

REFORMING CIVIL COURT IN INDONESIA: THE DIALECTICS OF PROCEDURAL JUSTICE AND DIGITAL JUSTICE

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Abstract

This study analyzes new patterns that have emerged in civil justice reform in Indonesia. The functional approach, the common adopted pattern, has shifted to an institutional approach. This shift, in addition to having an impact on the aspect of judicial governance, also creates dialectics in the form of conceptual tension in understanding justice in the judicial process. This article aims to examine the tension between procedural justice and digital justice. Procedural justice emphasizes the fairness of the process, the participation of the parties, and the legitimacy of the decision. Meanwhile, digital justice is oriented towards efficiency, transparency, and accessibility through technology. This study uses a juridical-normative research method with secondary data sources in the form of laws, regulations, and legal literature. This study also analyzes the development of e-Court, e-Mediation, and the case tracing information system (SIPP) in Indonesia. This research shows that strengthening the rationality of digital systems has the potential to clash with the character of procedural justice centered on human experience. This article also contributes to the formulation of the digital procedural justice framework as a theoretical synthesis of the tension between the two concepts. The framework is positioned as an evaluative tool for assessing technology-based judicial reform that is aligned with the principles of justice, legitimacy, and participation.

Keywords: *civil court reform, procedural justice, digital justice*

REFORMASI PENGADILAN PERDATA DI INDONESIA: DIALEKTIKA KEADILAN PROSEDURAL DAN KEADILAN DIGITAL

Intisari

Penelitian ini menganalisis pola baru yang terbentuk dalam reformasi peradilan perdata di Indonesia. Pendekatan fungsional, dalam pola lama, mengalami pergeseran menjadi pendekatan institusional. Pergeseran ini, selain berdampak pada aspek tata kelola peradilan, juga membawa dialektika dalam bentuk ketegangan konseptual dalam memahami keadilan dalam proses peradilan. Artikel bermaksud mengkaji tegangan antara *procedural justice* dan *digital justice*. *Procedural justice* menekankan keadilan proses, partisipasi para pihak, dan legitimasi putusan. Sementara *digital justice* berorientasi pada efisiensi, transparansi, dan aksesibilitas melalui teknologi. Penelitian ini menggunakan metode penelitian yuridis-normatif dengan sumber data sekunder berupa peraturan perundang-undangan dan literatur hukum. Penelitian ini juga menganalisis perkembangan e-Court, e-Mediation, serta sistem informasi penelusuran perkara (SIPP) di Indonesia. Penelitian ini menunjukkan bahwa penguatan rasionalitas sistem digital berpotensi berbenturan dengan karakter keadilan prosedural yang berpusat pada pengalaman manusia. Artikel ini juga berkontribusi pada perumusan kerangka *digital procedural justice* sebagai sintesis teoretis atas ketegangan antara dua konsep tersebut. Kerangka itu diposisikan sebagai alat evaluatif untuk menilai reformasi peradilan berbasis teknologi yang selaras dengan prinsip keadilan, legitimasi, dan partisipasi.

Kata Kunci: reformasi peradilan perdata, *procedural justice*, *digital justice*

A. Introduction

The civil justice system in Indonesia is entering a new phase of reform. This is marked by a transition in legal reform from an "institutional" approach to a more "functional" one. Within the institutional approach, civil justice reform is characterized by the establishment of new judicial institutions, both dependent and independent courts.¹ For example, the establishment of the Supreme Court was based on the 1945 Constitution, followed by the establishment of the State Administrative Court through Law Number 5 of 1986, and finally, the establishment of the Corruption Court through Law Number 46 of 2009. The functional approach, meanwhile, is driven by the introduction of information technology into the judiciary. This role of information technology has two implications, such as (i) a shift in trial procedures from in-person to online-based, and (ii) changes in court data management.² The first implication has led to the development of policies, such as e-court and e-mediation.³ The second is embodied in the Case Tracking Information System (SIPP).⁴

This new phase of judicial reform aims to improve effectiveness and efficiency in settling civil cases. In 2024, the total number of civil cases handled by district courts was 129,263, of which 127,661 were handled through e-court.⁵ This means that 98.76% of cases were processed online. Meanwhile, based on this total, there were 16,814 cases outstanding in 2024.⁶ This achievement represents a 0.92% increase in case resolution compared to that in 2023. This increase in the quantity of case resolutions was also accompanied by an 81.16% achievement in on-time resolution at the first instance, within five months, as stipulated in Supreme Court Circular Letter Number 2 of 2014.⁷

1 Melissa Crouch, "The Judicial Reform Landscape in Indonesia: Innovation, Specialisation and the Legacy of Dan S. Lev," in *The Politics of Court Reform*, 1st ed., ed. Melissa Crouch (Cambridge University Press, 2019), 15.

2 David F. Engstrom, "Digital Civil Procedure," *University of Pennsylvania Law Review* 169, no. 2243 (2021): 2258.

3 The legal basis for the establishment of e-Court in Indonesia is Supreme Court Regulation No. 1 of 2019, while the legal basis for the establishment of e-Mediation is Supreme Court Regulation No. 3 of 2022.

4 The legal basis for the establishment of SIPP in Indonesia is Decision Letter of Head of the Supreme Court No. 71/KMA/SK/IV/2019.

5 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024* (Jakarta, 2025), 106–14.

6 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024*, 106–14.

7 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024*, 106–14.

Furthermore, this new phase of reform requires changes in governance within the judiciary.⁸ For example, in 2024, the Supreme Court implemented electronic filing for cassation and judicial review. This example of governance change will undoubtedly reduce paper consumption, which could reach 42 tons per year.⁹ The Supreme Court is also synchronizing judicial decision records and explanatory notes from the chambers, which can be accessed through the Decision Directory of the Supreme Court. This is crucial for achieving transparent and accountable judicial governance.¹⁰

The use of technology and information systems has led the discourse on Indonesia's judicial reform to the concept of "digital justice." This concept means that the digitalization process in the judicial system is supported by at least three elements, namely (i) a set of technologies, (ii) a change in management, and (iii) coordinated legislative reform.¹¹ The first element refers to the use of technology as an enabler of digital justice, such as virtual meeting technology, cloud platforms, or digital signatures. The second element is the support system in digital justice, which requires digital case management, data analysis, and an online registration system.¹² The third element is the regulation of litigation and non-litigation procedures. Within another framework, digital justice also focuses on (i) the digitalization of judicial services and (ii) government-led innovation.¹³ Despite the positive trends achieved by the Supreme Court and the support of the digital justice framework, the discussions are dominated by technical aspects and regulations.¹⁴ Therefore, an under-explored and important area of study is the theoretical foundation for investigating the dialectic between digital justice

8 Paul Magrath, "Transparency, Data Protection and the Law Courts of the Future," *Legal Information Management* 18, no. 2 (June 2018): 70–75, <https://doi.org/10.1017/S1472669618000166>.

9 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024*, 106–14.

10 Charlotte S. Alexander and Lauren Sudeall, "Creating a People-First Court Data Framework," *Harvard Civil Rights-Civil Liberties Law* 58, no. 58 (2023): 735, <https://ssrn.com/abstract=4582896>.

