

E-LITIGATION AND HUMAN RIGHTS PROTECTION: ASSESSING EQUALITY BEFORE THE LAW AND PRIVACY RIGHTS AT THE TANJUNG PINANG ADMINISTRATIVE COURT

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Abstract: *Despite the rapid development of Indonesia's e-judicial system, academic discourse remains dominated by issues of procedural efficiency, often neglecting the fulfillment of human rights in e-litigation. This study aims to address this gap by evaluating the effectiveness of e-litigation at the Tanjung Pinang State Administrative Court (PTUN) in protecting privacy rights and the principle of equality before the law, particularly for communities in the archipelago. Using a juridical-empirical approach and Soerjono Soekanto's theory of legal effectiveness, the study finds that, normatively, e-litigation has strong legal legitimacy. However, empirically, its effectiveness remains partial. Constraints on law enforcement capacity, technological infrastructure, and digital literacy in remote areas are key barriers to achieving substantive justice and optimal personal data protection.*

Keywords: *E-Litigation; Access to Justice; Equality before the Law; Privacy Rights; Legal Effectiveness.*

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Introduction

The rapid advancement of information technology across diverse fields has fundamentally reshaped the delivery of public services to the general population. This technological evolution has moved beyond mere administrative support, creating a more integrated and efficient interface between the government and its citizens¹. Integrating digital innovation into public sectors not only streamlines service delivery but also promotes greater inclusivity and institutional openness. Within the legal framework, this digital shift is a pivotal strategy for cultivating a judiciary that is more accountable, efficient, and accessible to those seeking legal redress. The transition toward electronic court proceedings stands as a cornerstone of judicial reform, enabling

¹ Luki Natika, "Transformasi Pelayanan Publik Di Era Digital: Menuju Pelayanan Masa Depan Yang Lebih Baik," *The World of Public Administration Journal* 6, no. 1 (2024): 1–11, <https://doi.org/10.37950/wpaj.v6i1.2040>.

a hybrid landscape where litigation can occur through both traditional physical presence and modern digital platforms.²

In the Indonesian judicial context, **E-Litigation** refers to an integrated electronic system designed to facilitate document exchange and judicial proceedings through digital channels. This framework is formally established under **Supreme Court Regulation (PERMA) No. 1 of 2019**, which provides the legal basis for managing case administration and court hearings within an electronic environment³. E-Litigation is an expansion of the e-court system, which was previously limited to case administration, now encompassing the entire litigation process⁴. The enactment of Supreme Court Regulation (PERMA) Number 1 of 2019 on the Administration of Cases and Hearings in Electronic Courts (E-Court) serves as a judicial instrument developed to improve public service delivery. It includes online case registration (e-filing), electronic calculation of case advance fees (e-SKUM), online payment of advance fees (e-payment), electronic summons (e-summons), and online court hearings (e-litigation)⁵. Accordingly, dispute resolution can now be carried out through two mechanisms: electronic litigation (e-litigation) and conventional litigation.

PERMA 1/2019 emphasizes that the implementation of electronic litigation must uphold the principles of simplicity, expediency, and low cost, while also ensuring data security, integrity, and the rights of the parties involved.⁶ This regulation fundamentally provides a more detailed legal basis for all judicial elements to adopt electronic mechanisms in every stage of litigation⁷. With a clear legal framework in place, it is expected that digital transformation will go beyond administrative improvements and bring about a substantive shift in the paradigm of delivering judicial services that are more modern and adaptive to technological advancements.

In the context of the Tanjung Pinang Administrative Court (PTUN Tanjung Pinang), the existence of E-Litigation is significant given the court's jurisdiction, which covers

² H. Irfandy Simanungkalit and Debora Debora, "Implementasi E-Court Sebagai Upaya Modernisasi Administrasi Peradilan Di Indonesia," *PALAR (Pakuan Law Review)* 10, no. 4 (2024): 176–90, <https://doi.org/10.33751/palar.v10i4.11414>.

