



# AN IDEAL MODEL OF PROCEDURAL LAW IN THE RELIGIOUS COURTS FOR RESOLVING MUSLIM FAMILY DISPUTES IN THE DIGITAL ERA

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## **Abstract**

*The digital transformation of the judicial system has significantly influenced procedural law in the Religious Courts, particularly in resolving Muslim family disputes. This study aims to analyze the implementation of digital-based procedural law, identify normative, technical, and sociological challenges, and formulate an ideal model of procedural law for Religious Courts in the digital era. This research employs a library research method with a qualitative approach by examining statutory regulations, scholarly literature, and previous studies. The findings indicate that digitalization through e-court and e-litigation systems developed by Mahkamah Agung Republik Indonesia has improved efficiency and accessibility of judicial services; however, it has not fully addressed the complexity of Muslim family disputes. The main challenges include regulatory limitations, technological infrastructure constraints, and low levels of digital literacy among the public. Based on the analysis of legal system theory, access to justice, and maqāṣid al-sharī'ah, this study proposes an integrative ideal model of procedural law through a hybrid approach, strengthened digital evidence regulation, optimization of value-based mediation, and inclusive access to justice. This model is expected to establish a*

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*judicial system that is not only procedurally efficient but also substantively just in resolving Muslim family disputes.*

**Kata Kunci:** *Procedural Law; Religious Courts; Judicial Digitalization; Muslim Family Disputes; Maqasid al-Shariah.*

## **A. Introduction**

The development of digital technology has driven a fundamental transformation in modern judicial systems, including in Indonesia. The digitalization of judicial services through the implementation of e-court and e-litigation by the Supreme Court of the Republic of Indonesia has become a strategic instrument in enhancing the efficiency, transparency, and accessibility of legal services for the public.<sup>1</sup> In the context of the Religious Courts, this innovation carries significant urgency given the dominance of Muslim family disputes—such as divorce, alimony, child custody, and inheritance—which show an increasing trend each year.

However, the implementation of digital-based procedural law in the Religious Courts has not yet fully addressed the complexity of Muslim family disputes. The emerging issues are not only related to technical aspects, such as limited infrastructure and digital literacy, but also touch upon normative and sociological dimensions. The characteristics of family disputes, which are deeply embedded with emotional and religious values, require a more humanistic and contextual approach—something that, in many respects, is difficult to reduce to purely electronic procedures.<sup>2</sup> Furthermore, there is still no specific procedural law formulation that adequately accommodates the validity of digital evidence, the effectiveness of

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<sup>1</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik* (Jakarta: MA RI, 2019).

<sup>2</sup> M. Yahya Harahap, *Hukum Acara Perdata* (Jakarta: Sinar Grafika, 2017), 52.

online mediation, and the protection of vulnerable parties in technology-based court proceedings.<sup>3</sup>

Empirically, the case burden within the Religious Courts is highly significant. Data from the Supreme Court's decision directory system records that religious civil cases reached more than 600,000 cases in 2024, with divorce cases dominating at approximately 478,000 cases.<sup>4</sup> In addition, data from Statistics Indonesia indicate that the national divorce rate in 2024 reached 399,921 cases, illustrating the high dynamics of family conflict within Indonesian Muslim society.<sup>5</sup> Even in earlier trends, the number of divorce cases in the Religious Courts in 2023 reached around 465,000 cases, confirming that family disputes remain the most dominant type of case within the jurisdiction of the Religious Courts.<sup>6</sup>

The high volume of cases highlights the urgency of procedural law reform that is not only administratively efficient but also capable of addressing the underlying social complexities. However, in practice, the implementation of digital-based procedural law has not fully accommodated the characteristics of Muslim family disputes, which are rich in emotional, psychological, and religious dimensions. The issues include limited digital literacy among litigants, suboptimal electronic evidence systems, and the limited effectiveness of online mediation mechanisms in substantively resolving family conflicts.<sup>7</sup>

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<sup>3</sup> Irfandy H Simanungkalit and Debora Debora, "Implementasi E-Court Sebagai Upaya Modernisasi Administrasi Peradilan Di Indonesia," *PALAR (Pakuan Law Review)* 10, no. 4 (2024): 176-90.

<sup>4</sup> Mahkamah Agung RI, "Direktori Putusan Perkara Tahun 2024," Mahkamah Agung RI, 2014.

<sup>5</sup> Badan Pusat Statistik, "Jumlah Perceraian Menurut Provinsi Dan Faktor Penyebab Perceraian (Perkara), 2024," BPS, 2025.

<sup>6</sup> Direktorat Jenderal Badan Peradilan Agama, "Rekap Data Jenis Perkara Cerai Talak Peradilan Agama Tahun 2023," Direktorat Jenderal Badan Peradilan Agama, 2024.