11 Dirk Hartung, Florian Brunnader, and et al, *The Future of Digital Justice* (The Netherlands: Boston Consulting Group, 2022), 7, https://ink.library.smu.edu.sg/sol_research/4631.

12 Hartung, Florian Brunnader, and et al, *The Future of Digital Justice*, 7.

13 *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation* (Hiil, 2021), 30–50, <https://www.hiil.org/wp-content/uploads/2021/11/Hiil-Use-of-digital-technologies-in-judicial-reform-and-access-to-justice-cooperation.pdf>.

14 Danielle Fox and Hisashi Yamagata, "Developing Court Capabilities and Insights through Data Conversion," *International Journal for Court Administration* 13, no. 1 (April 2022): 5, <https://doi.org/10.36745/ijca.437>.

and procedural justice. Procedural justice is rooted in the idea that it focuses not only on the substance of a decision but, more importantly, on the decision-making process itself and how justice seekers are treated.¹⁵ Meanwhile, digital justice places greater emphasis on court infrastructure that optimizes efficiency, openness, and accessibility.¹⁶ Hence, the existing infrastructure must be able to facilitate a just trial process. Therefore, the dialectical tension that arises from these two concepts will arise between efficiency and justice.

Civil justice reform driven by digitalization cannot be understood solely as a matter of increasing efficiency or modernizing judicial administration. Behind the acceleration of the use of technology is a more fundamental normative problem, namely, how procedural justice is interpreted and applied in the judicial process that is increasingly facilitated by digital systems. On the one hand, *digital justice* promises a faster, more transparent, and more accessible process through standardization of procedures and system automation. On the other hand, *procedural justice* relies on the experience of the parties, meaningful participation, and fair and dignified treatment in the decision-making process. When digital systems are strengthened to address the problem of judicial delays and inefficiencies, there is a risk that the human dimension of procedural justice is reduced. This tension is the starting point of this article, which is to examine how digital justice reform may limit the realization of procedural justice, and the extent to which the two frameworks can be brought together in a coherent normative synthesis.

This article questions how technology-based civil justice reform in Indonesia is reshaping the relationship between efficiency, participation, and legitimacy of the judicial process. Normatively, this article examines the extent to which strengthening *digital justice* through standardization and automation of procedures can strengthen and limit the realization of *procedural justice* principles in civil justice practice.

The research method in this article is juridical with a conceptual approach. This study places regulations related to judicial digitalization in Indonesia as

15 Steven L. Blader and Tom R. Tyler, "A Four-Component Model of Procedural Justice: Defining the Meaning of a 'Fair' Process," *Personality and Social Psychology Bulletin* 29, no. 6 (June 2003): 747–58, <https://doi.org/10.1177/0146167203029006007>.

16 B. R. Bioni et al., "A Landmark Ruling from the Brazilian Supreme Court: Data Protection as an Autonomous Fundamental Right and Informational Due Process," *European Data Protection Law Review* 6, no. 4 (2020): 615–24, <https://doi.org/10.21552/edpl/2020/4/21>.

an *analytical case* to test the normative tension between *procedural justice* and *digital justice*. This approach is used to examine how institutional and procedural design changes due to judicial digitalization reshape the meaning and practice of procedural justice.

B. Conceptual Framework of Digital Justice and Procedural Justice

1. Clarifying the concept of Digital Justice

The term digital justice has numerous definitions. This is likely because the concept of digital justice is derived from emerging phenomena in information technology and the judicial system, without any specific legal documents establishing a nomenclature. Definitions in literature then provide important elements that enrich the concept. Hartung (2022), for example, defines digital justice as a dispute resolution process conducted online.¹⁷ In addition, Maroz (2023) argues that digital justice emphasizes the implementation of information technology to improve routine judicial processes (court management), judicial effectiveness and transparency, and public access to justice.¹⁸ Susskind (2020), on the other hand, explains the prerequisites for a judicial reform policy that utilizes information technology to be considered digital justice or an online court as four elements. Each of them is the use of information technology that is increasingly developing over time (exponential rate), increasingly reliable technology (capable), massive platform use (pervasive), and increased connections between stakeholders (connected).¹⁹ Rozha (2021) also defines digital justice as a combination of specific law domains, such as judicial governance with general law, concerning personal data protection, electronic transactions, the right to access information, and protection against cybercrime.²⁰

These definitions provide several important key terms worth highlighting, which in this article will be divided into three groups, chiefly (i) approach to digital justice; (ii) framework of digital justice; and (iii) policy scope in digital justice. **First**, there are two main approaches to understanding the development of digital justice, such as the utilitarian approach and the

17 Hartung, Florian Brunnader, and et al, *The Future of Digital Justice*, 24–44.

18 Raman Maroz, Oleksandra Popova, and Santiago Satizábal Acosta, *Digitizing Court Systems: Benefits and Limitations* (World Bank, Washington, DC, 2023), <https://doi.org/10.1596/40951>.

19 Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press, 2019).

20 Rozha K. Ahmed et al., “A Legal Framework for Digital Transformation,” *SSRN Electronic Journal*, ahead of print, 2021, <https://doi.org/10.2139/ssrn.4182028>.

methodological approach.²¹ The utilitarian approach views digital justice as a legal policy reforming the justice system.²² Because it is a legal policy, digital justice is considered a multi-sectoral initiative in reforming the justice system, involving other branches of government.²³ In the Indonesian context, judicial reform cannot be pursued solely by the Supreme Court as a judicial institution. It also needs to be supported by the executive and legislative branches through the creation of relevant laws.

On the other hand, the utilitarian approach also explains the nature of "reform" presented by digital justice as something incremental, specifically by enhancing existing systems and implementing technology for greater efficiency, or by pursuing radical, fundamental changes to the system.²⁴ Judicial reform in the incremental sense will give rise to automated digital justice policies. This means that trial procedures and governance will be replaced by technology and information. Susskind (2020) defines automation as the implementation of new technology into judicial practice.²⁵ For example, while previously filing trial files was done physically, today technology and information has made it possible to archive them in digital form. Furthermore, reform in radical sense will encourage more transformative policies. This transformative nature can be understood as the use of technology that enables stakeholders to perform tasks that were previously impossible or even unimaginable. This can be seen in the development of Online Dispute Resolution (ODR), where disputes are resolved online, either directly by parties or with the assistance of a third party (a chatbot, artificial intelligence, or online negotiator).²⁶

In contrast to the utilitarian approach, the methodological approach to digital justice places greater emphasis on values, social factors, and political factors. One major question is how to define justice within digital discourse. Susskind (2020) attempts to provide an answer by identifying at least seven

21 Sapna S and Abhishek Sharma Padmanabhan, "Legal Reforms in the Age of Digitization: Setting Realistic Goals," *Journal of Legal and Administrative Innovation (JLAI)* 2, no. 1 (June 2023): 1–15.