³ Lisfer Berutu, "Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan Dengan e-Court," *Jurnal Ilmiah Dunia Hukum* 5, no. 1 (2020): 41–53, <https://doi.org/10.35973/jidh.v5i1.1552>.

⁴ Hengki Irawan and Zainudin Hasan, "Dampak Teknologi Terhadap Strategi Litigasi Dan Bantuan Hukum: Tren Dan Inovasi Di Era Digital," *Innovative: Journal Of Social Science Research* 4, no. 2 (2024): 4600–4613, <https://doi.org/10.31004/innovative.v4i2.9735>.

⁵ Fuad Hasyim, "Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Murah Melalui E-Court," *Syariat: Jurnal Studi Al-Qur'an Dan Hukum* 8, no. 2 (2022): 255–168, <https://doi.org/10.32699/syariat.v8i2.4069>.

⁶ Adnyakausalya et al., "Analisis Yuridis Terhadap Pelaksanaan Persidangan Elektronik Perkara Perdata Dalam Menjamin Hak Para Pihak," *Jurnal Media Akademik (JMA)* 3, no. 7 (2025), <https://doi.org/10.62281/v3i7.2519>.

⁷ Dinda Bhawika Wimala Pastika, *Bab 21 Peradilan Tata Usaha Negara Dalam Era Digital Dan Kecerdasan Buatan* (Banten: Sada Kurnia Pustaka, 2025).

dispersed island regions, often requiring considerable travel time for litigants. This relevance is further reinforced by the fact that the Tanjung Pinang Administrative Court, located in Batam City, is a relatively young institution established in 2011 and has demonstrated notable efforts to adopt modern judicial technologies.

Based on observations conducted on October 21, 2025, data from the Court Case Tracking Information System (SIPP) of PTUN Tanjung Pinang revealed that between 2020 and 2025, out of 146 total cases handled, 144 cases approximately 98.63% were received, processed, and resolved electronically. These findings not only reflect the court's administrative and technical readiness but also indicate that E-Litigation has evolved into a primary instrument in judicial proceedings at PTUN Tanjung Pinang, thereby becoming an integral component of its litigation mechanism rather than a mere alternative.

Nevertheless, the implementation of E-Litigation at PTUN Tanjung Pinang is not without factual challenges that mirror on-the-ground realities and the capacities of parties as service users. Limited internet access in certain regions, varying levels of digital literacy among parties, and unequal access to technological devices are among the factors that impact the ease of participating in electronic court proceedings⁸. Even for parties residing in relatively accessible areas, issues such as unstable network connections and inadequate technological infrastructure can still pose significant barriers.

In addition to technical constraints, there are also concerns regarding the security of personal data and the confidentiality of case-related documents exchanged online. The need to safeguard personal information spans several dimensions that are substantially relevant to both individuals and society at large, making the protection of personal data a critical element in the electronic judicial system⁹. These concerns suggest that the success of E-Litigation depends not only on the readiness of digital infrastructure but also on the trust of litigants in the security and integrity of the electronic judicial process.

This situation highlights a gap between the normative provisions of PERMA No. 1 of 2019 and the actual implementation of E-Litigation in practice. Normatively, all parties are entitled to equal opportunity in accessing electronic court proceedings (*equality before the law*) and to guarantees of personal data protection (*privacy rights*). However, empirically, equal access to technology has not been fully realized, and the mechanisms for protecting electronic data still face various challenges.

⁸ Mahkamah Agung Republik Indonesia, *Laporan Tahunan Mahkamah Agung Republik Indonesia 2023* (Jakarta Pusat, 2023).

⁹ Hari Sutra Disemadi et al., "Perlindungan Data Pribadi Di Era Digital: Mengapa Kita Perlu Peduli?," *Sang Sewagati Journal* 1, no. 2 (2023): 66–90, <https://doi.org/10.37253/sasenal.v1i2.8579>.

