

OBSTACLES TO THE IMPLEMENTATION OF SUPREME COURT REGULATION (PERMA) NUMBER 7 OF 2022 ON ELECTRONIC CASE ADMINISTRATION AND ELECTRONIC COURT PROCEEDINGS IN DIVORCE CASES AT THE SLAWI RELIGIOUS COURT, TEGAL REGENCY

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Abstract

The Supreme Court has issued a regulation concerning electronic case administration, namely Supreme Court Regulation of the Republic of Indonesia (PERMA RI) Number 7 of 2022 on Electronic Case Administration in Courts. The purpose of this regulation is stipulated in Article 2 of Supreme Court Regulation of the Republic of Indonesia Number 7 of 2022 on Electronic Case Administration in Courts, namely to support the realization of professional, transparent, accountable, effective, efficient, and modern case administration. (PERMA, 2022). In accordance with Supreme Court Regulation Number 7 of 2022 concerning electronic case administration in courts, the scope of the e-Court application generally includes: (1) Online Case Registration (e-Filing), (2) Online Advance Court Fee Payment (e-Payment), (3) Electronic Summons (e-Summons), and (4) Electronic Court Proceedings (e-Litigation). (PERMA, 2021). This study aims to identify the obstacles to the implementation of e-litigation proceedings in divorce cases at the Slawi Religious Court, Tegal Regency. This research employs library research with an empirical juridical approach and qualitative analysis methods, with the Slawi Religious Court Class IA serving as the research object. The main obstacles to the implementation of Supreme Court Regulation Number 7 of 2022 at the Slawi Religious Court include the public's low level of technological literacy (digital divide), unstable internet infrastructure, and difficulties in verifying the defendant's electronic domicile. Other obstacles include limited public understanding of electronic fee-waiver (prodeo) services and technical challenges encountered during virtual court proceedings.

Kata Kunci : Case Obstacles, Electronic Court Proceedings, Effectiveness and Efficiency, Divorce Cases.

INTRODUCTION

In proceedings before the Religious Courts, before an individual or their legal representative files a petition or lawsuit, they must first complete the case registration process. This registration process also involves the submission of case documents. The submission of these documents is carried out through a counter system, consisting of Counter I through Counter III. By understanding the functions of each counter, litigants may proceed directly to the appropriate service counter when filing a case at the Religious Court. Accordingly, legal practitioners or attorneys representing clients should not encounter confusion during the case registration process. The Supreme Court has issued a regulation concerning electronic case administration, namely Supreme Court Regulation of the Republic of Indonesia (PERMA RI) Number 7 of 2022 on Electronic Case Administration in Courts.

It should be noted that the e-Litigation application feature was introduced in the latest regulation, namely Supreme Court Regulation of the Republic of Indonesia Number 7 of 2022, whereas the 2018 PERMA only provided three application features because PERMA Number 7 of 2022 governs both electronic case administration and electronic court proceedings. Electronic court proceedings (e-Litigation) may be conducted after registered users receive an electronic summons (e-Summons). In such proceedings, once both the plaintiff/petitioner and the defendant/respondent have agreed to conduct the proceedings electronically by completing the principal consent form, the parties may proceed in accordance with the e-Summons that has been issued. The stages of e-Litigation proceedings include the submission of the statement of defense, reply, rejoinder, and conclusions. Along with the advancement of time, various developments have also occurred in matters relating to religious practice and everyday life. It is well recognized that not every event or legal issue is explicitly addressed in the texts of the Qur'an or the Hadith. Indeed, certain events or circumstances arise that were previously unforeseen. Since the available scriptural

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texts are finite, whereas the events and legal issues arising within society are unlimited, something finite cannot comprehensively govern something unlimited. Therefore, it may be concluded with certainty that *ijtihad* is an indispensable approach, enabling appropriate solutions to be formulated for every emerging legal issue. Divorce proceedings are often perceived as threatening by one of the parties because incidents of violence between litigants have occurred within courtrooms, as was the case in Surabaya, where proceedings even resulted in homicide. Furthermore, divorce hearings are generally characterized by heightened tension and confrontation, not only between the litigating parties but also involving attorneys or legal counsel, who may likewise experience violence during the course of divorce proceedings.

