

## PUBLIC ACCESSIBILITY TO COURT DECISIONS RELATING TO CIVIL DISPUTES IN THE E-COURT SYSTEM

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### Abstract

This study examines the extent to which the public can access civil dispute decisions through the e-Court system as an implementation of the principle of open trials. Through a normative juridical approach to legal regulations and court decisions, it was found that although e-Court can accelerate and simplify judicial administration, public access to decisions remains unequal. Electronic copies of decisions are only provided to parties directly involved in the case, while the general public or third parties must still submit manual requests or wait for publication in the Supreme Court Decision Directory, which is often not updated quickly and comprehensively. Differences in implementation in each regional court also widen the gap in transparency. The results of this study indicate that the success of e-Court in supporting judicial transparency requires improvements to the publication system and standardization of procedures to ensure more secure and equitable public access to decisions.

**Keywords:** *Accessibility, Public, Decision, e-Ecourt.*

### INTRODUCTION

The digital era has transformed Indonesian society, including access to legal services. Advances in information technology have encouraged the judicial system to adapt, including by implementing e-Court, an electronic case administration and trial system based on the principles of simplicity, speed, and low cost (Pancarani, 2024). The Supreme Court launched e-Court on July 13, 2018, as a platform to facilitate digital civil litigation. E-Court's key features include e-Filing, e-Payment, e-Summons, and e-Litigation, allowing trials to take place without a physical presence in court (Rahman, 2018). To regulate its implementation, the Supreme Court issued PERMA No. 3 of 2018, then updated with PERMA No. 1 of 2019, and most recently PERMA No. 7 of 2022. Electronic trials according to PERMA No. 1 of 2019 Article 1 Paragraph 7 are case examinations that use information and communication technology. However, according to KMA Decree No. 129/KMA/SK/VIII/2019, e-Litigation only applies to certain types of civil cases such as ordinary lawsuits, simple lawsuits, and objection requests. Its implementation also requires the consent of the parties, and is carried out after e-Summons are sent (Supreme Court, 2024).

E-Litigation is a broader innovation of the e-Court system (electronic court). Electronic trials can be conducted after the user receives a free electronic summons (e-Summons), in contrast to manual summonses that are charged by the Bailiff. Electronic trials can be carried out after the plaintiff/applicant and defendant/respondent agree to do so by completing the consent, in accordance with the e-Summons that have been sent (Aidi, 2020). Electronic trials (e-Litigation) begin with the answer, replication, duplication, and conclusion. The trial schedule is integrated with the trial delay in the Case Tracking Information System (SIPP). Documents are sent after the trial is postponed and closed according to the schedule. The mechanism for controlling documents sent by the parties is carried out by the panel of judges, so that neither party can see the opposing documents until they have been verified by the judge (Rahmawati, 2024). According to the Decree issued by the Supreme Court, namely SK KMA Number 129/KMA/SK/VIII/2019, there are several things that must be underlined that not all litigation processes in the Court can be carried out via e-Litigation, only limited to cases classified as lawsuits, simple lawsuits, and objections to applications (Supreme Court, 2024). In early 2020, COVID-19 entered Indonesia, causing many casualties and prompting the government to implement social distancing and work from home, as well as Large-Scale Social Restrictions (PSBB) to overcome the pandemic. This also had an impact on the judicial process in Indonesia, where the Supreme Court of the Republic of Indonesia issued SEMA 1 of 2020 on March 23, 2020 concerning guidelines for carrying out duties during the prevention of the spread of COVID-19. Based on

observations at the Depok District Court, the court utilized the e-Court feature, namely E-Filing, to speed up, simplify, and increase service transparency, as well as reduce direct interaction for health reasons during the pandemic. The COVID-19 pandemic has accelerated the use of e-Court, particularly to prevent direct contact. Observations at the Depok District Court indicate that e-Filing is being utilized to expedite and expand access to judicial services safely during the Large-Scale Social Restrictions (SEMA No. 1 of 2020). E-Court is considered more practical because it saves time and costs, and eliminates the need for a physical presence in court. However, it has drawbacks, such as limited public access, technical glitches, and a lack of public understanding. New decisions can only be viewed through the SIPP (Submission Processing System) the following day, unlike conventional courts, which are immediately open to the public (Ananda et al., 2025). The presence of e-Court requires legal review, particularly regarding its position within the legal system and its compliance with the principle of open trials. Currently, the legal basis is still a Supreme Court Regulation (PERMA), not a law. Meanwhile, Articles 13 and 18 of Law No. 48 of 2009 state that all trials must be open to the public, unless otherwise specified. This is a fundamental principle to ensure transparency and public trust in the judicial system.