This gap becomes increasingly relevant considering that the judicial process is fundamentally not only about dispute resolution but also about fulfilling the basic rights of justice seekers. If the electronic court system fails to guarantee equal access and privacy protection, digitalization may risk generating new forms of injustice no less serious than the obstacles found in conventional systems. Therefore, the effectiveness of E-Litigation must be understood not merely as a matter of operational technicalities, but as an integral part of the state's constitutional obligation to uphold human rights protections for all citizens. These principles are particularly critical as the judicial system undergoes modernization through the integration of digital technologies.

Accordingly, any evaluation of E-Litigation implementation at PTUN Tanjung Pinang must inevitably engage with the issue of human rights fulfilment particularly with respect to *equality before the law* and *privacy rights*¹⁰. Such an analysis is necessary to assess whether digital transformation within the judiciary truly enhances access to justice or inadvertently widens inequality for certain groups such as parties residing in regions with limited digital infrastructure or those with low technological literacy. Hence, the assessment of E-Litigation effectiveness must include an evaluation of technical readiness, the court's internal policies, user capacities, and its impact on the protection of fundamental rights throughout the judicial process.

Within the scholarly landscape, this research builds upon several previous investigations. Notably, Maksum (2024) explored the operationalization of e-courts at the Mataram Administrative Court (PTUN Mataram). His analysis centered on the procedural hurdles arising from the necessity of bilateral agreement between litigants as a prerequisite for initiating electronic proceedings.¹¹ Herlambang and his colleagues (2023) highlighted efforts to enhance e-court utilization at the Semarang Administrative Court (PTUN Semarang) through direct observation.¹²

Muhammad and Itok (2024) noted that the e-court system in PTUN Semarang was functioning relatively well¹³, while Amelia Oktaviani (2024) found increased productivity in the implementation of e-court within the State Administrative Court system, despite

¹⁰ Sandra Fredman, "Substantive Equality Revisited," *International Journal of Constitutional Law* 14, no. 3 (2016): 712–38, <https://doi.org/10.1093/icon/mow043>.

¹¹ Hairul Maksum, "Pelaksanaan Peradilan Elektronik (E-Court) Dalam Penyelesaian Perkara Di Pengadilan Tata Usaha Negara Mataram," *Jurnal Fakultas Hukum Universitas Gunung Rinjani* 5, no. 2 (2024), <https://doi.org/10.46601/juridicaugr.v5i2.330>.

¹² Pratama Herry Herlambang, Yos Johan Utama, and Aju Putrijanti, "Upaya Peningkatan Dan Penerapan Penggunaan E-Court Pada Pengadilan Tata Usaha Negara Semarang," *Jurnal Hukum Progresif* 11, no. 2 (2023): 94–107, <https://doi.org/10.14710/jhp.11.2.94-107>.

¹³ Irham Ghani Muhammad and Itok Dwi Kurniawan, "Penyelesaian Sengketa Di Pengadilan Tata Usaha Negara Semarang Melalui Penerapan E-Court," *Jurnal Penelitian Serambi Hukum* 17, no. 1 (2024): 64–71, <https://doi.org/10.59582/sh.v17i01.1018>.

continuing technical challenges¹⁴. Aprilia Sari (2022) explored the implementation of electronic hearings at PTUN Tanjung Pinang in the context of the COVID-19 pandemic¹⁵. However, none of these studies have specifically addressed the fulfillment of human rights, particularly concerning *equality before the law* and *privacy rights*, nor have they evaluated the effectiveness of E-Litigation as a human rights protection instrument.

This comparison with previous research reveals a critical gap in the literature, particularly in exploring the relationship between the legal effectiveness of E-Litigation and the fulfillment of human rights. From the perspective of international human rights law, the principles of *equality before the law* and access to an effective remedy are fundamental components of a fair trial, which the state is obliged to uphold in any process of judicial modernization¹⁶. In this regard, the present study offers novelty by combining the theory of legal effectiveness as an analytical tool with a human rights perspective as the core evaluative framework.

