

A comparative analysis of offline and online trials in Indonesia's digital legal transformation

Amin Rais* & Mardalena Hanifah

Faculty of Law, University of Riau, Bina Widya Campus, KM 12.5, Pekanbaru City, Riau 28293, Indonesia

*e-mail: aminrais0821@gmail.com

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ABSTRACT

The digital transformation of Indonesia's justice system has introduced online trials (e-litigation) as a significant innovation, in response to the limitations of conventional (offline) court proceedings. This study aimed to conduct a normative legal comparison of offline and online trial mechanisms by evaluating their respective advantages and disadvantages across four key dimensions: effectiveness, efficiency, accessibility, and adherence to the principles of procedural law. Using a normative juridical approach, this study draws upon statutory regulations, judicial doctrines, and recent scholarly literature to provide a comprehensive analysis of both trial formats. The findings indicate that offline trials maintain superiority in upholding the principle of openness and facilitating the direct examination of witnesses and defendants, thereby ensuring the authenticity and integrity of courtroom interactions. However, offline models are often constrained by inefficiencies related to costs, scheduling delays, and logistical burdens. Conversely, online trials demonstrate substantial improvements in administrative efficiency, time management, and geographic accessibility, making them particularly valuable during emergencies such as the COVID-19 pandemic. Nonetheless, they pose critical challenges, including technological disruptions, diminished quality of verbal and nonverbal communication, and potential infringements on the principle of transparency. Moreover, the Indonesian Criminal Procedure Code and the Law on Judicial Power emphasize that public access to trials constitutes a core component of judicial legitimacy. Considering these findings, this study underscores the necessity of regulatory refinement and technological enhancement to ensure that online trials uphold the same standards of justice, fairness, and procedural integrity as their offline counterparts do.

Keywords: Online trial, offline trial, normative legal research, procedural law, judicial transparency.

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1. INTRODUCTION

The classical adage *ubi societas ibi ius*—where there is society and law—underscores the inseparable relationship between societal development and legal evolution (Scholten, 1993). Paul Scholten emphasized that the legal system is inherently open, dynamic, and unfinished; it serves as the foundation for decisions that continuously generate new legal norms. In this sense, law is not external to society, but a reflection of it—emerging and evolving in response to new social relations (van Apeldoorn, 1996). Entering what Alvin Toffler terms the Third Wave era, modern civilization has undergone radical transformations driven by the pervasive use of electronic media in nearly all aspects of life (Kasali, 2017). Information and communication technology (ICT) has emerged as a pivotal force in reshaping economic, social, and institutional domains—including the legal sector (Army, 2020). Within legal practice, especially in the judiciary, digitalization has gained prominence, most notably through the establishment of virtual civil courts in Indonesia, integrated within the e-Court system (Lumbanraja, 2020).

This transition aligns with the increasing public expectations for legal services that are faster, more affordable, and inclusive. Law continues to serve as *ultimum remedium*, the last resort when alternative means of resolution fail (Mertokusumo, 2006). The COVID-19 pandemic has served as a catalyst for accelerating digital transformation in the judiciary. Global health protocols prompted legal institutions to adopt emergency mechanisms that preserved constitutional rights to justice, leading many countries to implement online court systems as both a temporary solution and platform for long-term institutional reform. In Indonesia, this shift was formally recognized through Supreme Court Regulation (PERMA) No. 3 of 2018 on the Electronic Case Administration, which laid the foundation for judicial digitalization. Its scope was later expanded through PERMA No. 1 of 2019 and further amended by PERMA No. 7 of 2022 to include civil, religious, and administrative cases, reflecting the Supreme Court's strategic commitment to developing a digital justice system.

The legal foundation for online trials is further supported by the constitutional guarantee of *the due process of law* under the 1945 Constitution, mandating that the state ensure fairness and justice in all legal proceedings. Digitalization, in this context, is seen as a modern instrument for realizing these constitutional mandates more effectively. As long as the rights of litigating parties are preserved, the online litigation system is considered legally valid and binding. This framework offers promising advantages, including procedural efficiency, lower litigation costs, and improved access to justice, particularly for marginalized communities (Sudarsono, 2019). However, these benefits are tempered by unresolved structural and normative challenges, such as concerns over data security, juridical legitimacy of electronic procedures, and digital divide affecting equitable access. Therefore, it is essential to conduct this research normatively by employing an interdisciplinary approach to assess the long-term sustainability of Indonesia's online justice system in a post-pandemic context. Ultimately, it aims to contribute both theoretically and practically to the development of an adaptive and sustainable procedural legal framework that is aligned with contemporary demands.

