

CHALLENGES OF E-COURT IMPLEMENTATION IN STATE ADMINISTRATIVE CASES: A REVIEW OF REGULATIONS AND PRACTICE IN THE FIELD

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Abstract: *The implementation of the e-Court system in State Administration cases is a strategic step in the context of modernizing the judicial system in Indonesia. Through regulations such as PERMA No. 3 of 2018 and PERMA No. 1 of 2019, the Supreme Court encourages the digitization of administrative and trial processes to create a simple, fast, transparent, and low-cost judiciary. However, its implementation in various State Administrative Courts has not been optimal. Technical challenges, including inadequate infrastructure, limited human resources, and digital literacy gaps, continue to be significant obstacles. In addition, normative constraints, such as e-litigation procedures that rely on the parties' consent, contribute to the complexity of their implementation. This article employs an empirical juridical approach to assess the effectiveness of applicable regulations and their practical implementation in the field. The study's results suggest that regulatory harmonization, technical capacity building, and ongoing education are necessary to ensure that e-Court is an effective solution for administrative justice reform in Indonesia.*

Keywords: e-Court, State Administrative Court, PERMA, e-Litigation, judicial digitalization, access to justice, legal regulation.

I. INTRODUCTION

Bureaucratic reform and judicial modernization in Indonesia have encouraged digitalization in the legal system, including through the implementation of the e-Court and e-Litigation systems. The Supreme Court of the Republic of Indonesia has responded to this need by issuing Supreme Court Regulation (PERMA) No. 3 of 2018 concerning Electronic Case Administration and updated with PERMA No. 7 of 2022, as the legal basis for the implementation of e-Court in all judicial environments, including the State Administrative Court (PTUN).¹ Following Article 2 paragraph (4) of Law Number 48 of 2009 concerning

¹ Government of Indonesia, "Supreme Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court" (2022).

Judicial Power, the purpose of this digitization is to establish a simple, fast, transparent, and affordable legal process.²

However, the implementation of the e-Court system in State Administration cases does not always run smoothly. In some state universities, particularly in areas with limited information technology infrastructure, the implementation of e-Court still faces numerous technical challenges. Starting from an unstable internet network, limited hardware, and uneven readiness of human resources. Frisca Windia Harera's research indicates that, in the field, there are still administrative practices that operate manually because e-Court has not yet entirely replaced conventional processes.³

In addition to technical challenges, normative and procedural constraints also color the implementation of e-Court. For example, at the e-Litigation stage, which is intended to facilitate electronic hearings, it still relies heavily on the parties' consent. This has an impact on the inconsistency in the implementation of e-Litigation between court work units. Hairul Maksum's study at the Mataram State Administrative Court revealed that the implementation of electronic justice is still partial and has not been able to replace physical trials entirely.⁴ The lack of technical understanding from both the court apparatus and the litigants exacerbates this problem.

Thus, although e-Court is a strategic step in modernizing the country's administrative judiciary, its implementation on the ground still faces significant challenges. Therefore, it is necessary to conduct a comprehensive study of the regulatory aspects and practical implementation of e-Court within the PTUN. This study aims to provide recommendations for improving the electronic justice system, ensuring it is not only a symbol of modernization but also truly capable of realizing the principles of fast, fair, and transparent justice.

II. RESEARCH METHODS

This research employs an empirical juridical method with a legislative approach, drawing on various reference sources, including journals, articles, books, and expert opinions. Aims to examine the implementation of e-Court and e-Litigation in State Administrative cases based on regulations and practices in the field. Data was obtained through the study of documents on rules such as PERMA No. 3 of 2018 and PERMA No. 1 of 2019. The analysis techniques used are descriptive-qualitative, by examining the gap between legal norms and their implementation to formulate relevant findings and recommendations.

III. RESEARCH RESULTS

One of the challenges faced by judicial institutions is the phenomenon of public legal awareness in resolving cases and designing a prime case administration service system.⁵ Therefore, the growing problems related to slow case handling, such as review, decision-making, and dispute resolution, can be mitigated by using e-Court administrative services.

