-Cost Justice At The Jepara District Court," *Asian Journal of Social and Humanities* 1, no. 1 (2022): 30–39, <https://doi.org/10.59888/ajosh.v1i01.7>.

³⁰ Dian Latifiani et al., "Advocate as Law Enforcer in the Implementation of E-Court," *International Journal of Innovation, Creativity and Change* 11, no. 4 (2020): 440, www.ijicc.net.

³¹ 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): 108, <https://doi.org/10.14710/dilrev.8.1.2023.107-123>.

upholding the high-caliber identity checks that the law courts rely on.

Indonesia's electronic civil-court system rests on regulations that spell out how judges, staff, and lawyers should handle cases in a screen-based world. Scholars note that even as courts digitize, the core concept of due process must keep pace. Stainless Law No. 19 of 2016 amends to the 2008 statute on Electronic Information and Transactions gives e-documents and e-signatures the same heft as blue ink on paper, provided an honest-to-goodness audit trail is in place.³² That legal bedrock circulates through every courtroom laptop and smartphone in the archipelago. Supreme Court Regulation No. 4 of 2020, meanwhile, drills down into the nitty-gritty, spelling out how clerks must send electronic summonses, where defense counsel uploads tamped-down evidence, and who presses the record button for a remote hearing. Automated case trackers ping judges when filings are overdue, and digital registrars archive every screen tap to keep the process above board. Government Regulation No. 24 of 2018 then loops the judiciary into a broader mesh of national e-services, insisting that courts swap data seamlessly with tax offices, police databases, and the ministry that oversees business permits. Supreme Court Circular Letter 914/DJU/SK/PS.00/9/2020 lays out the baseline training expectations for court administrative workers, insisting that every candidate master a suite of digital tools and earn a formal badge before handling online case files. At the legislative level, Law No. 14 of 2008 on Public Information Openness obliges the judiciary to offer web-based public access; the statute forces courts to juggle broad disclosure with the need to shield delicate personal or corporate data, a tension that surfaces most acutely in civil litigation.

3. An example of application in judicial practice

Indonesian civil courts have entered a new era with their switch to electronic case handling, a move framed by Law No. 48 of 2009 on Judicial Power and bolstered by Supreme Court Regulation (PERMA) No. 1 of 2019 on Electronic Case Administration.³³ A rising class of digital applications now empowers lawyers to file pleadings, book court slots, and verify outcomes via the Web, quietly melting the traditional paper fortress that once defined every law office. The shift is neatly hedged by the ITE Law, which treats electronic signatures and scanned files as bona-fide exhibits in any proceeding. Judges, clerks, advocates, and parties log into the same secure network, so confidential data stays locked up as required by Law No. 14 of 2008 on Public Information Transparency. Early reports show total case turnaround has quickened by 40 to 60% less time lost shuffling pages, and more time spent on justice. The online courthouse now allows parties to follow their files in real time, receive automated alerts, and upload exhibits via a secure dashboard. These features lower overhead, improve openness, and lift the burden of paperwork from busy clerks. Judges say the overhaul keeps Indonesia in step with its wider e-governance push and signals a serious effort to bring court services into the digital age. Indonesia has begun testing sophisticated electronic court procedures that marry older courtroom rituals with cutting-edge software. All of that still has to sit comfortably beside the *Het Herziene Indonesisch Reglement* and the *Rechtsreglement*

³² Hisam Ahyani, Muhamad Ghofir Makturidi., and Muharir, "Administrasi Perkara Perdata Secara E-Court Di Indonesia," *Batulis Civil Law Review* 2, no. 1 (2021): 59.

³³ Susanto Susanto, "E-Court As the Prevention Efforts Against the Indonesia Judicial Corruption," *Yustisia Jurnal Hukum* 9, no. 1 (2020): 116, <https://doi.org/10.20961/yustisia.v9i1.41127>.

Buitengewesten.³⁴ In practice, litigants from far-off villages no longer must shoulder the cost of a cross-town trip, yet the system keeps due process intact, fulfilling the equal-justice promise found in Article 28D of the 1945 Constitution.