2. METHODS

The type of research employed in this study is normative legal research, which is primarily concerned with examining legal norms, principles, and doctrines through an interpretative and analytical approach. Normative legal research, also referred to as doctrinal research, focuses on understanding the law as it is written (*lex lata*), and how it ought to be interpreted and applied (*lex ferenda*). This approach utilizes library materials such as legislation, legal theory, court decisions, academic writing, and commentaries as the core sources of data. In this context, these materials are classified as secondary data because they are derived from authoritative legal texts rather than from empirical field observations (Mamudji, 2011). This study adopts a comparative legal method within the normative framework, analyzing and juxtaposing legal instruments and jurisprudence related to offline and online litigation processes in Indonesia. The comparative approach allows the researcher to critically evaluate substantive and procedural differences between conventional (in-person) court proceedings and electronic (e-court/e-

litigation) mechanisms. The focus of the comparison lies in the interpretation and application of laws and judicial decisions that have obtained permanent legal force (*inkracht van Gewijsde*), offering insights into how courts have implemented and adapted legal norms in both settings (Ali, 2009).

The rationale for employing this method is to uncover the legal consistency, divergence, and evolution in the administration of justice in response to technological transformation. In doing so, this research not only explores statutory texts, such as the Civil Procedure Code, Supreme Court Regulations, and judicial guidelines (e.g., KMA and PERMA), but also critically analyzes landmark decisions from relevant courts that have established binding precedents for both online and offline dispute resolution. Through this method, this research aims to construct a normative-analytical understanding of how legal certainty, procedural justice, and access to justice are maintained or challenged within the shifting landscape of Indonesia's litigation system.

3. RESULTS AND DISCUSSION

3.1. Legal and Practical Comparison in the Implementation of Offline and Online Trials in Indonesia

a. In the Legal and Practical Aspects of Offline Trials

The offline trial process is the conventional form of trial implementation in Indonesia. This refers to the principle of open, direct, and oral trials as regulated by law. These provisions are contained in Article 13, paragraph (1) of Law No. 48 of 2009, concerning Judicial Power. The trial process is carried out in a physical courtroom in the court environment, according to jurisdiction. The district court is the main location for the offline first-level trial process. Law No. 48 of 2009 is the main legal basis for regulating the general principles of judicial power in Indonesia. Article 13 paragraph (1) explains that "All court hearings are open to the public." This provision represents the practice of physical trials as a form of openness and accountability for the court. The physical presence of the parties allows for direct examination of evidence and witnesses. This principle reflects the due process of law in the national legal system. In civil procedural law, the main reference is the *Herzien Inlandsch Reglement (HIR)* for the Java and Madura regions and the *RBG (Rechtsreglement voor de Buitengewesten)* for outside the region. Articles in the HIR and RBG regulate the process of summons, evidence, and verdicts. This procedure places great emphasis on formality and direct presence, because it is based on the Dutch inquisitorial system. The physical implementation of the trial is part of the formal validity of procedural law.

The main legal basis for criminal procedure law is the Criminal Procedure Code (KUHP), as regulated by Law No. 8 of 1981. The Criminal Procedure Code regulates the mechanism for examining the accused, examining witnesses, and providing evidence in detail. All these stages assume that the trial will be conducted directly in court. This was intended to guarantee the rights of suspects and defendants to obtain a fair trial. One of the important principles of criminal procedure law is that of direct and oral examinations. This principle is explained in Article 154 of the Criminal Procedure Code which stipulates that "examination in court hearings is carried out directly and orally by the judge." This emphasizes that criminal trials must be conducted face-to-face between judges, prosecutors, defendants, and witnesses. The offline trial format facilitates optimal testing of evidence and witness credibility. This is an important element in fair trials.

According to the Supreme Court of the Republic of Indonesia, the implementation of offline trials is based on the principle of openness to public information. In *Perma No. 1 of 2007*, concerning Access to Information in Court, it is stated that the public has the right to witness the trial process. It assumes the existence of a physical courtroom that can be accessed by the public. Offline trials ensure the transparency of judicial institutions as part of democracy. This is also a form of accountability of the judiciary to the public. In addition to formal regulations, offline trials with physical presence in the trial support the quality of the evidence. From a sociological perspective, direct interaction in the courtroom has psychological value for the parties. This creates a sense of justice that is more realistic and concrete than online processes. This strengthens the position of conventional procedural laws (Herlina, 2018).

Judging from the principles of immediacy and orality, these are the advantages of offline trials. The principle of immediacy requires judges to interact directly with evidence and parties to a case. The principle of orality requires the entire process to be delivered verbally and recorded during trial minutes. It is difficult to achieve these two principles optimally in online trials. Therefore, an offline trial form was maintained as the main procedure (Supandi, 2016). Administratively, physical trials allow for stricter document verification. The original files can be examined directly by judges, court clerks, and opposing parties. The judge can also assess the body language and gestures of the witnesses when they testify. From a technical perspective, offline trials are advantageous in terms of procedural consistency. All stages of the trial were rigidly regulated by law and regulations. For example, the order of the trial, reading of the indictment/lawsuit, evidence, and reading of the verdict must be carried out in courtroom. This reduces the possibility of technical errors and network disruptions, as in the case of online trials. This process becomes smoother and more systematic. In civil trials, the presence of parties in person allows for more effective mediation and peace efforts. Indonesian courts are required to offer mediation before a case is examined further, as regulated in Perma No. 1 of 2016. Face-to-face mediation encourages peaceful dispute resolution. The presence of a mediator is also more effective in reading the emotions and dynamics of parties. This process is optimal for physical trials. In open offline trials, the public can directly monitor the course of the trial. This mechanism is a form of social control in the judicial apparatus. Thus, it is easier to achieve the principle of judicial accountability. This is unlike online trials, which are difficult to access widely by the public.

