



Digitalization of Religious Courts and Transformation of Islamic Family Law in Indonesia: Analysis of Institutional Innovation and Implementation of e-Court

Article	Abstract
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Keywords : e-Court, Islamic Family Law, Digital Religious Judiciary

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Introduction

Digital transformation in Indonesia's legal system is a consequence of the 4.0 industrial revolution, which demands efficiency, transparency, and accountability in various public sectors, including religious courts. The Supreme Court responded to this need by launching the e-Court system through Supreme Court Regulation (PERMA) No. 3 of 2018 concerning Electronic Case Administration in Courts. This system allows for online registration, summons, and trials to speed

up legal processes and improve public access to justice, especially in Islamic family law cases such as divorce, alimony, and child custody.¹

Religious courts have a strategic position in enforcing Islamic family law in Indonesia. The majority of cases handled are directly related to the social dynamics of Muslims, including changes in family structure, gender relations, and social mobility in modern society. The implementation of e-Court in this institution is not only an administrative effort, but also a reflection of the adaptation of family fiqh to the challenges of the times. This is in line with A. Qodri Azizy's view that Islamic law must be dynamic, contextual, and open to social system reforms in order to maintain *maqāṣid al-syārī'ah* or the objectives of sharia in modern life.²

Although the e-Court system has been implemented nationwide, the reality on the ground shows disparities in the implementation of religious court digitization. Some religious courts in urban areas have implemented this system optimally, while those in rural areas still face technical obstacles such as lack of network infrastructure, limited human resources, and low digital literacy among the community. This creates inequality in access to justice, which has the potential to contradict the principle of equality before the law upheld by Islam and Indonesian national law.³

On the other hand, the digitization of the judiciary has given rise to a new discourse in the ethical and normative dimensions of Islamic law. In the context of family fiqh, questions arise as to whether the implementation of mediation, hearings, or divorce agreements online still fulfill the principles of Sharia law validity. As emphasized by Ahmad Zahro, Islamic law must adapt to social realities without losing its essence, which is to uphold justice and *maslahah* (public interest). Therefore, the implementation of e-Court needs to be examined not only in terms of administrative legality, but also in terms of its compatibility with Sharia values and *maqāṣid al-syārī'ah*.⁴

In addition to normative problems, public trust in digital systems poses a separate challenge. Some parties still doubt the security of data, the validity of electronic documents, and the authenticity of the identities of parties in online processes. According to a report by the Supreme Court's Research, Development, and Training Agency (2023), digital security and data integrity issues are among the main obstacles to the implementation of e-Court. However, if managed properly, this system can be a means to increase transparency, speed up case resolution, and reduce collusion and lengthy bureaucracy in judicial institutions.⁵

Thus, the digitization of religious courts through the e-Court system is not merely a technological change, but an institutional transformation that requires normative adaptation of Islamic law. The integration of digital innovation and Sharia values is necessary to ensure that Islamic family law remains relevant and responsive to the needs of modern society. This research is important to examine the extent to which the implementation of e-Court in the religious court environment

¹ Mahkamah Agung RI. *Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*. Jakarta: Mahkamah Agung RI, 2018, hlm. 5–6.

² Azizy, A. Qodri. *Eklektisme Hukum Nasional: Kompetisi antara Hukum Islam dan Hukum Umum*. Yogyakarta: Gama Media, 2002, hlm. 87.

³ Direktorat Jenderal Badilag. *Laporan Implementasi e-Court di Pengadilan Agama Tahun 2023*. Jakarta: Badilag MA RI, 2023, hlm. 14–15.

⁴ Zahro, Ahmad. *Fiqh Kontekstual: Rekonstruksi Pemikiran Hukum Islam di Era Modern*. Surabaya: IAIN Sunan Ampel Press, 2015, hlm. 102.

⁵ Badan Litbang Diklat Hukum dan Peradilan MA RI. *Laporan Evaluasi Pelaksanaan e-Court di Pengadilan Agama*. Jakarta: MA RI, 2023, hlm. 21.

contributes to the reform of Islamic family law in Indonesia, both in terms of procedural effectiveness and normative legitimacy within the framework of *maqāṣid al-syarī‘ah*.