22 S and Padmanabhan, "Legal Reforms in the Age of Digitization: Setting Realistic Goals," 1–15.

23 S and Padmanabhan, "Legal Reforms in the Age of Digitization: Setting Realistic Goals," 1–15.

24 Susskind, *Online Courts and the Future of Justice*, 34–35.

25 Susskind, *Online Courts and the Future of Justice*, 34–35.

26 Teresa Rodríguez De Las Heras Ballell, "Legal Challenges of Artificial Intelligence: Modelling the Disruptive Features of Emerging Technologies and Assessing Their Possible Legal Impact," *Uniform Law Review* 24, no. 2 (June 2019): 302–14, <https://doi.org/10.1093/ulr/unz018>.

values related to digital justice.²⁷ The first value is fair decisions, which implies that court decisions must comply with applicable regulations. This is crucial for ensuring certainty and predictability in the application of the law. The second value is fair process. The use of technology in the judicial system must ensure consistent legal procedures and equal respect for all.²⁸ Furthermore, fair process is also characterized by equal opportunity for all litigants to prove their claims. The third value in digital justice is transparency, requiring all trial processes to be open to the public, decisions to be publicly accessible, and performance to be reported regularly.²⁹

The fourth value is accessible to all, which serves as a challenge in digital justice. Digital justice imposes constraints when litigants are not proficient in using technology. Effective digital justice systems and platforms that facilitate litigants are essential.³⁰ The fifth value is appropriately balanced. This value relates to the principle that court resolution must be affordable and relevant to the needs of the trial. The sixth value is enforcement by the state, which positions the government as a public protector. Executions are sometimes quite complex, and government facilities, particularly courts, can assist in achieving justice. The seventh value is sufficiently resourced, meaning that technology in judicial institutions must be stable, highly secure, adequately funded, and appropriate to the needs of the community.

Second, studies discussing frameworks in digital justice can be divided into (i) normative frameworks and (ii) operational frameworks. The normative framework, as outlined by Rozha (2021), focuses on identifying regulations essential to protecting citizens' interests.³¹ Meanwhile, the operational framework, as described by Haftung (2020), focuses on the design of technological systems and workflows in courts.³² These two groups play complementary roles to achieve effectiveness and efficiency while maintaining human rights protection.³³

27 Susskind, *Online Courts and the Future of Justice*, 77–80.

28 Susskind, *Online Courts and the Future of Justice*, 77–80.

29 Denise Meyerson and Catriona Mackenzie, "Procedural Justice and The Law," *Philosophy Compass* 13, no. 12 (December 2018): 1-11, <https://doi.org/10.1111/phc3.12548>.

30 Meyerson and Mackenzie, "Procedural Justice and The Law."

31 Ahmed et al., "A Legal Framework for Digital Transformation," 15–18.

32 Haftung, Florian Brunnader, and et al, *The Future of Digital Justice*, 8.

33 Tom R. Tyler and Avital Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory* (Temple University, 2023), 3–5.

The normative framework can generally be divided into regulations governing case management or court proceedings (domain-specific law) and regulations related to human rights protection (general law). In domain-specific law, reforming the judiciary through technology and information regulations does not always require new legislation.³⁴ Nevertheless, such regulations may be refined by modifying existing legal provisions. Here, the necessary regulations refer to substantive laws that delineate the rights and obligations of relevant parties to facilitate the fair resolution of civil disputes. For example, what are the rights and obligations of plaintiffs in presenting evidence? What are the duties and functions of judges in receiving, examining, and deciding cases? Or how should a lawsuit be structured to facilitate online hearings for the parties?

At the same time, formal law also needs to be adjusted to regulate judicial processes that utilize technology and information. Online court processes, such as e-Court, need to be based on regulations that enable online registration, payment, summons, and trial proceedings.³⁵ Without a clear legal framework, these practices can lead to uncertainty, particularly regarding the validity of electronic signatures, digital evidence, or other forms of online evidence.³⁶

In the context of general law, rules on electronic identity must be developed to safeguard digital identities, ensure data integrity, and define the rights and responsibilities of stakeholders accessing such data.³⁷ Interoperable regulations in digital justice, such as electronic transactions and digital document archiving, are a further necessity. Finally, regulations that are also crucial relate to cybersecurity, which encompasses aspects of privacy, personal data protection, integrity, and system security.³⁸

The operational framework is the practical architecture of digital

34 Ahmed et al., "A Legal Framework for Digital Transformation," 10–12.

35 Nadia Rendak and Damien Eastman, "Legal and Judicial Reform: Recent Developments and Prospects", in *Cambodia Rebuilding for a Challenging Future*, (International Monetary Fund, 2006).

36 Richard Susskind and Daniel Susskind, *The Future of the Professions*, n.d.

37 Meghan E. Leonard, "New Data on Court Curbing by State Legislatures," *State Politics & Policy Quarterly* 22, no. 4 (December 2022): 483–500, <https://doi.org/10.1017/spq.2022.8>.

38 Emma Beames, "Technology-Based Legal Document Generation Services and the Regulation of Legal Practice in Australia," *Alternative Law Journal* 42, no. 4 (December 2017): 297–303, <https://doi.org/10.1177/1037969X17732709>.

justice and draws on the experiences of litigants. Hartung (2020) divides this operational framework into three categories, referred to as the "three-layer framework".³⁹ First, enabler technologies are basic technologies that serve as infrastructure prerequisites to support the digitalization of the justice system.⁴⁰ For example, cloud storage is used to store all trial data. Without it, data leaks and service disruptions are possible. Second, support process solutions are technologies that support administrative and managerial processes in the administration of justice. An important note regarding this category is that a single court may have more than one case management system that requires synchronization.⁴¹ This occurs because innovation is incremental, with new technologies being introduced over time. Third, substantive law solutions are technologies that assist in the transfer of trial tasks previously handled by judges, court clerks, or parties. This last category appears to complement the implementation of stakeholder functions due to the currently low level of technology adoption.⁴² Examples of this category include artificial intelligence in decision-making, trial document analysis, and the creation of other legal documents.

Third, understanding the policy scope of digital justice can be useful for determining the boundaries of authority and policy priorities, so that digital innovation in the justice sector does not proceed in a partial or overlapping manner. One study that comprehensively identifies these boundaries is HiiL (2023).⁴³ There are two groups of policies in digital justice. These are (i) game changers and (ii) government-led tech innovations. Game changers are digital innovations in the judicial system that have the potential to fundamentally change how dispute resolution is conducted. This relates to different experiences for litigants in accessing justice, far more effective and efficient trials, and improved quality of dispute resolution output.⁴⁴ Meanwhile, government-led tech innovations are innovations initiated by the

39 Hartung, Florian Brunnader, and et al, *The Future of Digital Justice*, 7–8.

40 Hartung, Florian Brunnader, and et al, *The Future of Digital Justice*, 7–8.

41 Hartung, Florian Brunnader, and et al, *The Future of Digital Justice*, 7–8.

42 Hartung, Florian Brunnader, and et al, *The Future of Digital Justice*, 7–8.

43 *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation*, 8–12.

44 Jane Donoghue, "The Rise of Digital Justice: Courtroom Technology, Public Participation and Access to Justice", *Modern Law Review* 80, No. 6 (2017): 901-1006.

government to improve public services, including the courts.⁴⁵ This second group includes innovations in the fields of trial software, case management, and other electronic legal services.