Although the online system has begun to be introduced through e-court and e-Litigation, the offline format is still the common form in the judicial process. This is because many courts in Indonesia are not fully prepared in terms of their digital infrastructure. In practice, judges are still more comfortable with leading trials. The absence of technical constraints such as signals and equipment is also a consideration for efficiency. Therefore, the Court maintained a physical mechanism. The existence of physical courtroom is also a symbolic manifestation of the rule of law. Courtroom depicts independent and dignified judicial powers. This makes courtroom the main stage of the state in upholding justice. Therefore, the physical process in the courtroom is important for building the authority of judicial institutions. This cannot be replaced by online media (Manan, 2015). In state administrative procedural law, the form of physical hearings is also regulated by Law No. 5 of 1986, which was amended by Law No. 51 of 2009. This law stipulates that state administrative disputes be examined by a panel of judges in an open courtroom.

In practice, the examination of TUN officials and administrative evidence is more effective if conducted directly. This also strengthens the principle of free and independent examination by the judges. Therefore, the offline form has become a strong foundation for the TUN trials. In religious cases, such as Religious Courts, procedural law is regulated in the Compilation of Islamic Law (KHI) and HIR. Marriage, inheritance, and divorce trials are often carried out physically because they require direct clarification. These trials often involve emotions and family relationships; therefore, direct interactions are important. In offline trials at the Constitutional Court, face-to-face trials are considered to guarantee procedural justice in several of its decisions. The Constitutional Court emphasized that direct presence guaranteed the principle of equality before the law. For example, in the Constitutional Court, Decision no. 97/PUU-XIV/2016 concerning open examinations and physical trials are considered completely irreplaceable. Therefore, conventional forms remain the primary choice for guaranteeing constitutional rights. This is important jurisprudence.

In military and human rights courts, face-to-face trial processes are mandatory. Law No. 26 of 2000 concerning Human Rights Courts emphasizes the principle of transparency and the presence of parties in the trial. The examination of gross human rights violations requires direct examination of witnesses and victims. Therefore, physical courtroom has become the main forum for the process of seeking justice. This form is guaranteed by international principles of fair trials. Law students and practitioners are still widely trained in physical trial simulations. Moot court practices on legal campuses imitate the format of conventional courtrooms. This shows that the physical form is considered ideal for legal education.

This simulation trains direct litigation skills, verbal communication, and legal argumentation in real-time. This format is more effective than training through video conferences. Based on the description above, it can be concluded that the legal basis for offline litigation in Indonesia is strong. Supported by laws, Supreme Court regulations, principles of procedural law, and existing court practices. However, in practical aspects, offline trials are not in line with Article 4 paragraph 2 of the Judicial Power Law which explains that "Trials are carried out simply, quickly and at low cost" and in practice, the implementation of offline trials requires large costs and time. Where the parties must be physically present in court, it can be difficult for those who live in remote areas or face transportation constraints (Darma, 2021). This extends the duration of case resolution. In addition, administrative activities in offline trials also take time, such as long queues, the need to be present at every stage, and delays owing to weather or health conditions.

b. In the Legal and Practical Aspects of Online Trials

Legal certainty is a legal system that is predominantly based on civil law (Suherman, 2004). This legal certainty is an idea about the sovereignty of the people, the formation of which is carried out by the state (Huijbers, 1995). However, Gustav Redburch, who initially thought that legal certainty was the highest legal goal, withdrew that this goal was not the highest legal goal, but justice was the highest legal goal (Fanani, 1999). Although in practice it is not easy to achieve the objectives of the law (Mertokusumo, 2010) and Plato stated that when a nation has weaknesses in carrying out its functions and goals, justice is difficult to obtain (Bernard, 2010). In Indonesia, to achieve legal certainty, many regulations have been formed according to its needs, one of which is in Article 5 paragraph (2) of Law Number 4 of 2004 concerning Judicial Power, which states that the courts assist justice seekers and try as hard as possible to overcome all obstacles and barriers to achieve simple, fast and low-cost trials. This is more firmly regulated in Article 4, paragraph (2) of Law Number 4 of 2004, concerning judicial law (Sukolegowo, 2008).