<sup>7</sup> Dimas Wijaya Kusuma et al., "Tantangan Penerapan Sistem E-Court Dalam Mengatasi Persoalan Perdata Pada Masyarakat Lokal," *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)*, 2024.

Theoretically, this study employs the legal system theory of Lawrence M. Friedman, which posits that legal effectiveness depends on the interaction between legal structure, substance, and culture.<sup>8</sup> Judicial digitalization is not merely about structural reform (through technology), but also requires adjustments in procedural legal substance and the readiness of legal culture within society. In addition, the theory of access to justice emphasizes the importance of ensuring that every individual has fair access to dispute resolution mechanisms, including through digital innovation.<sup>9</sup> From the perspective of Islamic law, the *maqāsid al-sharī'ah* approach serves as a normative foundation to ensure that legal transformation remains oriented toward public welfare (*maṣlahah*), justice, and the protection of fundamental human rights.<sup>10</sup>

Studies related to judicial digitalization and procedural law in the Religious Courts have been conducted by several scholars. First, research by Miftakur Rohman and Ayu Kartika shows that the implementation of e-court improves administrative efficiency but has not significantly enhanced the substantive quality of dispute resolution.<sup>11</sup> Second, a study by Muhammad Nurulloh Jarmoko et al emphasizes the importance of procedural law reform based on sharia values, although it does not systematically integrate digital technology.<sup>12</sup> Third, research by Andara Tsabitha et al. identifies technical constraints in the implementation of e-litigation,

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<sup>8</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975).

<sup>9</sup> Mauro Cappelletti and Bryant Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective* (Milan: Giuffrè, 1978), 8.

<sup>10</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law* (London: IIIT, 2008), 30–32.

<sup>11</sup> Miftakur Rohman and Ayu Kartika, "Implementasi E-Court Terhadap Pelayanan Administrasi Perkara Di Pengadilan Agama Gresik," *MASADIR: Jurnal Hukum Islam* 2, no. 1 (2022): 324–42.

<sup>12</sup> Muhammad Nurulloh Jarmoko et al., "Pembaharuan Hukum Acara Peradilan Secara Elektronik Melalui Aplikasi E-Court Berdasarkan Aliran Filsafat Utilitarianisme," *Jurnal Yustisiabel* 8, no. 2 (2024): 167–76.

particularly regarding internet access and user readiness.<sup>13</sup> Fourth, a study by Hasan Matsum et al., finds that online mediation in divorce cases remains ineffective due to the lack of psychological approaches and adequate interpersonal interaction.<sup>14</sup>

Despite these contributions, there remains a significant research gap, namely the absence of a conceptual model that integrates procedural law, Islamic legal values, and digital technology into a comprehensive and applicable framework. Most existing studies are still sectoral in nature and have not addressed the formulation of an ideal model that can serve as a reference for reforming procedural law in the Religious Courts in the digital era.

Therefore, the novelty of this research lies in its effort to formulate an ideal model of procedural law for the Religious Courts based on the integration of legal system theory, the principles of *maqāṣid al-sharī'ah*, and the utilization of digital technology. This model is expected to address the challenges of modernity without neglecting the distinctive characteristics of Muslim family disputes, and to serve as a foundation for developing more adaptive and responsive procedural law policies.

This model is developed to address the demand for procedural efficiency through the utilization of technology while ensuring the realization of substantive justice in resolving Muslim family disputes. Building upon the digitalization practices developed by the Supreme Court of the Republic of Indonesia, the proposed model seeks to complement and refine the existing procedural law framework by incorporating normative, technical, and sociological dimensions in a balanced manner.

Conceptually, this model identifies four main components as the pillars of its development: hybrid procedural staging (digital-

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<sup>13</sup> Andara Tsabitha et al., "Analisis Penerapan E-Court Dalam Sistem Peradilan Perdata Di Indonesia Guna Mewujudkan Peradilan Yang Transparan," *Media Hukum Indonesia (MHI)* 2, no. 4 (2024).

<sup>14</sup> Hasan Matsum et al., "Efektivitas Mediasi Online Terhadap Perkara Perceraian Di Pengadilan Agama Medan Pada Era Pandemi Covid-19," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 10, no. 02 (2022): 437-54.

offline), the strengthening of value-based mediation, the standardization of digital evidence, and mechanisms for the protection of vulnerable parties, as outlined in the following table:

No	Component	Key Elements	Objective
1	Procedural Staging (Hybrid)	Digital administration ( <i>e-filing, e-payment</i> ), hybrid hearings for crucial stages	Efficiency with maintained procedural quality
2	Value-Based Mediation	Hybrid mediation, Islamic values ( <i>maqāṣid</i> ), psychological approach	Sustainable and peaceful dispute resolution
3	Digital Evidence Standards	Validation, authentication, integrity of electronic evidence	Legal certainty and consistency of decisions
4	Protection of Vulnerable Parties	Legal aid, data protection, inclusive access (offline support)	Substantive justice and equal access

The table above shows that the ideal model of procedural law in the Religious Courts is not solely oriented toward the digitalization of procedures, but also emphasizes the integration of technology, Islamic legal values, and social justice. These four components are interrelated and form a system that is adaptive, inclusive, and responsive to the needs of resolving Muslim family disputes in the digital era.