Regarding the game-changer group, there are at least three types of policies that can be implemented. First, access and dispute resolution services. This can be realized through community-based platforms to advocate for people in need of legal assistance. Furthermore, policies for online simple dispute resolution are needed. Second, prevention services and legal literacy. Innovations that can be implemented include providing prevention programs when legal problems arise, both private and public. These platforms should also be aimed at improving legal literacy among the public. Third, services related to contracts. Technology allows contracts to be drafted electronically, based on artificial intelligence, and to have a binding force as authentic deeds, with effective regulations and systems.⁴⁶ Regarding the government-led tech innovation group, types of policies that can be implemented include platforms for virtual trials, electronic case management systems, registration systems, payment systems, and monitoring systems.⁴⁷

Policies for both the game-changer and government-led tech innovation groups need to be implemented in a balanced spectrum within the context of automation and transformation. The sustainability of the judicial system is a priority in digital justice. Changes need to be made by improving the existing system while transforming specific areas. If digital justice reforms and policies are introduced in a transformative manner without proper planning, court services for litigants may be disrupted.⁴⁸ Therefore, comprehensive study is needed to ensure the operational effectiveness of the policies to be implemented.

As an affirmation of the limitations of the analysis, this article does not discuss ODR and the use of artificial intelligence in judicial decision-making in depth. This choice is based on contextual considerations that judicial digitalization policies in Indonesia still focus on digitizing services, case

45 *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation.*

46 *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation.*

47 *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation.*

48 Maura R. Grossman and Gordon V. Cormack, "Technology-Assisted Review in E-Discovery Can Be More Effective and More Efficient Than Exhaustive Manual Review", *Richmond Journal of Law and Technology* 17, No. 3 (2011): 40-48.

administration, and trial management. Thus, ODR and artificial intelligence are understood as part of the transformational reform horizon in the global discourse of digital justice but have not yet become institutionalized policy realities in the Indonesian justice system. These restrictions are made consciously to keep the analysis in line with the actual normative and institutional frameworks, as well as to allow for a more precise reading of the tension between digital justice and procedural justice in the context of current civil justice reform in Indonesia.

2. Clarifying the concept of Procedural Justice

The term procedural justice typically arises when law enforcers, such as judges, place too much emphasis on trial formalities without allowing for an assessment of substantive justice.⁴⁹ In the context of civil cases, if a judge declares a case inadmissible for formal reasons, such an approach is considered to overemphasize procedural justice.⁵⁰ However, theoretically, the concept of procedural justice extends beyond the judge's decision in a case to the subjective experiences of litigants.⁵¹ Therefore, the study of procedural justice has evolved through empirical legal studies.⁵²

Further exploration into procedural justice can be guided by examining three theoretical developments. **First**, the Theory of Procedure, pioneered by Thibault and Walker (1975, 1978).⁵³ This theory asserts that procedural justice focuses not on the trial's outcome, but on the degree of control the parties have over the dispute resolution process.⁵⁴ This theory later introduced the concept of "process control," which enables the plaintiff to present their case and the defendant to provide a rebuttal. This emphasis on process then becomes the

49 Anthony Bottoms and Justice Tankebe, "Procedural Justice, Legitimacy, and Social Contexts," in Denise Meyerson, Catriona Mackenzie, and Therese MacDermott (eds), *Procedural Justice and Relational Theory: Empirical, Philosophical, and Legal Perspectives* (London: Routledge, 2021), 86-90.

50 Emanuela Ceva, "The Many Facets of Procedural Justice in Legal Proceedings," in Denise Meyerson, Catriona Mackenzie, and Therese MacDermott (eds), *Procedural Justice and Relational Theory: Empirical, Philosophical, and Legal Perspectives* (London: Routledge, 2021), 185-190.

51 Tyler and Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory*, 10.

52 Tyler and Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory*, 10.

53 John Thibaut and Laurens Walker, *Procedural Justice: A Psychological Analysis* (Hillsdale, NJ: Lawrence Erlbaum Associates, 1975); and John Thibaut and Laurens Walker, "A Theory of Procedure," *California Law Review* 66, No. 3 (1978): 541-559.

54 Russell S. Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis," in *The Oxford Handbook of Justice in the Workplace*, ed. Russell S. Cropanzano and Maureen L. Ambrose (Oxford University Press, 2015), 4-6.

basis for judges to heed the "voice" of litigants in the form of the right to be heard (*audi et alteram partem*) and to be treated equally.⁵⁵

Second, the Justice Judgment Model proposed by Leventhal (1980).⁵⁶ This theory argues that procedural justice can be achieved if the resource allocation process is conducted fairly.⁵⁷ In other words, the justice judgment model hinges on the meaning of justice as distributive justice. To assess whether the process is just, Leventhal (1980) identified six criteria, namely consistency, bias suppression, accuracy, correctability, representativeness, and ethicality. Consistency always relates to the application of the same rules to everyone to avoid arbitrary action by law enforcement.⁵⁸ Bias suppression relates to the resource allocation process, which must be free from vested interests.⁵⁹ Accuracy in court decisions must be based on acceptable, relevant, and material information.⁶⁰ Correctability refers to the availability of legal remedies, either in the form of an appeal or cassation, to correct a decision deemed erroneous.⁶¹ Representativeness means that judges must consider all the interests of the parties.⁶² Finally, ethicality emphasizes that legal procedures must be built on a foundation of moral values and social norms.⁶³ These criteria allow litigants to have control over the allocation process. This is considered as fulfilling the meaning of procedural justice, even if at some point the outcome does not align with the litigant's wishes.

Third, the Group-valued Model by Lind and Tyler (1988). Unlike the previous two theories, Lind and Tyler attempt to promote the discourse of procedural justice, not as the fulfillment of individual interests, but as a symbolic value for social identity.⁶⁴ Their main premise is that procedural justice is not only concerned with fulfilling the rights of the injured party but

55 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis," 4–6.

56 G. S. Leventhal, "What Should Be Done with Equity Theory? New Approaches to the Study of Fairness in Social Relationships," in *Social Exchange: Advances in Theory and Research*, ed. K. Gergen, M. Greenberg, and R. Willis (New York, NY: Plenum Press, 1980), 27–55.

57 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis," 6–8.