Effective and efficient justice is simply regulated by justice, does not take a long time, and saves costs during the trial process. Article 5, paragraph (2) of Law Number 48 of 2009 concerning Judicial Power states that the court assists those seeking justice and tries to overcome all obstacles and barriers as hard as possible to achieve simple, fast, and low-cost justice (Asaad, 2023). More firmly regulated in Article 4 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power, namely, in the form of trials carried out simply, quickly, and at low cost. In the explanation, it is stated that what is meant by simple is an examination carried out in an efficient and effective manner, and what is meant by low cost is the cost of the case that can be borne by the people, without sacrificing accuracy in seeking truth and justice (Akhyar, 2019).

As a body that exercises judicial power, the Supreme Court is the highest state court of all judicial environments that, in carrying out its duties, is free from government influence and other influences and carries out the highest supervision over the actions of other courts. The position of PERMA is regulated in Article 79 of Law Number 14 of 1985, concerning the Supreme Court (UU MA). Based on the law, PERMA plays a role in filling the legal vacuum regarding materials that have not been regulated in the law. The Supreme Court, as a judicial institution, is given attributive authority to form a regulation. This authority is limited to the administration of justice (Sholikin, 2017). The law on judicial power outlines a provision that the court must assist justice seekers and try to overcome all the obstacles and barriers to achieve simple, fast, and low-cost justice. The provision of the judicial administration system was implemented (effective and efficient case management).

The Supreme Court of the Republic of Indonesia's judicial information plan is underway in the 2010-2035 agendas for the reform program A very good view of the power of justice (Supreme Court). This case management modernization is closely related to the renovation of Information Technology, which is one of the features of the recovery of the assistance domain. For this reason, the e-court system was introduced to achieve simple, fast, and low-cost justice and modernization of special management in each court, which is expected to provide various advantages, namely speed, consistency, accuracy, and reliability (Iqbal et al., 2019).

One of the principles used in court proceedings is simplicity, speed, and low cost. This principle certainly aims to ensure that every case examination in the judicial process can be carried out quickly, without a complicated process, and at a low cost or can be borne by the parties to the case (Sari, 2019). The demand for the implementation of the principles of simple, fast and low-cost justice is solely to realize an efficient justice administration system, especially in the area of justice segmentation and bureaucratic services (Susanto et al., 2020). The definition of Fast, Simple, and Low-Cost Trials uses a benchmark based on the size of the time limit, simplicity, and low cost of the case in the trial process. The principle of speed refers to the course of the trial, too many formalities are obstacles to the course of the trial. In this case, it is not only the course of the trial in the examination before the trial, but also the completion of the minutes of the examination in court until the signing by the judge and its implementation, or the sending and notification of the appeal files (cassation) to the parties. It is not uncommon for cases to be delayed for decades because witnesses do not come, or the parties take turns not coming.

The speed of the judicial process increases the authority of the court and public trust in the court. The simple principle is a clear, easy-to-understand, and uncomplicated event and a sufficient one-stop service (dispute resolution is sufficient to be resolved through one judicial institution). Meanwhile, the principle of low cost implies that the parties in the case can bear and reach it. Thus, parties can obtain legal certainty and justice simultaneously. Supreme Court Regulation Number 1 Of 2019 Perma Number 1 of 2019 has expanded the scope of e-court with e-litigation, initially the scope in PERMA Number 3 of 2018 only consisted of: (1) e-filing, (2) e-payment, (3) Electronic delivery of trial documents, (4) e-summons with PERMA Number 1 of 2019 becoming: (1) e-filing, (2) e-payment (3) Electronic delivery of trial documents (4) e-summons and (5) e-litigation. The scope of electronic case registration has widened with PERMA Number 1 of 2019 because it also includes objections/rebuttals/resistances/interventions, and even acceptance of legal action registrations can be done with this electronic registration system.

The Supreme Court has the following functions and duties: First, the judicial function, as the highest state court, the Supreme Court is a cassation court tasked with fostering uniformity in the application of law through cassation decisions and judicial reviews to ensure that all laws and regulations throughout the territory of the Republic of Indonesia are applied fairly, appropriately, and correctly. Second, the supervisory function of the Supreme Court carries out the highest supervision of the course of the courts in all judicial environments.

Third, the regulatory function of the Supreme Court can further regulate matters necessary for the smooth running of the judiciary if there are matters that are not sufficiently regulated in the Supreme Court law. Fourth, the Advisory Function, the Supreme Court, provides advice or considerations in the field of law to other High State institutions. Fifth, administrative functions. Judicial bodies (general, religious, military, and state administrative courts) are organizationally, administratively, and financially under the authority of the Supreme Court. Lastly, Other Functions, in addition to the main task of receiving, examining, trying and resolving every case submitted to it, the Supreme Court may be entrusted with other tasks and authorities based on the Law (Saija, 2014).