An Analysis of Procedural Justice Accessibility

1. Supporting Aspects: Efficiency, Cost Reduction, and Process Acceleration

The administrative efficiency of the Indonesian electronic court system is evident using the Case Tracking Information System (SIPP), e-Court, and e-Litigation. Institutional data are accessible to the public and show development in the time taken for case processing, electronic filing, and judicial administration. Information of this nature, however, is used in this study to provide context and show that electronic Judicial administration is a part of the civil justice system in Indonesia. While there is administrative efficiency, this does not demonstrate that the existing regulatory system safeguards litigants' procedural rights. An even more pressing concern is the increasing reliance on electronic systems to conduct court proceedings. This raises the question of whether Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 offer legal frameworks within which there are safeguards and trade-offs to achieve procedural efficiency at the cost of the Constitutional rights of every person to receive justice, and to have legal certainty and equality before the law. Given the above, administrative efficiency cannot be equated with procedural justice, which imposes a legal obligation to ensure timely and sufficient notification, an opportunity to present one's case, and equal treatment before the court. Thus, the question is not whether the e-Court system is efficient, but whether the regulations provide sufficient safeguards for litigants in the event of system failure, technical limitations, or unequal access to the digital court system.³⁵ Observers within Indonesian trial courts now credit the platform for better matching personnel to workload, cutting clerical drudgery, and upholding the five-month turnaround benchmark for civil disputes set by Supreme Court Circular Letter No. 2 of 2014.³⁶ Eleven months into the pandemic, Indonesian magistrates formally adopted video hearings as the default procedure for civil and misdemeanor cases. By waiving travel fees and streamlining docket intervals, the reforms sliced weeks off the average litigation timetable across the archipelago.³⁷ District registries now credit the electronic format with a surge in pro-deo filings from poorer applicants; some jurisdictions report gains as high as 40%. Observers note that fairness standards have held steady, even as mobility costs for witnesses, counsel, and court staff evaporated.

³⁴ Swantoro, Fakhriah, and Ikhwanasyah, "Permohonan Upaya Hukum Peninjauan Kembali Kedua Kali Berbasis Keadilan Dan Kepastian Hukum Menuju Pembaharuan Hukum Acara Perdata."

³⁵ Mhd Teguh and Syuhada Lubis, "Review Of The National Legal System on The Mechanism of Resolving Criminal Acts Of Regional Head Elections Based on Inter-Agency Authority," *International Journal of Educational Law Review*, no. 2 (2022): 217–32.

³⁶ Ahmad Habib, Muhammad Riyan Afandi, and Dian Latifiani, "National Law Development through Civil Procedure Law Reform as a Manifestation of State Goals during the Covid-19 Pandemic," *Lex Scientia Law Review* 5, no. 2 (2021): 49–50, <https://doi.org/10.15294/lesrev.v5i2.50483>.

³⁷ M Endler, "How the Coronavirus Disease 2019 Pandemic Is Impacting Sexual and Reproductive Health and Rights and Response: Results from a Global Survey of Providers, Researchers, and Policy-Makers," *Acta Obstetricia et Gynecologica Scandinavica* 100, no. 4 (2021): 571–78, <https://doi.org/10.1111/aogs.14043>.

2. Persistent Issues: Technological Barriers, Access Gaps, and the Inclusion of Vulnerable Groups

The deployment of Indonesia's electronic court system must work within a sociocultural framework of disparate digital access. Data on internet infrastructure and digital literacy suggest certain litigant demographics, particularly rural, elderly, disabled, and low-income, may suffer more disadvantages in the ability to engage in electronic court activities. However, in this research, these conditions are not empirically demonstrated to show the effectiveness of the e-Court system. Rather, these are applicable circumstances that require sufficient normative protection.³⁸ A detailed assessment of Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 shows that, although both regulations elaborate the procedural mechanisms of electronic filing, electronic summons, and electronic hearings, neither regulation contains provisions on safeguarding litigants who cannot attend the electronic hearings (or the hearings conducted through other means) due to technological limitations and/or unequal digital access. The regulations are also silent on alternative procedural mechanisms, judicial discretion, or the provision of legal remedies to safeguard litigants' rights in situations where the courts cannot reasonably meet their electronic accessibility requirements.³⁹ The procedural justice framework advanced in this study indicates that the described shortcomings create a gap in the norms of both equality and meaningful participation. Structural disadvantage arising from technology is not a disadvantage caused by the technology. It may be that the governing legal framework does not provide the necessary procedural safeguards. The current e-Court regulatory framework, therefore, does not enable the principles of equality and the right of access to justice to be realized in the context of electronic civil court proceedings.