Based on the above discussion, the research questions are: (1) How is the implementation of procedural law in the Religious Courts in resolving Muslim family disputes in the digital era? (2) What challenges are encountered in the application of the digital system? (3) How can an ideal model of procedural law for the Religious Courts be constructed to integrate digital technology with Islamic legal principles?

The objectives of this study are: (1) to analyze the implementation of procedural law in the Religious Courts in the digital era; (2) to identify normative, technical, and sociological

challenges in its application; and (3) to formulate an ideal model of procedural law for the Religious Courts that is adaptive, integrative, and grounded in the values of Islamic justice.

This study constitutes a normative legal research of a doctrinal nature, focusing on the examination of legal norms, principles, and doctrines through legal materials as the primary sources<sup>15</sup>. The approach employed is a conceptual approach, which involves analyzing concepts, theories, and scholarly perspectives in order to construct a legal framework relevant to the research issue<sup>16</sup>. The analysis is conducted qualitatively (qualitative legal analysis) through legal reasoning to produce arguments that are systematic, logical, and academically grounded<sup>17</sup>. The data sources consist of primary legal materials in the form of statutory regulations and secondary legal materials, including books, scholarly articles, and opinions of legal scholars<sup>18</sup>. Data collection is carried out through library research using techniques of tracing and inventorying relevant legal materials<sup>19</sup>. Data validity is ensured through argumentative validity by testing logical consistency and the accuracy of interpretation, and is further strengthened through the triangulation of legal material sources<sup>20</sup>. Data analysis is conducted systematically through stages of identifying legal issues, classifying legal materials, interpreting them, and drawing

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<sup>15</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017), 35.

<sup>16</sup> Johnny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia, 2006), 302.

<sup>17</sup> Terry Hutchinson, "Doctrinal Research: Researching the Jury," *Dalam Research Methods in Law*, Ed. Dawn Watkins Dan Mandy Burton (London: Routledge, 2013), 9.

<sup>18</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif* (Jakarta: RajaGrafindo Persada, 2001), 13.

<sup>19</sup> Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: RajaGrafindo Persada, 2012), 68.

<sup>20</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2018), 324.

conclusions deductively, with an emphasis on legal reasoning to produce coherent and accountable legal arguments <sup>21</sup>.

## **B. RESEARCH RESULTS AND DISCUSSION**

### **1. Research Results**

#### **Implementation of Procedural Law in the Religious Courts in the Digital Era**

The implementation of procedural law in the Religious Courts in Indonesia has undergone a significant transformation since the introduction of electronic judicial systems (e-court and e-litigation) by the Supreme Court of the Republic of Indonesia. This system includes electronic case administration, case registration (e-filing), payment of court fees (e-payment), summoning of parties (e-summons), and online hearings (e-litigation).<sup>22</sup>

In practice, this digitalization has produced positive impacts in the form of time and cost efficiency, as well as increased public access to judicial services. Litigants are no longer required to be physically present at every stage of the proceedings, thereby reducing administrative and geographical burdens, particularly for those living in remote areas.

However, the research findings indicate that the implementation of digital procedural law has not yet operated optimally in cases involving Muslim family disputes. This is due to the nature of such cases, which are not only juridical but also involve strong emotional and relational dimensions, such as in divorce and child custody cases.<sup>23</sup> Under these circumstances, direct interaction between judges, mediators, and the parties still plays a crucial role in achieving fair and sustainable resolutions.

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<sup>21</sup> Neil MacCormick, *Legal Reasoning and Legal Theory* (Oxford: Clarendon Press, 1978), 21.

<sup>22</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

<sup>23</sup> Harahap, *Hukum Acara Perdata*, 60.

## 2. Dynamics of Muslim Family Disputes in the Digital Judicial System

Muslim family disputes in the Religious Courts are predominantly divorce cases, including both *ṭalāq* divorce and contested divorce. National data indicate that divorce cases account for more than 70% of the total cases within the Religious Courts.<sup>24</sup> This phenomenon reflects the complexity of family issues influenced by economic, social, and cultural factors.

In the digital context, the resolution of family disputes faces particular challenges. Online mediation is often less effective due to the limited emotional interaction and nonverbal communication between the parties. Moreover, evidentiary processes in family cases—often personal in nature (such as infidelity or domestic violence)—become more difficult when conducted virtually.<sup>25</sup>

The research findings also reveal a gap in digital literacy among justice seekers. Not all parties possess adequate technological skills or access, which may lead to procedural inequality. This indicates that judicial digitalization has not yet been fully inclusive.