Based on Article 50 juncto Article 1 paragraph (4) of Law Number 5 of 1986 juncto Law Number 9 of 2004 juncto Law Number 51 of 2009, State Administrative Law refers to disputes

² Government of Indonesia, "Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power," 19 Official issuer of the document (State Secretariat) § (2009).

³ Andara Tsabitha et al., "Analysis of the Application of E-Court in the Civil Justice System in Indonesia to Realize a Transparent Judiciary" 2, no. 4 (2024): 757–63.

⁴ Anies Prima Dewi et al., "The Implementation of Electronic Justice (e-Court) in Settlement at the Mataram State Administrative Court," *Journal of the Faculty of Law, Gunung Rinjani University* 5, no. 0376 (2024): 123–30.

⁵ Hendri Fakhruddin and Ferdicka Nggeboe, "The Administrative Process of Criminal Cases in the Settlement of Criminal Cases at the Jambi High Court," *Legality: Journal of Law* 10, no. 2 (2019): 175, <https://doi.org/10.33087/legalitas.v10i2.161>.

that arise in the field of administrative law between individuals or civil legal entities (society) and administrative bodies or officials (government), both at the central and regional levels, as a result of the issuance of an administrative decree (beshchic cking). These disputes encompass personnel issues governed by applicable laws and regulations. K&Zakki Adlhiyaticourt affirmed that the State Administrative Court has a clear purpose. This purpose involves conflicts that arise after a decision has been made.⁶

The e-Court program facilitates the online registration of civil cases, including lawsuits and claims, payment of case fees without the need for in-person court appearances, and receipt of electronic notice of summons via email.⁷

The gradual transition from a manual case registration system to an electronic case registration system forms the foundation of e-Court implementation. As a form of administrative modification in case registration, the e-Court system aims to increase the speed of case resolution, enhance accountability, improve efficiency, and promote transparency. As a result, e-Court will be a brand that needs to be recognized by the courts.⁸ The e-Court administration service system is fundamental because it can minimize corruption and illegal revenue by reducing the number of meetings between related parties and judicial institutions. As a result, the integrity of the judicial and court systems is maintained.

An individual or their legal representative must register or file a case before they can file an application or lawsuit in administrative court proceedings. The term "receipt of documents" is also used when filing a case. According to the procedural law of the state administrative court, the registration of cases is regulated by Article 59 of the Law on State Administrative Courts;. At the same time, Article 121 of the Code of Civil Procedure governs the law of civil procedure. In contrast to the manual case registration process, which requires the plaintiff and their attorney to be present in person in court to register the case, PERMA No. 1 of 2019 establishes an electronic system that allows the registration of various legal actions, including appeals, cassation, and review. The Mataram State Administrative Court has implemented the e-Court as best as possible, up to the e-Litigation stage.

Implementation of PERMA No. 1 of 2019 concerning Electronic Administration of Cases and Trials in Court

Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Electronic Hearings has been issued by the Supreme Court. This regulation realizes the goal of simple, fast, and affordable justice. Before the issuance of Supreme Court Regulation Number 1 of 2019, case registration and court hearings that required parties to attend in person were not conducted electronically. When the trial had to be postponed due to the absence of one of the parties to the case, the registration of the case and the prosecution were manually processed, which left the litigants feeling disappointed. The following are the procedures for Registered User Registration (advocate):⁹

(1.) Register of Registered Users. Before registering, you must create an account on the e-court application; This is a prerequisite. First, open the MA e-court website at <https://eCourt.mahkamahagung.go.id> and click the "Register of Registered Users" link. (2.) Log in. The login button for the e-court application is located on the e-court homepage.

⁶ Ketut Cindy Priyanka Sari et al., "The Expansion of the Object of the State Administrative Court through Law Number 30 Years," *About Government Administration*, no. 30 (2014): 305–10.

⁷ Asep Syarifuddin Hidayat, Faris Satria Alam, and Muhammad Ishar Helmi, "Consumer Protection on Peer to Peer Lending Financial Technology in Indonesia," *International Journal of Scientific and Technology Research* 9, no. 1 (2020): 4069–72.

⁸ Selva, "THE INFLUENCE OF PERCEIVED VALUE DIMENSIONS, SATISFACTION, ENGAGEMENT, AND BRAND TRUST ON BRAND LOYALTY" 2, no. 2 (2016): 1–30.

