

Embracing E-Court Innovation: Advancing Maslahah Mursalah in Indonesia's Religious Courts

Eti Yusnita,¹ Yuswalina,² Muhammad Toriq³

Universitas Islam Negeri Raden Fatah Palembang, Indonesia^{1,2,3}

Email: etiyusnita_uin@radenfatah.ac.id

Keywords:

E-courts;
Maslahah
mursalah;
Religious courts.

DOI:

<https://doi.org/10.1181/jurnal.radenfatah.ac.id/index.php/Nurani.v24i2.24744>

Submitted:

September 2, 2024

Accepted:

December 21, 2024

Published:

December 29, 2024

Pages: 506 - 523

Abstract: *In this modern age, online litigation has become a game-changer in streamlining the judicial process. To embrace this transformation, Indonesia's Supreme Court has implemented an e-court system, governed by the Supreme Court Regulation, to boost efficiency and accessibility in the legal landscape. This study sets out to explore the advancements of the e-court system within Indonesia's Religious Courts, delving into the key factors driving its growth and shaping its implementation, with a focus on the concept of maslahah mursalah (public welfare). This study adopts a qualitative research approach, utilizing descriptive analysis and drawing upon both primary and secondary data sources. The findings highlight that while the e-court system largely aligns with existing regulations, hurdles like inadequate network infrastructure and limited public digital literacy persist. Nevertheless, the system brings substantial advantages, paving the way for meaningful progress, including lower costs, remote access to court services, and simplified processes. Key features such as e-filing, e-payment, e-summons, and e-litigation increase accessibility and convenience. Digital transformation reflects the issue of ensuring more efficient and cost-effective services. Factors that influence include cost savings from paperless processes, the ability to file cases remotely, technological literacy issues, and internet connectivity challenges in some areas. Overall, e-court systems align with societal welfare by enhancing the accessibility and affordability of legal services.*

Introduction

In this era of advancement, the study of law and legal cases carries a profound and positive significance. For example, now regarding court cases. In the world of courts, there is a demand that cases in court be conducted boldly/online to make them more practical and realistic. As the implementation of law in Indonesia continues to progress in a positive direction, this has proven that many regulations have been passed. Significantly, the regulations issued by the Supreme Court do not change or delete old regulations, but add to and improve regulations that already apply in society. (Latifiani et al., 2022) The Supreme Court regulations grant Bailiffs and Substitute Bailiffs the authority to deliver summonses, decisions, and copies of decisions through online platforms. This digital system has been implemented with confidence and efficiency. (Syahr et al., 2023)

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

The Supreme Court's information system encompasses case administration, case services, and the facilitation of online trials. (Berutu et al., 2022) This system is known as the Court Information System, also known as *E-Court*. (Yanwiyatono & Bakir, 2024) *E-Court* represents the progress and innovation of the Supreme Court in response to increasingly sophisticated developments in implementing the judicial principles stipulated in law. Information technology plays a vital role in assisting society by providing advanced features that are particularly beneficial for workers and individuals seeking justice in religious courts. These innovations streamline and accelerate case processing, aligning seamlessly with the core responsibilities of the judicial system. (Kbarek et al., 2023)

According to the 2019 e-Court Handbook, e-Court is defined as a judicial tool designed to serve the public through enabling online case registration, digital estimation and payment of court fees, electronic summons, and virtual delivery of hearing notifications. (Agung, 2019)

E-Court, as a judicial tool, serves the public by providing online services such as case registration, electronic estimation of advance court fees, online payment of these fees, electronic summons, and the digital submission of court documents for online trials. (Khoiriah et al., 2023) *E-Court* aligns with the principles of civil procedural law, serving as a cornerstone for judicial practices and guidelines within Indonesia's legal system. (Widodo et al., n.d.)

Article 2, paragraph 4 of Law Number 48 of 2009 on Judicial Power stipulates that:

“Pengadilan Membantu pencari keadilan dan berusaha mengatasi segala hambatan dan rintangan untuk dapat tercapainya yang sederhana, cepat, dan biaya ringan.”

The rule emphasizes that legal proceedings must be handled in a clear and uncomplicated way, ensuring they are accessible to everyone, swift, and cost-effective. (Kamello & Sastro, 2023) This means that case resolution and investigation can be carried out effectively and simply. (Harianti et al., 2024) Cheap means that the whole community can cover the costs of the case more affordably. However, this principle does not mean eliminating convenient services for someone who wants to seek justice in court. (Rifqah, 2023) The e-Court application provides convenience for someone who wants to register a case in court. (Musa et al., 2024) The E-Court platform offers a convenient solution for registered users to file their cases and receive accurate estimates of associated fees, payments and summons which are carried out online. A lawsuit is a case filed by the plaintiff with the court chairman or their representative, presenting a legal claim that outlines the lawsuit and provides the legal grounds for investigating the case and determining the truth under the law. (Bernadika & Afriyie, 2023)

These advanced features are evident in the services offered by the e-Court application, including e-Filing, e-Payment, e-Summons, and e-Litigation. Introducing regulations for e-Court systems marks a transformative step in modernizing court operations while improving access to justice, carried out to ensure the smooth running of people who wish to carry out legal proceedings and to provide convenience in community activities,

Embracing E-Court Innovation: Advancing Maslahah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

especially in the field of information technology. (Pratomo et al., 2021)

Simple justice is swift and straightforward, ensuring that it does not create unnecessary obstacles for those seeking justice. (Haqqi et al., 2022) Judiciary must be swift in order to produce justice to avoid a case being tried for a long period of time and being continued by the descendants of the person seeking justice. Justice is needed economically because the court is a place for society to seek justice, therefore justice must be carried out at low cost with the aim that people can seek justice easily and can reach it. (Hidayah & Ayunda, 2022)

The legal foundation for e-Court is outlined in Supreme Court Regulation No. 3 from 2018 initially introduced electronic case administration in courts. This framework was later refined and expanded through Supreme Court Regulation No. 1 of 2019, which encompasses both electronic case management and trials. (Melati et al., 2023) After two years of the 2019 PERMA, changes were made which then Supreme Court Regulation No. 7 of 2022 introduced comprehensive guidelines for electronic case administration and court trials. This was further supported by the Decree of the Chief Justice of the Supreme Court of Indonesia, 129/KMA/SK/VIII/2019, which provided technical instructions for implementing electronic case handling, and later refined through Decree No. 271/KMA/SK/XII/2019.