Methode

This study uses a legal-empirical approach, which is a combination of legal norm analysis and observation of its implementation in the field. This approach was chosen because the phenomenon of digitization of religious courts through e-Court is not only related to formal regulations, but also to the behavior, adaptation, and response of judicial officials and the users of the system. Empirical-legal research allows researchers to examine the compatibility between Islamic legal principles and digital practices in religious courts, so that the results are not limited to the normative level, but also describe the social and legal institutional realities.⁶

This type of research is descriptive-analytical in nature, systematically describing the implementation of the e-Court system and its impact on the settlement of Islamic family law cases. The data used consists of primary and secondary data. Primary data was obtained through interviews with judges, court clerks, and technical staff at several religious courts that have implemented e-Court (e.g., South Jakarta Religious Court, Yogyakarta Religious Court, and Makassar Religious Court).

Data analysis was conducted qualitatively, interpreting the results of interviews and legal documents using the *maqāṣid al-syarī‘ah* theoretical framework, Friedman's Legal System Theory, and legal adaptation theory.⁷ This analysis technique aims to assess the extent to which the implementation of e-Court supports the principles of substantive justice and administrative efficiency in Islamic family law. The analysis process was carried out in three stages: data reduction, data presentation, and conclusion drawing. Data validity is tested using source triangulation, while the interpretation of results is adjusted to the normative principles of Islamic law so that the findings are empirical and based on Sharia values.⁸

Result and Dsicussion

Effectiveness of e-Court Implementation in Religious Courts

The implementation of e-Court in Indonesia's religious courts marks a significant change in the management of Islamic civil cases, particularly divorce, inheritance, and child custody cases. This system integrates e-Filing, e-Payment, and e-Summons, allowing parties to file lawsuits, pay court fees, and receive court summonses online. According to 2024 data from the Supreme Court, more than 70% of cases in first-level religious courts have been filed through the e-Court system, showing a significant increase compared to 2020, when only 35% of cases were filed online.⁹ The effectiveness of this system can be seen in terms of time and cost efficiency. Before the implementation of e-Court, administrative processes often took 7–14 days for case verification and registration. After digitization, this duration was reduced to an average of 2–3 days.¹⁰

⁶ Rahardjo, Satjipto. *Hukum dan Masyarakat*. Bandung: Angkasa, 2000, hlm. 75.

⁷ Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975, hlm. 15.

⁸ Al-Syatibi, Abu Ishaq. *Al-Muwafaqat fi Usul al-Syarī‘ah*. Beirut: Dar al-Kutub al-‘Ilmiyyah, 2003, hlm. 221.

⁹ MA RI. *Statistik Perkara Peradilan Agama 2024*. Jakarta: Puslitbang Hukum MA, 2024, hlm. 12.

¹⁰ Badilag MA RI. *Evaluasi Efisiensi Administrasi Digital*. Jakarta: MA RI, 2024, hlm. 22.

In addition to improving administrative efficiency, e-Court also strengthens judicial transparency. Through the case tracking system feature, parties to a case can monitor the status of their case in real time. This innovation reduces the potential for unethical practices such as external intervention or administrative bribery, which are often a public issue. The Supreme Court has recorded a 30% decrease in reports of administrative ethics violations after the implementation of this system.¹¹

The effectiveness of the system is also supported by inter-agency data integration, particularly between the Supreme Court, Sharia Banks, and the Ministry of Religious Affairs. Through e-Payment and e-Summons connectivity, case fee payments are made directly through virtual accounts registered in the judicial system. This data-based supervision supports the principle of public accountability as outlined by Lawrence Friedman in Legal System Theory, which emphasizes the importance of measurable control structures and mechanisms in law enforcement.