⁹ Supreme Court of the Republic of Indonesia, "Supreme Court E-Court Handbook 2019 : The Electronic Justice System," *Supreme Court of the Republic of Indonesia*, 2019, 1–84.

Additionally, after successfully logging in for the first time, registered users are required to complete the Advocate data. Advocates are the only registered users who can currently access e-courts; however, Individuals, Governments, and Legal Entities can also access e-courts by registering with the court. (3.) Registered User Dashboard dashboard e-court provides a more informative view and information to registered users. Several columns on the dashboard contain information about the status of case data that the Registered User has registered through e-court. (4.) Case Registration. Case Registration is the next stage after the Registered User is verified and validated as an Advocate by the High Court, where the Advocate is sworn in. (5.) Case Registration Details of Registered Users (Advocates)

After the user completes the entire series of electronic trial registration, they can view the summary/details of the cases that have been resolved. On the Case Registration menu, users can select a case number from the Code & Registration Date column. Meanwhile, the Registration of Incidental User Cases (Non-Advocates), as follows:¹⁰ (1.) Incidental User Case Registration. Before registering, you must create an account in the e-court application; This is a prerequisite. (2.) Logging in to the e-court application can be done on the Login button on the first e-court page. (3.) Incidental User Dashboard: The e-court dashboard features a more informative display and provides information to incidental users (non-advocates). (4.) Additional User Case Registration Details: Users can check the summary or details of the cases they have completed after completing the entire electronic court registration process.

Article 1, paragraph 7 of the Supreme Court Regulation (PERMA) No. 1 of 2019 concerning Case Administration and Electronic Hearings in the Court includes electronic hearings as an additional aspect of case administration. An electronic hearing is defined as "a series of judicial examination and settlement processes carried out with the support of information and communication technology."¹¹

Following the provisions in PERMA No. 1 of 2019, the summons is also carried out electronically through an electronic domicile that has been registered with the Court.¹² However, in certain situations, such as when the defendant has not designated their email address as an official electronic address or when the subpoena is addressed to a third party who wishes to be informed of their right to join an ongoing dispute, this cannot be done at the time the subpoena is issued. A manual subpoena will be sent until the parties appear and register their email address as an official electronic address.

According to Article 63, paragraph 1 of Law Number 5 of 1986 concerning the State Administrative Court, "before the examination of the subject matter of the dispute begins, the Judge is obliged to hold a preparatory examination to complete the unclear lawsuit."¹³

If the lawsuit is deemed feasible, it will be re-registered for review. If the trial uses e-litigation, the lawsuit that has been ideally uploaded to the e-court application on the "reading" (submission) agenda of the lawsuit, so that the opponent can get a copy of the lawsuit application, will be read and re-registered if declared valid. If e-litigation is used in the trial, all lawsuits will be uploaded to the e-court application in the "reading" (submission) agenda of the lawsuit, allowing other parties to access the copy.¹⁴

¹⁰ Supreme Court of the Republic of Indonesia.

¹¹ Chief Justice of the Supreme Court and the Republic of Indonesia, "Article 1 Paragraph 7 of PERMA No. 1 of 2019, "concerning the Administration of Cases and Trials in the Court Electronically," 2019.

¹² Muhammad Adiguna Kusuma, Muhammad Noor Halim Perdana & Bimasakti, *Guide to Proceedings at the State Administrative Court and Electronic Trial (e-Litigation)* (Jakarta, 2020)., p. 110

¹³ Article 63 paragraph (1) Government of the Republic of Indonesia, "Amendments to Law No. 5 of 1986 concerning State Administrative Courts," 2003 Indonesia § (1986).

¹⁴ Kusuma, Muhammad Noor Halim Perdana & Bimasakti, *Guide to Proceedings at the State Administrative Court and Electronic Trial (e-Litigation)*. p. 111.