The theory of legal effectiveness provides a structure for assessing how far a legal rule or system achieves its intended objectives, based on three key factors: legal substance, implementing structures, and the legal culture of society¹⁷. By integrating this theory with human rights principles, this study presents an analytical approach that has not been undertaken in prior research, thereby offering a more comprehensive perspective on the successes and shortcomings of E-Litigation implementation.

Another contribution of this research lies in its specific contextual focus: PTUN Tanjung Pinang, with emphasis on land dispute cases during the period 2024–2025. Land disputes typically involve substantial economic, social, and administrative interests, which demand a high level of procedural accuracy and data security. As such, the examination of human rights fulfillment in the context of such cases becomes increasingly relevant. This research not only assesses procedural efficiency but also investigates whether the electronic court system is capable of maintaining the integrity of legal proceedings in complex case types.

This study is expected to contribute to the scholarly literature on human rights-oriented judicial digitalization. The analysis of E-Litigation effectiveness in relation to *equality before the law* and *privacy rights* may broaden understanding of how electronic court systems should be designed and implemented to provide optimal protection for justice

¹⁴ Kirana Amelinia Oktaviani, *Implementasi Peraturan Mahkamah Agung Tentang Persidangan Elektronik Dalam Sistem Peradilan Tata Usaha Negara* (Jambi: Universitas Jambi, 2024).

¹⁵ Aprilia Sari, *Persidangan Elektronik Pada Pengadilan Tata Usaha Negara Tanjungpinang Dimasa Pandemi COVID-19* (Batam: Universitas Internasional Batam, 2022).

¹⁶ Fredman, "Substantive Equality Revisited."

¹⁷ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2011).

seekers. For judicial practitioners, the findings of this research may serve as a basis for developing internal policies and standard operating procedures that are more adaptive to the needs of users in archipelagic regions.

The scope of this research is deliberately limited to ensure a focused and in-depth analysis. The study is confined to the jurisdictional area of the Tanjung Pinang Administrative Court (PTUN Tanjung Pinang), which serves as the research site, and covers the litigation period between 2024 and 2025 identified as the effective timeframe for the implementation of E-Litigation based on field findings. Additionally, the research is limited to land dispute cases, due to their complex nature, significant economic value, and the involvement of sensitive documents and data factors that render such cases particularly relevant to the analysis of *equality before the law* and *privacy rights*.

This study adopts an empirical juridical legal research method, which involves not only examining legal norms from a textual perspective but also analyzing how those norms are applied in practice¹⁸. This methodological approach is particularly relevant given the study's focus on assessing the effectiveness of E-Litigation implementation at the Tanjung Pinang Administrative Court (PTUN Tanjung Pinang) in the context of fulfilling human rights, specifically *equality before the law* and *privacy rights*. Consequently, the research seeks to evaluate the extent to which normative legal provisions align with their practical application in the field. To achieve this, the study employs several complementary approaches. A statutory approach is used to analyze Supreme Court Regulation (PERMA) No. 1 of 2019, along with other relevant legal instruments related to human rights protection. A conceptual approach supports the examination of legal effectiveness theory and the principles underpinning electronic judicial processes. Additionally, an empirical approach is applied to observe and assess the factual implementation of E-Litigation.

The research relies on both primary and secondary data sources¹⁹. Primary data is collected through in-depth interviews with key stakeholders, including judges, court clerks, legal representatives, and litigating parties, as well as through direct observation of electronic trial proceedings. Secondary data consists of primary legal materials (such as PERMA No. 1 of 2019), secondary legal sources (including books, academic journals, and relevant prior studies), and tertiary materials (such as media reports). All collected data is analyzed through qualitative juridical analysis to evaluate the effectiveness of E-

¹⁸ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289–304, <https://doi.org/10.37253/jjr.v24i2.7280>; David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463–78, <https://doi.org/10.31604/jips.v8i8.2021.2463-2478>.

