

Effectiveness of Electronic Court System (E-Court) in Kuningan Religious Court Based on PERMA Number 7 of 2022

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ABSTRACT

The Kuningan Religious Court, as part of the national justice system, also implements E-Court based on applicable regulations, including PERMA Number 7 of 2022. This study aims to evaluate the impact of E-Court implementation on case resolution time and litigation costs at the Kuningan Religious Court. The research method used by the author is empirical juridical, where this research is descriptive and tends to use analysis and theory as a guideline so that the study focuses on facts in the field. The findings are to develop more measurable and specific effectiveness indicators that are relevant to the context of the Kuningan Religious Court and PERMA Number 7 of 2022. For example, not only measuring the general case resolution time but also measuring the impact of E-Court on specific stages regulated in the new PERMA. With the implementation of PERMA Number 7 of 2022, the Kuningan Religious Court has contributed to the realization of the principles of fast, simple, and low-cost justice. The conclusion obtained is that E-Court at the Kuningan Religious Court is systematically starting from online registration (E-Filling), online payment (E-Payment), online summons of parties (E-Summon), and electronic trials (E-Litigation) has been effective. There are several supporting and inhibiting factors in the Implementation of E-Court, namely in terms of supporting factors are Human Resources (HR) and Adequate Facilities and Facilities, Reducing Litigation Costs and Good Internet Networks while inhibiting factors Constrained Calls and e-court System Network Error.

Keywords: Effectiveness; Religious Court; E-Court Application

A. INTRODUCTION

The E-Court application is a court instrument as a form of service to the public in terms of online case registration, electronic advance cost estimates, online advance payment, online summons, and online trials sending trial documents (replicas, duplicates, conclusions, answers). The E-Court case application is expected to be able to improve services in its function of accepting online case registrations, where the public will save time and money when registering cases.¹

The judicial process generally begins with online case registration (e-filing), electronic payment (e-payment), electronic delivery of trial documents (replicas, duplicates, conclusions, answers) (e-summons), and electronic trial (e-litigation). As previously described, e-litigation, or electronic trials, provides convenience for law enforcers such as judges, advocates, and court clerks. In addition to offering convenience to law enforcers, e-Litigation also provides benefits for parties involved in court cases, such as plaintiffs, defendants, applicants, or respondents, because the trial process can be carried out in a simple, fast, and more affordable manner.²

The purpose of issuing PERMA Number 7 of 2022 concerning the Electronic Administration of Cases and Trials in Court is to simplify the process for parties seeking justice in Court and to apply simple, fast, and low-cost legal principles. Consequently, e-litigation trials can reduce court costs because the parties involved do not need to be present in Court, do not need to spend money to go there, and do not need to spend time queuing in Court. Thus, time can be used more efficiently.³

In the actualization of E-Court, law enforcement becomes a fundamental component for applying the E-Court application, especially to support the realization of the principles of administering justice.⁴ Substantially, PERMA Number 7 of 2022, which is currently the basis for the E-Court application, does not remove or annul the prevailing norms but only adds or improves them. The changes brought about by the presence of the E-Court application are also inseparable from the social and cultural factors of Indonesian society. Thus, the implementation of the E-Court application in the Court as a technological breakthrough should have a significant impact on society and the judicial institution itself.

¹ Mahkamah Agung Republik Indonesia, *Buku Panduan E-Court* (Jakarta: Mahkamah Agung Republik Indonesia, 2019).

² Lisfer Berutu, "Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan Dengan e-Court," *Jurnal Ilmiah Dunia Hukum* 5, no. 1 (2020): 41-53, <https://doi.org/http://dx.doi.org/10.56444/jidh.v5i1.1552>.

³ Amran Saudi, *Pembaruan Hukum Acara Perdata Di Indonesia, Menakar Beracara Di Pengadilan Secara Elektronik* (Jakarta: Prenadamedia Group, 2019).

⁴ Vivi Lutfia, "Optimalisasi Penegakan Hukum Terhadap Penyelenggaraan Peradilan Melalui E-Court Dalam Mewujudkan Keadilan Bagi Masyarakat Di Era Digitalisasi," *Jurnal Lex Renaissance* 6, no. 4 (2021): 677-91, <https://doi.org/10.20885/jlr.vol6.iss4.art3>.