After completing the preparatory examination and will enter the answer-and-answer stage (from the reading of the lawsuit, answer, replica, duplicate), the presiding judge of the panel (or single judge) will make a court calendar in the form of determining the trial day, with the agenda of lawsuit, answer, replica, and duplicate following Article 21 paragraph (1) of PERMA No. 1 of 2019.¹⁵

If there is a change in the trial schedule, in practice, it is not necessary to update the court calendar; however, it should be noted in the trial minutes.¹⁶

After completing the stage of answering (submission of lawsuits to duplicates), before entering the proof stage, the panel of judges (or single judges) will make a court calendar in the form of determining the day of the hearing, with an agenda of proof, conclusion, and pronouncement of the verdict electronically by Article 21 paragraph (2) of PERMA No. 1 of 2019.¹⁷

According to Article 24 of PERMA No. 1 of 2019, the examination of witnesses and experts in litigation, if both parties agree, can be carried out virtually through audiovisual media without a face-to-face hearing; However, this cannot be carried out due to limited facilities.¹⁸ If the trial is conducted electronically, the judge will announce it in the e-court chatroom of the case. The judge then postponed the trial to deliver the verdict electronically.

The pronouncement of this decision, if carried out through e-litigation, is conducted electronically via the court information system, specifically within the e-court application. Article 26 paragraph (1) states that: "the decision/determination is pronounced by the Judge/Presiding Judge electronically."¹⁹

Challenges of E-Court Application in Court Administration

Although the Court now has an electronic trial regulated by PERMA No. 1, in 2019, the trial stage did not fully utilize electronic methods. However, there is still a trial stage that uses ordinary or manual methods, such as the evidentiary stage. In the case of Mr. Agus Suraji, it was explained that, especially regarding the agenda of proof and witnesses, the trial is carried out conventionally. The challenges and obstacles faced during electronic sessions must be found. This was explained by Mr. Mohammad Faurus Rizky SH, MH, as a Judge at the Mataram State Administrative Court, who said that:

The challenge is when there is a principal (without an advocate/lawyer) who is old enough or stutters with technology that has difficulty with creating an account, registering a lawsuit to the trial via e-court, or even if there are parties who do not understand or do not know or do not understand what e-court is.

In addition to challenges, obstacles were also encountered during the electronic trial process. This was explained by Mr. Mohammad Faurus Rizky SH, MH, as the Judge, he said:

Obstacles include new menus that require time to learn. In addition, obstacles are also found if there is a prodeo case. Especially in this prodeo case, you cannot use e-court, so from the registration of the lawsuit to the verdict, everything is done manually/conventionally. This is because the cost of prodeo cases is charged to the DIPA (list of budget implementation fields) of the Mataram State Administrative Court (paid by the state). Meanwhile, if you register your case through the e-court to have it registered and assigned a case number, you must make a

¹⁵Article 21 paragraph (1) Agung and Indonesia, "Article 1 Paragraph 7 of PERMA No. 1 of 2019, "concerning the Administration of Cases and Trials in the Court Electronically."

¹⁶ Kusuma, Muhammad Noor Halim Perdana & Bimasakti, *Guide to Proceedings at the State Administrative Court and Electronic Trial (e-Litigation)*.p. 114.

¹⁷Article 21 paragraph (2) Agung and Indonesia, "Article 1 Paragraph 7 of PERMA No. 1 of 2019, "concerning the Administration of Cases and Trials in the Court Electronically."

¹⁸Article 24 Agung and Indonesia.

¹⁹Article 26 paragraph (1) Agung and Indonesia.

payment independently, as proof of payment will be required to obtain the case number subsequently. However, because the prodeo is paid by the state, payment cannot be made independently, and case registration cannot be done automatically through e-court.²⁰

In practice, the e-court system still faces challenges and obstacles related to regulations and infrastructure/facilities. The advantage of this electronic trial is the elimination of physical contact in public services, which increases transparency and accountability in case management. It drastically reduces trial costs and time by eliminating face-to-face trials for document exchange, allowing for significant paper savings. However, current laws and regulations still rely on the principle of consensus (agreement between the parties) in the use of litigation procedures, and these e-litigation procedures still lack standard procedures, infrastructure models, and human resource readiness. This indicates that the use of this electronic court process is not mandatory for the parties. Online case registration is one of the advantages of the online court system, but it also has disadvantages (e-court). The e-court method makes it easier and saves time if you want to register a case in a district court that requires a physical presence, but a lawyer is not available at the location where the case is filed. For example, unless the parties or the defendant agree to the use of electronic trials, online trials (also known as e-litigation) cannot be conducted. The prosecution cannot be undertaken electronically if the defendant has not been registered as a user of the e-court system service and is not represented by a lawyer (advocate).