58 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

59 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

60 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

61 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

62 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

63 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

64 E. Allan Lind and Tom R. Tyler, *The Social Psychology of Procedural Justice* (New York, NY: Plenum Press, 1988), 84-90.

also as a means of recognizing, respecting, and demonstrating one's status within the group. One of the main topics discussed in this theory concerns the legitimacy of authority. According to Lind and Tyler, this legitimacy is built on procedures that reflect the basic values of a social group. These core values are then embodied in three elements. Those are neutrality, trust, and recognition of individual status through polite and respectful treatment.⁶⁵

The Group-valued Model has become an important theory for understanding procedural justice and has been further developed in numerous studies. Tyler and Mentovich (2023), for example, mapped the concept of procedural justice into two concepts. First, the fairness of decision-making. Procedural justice, understood primarily as a process, is realized when all parties can participate and provide input during decision-making. In the judicial context, litigants should be able to present their evidence fairly before the judge. Additionally, the decision-making process must be transparent and easily understood by all parties. Judges, as impartial actors in the civil justice system, are expected to remain neutral, objective, and fair in their rulings. The final point regarding this decision-making process is that all procedural rules must be implemented consistently over time.⁶⁶

Second, the fairness of interpersonal treatment. This mandates that authorities respect citizens' rights in their pursuit of justice.⁶⁷ This respect is demonstrated not only through polite and respectful treatment, but also through concrete actions that consider the impact and respond to citizens' needs. Finally, authorities are also required to provide litigants with honest and open explanations of all matters relating to their cases.⁶⁸ These two concepts can serve as indicators of whether a legal event is deemed to have fulfilled procedural justice.

65 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis."

66 Tyler and Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory*, 10; Steven L. Blader and Tom R. Tyler, *What Constitutes Fairness in Work Settings? A Four-Component Model of Procedural Justice*, 13, no. 1 (2003): 107–26; Blader and Tyler, "A Four-Component Model of Procedural Justice," 747–58.

67 Tyler and Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory*, 10; Blader and Tyler, *What Constitutes Fairness in Work Settings? A Four-Component Model of Procedural Justice*, 107–26; Blader and Tyler, "A Four-Component Model of Procedural Justice," 747–58.

68 Tyler and Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory*; Blader and Tyler, *What Constitutes Fairness in Work Settings? A Four-Component Model of Procedural Justice*, 107–26; Blader and Tyler, "A Four-Component Model of Procedural Justice," 747–58.

C. Reforming of Civil Procedure in Indonesia

The civil justice system in Indonesia is implemented under the "general courts", both at the district court, high court, and Supreme Court levels.⁶⁹ Based on Law Number 34 of 2009 concerning Judicial Power, general courts have the authority to receive, examine, and decide civil and criminal cases. With regard to the settlement of civil cases, the legal basis used in Indonesian civil procedural law includes the *Herzien Inlandsch Reglement (HIR)*, which applies in Java and Madura, the *Reglement op de Rechtsvordering voor de Buitengewesten (RBg)*, which applies outside Java and Madura, and the *Reglement op de Rechtsvordering (Rv)*, which previously regulated civil procedural law for the European group. The differences in these provisions are inseparable from historical factors during the Dutch colonial period in Indonesia. All previous regulations, if not yet established, remain applicable under Article 2 of the Transitional Provisions of the 1945 Constitution of the Republic of Indonesia. However, currently, these three regulations are treated equally and comprehensively throughout Indonesia without any regional distinction. Therefore, their relationship is more complementary. In addition to the HIR, RBg, and Rv, other regulations that serve as references for civil procedural law in Indonesia include laws concerning judicial power, Supreme Court regulations, jurisprudence, and other circulars.⁷⁰

The civil justice system in Indonesia operates through several stages. First, drafting and registering a lawsuit. The plaintiff, as the party suffering a loss, files a lawsuit that essentially contains (i) the identity of the parties to be involved in the case, (ii) a description of the legal facts and the legal basis for the lawsuit, and (iii) a demand requesting compensation.⁷¹ Prior to 2019, the lawsuit registration process was conducted in the district court where the defendant resides, with the plaintiff bringing the physical lawsuit documents and necessary evidence. Second is mediation. The parties are required to undergo mediation in court before proceeding to the hearing stage. This obligation is based on the consideration that disputes can harm the parties materially

69 The term "general court" typically refers to a court that handles ordinary civil and criminal cases, as opposed to specialized courts such as religious, military, or tax courts.

70 Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia* (Yogyakarta: Liberty, 2002), 40-60.

71 M. Yahya Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata* (Jakarta: PT Gramedia Pustaka Utama, 1993), 11-43.

and relationally. Mediation is always concerned with restoring relationships and maintaining order.⁷² Third, if mediation fails, the next procedure is a question-and-answer process, where the plaintiff reads their lawsuit and the defendant reads their response.⁷³ Fourth, an interlocutory decision is issued by the judge if there are formal grounds to stop the case examination. Fifth, the presentation of evidence. This stage is the most crucial because the parties' arguments will be confronted with the available evidence.⁷⁴ Sixth, the conclusion. The parties prepare their final statements, which summarize the entire trial process.⁷⁵ Seventh, the verdict. The judge will provide their legal considerations regarding the lawsuit and then issue a decision.⁷⁶ There are three possible verdict options: an affirmative decision, a rejection if the plaintiff's arguments are not proven, and an inadmissible decision if there are formal deficiencies. Eighth, the execution of a civil judgment. In Indonesia, enforcement can occur through court-mandated execution, private execution, or execution via the auction office.⁷⁷

Concerning the stages of the civil justice system, there are several important considerations. First, reliance on physical documents and in-person court appearances makes the civil justice system expensive and time-consuming. For example, the World Bank (2020) noted that the resolution time for contract enforcement in Indonesia can be as long as 403 days.⁷⁸ Second, there are obstacles for the public to access court decisions, even though the Supreme Court currently maintains a Case Tracking Information System (SIPP). Third, transparency and accountability are important in relation to judges involved in corruption cases.⁷⁹

72 Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata*, 11–43.

73 Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata*, 11–43.

74 Lilik Mulyadi, *Hukum Acara Perdata Menurut Teori dan Praktik Peradilan Indonesia* (Jakarta: Djambatan, 1998), 15-27.

75 Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata*, 11–43.

76 Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata*, 11–43.

77 Suherman, Heru Sugiyono, and Muthia Sakti, *Hukum Acara Perdata Indonesia: Dalam Teori dan Praktik* (Jakarta: Raja Grafindo Persada, 2025), 113-120.

78 World Bank, “Doing Business 2020: Enforcing Contracts”, available at <https://archive.doingbusiness.org/en/data/exploretopics/enforcing-contracts> (accessed on 16 October 2025).

79 Anggita Doramia Lumbanraja, “Perkembangan Regulasi dan Pelaksanaan Persidangan Online di Indonesia dan Amerika Serikat selama Pandemi Covid-19,” *Jurnal Crepido* 2, no. 1 (2020): 46-58.

In response to these conditions, the need for civil justice system reform with an emphasis on digitalization has emerged. This is what Engstrom (2022) calls "digital civil procedure."⁸⁰ The judicial reforms undertaken can be seen as a shift from the "institutional point" to the "functional point".⁸¹ The institutional point is marked by the establishment of new judicial institutions: (i) independent courts consisting of general courts, religious courts, military courts, and state administrative courts; and (ii) dependent courts under the auspices of independent courts, such as corruption courts, fisheries courts, and others. The value achieved at the institutional point is legal certainty regarding the court's jurisdiction in handling a case.