In practical terms, online trials provide convenience, such as allowing trial participants to follow the process from anywhere, as long as there is an adequate Internet connection (Sulistianingsih, 2023), the implementation of e-court and e-litigation is considered to accelerate the case administration process, and there is a reduction in time of up to 30% in resolving civil disputes after the online system began to be implemented in several religious courts in Indonesia (Galang, 2022). Online trials also reduce travel and accommodation costs for the disputing parties. In addition, the state does not need to provide physical facilities and security for the trial intensively so that the efficiency of the judicial budget can be significantly increased. However, technical constraints pose a serious challenge for the implementation of online trials. Disruptions such as slow Internet connections, unclear audio, and blurry video hinder the effectiveness of communication and can interfere with the judge's understanding of the substance of the case (Setiawan, 2021).

The quality of online interaction is not comparable to that of face-to-face communication. In many cases, judges have difficulty capturing the non-verbal gestures or facial expressions of the accused, which are very important in testing the honesty of statements, especially in criminal cases. This raises concerns

about the application of the *audi et alteram partem* principle. Limited access and communication disruptions can harm one party, resulting in injustice in legal decision making that should be objective and balanced. In criminal cases, psychological accuracy and direct observation of the accused are vital. Online examination of the accused can potentially violate human rights, especially when assessing character and emotional responses. Additionally, the level of public participation in online trials tends to decrease. We can only see that those who access the trial are only people who are involved in the same case, while the general public is minimal to witness the trial; for example, law students are required to be able to litigate in court; therefore, witnessing the trial process is very important to become a legal practitioner in the future. This is contrary to Article 153 paragraph (3) of the Criminal Procedure Code in conjunction with Article 13 paragraph (1) of the Judicial Power Law, which requires court hearings to be open to the public, except for cases of morality, in which the defendant is a child, or the law determines otherwise.

Meanwhile, in the context of Religious Courts such as divorce, for example, the Pangkalan Kerinci Religious Court, based on interviews with parties directly involved in the implementation of online justice, especially judges and officers of the Pangkalan Kerinci Religious Court who handled divorce cases both conventionally and through the e-court system. One of the judges stated that there were several important differences between the implementation of divorce manually and through e-court. First, the presence of the e-court system in the Pangkalan Kerinci Religious Court provides convenience in the process of summoning the parties and facilitating their presence at the first hearing. This is possible using teleconferencing technology that supports remote trials. Second, online trials are considered more efficient because they can be conducted up to two to three times a week, thus saving time and money compared with conventional trials that require more resources. In conventional practice, one of the main obstacles is inaccuracy in delivering summons to the relevant party. Although cooperation has been carried out with several courts outside the jurisdiction of the Pangkalan Kerinci Religious Court, summons are still often carried out based on *de jure* addresses and not *de facto* addresses, so that summons often do not reach the defendant. Third, in terms of examination, the conventional method is considered more flexible because it allows direct question-and-answer interactions during the trial process.

However, when viewed from a psychological perspective, online trials in divorce cases certainly require an integrated approach, such as providing counseling services and a humanistic approach by judges, such as the Pangkalan Kerinci Religious Court, in collaboration with a counseling institution to provide online counseling sessions via Zoom before and after the trial to the wife and husband involved in the divorce. On the other hand, there are obstacles such as the skills of law enforcement officers are also an important factor. Many judges, prosecutors, and advocates have not optimally mastered information technology. This indicates that digital training and literacy among law enforcement officers remain significant obstacles. There are several constraining factors encountered in online trials, such as substantive obstacles, which we can see in Article 20 of PERMA No. 1 of 2019. Electronic trials for civil, religious civil, military, and state administrative cases are not mandatory but require the approval of the plaintiff and defendant. This means that electronic trials cannot be run by themselves without the approval of the parties to the case (Nugroho & Setyawanta, 2020). In addition, technical needs, such as difficult networks in remote areas and limited communication tools for trials, are also major obstacles in online trials.

Meanwhile, in terms of data security in online trials, electronic systems can provide a higher level of security for trial documents and recordings, preventing manipulation and unauthorized access (Purnomo, 2024). For example, in a divorce trial at the Pangkalan Kerinci Religious Court before the trial, the judge always authenticates the identity of the trial participants, such as showing their ID cards through the camera, and the judge also strictly prohibits recording or distribution without permission of the course of the trial because it can be subject to penalties under the ITE Law. The most important thing is that when the Pangkalan Kerinci PA maintains privacy, it does not include the online trial schedule on the PA website openly, where the trial schedule is only sent via personal email or an e-court account of each party.