Some of the main problems faced in the process of registering cases in the Court

(a.) Limited Human Resources (HR): Clerks involved in the recording process are often overwhelmed by the number of incoming cases. This causes the recording process to be slow, especially for cases that require special attention or complex technical details.

(b.) High Case Load: The District Court is one of the courts with a high case load, especially in criminal and civil cases. The large number of cases that must be handled causes a pile of files, which ultimately has an impact on delays in recording and distributing cases.

(c.) Inefficiency of the Manual System: Although the Court has been implemented, many case registration processes are still carried out manually, especially for criminal and corruption cases. The use of this manual system is prone to administrative errors, including misrecording case numbers, delays in registration, and errors in case distribution.

(d.) Lack of Technology Facilities: Although e-Court has been introduced, most of the technology infrastructure in the Medan District Court is still inadequate. Often, slow systems, unstable internet connections, and a lack of training for officers are obstacles in the implementation of digital systems. The e-Court system implemented by the Supreme Court throughout Indonesia aims to speed up and simplify the recording of cases through a digital process. However, the implementation of this system at the Medan District Court still faces several obstacles, including:

(b.) Incompatibility of Manual and Digital Procedures: Many clerks are still more familiar with the manual system than with the e-Court system. This leads to dualism in recording, where one case is recorded manually and another is recorded digitally, which slows down the overall recording process. Lack of Technical Training for Human Resources: Most clerks are not fully trained in the use of the e-Court system, resulting in errors in data input and electronic file management. This hinders the effectiveness of digitizing case registration.

(c.) Technology Infrastructure Constraints: In addition to training, the technology infrastructure in the courts also still does not fully support the use of e-Court. Unstable internet connections and limited hardware are obstacles to running this system optimally.²¹

²⁰ Dewi et al., "The Implementation of Electronic Justice (e-Court) in Settlement at the Mataram State Administrative Court."

²¹ Judiciary Through E-court, "Challenges Of The Digitalization Era In Administrative Process J" 7, no. 1 (2025): 154–66.

All parties have benefited from the implementation of PERMA, which has revolutionized the justice system in terms of effectiveness, cost efficiency, and time. As a result, all judicial institutions are still trying to adopt a computerized justice system following the Supreme Court's order. Based on PERMA Number 1 of 2018, all pre-trial procedures, including electronic filing (E-Filing), electronic payment (E-Payment), and electronic summons and notifications (E-Summons), must be done online.²² The Supreme Court then established regulations regarding electronic administration and trials in 2019. Through the implementation of E-Court, these provisions strengthen the stages of electronic trials in court. Therefore, in terms of Electronic Case Administration in Court, PERMA Number 1 of 2019 represents an improvement over PERMA Number 1 of 2018.²³

The main challenges faced in implementing the E-Court System are uneven technological infrastructure, low levels of digital literacy among the general public and law enforcement personnel, and the need for laws that promote fair access, all of which are factors that need to be considered. Indonesian courts must be able to formulate a framework that creates preventive policies, not just coercive ones, in terms of public access to justice. Policies developed by the government, which are typically in the form of laws, must be designed to prevent abuse and association with unlawful activities or interests. Policies related to law enforcement must focus on increasing public knowledge and awareness, particularly among digitally literate users, including legal literacy. To improve the quality of public services, particularly in terms of access to legal aid and the ability of those seeking justice to receive a proportionate and healing share of services, efforts are being made to support judicial processes enhanced by digital technologies. The goal is to create an efficient, effective, transparent, and accountable work process.