Meanwhile, from a functional point of view, the question posed is not which judicial institution to establish, but how to improve court effectiveness. There are at least three answers to this question. First, courts should be able to respond to real-world demands, particularly in evolving disputes such as commercial, consumer, and industrial relations disputes. Second, courts must also continue to uphold the core principles of fairness, transparency, access to justice, and others. Third, courts need to maintain a balanced position in the flow of judicial reform, balancing transformative and radical change.⁸²

The shift in civil justice system reform in Indonesia from an institutional to a functional point is due to two shifting factors. First, traffic rules, which entail a procedural shift from in-person to online-based courts. This requires faster, more effective, and more flexible trials. This is achieved through the utilization of court systems and information. At the policy level, these traffic rules are embodied in two policies: e-court and e-mediation. In e-court, litigants can conduct registration, payment, summons, and trial proceedings online through a website and documentation. Similarly, in e-mediation, litigants can conduct the mediation process virtually to address distance issues.

Second, information rules relate to data governance in court. From this perspective, courts are no longer merely institutions that resolve citizen disputes, but also institutions that control data. Therefore, courts have at least three new functions. Each court will evaluate digital evidence and archive it

80 Engstrom, "Digital Civil Procedure," 1–10.

81 Susskind, *Online Courts and the Future of Justice*, 88.

82 Susskind, *Online Courts and the Future of Justice*, 34–35.

(data user), control access to trial data (data dispenser), and be responsible for the regulation and protection of trial data (data regulator).⁸³ Based on these factors, one of the policies established by the Supreme Court is the Case Tracking Information System (SIPP). SIPP allows for the digital recording, tracking, and publication of all stages of a case.⁸⁴

Table 1. Functional Policies in Civil Justice Reform in Indonesia

No.	Factors	Types	Year	Regulations
1	Traffic Rules	e-Court	2019	Supreme Court Regulation No. 1/2019
		Electronic Mediation	2022	Supreme Court Regulation No. 3/2022
2.	Information Rules	Case Tracking Information System (SIPP)	2019	Decision of the Head of the Supreme Court No. 71/KMA/SK/IV/2019

Source: Data processed by the author, 2025.

It appears that civil justice reform is not yet complete and still leaves a number of challenges in terms of technical, resource, and regulatory. The first challenge is the inadequate synchronization of data between district courts, high courts, and the Supreme Court.⁸⁵ This has led to disparities in the recording of case information. Further challenges include occasional overloading of court servers and cybersecurity threats, resulting in potential data loss. Furthermore, another challenge is the distribution of court staff with information technology competence.⁸⁶ In courts located in rural areas, this limited human resources means that online court services are less than optimal.⁸⁷ The final challenge is the need for a single regulatory umbrella regarding the use of information technology in courts to harmonize regulations

83 David F. Engstrom, “The New Judicial Governance: Courts, Data, and the Future of Civil Justice,” *DePaul Law Review* 72, no. 2 (2022): 171–79.

84 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024*, 88-150.

85 Zil Aidi, “Implementasi E-Court Dalam Mewujudkan Penyelesaian Perkara Perdata Yang Efektif Dan Efisien,” *Masalah-Masalah Hukum* 49, no. 1 (January 2020): 80–89, <https://doi.org/10.14710/mmh.49.1.2020.80-89>.

86 Hukumonline, *Catatan Kritis 5 Guru Besar Hukum Acara Perdata Tentang E-Court* (n.d.), accessed October 16, 2025, <https://www.hukumonline.com/berita/baca/lt5b72a77076d07/catatan-kritis-5-profesor-hukum-acara-perdata-tentang-e-court>.

87 Hukumonline, *Catatan Kritis 5 Guru Besar Hukum Acara Perdata Tentang E-Court*.

on personal data protection, electronic transactions, and evidence law. Therefore, strengthening the functional approach to civil justice reform needs to be directed at aspects of court infrastructure and competence.

D. The Dialectics of Procedural Justice and Digital Justice

The term “dialectics” in this section is used in the sense of normative dialectics: the relationship of tension between procedural justice and digital justice. Instead of affirming and complementing, they limit each other. The analysis is focused on mapping the areas of friction and convergence between the two frameworks in the context of technology-based civil justice reform. From this tension, a normative synthesis in the form of a digital procedural justice framework was formulated as a theoretical basis for assessing the direction of digital justice reform.

1. Areas of Friction and Convergence

Based on the discussion in the previous sub-chapter, it is clear that digital justice and procedural justice are built on two distinct characteristics. Digital justice, on the one hand, rests on systemic characteristics that require efficiency, consistency, and clear system benchmarks. On the other hand, procedural justice is rooted in human characteristics that emphasize respect, experience, and social trust in the civil justice system. Comparing the two will give rise to a dialectic in three areas of friction: (i) approach, (ii) framework, and (iii) values.

First, in the area of approach, friction arises between the utilitarian approach in digital justice and the Theory of Procedure in procedural justice. The former views the digitalization of justice as a public policy instrument to reform the justice system by promoting efficiency and effectiveness in case resolution.⁸⁸ Therefore, the utilitarian approach is oriented towards improving the performance of judicial institutions and reducing administrative burdens through systems and information. In contrast, the Theory of Procedure argues for the importance of process control, namely the extent to which the parties retain control over the civil trial process. Tensions can arise when innovations in e-Court and SIPP introduce automation, potentially transferring control from the parties to the system. As a result, process control and participatory experience may be replaced by system control.

88 Cropanzano et al., “Procedural Justice: A Historical Review and Critical Analysis,” 4–6.

Second, tensions occur between the operational framework of digital justice and the Justice Judgment Model of Leventhal (1980). Hartung (2020) proposes an operational framework with three layers, focusing on system synchronization and workflow efficiency. The framework is based on the idea that justice system processes can be identified and managed using digital tools. Meanwhile, the Justice Judgment Model holds that justice arises from consistency, compliance, and ethicality, built on moral considerations in all procedural steps. Friction then arises when systems and information operate according to programming languages, precluding the opportunity for human morality to provide corrections.

Third, friction also arises in the area of values in digital justice (fair process, transparency, accessibility to all) and the Group-valued Model (Lind & Tyler, 1988) of procedural justice. Digital justice defines fairness as equal treatment for litigants in accessing, recording, and verifying the results of digitalized justice.⁸⁹ Meanwhile, the Group-valued Model interprets fairness as something symbolic and relational where litigants are recognized, respected, and involved in ways that affirm their human dignity. Personal interactions in the trial process, which constitute the symbolic dimension of fairness, are then reduced by digital interactions.⁹⁰ Thus, the friction between digital justice and procedural justice can be said to be an epistemic dialectic in understanding justice.

Table 2. Direction of Friction between Digital Justice and Procedural Justice

Dialectical Area	Digital Justice	Procedural Justice
Approach	The Utilitarian Approach emphasizes digitalization as a public policy instrument.	The Theory of Procedure emphasizes process control as the participatory right of parties in the judicial process.

89 E. Allan Lind and Tom R. Tyler, *The Social Psychology of Procedural Justice* (New York: NY: Plenum Press, 1988), 84.

90 Tyler and Mentovich, *Mechanisms of Legal Effect: Procedural Justice Theory*, 10.

Framework	The Operational Framework focuses on system synchronization, efficiency, and process control through technology.	The Justice Judgment Model emphasizes fairness based on consistency, correctability, and ethicality.
Value	Fairness is realized through equal treatment of all system users.	The Group-valued Model emphasizes justice as symbolic and relational.