Problems arise when decisions are only accessible to certain parties through the system, preventing the public from witnessing the proceedings. The main question that arises is whether the principle of transparency is maintained if the process is only accessible online (Retnaningsih et al., 2020). For example, why court decisions are not uploaded to the Supreme Court's e-Court? Although the e-Court and the Supreme Court Decision Directory are designed to support the principle of openness in trials through the publication of online decisions, there are still decisions that have been read but have not been or are not uploaded. The reasons include: In practice, not all court decisions are immediately available in the e-Court system or the Supreme Court Decision Directory. These delays are generally triggered by technical constraints, such as internet network disruptions, errors in the SIPP application, or system synchronization issues, especially in regional courts outside Java where IT infrastructure and personnel are still limited.

Administrative factors also play a role, for example, decisions have not been electronically signed, are still awaiting the verification process, or need to go through censorship according to Supreme Court Regulation No. 2 of 2020. In addition, legal considerations are often the reason for delays when decisions contain personal data that must be protected. It is therefore not surprising that special management and attention are crucial (Jazuli et al., 2023), as differences in operational standards between courts also exacerbate the heterogeneity. Some courts publish decisions on the same day, while others delay the minutes process until several weeks have elapsed. This situation demonstrates that the principle of open trial proceedings in the implementation of e-Court has not yet been fully realized. Therefore, this study formulates several important issues that need to be examined, namely: 1) How is the principle of open trials fulfilled regarding the delivery of copies of civil dispute decisions in the e-Court system? 2) How is the accessibility of court decisions in civil disputes that are not uploaded electronically to the e-Court system? The purpose of this study is to examine whether the implementation of e-Court, particularly at the decision-reading stage, has fulfilled the principle of open trial proceedings as stipulated in legislation, and to analyze the challenges and legal solutions to maintain transparency in the digital justice system.

## **LITERATURE REVIEW**

In several studies, such as that conducted by (Dina Yaniar Putri & Moh. Ali Hofi, 2025) entitled "Implementation of the Principle of Open Trials to the Public in the Settlement of Civil Cases Through e-Court" discusses the extent to which the principle of openness of trials as regulated in Article 13 of Law No. 48 of 2009 remains fulfilled in the electronic trial process. This study highlights the importance of openness as a form of transparency and accountability of the court, especially at the stage of reading the verdict. Although the Supreme Court has regulated through PERMA No. 1 of 2019 that electronic trials are declared open to the public, this study emphasizes that there is still room for debate regarding whether such openness is substantial or merely an administrative formality. Furthermore, research by (Sari, 2019) entitled "The Existence of E-Court to Realize the Principles of Simple, Fast, and Low Cost in the Civil Justice System in Indonesia" focuses more on the function of the e-Court system in supporting the principles of simple, fast, and low-cost justice. Although the main discussion is technical and administrative, the author also raises legal problems related to the transparency of the reading of decisions in electronic systems. The critical question raised is whether the e-Court system can truly guarantee the principle of transparency of trials substantially, or is it merely a procedural formality that cannot be directly accessed by the public. Meanwhile, a thesis by (Huda, 2021) entitled "Implementation of E-Litigation for Civil Case Handling at the Bangil District Court: A Theoretical Review" examines the practical implementation of e-Litigation in the field using George C. Edward III's policy implementation theory. This study examines aspects of

communication, resources, disposition, and bureaucratic structure in the implementation of e-Litigation at the Bangil District Court. However, this study has not yet deeply highlighted the aspect of trial transparency, particularly in the context of electronic verdict reading. Based on a review of these three studies, it can be concluded that there has been no study that specifically and in-depth examines the suitability of the legal norm of openness in court proceedings with the reality of e-Court implementation, particularly at the decision-reading stage, which can only be accessed by the litigants. This study fills this gap by focusing on a normative analysis of the principle of openness and uncovering potential conflicts between formal openness (in the e-Court system) and the substance of openness as defined by the principles of civil procedural law. Another novel element is the proposed need for a mechanism or regulation that guarantees public access to the decision-reading process in a digital system, in order to ensure court transparency in the modern era.