## 3. Challenges in the Procedural Law of the Religious Courts in the Digital Era

The challenges in the procedural law of the Religious Courts in the digital era consist of normative, technical, and sociological constraints. Normative constraints in the implementation of digital-based procedural law primarily relate to the limitations of existing regulations in accommodating the dynamics of electronic proceedings. Regulations issued by the Supreme Court of the Republic of Indonesia through Supreme Court Regulation Number 1 of 2019 have indeed governed electronic administration and

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<sup>24</sup> Irfan Muzni, "Analisis Faktor Penyebab Meningkatnya Cerai Gugat Di Mahkamah Syar'iyah Takengon" (Universitas Malikussaleh, 2024).

<sup>25</sup> Nadya Faizal and Dewi Arnita Sari, "Pembuktian Dan Perlindungan Hukum Terhadap Korban Perselingkuhan Dalam Sengketa Harta Bersama," *AL-SYAKHSHIYYAH Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 6, no. 2 (2024): 322–37.

hearings; however, they remain general in nature and do not specifically address the characteristics of Muslim family disputes.<sup>26</sup> As a result, there are normative gaps in several crucial aspects, such as mechanisms for examining witnesses online in sensitive cases and legal protection for vulnerable parties.

In addition, the law of evidence within the electronic judicial system still faces issues of legitimacy and standardization. Digital evidence—such as electronic messages, audio-visual recordings, and digital documents—has not yet been comprehensively regulated in the context of family cases in the Religious Courts. This situation creates the potential for differing interpretations among judges in assessing evidentiary strength, which in turn leads to legal uncertainty.<sup>27</sup> The absence of uniform technical guidelines also risks reducing the consistency of decisions across courts.

Another normative constraint lies in the suboptimal regulation of mediation within the electronic court system. In fact, mediation is a crucial stage in resolving family disputes. Existing regulations do not provide adequate guidance on the implementation of effective online mediation based on restorative justice values.<sup>28</sup> Consequently, mediation often becomes merely a procedural formality without producing substantive resolutions.

Technical constraints are a primary factor hindering the effectiveness of digital procedural law in the Religious Courts, particularly with regard to limited technological infrastructure. In several regions, unstable internet access frequently disrupts online hearings, whether due to connection interruptions or poor communication quality, thereby impeding the smooth examination

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<sup>26</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

<sup>27</sup> Harahap, *Hukum Acara Perdata*, 72.

<sup>28</sup> Nindy Dwiwana Putri and Mitro Subroto, "Konsep Diversi Sebagai Realisasi Dari Restorative Justice Dalam Undang-Undang Sistem Peradilan Pidana Anak: Pendekatan Alternatif Dalam Pemulihan Anak Pelaku Tindak Pidana," *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik, Dan Humaniora* 7, no. 3 (2023): 898.

of cases. In addition, electronic judicial systems such as e-court still face challenges in terms of data integration, system security, and user-friendliness.<sup>29</sup> For some members of the public—especially lay users—the system is still perceived as complex and not sufficiently user-friendly.<sup>30</sup>

Human resource capacity also constitutes a technical constraint. Not all judicial officers or litigants possess adequate skills to operate digital technology optimally.<sup>31</sup> The lack of continuous training in information technology further exacerbates this condition, resulting in suboptimal implementation of digital procedural law that remains highly dependent on individual competencies.

Sociological constraints in the implementation of digital procedural law are closely related to the legal culture of society, which still prioritizes direct interaction in dispute resolution. In Muslim family cases, face-to-face communication is considered more effective for building trust, uncovering facts, and reaching amicable agreements.<sup>32</sup> As a result, the transition to digital systems often generates resistance from parties who feel uncomfortable with online proceedings. In addition, uneven levels of digital literacy—particularly among rural communities and older age groups—create difficulties in accessing electronic judicial services.

On the other hand, sociological constraints are also reflected in the relatively low level of public trust in digital judicial systems. Concerns regarding data security, confidentiality of information, and the legitimacy of online proceedings influence the acceptance

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<sup>29</sup> Rizky Akbar, "Pelaksanaan Persidangan Melalui Sidang Dalam Jaringan (Online) Di Pengadilan Negeri Marabahan," *Lex Positivis* 2, no. 11 (2024): 1266–95.

<sup>30</sup> Agus Wibowo, "Penyelesaian Sengketa Hukum Dan Teknologi," *Penerbit Yayasan Prima Agus Teknik*, 2023, 1–168.

<sup>31</sup> Richardus Eko Indrajit, *Electronic Government: Strategi Pembangunan Dan Pengembangan Sistem Pelayanan Publik Berbasis Teknologi Digital* (Andi, 2002), 55.