Several studies have been conducted, including one by Sundusiyah and Erie Haryanto, in their research titled "*Implementation of Supreme Court Regulations on E-Court to Realize the Principles of Simplicity, Speed, and Low Cost in the Pamekasan Religious Court.*" This research highlights the discovery that the principles of clarity, efficiency, and affordability play a pivotal role in resolving family law cases include: (a) Facilitating the registration process and down payment being fully online through e-Filing and e-Payment features, the system enables seamless case registration and payment without queuing; (b) Case files being properly archived and accessible from anywhere at any time; and (c) Summons and trials being conducted relatively faster without needing to wait for a week, based on the agreement of the attorneys. Supporting factors for implementing E-Court greatly minimizes time and costs involved in case registration processes and follow-up procedures. The trial period is faster than manual processes, allowing for quicker case resolution at Pamekasan Religious Court, justice is delivered swiftly, adhering to the principle of timely resolution. Additionally, documents are securely archived and made accessible anytime and anywhere, ensuring convenience and efficiency. (Alam & Luthfi, 2021)

Another study, titled "Analysis of Perma No. 7 of 2022 on the Implementation of E-Court at the Cimahi City Religious Court" by Abdussalam Rochim and Muhammad Yunus, conducted field research to examine real-life events and the practical application of the regulation. The type of data used by the researchers was qualitative, derived from observations and documents, with field (empirical) data gathered through interviews with informants at the research site. The study found that many visitors to the Cimahi City Religious Court were unaware pertaining to E-Court operations. However, E-Court had been well-implemented, covering E-Filing (case filing), E-Payment (fee processing), E-Summons (digital notifications), and E-Litigation (court

Embracing E-Court Innovation: Advancing Maslahah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

hearings), although conferences were still conducted through face-to-face sessions within the courtroom. Additionally, the research by Djameluddin and colleagues titled "*Assessing the Impact of the Electronic Justice System on the Efficiency of the Judicial Process in the Era of Digital Transformation*" aimed to examine the impact relating to the digital court system on judicial efficiency as part of the digital era. A divergence between this study and previous research is that previous studies generally focused on the ease and efficiency of E-Court, in contrast, the present investigation delves into the sophistication of E-Court features in realizing *maslahah mursalah* and explores the factors influencing the development of E-Court implementation within the framework of Islamic jurisprudence.

The research at hand aims to examine the sophistication under the e-court mechanism in Indonesian Religious Courts, along with the factors that influence its development and implementation, with a focus on the concept of *maslahah murlah* (public welfare). Then Abdul Wahhab Khallaf elaborated the specifications for the operation of *Maslahah Mursalah*, for instance: 1. A point that is considered *maslahah* ought to be a genuine *maslahah*, namely something that truly brings benefits and prevents harm. 2. Something that is considered *maslahah* must be focused on community welfare rather than individual benefit. 3. Any action deemed as *maslahah* must align with established guidelines of the Koran, hadith or *ijma'*. In E-Courts there are advanced mechanisms including E-filing, E-Payment, E-Summons, and E-Litigation. (Hakim et al., 2024) These features will be explained in a narrative descriptive manner based on information from sources in terms of realizing benefits to the public / *maslahah murlah* as well as the factors that influence the establishment and integration of E-Courts. (Tampubolon & Murwadji, 2024)

Method

The aforementioned research utilizes a field or interpretive methodology, involving direct observation to uncover detailed facts occurring in society, thereby providing the necessary data for the study. (Sari et al., 2022) Qualitative research methods can carry out data analysis simultaneously with data collection. (Alaslan, 2023) Qualitative research uses descriptive analysis, namely data obtained in the form of observations, interviews, photos, documents, field notes, analysis of information by adding information, and also looking for relationships, comparisons, and finding the basis. (Abdussamad, 2022) The sources for this research include interviews with Mrs. Siti Sofiyah, a judge in the Sekayu Religious Court, and Mrs. Rosmaladaya, the registrar of the Sekayu Religious Court. Information was gathered from the Sekayu Religious Court. The research also employed an unstructured interview method to allow for more in-depth exploration. Unstructured interviews are considered flexible, as the order and wording of questions can be adjusted during the interview to suit the needs and conditions of the situation. Additionally, supplementary information was obtained through books, journals, and documents relevant to the research topic. The information from the original is not represented as numerical data. The results of information analysis are a picture of the survey situation and are presented as a descriptive

picture. In conclusion, descriptive research is both explanatory and illustrative, aimed at providing a comprehensive depiction of the legal situation in a specific location, as well as the phenomena surrounding a legal event occurring in society.

Results and Discussion

Feature *E-Courts*

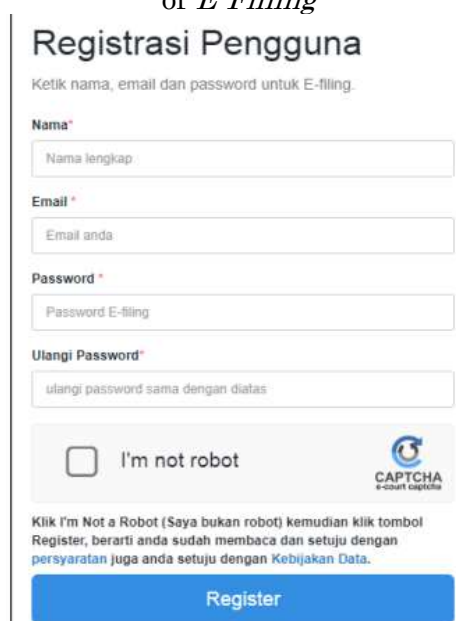
The parties involved in the Sekayu Class 1B Religious Court believe that e-Court represents a type of litigation process in which starts with case registration and concludes with a trial conducted through electronic means and infrastructure. This has been regulated in Supreme Court Regulation Number 7 of 2022 in connection with the management of court cases and proceedings electronically, which is a development of Supreme Court Regulation Number 1 of 2019 concerning the administration of cases and trials in court via electronic methods, in which the Supreme Court Regulation has discussed litigation electronically but has not regulated in detail regarding litigation in court electronically. Subsequently, Supreme Court Regulation Number 7 of 2022 was enacted to refine Supreme Court Regulation Number 1 of 2019, establishing it as the primary judicial basis for digital trials within the court system.