## **METHOD**

The research method used in the study entitled "Public Accessibility to Court Decisions Related to Civil Disputes in the E-Court System" is a normative legal research method (normative juridical). Normative legal research is research that emphasizes literature studies by examining relevant primary, secondary, and tertiary legal materials. The main focus of this research is to analyze the principle of judicial openness in the context of the electronic court system (e-court) and how it is applied in civil disputes in Indonesia. With this approach, the author seeks to understand and examine the consistency between laws and regulations, legal theory, and judicial practices implemented by judicial institutions. The legal materials used consist of primary legal materials in the form of laws and regulations, specifically Law Number 48 of 2009 concerning Judicial Power, Law Number 14 of 2008 concerning Public Information Disclosure, and Supreme Court Regulation (PERMA) Number 3 of 2018 concerning Electronic Case Administration in Courts. Furthermore, relevant court decisions related to civil disputes processed through e-court were also used as references. Secondary legal materials included literature, legal journals, previous research, and the opinions of legal experts discussing the principles of openness and public accessibility to court decisions. Tertiary legal materials included legal dictionaries, legal encyclopedias, and other sources that helped clarify legal terms (Djuleka & Rahayu, 2020). The analysis used is a qualitative analysis with a legal interpretation method, namely interpreting and connecting applicable legal rules with their implementation practices in the e-court system. This study also uses a statute approach, a conceptual approach, and a case approach. The statute approach is used to examine applicable legal rules, the conceptual approach to analyze legal principles related to openness, and the case approach to examine court decisions related to civil disputes in e-court. Thus, this method is expected to provide a comprehensive understanding of the extent to which the principle of judicial openness is realized in the practice of civil dispute resolution through the e-court system in Indonesia.

## **RESULTS AND DISCUSSION**

### **A. Fulfillment of the Principle of Open Trials to the Public Regarding the Delivery of Copies of Civil Dispute Decisions in the e-Court System.**

The application of the principle of open trials to the public as stipulated in Law Number 48 of 2009 concerning Judicial Power emphasizes in paragraph (1) that every court trial must be accessible to the public, unless the law stipulates otherwise. Furthermore, paragraph (2) states that a new court decision is valid and has legal force if pronounced in a trial that is open to the public (Dina Yaniar Putri & Moh. Ali Hofi, 2025). In civil procedural law, this principle aims to ensure transparency and accountability in the case examination process. Basically, the trial must be able to be attended by the general public, including those who have no direct interest in the case, so that they can witness and listen to the trial process. This is intended to maintain the objectivity of the case examination process and ensure that the public remains neutral towards the parties to the case (Harahap, 2017).

In the implementation of e-Court as stipulated in PERMA Number 3 of 2018 as amended by PERMA Number 1 of 2019, copies of decisions are sent to the parties electronically through each registered user's account. While this method can improve efficiency and minimize administrative barriers, research findings indicate that access to copies of decisions in e-Court is limited only to the parties involved in the case. Meanwhile, the public or third parties who wish to obtain official copies are still required to submit a request directly to the court or wait for publication through the Supreme Court Decision Directory, which often does not provide complete or timely decisions (Majid et al., 2019). This situation creates a gap between the principle of transparency stipulated in law and the practical application of technology in the judicial system. By law, the publication of decisions serves as a means of ensuring public oversight of the judicial process. However, in reality, restrictions on electronic access for

parties not directly involved in the case limit transparency. As a result, the principle of open trials, particularly in the delivery of decisions via e-Court, has not been fully implemented. Although Supreme Court Regulation Number 3 of 2018 and Supreme Court Regulation Number 1 of 2019 have provided a legal basis for the delivery of copies of decisions through an electronic system (e-Court), the implementation of the principle of open trials to the public still faces various obstacles. One of the main problems is limited public access to decisions, which can only be obtained through manual requests or through the Supreme Court Decision Directory, which is not always complete or timely. Research (Majid et al., 2019) shows that the implementation of e-Court and the Case Tracking Information System (SIPP) has not been fully effective in ensuring public information transparency. They recommend regular improvement of human resource competencies and full integration between SIPP and e-Court to ensure the principle of transparency can be optimally realized. Meanwhile, (Setyawan, 2022) criticized the practice of electronically reading verdicts, which actually limits public access to judicial outcomes, because the digital formats and procedures used are not fully aligned with the meaning of transparency in civil procedural law. Another finding from a study of information transparency in the Courts revealed that despite the digitization of information, there are still discrepancies between national standards and field practices. Information needed by the public is not presented in an integrated manner, requiring the public to access multiple court websites—this clearly reduces ease of access.