<sup>32</sup> Badan Pusat Statistik, *Statistik Telekomunikasi Indonesia* (Jakarta: BPS, 2023), 34.

of this innovation. Therefore, digital transformation in the judiciary requires not only the strengthening of systems and technology, but also a shift in societal paradigms and legal culture to become more adaptive and inclusive in response to contemporary developments.<sup>33</sup>

#### **4. The Need for an Ideal Model of Procedural Law in the Religious Courts**

The need for an ideal model of procedural law in the Religious Courts in the digital era arises as a response to the paradigm shift in modern judicial systems. Digitalization initiated by the Supreme Court of the Republic of Indonesia through the implementation of e-court and e-litigation has brought significant changes in administrative and procedural aspects.<sup>34</sup> However, the high case burden indicates that substantive challenges have not yet been optimally addressed. Data from the Supreme Court's decision directory system recorded that religious civil cases exceeded 600,000 in 2024, with divorce cases dominating at approximately 478,000. Meanwhile, data from Statistics Indonesia show that the national divorce rate reached 399,921 cases in the same year, with earlier trends in 2023 reaching around 465,000 divorce cases in the Religious Courts. These figures underscore that family disputes are a dominant issue with complexities that are not only juridical but also social, psychological, and religious. Therefore, a procedural law model is required that is not only technology-based but also capable of accommodating the values of substantive justice, protecting vulnerable parties, and promoting more humane and sustainable dispute resolution.

Empirically, the high number of divorce cases in the Religious Courts indicates that family disputes are a dominant issue requiring a more comprehensive approach. The resolution of family disputes

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<sup>33</sup> Friedman, *The Legal System: A Social Science Perspective*, 21.

<sup>34</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

cannot rely solely on procedural efficiency but must also consider the psychological, social, and religious aspects of the parties involved.<sup>35</sup> In this context, an ideal procedural law model must be able to integrate formal mechanisms with non-litigation approaches such as effective mediation oriented toward reconciliation.

Furthermore, the need for an ideal model is also related to the importance of legal certainty in the use of digital technology, particularly in terms of electronic evidence and the validity of online proceedings. The lack of clarity in standards for digital evidence may lead to inconsistencies in court decisions.<sup>36</sup> Therefore, an ideal procedural law model must include a clear normative framework regarding the validity and evidentiary strength of electronic evidence, in order to ensure justice and legal certainty for the parties.

In addition to normative and technical aspects, the need for an ideal model is also influenced by the legal culture of society. Digital transformation in the judiciary must take into account the level of public readiness to accept and utilize technology. In this regard, an ideal procedural law model must be inclusive and adaptive, providing hybrid mechanisms that allow a combination of online and offline proceedings.<sup>37</sup> This approach is essential to ensure that all segments of society maintain fair access to judicial services.

Finally, from the perspective of Islamic law, the ideal model of procedural law in the Religious Courts must align with the principles of *maqāṣid al-sharī'ah*, namely the realization of public welfare (*maṣlahah*) and the prevention of harm. This means that every innovation in procedural law must uphold the values of justice, protection of vulnerable parties, and the sustainability of social relationships within the family.<sup>38</sup> Thus, the need for an ideal

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<sup>35</sup> Harahap, *Hukum Acara Perdata*, 65.

<sup>36</sup> Simanungkalit and Debora, "Implementasi E-Court Sebagai Upaya Modernisasi Administrasi Peradilan Di Indonesia."

<sup>37</sup> Friedman, *The Legal System: A Social Science Perspective*, 20.

<sup>38</sup> Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 36.

procedural law model is not merely technocratic in nature, but also normative and ethical, integrating technology with Islamic legal values in a harmonious manner.

## **5. Discussion**

### **Analysis Based on Legal System Theory**

An analysis of the procedural law of the Religious Courts in the digital era can be comprehensively understood through the framework of legal system theory proposed by Lawrence M. Friedman. This theory emphasizes that the effectiveness of a legal system is determined by three main elements: legal structure, legal substance, and legal culture.<sup>39</sup> In the context of judicial digitalization, these three elements must interact harmoniously in order for the legal system to function optimally in addressing contemporary challenges.

From the perspective of legal structure, the digitalization of the judiciary through e-court and e-litigation systems has brought significant changes to institutional governance under the Supreme Court of the Republic of Indonesia. This transformation has enhanced the efficiency of case administration, accelerated court proceedings, and expanded public access to legal services.<sup>40</sup> However, research findings indicate that the readiness of infrastructure and human resources remains uneven. In several regions, limited internet access and the technical capacity of judicial personnel hinder the optimization of digital systems, meaning that the legal structure has not yet fully supported effective implementation.

In terms of legal substance, regulations governing electronic procedural law remain general and have not fully accommodated the specific needs of Muslim family disputes. Existing legal norms do not yet provide detailed provisions regarding digital evidence,

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<sup>39</sup> Friedman, *The Legal System: A Social Science Perspective*, 16–18.