3. Procedural Rights: Are They Truly Being Upheld?

Research on procedural justice routinely reveals a stark chasm between the principles enshrined in legal texts and the practices ordinary people encounter in courts. Legislators routinely codify guarantees such as *audi alteram partem*, equal treatment, and the plain-meaning rule, but follow-up questionnaires still report that large numbers of citizens feel ignored or sidelined. Those most affected tend to be low-income persons, ethnic minorities, individuals with disabilities, and others who lack formal education. Research pinpoints several culprits: arcane jargon, scant funding for counsel, ticking court clocks, and unspoken institutional biases. Even where rules appear sound on paper, their quality and impact drift widely from one courtroom or agency to the next. Resource constraints inevitably force officials to choose between speed and thoroughness, and the balance almost never tilts toward the latter. Language gaps, cultural misinterpretations, and the digital divide then layer on extra hardship, particularly as hearings shift online. Surveys

³⁸ Grudtsina Ludmila Yu., "Digitalization of Justice in the United States: Case Management Electronic Case Files (CMECF) and Public Access to Court Electronic Records (PACER)," *International Journal of Multidisciplinary Research and Analysis*, no. 4 (2025), <https://doi.org/10.47191/ijmra/v8-i04-10>.

³⁹ Anne Janssen, "Remote Justice in Urgent Family Hearings during COVID-19: Climbing the Ladder of Legal Participation," *Recht Der Werkelijkheid* 43, no. 2 (2022): 133–57, <https://doi.org/10.5553/rdw/138064242022043002008>.

and court observations show that, on the ground, fairness beyond the written law is still out of reach for large numbers of citizens who face judges and clerks. Those findings imply that signing statutes and amending constitutions will not move the needle unless governments also redirect funding, streamline procedures, and fix the bottlenecks that clog day-to-day litigation.⁴⁰

Researchers have begun mapping the tangled web of systemic roadblocks that chip away at basic procedural rights, and in the same breath they are flagging a few clear-cut trails that could, if followed, lead to fairer outcomes for those caught in the legal machinery. Budget shortfalls for public defenders, staff who lack even basic training in cultural sensitivity or in simple adjustments for disabled applicants, and a stubborn reliance on rule books from half a century ago each pull the process out of alignment with 21st-century needs.⁴¹ Studies show the problem is most visible in courts that juggle thousands of cases a month there, the stopwatch replaces conversation, and meaningful engagement is sacrificed on the altar of speed. Bright spots are turning up, however. One courthouse now posts every form in plain English, another has doubled its pool of licensed interpreters, a trial bench runs evening dockets for shift workers, and a handful of cities have rolled out smartphone portals that let people track a civil claim the same way they monitor a package. All of these tweaks, taken together, hint at the idea that knocking down both budgetary and cultural walls at once can raise the floor on access to justice. Success stories also point to something less technical but equally vital: jurists, clerks, and counsel who hear real feedback from users and revise their habits accordingly. Absolute perfect fairness is probably a line we chase rather than catch, yet smart, targeted fixes do swing the pendulum in the right direction and keep it there long enough for people to notice.

Challenges and Opportunities

1. Challenges in Implementation: Infrastructure Gaps, Digital Literacy Issues, and Technical Barriers in Courts

The construction of Indonesia's electronic court system hinges on the country's digital system infrastructure. However, in normative legal research, infrastructural barriers are not studied as in the case of falsity, but rather as factors that should receive legal protection precisely in the context of the law. An analysis of Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 reveals that even though both regulations detail the procedural mechanisms of electronic litigation, neither of them places a normative duty on the court to provide every litigant with reasonable access to the electronic judicial system before the court makes the electronic procedures

⁴⁰ Stacy Banwell, Valerie Nelson, and Fatimazahra Dehbi, "Achieving Sustainability Transformations for Multi-Species Justice: Assessing the Potential of Diverse Legal Pathways and Societal Struggles," *Sustainability Science*, no. 0123456789 (2025): 13–17, <https://doi.org/10.1007/s11625-025-01627-5>.