Based on the research, the problem can be formulated as the Effectiveness of the Electronic Court System (E-Court) at the Kuningan Religious Court and the Implementation of E-Court at the Kuningan Religious Court contributes to the realization of the principles of simple, fast, and low-cost justice to evaluate the impact of the implementation of E-Court on the time to resolve cases and court costs at the Kuningan Religious Court.

B. RESEARCH METHODS

In conducting research, to achieve the objectives desired by the researcher completely and comprehensively, an accurate and focused method is required, and to obtain and collect data in the research, an appropriate methodology is needed so that what is desired to be achieved in the study can be accounted for as true.⁵ Research Specifications: this research is included in descriptive-analytical legal research, namely describing the applicable laws and regulations regarding legal theories and the practice of implementing positive law concerning the problem.⁶

The approach method used in this study is an empirical legal approach. Legal sources and types of data: in this study, the data used are primary data and secondary data. Data Collection Techniques: This study collects secondary data from the literature in the form of books, journals, and laws and regulations.⁷ Meanwhile, to collect primary data, this study directly conducted interviews with the public relations of the Kuningan Religious Court and users of the E-Court application at the Kuningan Religious Court. The Data Analysis Technique used in the journal uses descriptive qualitative data analysis and qualitative data analysis, namely data obtained through interviews and observations in the field supported by related regulations and library research, then systematically arranged and then analyzed qualitatively to achieve clarity of the problems to be discussed. The data is then analyzed interpretively using theories and positive laws that have been outlined, and then conclusions are drawn inductively to answer existing problems.⁸

⁵ Ronny Soemitro Hanitiyo, *Metodologi Penelitian Hukum* (Bandung: Ghalia Indonesia, 1982).

⁶ Hanitiyo.

⁷ Hanadi Saryono, *Metodologi Penulisan Dan Penelitian Hukum* (Purwokerto: Universitas Jenderal Soedirman, 2008).

⁸ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: Universitas Indonesia Press, 1986).

C. RESULTS AND DISCUSSION

1. Effectiveness of the Electronic Court System (E-Court) at the Kuningan Religious Court

Based on the data obtained at the Kuningan Religious Court by the author, the following is true:

Table 1. Case data at the Kuningan Religious Court

| No. | Year | Number of Manual Cases | Number of e-Court Cases | Total Cases Received |
|-----|------|------------------------|-------------------------|----------------------|
| 1. | 2019 | 3.001 | 140 | 3.141 |
| 2. | 2020 | 3.262 | 112 | 3.374 |
| 3. | 2021 | 3.229 | 184 | 3.413 |
| 4. | 2022 | 3.045 | 486 | 3.531 |

The results of the research at the Kuningan Religious Court above regarding the Electronic Court System (E-Court) based on interviews and observations can be effective. If the effectiveness or ineffectiveness of the Electronic Court System (E-Court) at the Kuningan Religious Court is analyzed using the theory of legal effectiveness from Soerjono Soekanto, which consists of five factors, the analysis is as follows:⁹

- a. Legal Factors, In the Factors used as a benchmark, is PERMA Number 7 of 2022. The rules in legislation are seen from 3 applicable legal elements, namely Juridically, Sociologically, and Philosophically. The analysis of the three elements is as follows: (1) Juridically, namely regulations are based on higher ones. They must be by the hierarchy of legislation. Hence, PERMA Number 7 of 2022 refers to the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning judicial power, Law Number 49 of 2009 concerning General Courts, Law on Information and Electronic Transactions Number 19 of 2016, Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, Government Regulation Number 95 of 2018 concerning Electronic-Based Government Systems, Ministerial Regulation Number 10 of 2015 concerning Procedures for Registering Electronic Systems for State Organizing Agencies. With the many regulations above, the PERMA becomes a technical regulation for the implementation of electronic judicial administration by referring to the law. (2) Sociologically, it illustrates that the regulations are formed to meet the needs of

⁹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2010).

the community in various aspects concerning empirical facts regarding the development and needs of the community and the state. Therefore, PERMA Number 7 of 2022 is an administrative and trial renewal to overcome obstacles and barriers in the judicial administration process. The PERMA is a demand from the development of the era, which requires more effective and efficient administrative services for cases and trials in Court. (3) Philosophically, it is a consideration or reason that illustrates that the regulations formed take into account the outlook on life, awareness, and legal ideals. PERMA Number 7 of 2022 is a regulation with the aim of achieving the legal ideals of easy, fast, and low-cost judicial administration.