3.2. Procedures for Offline and Online Trials According to Positive Law in Indonesia

1. Offline Trial Stages

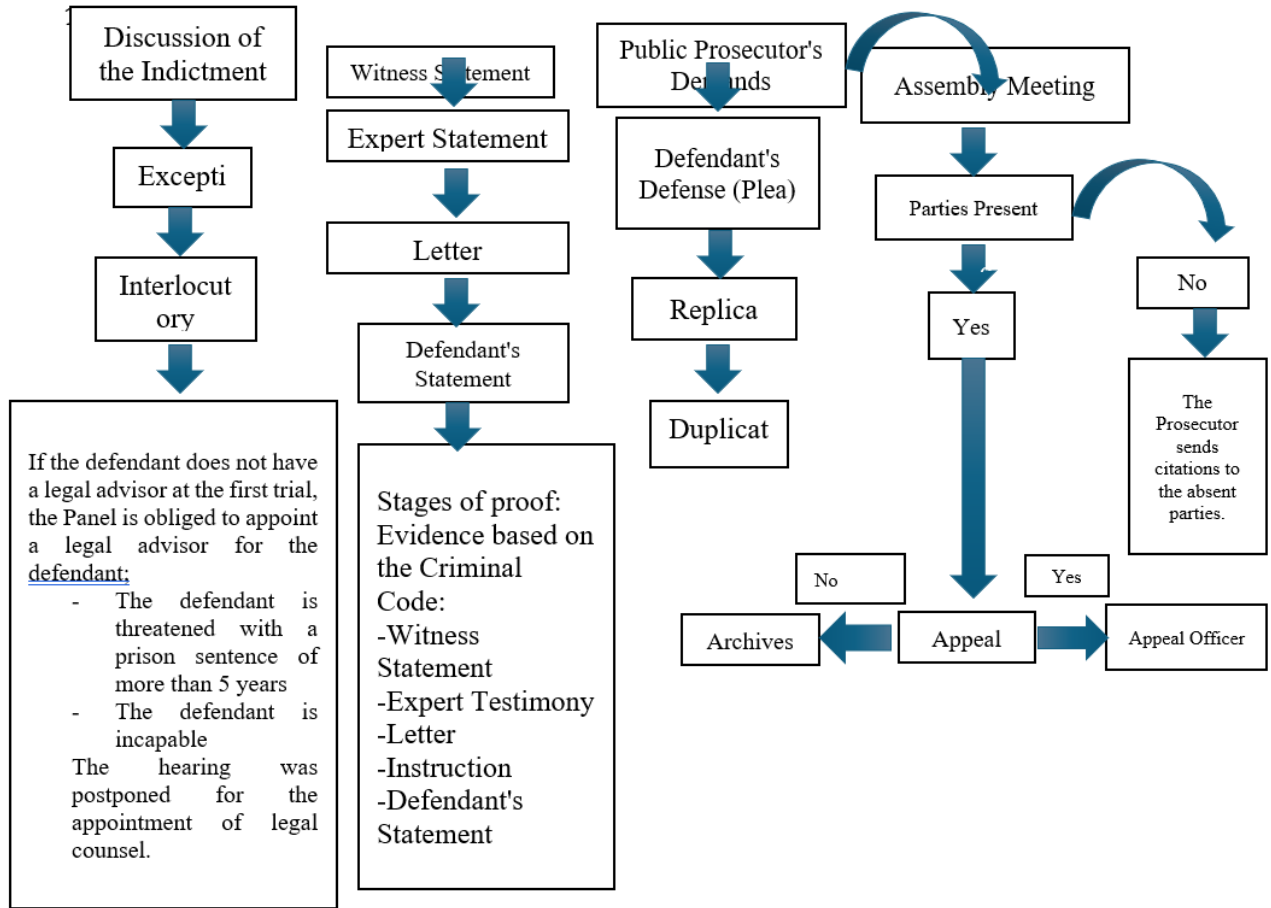


Figure 1. Offline Trial Stages

The initial phase of a court trial begins with the participation of the parties involved, as illustrated in Figure 1. If the plaintiff is not present at the first hearing, the case risks immediate dismissal and the defendant may be granted a free verdict. This absence signals a lack of seriousness in pursuing the claim, and the court reserves the right to terminate proceedings at that stage. Conversely, if the defendant fails to appear, the plaintiff is entitled to request a default judgment that allows the case to proceed without the defendant's participation. The court usually postpones the session and issues the second summons. If the defendant fails to appear after being summoned twice, the case may be resolved by default, allowing the process to continue solely with the presence of the plaintiff. Once both parties are present, the trial begins with verification of the identities. The judges will ask each party to state their full name, place of origin, age, occupation, and religion and also inquire whether any of the judges have a personal or familial relationship with the parties involved. Following this identification stage, the Court initiated a peaceful settlement. Mediation is encouraged as an alternative means of resolving disputes. If the mediation is successful, the case is closed through a peace deed formalized as a court decision. However, if no agreement was reached, the trial proceeded with reading the lawsuit.