¹⁹ V. Wiratna Sujarweni, *Metodelogi Penelitian* (Yogyakarta: Pustaka Baru Perss, 2014).

Litigation, identifying practical barriers, and developing relevant recommendations to enhance human rights protections within the electronic litigation system at PTUN Tanjung Pinang.

Discussion

The Effectiveness of E-Litigation Implementation at PTUN Tanjung Pinang in Fulfilling Human Rights

The phenomenon of online court hearings (E-Litigation) reflects a fundamental transformation of judicial practice from physical courtrooms to digital platforms in response to the growing demands for efficiency, accessibility, and sustainability within the justice system, amidst rapidly evolving social and technological dynamics. Various studies have identified E-Litigation as an effective instrument to accelerate case resolution, reduce litigation costs, and minimize geographical barriers faced by justice seekers, thereby practically expanding access to justice²⁰.

However, the implementation of online trials also reveals several empirical challenges, particularly concerning the readiness of technological infrastructure, internet connectivity stability, and the ability of judicial actors to adapt to digital-based courtroom procedures²¹.

At the same time, E-Litigation introduces new dynamics in the relationships between litigating parties, including shifts in legal communication patterns, perceptions of judicial presence, and experiences of procedural justice that are no longer solely reliant on face-to-face interaction²². Several studies further emphasize that the success of E-Litigation is not determined by technological factors alone, but is also strongly influenced by legal culture, public trust, and the institutional capacity to manage the electronic litigation process effectively²³. Therefore, E-Litigation should not be perceived merely as the

²⁰ Neisa Angrum Adisti et al., "Pelaksanaan Persidangan Perkara Pidana Secara Elektronik Pada Masa Pandemi Covid 19 Di Pengadilan Negeri Kota Palembang," *Jurnal Legislasi Indonesia* 18, no. 2 (2021): 222–32, <https://repository.unsri.ac.id/174770/1/768-2871-1-PB.pdf>; Muhammad Arif Kurnia Pratama et al., "Analisis Pengaruh E-Court Terhadap Percepatan Proses Hukum Acara Pidana Di Indonesia," *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 2, no. 1 (2025): 151–59, <https://jurnal.globalscients.com/index.php/jkhpk/article/view/763>.

²¹ Zil Aidi, "E-Litigation Sebagai Sarana Mewujudkan Asas Contante Justitie Pada Peradilan Perdata Di Indonesia," *Jurnal Cendekia Hukum* 6, no. 2 (2021): 7–14, <https://doi.org/10.33760/jch.v6i2.310>; Siti Hartinah Fatimah Nur'aifah and Indriati Amarini, "Implementasi Persidangan Elektronik (E-Litigation) Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas IA," *UMPurwokerto Law Review* 4, no. 2 (2023): 199–208, <https://doi.org/10.30595/umplr.v4i2.16234>.

²² Anggita Doramia Lumbanraja, "Perkembangan Regulasi Dan Pelaksanaan Persidangan Online Di Indonesia Dan Amerika Serikat Selama Pandemi Covid-19," *Jurnal CREPIDO: Jurnal Mengenai Dasar-Dasar Pemikiran Hukum Filsafat Dan Ilmu Hukum* 2, no. 1 (2020): 46–58, <https://doi.org/10.14710/crepido.2.1.46-58>.

²³ Sonyendah Retnaningsih et al., "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi

digitization of court proceedings, but rather as a paradigm shift in the delivery of justice—one that brings sociological, organizational, and psychological implications to modern judicial practice²⁴.

The implementation of E-Litigation at the PTUN Tanjung Pinang represents the direct application of Supreme Court Regulation (PERMA) No. 3 of 2018²⁵ and PERMA No. 1 of 2019²⁶, which govern electronic case administration and court proceedings. This system is designed to uphold the principles of a fast, simple, and low-cost judicial process while simultaneously reinforcing human rights protections within administrative justice. According to an interview with Judge Ayub Lubis, S.H., the E-Litigation system is “already effective and operating in accordance with its legal basis”,²⁷ particularly in expediting stages such as replies, conclusions, and rulings. This normative-level effectiveness indicates that the legal framework supporting E-Litigation is sufficiently robust. Thus, the regulatory structure serves as a crucial foundation for assessing E-Litigation effectiveness, in line with Soekanto’s theory of legal effectiveness²⁸.