Source: Data processed by the author, 2025.

Furthermore, regarding areas of convergence between digital justice and procedural justice, it is important to remember that the fundamental goal of the justice system is to achieve lawful and professional judgment delivered by an impartial court.⁹¹ This article argues that the tension between digital justice and procedural justice is not destructive, but rather complementary, each serving its own role in achieving this goal. Procedural justice can be used as an ethical guideline to ensure that systems and information do not lose their orientation to human experience. Therefore, there are three areas of convergence between digital justice and procedural justice: (i) transparency and consistency; (ii) participation or voice; and (iii) accountability and legitimacy.

First, by comparing digital justice and procedural justice, this article aims to demonstrate the overlap between the values of transparency and fair process in digital justice and the values of consistency and accuracy in the justice judgment model (Leventhal, 1980). Policies such as the SIPP at the Supreme Court, which allows for online case data tracking and access to decisions, will only strengthen the principles of transparency and consistency. In this regard, digitalization of justice has the potential to strengthen predictability and legal certainty, two prerequisites for fair decision-making in procedural justice. Transparency of data and the judicial system will undoubtedly enhance public legitimacy. Therefore, digital justice becomes an instrument for realizing procedural justice that embodies the values of justice.

Second, the area of convergence also addresses the aspects of participation and voice. Innovations such as e-Court and e-Mediation provide broader access

⁹¹ Attila Badó, *Fair Trial and Judicial Independence: Hungarian Perspectives* (Cham: Springer, 2017), 2-15.

for litigants, particularly for Indonesians living in rural areas, to participate in the legal process. This aligns with the notion of process control and voice in the Theory of Procedure (Thibault & Walker, 1975), which emphasizes that every party has the right to participate and be involved in the entire judicial process. Although the form of participation has shifted from in-person to online courts, the substance of this participation must be maintained alongside accountability for systems and information. One concern in this context is the disparity in access and technological literacy within the community.⁹² In rural areas, the internet may be less of a basic need than other basic needs. As a result, exposure to systems and information becomes limited. If this is not addressed through the provision of facilities, education, and court services, the litigants' active participation will be neglected.

Third, the final area of convergence is accountability and legitimacy. Digital justice enables objective evaluation of court procedures, including monitoring of judicial officials through SIPP or e-Court policies. This will undoubtedly support the values of neutrality and trustworthiness in the Group-valued Model (Lind & Tyler, 1988). This is due to the public's assessment of court performance being based on data, not mere perception. Finally, systems and information in the judicial system are not merely tools for efficiency but also efforts to realize procedural values. In this context, automation should be able to institutionalize justice through open, traceable, and respectful court governance.

Table 3. Direction of Convergence between Digital Justice and Procedural Justice

Convergence Area	Digital Justice	Procedural Justice
Transparency & Fair Process	SIPP enables data tracking and online access to decisions, supporting transparency and legal certainty.	The Justice Judgment Model emphasizes consistency and accuracy as the basis for procedural fairness.
Participation & Voice	e-Court and e-Mediation expand access for litigants, including those from rural communities, to participate online.	The Theory of Procedure emphasizes the rights of parties to follow and participate in the trial process.

92 Cropanzano et al., "Procedural Justice: A Historical Review and Critical Analysis," 4–10.

Accountability and Legitimacy	Digital systems enable objective evaluation of judicial performance, supporting transparency and public trust.	The Group-valued Model emphasizes symbolic and relational justice, respecting the dignity and legitimacy of litigants.
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Source: Data processed by the author, 2025.

2. Theoretical Framework of Digital Procedural Justice

The transition to civil justice reform in Indonesia has given rise to a dialectic between digital justice and procedural justice. Hence, this article seeks to position both within the framework of "digital procedural justice." The key concept is that technological and information developments must align with normative commitments to achieve justice within the civil justice system.

Justice delivered using technology is characterized by effectiveness.⁹³ This effectiveness is often interpreted in terms of proportionality of cases received and resolved, adherence to statutory timelines, and affordability of proceedings.⁹⁴ Furthermore, predictability is important for litigants, as it concerns whether the procedures followed are in accordance with established procedures. The final value is accuracy, where judicial technology and information systems manage data appropriately and accurately. Initial progress in Indonesia's analysis of these three values can be observed in the performance of the e-Court system. E-Court itself enables litigants to register, pay fees, issue summon, and even conduct trial proceedings online. According to the Supreme Court's 2024 report, the number of cases in district courts reached 129,263, of which 127,661, or 98.76%, used e-Court.⁹⁵ From 2021 to 2024, e-Court usage increased by 1.56%, paralleled by a 78.50% increase in satisfaction with district court decisions.⁹⁶ This positive trend indicates that e-Court is a driving force behind court effectiveness, a key value in digital justice.

Procedural justice places a strong emphasis on the case resolution process. This makes participation, or voice, a key priority. Litigants must be given

93 Susskind, *Online Courts and the Future of Justice*, 121–25.

94 Susskind, *Online Courts and the Future of Justice*, 170–76.

95 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024*, 129.

96 Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024*, 104.

equal opportunities to be heard (*audi et alteram partem*), to prove their rights or arguments (*actori incumbit probatio*), and to have their claims considered in the court's decision.⁹⁷ Furthermore, the concept of justice is characterized by respect for litigants and procedures across the civil justice system. This respect is manifested in the provision of comprehensive court services, the absence of discrimination, and the maintenance of consistency over time. Procedural justice is also considered achieved when the court is neutral and impartial in handling cases. Intervention, corruption, and preferential treatment must be considered extraordinary violations if committed by the court because they violate the most fundamental philosophical idea for humans, which is autonomy in reading the categorical imperative.⁹⁸ Procedural justice in the current Indonesian context has at least been accommodated at the legislative level. The principles above are stipulated in Law Number 48 of 2009 concerning Judicial Power and the administrative guidelines for the settlement of civil cases. At the level of law enforcement, corruption cases continue to implicate judges in district courts, as illustrated by the CPO corruption case.⁹⁹ Furthermore, public confidence in the judiciary is weakened, partly due to the complex and time-consuming enforcement of civil judgement.¹⁰⁰

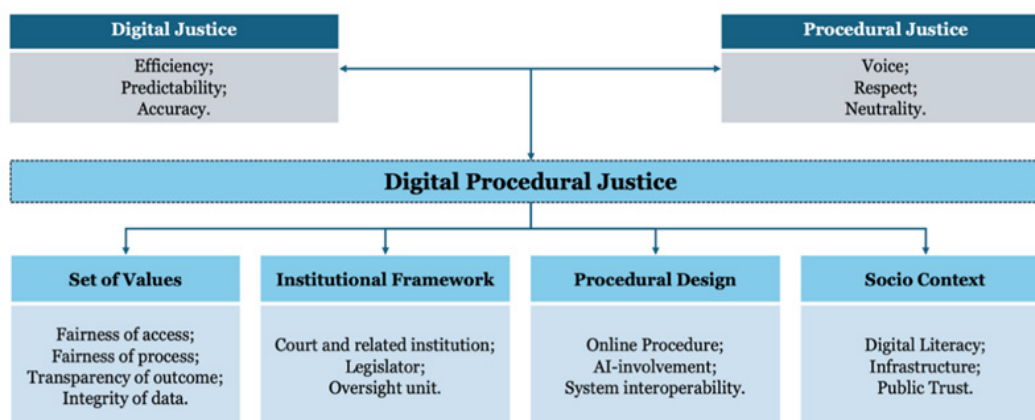
The assessment of Indonesia's digital and procedural justice highlights the urgency of conceptualizing digital procedural justice. This digital procedural justice serves as a legal framework for stakeholders in Indonesia in formulating and evaluating civil justice reforms utilizing technology and information. This evaluation is certainly directed at regulating and fulfilling justice in the civil justice system. Therefore, this article assesses at least four important factors within the digital procedural justice framework: (i) a set of values, (ii) an institutional framework, (iii) procedural design, and (iv) socio-context.