The plaintiff or their legal representative is responsible for reading the statement of the claim unless they are unable to do so, in which case the reading may be facilitated by another party. Upon completion, the panel of judges may propose a resolution; however, if a settlement remains unattainable, the chairman of the panel inquires whether the defendant intends to respond verbally or in writing. If the defendant chooses a written reply, they must inform the court of the readiness of the document and the time needed to complete it. In situations where the defendant is absent, their responses will not be acknowledged unless they present a valid justification for their absence. Moreover, if the court cannot proceed without the defendant's reply, the trial may be deemed invalid. After the defendant has submitted

a response, the plaintiff is given the opportunity to issue a reply, often contesting the assertions made. This was followed by a duplicate response from the defendants. The exchange of replies and duplicate documents may continue iteratively until both parties reach a substantive meeting point or mutual understanding.

The trial then advances to the evidence stage, which is a critical phase in which the substantive claims of both parties are tested. Various forms of proof can be introduced, including witness testimonies, documentary evidence, legal presumptions, confessions, and sworn oaths. These components substantiate each party’s legal arguments. Following the evidentiary process, parties were invited to deliver their final conclusions. This involves summarizing their legal positions, referencing previously presented evidence, and emphasizing key arguments for judicial consideration. Finally, the judge’s decision is made. The verdict may be delivered directly by the chair of the panel or by another appointed member, especially in cases in which the ruling is extensive. The reading of the verdict was conducted in an open court session to ensure transparency and public access to justice.

2. *Online Trial Stages*

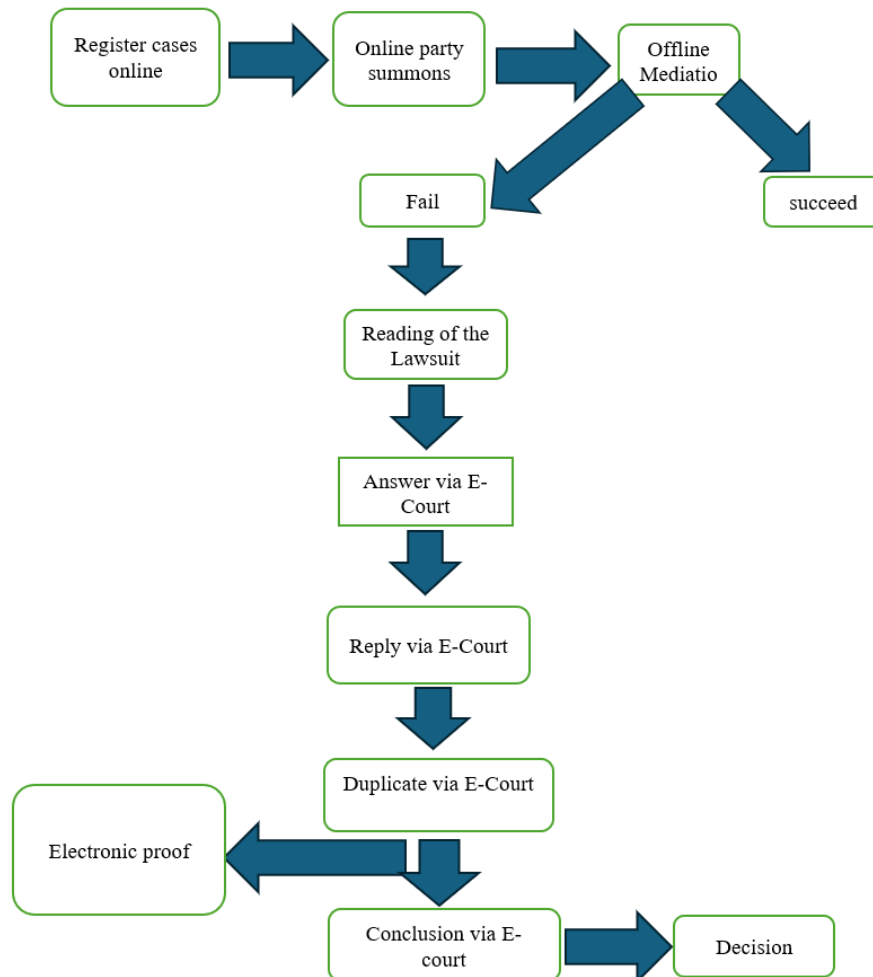


Figure 2. Online Trial Stages

Electronic summons refer to the automatic notification system facilitated through the e-court platform, whereby court bailiffs deliver summonses to parties involved in a legal dispute (see Figure 2). This type of summons is deemed valid when addressed to the registered electronic domiciles of both parties and dispatched within a legally prescribed timeframe. Notably, electronic summonses incur no direct costs. However, the court retains the discretion to impose charges for summonses transmitted via

premium channels such as SMS or other commercial platforms. These provisions are clearly articulated in Point 6, letter D of the KMA No. 129/KMA/SK/VII/2019.