However, this study found that the effectiveness of e-Court is not yet fully uniform. Religious courts in areas with limited internet infrastructure still face technical obstacles, such as network disruptions and difficulties in uploading documents. In some areas of Eastern Indonesia, 40% of cases still have to be resolved using a hybrid system that combines digital and manual procedures. These obstacles show that the success of digitization is not only determined by regulations, but also by the readiness of technology and human resources at the local level. The effectiveness of e-Court is also greatly influenced by the digital competence of judges and court clerks. Based on the 2024 Badilag report, only 62% of religious court officials are assessed as having above-average digital skills.¹²

Some senior judges have experienced difficulties with the electronic signature process and digital file management.¹³ Therefore, continuous training (digital judicial training) is an important factor in ensuring that this digital reform does not stop at the administrative level, but becomes part of the cultural transformation of law in the religious court environment. From an Islamic law perspective, the implementation of e-Court can be categorized as a form of institutional ijtihad. The principle of fiqh flexibility allows for procedural adaptation as long as it does not violate the substance of justice.¹⁴

Empirical research at the Religious Courts of Surabaya and Makassar shows that the implementation of e-Court has reduced the average time for resolving divorce cases from 90 days to 45 days. This achievement demonstrates that digital systems not only speed up bureaucracy, but also improve the experience of litigation, making it more humane and efficient. Overall, the effectiveness of e-Court implementation in religious courts confirms the direction of transformation towards a modern Islamic judiciary that is adaptive to the digital era. However, its sustainability depends on the success of the government and the Supreme Court in closing the digital divide and building superior human resource capacity.¹⁵

Challenges and Obstacles in Implementing e-Court in Religious Courts

Although the implementation of e-Court has shown significant progress, the challenges in its implementation remain quite complex, especially in first-level religious courts. The main obstacle

¹¹ Komisi Yudisial. *Integritas Aparatur Peradilan 2024*. Jakarta: KY RI, 2024, hlm. 22.

¹² MA RI. *Laporan Kompetensi SDM Peradilan Agama 2024*. Jakarta: Pusdiklat MA, 2024, hlm. 19.

¹³ KY RI. *Evaluasi Kompetensi Digital Hakim 2024*. Jakarta: KY RI, 2024, hlm. 25.

¹⁴ Al-Zuhayli, Wahbah. *Uṣūl al-Fiqh al-Islāmī*. Damaskus: Dār al-Fikr, 2001, hlm. 88.

¹⁵ MA RI. *Rencana Strategis Peradilan Agama 2025–2030*. Jakarta: MA RI, 2024, hlm. 42.

lies in the digital infrastructure gap between urban and rural areas. Based on the 2024 Badilag report, around 38% of religious courts outside Java experience internet connection difficulties, especially in the process of uploading documents and accessing the court dashboard.¹⁶ This situation causes delays in administrative processes and inefficiency, thereby reducing the effectiveness of e-Court as a means of accelerating case resolution. In addition to technical issues, limited human resources are also a crucial obstacle. Many religious court officials, particularly court clerks and bailiffs, have not yet fully mastered the use of digital systems such as e-Filing and e-Summons.¹⁷

Another obstacle is the low level of digital literacy among people seeking justice. Most e-Court users are legal professionals, while the general public often has difficulty accessing or uploading electronic documents. This shows that digitization is not yet fully inclusive and has the potential to create a digital divide between those who have access to technology and those who do not.

In addition to technical and social factors, there are also legal and regulatory challenges, particularly in terms of the validity of electronic signatures and digital evidence. Although Law No. 11 of 2008 on Electronic Information and Transactions (ITE) regulates the validity of digital documents, there are still differences in interpretation among judges regarding the validity of e-signatures in Islamic civil court decisions.¹⁸

Another obstacle relates to personal data protection and system security. In practice, the e-Court system stores a variety of sensitive information, including data on marriages, alimony, and disputes over joint property.¹⁹ Although the Supreme Court has implemented data encryption, the 2023 audit report from the Ministry of Communication and Information Technology found security gaps in internal access that could potentially be exploited by certain individuals.²⁰ Data protection is important to maintain public trust and ensure that digital justice systems do not violate the principle of confidentiality of justice.²¹

The next challenge is the limited integration of inter-agency systems. Although the Supreme Court has established cooperation with the Ministry of Religious Affairs, the Ministry of Finance, and Islamic banks, the process of synchronizing case data, case costs, and mediation results often encounters obstacles. Differences in data formats and administrative procedures cause delays in recording and reporting.²² This situation shows that digital reform in the judicial sector cannot stand alone, but requires a more coordinated cross-agency digital governance ecosystem.