<sup>40</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

online mediation mechanisms, and the protection of vulnerable parties.<sup>41</sup> This lack of clarity in legal substance may lead to differing interpretations among judges and result in inconsistent decisions. Therefore, a reformulation of procedural law substance is necessary to make it more adaptive to technological developments without neglecting the principles of substantive justice.

Meanwhile, from the perspective of legal culture, judicial digitalization faces equally complex challenges. The legal culture of Indonesian society, particularly in the context of family disputes, is still strongly influenced by social and religious values that emphasize the importance of direct interaction.<sup>42</sup> Mediation processes and case examinations often require deep interpersonal communication, which cannot be fully replaced by digital technology. In addition, the uneven level of digital literacy within society further affects the effectiveness of implementing electronic judicial systems.

The imbalance among legal structure, substance, and culture indicates that judicial digitalization has not yet been fully integrated into the legal system as a whole. Therefore, there is a need for a procedural law model capable of synergizing these three elements proportionally. In this regard, the development of procedural law in the Religious Courts should not only focus on technological aspects but also consider regulatory reform and the enhancement of legal culture within society. In this way, the resulting legal system will not only be procedurally efficient but also capable of delivering substantive and sustainable justice.<sup>43</sup>

Based on the above explanation, it can be concluded that the effectiveness of procedural law in the Religious Courts in the digital era is highly dependent on the balance between legal structure, legal substance, and legal culture. Although digitalization through electronic judicial systems has strengthened the structural aspect

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<sup>41</sup> Simanungkalit and Debora, "Implementasi E-Court Sebagai Upaya Modernisasi Administrasi Peradilan Di Indonesia."

<sup>42</sup> Satjipto Rahardjo, *Hukum Dan Masyarakat* (Bandung: Angkasa, 2009), 92.

<sup>43</sup> Friedman, *The Legal System: A Social Science Perspective*, 21.

by improving efficiency and access to services, the legal substance that has not yet fully adapted and the legal culture of society that still prioritizes direct interaction remain the main obstacles to its implementation. Therefore, the development of procedural law that integrates these three elements harmoniously is necessary to ensure that the judicial system is not only procedurally effective but also capable of achieving substantive justice in resolving Muslim family disputes in the digital era.

## **6. The Access to Justice Perspective in Judicial Digitalization**

The access to justice perspective is one of the key foundations for assessing the effectiveness of judicial digitalization, particularly in the context of procedural law in the Religious Courts. This concept emphasizes that every individual must have equal opportunity to access judicial institutions, obtain legal protection, and achieve fair dispute resolution. In the digital era, this principle has expanded in meaning—not only referring to physical access to courts, but also to access to technology as the primary medium in judicial processes.<sup>44</sup>

Judicial digitalization through e-court and e-litigation systems developed by the Supreme Court of the Republic of Indonesia is essentially aimed at expanding access to justice for the public. These systems enable parties to register cases, participate in hearings, and access legal documents online without having to physically attend court.<sup>45</sup> In many cases, this innovation has proven to reduce litigation costs and accelerate dispute resolution processes, thus aligning with the principles of a simple, fast, and low-cost judiciary.

However, research findings indicate that digitalization also has the potential to create new forms of inequality in access to justice. Not all members of society have equal ability to access and

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<sup>44</sup> Cappelletti and Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective*, 6–7.

<sup>45</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

utilize digital technology. Limited internet access, low levels of digital literacy, and economic disparities are factors that hinder certain groups from using electronic judicial services.<sup>46</sup> This condition demonstrates that digitalization is not yet fully inclusive and still leaves issues related to procedural justice unresolved.

Furthermore, in the context of Muslim family disputes, the implementation of digital systems faces more complex challenges. Family disputes require not only formal resolution but also a humanistic and dialogical approach, such as effective mediation. Online mediation processes often fail to replicate the depth of interpersonal interaction that occurs in face-to-face meetings.<sup>47</sup> This may reduce the quality of dispute resolution and does not fully satisfy the principles of substantive justice.

From a broader perspective, access to justice in the digital era requires a balance between technological innovation and the protection of vulnerable groups. The state and judicial institutions must ensure that digital transformation does not widen social inequality, but instead serves as a means to enhance the inclusiveness of the legal system. Therefore, affirmative policies are needed, such as the provision of digital-based legal aid, technology literacy training, and the strengthening of hybrid mechanisms that combine online and offline services.<sup>48</sup>

Based on the above discussion, it can be understood that judicial digitalization should be viewed as a means to expand access to justice, rather than merely a technological innovation. Although the electronic judicial system developed by the Supreme Court of the Republic of Indonesia has made positive contributions in improving efficiency and accessibility, challenges remain in ensuring equal access for all segments of society. Therefore, strengthening policy frameworks and designing inclusive systems

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<sup>46</sup> Simanungkalit and Debora, "Implementasi E-Court Sebagai Upaya Modernisasi Administrasi Peradilan Di Indonesia."

<sup>47</sup> Syahrizal Abbas, *Mediasi Dalam Perspektif Hukum Syariah* (Jakarta: Kencana, 2016), 120.