⁴¹ Zaka Firma Aditya and Sholahuddin Al-Fatih, "Legal Protection of Indigenous People's Rights Through Strengthening the Licensing Principles Based on Social Sensitivity," *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 11, <https://doi.org/10.15294/jils.v6i1.44671>.

compulsory.⁴² Indonesia's digital court system requires superior digital infrastructure. However, due to the nature of normative legal research, the lack of infrastructure cannot simply be treated as an impediment, as it is a condition that requires legal protection within the existing regulatory framework. A critical review of Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022 reveals that even though both documents provide provisions for the procedures of electronic litigation, neither of the two regulations imposes a norm to the judiciary to make sure that all litigants have reasonable access to the electronic court system before the judiciary can enforce the use of electronic litigation.⁴³ The absence of digital infrastructure from existing regulations leads to a fundamental normative question regarding the state's obligation on equal access to justice as guaranteed by Article 28D of the 1945 Constitution and Law No. 48 of 2009 concerning Judicial Power. The existing regulations do not clearly provide alternative procedures to protect the rights of litigants who cannot participate in e-litigation due to inadequate digital infrastructure. Therefore, in the context of existing regulatory frameworks, disparities in digital infrastructure will have legal significance, not because of their impact on legal technological systems, but because of the legal implications that are not regulated by existing frameworks regarding unequal digital access.⁴⁴ Through the lens of the procedural justice framework discussed earlier in this study, this oversight is particularly concerning given the principles of meaningful participation and equal treatment. Due to factors beyond their control, litigants may face unequal opportunities to participate in court procedures. Consequently, the tiered infrastructural requirements reinforce the existing normative gap in the e-Court system in Indonesia rather than merely highlighting practical implementation concerns.⁴⁵

Gaps in digital literacy among judges, clerks, and attorneys constitute the normative gaps identified in this study, suggesting that further reforms of the electronic civil court system in Indonesia should develop the legal framework for electronic judicial processes rather than focus solely on technological developments. Therefore, Supreme Court Regulation Number 1 of 2019 and Supreme Court Regulation Number 7 of 2022 should be amended to put in place procedural safeguards for litigants hampered by technology during electronic court proceedings. Such safeguards should be the provision of law-recognized alternative procedural mechanisms, and if reasonable electronic participation cannot be achieved, the judicial authority to restore rights of the litigants, and procedural remedies to safeguard the rights of the litigants in case the electronic system of court processes denies a litigant from exercising his or her constitutional rights.⁴⁶ Observations from several jurisdictions show that limited training coupled with a natural resistance to change basically stalls progress. Too many frontline personnel are unsure how to file

⁴² Yudhi Kawangung, "Religious Moderation Discourse in Plurality of Social Harmony in Indonesia," *International Journal of Social Sciences and Humanities* 3, no. 1 (2019): 160–70, <https://doi.org/10.29332/ijssh.v3n1.277>.

⁴³ Ridwan Arifin et al., "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia," *Jambura Law Review* 3, no. Spesial Issue 2021 (2021): 139, <https://doi.org/10.33756/jlr.v3i0.9635>.

⁴⁴ Latifiani et al., "Advocate as Law Enforcer in the Implementation of E-Court."

⁴⁵ A Paskar, "The Role of a Court in Preventing the Abuse of Procedural Rights by the Participants of the Civil Trial," *National Technical University of Ukraine Journal. Political Science. Sociology. Law*, no. 2 (2021): 155–59, [https://doi.org/10.20535/2308-5053.2021.2\(50\).242906](https://doi.org/10.20535/2308-5053.2021.2(50).242906).

⁴⁶ Nisa Al Iffah, "Empowering Civil Society in the Digital Era: Preventing Lagging Behind in the Digital Civilization," *SERUNAI* 2, no. 1 (2024): 37–47, <https://doi.org/10.63019/serunai.v2i1.42>.

pleadings electronically, manage online dockets, or run video hearings without fumbling. When users guess instead of knowing, records get corrupted and deadlines slip through the cracks. Age plays a noticeable role; veterans of the bar often click past buttons that younger staff regard as self-evident. Most refresher classes skim the surface rather than walking users step-by-step through advanced tools, so what looks intuitive after one webinar can feel impenetrable in a trial setting. In practice, many courts run on mismatched applications that refuse to talk to one another, crash at inconvenient moments, and present screens so cluttered that clerks hesitate to click. Lawyers and judges worry aloud that a stray hack could expose sealed filings, so they print documents long after they are supposed to go paperless.⁴⁷ When something does break, the helpdesk ticket can sit unanswered for hours or even days because dedicated staff have been spread too thin. Tech fads shift faster than training budgets, leaving novice users with out-of-date manuals and veterans who have already moved on to the next platform. The cumulative effect of these hurdles is predictable: skepticism mounts, workflows slow, and the grand promise of a digitized justice system remains just out of reach.