Empirically, the application of E-Litigation demonstrates improvements in judicial accessibility and procedural efficiency. Aprilia Sari, S.H., M.H., registrar at PTUN Tanjung Pinang, explained that the active implementation began in 2020, preceded by socialization efforts, training sessions, and internal infrastructure adjustments. Nonetheless, disparities persist among segments of the community with limited technological literacy, indicating that equal access has not yet been fully realized. This condition reflects a gap between legal preparedness and social readiness, which is especially relevant in analyzing the societal and cultural dimensions of law enforcement.

From the perspective of external users, E-Litigation is considered highly beneficial, especially in terms of time and cost efficiency. Harry Kurniawan, S.H., M.H., a litigant representing a government agency, stated that the process has become “more efficient without diminishing the essence of procedural law.”²⁹ and that information access

Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Peng,” *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 124–44, <https://doi.org/10.21143/jhp.vol50.no1.2486>.

²⁴ Adisti et al., “Pelaksanaan Persidangan Perkara Pidana Secara Elektronik Pada Masa Pandemi Covid 19 Di Pengadilan Negeri Kota Palembang”; Aidi, “E-Litigation Sebagai Sarana Mewujudkan Asas Contante Justitie Pada Peradilan Perdata Di Indonesia”; Lumbanraja, “Perkembangan Regulasi Dan Pelaksanaan Persidangan Online Di Indonesia Dan Amerika Serikat Selama Pandemi Covid-19.”

²⁵ Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung No 3 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik* (Jakarta Pusat, 2018).

²⁶ Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*. (Jakarta Pusat, 2019).

²⁷ Ayub Lubis, *Wawancara Dengan Hakim PTUN Tanjung Pinang* (Tanjung Pinang: PTUN Tanjung Pinang, 2025), <https://ptun-tanjungpinang.go.id/index.php/2025/02/03/kegiatan-apel-pagi-pertama-di-bulan-februari-2025/>.

²⁸ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

²⁹ H. Kurniawan, *Wawancara Dengan Pihak Berperkara Di PTUN Tanjung Pinang* (Tanjung Pinang, 2025).

during hearings has become more equal among all parties. However, he also raised concerns about data security and occasional system disruptions. These insights suggest that, despite regulatory guarantees of privacy protection, technical infrastructure sometimes falls short of meeting those demands. This condition directly relates to the "facilities" factor outlined by Soekanto in his legal effectiveness framework.

The experiences of legal advocates also reveal similar dynamics. Muharromah Nur Wakhidah, S.H., (2025), an attorney from AKHH Lawyers, noted that E-Litigation "facilitates document submission and reduces costs".³⁰ However, she acknowledged the difficulties faced by lay users and emphasized the need for more intensive privacy education. She further highlighted concerns regarding data security, citing the lack of full transparency concerning encryption standards or security audits. This indicates that while the system normatively protects privacy, there remains a perceptual and technical assurance gap at the practical level. Such imbalances have implications for the procedural effectiveness of human rights protections.

Meanwhile, Trio Wiramon, S.H., M.Si., a practicing advocate, provided a more technical account of on-the-ground realities. He observed that "document uploads are often only stable late at night or early in the morning."³¹, due to limited internet access in island regions. He also pointed out the need for additional features, such as document editing tools, to prevent accidental upload errors. The close relationship between network instability, local habits, and court assistance highlights the necessity of considering both infrastructural and cultural factors in tandem. This stands in contrast to the legal normative framework, which is generally regarded as the most effective aspect of the system.

