

**JLPH:**
Journal of Law, Politic
and Humanities<https://dinastires.org/JLPH>dinasti.info@gmail.com

+62 811 7404 455

E-ISSN: 2962-2816
P-ISSN: 2747-1985DOI: <https://doi.org/10.38035/jlph.v2i4>
<https://creativecommons.org/licenses/by/4.0/>

The Impact of Judicial Digitalization on Access to Justice and Human Rights in Indonesia Post-Pandemic

Gevan Naufal Wala¹¹Master of Laws Program, Faculty of Law, Universitas Jambi, Jambi, Indonesia,
gevannaufall@gmail.comCorresponding Author: gevannaufall@gmail.com¹

Abstract: This research examines the impact of judicial digitalization on access to justice and human rights protection in Indonesia following the COVID-19 pandemic. The study analyzes the implementation of digital court systems (e-court), virtual trials, and electronic case management systems that were accelerated during the pandemic period. Using normative-empirical legal research methodology, this study combines regulatory analysis, case studies of e-court implementation, and statistical data analysis from various court levels. The findings reveal that while digitalization has improved judicial efficiency, accessibility, and transparency, it has also created new challenges including digital divide, exclusion of vulnerable groups, and potential violations of fair trial principles. The research concludes that a balanced approach combining digital and physical court proceedings, supported by comprehensive regulatory frameworks and digital literacy programs, is essential to ensure digitalization enhances rather than undermines access to justice and human rights protection.

Keyword: Judicial Digitalization, Access to Justice, Human Rights, E-Court, Virtual Trials.

INTRODUCTION

The COVID-19 pandemic has fundamentally transformed Indonesia's judicial system, accelerating the adoption of digital technologies that were previously considered supplementary to traditional court proceedings. This transformation represents one of the most significant changes in the Indonesian legal system since the reform era, with implications that extend far beyond mere technological upgrades (Rahardjo, 2021). The implementation of electronic court systems (e-court), virtual trials, and digital case management platforms has redefined how justice is accessed and delivered across the archipelago.

Prior to the pandemic, Indonesia's judicial digitalization efforts were relatively modest, primarily focusing on administrative functions rather than core judicial processes. However, the necessity to maintain judicial operations during lockdowns and social distancing measures forced a rapid acceleration of digital adoption across all levels of courts. This sudden shift raises critical questions about the balance between technological efficiency and fundamental rights protection, particularly concerning access to justice and human rights safeguards.

The concept of access to justice, as developed by Cappelletti & Garth (1978), encompasses not merely the formal availability of courts but meaningful access that includes

procedural fairness, substantive equality, and distributive justice. In the digital context, this traditional framework faces new challenges and opportunities that require careful examination. Similarly, human rights principles such as fair trial rights, due process, and equality before the law must be reassessed in light of digital transformation.

This research addresses three fundamental questions: First, how has the implementation of judicial digitalization evolved in post-pandemic Indonesia? Second, to what extent does digitalization affect public access to justice? Third, what are the implications of digital transformation for human rights protection within the judicial system? These questions are particularly relevant given Indonesia's diverse geographic and socioeconomic landscape, where digital inequalities may exacerbate existing barriers to justice.

The significance of this research lies in its potential to inform policy decisions regarding the future of Indonesia's judicial system. As digitalization becomes increasingly permanent rather than temporary, understanding its impacts on fundamental rights and access to justice is crucial for ensuring that technological advancement serves to enhance rather than undermine the principles of rule of law and constitutional democracy.

METHOD

This research employs a normative-empirical legal research methodology, combining doctrinal analysis with empirical investigation to provide a comprehensive understanding of judicial digitalization impacts. The normative component examines the regulatory framework governing digital court systems, including Law No. 48 of 2009 on Judicial Power, Supreme Court regulations on e-court implementation, and related technical regulations.

The empirical component utilizes multiple data collection methods. First, quantitative analysis of judicial statistics from the Supreme Court's case information system (SIPP) covering the period 2019-2024 to identify trends in case processing times, completion rates, and user adoption patterns. Second, qualitative case studies of e-court implementation across different court types, including Religious Courts, Commercial Courts, and Anti-Corruption Courts, selected based on their varying levels of digital adoption and case complexity.