## **B. Accessibility to Court Decisions in Civil Disputes That Are Not Uploaded Electronically in the e-Court System**

The implementation of the e-Court system in Indonesia has brought significant changes to the management of judicial administration, including the electronic publication of case decisions. One goal is to strengthen the principle of open trials for the public by providing transparent legal information to the public. With facilities such as the Case Tracking Information System (SIPP) and the Supreme Court Decision Directory, the public can now access various information about cases, including copies of decisions, online (Majid et al., 2019). However, in practice, public access to electronic decisions still faces various challenges. Decisions are not always immediately published on the same day as they are pronounced by the judge. This contradicts the spirit of transparency stipulated in Article 13 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which states that all court proceedings are open to the public. The delay in the publication of these decisions raises questions about whether the principle of open trials for the public is truly implemented in the e-Court system, or whether it is merely an administrative formality (Setyawan, 2022).

The Covid-19 pandemic has resulted in significant changes in civil court practices, particularly in the evidentiary phase. The constraints of physical presence due to social restrictions prompted the Supreme Court to expand the implementation of e-Court and e-Litigation through PERMA Number 1 of 2019. In its implementation, evidence has shifted to electronic systems, both in the form of digital documents and the examination of witnesses and experts via teleconference. This creates challenges regarding the authenticity of evidence, the principle of immediacy, and technical limitations in trials. Furthermore, the principle of openness in trials is diminished because the public can only access final decisions through the Decision Directory, not the evidentiary process itself. Although e-Litigation improves efficiency, issues with infrastructure, legal knowledge, and internet access still hinder the principle of access to justice. Thus, the shift from face-to-face to electronic evidence during the pandemic signals digital progress, but still leaves open the issue of transparency and public access to the judicial process (Sugiyono, 2021).

The public has not yet fully realized the promised transparency of e-Court. They emphasize that public access to the trial process, including the decision schedule, is limited to administrative uploads and does not provide the public with the opportunity to follow the proceedings live or in real time. Consequently, the principle of transparency in e-Court is diminished and applies only to the parties in the case, not to the general public (Setyawan, 2022). Furthermore, the openness of e-courts emphasizes that transparency in e-courts remains formal and indefinite. In other words, even though documents are finally accessible online, the public cannot directly view the trial process or follow the proceedings until the verdict is pronounced. This situation raises concerns that the principle of transparency will be diminished by digitalization if it is not accompanied by real and balanced public access. E-Court is a court tool that functions as a form of service, including online case registration (e-filing), electronic down payment estimates (e-skum), online down payment payments (e-payment), online party summons (e-summons), and online trials (e-litigation). The types of services in E-Court are explained in Supreme Court Decree No. 363/KMA/SK/XJJ/2022. E-filing/e-register is an application for recording electronically, which is an integral part of the SIPP application. E-SKUM is a Payment Power of Attorney that includes an estimate of

the down payment for court costs generated digitally through the E-Court application. E-payment or e-Finance is an application used to record court costs electronically, which is an integral aspect of the SIPP application. ESummons are Electronic Summons generated automatically by the E-Court application and delivered electronically by the court to the parties involved (Rahmawati, 2024). There are no technical regulations guaranteeing the court's obligation to post decisions on time. Consequently, there is a gap between legal principles and their implementation in the field. Some courts do not even have sufficient human resources or technological infrastructure to maintain a routine decision upload system. Conversely, experts such as (Setyawan & Kurniawan, n.d.) emphasize that the transparency philosophy in e-Court should not be considered merely an administrative formality. Even though trial proceedings are conducted virtually, the public still has the right to directly access information, either through the SIPP portal or through judicial institution publications. The philosophical approach of legal democracy demands more than just technology. There is a serious problem related to the lack of empirical data describing the performance of decision publication. The 2022 Supreme Court Annual Report shows that not all courts successfully upload decisions on time. This is exacerbated by the significant disparity between courts in large cities and courts in the regions, which still face technological infrastructure constraints (Tangguh, 2022).