2. Opportunities to Improve Access, Regulation, and Digital Security

The current wave of digital transformation has opened a once-unthinkable set of doors for improving accessibility across nearly every aspect of technology. Policymakers and executives on both sides of the aisle are quickly coming to see that wider access to online tools can spark the economic growth and creative breakthroughs they keep promising to their constituents.⁴⁸ Artificial intelligence, machine learning, and pay-as-you-go cloud services now sit side by side on the shelf, ready to be mixed into adaptive interfaces that respond to users with different abilities and to multilingual platforms that dissolve most language barriers.⁴⁹ What used to cost hundreds of dollars a month can, in many cases, be delivered at little more than the price of a text message, reaching neighborhoods that have been off the grid for far too long. Mobile phones are becoming commonplace in those same places, and the steadily reaching fibers of fresh internet infrastructure are carving out brand-new routes for people to connect and create. Intentional accessibility investments allow organizations to enter markets that have remained overlooked and, at the same time, advance the agenda of social equity. Open-source codebases paired with community-driven development keep overhead in check and filter fresh ideas into assistive technology at a rapid clip. Joint ventures between government bodies and private firms frequently pool financing, data, and domain knowledge in ways that amplify the scope of accessibility upgrades. Such partnerships, when properly structured, fashion business models that persist beyond their pilot phases and leave a durable, positive imprint on the communities they serve.

⁴⁷ 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): 157–84, <https://doi.org/10.15294/jils.v6i1.44450>.

⁴⁸ Amelia Cahyadi et al., "Adopting Pillar One: An Ideal Model for the Transformation of Indonesia's Tax Law to Realize SDGs Goal XVII and It's Challenges," *Cogent Social Sciences* 11, no. 1 (2025): 5–9, <https://doi.org/10.1080/23311886.2025.2459321>.

⁴⁹ Moh Amir Hamzah, "Reform of Civil Procedural Law At the Appellate-Level," *Mimbar Hukum* 28, no. 2 (2016): 348–64.

Conclusion

This study asserts that the Indonesian electronic civil court system has developed a foundational legal system for the digital management of civil court processes via Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022. Through the lens of positive law, this study shows that these regulations do not survey or ensure the procedural rights of litigants in every situation that may be caused by electronic court processes. While the regulations of electronic court processes provide some normative coverage for the systems of electronic filing, e-hearings, and electronic court administration, the coverage is very limited in relation to failed electronic notifications and in e-hearings and e-administrations that are disrupted for varying reasons of technology and unequal digital accessibility. They also fail to provide framework for the disparate impacts and resultant lack of procedural safeguards for litigants who are unable to meaningfully participate in electronic court processes. These gaps in the law will be of increasing significance as the eventual usage of electronic litigation becomes the primary method of resolving civil disputes in Indonesia. The assessment of the e-Court systems gaps in the normative standards reveals that existing e-Court regulations, when evaluated using the procedural justice theory presented in this study, are lacking in terms of adequate notification, substantive participation, judicial openness, and equitable treatment. Applying Rawls's theory, these gaps in the regulations would create a disadvantage for those litigants who have unequal access to or limited capability of using advanced technology, thereby compromising their rights to real equity before the law. From Fuller's theory, the lack of procedural safeguards in exceptional e-Court settings would diminish the clarity and the openness and the interdependence of the system that characterize a legitimate legal order. Thus, the main issue of Indonesia's electronic civil justice system has shifted from incorporating the requisite technology to the adequacy of the legal standards that would govern the system.

Future reforms regarding Indonesia's electronic civil court system should not only focus on the modernization of technology but also on the improvement of the normative foundation of electronic judicial system. Concerning the amendments of Supreme Court Regulation No. 1 of 2019 and Supreme Court Regulation No. 7 of 2022, the regulations should explain the procedural safeguards and des alternative procedures and legal remedies to bridge the technology gap while ensuring the protection of constitutional rights of due process, legal equality, and the right to justice in electronic civil court. By improving these normative guarantees, Indonesia's e-Court system will be better prepared to achieve, in addition to administrative efficiency, procedural justice in consonance with constitutional principles of the rule of law.

Acknowledgments

The authors would like to express their sincere gratitude to Universitas Negeri Semarang for funding this research under the Rector's Decree No. B/255/UN37/HK.02/2025 concerning the Implementation of Research and Community Service at Universitas Negeri Semarang for the Year 2025.