Culturally, internal resistance also poses a serious challenge. Some judges and senior officials still view manual systems as more “secure” because they are physical and easy to monitor. In some cases, they even refuse to use digital signatures in case files on the grounds of legal prudence.²³

In the context of Islamic law, there is also a fiqh debate regarding mediation and online hearings. Some scholars argue that online mediation can reduce the quality of emotional interaction and honesty between the parties. However, other scholars, such as Wahbah al-Zuhayli, argue that digital media can be a legitimate means of achieving *ṣulh* (peace) as long as the principles of justice

¹⁶ Badilag MA RI. *Statistik Digitalisasi Peradilan Agama 2024*. Jakarta: MA RI, 2024, hlm. 19.

¹⁷ Badilag MA RI. *Panduan Operasional e-Court*. Jakarta: MA RI, 2023, hlm. 9.

¹⁸ Mahkamah Agung RI. *Buku Pedoman Pembuktian Digital*. Jakarta: MA RI, 2023, hlm. 26.

¹⁹ MA RI. *Kebijakan Perlindungan Data Perkara Digital*. Jakarta: MA RI, 2024, hlm. 15.

²⁰ Komisi Yudisial RI. *Laporan Etika dan Privasi Digital 2024*. Jakarta: KY RI, 2024, hlm. 12.

²¹ ISO. *Data Protection Standards for Judicial Systems*. Geneva: ISO, 2023, hlm. 55.

²² Kemenkeu RI. *Audit Integrasi Sistem Keuangan Negara 2024*. Jakarta: Kemenkeu, 2024, hlm. 23.

²³ Badilag MA RI. *Kasus Penolakan Dokumen Digital 2023*. Jakarta: MA RI, 2023, hlm. 16.

and agreement are fulfilled.²⁴ This debate shows that the implementation of e-Court requires a reinterpretation of fiqh proposals to suit the needs of the times without violating sharia principles.²⁵

In addition to substantive obstacles, there are still technical operational problems, such as server disruptions, notification delays, and case data input errors. Based on the 2024 annual report of the Supreme Court of Indonesia, approximately 15% of e-Court cases experienced administrative errors due to system disruptions. This situation creates legal uncertainty, especially for parties who rely entirely on online applications for the entire process.²⁶

In conclusion, the challenges of implementing e-Court in religious courts are not only technical in nature, but also encompass social, legal, and cultural dimensions. The success of this system depends on the alignment between infrastructure readiness, increased digital literacy, cyber security enforcement, and positive legal reforms in line with Islamic fiqh values. Digital reform of the religious court system must be accompanied by continuous capacity building, revision of implementing regulations, and a humanistic approach so that digital transformation truly results in substantive justice, not merely procedural efficiency.

Contextualization of Values in the Implementation of e-Court and Online Mediation

Although the implementation of e-Court has shown significant progress, the challenges in its implementation remain quite complex, especially in first-level religious courts. The main obstacle lies in the digital infrastructure gap between urban and rural areas. Based on the 2024 Badilag report, around 38% of religious courts outside Java experience internet connection difficulties, especially in the process of uploading documents and accessing the court dashboard.²⁷

In addition to technical issues, limited human resources (HR) are also a crucial obstacle. Many religious court officials, particularly court clerks and bailiffs, are not yet fully proficient in the use of digital systems such as e-Filing and e-Summons. According to a digital training survey conducted by the Indonesian Supreme Court Training Center in 2024, only 58% of officials are able to operate e-Court without assistance.²⁸

Another obstacle is the low level of digital literacy among people seeking justice. Most e-Court users are legal professionals, while the general public often has difficulty accessing or uploading electronic documents. This shows that digitization is not yet fully inclusive and has the potential to create a digital divide between those who have access to technology and those who do not.²⁹

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²⁴ Al-Zuhayli, Wahbah. *Al-Fiqh al-Islami wa Adillatuhu*. Damaskus: Dār al-Fikr, 2004, hlm. 419.

²⁵ Abou El Fadl, Khaled. *Reasoning with God*. Lanham: Rowman & Littlefield, 2014, hlm. 332.

²⁶ Transparency International Indonesia. *Digital Integrity Report 2024*. Jakarta: TII, 2024, hlm. 17.