The interview results indicate that cases handled by the Religious Court, both within and outside the city of Sekayu, are now being processed more efficiently. The case expressed by Mrs. Siti Sofiyah, for example, the process is easier because it only needs to file a request with the nearest Religious Court rather than waiting in regard to witnesses or parties with the aim of the case to come directly to the relevant Religious Court. In addition, payment of cases has become easier and faster thanks to the electronic billing framework, which enables payment processing at any commercial bank can go through any digital transaction method including online banking, SMS-based services, and ATM transactions, or electronic transaction collaborators available at the court. This aims to eradicate unauthorized fees from brokers that often occur in the Court. This clearly places a significant burden on the community, particularly for individuals or lower economic groups, when engaging in litigation in court.

E-Court at the Supreme Court is a digital service aimed at optimizing the judicial process by leveraging technology to enhance efficiency. (Shabalin et al., 2024) Some of the main features available on the E-Court platform include *E-Filing*, *E-Payment*, *E-Summons*, and *E-Litigation*.

E-Filing is a feature that enables parties involved in a case to electronically submit lawsuits, applications, or other court documents without the need for in-person attendance. It accelerates the case registration process and improves accessibility for users. Image 1 explains about the first step in a case is to register it first, especially registering an account to use the case online. Registration is via official e-Court website of the Supreme Court, accessible at <http://ecourt.mahkamahagung.go.id> and registering a registered user (Republik Indonesia, 2019). Figure 1 provides a visual depiction of the findings.

Figure 1. Documents Related to Supreme Court Guidance Book 2019 of *E-Filing*




Registrasi Pengguna
Ketik nama, email dan password untuk E-filing.

Nama*
Nama lengkap

Email*
Email anda

Password*
Password E-filing

Ulangi Password*
ulangi password sama dengan diatas

I'm not robot 

Klik I'm Not a Robot (Saya bukan robot) kemudian klik tombol Register, berarti anda sudah membaca dan setuju dengan persyaratan juga anda setuju dengan Kebijakan Data.

Register

Source: Republik Indonesia, 2019

Figure 1 illustrates the registration process in the digital e-Court system, where authorized users can create an account online. They can then access the e-Court platform via an internet browser on a personal computer, tablet, or cellphone; Register by filling in complete personal information and the desired password (The cases eligible for registration through the e-Court system include Civil Lawsuit Case, Rebuttal Case, Small Claims Civil Cases, Civil Case Application); Carrying out enrolled email address account activities in parallel with approval serving as a digital domicile; Then log in to the e-Court platform; Conclude the advocate's personal information (Republik Indonesia, 2019).

The first step in filing a case is to register it, starting with creating an account to access the case online. Registration is via the Supreme Court's online e-Court platform, available at <http://ecourt.mahkamahagung.go.id>. Registered users must enter their email, this is because the registered email is the authorized user's online registered address. If you have successfully registered by email, registered users will receive an email message containing the username and password which will function as login details for the e-Court platform. After logging in onto the e-Court platform, registered users select the competent court according to where to file the lawsuit. After selecting the competent court, the next step is to upload the lawsuit letter and then the recognized account holder gets a digital registration ID. Once users have an account, they can proceed to register their cases.

Currently, case registration online through the e-Court platform is exclusively available in relation to registering lawsuits, appeals, minor claims, and petitions. These types of cases are filed in the General Court, Religious Court, and State Administrative Court, and their registration involves additional steps and effort, and one of the reasons to establish an e-Court is

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

the ease of doing business. Authorized users obtain an account digitally through the e-Court platform, including the following steps: Log in to the e-Court platform accessible via browser on a personal computer, tablet, or cellphone; Sign up by inputting complete personal information and the desired password; Carrying out authorized e-mail account activities along with approval acting as a virtual address; Then log in to the e-Court application; Complete the advocate's personal information. The types of cases eligible for registration via the e-Court platform application include legal disputes in civil matters, civil counterargument cases, small claims civil cases, and civil case applications (Azzahiro, Mumtazah, Hasan Alfi Zamahsari, 2020)

Currently, the e-Court application permits online registration solely for registering lawsuits, appeals, minor claims, and petitions are among the cases that can be registered. These types of cases are filed in the General Court, Religious Court, and State Administrative Court, often involving a more detailed and labor-intensive registration process, and one of the reasons for setting up a digital court platform is the ease of doing business. (Berutu, 2020).

E-Payment is an electronic payment facility that allows for the online payment of court fees. Users can pay case registration fees, initial court fees, and other related fees through various electronic payment methods. (Rahman & Pujiono, 2022) When filing a case, authorized users instantly receive the SKUM, which is automatically generated through the e-Court system. Within the generating during the process, the calculation is based on the predefined Cost Components configured by the Court, along with the Radius Cost, which is likewise set by the Head of the Court, ensures that the estimation of the initial down payment costs is accurately estimated, resulting in an electronic SKUM (*Surat Kuasa Untuk Membayar*) or e-SKUM. (M. I. Susanto & Supriyatna, 2020).

The findings are visually represented in Figures 2 and 3, which show the E-Payment completion page with a virtual account. Here, registered users can make payments upon receiving the calculated initial payment details will be assigned a Payment Number (Virtual Account) to facilitate the payment of the Down Payment Fee. The components of case costs consist of process costs).