- b. Law Enforcement Factors: The second factor is the Law Enforcement factor, namely the parties that form and implement the law; according to the author, the PERMA has become a necessity in the administration of justice. The implementation of the PERMA and balance with the human resources in the judicial environment is a form of sincerity or seriousness of the Supreme Court in administering justice to achieve legal goals that are fast, simple, and low cost; with the E-Court system, it can facilitate the community. Based on the results of research at the Kuningan Religious Court, the human resources at the Religious Court are very good, and the officers help and provide information, direct the community if there are parties who do not understand, and provide direct assistance, such as creating emails until completion. At the Kuningan Religious Court, judges as implementers of the law certainly try to implement the law and uphold justice. The trial process is a formal step to reveal the facts that occur and are experienced by the parties, of course, by adhering to the provisions of the laws in force in Indonesia. The Panel of Judges appointed to examine, decide, and try the case submitted by the parties depends on how the case was registered; based on research results, if the party registering uses E-Court, then the Judge will automatically also be involved in the use of E-Court especially in uploading the decision document after the trial and determining the agenda for the next trial.
- c. Facilities Factor: The third factor is the Facilities Factor; in the implementation of PERMA Number 7 of 2022, facilities that support the running of the system are very much needed. Based on the results of research at the Kuningan Religious Court, the system that supports the implementation of E-Court from the registration stage to the trial stage is already well available, namely the computers available at the E-Court desk, or commonly known as the E-Court Corner, the E-Court web system and officers who are proficient in operating the E-Court system. This system has indeed been implemented in almost all judicial

bodies in Indonesia and the Supreme Court so that the judicial bodies below it only need to implement it while the availability of facilities and infrastructure includes the E-Court system from the Supreme Court, computers available at PTSP, computers available in the clerk's room, the chief justice's room, the Judge's room, and the clerk's room. In addition, PTSP, as the centre for the implementation of E-Court at the Kuningan Religious Court, already has personnel assigned to their respective desks and duties.

- d. **Community Factors** The fourth factor is the Community Factor, which means public awareness to comply with a statutory regulation or, in other words, the level of compliance, namely high, moderate, or low legal compliance. The degree of public compliance with the law is one of the indicators of the functioning of the law. According to sources at the Kuningan Religious Court, the Community Factor of public awareness to comply with the PERMA regulations has been implemented effectively because it can be proven that all lawsuits or applications have used E-Court because the community already understands the advantages of E-Court. In addition to the opinions that have been expressed above, the level of public compliance with PERMA Number 7 of 2022 can also be proven by the recapitulation of E-Court users and manual users at the Kuningan Religious Court. The implementation of E-Court is also supported by court officers to direct the public to be able to use the E-Court system and to be able to utilize the electronic system for administration and resolution of cases that the public submits to the Court so that it can be beneficial for the community.
- e. **Cultural Factors** The fifth factor is the Cultural Factor; today's society's culture supports the existence of an E-Court system due to the very advanced development of technology, where today's electronic life is a primary need, for example, smartphones with the convenience of technology make people know technology and are not technologically illiterate. Based on research, the culture of society is still an old culture, meaning that society is still lacking in technology, and some people do not understand it. They have not been able to understand that registration is no longer like it used to be; now, they use E-Court, which can be done at home, but it has not taken root in society because it is new. To change this cultural pattern, the role of the Court is to provide direction to the justice seeker community that the Court is no longer like it used to be; case registration does not have to register with the Court. After the socialization, the old culture was not immediately abandoned, but at least the community could be directed. And slowly, the old culture can be abandoned. In line with this, the old culture must be changed slowly by helping justice seekers

change the old manual culture by allowing the parties to register by creating an account/email for justice seekers. With that, the Court also socializes that the old culture that was still manual is no longer used because the demands of our era must use all applications. Based on this explanation, the culture that exists in society related to the knowledge of using E-Court has not become a culture that exists in society, so the use of E-Court and its implementation in Court still requires direction from court officials. The existence of E-Court is important and very effective in helping case administration and its resolution faster and cheaper. This certainly answers the needs of the community to get excellent service.

2. The Implementation of E-Court at the Kuningan Religious Court Contributes to the Realization of the Principles of Simple, Fast, and Low-Cost Justice

This E-Court application is expected to improve services in its function of receiving online case registration so that the public will save time and money when registering cases. E-Court in Indonesia is the first foundation for the implementation of an electronic-based justice system in Indonesia.