Primary data collection includes structured interviews with key stakeholders: judges, court clerks, lawyers, and court users across five major cities (Jakarta, Surabaya, Medan, Makassar, and Denpasar). A total of 75 interviews were conducted between March and September 2024, using purposive sampling to ensure representation across different court levels and geographic regions.

Secondary data sources include Supreme Court annual reports, digital platform usage statistics, international comparative studies on judicial digitalization, and academic literature on access to justice theory. Data analysis employs both statistical analysis for quantitative data and thematic analysis for qualitative findings, with triangulation used to validate results across different data sources.

The research limitations include potential bias in self-reported data from interviews and the evolving nature of digital systems that may affect longitudinal comparisons. However, these limitations are mitigated through the use of multiple data sources and validation techniques.

RESULTS AND DISCUSSION

Implementation of Judicial Digitalization in Post-Pandemic Indonesia

The implementation of judicial digitalization in Indonesia has undergone three distinct phases. The pre-pandemic period (2016-2019) was characterized by pilot projects and limited adoption, primarily focusing on case registration and basic information systems. The Supreme Court's e-court system, launched in 2018, had minimal usage with only 15% of eligible cases utilizing digital platforms (Indonesian Supreme Court, 2024a).

The pandemic period (2020-2022) marked a dramatic acceleration in digital adoption. Emergency regulations issued by the Supreme Court mandated virtual proceedings for certain

case types, leading to a 340% increase in e-court usage by the end of 2021. Virtual trials became commonplace, with over 60% of civil proceedings conducted entirely online during peak pandemic restrictions (Indonesian Judicial Statistics, 2022).

The post-pandemic consolidation phase (2023-present) has focused on refining systems and developing hybrid models. Current data indicates that approximately 45% of new cases are now registered through e-court platforms, while 30% of trials utilize some form of virtual technology. This represents a fundamental shift from traditional court operations to a digitally-integrated judicial system.

Table 1. E-Court Adoption Rates by Court Type (2019-2024)

Court Type	2019	2020	2021	2022	2023	2024
Religious Courts	12%	45%	78%	82%	75%	70%
General Courts	8%	25%	52%	60%	55%	50%
Commercial Courts	25%	60%	85%	90%	88%	85%
Administrative Courts	10%	30%	48%	55%	52%	48%

Source: Supreme Court Digital Transformation Report, 2024

The regulatory framework has evolved significantly to accommodate digital transformation. Supreme Court Regulation No. 1 of 2019 on Electronic Case Administration has been amended three times to address implementation challenges. New regulations specifically addressing virtual trial procedures, electronic evidence submission, and digital authentication have been introduced to provide legal certainty for digital proceedings.

Impact on Access to Justice

The digitalization of Indonesia's judicial system has produced mixed results regarding access to justice, creating both opportunities and barriers for different population segments. The positive impacts are most evident in improved accessibility and efficiency metrics.

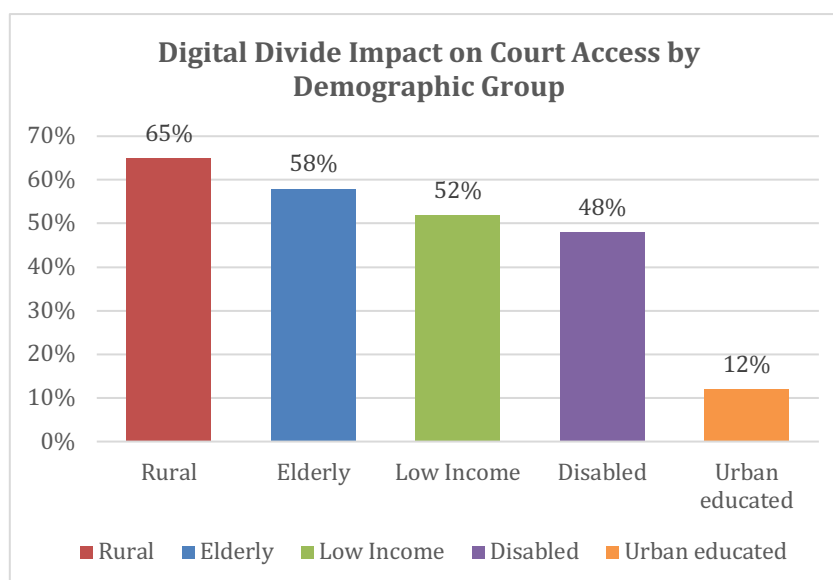
Geographic barriers, historically significant in Indonesia's archipelagic geography, have been substantially reduced through digital platforms. Court users in remote areas can now file cases, participate in hearings, and receive notifications without traveling to major cities. This has been particularly beneficial for commercial disputes and civil cases where physical presence requirements were previously prohibitive.