References

- Aditya, Zaka Firma, and Sholahuddin Al-Fatih. "Legal Protection of Indigenous People's Rights Through Strengthening the Licensing Principles Based on Social Sensitivity." *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 11. <https://doi.org/10.15294/jils.v6i1.44671>.
- Ahmad Habib, Muhammad Riyan Afandi, and Dian Latifiani. "National Law Development through Civil Procedure Law Reform as a Manifestation of State Goals during the Covid-19 Pandemic." *Lex Scientia Law Review* 5, no. 2 (2021): 49–50. <https://doi.org/10.15294/lesrev.v5i2.50483>.
- Ahmed, Rozha Kamal, Khder Hassan Muhammed, Ingrid Pappel, and Dirk Draheim. "Impact of E-Court Systems Implementation: A Case Study." *Transforming Government: People, Process and Policy* 15, no. 1 (2021): 108–28. <https://doi.org/10.1108/TG-01-2020-0008>.
- Ahyani, Hisam, Muhamad Ghofir Makturidi., and Muharir. "Administrasi Perkara Perdata Secara E-Court Di Indonesia." *Batulis Civil Law Review* 2, no. 1 (2021): 59.
- Allouzi, Adel. "Digital Justice and Its Impact on the Functioning of Procedural Rivalry in UAE Law." *Research Journal in Advanced Humanities* 5, no. 4 (2024). <https://doi.org/10.58256/4f8zyx55>.
- Arifin, Ridwan, Juan Anthonio Kambuno, Waspiah Waspiah, and Dian Latifiani. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3, no. Spesial Issue 2021 (2021): 139. <https://doi.org/10.33756/jlr.v3i0.9635>.
- Banwell, Stacy, Valerie Nelson, and Fatimazahra Dehbi. "Achieving Sustainability Transformations for Multi-Species Justice: Assessing the Potential of Diverse Legal Pathways and Societal Struggles." *Sustainability Science*, no. 0123456789 (2025): 13–17. <https://doi.org/10.1007/s11625-025-01627-5>.
- Budiono, Arief, Yahya Yunus, Jamal Hi Arsad, Hardina Hardina, and Tomás Mateo Ramon. "Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate." *Law and Justice* 9, no. 1 (2024): 130–50. <https://doi.org/10.23917/laj.v9i1.3903>.
- Cahyadi, Amelia, Tasya Safiranita, Sherly Ayuna Putri, Josep Irvan Gilang Hutagalung, and Fahriza. "Adopting Pillar One: An Ideal Model for the Transformation of Indonesia's Tax Law to Realize SDGs Goal XVII and It's Challenges." *Cogent Social Sciences* 11, no. 1 (2025): 5–9. <https://doi.org/10.1080/23311886.2025.2459321>.
- Chesterman, Simon. "Do Better Lawyers Win More Often? Measures of Advocate Quality and Their Impact in Singapore's Supreme Court." *Asian Journal of Comparative Law* 15, no. 2 (2020): 250–80. <https://doi.org/10.1017/ASJCL.2020.13>.

- Endler, M. "How the Coronavirus Disease 2019 Pandemic Is Impacting Sexual and Reproductive Health and Rights and Response: Results from a Global Survey of Providers, Researchers, and Policy-Makers." *Acta Obstetricia et Gynecologica Scandinavica* 100, no. 4 (2021): 571–78. <https://doi.org/10.1111/aogs.14043>.
- Halim, Abdul. "The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia." *AL-MANHAI: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 883. <https://doi.org/10.37680/almanhaj.v5i1.2729>.
- Hamzah, Moh Amir. "Reform of Civil Procedural Law At the Appellate-Level." *Mimbar Hukum* 28, no. 2 (2016): 348–64.
- Iffah, Nisa Al. "Empowering Civil Society in the Digital Era: Preventing Lagging Behind in the Digital Civilization." *SERUNAI* 2, no. 1 (2024): 37–47. <https://doi.org/10.63019/serunai.v2i1.42>.
- Irwansyah, Irwansyah. *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel*. Yogyakarta: Mirra Buana Media, 2021.
- Janssen, Anne. "Remote Justice in Urgent Family Hearings during COVID-19: Climbing the Ladder of Legal Participation." *Recht Der Werkelijkheid* 43, no. 2 (2022): 133–57. <https://doi.org/10.5553/rdw/138064242022043002008>.
- Kawangung, Yudhi. "Religious Moderation Discourse in Plurality of Social Harmony in Indonesia." *International Journal of Social Sciences and Humanities* 3, no. 1 (2019): 160–70. <https://doi.org/10.29332/ijssh.v3n1.277>.
- Kharlie, Ahmad Tholabi, and Achmad Cholil. "E-Court and e-Litigation: The New Face of Civil Court Practices in Indonesia." *International Journal of Advanced Science and Technology* 29, no. 2 (2020): 2206–13.
- Lamada, Victoria Tabita Majesty, and Tetania Retno Gumilang. "The Function of Legal Research in Formulation of Legislation." *Jurnal Hukum Prasada* 7, no. 1 (2020): 61–65. <https://doi.org/10.22225/jhp.7.1.1373.61-65>.
- Latifiani, Dian. "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): 157–84. <https://doi.org/10.15294/jils.v6i1.44450>.
- Latifiani, Dian, Baidhowi Baidhowi, Yustina Dhian Novita, and Nur Arif Nugraha. *Designing the Ideal E-Court E-Litigation: A Global Comparative Framework for Indonesia's Electronic Civil Case Management System*. *Journal of Law and Legal Reform*. Vol. 7, 2026. <https://doi.org/10.15294/jllr.v7i2.41981>.
- Latifiani, Dian, Baidhowi Baidhowi, Rohmat Rohmat, Suryo Adi, Prita Florentina, and Farkhan Radyafani. *Teknis Penggunaan E-Court (E-Filing, E-Payment, E-Summons, Dan E-Litigasi)*. Semarang: Fastindo, 2021.