METHOD

This study employed an empirical juridical research method using a qualitative approach. The empirical juridical approach was selected because the research not only examines legal norms contained in Supreme Court Regulation (PERMA) Number 7 of 2022 concerning Electronic Case Administration and Electronic Court Proceedings, but also analyzes its implementation in practice at the Slawi Religious Court, Tegal Regency. The research focused on identifying the obstacles encountered in the implementation of electronic case administration and e-Litigation in divorce cases.

The research was conducted at the Slawi Religious Court Class IA, Tegal Regency. Data were obtained from both primary and secondary sources. Primary data were collected through interviews with judges, court officials, and other parties directly involved in the implementation of the e-Court system. Secondary data consisted of statutory regulations, legal literature, books, scientific journal articles, court guidelines, and other relevant legal documents relating to PERMA Number 7 of 2022 and electronic judicial administration. Data collection was carried out through interviews, document studies, and literature review. The collected data were analyzed qualitatively using descriptive analysis by organizing, interpreting, and comparing empirical findings with the applicable legal provisions to identify the legal and technical obstacles affecting the implementation of electronic court administration and electronic court proceedings in divorce cases at the Slawi Religious Court.

RESULTS AND DISCUSSION

Obstacles to the Implementation of Supreme Court Regulation Number 7 of 2022 concerning Electronic Case Administration and Electronic Court Proceedings in Divorce Cases at the Slawi Religious Court, Tegal Regency

Verification of the Defendant's Electronic Domicile

The implementation of Supreme Court Regulation (PERMA) Number 7 of 2022 represents one of the most significant judicial reforms introduced by the Supreme Court of Indonesia in supporting the digitalization of judicial services. The regulation refines the provisions previously stipulated in PERMA Number 1 of 2019 by integrating both electronic case administration and electronic court proceedings into a comprehensive legal framework. Through the implementation of the e-Court system, judicial services are expected to become more transparent, efficient, accountable, and accessible to the public. Although the objectives of PERMA Number 7 of 2022 are progressive, its practical implementation has encountered several legal and technical challenges. These challenges have become particularly evident in divorce cases handled by the Slawi Religious Court, where the characteristics of litigants and the complexity of family disputes frequently influence the effectiveness of electronic judicial services.

One of the primary obstacles concerns the verification of the defendant's electronic domicile. PERMA Number 7 of 2022 requires every electronic domicile to be verified before it can be used for electronic summons and other judicial communications. However, the regulation does not clearly specify the technical procedures or mechanisms for verifying the authenticity of the defendant's electronic address. This regulatory gap creates legal uncertainty during case registration. In practice, only the plaintiff generally appears before the court to file the case, while the defendant is rarely present. Consequently, the court must rely on the electronic address provided by the plaintiff without possessing an adequate verification mechanism to confirm that the address genuinely belongs to the defendant. The absence of standardized verification procedures may potentially result in disputes regarding the validity of electronic summons. If the defendant later claims never to have received electronic notifications, the effectiveness of electronic proceedings may be questioned and could ultimately affect the fairness and legal certainty of the judicial process.

Default Judgments (Verstek) in Electronic Proceedings

Another significant issue concerns the application of default judgments (*verstek*) in electronic court proceedings. Article 15 paragraphs (1) and (2) of PERMA Number 7 of 2022 provides that when a defendant who has been summoned electronically fails to appear, the subsequent summons must be delivered through registered mail. This provision effectively requires judges to provide an additional opportunity for defendants to attend the proceedings, even where the legal requirements for rendering a default judgment have already been fulfilled. As a result, electronic proceedings may become longer than anticipated because judges cannot immediately proceed to the next procedural stage.

From a procedural perspective, this mechanism is intended to protect the defendant's right to be heard and to ensure compliance with due process of law. Nevertheless, it also creates opportunities for defendants who intentionally avoid participation despite having received valid electronic summonses. Such circumstances may reduce the efficiency expected from the implementation of electronic litigation. Instead of accelerating dispute resolution, repeated summonses prolong the litigation process and are inconsistent with the judicial principles of simple, expeditious, and low-cost justice. Furthermore, repeated summonses may reduce public confidence in the authority of judicial institutions. When litigants realize that failure to respond to electronic summons merely results in another written summons, compliance with electronic judicial procedures may gradually decline.