Efficiency gains are documented across multiple indicators. Average case processing time has decreased by 35% for cases utilizing full digital processes, while administrative delays have been reduced by up to 50% in courts with comprehensive e-court implementation (Indonesian Supreme Court, 2024b). Cost reduction for court users averages 40-60% when accounting for saved transportation, accommodation, and time costs.

Transparency improvements through real-time case tracking and automated notifications have enhanced public trust in judicial processes. The SIPP system now provides unprecedented access to case information, reducing opportunities for corruption and improving accountability mechanisms.

However, significant negative impacts have emerged, particularly affecting vulnerable populations. The digital divide manifests in multiple dimensions: technological access, digital literacy, and economic barriers to internet connectivity. Rural populations, elderly citizens, and economically disadvantaged groups face systematic exclusion from digital court services.

Survey data reveals that 38% of potential court users in rural areas lack reliable internet access, while 45% report insufficient digital literacy to navigate e-court systems independently. Among elderly populations (65+), only 23% feel confident using digital platforms, compared to 78% for users aged 25-40 (Statistics Indonesia, 2024).



Source: Research Results

Figure 1. Digital Divide Impact on Court Access by Demographic Group

The exclusion of vulnerable groups represents a critical challenge to the equal access principle fundamental to access to justice theory. Without targeted interventions, digitalization risks creating a two-tiered justice system where technological capacity determines access quality.

Human Rights Implications

The digitalization of judicial proceedings has complex implications for human rights protection, particularly affecting fair trial guarantees and due process requirements. While some rights are enhanced through digital means, others face new challenges that require careful consideration.

Fair trial rights present the most complex human rights implications. Virtual proceedings can enhance access for victims of domestic violence or witnesses requiring protection by allowing participation without physical presence. However, the inability to fully assess witness credibility, body language, and non-verbal communication in virtual settings raises questions about the quality of fact-finding and judicial decision-making.

Due process challenges have emerged in several areas. Technical difficulties during virtual hearings have led to postponements and procedural irregularities that may affect case outcomes. Interviews with defense attorneys reveal concerns about client confidentiality in virtual consultations, particularly when clients lack private spaces for sensitive discussions.

Privacy rights face new vulnerabilities in digital systems. While cybersecurity measures have been implemented, data breach risks remain elevated. The 2023 incident involving unauthorized access to case files in three district courts highlighted the ongoing challenges of protecting sensitive personal information in digital environments.

The principle of equality before the law is both enhanced and threatened by digitalization. Enhanced aspects include reduced influence of social status or physical intimidation in virtual proceedings. However, technological inequality creates new forms of discrimination that may be more subtle but equally problematic for equal justice delivery.

Table 2. Human Rights Impact Assessment of Digital Court Features

Right/Principle	Enhancement	Threat	Net Assessment
Fair Trial	Protected witnesses	Credibility assessment	Mixed
Due Process	Procedural efficiency	Technical disruptions	Mixed
Privacy	Reduced physical intrusion	Data security risks	Negative

Equality	Reduced bias	Digital divide	Mixed
Legal Representation	Remote accessibility	Communication quality	Mixed

Source: Research Analysis, 2024

International human rights standards, particularly those established by the International Covenant on Civil and Political Rights, require states to ensure that technological innovations do not undermine fundamental guarantees. Indonesia's digitalization efforts must therefore be assessed against these international benchmarks to ensure compliance with human rights obligations (Nation, 1966).