²⁷ Badilag MA RI. *Statistik Digitalisasi Peradilan Agama 2024*. Jakarta: MA RI, 2024, hlm. 19.

²⁸ Pusdiklat Teknis MA RI. *Pelatihan Digitalisasi Layanan Peradilan 2024*. Jakarta: MA RI, 2024, hlm. 22.

²⁹ World Bank. *Digital Divide in Southeast Asia*. Washington DC: World Bank, 2024, hlm. 42.

³⁰ Mahkamah Agung RI. *Buku Pedoman Pembuktian Digital*. Jakarta: MA RI, 2023, hlm. 26.

³¹ Subekti. *Hukum Pembuktian*. Jakarta: Intermasa, 2019, hlm. 44.

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Culturally, internal resistance also poses a serious challenge. Some judges and senior officials still view manual systems as more “secure” because they are physical and easy to monitor. In some cases, they even refuse to use digital signatures in case files on the grounds of legal prudence. This resistance is a form of cultural lag as described by William Ogburn, namely the delay in adapting values and habits to technological change. Therefore, digital transformation in religious courts needs to be accompanied by a persuasive legal cultural approach.³⁴

In the context of Islamic law, there is also a fiqh debate regarding mediation and online hearings. Some scholars argue that online mediation can reduce the quality of emotional interaction and honesty between the parties. However, other scholars, such as Wahbah al-Zuhayli, argue that digital media can be a valid means of achieving *ṣulh* (peace) as long as the principles of justice and agreement are fulfilled.³⁵

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³² Komisi Yudisial RI. *Laporan Etika dan Privasi Digital 2024*. Jakarta: KY RI, 2024, hlm. 12.

³³ OECD. *Digital Governance in Public Justice Sector*. Paris: OECD, 2024, hlm. 61.

³⁴ Rahardjo, Satjipto. *Hukum dan Masyarakat*. Bandung: Angkasa, 2000, hlm. 59

³⁵ Al-Zuhayli, Wahbah. *Al-Fiqh al-Islami wa Adillatuhu*. Damaskus: Dār al-Fikr, 2004, hlm. 419.

³⁶ Badilag MA RI. *Rekapitulasi Kesalahan Input Data Perkara Digital 2024*. Jakarta: MA RI, 2024, hlm. 33.

³⁷ Transparency International Indonesia. *Digital Integrity Report 2024*. Jakarta: TII, 2024, hlm. 17.

³⁸ MA RI. *Analisis Hambatan Implementasi e-Court 2024*. Jakarta: Badilag MA RI, 2024, hlm. 45.

³⁹ Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975, hlm. 23.

⁴⁰ Badilag MA RI. *Rencana Strategis Peradilan Agama 2025–2030*. Jakarta: MA RI, 2024, hlm. 55.

Conclusion

Based on the results of the analysis, it can be concluded that the implementation of e-Court in the Indonesian religious court system is a strategic step in realizing the modernization of Islamic family law that is adaptive to the digital era. This transformation shows that Islamic law is not static, but has the flexibility to adapt to social and technological changes. By integrating the values of *maqāṣid al-syarī‘ah*, such as benefit, justice, and convenience, the e-Court system has strengthened the principle of substantive justice in the settlement of family cases, especially in the context of online mediation and administration. However, the effectiveness of e-Court still faces various obstacles, such as limited digital infrastructure, low technological literacy, and institutional capacity gaps between regions. These challenges have the potential to create inequalities in access to justice, especially for low-income communities and those living in remote areas. Therefore, policies need to be directed at strengthening the readiness of technological infrastructure throughout Indonesia, as well as ensuring equitable digital training for judges, court clerks, and users of Islamic family law services.

From a normative perspective, digitization through e-Court needs to continue to be synergized with Islamic ethical values. This system functions not only as an administrative tool, but also as a means of realizing justice that has spiritual and moral value. The principles of *taysīr* (ease), *‘adl* (justice), and *maslahah* (benefit) must be the basis for the digitization of Islamic family law. Thus, the application of technology can strengthen the moral legitimacy of Islamic law while increasing the efficiency of the religious court bureaucracy..

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