97 Zaenal Arifin Mochtar and Eddy O. S. Hiarij, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum* (Depok: Red and White Publishing, 2021), 97–177.

98 Mochtar and Hiarij, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum*, 247.

99 Radhiyya Indra, "Court Officials Arrested over Acquittal in Palm Oil Corruption Case," *The Jakarta Post*, <https://www.thejakartapost.com/indonesia/2025/04/14/court-officials-arrested-over-acquittal-in-palm-oil-corruption-case.html> (accessed on 16 October 2025).

100 Ady Thea DA, "Komisioner KY Beberkan 6 Perspektif Masyarakat Terhadap Pengadilan," *Hukumonline*, <https://www.hukumonline.com/berita/a/komisioner-ky-beberkan-6-perspektif-masyarakat-terhadap-pengadilan-lt629d75619e743/?page=2> (accessed on 16 October 2025).

Figure 1. Framework of Digital Procedural Justice

Source: Data processed by the author, 2025.

First, this set of values forms the foundation of digital procedural justice, constructed by examining the "area of convergence" between digital justice and procedural justice. Four values underpin digital procedural justice: fairness of access, fairness of process, transparency of outcome, and integrity of data. The first value emphasizes how a digital-based civil justice system reaches all levels of society with equal access. Challenges to fulfilling this value include Indonesia's archipelagic geography, unequal digital literacy, and suboptimal public access to online court infrastructure, such as the internet.¹⁰¹ The second value, fairness of process, requires that virtual, online, and digital spaces accommodate litigants' participation in presenting arguments and providing evidence, and having their claims considered by judges. This requires revising Indonesia's civil evidence law to broaden the use of electronic evidence and its authentication. Additionally, support must be provided for people with disabilities, the uneducated, and others with special needs, ensuring that technological advancements do not reduce participation or voice in the civil court process.

The third value, transparency of outcome, emphasizes the importance of (i) traceability of the trial process and (ii) access to court decisions. With platforms such as e-Court, case examinations are primarily conducted through documentary evidence by judges. Therefore, parties should be able to track the progress of document review and access a court calendar to monitor procedural

101 Aidi, "Implementasi E-Court Dalam Mewujudkan Penyelesaian Perkara Perdata Yang Efektif Dan Efisien."

timelines. Additionally, unless a decision is confidential, it should be made available on the court's platform. Systems such as the SIPP are an important indicator of the Supreme Court's fulfillment of this value. The fourth value, data integrity, aims to enable courts to process and analyze existing decisions into jurisprudence, academic references, and lists of ethics derived from trial practice. This active role of the courts needs to be complemented by oversight to ensure that court data does not lead to bias, distortion, or falsification of the formal truth of the cases being tried.

Third, procedural design is the third factor in digital procedural justice. This procedural design needs to consider (i) the trial process to be digitized, (ii) the form of innovation to be implemented, and (iii) the hardware and software requirements to implement the innovation. For instance, the stages to be digitized include the trial process, covering the reading of the lawsuit, responses, interim decisions, presentation of evidence, conclusions, and the verdict. In cases with special needs, certain steps, such as presenting evidence, may take place on alternative platforms like virtual meetings. Digitization can be implemented through innovations such as e-Court, online courts, virtual reality hearings, and web-based court platforms. These innovations require equipment such as high-performance computers, reliable servers and cloud systems, fast and widespread internet access, and technologically skilled court personnel. This procedural design offers a coherent plan for implementing digital procedural justice. At some point, artificial intelligence can be utilized to replace the roles of parties or judges in collecting, analyzing, and producing certain legal documents. However, issues requiring considerations of justice, efficiency, and legal certainty, where judgment and conscience are needed, remain the responsibility of the judge or the parties. Thus, in the early stages, artificial intelligence serves as an automation tool rather than as a decision-maker.

Fourth, this final factor requires attention to ensure that the human side of the system's users is accommodated within digital procedural justice. The public needs to develop digital literacy through school education, online and offline outreach, and other creative approaches such as competitions and entertainment. All of these factors need to be encouraged to ensure that a reliable system can function effectively, and users can utilize it optimally.

This also includes supporting infrastructure, such as internet networks and court service assistance for the underprivileged. A dependable system and user satisfaction will naturally build public trust in the digital civil justice system. This trust only arises from positive public experiences over time. As described above, the interaction between digital justice and procedural justice produces both friction and convergence, resulting in the development of a digital procedural justice framework. This framework aims to ensure information system efficiency while preserving human experience as an expression of justice. It can also serve as an alternative tool for assessing civil justice reform in a country or for comparative studies, thereby contributing to the understanding of civil justice reform.

E. Conclusion

This article confirms that civil justice reform in Indonesia has shifted from an institutional approach to a functional transformation that is increasingly mediated by digital technology. This shift not only brings efficiency in governance and case resolution but also raises normative tensions between the rationality of digital systems and procedural justice principles oriented towards participation, respect, and legitimacy of the judicial process. Through a dialectical reading of digital justice and procedural justice, this article shows that the relationship between the two is not antagonistic but rather they limit each other while allowing for the formation of a more coherent normative synthesis.

The main theoretical contribution of this article lies in the formulation of a digital procedural justice framework, which is positioned as a normative and evaluative tool for assessing the direction and design of technology-based judicial reform. This framework serves to ensure that the acceleration of judicial digitalization does not reduce the meaning of justice to a mere issue of system efficiency and performance. Instead, it remains rooted in human experience, meaningful participation, and process integrity. By identifying four key elements, which are a set of values, an institutional framework, procedural design, and a social context, the framework provides a conceptual foundation for a critical reading of digital justice policy in Indonesia.

Furthermore, the digital procedural justice framework is not intended as a closed construction in the national context alone but opens up the possibility

of comparative application in other jurisdictions that experience similar dynamics in digital justice reform. At the same time, the limitations of this article point to the need for further research, in particular comparative studies and empirical research on the experiences of the parties in digital justice. Thus, digital procedural justice is expected to function not only as a theoretical analysis framework, but also as a normative horizon for the development of a fair and sustainable digital civil court.

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