Comparative Analysis and Best Practices

International experience provides valuable insights for Indonesia's digitalization efforts. Singapore's Community Court 2.0 demonstrates effective integration of technology with human-centered design, maintaining face-to-face options while leveraging digital efficiency. Estonia's e-Residency program shows how comprehensive digital identity systems can enhance rather than replace traditional legal protections.

The Netherlands' approach to civil court digitalization emphasizes user choice and accessibility, providing multiple pathways for case resolution while maintaining quality standards. These comparative examples suggest that successful digitalization requires careful attention to user needs, robust safeguards, and gradual implementation with continuous evaluation.

Key lessons from international best practices include: first, the importance of maintaining hybrid models that combine digital efficiency with traditional safeguards; second, the necessity of comprehensive user support and digital literacy programs; third, the value of stakeholder engagement in system design and implementation; and fourth, the requirement for robust privacy and security frameworks specifically designed for judicial contexts.

Challenges and Recommendations

Based on the research findings, several critical challenges require immediate attention. Technical infrastructure remains inadequate in many regions, with server capacity and internet bandwidth limiting system effectiveness. Cybersecurity vulnerabilities pose ongoing risks to case confidentiality and data integrity.

Regulatory gaps in specific areas such as electronic evidence standards, virtual trial procedures for criminal cases, and data protection in judicial contexts need urgent addressing. The current regulatory framework, while comprehensive in some areas, lacks detailed guidance for emerging challenges.

Social and institutional challenges include insufficient digital literacy among court users and legal professionals, resistance to change among some judicial personnel, and inadequate training programs for new technologies. These human factors often determine the success or failure of technological innovations.

The research recommends a comprehensive approach addressing regulatory, technical, social, and institutional dimensions. Regulatory recommendations include developing specific guidelines for virtual criminal trials, establishing clear data protection standards for judicial information systems, and creating regular human rights impact assessment mechanisms.

Technical recommendations focus on infrastructure improvement, user interface enhancement, and security strengthening. Social recommendations emphasize digital literacy programs, community outreach initiatives, and support services for vulnerable populations. Institutional recommendations include comprehensive training programs, change management strategies, and performance evaluation systems.

CONCLUSION

The digitalization of Indonesia's judicial system represents a fundamental transformation with significant implications for access to justice and human rights protection. While digitalization has improved efficiency, transparency, and accessibility in many respects, it has also created new barriers and challenges that require careful management.

The research findings indicate that digitalization's impact on access to justice is mixed, with benefits accruing primarily to technologically literate, urban populations while potentially excluding vulnerable groups. Human rights implications are similarly complex, with some protections enhanced and others threatened by digital transformation.

The key to successful digitalization lies in implementing a balanced approach that leverages technological advantages while maintaining essential human rights safeguards. This requires comprehensive regulatory frameworks, robust technical infrastructure, extensive digital literacy programs, and ongoing monitoring of impacts on vulnerable populations.

Future research should focus on longitudinal studies of digitalization impacts, particularly on specific vulnerable groups, comparative analysis with other developing countries facing similar challenges, and evaluation of intervention effectiveness in addressing identified problems. Regular human rights impact assessments should become standard practice in judicial digitalization initiatives.

The ultimate goal must be ensuring that technological advancement serves to enhance rather than undermine the fundamental principles of access to justice and human rights protection that form the foundation of democratic governance and rule of law in Indonesia.

REFERENCE

- Cappelletti, M., & Garth, B. (1978). *Access to Justice: A World Survey*. Sijthoff and Noordhoff.
- Indonesian Supreme Court. (2024a). *Digital Transformation Report 2019-2024*. Supreme Court Press.
- Indonesian Supreme Court. (2024b). *Judicial Performance Report*. Supreme Court Press.
- Nation, U. (1966). *International Covenant on Civil and Political Rights*.
- Rahardjo, S. (2021). Digital transformation of Indonesian judiciary: Challenges and opportunities. *Indonesian Law Review*, 11(2), 145–167.
- Statistics Indonesia. (2024). *Digital Access Survey Results*. BPS.