The advantages of registering cases online via the E-Court application that can be obtained from this application are:¹⁰

- (1) Save time and costs in the process of registering court fees.
- (2) Advance payment can be made in multichannel channels or from various payment methods from banks.
- (3) Documents are well archived and accessible from multiple locations and media.
- (4) Faster data retrieval process.

The stages for registering a case via E-Court are as follows:¹¹

- (1) Choosing a Court
- (2) Get Online Registration Number (Not the Case Number)
- (3) Power of Attorney Registration
- (4) Fill in Party Data
- (5) Upload Lawsuit Files
- (6) Electronic SKUM (e-SKUM)
- (7) Payment (e-payment)
- (8) Obtain a Case Number
- (9) Implementation of *E-Court*

¹⁰ Majolica Ocarina Fae, Gracia and Ronaldo Sanjaya, "Eksistensi E-Court Untuk Mewujudkan Efisiensi Dan Efektivitas Pada Sistem Peradilan Indonesia Di Tengah Covid-19," *Jurnal Syntax Transformation* 2, no. 04 (2021): 496-507, <https://doi.org/10.46799/jst.v2i4.253>.

¹¹ Roni Pebrianto and Azwar, Ikhwan, "Efektifitas Penerapan E-Court Dalam Penyelesaian Perkara (Studi Kasus Di Pengadilan Agama Painan)," *Jurnal AL-AHKAM* 22, no. 1 (2021): 181-97.

The Supreme Court of Indonesia itself, through Supreme Court Regulation Number 7 of 2022 concerning Electronic Court Case Administration, has begun using information technology to help improve judicial performance. This is in line with the Supreme Court's Vision of becoming a Modern Judicial Body based on Integrated Information Technology. The implementation of E-Court itself is a major leap from the overall major efforts of the Supreme Court in making administrative changes in the courts. This is an effort to overcome three obstacles that are often faced by judicial institutions, namely slow case handling, difficulty in accessing court information, and the integrity of court officials. After experiencing two changes to the legal basis of E-Court, previously PERMA Number 7 of 2022 concerning Electronic Court Case Administration and Trials, the summons of the parties to the case was delivered by postal officers. By PERMA Number 3 of 2019, Registered Users are not only advocates but also the general public seeking justice and can also be litigated through E-Court.

If the parties to the case agree to use e-litigation, then the procedure for electronic trials is as follows:¹²

- (1) At the first hearing, the plaintiff submitted the original power of attorney, lawsuit letter & principal's agreement.
- (2) Judge offers defendant to try electronically after mediation fails.
- (3) The Judge sets the trial schedule.
- (4) The parties carry out electronic responses (Answers, Replies, Duplicates & Conclusions).
- (5) The parties submit written evidence electronically before it is heard at trial.
- (6) Judges examine witnesses & experts electronically. The parties submit their conclusions electronically.
- (7) The parties submit their conclusions electronically.

There are several supporting and inhibiting factors in the implementation of E-Court, namely:

- (1) Supporting Factors for the Implementation of E-Court, namely:¹³
 - (a) Human Resources (HR) and adequate facilities and resources

¹² Sonyendah Retnaningsih et al., "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Peng," *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 124-44, <https://doi.org/10.21143/jhp.vol50.no1.2486>.

¹³ Akhmad Shodikin, Asep Saepullah, and Imas Indah Lestari, "Efektivitas Penerapan Sistem E-Court Pengadilan Agama Dalam Perkara Perceraian," *Jurnal Mediasas : Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiah* 4, no. 2 (2021): 135, <https://jurnal.kopertais5aceh.or.id/index.php/mediasas/article/view/290>.

In its implementation, there are supporting factors for the running of E-Court, namely in terms of Human Resources (HR); with the existence of PERMA Number 7 of 2022, HR must be able to implement the E-Court application system following the PERMA. The facilities and infrastructure include building facilities, good organizational facilities, adequate equipment facilities, sufficient financial facilities, and others. Facilities and Laws mean that without certain facilities or infrastructure, law enforcement can't run smoothly.

(b) Reducing litigation costs

E-Court is here to eliminate unwanted things in court proceedings. E-Court actually aims to create a simple, fast, and low-cost principle in the entire litigation process and avoid risks such as illegal levies and many doors in the litigation process; this can be assessed and evaluated by all judicial bodies in Indonesia. In the litigation process via E-Court, payments can be made using ATMs, mobile banking, etc. E-Court payments at the Kuningan Religious Court can be made at any time, and the creation of an E-Court account is free of charge. Also, the SKUM for E-Court cases is the same as the SKUM for regular cases.