Public Understanding of Electronic Court Procedures

Another important obstacle identified in this study is the limited public understanding of electronic court procedures. Although the e-Court application has been implemented nationally, many litigants remain unfamiliar with the registration process, electronic summons, electronic document submission, and online hearings. Most litigants in divorce cases come from lower-middle socioeconomic backgrounds, where digital literacy remains relatively limited. Many court users are unfamiliar with electronic mail (email), which constitutes the primary electronic domicile used throughout the e-Court process.

Limited technological knowledge frequently affects litigants' participation during electronic proceedings. Defendants often fail to submit responses, evidence, or other procedural documents within the prescribed deadlines because they experience difficulties operating the required digital platforms. As a consequence, litigants may unintentionally lose procedural rights during electronic proceedings. Failure to upload documents within the scheduled timeframe is legally interpreted as a waiver of the right to submit those documents, allowing the proceedings to continue without their participation.

Technical Constraints of the e-Court System

Technical problems within the e-Court application also constitute an important obstacle. According to information obtained during the research, system errors occasionally occur during case registration, particularly when litigants upload required documents or input case information into the electronic system. These technical disruptions often delay case registration and require court personnel to repeat several administrative processes. In some instances, users experience difficulties accessing the application due to unstable system performance or dependence on the Supreme Court's centralized server. Although the available infrastructure at the Slawi Religious Court is generally adequate, technical reliability remains an important factor affecting the quality of electronic judicial services. Stable internet connectivity and continuous system maintenance are therefore essential to ensure uninterrupted implementation of electronic proceedings.

Law Enforcement and Human Resource Factors

The successful implementation of PERMA Number 7 of 2022 also depends upon the commitment and competence of law enforcement officers. Judges, court registrars, advocates, and other judicial personnel play essential roles in ensuring that electronic court procedures are implemented consistently in accordance with applicable legal provisions. The court also bears responsibility for disseminating information regarding newly enacted judicial regulations. Continuous public education and legal socialization are necessary to improve public awareness and encourage broader utilization of electronic judicial services. Human resource competence remains another important supporting factor. Effective implementation of e-Court requires judges, court staff, advocates, and litigants to possess adequate digital skills. Limited technological competence among these stakeholders may reduce the effectiveness of electronic case administration.

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Although the Slawi Religious Court has provided supporting facilities, including computers, internet access, and assistance through the Integrated One-Stop Service (PTSP), limitations in the number of dedicated operators and dependence on the Supreme Court's central server occasionally hinder optimal service delivery.

Efforts to Improve the Implementation of PERMA Number 7 of 2022

The findings of this study indicate that overcoming the obstacles to implementing PERMA Number 7 of 2022 requires comprehensive improvements involving regulatory refinement, technological enhancement, institutional support, and public education. Greater legal certainty regarding electronic domicile verification, continuous optimization of the e-Court application, strengthened human resource capacity, and wider public dissemination of electronic court procedures are essential to achieving the objectives of judicial digitalization. Through these improvements, the implementation of electronic case administration and electronic court proceedings is expected to more effectively realize the principles of simple, expeditious, transparent, accountable, and low-cost justice while improving public access to judicial services.

CONCLUSION

The principal obstacles to the implementation of Supreme Court Regulation (PERMA) Number 7 of 2022 at the Slawi Religious Court include the public's low level of technological literacy (digital divide), unstable internet infrastructure, and difficulties in verifying the defendant's electronic domicile. Other challenges include limited public understanding of electronic fee-waiver (prodeo) services and technical issues encountered during virtual court proceedings. It is recommended to provide dedicated services through the Legal Aid Post (Posbakum) of the Slawi Religious Court to assist economically disadvantaged members of the public with electronic case registration (e-Filing) and e-Litigation free of charge. In addition, tutorial videos or simple guidebooks explaining e-Court procedures for divorce cases should be developed using language that is easily understood by the general public.

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