Figure 2. Documents on Supreme Court Guidance Book 2019 of *E-Payment* Completion Page with Virtual Account



Source: Republik Indonesia, 2019

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

Figure 3. Documents on Supreme Court Guidance Book 2019 of Email Notification



Source: Republik Indonesia, 2019

Figures 2 and 3 illustrate that following the receipt of the Estimated Down Payment or e-SKUM, registered users are provided with a Payment Number (Virtual Account) is provided, functioning as a digital account for processing the down payment fee. The components of case costs consist of process costs (Republik Indonesia, 2019). This is governed by Supreme Court Regulation Number 3 of 2012 related to the Procedure for Case Settlement Costs and Management at the Supreme Court and Subordinate courts, specifically: the case registration fee; PNPB Authorization and Legal Summons for the parties involved, namely the Plaintiff and Defendant; administrative supplies; Costs of duplicating lawsuits for the plaintiffs; Summons the opposing party five times (mediation twice and summons to trial three times), specifically for divorce cases, the summons is six times, the State Administrative Court summons the Plaintiff twice and the Defendant three times; Material; Editorial. (Republik Indonesia, 2019)

E-Summons is a feature that allows court summonses to be sent electronically to plaintiffs, defendants, and other parties involved in a case. (Gerry & Rizkiana, 2023) It helps expedite the delivery of summonses and reduces the risk of delays. As per the Supreme Court Regulation Number. 3 of 2018 that requests for registration are made through e-Court, the call to authenticated participants is made digitally and sent to the registered user's virtual domicile address. The findings are visually represented in figure 4.

Figure 4. Documents on Supreme Court Guidance Book 2019 of E-Summons



The image shows a document titled 'Panggilan (e-Summons)'. It contains a table with the following data:

No.	Jenis Panggilan	Pihak	Dokumen Panggilan
1	Panggilan Sidang Nomor : 0419/Pdt.G/2019/PAK/0 Tgl. Sidang : Selasa, 02 April 2019 jam Sidang : 08.00	Nama : Andar Nugroho SH., CL. Email : andar@lawyer.com	Judul Dokumen : releas panggilan sidang 419/Pdt.G/2019 a.n sri sutika Pengiriman : Senin, 22 April 2019 jam : 08:44 WIB (Dikirim oleh : Pengadilan Agama Klaster)

Source: Republik Indonesia, 2019

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

Figure 4 illustrates that, For the defendant, the initial summons will be issued through a manual process. However, once the defendant is present at the first trial, subsequent summonses will be processed electronically, he will then be requested to provide approval regarding whether he is in agreement with receiving summonses electronically. If he consents, the defendant will receive an electronic summons sent to the designated electronic domicile. However, if he does not agree the summons will be issued through the traditional manual process (Gerry & Rizkiana, 2023).

For parties outside the jurisdiction, they will be summoned through electronic domicile or by sending an email to the court within their jurisdiction. If the party being called is abroad, the summons will be carried out using the ROM (Rogatory Online Monitoring) application. According to Article 390 paragraph (3) HIR and articles 6 to 7 Rv, summoning an unseen party is done by placing it on a notice board at the door of the courtroom or publishing it in a newspaper in the jurisdiction of the court concerned (Gerry & Rizkiana, 2023).

E-Litigation is a feature that enables electronic court proceedings, including the submission of documents, evidence, and virtual witness examinations.(Pagar et al., 2022) It facilitates remote trials, which is particularly useful in situations such as during a pandemic or for parties located in remote areas.(Yani, 2022). The findings are visually represented in Figure 5.

Figure 5. Documents on Supreme Court Guidance Book 2019 of Electronic Hearing



PERSIDANGAN NOMOR : 38/Pdt.G/2019/PN Kln		
Rabu, 20 Maret 2019 09:00:00		Agenda Sidang : SIDANG PERTAMA Alasan di Tunda : Para Tergugat tidak datang
Rabu, 27 Maret 2019 09:00:00		Agenda Sidang : sidang lanjutan dilanjutkan mediasi Alasan di Tunda : menunggu lapaoran mediator
Senin, 22 April 2019 09:00:00		Agenda Sidang : pembacaan gugatan Alasan di Tunda : jawaban para tergugat belum siap
Senin, 06 Mei 2019 09:00:00		Agenda Sidang : jawaban para tergugat
Rabu, 08 Mei 2019 08:15:00		Agenda Sidang : Sidang Pertama Alasan di Tunda : Pembacaan Gugatan
Rabu, 19 Juni 2019 13:44:00		Agenda Sidang : Replik dari Pihak Alasan di Tunda : Duplik Dokumen Persidangan :

Source: Republik Indonesia, 2019

Figure 5 illustrates the concept of electronic hearings. It also highlights the establishment of Law Number 7 of 1989, that governs and defines the structure, authority, and procedural law of religious courts, along with Law Number 2 of 1986 and Law Number 5 of 1986. The birth of this Law is to follow up on the mandate article 10 of Law Number 14 of 1970 concerning the main provisions of judicial power and article 24 of the 1945 Constitution. Religious

Embracing E-Court Innovation: Advancing Maslahah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

Courts serve as a judicial authority for Muslims seeking justice in specific types of cases. (S. Susanto et al., 2020)

The e-Court platform further facilitates electronic trials, allowing court records including replies, copies, summaries, and/or responses to be delivered digitally, making them accessible to both the court and the involved parties. Click or tap here to enter text. At the opening trial, the plaintiff or defendant is obligated to attend the courtroom to have the documents examined through the Judicial Panel. The plaintiff or defendant is expected to file the initial legal complaint document or primary authorization document which was submitted through the e-Court platform. (Angin & Seroja, 2023) Then the Chief Judge gave directions to the litigants regarding their rights and obligations regarding electronic trials. After the first hearing, the next stage is mediation which is carried out in person, but can also be carried out through remote audio communication allowing the parties to both hear and see each other in real-time and actively engage in the proceedings, which can be held as a virtual meeting.

If mediation fails, the next step is to summon the plaintiff via their electronic domicile address and summon the defendant directly, or it can also be carried out through an order from the Chairman as determined by the Panel during the previous session on the scheduled date. Religious Courts are recognized as one of Indonesia's legitimate State Courts. These Special Courts hold jurisdiction over specific types of Islamic civil cases and this court is specifically for the Islamic community in Indonesia. Settlement of cases goes through court institutions in Indonesia, including courts within the religious court environment which refers to the provisions of material law and formal law or applicable procedural law. The Religious Courts Institution operates within the judiciary system under the Supreme Court of the Republic of Indonesia, serving as an independent judicial body tasked with upholding law and justice (Syafirawati et al., 2024). Within the unified framework of the Supreme Court, the role of the Religious Courts Courts has been elevated to the same level as other judicial institutions.