<sup>48</sup> Friedman, *The Legal System: A Social Science Perspective*, 20.

are necessary so that judicial digitalization can truly achieve equitable justice, both procedurally and substantively.

## **7. The Integration of Maqāṣid al-Sharī'ah in Digital Procedural Law**

The integration of *maqāṣid al-sharī'ah* in digital procedural law constitutes an important normative approach to ensure that judicial transformation is not solely oriented toward efficiency, but also toward public welfare (*maṣlahah*). The concept of *maqāṣid al-sharī'ah* emphasizes the fundamental objectives of Islamic law, namely the protection of five essential principles: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).<sup>49</sup> In the context of procedural law in the Religious Courts, these principles serve as ethical and philosophical foundations in formulating a just judicial system, including its adaptation to digital technology.

In the practice of judicial digitalization by the Supreme Court of the Republic of Indonesia, the implementation of e-court and e-litigation systems has facilitated access and improved the efficiency of legal processes.<sup>50</sup> However, from the perspective of *maqāṣid al-sharī'ah*, such convenience must still be directed toward the protection of fundamental values, particularly in family cases. For instance, in divorce cases, judicial proceedings are not only intended to render decisions but also to preserve family integrity and minimize negative impacts on children. Therefore, digital systems must be designed in such a way that they do not neglect the human dimension in dispute resolution.

Furthermore, the integration of *maqāṣid al-sharī'ah* is closely related to the protection of vulnerable parties, such as women and children, who are often the most affected in family disputes. Within digital court systems, such protection can be realized through

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<sup>49</sup> Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 33–35.

<sup>50</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

mechanisms that ensure data confidentiality, information security, and equal access to judicial processes.<sup>51</sup> This aligns with the principles of *ḥifẓ al-nafs* and *ḥifẓ al-nasl*, which emphasize the importance of safeguarding human well-being and the continuity of future generations.

On the other hand, the application of digital evidence in procedural law must also be aligned with the principles of *maqāṣid al-sharī'ah*. Electronic evidence should be assessed not only based on formal aspects but also on its ability to reveal the truth in a just manner.<sup>52</sup> In this way, the legal system avoids being trapped in mere proceduralism and remains oriented toward substantive justice. This is essential for maintaining public trust in the judicial system in the digital era.

Moreover, the integration of *maqāṣid al-sharī'ah* requires a balance between technological innovation and moral values in Islamic law. Digitalization must not eliminate ethical aspects in judicial processes, such as honesty, justice, and responsibility. Therefore, a hybrid approach is necessary—one that combines the advantages of technology with direct interaction in certain situations, particularly in mediation processes and the examination of sensitive cases.<sup>53</sup> This approach enables the achievement of broader public welfare without compromising the fundamental values of Islamic law.

Based on the above discussion, it can be concluded that the integration of *maqāṣid al-sharī'ah* in digital procedural law is a strategic step to ensure that judicial transformation remains oriented toward substantive justice and public welfare. Although digitalization developed by the Supreme Court of the Republic of Indonesia has provided benefits in terms of efficiency and accessibility, its implementation must remain guided by the principles of *maqāṣid al-sharī'ah*. Thus, procedural law in the

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<sup>51</sup> Wahbah Zuhaili, *Ushûl Al Fiqh Al Islâmî* (Damaskus: Dâr al-Fikr, 2004), 1020.

<sup>52</sup> Harahap, *Hukum Acara Perdata*, 75.

<sup>53</sup> Abbas, *Mediasi Dalam Perspektif Hukum Syariah*, 125.

Religious Courts in the digital era becomes not only a technical instrument, but also a means to realize civilized justice, protect fundamental human rights, and maintain a balance between technological advancement and the values of Islamic law.

## **8. The Construction of an Ideal Model of Procedural Law in the Religious Courts**

The construction of an ideal model of procedural law in the Religious Courts in the digital era is an urgent necessity arising from the dynamics of technological development and the complexity of Muslim family disputes. Judicial digitalization initiated by the Supreme Court of the Republic of Indonesia through e-court and e-litigation systems has provided an initial foundation for the transformation of procedural law.<sup>54</sup> However, the current model remains largely administrative in nature and has not fully addressed the substantive aspects of resolving family disputes, thus requiring a more comprehensive and integrative reconstruction.

The ideal model of procedural law in the Religious Courts must be built upon the principle of balance between procedural efficiency and substantive justice. In this context, digital technology should function not merely as an administrative tool, but also as an instrument to enhance the quality of judicial processes.<sup>55</sup> Therefore, the design of procedural law must accommodate the need for speed and convenience without neglecting justice, particularly in family cases that have broad social implications.

One of the key elements in constructing the ideal model is the implementation of a hybrid system, which combines online and offline proceedings. This approach allows flexibility in judicial processes, where administrative stages can be conducted digitally, while stages requiring direct interaction—such as mediation and

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<sup>54</sup> Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*.