The limitations of unstable technological infrastructure, such as internet networks, outdated hardware, and the inability to access the software in the e-court system, and the risk of loss or concealment of personal data due to online filing, make E-Courtini have a polemic between ease of access and vulnerability to the breach of personal data by irresponsible individuals.²⁴

Solutions to the Challenges of Implementing e-Court in the Community

(1). Strengthening Judicial Technology Infrastructure and Human Resources. One of the main challenges in implementing e-Court in TUN cases is the limitation of technological infrastructure, particularly in the area of first-level courts in the region. Many courts lack adequate IT systems to support electronic trials, compounded by limited human resources who are not fully trained in using the e-Court system. The solution is to increase investment in the procurement of technology tools and HR training on a sustainable basis. The Supreme Court needs to collaborate with the Ministry of Communication and Information and donor institutions to modernize the system and enhance its internal capacity.²⁵

(2). Harmonization of Technical Regulations with Practice in the Field. Another obstacle arises from the lack of uniform understanding and application of e-Court technical rules in various TUN courts. For example, there are differences in interpretation regarding the legal status of electronic documents and online proof procedures. To address this, the Supreme Court

²² Supreme Court of the Republic of Indonesia, "Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2018 concerning Electronic Administration of Cases in Court, Statute Book of 2018 Number 1312," n.d., <https://jdih.mahkamahagung.go.id/>.

²³ Supreme Court of the Republic of Indonesia, "Decree of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Administration and Trial in the Court Electronically, Statute Book of 2019 Number 843.," JDIH MA RI, n.d.

²⁴ Ani Herawati, "Implementation E-Litigation in the Lhokseumawe District Court," *Judicial* 14 (2021).

²⁵ Stuart.

needs to create integrated technical guidelines and conduct regular supervision of its implementation in the courts. It is also necessary to periodically evaluate PERMA No. 3 of 2018 and PERMA No. 1 of 2019 so that they remain relevant to technological dynamics and judicial needs.²⁶

(3). Counseling and Assistance to the Litigation Parties

The public's lack of understanding, especially among lawyers and defendants from government agencies, is a significant obstacle to the effectiveness of e-Court. Therefore, the Supreme Court and legal aid institutions must actively organize socialization, technical guidance, and assistance in using the e-Court platform. In addition, adjustments are needed to the system to make it more user-friendly for the general public, ensuring that access to justice is guaranteed during the digitization of the judiciary.²⁷

(4). Optimization of e-Litigation Features and Inter-Institutional Integration. To increase efficiency in the settlement of TUN cases, e-Court must be able to integrate with the information systems of government agencies that are often defendants. This includes integration with the mail administration system, the database of state administrative officials, as well as access to the SIPP and e-BIMA systems. This cross-agency integration requires a commitment from other ministries/institutions to support electronic-based legal processes. This step can also minimize delays caused by the defendant's absence or the slow collection of evidence.²⁸

CONCLUSION

The implementation of e-Court in State Administrative cases is a significant breakthrough in the context of modernizing Indonesia's judicial system. However, the practice still faces substantial challenges, ranging from limited technological infrastructure and low digital literacy among the public and the legal apparatus to the inconsistency between regulations and field conditions. PERMA No. 1 of 2019 and PERMA No. 3 of 2018 have indeed provided a strong legal basis; however, their implementation has not been fully effective in all regions, particularly in areas lacking adequate facilities and trained human resources.

In addition, e-Court still faces normative and technical obstacles, such as the e-Litigation feature not being optimal because it still depends on the parties' agreement, as well as the limited process of proof and witness submission, which can only be conducted if all parties agree. This indicates that the system remains partial and has not yet been able to replace all conventional stages. Other obstacles include the problem of prodeo cases, the digital divide between parties, and the risk of electronic data security that is not fully guaranteed.

Therefore, improving the implementation of e-Court requires a systematic approach, starting with the strengthening of infrastructure, human resource training, regulatory updates, and system integration between institutions. Additionally, extensive public education and counseling are necessary to increase public awareness and participation in the digital justice system. These efforts are essential to ensure that e-Court is not only a symbol of modernization, but is genuinely able to realize the principles of a simple, fast, transparent, and low-cost judiciary as mandated by Law No. 48 of 2009 concerning Judicial Power.

²⁶ Government of the Republic of Indonesia, "Juklak Director General of BADILUM - Perma Number 3 of 2018," 2018.

²⁷ M. Simatupang, "Challenge E-Court in State Administration Cases," *Journal of Law & Technology* 3, no. 2 (2021).

²⁸ M. Saputra, H. & Ali, "Digitization of the State Administrative Court: System Integration and Effectiveness of Case Handling," *Absent* 9 to 1 (2022).

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