Religious courts constitute a crucial part of the judicial system, responsible for law enforcement and delivering justice to the Islamic community in matters including marriage, inheritance matters, wills, grants, zakat, infaq, sadaqah, and Islamic economics. Resolving cases in court takes a lot of time, energy and money and has become an open secret among the public. The community's disappointment resulted in several sarcasm, for example "report the goat, lost the cow". This satirical sentence is enough to describe the sacrifices of the people who want to litigate in court. Supreme Court Regulation Number 2 of 2003 which requires a mediation process before the main examination of a civil case. In the sense that if we want to litigate (plaintiff, defendant or co-defendant), we can then maximize case resolution through mediation, which is an alternative method of dispute resolution, commonly abbreviated as MAPS, or in English, known as Alternative Dispute Resolution (ADR). (Feoh et al., 2024)

The Sophistication of E-Court Realizes Mashlahah Mursalah in the Supreme Court Regulations Regarding Religious Courts in Indonesia.

Current technology continues to drive innovation across various sectors, including the legal field. The introduction of electronic public services for administration and court proceedings has greatly influenced legal developments in Indonesia. (Yazid et al., 2022) The adoption of the E-Court system aims to create an easy, quick, and cost-effective trial process. (Fatwah & Umar, 2020) Legal regulations must bring goodness and benefits that are widely felt. Similarly, in Islamic law, all matters are governed by the Qur'an and hadith, which serve as the primary sources of legal guidance.

However, matters not specifically outlined in the Qur'an or Hadith can be addressed through more detailed Islamic law, as long as it does not contradict the Qur'an and hadith, provides clear benefits to many people and is tangible—this concept is referred to as *maslahah mursalah*, which emphasizes the importance of public welfare in Islamic law.

The E-Court system falls under the category of *maslahah*, as it brings benefits to many people. For a new policy to be deemed in accordance with *maslahah mursalah*, it must fulfill specific criteria:

1. The action must deliver concrete benefits and avoid causing harm. The Supreme Court introduced the E-Court system to simplify the litigation process using digital technology, aligning with its core principles of efficiency, accessibility, and affordability. However, not everyone has the technological knowledge needed to access the system. (Adhani, 2021)
2. The act must be for the general public, not limited to specific groups or individuals. The E-Court system is intended for anyone wishing to litigate electronically. The beneficiaries include judges, clerks, lawyers, court staff, and the individuals engaged in the case, along with the government. (Khomeini, 2019)
3. There should be no Islamic legal argument that contradicts or invalidates the act. The E-Court system is consistent with Islamic law as it functions within the established legal frameworks, ensuring adherence to both modern legal principles and religious guidelines. (Zulaeha, 2023)
4. The act must be necessary under specific conditions. The E-Court system fits this condition, as it meets the needs of modern times, where technology is widely used to simplify daily activities, including legal processes. (Rosyadi et al., 2024)

Based on these conditions, it is evident that the E-Court system adheres to the principles of *maslahah mursalah*. While it provides many benefits to those who wish to litigate, these benefits may not be accessible to those lacking technological knowledge. According to the theory of *maslahah* classification, the E-Court system is categorized as *maslahah hajiyah*, as it serves to complement and enhance basic societal needs. (Yasir & Karimuddin, 2024) While it facilitates court services, its absence would not cause harm or loss, fitting the definition of a second-level need. Therefore, the E-Court system meets the conditions of *maslahah mursalah* and is classified as *maslahah hajiyah*, as it enhances societal functioning but is not considered a fundamental necessity.

Variables that impact the sophistication of e-courts in the Supreme Court regulations regarding religious courts in Indonesia

One from the Supreme Court's efforts to improve openness and responsibility in its operations, while improving public services, is the integration of technology into the justice system. With the Supreme Court Regulation which changes the judicial system, all parties benefit, both in terms of time and costs. Therefore, each judicial institution continues to strive to implement the electronic justice system recommended by the Supreme Court. (Jaya et al., 2024) A digital judicial system has been implemented, but is not effective. This can be seen in the Religious Court which implements the Supreme Court Regulation by providing administrative services and electronic hearings, as shown by the large number of cases registered by justice seekers electronically. However, the e-Court system has yet to be fully optimized, as some cases are still submitted and resolved manually, and numerous challenges continue to hinder its implementation. (Inayah, 2023).

Complying with the current use of e-Court, the goal is to streamline the justice process, making it as simple, fast, and cost-effective as possible. This will enable e-Court to conduct the judicial process more efficiently. In 2023 there is 1 case that has been resolved electronically, namely case No. 63/Pdt.G/2023/PA.SKY. This is in accordance with Article 20 of Supreme Court Regulation Number 7 of 2022 allowing digital trials approved by both parties, the plaintiff and the defendant.

After it was determined that the mediation process had not been successful, an agreement was presented. Therefore, holding an electronic hearing is not mandatory, but is an alternative option. Basically, all legal provisions are mandatory. However, this mandatory nature is not shown explicitly. Therefore, the Supreme Court Regulation holds the authority to enforce the implementation of an electronic justice system, even though its execution must occur in phases. (Putri & Sinaga, 2021)

The supporting factors in implementing a sophisticated E-Court system are as follows: in terms of costs, it is clearly cheaper because the system is paperless, so you could say the costs are probably cheaper than the manual system; and in terms of distance traveled, registering a case electronically eliminates the need for physical presence, allowing the process to be completed remotely (Ramdani & Mayaningsih, 2021). The inhibiting factors in implementing a sophisticated E-Court system are as follows: from the perspective of people who do not understand technology. This can cause the e-Court feature to not function properly (Purwantini, 2021); and signal problems. (Fatta et al., 2024)

The implementation of the electronic justice system is hindered by challenges in Legal structure, legal substance, and legal culture (Kurniati & Widjowati, 2024) are key factors that drive changes within the legal framework of society. The Religious Court prioritizes overcoming human resource and facility constraints because the law functions as a tool for change. This is done to ensure that the demands of Supreme Court Regulation (PERMA) Number 7 of 2022 in the judicial system can be fully realized. One of the Supreme Court's initiatives to enhance transparency and accountability in its operations while improving public services is the integration of technology