- Latifiani, Dian, Anis Widyawati, Nurul Fibrianti, and Ayup Suran Ningsih. "Advocate as Law Enforcer in the Implementation of E-Court." *International Journal of Innovation, Creativity and Change* 11, no. 4 (2020): 440. www.ijicc.net.
- Latifiani, Dian, Yusriyadi Yusriyadi, Agus Saron, Esmi Warassih Pudjirahayu, Suryo Adi Widigdo, and Nur Arif Nugraha. "Implementation of Simple, Fast and Low-Cost Principles in E-Summons with the E-Court System." *Diponegoro Law Review* 8, no. 1 (2023): 108. <https://doi.org/10.14710/dilrev.8.1.2023.107-123>.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2005.
- Nuraeni, Yeni, 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): 141. <https://doi.org/10.31949/jpl.v4i2.3280>.
- Paskar, A. "The Role of a Court in Preventing the Abuse of Procedural Rights by the Participants of the Civil Trial." *National Technical University of Ukraine Journal. Political Science. Sociology. Law*, no. 2 (2021): 155–59. [https://doi.org/10.20535/2308-5053.2021.2\(50\).242906](https://doi.org/10.20535/2308-5053.2021.2(50).242906).
- Peez, Anton. "Contributions and Blind Spots of Constructivist Norms Research in International Relations, 1980-2018: A Systematic Evidence and Gap Analysis." *International Studies Review* 24, no. 1 (2022). <https://doi.org/10.1093/isr/viab055>.
- Permadi, Iwan, and Herlindah. "Electronic Title Certificate as Legal Evidence: The Land Registration System and the Quest for Legal Certainty in Indonesia." *Digital Evidence and Electronic Signature Law Review* 20 (2023): 54. <https://doi.org/10.14296/deeslr.v20i.5636>.
- Pirmatov, Otabek Sh. "Features of Procedural Aspects of the Electronic Court Case Management System When Initiating a Civil Case and Preparing a Case for a Court Proceedings." *Gosudarstvo i Pravo*, no. 5 (2024): 169–74. <https://doi.org/10.31857/s1026945224050185>.
- Pratiwi, Cekli Setya. "Bridging the Gap Between Cultural Relativism and Universality of Human Rights: Indonesia Attitudes." *Journal of Indonesian Legal Studies* 5, no. 2 (2020): 449–78. <https://doi.org/10.15294/jils.v5i2.39271>.
- Putrijanti, Aju, Kadek Cahya, and Susila Wibawa. "The Implementation of E-Court in Administrative Court to Develop Access to Justice in Indonesia." *Journal of Environmental Treatment Techniques* 9, no. 1 (2020): 105–9. [https://doi.org/10.47277/jett/9\(1\)109](https://doi.org/10.47277/jett/9(1)109).
- Rafif, Muhammad, and Zakki Adlhiyati. "Tinjauan Penerapan E-Court Di Pengadilan Negeri Yogyakarta Berdasarkan Teori Hukum Lawrence M. Friedman." *Verstek* 11, no. 4 (2023): 685. <https://doi.org/https://doi.org/10.20961/jv.v11i4.76143>.