The comparison between the e-Court system and conventional court proceedings is clearly visible in various aspects of the administration and implementation of the trial. In terms of case administration, e-Court allows for electronic case registration through the e-Filing feature, eliminating the need for parties to appear in court in person. The process of paying court fees is also more efficient with e-Payment, which can be done online without having to queue at the court counter. This differs from the conventional system, where registration and payment of court fees must be done manually in court, which often takes longer due to queues (Ananda et al., 2025). In terms of summoning parties, e-Court utilizes technology by sending electronic summonses, or e-Summons, to the parties' registered email addresses. This method is considered faster and more efficient than summonses in conventional court proceedings, which still rely on bailiffs to physically deliver summonses, which can sometimes take longer due to the need to verify the presence of the summoned party. In conducting trials, e-Court facilitates the e-Litigation system, allowing several stages of the trial, such as the reading of the complaint, response, rebuttal, duplicate, and conclusion, to be conducted online. However, the presentation of evidence and the pronouncement of the verdict are generally still conducted in person in the courtroom. Meanwhile, in conventional trials, all stages are conducted face-to-face in court.

In terms of efficiency and cost, e-Court is considered more effective because it can reduce transportation costs, paper usage, and expedite the delivery of documents between parties. This differs from conventional trials, which tend to be more costly because parties must appear in court at every stage of the trial and submit physical documents (Shidiq, 2021). The aspects of openness and public access are also key differences. While e-Court does increase transparency in case administration, public access to follow the proceedings remains limited because not all online trials are accessible in real time. In contrast, in conventional trials, the principle of openness is more pronounced because the general public can attend the proceedings directly in the courtroom (Gracia et al., 2021). Finally, in terms of speed of decision delivery, e-Court allows for electronic distribution of decisions, resulting in faster receipt by the parties. However, the lack of standard provisions regarding the deadline for uploading decisions can lead to delays in online decision publication. In conventional trials, decisions are read live in the courtroom as scheduled, although physical copies are often not available until several days after the decision is read.

## **CONCLUSION**

Based on the formulation of problem number 1, it can be concluded that the implementation of the principle of open trials to the public in the e-Court system is still not fully in accordance with the provisions of Law Number 48 of 2009. Although PERMA Number 3 of 2018, which was amended by PERMA Number 1 of 2019, has provided a legal basis for the delivery of decisions electronically, its implementation is still limited because copies of decisions in e-Court can only be accessed by the parties involved in the case. Meanwhile, the general public or third parties must still submit requests manually or wait for publication in the Supreme Court Decision Directory, which often does not contain complete or timely data. This situation indicates a gap between the principle of openness stipulated in legislation and the reality of implementation in the field. These obstacles are influenced by technical constraints, less than optimal integration between e-Court and SIPP, differences in publication policies in each court, and the lack of a centralized information presentation system. Therefore, although digitalization has brought improvements in administrative efficiency, substantive transparency and easy public access to decisions have not been fully achieved.

Overall, in the formulation of problem number two, the implementation of e-Court in Indonesia has provided significant developments, particularly in increasing the efficiency of case administration, saving costs, and accelerating the trial process through various features such as e-Filing, e-Payment, e-Summons, and e-Litigation. The use of this technology makes it easier for parties to access judicial services without having to be physically present in court, while also strengthening administrative transparency through linkages with SIPP and the Decision Directory. However, the implementation of the principle of open trials for the public as stipulated in Article 13 paragraph (1) of Law No. 48 of 2009 has not been running optimally. The public still faces limitations in accessing electronic decisions, both due to delays in uploading and because such access is generally only granted to parties directly involved in the case. The absence of technical regulations regarding the deadline for publication of decisions, infrastructure gaps between regions, and limited human resources in a number of courts are the main inhibiting factors.

The transparency provided by e-Court is still administrative and formal in nature, not yet providing space for the public to monitor the course of the trial directly as in the conventional system. Without firm regulations, improved infrastructure, and a well-organized publication mechanism, the goal of substantive transparency is feared to be unattainable, even if the judicial process has been digitized. Therefore, e-Court currently serves more as a means of administrative efficiency than as a means of fully fulfilling the principle of open trials. Further research is recommended to examine the implementation aspects in the field more deeply through an empirical approach, particularly regarding the extent to which the public can truly access court decisions easily, quickly, and transparently through the e-court system. Research can focus on technical and non-technical barriers, such as limited technological infrastructure, public digital literacy, and judicial bureaucratic factors that influence information transparency. Furthermore, comparative studies with judicial transparency practices in other countries are also important to identify the best model for optimizing the principle of e-court transparency in Indonesia. This can enrich academic discourse and provide more concrete policy recommendations for digital-based civil procedural law reform.

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