The legal factor emerged as the only aspect deemed consistently effective by all interview respondents. The regulations applied, namely, Supreme Court Regulation (PERMA) No. 3 of 2018 and PERMA No. 1 of 2019, were recognized as providing a clear, firm, and accessible legal basis, as emphasized by Judge Ayub Lubis. This regulatory framework effectively legitimizes each stage of E-Litigation, from case registration and exchange of pleadings to limited evidence examination and judgment. These legal norms also serve as a foundation for fulfilling human rights, including access to justice

³⁰ M. Nur Wakhidah, *Wawancara Dengan Advokat AKHH Lawyers Berperkara Di PTUN Tanjung Pinang*. (Tanjung Pinang, 2025).

³¹ T. Wiramon, *Wawancara Dengan Advokat Trio Wiramon, S.H., M.Si. \& Associates Berperkara Di PTUN Tanjung Pinang* (Tanjung Pinang, 2025).

and *equality before the law*. Thus, at the normative level, the legal effectiveness described by Soekanto is met.³²

Aprilia Sari, S.H., M.H., further confirmed that the E-Litigation regulations are “sufficiently clear” from a formal standpoint³³, although she noted certain technical provisions, particularly regarding the verification of documentary evidence, are not yet fully regulated in practice. Nevertheless, these shortcomings do not significantly reduce the overall effectiveness of the legal factor, as the regulatory foundation remains strong and adaptable. Data protection norms have also been incorporated into the regulations, even though the corresponding technical standards are still evolving to meet emerging digital needs. This reflects the continued reliance on the legal framework as a primary pillar in ensuring orderly electronic administration. The consistency of these rules ensures that the normative implementation of E-Litigation proceeds without significant disruption.

The importance of regulation as a guiding instrument is also reflected in the view of advocate Muharromah Nur Wakhidah, who stated that PERMA “already provides a sufficiently clear legal foundation.”³⁴, though it should be adjusted in response to ongoing developments. This highlights that the effectiveness of the legal factor lies not only in the existence of legal norms but also in their flexibility to adapt to practical needs. The clarity of such norms ensures that judges, clerks, lawyers, and litigants share a unified understanding of the electronic procedures to be followed. The expected regulatory harmonization should not be interpreted as a sign of ineffectiveness but rather as part of the adaptive dynamic of modern legal systems. Accordingly, the legal factor is categorized as the most effective among the various elements influencing E-Litigation implementation.

Although court personnel such as judges, clerks, and technical staff are generally considered responsive, the law enforcement factor as a whole has not yet reached an effective level due to varying levels of competence and technical preparedness. Aprilia Sari noted that human resources are “already trained, but staff rotation and adaptation to new technologies remain challenges.” This highlights an inconsistency in internal capacity, which affects the uniformity of service delivery. As frontline actors in upholding procedural human rights³⁵, Law enforcers play a critical role, and the lack of preparedness among certain personnel can hinder overall effectiveness. While some

³² Galih Orlando, “Efektivitas Hukum Dan Fungsi Hukum Di Indonesia,” *Tarbiyah Bil Qalam: Jurnal Pendidikan Agama Dan Sains* 6, no. 1 (2022): 49–58.

³³ A. Sari, *Wawancara Dengan Panitera Muda Perkara PTUN Tanjung Pinang*. (Tanjung Pinang, 2025).

³⁴ Nur Wakhidah, *Wawancara Dengan Advokat AKHH Lawyers Berperkara Di PTUN Tanjung Pinang*.

³⁵ Tuti Haryanti, “Hukum Dan Masyarakat,” *Jurnal Tahkim : Jurnal Hukum Dan Syariah* 10, no. 2 (2014): 160–68, <https://doi.org/10.33477/thk.v10i2.57>.

judges are perceived as cooperative, internal disparities continue to reduce the effectiveness of this factor.