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

into the judicial system.(Imani et al., 2024) With the Role of the Supreme Court in changing the justice system, all parties benefit, both in terms of time and cost. Therefore, each judicial institution continues to make efforts to implement the electronic justice system as recommended by the Supreme Court.(Irawan & Hasan, 2024)

The electronic trading system has been implemented; however, it has not proven to be effective. This is evident in the Sekayu Class 1B Religious Court, which implements the Supreme Court Regulation by providing electronic administrative and trial services, as is done by many cases registered by justice seekers electronically.(Djatkiko, 2019) However, the e-Court system has not been fully optimized, as many cases are still processed manually, and various obstacles continue to impede its effective implementation.(Syahr et al., 2023)

In relation to the current use of e-Court, its aim is to minimize complexity, expedite processes, and reduce costs, thereby enabling a more efficient judicial process. In 2023 there was 1 case that was resolved electronically, namely case No. 63 / Pdt.G / 2023 / PA.SKY. This is in accordance with Article 20 of the Supreme Court Regulation Number 7 of 2022 which allows electronic conferences with the consent of both parties, between the plaintiff and the defendant.(Retnaningsih et al., 2020) Following the failure of the mediation process, and the consent is submitted. Therefore, conducting an electronic trial is not mandatory, but is an alternative choice. Basically, all legal provisions are mandatory. However, this mandatory nature is not explicitly displayed. Therefore, the Supreme Court Regulation holds the authority to mandate the implementation of an electronic court system, although its execution must be carried out in phases. (Atikah, 2018)

The implementation of e-Court at the Sekayu Class 1B Religious Court is inevitably influenced by both supporting and inhibiting factors that affect its execution. This is in line with the researcher's interview with Mrs. Siti Sofiyah as a Judge at the Sekayu Class 1B Religious Court:

"the factors that influence the implementation of e-Court are first in terms of cost, it is clearly cheaper because it is a paperless system so everything can be called the cost is probably cheaper than the guide system. The second is in terms of travel distance, people who live in Palembang want to attend a trial in Sekayu no longer need to come all the way to Sekayu, they can still register from home and upload documents from home or wherever they can upload, they don't have to come to Sekayu to wait for the trial schedule and if there is already a trial schedule, for example, the trial schedule has been set, they can immediately upload the documents from home so they don't need to come to Sekayu. Cost and travel distance are major factors that affect the e-Court. The third is from people who do not understand technology. This can cause the e-Court feature to not function properly. There is no doubt that Individuals lacking technological proficiency are among the key obstacles to the implementation of electronic conferences (e-Litigation). And the fourth or last is the problem signal. Several areas in Sekayu still have not been touched by adequate internet networks."

Embracing E-Court Innovation: Advancing Maslahah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

This is also consistent with the findings from the researcher's interview with Mr. Rian (name changed for confidentiality), as an e-Court user who has felt the impact of the system. The explanation is as follows:

"For me, e-Court really makes it easier for me to speed up the duration of the case registration process and the conference process, the costs incurred are much cheaper and it can also clearly reduce transportation costs that I should have spent, because I don't need to come to court. Although sometimes there are problems with the signal disappearing."

The benefits of using e-Court have also been experienced by advocates seeking to register cases in court. They have felt the impact of the system, the following is their explanation:

"This e-Court is very helpful and makes it easier for the public and advocates who want to litigate, with e-Court you can upload the necessary files anywhere and also in terms of costs it is very cheap and enlightens the public and advocates who want to litigate."

The author also conducted an interview with Mrs. Rosmaladaya regarding the factors influencing the implementation of e-Court at the Sekayu Class IB Religious Court, which are as follows: "Related to the implementation of e-Court at the Sekayu Religious Court Class IB there are several factors, namely drivers and inhibitors. The inhibiting factors include limited signals in several areas and many people are still ignorant about the internet so they cannot access the internet because e-Court must use internet.

Conclusion

The Religious Court welcomed the e-Court with a positive response, as the increasingly sophisticated advancements in the judicial system have made the work of all parties involved much easier. Factors that influence the implementation of Supreme Court Regulation (PERMA) Number 7 of 2022 in Religious Court, both factors that encourage and hinder its implementation, these factors are: First, in terms of costs, it is clearly cheaper because the system is paperless so all of which can be said to be cheaper than a manual system. Second, in terms of distance traveled, when we register a case electronically or via e-Court we can do it from any location without physically going to the Court directly. Third, from the perspective of people who do not understand technology. This can cause the e-Court feature to not function properly. And, fourth, signal problems. The E-Court system aligns with the principles of *maslahah mursalah* and is categorized as *maslahah hajiyyah*, serving as a complementary measure to fulfill basic needs.

References

- Abdussamad, Z. (2022). *Buku Metode Penelitian Kualitatif*.
Adhani, H. (2021). Mahkamah Konstitusi Indonesia Di Era Digital: Upaya Menegakan Konstitusi, Keadilan Substantif Dan Budaya Sadar Berkonstitusi. *Jurnal Penegakan Hukum Dan Keadilan*, 2(2), 130–146.
Agung, M. (2019). *Buku Panduan E-Court*. Jakarta: Mahkamah Agung.