<sup>55</sup> Friedman, *The Legal System: A Social Science Perspective*, 18.

witness examination—are carried out face-to-face.<sup>56</sup> This hybrid model is considered more responsive to societal needs while maintaining the quality of dispute resolution.

In addition, the ideal model must include clear regulations regarding digital evidence. In the era of information technology, electronic evidence—such as digital messages, video recordings, and electronic documents—has become increasingly relevant in litigation. However, without clear standards, the use of digital evidence may lead to legal uncertainty.<sup>57</sup> Therefore, a comprehensive normative framework is required to regulate the validity, authentication, and evidentiary strength of electronic evidence within the procedural law of the Religious Courts.

Another important element is the strengthening of mediation mechanisms based on Islamic values. Mediation in family disputes is not only aimed at resolving conflicts but also at preserving social and familial relationships. In the ideal model, mediation must be designed more adaptively by utilizing digital technology without eliminating interpersonal aspects.<sup>58</sup> This approach can be implemented through a combination of online and offline mediation, as well as by involving mediators who possess both legal and psychological competencies.

The construction of the ideal model must also take into account the principle of inclusivity in access to justice. Judicial digitalization must not create new disparities for communities with limited access to technology. Therefore, the procedural law model must provide alternative mechanisms for parties who are unable to access digital systems, such as legal aid services and technological assistance facilities.<sup>59</sup> This aligns with the principle of access to justice, which emphasizes equal access within the judicial system.

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<sup>56</sup> Simanungkalit and Debora, “Implementasi E-Court Sebagai Upaya Modernisasi Administrasi Peradilan Di Indonesia.”

<sup>57</sup> Harahap, *Hukum Acara Perdata*, 78.

<sup>58</sup> Abbas, *Mediasi Dalam Perspektif Hukum Syariah*, 130.

<sup>59</sup> Cappelletti and Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective*, 10.

Furthermore, the integration of *maqāṣid al-sharī'ah* values serves as a normative foundation in constructing the ideal model of procedural law in the Religious Courts. The principles of public welfare (*maṣlaḥah*), justice, and the protection of fundamental rights must be the primary orientation in every legal innovation.<sup>60</sup> Thus, the model developed is not merely technocratic in nature but also possesses strong ethical and moral dimensions in maintaining a balance between technological advancement and Islamic legal values.

Based on the above discussion, it can be understood that the construction of an ideal model of procedural law in the Religious Courts in the digital era must be designed in an integrative manner by combining technological, regulatory, and socio-religious aspects. The hybrid model, the strengthening of digital evidence, the optimization of mediation, as well as the principles of inclusivity and *maqāṣid al-sharī'ah*, constitute the main pillars of its development. Through this approach, the procedural law system will not only meet the demands of efficiency but also ensure the realization of substantive justice and social sustainability in resolving Muslim family disputes.

### **C. Conclusion**

Based on the overall results of the research and discussion, it can be concluded that the transformation of procedural law in the Religious Courts in the digital era is an inevitability that cannot be avoided, in line with the development of information technology and the increasing complexity of Muslim family disputes. Digitalization through e-court and e-litigation systems developed by the Supreme Court of the Republic of Indonesia has made significant contributions in improving the efficiency of case administration, accelerating judicial processes, and expanding public access to judicial services.

However, the effectiveness of digital procedural law has not yet been fully optimal, as there remain various constraints from

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<sup>60</sup> Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 38.

normative, technical, and sociological aspects. From a normative perspective, existing regulations have not comprehensively governed the characteristics of Muslim family disputes within digital systems, particularly regarding electronic evidence, online mediation, and the protection of vulnerable parties. From a technical perspective, limitations in infrastructure and human resource capacity hinder the implementation of electronic judicial systems. Meanwhile, from a sociological perspective, low levels of digital literacy and a legal culture that still prioritizes direct interaction also affect the effectiveness of judicial digitalization.

From a theoretical perspective, analysis using legal system theory indicates that the lack of optimal integration among legal structure, legal substance, and legal culture is a key factor hindering the successful implementation of digital procedural law. Furthermore, from the perspective of access to justice, judicial digitalization still faces challenges in ensuring equal access for all segments of society. Meanwhile, from the perspective of *maqāṣid al-sharī'ah*, the transformation of procedural law must remain oriented toward public welfare (*maṣlaḥah*), substantive justice, and the protection of fundamental human rights.

Therefore, this study emphasizes the importance of constructing an ideal model of procedural law for the Religious Courts that is integrative in nature, combining the use of digital technology with regulatory reform, strengthening of legal culture, and the internalization of Islamic legal values. A hybrid model that integrates online and offline systems, the strengthening of mediation mechanisms based on religious values, and adaptive regulation of digital evidence are essential elements in realizing an effective and just judicial system.

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