At the outset of the trial process, both parties were required to appear in court following the schedule indicated in the official summons. During this initial phase, the panel of judges facilitated peace negotiations to encourage voluntary settlements. If these efforts fail, the panel mandates a formal mediation process in line with the Supreme Court guidelines, as stipulated in Regional Regulation Number 1 of 2016. The mediation process begins with the mediator introducing their role and the scope of their facilitation, followed by obtaining the parties' consent to proceed with the mediation. The mediator explains the purpose of mediation, outlines the process, and introduces key elements such as confidentiality, caucus procedures, and behavioral norms during negotiations. A question-and-answer session was conducted to clarify expectations, and an agenda was jointly formulated by identifying broad issues and specific subtopics for resolution.

To facilitate constructive dialogue, mediators use both direct and indirect methods to uncover hidden interests. Indirect approaches involve attentive listening and reframing statements, whereas direct methods involve asking explicit questions. The mediator then assists both parties in developing feasible resolution options and analyzing the implications of agreeing or disagreeing with each option. In the final bargaining stage, the mediator highlights mutual interests and supports the parties in making reasonable compromises. Once consensus has been reached, a formal agreement is drafted, forming the foundation for resolving the dispute. If mediation proves unsuccessful, the case proceeds through either electronic litigation (e-litigation) or traditional court processes.

Following mediation and contingent upon mutual agreement, an e-litigation hearing can be scheduled. The court prepares a structured calendar outlining each phase of the case, from the submission of responses to evidentiary procedures and verdict issuance. During this phase, parties are required to submit replies and duplicate them electronically within a specified timeline. The e-Court application facilitates the exchange and verification of documents that are reviewed by the presiding judge. This mechanism streamlines the trial process, minimizes physical interactions, and enhances efficiency.

Evidence submissions in e-litigation are conducted electronically. Witness testimonies or expert evaluations may be delivered through teleconferencing tools or using the court's media infrastructure. Individuals requesting to examine witnesses electronically can apply to the Religious Court in their jurisdiction, which will appoint a substitute judge and clerk to oversee proceedings. Likewise, the swearing-in and examination processes are conducted remotely to ensure procedural integrity. At the conclusion stage, both the plaintiff and defendant afforded equal opportunities to present their final statements, either orally or in writing, summarizing their arguments and the evidence presented. The verdict was subsequently announced in an open session accessible via the e-court system. The ruling is then uploaded into the Case Tracking Information System (SIPP) in PDF format, bearing an electronic signature that allows parties to access and download the decision.

Both conventional and electronic trial processes adhere to the same foundational legal procedures as stipulated by the Criminal Procedure Code, Judicial Power Law, and relevant Supreme Court Regulations. Nonetheless, e-litigation represents a significant innovation initiated by the Supreme Court to fulfill Article 2, paragraph 4 of the Judicial Law, which mandates that legal proceedings be conducted simply, expeditiously, and affordably. The electronic trial mechanism has also proven to be a viable solution for ensuring judicial continuity during extraordinary circumstances such as the COVID-19 pandemic, where physical attendance and direct interaction were heavily restricted.

4. CONCLUSION

Offline and online trials are legal proceedings that have advantages and disadvantages. For example, offline trials emphasize direct and comprehensive case examinations in accordance with applicable procedural law, but the series of proceedings in offline trials incurs large costs and a long process due to the large number of cases piling up in court. Therefore, the Supreme Court provides a new breakthrough in accordance with PERMA No. 1 2019 concerning the administration of cases and trials in

court electronically, which answers the mandate in Article 2, paragraph 4 of the JUSTICE Law, which emphasizes that trials should be carried out simply, quickly, and at low cost, which has proven to be effective in terms of saving time and costs. In the case of network constraints, the court is required to provide a special room and online trial equipment for parties who do not have a cellphone, laptop, or internet connection. The Posbnkum (Legal Aid Post) in court can help parties who experience technical difficulties, including helping to create an e-court account, lending devices, and accompanying. In terms of procedures, both online and offline trials have a direct impact on social justice, especially in terms of accessibility and equality in the eyes of the law, where the public can access the law without looking at social status, religion, race, wealth, position, and background in accordance with the mandate of Article 27, paragraph 1 of the 1945 Constitution.

Ethical approval

Not Applicable.

Informed consent statement

Not Applicable.

Authors' contributions

A.R.: Conceptualization, methodology, investigation, data curation, and writing of the original draft. Sariani: Formal analysis, validation, writing review and editing, and supervision. M.H.: Literature review, theoretical framework development, project administration, final manuscript approval.

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Notes of Contributor

Amin Rais

Amin Rais is a lecturer and researcher at the Faculty of Law, University of Riau. His academic focus includes constitutional law, procedural law, and the digital transformation of legal systems. He has been actively involved in various legal reform studies, particularly on the integration of information technology in judicial processes in Indonesia.

Mardalena Hanifah

Mardalena Hanifah is a legal scholar at the Faculty of Law, University of Riau. Her research interests center on human rights law, administrative justice, and legal access in the digital era. She frequently contributes to academic forums and publications on legal inclusivity and the modernization of public legal services.

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