- Rahayu, Derita Prapti, Faisal Faisal, Rafiqqa Sari, and Ndaru Satrio. "Law Enforcement in the Context of Legal Culture in Society." *Law Reform* 16, no. 2 (2020): 276–89. <https://ejournal.undip.ac.id/index.php/lawreform/article/view/33780>.
- Revilia, Donna, and Nfn Irwansyah. "Social Media Literacy: Millenial's Perspective of Security and Privacy Awareness." *Jurnal Penelitian Komunikasi Dan Opini Publik* 24, no. 1 (2020): 1–15. <https://doi.org/10.33299/jpkop.24.1.2375>.
- Sagala, Sudarsono, July Esther, and Jusnizar Sinaga. "Legal Analysis of the Handling of M-Banking Electronic Evidence in Bribery Cases in the Digital Era." *Indonesian Journal of Law and Justice* 2, no. 3 (2025). <https://doi.org/10.47134/ijlv2i3.3625>.
- Sengupta, Gargi. "John Rawls After 100 Years : An Overview." *Athena* IV, no. July (2020): 49–54.
- Sitepu, Rida Ista, and Nuchraha Alhuda Hasnda. "Analysis of the Implementation of E-Litigation with Artificial Intelligence Approach in Procedural Justice and Access to Justice in Pretrial Proceedings." *Perspektif Hukum*, 2024, 45–71. <https://doi.org/10.30649/ph.v24i1.275>.
- Sugondo, Tri. "The Use of E-Court In The Settlement of Civil Cases, In Realizing Simple, Fast, And Low-Cost Justice At The Jepara District Court." *Asian Journal of Social and Humanities* 1, no. 1 (2022): 30–39. <https://doi.org/10.59888/ajosh.v1i01.7>.
- Susanto, Susanto. "E-Court As the Prevention Efforts Against the Indonesia Judicial Corruption." *Yustisia Jurnal Hukum* 9, no. 1 (2020): 116. <https://doi.org/10.20961/yustisia.v9i1.41127>.
- Swantoro, Herri, Efa Laela Fakhriah, and Isis Ikhwanasyah. "Permohonan Upaya Hukum Peninjauan Kembali Kedua Kali Berbasis Keadilan Dan Kepastian Hukum Menuju Pembaharuan Hukum Acara Perdata." *Mimbar Hukum* 29, no. 2 (2017): 189. <https://doi.org/10.22146/jmh.22103>.
- Syahputra, Bearlly Deo, and Enggal Prabawuri Khotimah. "Problematisasi Keabsahan Pembuktian Pada Implementasi Persidangan Elektronik (E-Litigasi)." *Supremasi Hukum: Jurnal Penelitian Hukum* 30, no. 2 (2021): 148. <https://ejournal.unib.ac.id/index.php/supremasihukum/article/download/13616/9336>.
- Tavares, Maria C, Graza Azevedo, and Rui P Marques. "The Challenges and Opportunities of Era 5.0 for a More Humanistic and Sustainable Society—A Literature Review." *Societies* 12, no. 149 (2022): 1–21. <https://doi.org/https://doi.org/10.3390/soc12060149>.
- Teguh, Mhd, and Syuhada Lubis. "Review of The National Legal System on The Mechanism of Resolving Criminal Acts of Regional Head Elections Based on Inter-Agency Authority." *International Journal of Educational Law Review*, no. 2 (2022): 217–32.

- Uksusova, E E. "Access to Court as a Determinative Procedural Act for the Exercise of Justice and Protection of Rights in Civil Cases (Part 2)." *Actual Problems of Russian Law* 16, no. 1 (2021): 99–110. <https://doi.org/10.17803/1994-1471.2021.122.1.099-110>.
- Yu., Grudtsina Ludmila. "Digitalization of Justice in the United States: Case Management Electronic Case Files (CMECF) and Public Access to Court Electronic Records (PACER)." *International Journal of Multidisciplinary Research and Analysis*, no. 4 (2025). <https://doi.org/10.47191/ijmra/v8-i04-10>.
- Zulaeha, Mulyani. "E-Courts in Indonesia: Exploring the Opportunities and Challenges for Justice and Advancement to Judicial Efficiency." *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 183–94. <https://doi.org/10.5281/zenodo.4756212>.