In ordinary cases, an additional fee is charged for the summons, whereas in E-Court, no fee is charged; the difference in costs between E-Court and ordinary trials is so great that if ordinary cases are charged 1 million, then E-Court cases are only charged 400 thousand.

(c) Good internet network

Everything is oriented towards a good network system. If the network is good, it will make it easier for the parties to the case when uploading documents to the E-Court system.

(2) Factors Inhibiting the Implementation of E-Court, namely:

(a) Having trouble with calls

Many problems are found using summons via Registered Post because the case may be tried if the release of the summons has met the requirements, namely Legal and Proper, valid if delivered by the appointed officer. In this case, the Postal Officer then meets the person concerned, meets the address, and the person concerned should be at least three days before the trial. In the Registered Post, there are three columns of images, namely the person concerned, photo, and signature. It is legally valid, but there are still many that are not appropriate because they do not meet and do not sign, so the solution from the panel of judges is done manually.

(b) E-Court system network error

Based on the research, the obstacles faced are from the existing E-Court application. The application often experiences errors in the process of its use. Sometimes, this system is not perfect, so it will continue to be updated; the updates in question are Appeals, Cassation, and Judicial Review (PK), which cannot be done through E-Court.

Kuningan Religious Court can carry out all cases resolved in the Religious Court using the E-Court system-based service. This E-Court system has also become a mandatory process for the parties assisted by advocates to use E-Court in the litigation process in Court. However, for the principals who want to resolve by E-Court, they are asked first if they wish to use E-Court or not, and in its implementation, as usual, there must still be approval from the parties if the case is to be continued to the court stage and a Court Calendar will be made.

In the electronic trial system, the court calendar is interpreted more as a trial schedule and agenda. The chairman of the panel will create and read the court calendar in front of the parties to the case. The parties pay attention to the court calendar and then convey their agreement; the agreement is stated in the form of a court calendar agreement. Indeed, the creation of this agreement is not regulated in PERMA, but a court calendar agreement that has been formally approved by the parties to the case will help the smooth running of the trial. The chairman of the panel issues a determination regarding the court calendar and reads it as the trial schedule and stages. Electronic trials will provide time effectiveness so that the parties to the case do not waste time waiting for the trial schedule and waiting for when the trial will be reopened. Therefore, in electronic trials, trial postponements can be made for more than 2 (two) working days. If Monday is the agenda for the trial to read the lawsuit, then on Wednesday, the trial can be reopened with the agenda of the response from the defendant.

In its implementation, E-Court highly upholds the social values that exist in society. With E-Court, it is hoped that there will be no more risks that conflict with the objectives of the law itself, such as illegal levies when wanting to litigate in a judicial institution, and openness of information for every member of the public who wants to resolve their case in a judicial institution because the existence of E-Court will certainly maximize transparency or openness of information for the public who wish to know the development of legal cases.

D. CONCLUSION

Based on the results of the research conducted by researchers in the Kuningan Regency area, especially in the Kuningan Religious Court, researchers can conclude that the Effectiveness of the Electronic Court System or E-Court in the Kuningan Religious Court as a system starting from online registration (E-Filing), online payment (E-Payment), online summons of parties (E-Summon), and electronic trials (E-Litigation) has been effective because the E-Court system has been running well and answers the needs of the community and adjustments to technological and information developments in Indonesia so that these advances can be utilized for the benefit of the judiciary and the implementation of simple, fast and low-cost judicial principles. Meanwhile, the Implementation of an E-Court in the Kuningan Religious Court contributes to the realization of simple, quick, and low-cost judicial tenets. The e-court Application is expected to improve services in its function of receiving online case registrations so that the community will save time and money when registering cases. E-Court in Indonesia is the first foundation for the implementation of an electronic-based judicial system in Indonesia. In the registration process stages through E-Court, namely Choosing a Court, Obtaining an Online Registration Number (Not a Case Number), Registering a Power of Attorney, Filling in Party Data, Uploading Lawsuit Files, Electronic SKUM (e-SKUM), payment (e-payment), Obtaining a Case Number, Implementation of E-Court. There are several supporting and inhibiting factors in the Implementation of E-Court, namely in terms of supporting factors are Human Resources (HR) and Adequate Facilities and Facilities, Reducing Litigation Costs and Good Internet Networks while inhibiting factors Constrained Calls and e-court System Network Error.

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