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

- Alam, S., & Luthfi, M. (2021). E-Court Effectiveness Of Religious Courts In Indonesia. *2nd International Conference On Law Reform (Inclar 2021)*, 92–97.
- Alaslan, A. (2023). *Metode Penelitian Kualitatif*. Center For Open Science.
- Angin, G. K. P. P., & Seroja, T. D. (2023). Justice Modernization In The Digital Divide Of Indonesian Society: A Challenge. *Awang Long Law Review*, 6(1), 206–215.
- Atikah, I. (2018). Implementasi E-Court Dan Dampaknya Terhadap Advokat Dalam Proses Penyelesaian Perkara Di Indonesia. *Open Society Conference*, 107, 127.
- Bernadika, S. R., & Afriyie, F. A. (2023). Legitimacy Of Proof Of Letters In The Era Of The E-Litigation Proof System In The State Administrative Court. *Indonesian State Law Review (Islrev)*, 6(1).
- Berutu, L. (2020). Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan Dengan E-Court. *Jurnal Ilmiah Dunia Hukum*, 5(1), 41–53.
- Berutu, L., Lisdiyono, E., Irianto, S., & Berutu, C. A. N. (2022). E-Court System In Realizing Simple, Fast And Low-Cost Civil Justice: Learning From Indonesian Experience. *Journal Of Positive School Psychology*, 6(7), 2805–2819.
- Djarmiko, H. (2019). Implementasi Peradilan Elektronik (E-Court) Pasca Diundangkannya Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik. *Jurnal Hukum Legalita*, 1(1), 22–32.
- Fatta, M. I., Kurniati, K., Talli, H., Patimah, P., & Asni, A. (2024). Implikasi Sidang Keliling Di Pengadilan Agama Majene Kelas Ii Terhadap Rasa Keadilan Para Pihak (Telaah Masalah Mursalah). *Al-Mikraj Jurnal Studi Islam Dan Humaniora (E-Issn 2745-4584)*, 4(02), 1104–1117.
- Fatwah, S., & Umar, K. (2020). Penerapan Sistem E-Court Di Pengadilan Tata Usaha Negara Makassar Perspektif Siyasah Syar'iyah. *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasah Syar'iyah*, 1(3), 582–593.
- Feoh, J. M., Siagian, J. D. B.-A., Herwanto, V. I. M., & Falyafil, Z. (2024). Masalah Mursalah Approach On The Case Of Ghoib Divorce In Islamic Law Perspective. *Yustisia Tirtayasa: Jurnal Tugas Akhir*, 4(1), 85–97.
- Gerry, M., & Rizkiana, R. E. (2023). The Optimization Strategy Of E-Courts Organizing Quality In Indonesia. *Untag Law Review*, 7(1), 11–20.
- Hakim, S., Maharani, A., Putri, B. A., Kurniawan, D., Al Khairi, F., & Kautsar, T. H. M. (2024). Analisis Ketidakefektifan Pelaksanaan E-Court Dalam Sistem Beracara Di Pengadilan Negeri Mungkid Kelas Ib. *Indonesian Research Journal On Education*, 4(3), 665–671.
- Haqqi, Z., Asyrof, M. N., Purwanto, M. R., Yusdani, Y., & Krismono, K. (2022). The Strategy Of The Siak Sri Indrapura Religious Court In Realizing A Modern Jurisdiction With Integrity. *Kne Social Sciences*, 167–176.
- Harianti, I., Sekarmadji, A., Lobubun, M., Moechthar, O., Anggoro, S. B., & Amri, A. I. (2024). Indonesian Agrarian Reform In Legal Perspective: A Critical Analysis Of Presidential Regulation No. 86/2018. *Revista De Gestão Social E Ambiental*, 18(1), E07351–E07351.
- Hidayah, L., & Ayunda, R. (2022). The Procedure And The Effectiveness Towards Dispute Registrations Using E-Court Services At Batam

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

- Religious Court 1-A Class. *Concept-Conference On Community Engagement Project*, 2(1), 376–387.
- Imani, R. T., Nurlailatri, E. S. N., Azzahra, P. D. U., Satyanagama, L. Z., Anggita, N. C., & Istiqamah, D. T. (2024). Implementasi Sistem E-Court Dalam Mewujudkan Asas Sederhana, Cepat, Dan Biaya Ringan Di Pengadilan Negeri. *Jurnal Hukum Dan Sosial Politik*, 2(2), 144–163.
- Inayah, S. (2023). The Review Of Masalah Mursalah On The E-Court System At Religious Court. *At-Thullab: Jurnal Mahasiswa Studi Islam*, 5(2), 270–279.
- Irawan, H., & Hasan, Z. (2024). Dampak Teknologi Terhadap Strategi Litigasi Dan Bantuan Hukum: Tren Dan Inovasi Di Era Digital. *Innovative: Journal Of Social Science Research*, 4(2), 4600–4613.
- Jaya, I. B., Tanoto, I., Luthfi, M. A., Hamidah, A. N., Sholihah, A. M., Fadillah, I. S., Irsyad, M. F., Frianka, A., Halimatussyadiah, H., & Yasar, M. M. (2024). Inovasi Teknologi Peradilan Modern (E-Court) Mahkamah Agung Republik Indonesia Dalam Menjawab Tantangan Global. *Faedah: Jurnal Hasil Kegiatan Pengabdian Masyarakat Indonesia*, 2(3), 1–14.
- Kamello, T., & Sastro, M. (2023). The Development Of Procedural Law Through The E-Court System After Pandemic In Indonesia. *Veteran Law Review*, 6(Specialissues), 15–27.
- Kbarek, L. N., Yuliantini, N. P. R., Mangku, D. G. S., & Yudiawan, I. D. G. H. (2023). The Synergy Between Law And Technology Towards Justice System Reform In Indonesia. *Sociological Jurisprudence Journal*, 6(2), 123–132.
- Khoiriah, S., Prayitno, D. P., & Septiana, D. (2023). Effectiveness And Efficiency Of Divorce Mediation. *3rd Universitas Lampung International Conference On Social Sciences (Ulicoss 2022)*, 611–618.
- Khomeini, A. R. (2019). The Necessity For Islamic Government. In *Ideals And Ideologies* (Pp. 521–527). Routledge.
- Kurniati, I. A., & Widyowati, R. (2024). Strategi Promosi Kegiatan Duta Peradilan Mahkamah Agung Untuk Menarik Attention Publik. *Indonesian Journal Of Economy, Business, Entrepreneurship And Finance*, 4(1), 144–157.
- Kurniawan, M. B. (2020). Implementation Of Electronic Trial (E-Litigation) On The Civil Cases In Indonesia Court As A Legal Renewal Of Civil Procedural Law. *Jurnal Hukum Dan Peradilan*, 9(1), 43–70.
- Latifiani, D., Yusriadi, Y., Saroni, A., Al Fikry, A. H., & Cholis, M. N. (2022). Reconstruction Of E-Court Legal Culture In Civil Law Enforcement. *Jils*, 7, 409.
- Melati, D. P., Yunani, E., & Januri, J. (2023). Implementation Of E-Court Assembly Application In The Handling Of The Criminal Action Of Murder. *Proceedings Of The 1st International Conference On Social Science (Icss)*, 2(1), 65–69.
- Musa, R. P., Wantu, F. M., & Sarson, M. T. Z. (2024). Implementation Of Civil Case Settlement Before And After The Enactment Of E-Court System In Electronic And Conventional Courts. *Jembatan Hukum: Kajian Ilmu Hukum, Sosial Dan Administrasi Negara*, 1(1), 17–31.

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

- Pagar, P., Ansari, A., & Sahfitri, A. (2022). Efektivitas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Electronic Litigation Di Era Pandemi Covid-19 Dalam Konsep Masalah Mursalah. *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial*, 10(01), 315–334.
- Pratomo, A. Y., Ma'ruf, U., & Witasari, A. (2021). Implementation Of Criminal Action Prosecution Online In Realizing Principle Of Fast Prosecution, Simple & Low Cost. *Jurnal Daulat Hukum*, 4(2), 2560–2614.
- Purwantini, N. (2021). Penerapan E-Litigasi Terhadap Keabsahan Putusan Hakim Di Pengadilan Agama Menurut Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Secara Elektronik. *Dinamika*, 27(8), 1116–1131.
- Putri, M. C., & Sinaga, E. M. C. (2021). Disrupsi Digital Dalam Proses Penegakan Hukum Pada Masa Pandemi Covid-19. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 10(1), 79.
- Rahman, I., & Pujiono, B. (2022). Regulation Problems Of Case Settlement Using Ecourts In Indonesia Courts. *Transparansi Hukum*.
- Ramdani, R., & Mayaningsih, D. (2021). Urgensi Persidangan Secara Elektronik (E-Litigasi) Dalam Perspektif Hukum Acara Peradilan Agama Di Era Digitalisasi. *Al-Ahwal Al-Syakhsyiyah: Jurnal Hukum Keluarga Dan Peradilan Islam*, 2(2), 219–236.
- Retnaningsih, S., Nasution, D. L. S., Velentina, R. A., & Manthovani, K. (2020). Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Pengadilan Negeri Di Indonesia). *Jurnal Hukum & Pembangunan*, 50(1), 124–144.
- Rifqah, H. (2023). Efektivitas Penyelesaian Perkara Melalui E-Court Di Pengadilan Agama Tanjung. *Al-Risalah*, 19(02).
- Rosyadi, I., Rumaf, A. F. H., Fatimah, M., & Yaman, N. (2024). Syathibi's Thoughts On Masalah Mursalah And Its Impact On The Development Of Islamic Law. *Journal Of World Thinkers*, 1(01), 63–74.
- Sari, I. N., Lestari, L. P., Kusuma, D. W., Mafulah, S., Brata, D. P. N., Iffah, J. D. N., Widiatsih, A., Utomo, E. S., Maghfur, I., & Sofiyana, M. S. (2022). *Metode Penelitian Kualitatif*. Unisma Press.
- Shabalin, A., Shtefan, O., Andrushchenko, L., & Olefir, V. (2024). Use Of Digital Technologies In Judicial Proceedings In Some Countries Of Europe And The Usa. *Petita*, 9, 1.
- Susanto, M. I., & Supriyatna, W. (2020). Creating An Efficient Justice System With E-Court System In State Court And Religious Court Of Rights. *International Journal Of Arts And Social Science*, 3(3), 354–361.
- Susanto, S., Iqbal, M., & Supriyatna, W. (2020). Menciptakan Sistem Peradilan Efisien Dengan Sistem E-Court Pada Pengadilan Negeri Dan Pengadilan Agama Se-Tangerang Raya. *Jch (Jurnal Cendekia Hukum)*, 6(1), 104–116.
- Syafirawati, A. N. W., Salsabilah, A. F., & Kurniati, K. (2024). Teleconference Dalam Proses Pengadilan Perspektif Hukum Islam. *Ethics And Law Journal: Business And Notary*, 2(3), 1–6.

Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts

Eti Yusnita, et al.

- Syahr, Z. H. A., Sally, N. U., & Albana, M. Z. (2023). The Bailiff's Services In The Electronic Judicial Era In Indonesia. *Transforming Government: People, Process And Policy*, 17(3), 317–327.
- Tampubolon, Y. S. H., & Murwadi, T. (2024). Implementation Of Legal Quality Audit On Electronic Civil Trial Procedures (E-Court). *Journal Of Ecohumanism*, 3(7), 1412–1433.
- Widodo, W., Galang, T., & Budoyo, S. (N.D.). *The Effectiveness Of The E-Court Management System In Semarang Courts In Semarang City*.
- Yani, E. (2022). The Effectiveness Of Executing Trials-Court During The Covid-19 Pandemic In Matters Of Shariah Economic Law Perspective Masalah Mursalah Imam Asy Syatibi: Case Study Of The Medan Religious Court. *Kabilah: Journal Of Social Community*, 7(2), 435–446.
- Yanwiyatono, Y., & Bakir, H. (2024). Strengthening The Role Of Artificial Intelligence Technology In The Role Of Court Judges In Indonesia. *Edunity Kajian Ilmu Sosial Dan Pendidikan*, 3(6), 410–418.
- Yasir, A. M., & Karimuddin, K. (2024). The Impact Of Indonesia Netizens On Justice And Law Enforcement: Masalah Mursalah Perspective. *Al Ahkam*, 20(1), 153–185.
- Yazid, I., Adly, M. A., & Tamami, A. (2022). Kesejahteraan Keluarga Pasangan Hasil Dispensasi Kawin Di Kota Medan: Perspektif Masalah Mursalah. *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial*, 10(02).
- Zulaeha, M. (2023). E-Courts In Indonesia: Exploring The Opportunities And Challenges For Justice And Advancement To Judicial Efficiency. *International Journal Of Criminal Justice Sciences*, 18(1), 183–194.