From the judicial perspective, Judge Ayub Lubis acknowledged that technical issues frequently occur, but the court typically responds promptly through hotlines and direct assistance. Although this responsiveness is commendable, the reliance on ad-hoc solutions suggests that technical integration is not yet fully stable. Furthermore, differing judicial interpretations regarding the verification of physical evidence indicate that a strong and unified understanding has not yet been achieved. This lack of technical harmonization undermines legal certainty in electronic court proceedings. Consequently, the law enforcement factor has not yet reached an ideal level of effectiveness.

The perceptions of legal practitioners further reinforce this conclusion. Trio Wiramon reported experiencing miscommunication concerning the uploading of evidence, which required direct assistance from judges or court clerks. This reflects a procedural system that has not been fully internalized by all personnel. Similarly, Muharromah Nur Wakhidah stated that privacy education provided by court officers is “still insufficient,” indicating gaps in human rights awareness among law enforcers. These inconsistencies point to an ongoing challenge in maintaining performance uniformity among court officials. Therefore, the law enforcement factor is categorized as not yet effective.

The available facilities at the Tanjung Pinang Administrative Court (PTUN Tanjung Pinang) including internet connectivity, server devices, and the e-court system are generally adequate but remain unstable and have not provided equal access for all users. Aprilia Sari indicated that the infrastructure “requires improved network coverage and supporting devices,” particularly because the Tanjung Pinang jurisdiction consists of archipelagic regions. Network instability significantly impacts the fulfillment of the human right to access justice³⁶. The court’s reliance on external internet infrastructure further compounds the issue, as it remains beyond the court’s full control. These conditions suggest that the infrastructure factor has yet to reach an effective level.

Significant connectivity barriers were also raised by Trio Wiramon, who explained that document uploads only run smoothly late at night or in the early morning hours. This indicates that the E-Litigation system is not yet capable of handling high usage during peak hours. Such technical limitations can hinder the flow of evidentiary procedures and diminish procedural fairness. Furthermore, the absence of features such as document

³⁶ Richard Susskind, *Online Courts And The Future of Justice* (United Kingdom: Oxford University Press, 2019).

editing or deletion adds to the technical challenges that obstruct the system's overall effectiveness. These issues collectively demonstrate that the infrastructure has yet to fully support a seamless litigation process.

In terms of data protection facilities, the system also remains suboptimal. Harry Kurniawan noted that data security "continues to raise concerns." Similarly, Muharromah Nur Wakhidah pointed out that users are not provided with transparent explanations regarding encryption standards or the security audits employed by the court. The absence of such technical transparency reduces public trust in the system's ability to uphold privacy-related human rights. Consequently, the technical infrastructure does not yet fully support the realization of procedural rights. For these reasons, the facilities and infrastructure factor is categorized as not yet effective.

Although professional users such as lawyers and government officials have been able to adapt to the E-Litigation system, a significant portion of the general public continues to face considerable challenges. Harry Kurniawan noted that "many members of the public still do not understand E-Litigation," primarily due to limited digital literacy. Vulnerable groups such as the elderly, individuals with low technological proficiency, or those living in areas with weak internet access encounter significant procedural barriers. As a result, access to justice remains uneven. In line with Soekanto's theory, when society is unprepared, the overall effectiveness of legal norms is inevitably hindered³⁷.

The difficulties experienced by the public were further affirmed by Muharromah Nur Wakhidah, who stated that lay clients "require full assistance," even for initial steps such as account registration. This dependency reveals a substantial digital divide. The lack of societal readiness also affects the degree of human rights protection, as access to justice is directly linked to technological capability. *Equality before the law* becomes relative when technological competence among citizens is imbalanced. Accordingly, the societal factor constitutes a significant barrier to effective E-Litigation implementation.

These obstacles were reinforced by Aprilia Sari, who acknowledged that gaps in access remain and represent unresolved issues. While initiatives such as the E-Court Corner and Disability Corner exist within the courthouse, these facilities have not effectively reached communities beyond the court environment. Residents of island regions or those in low-connectivity areas still face substantial difficulty accessing the system, despite the availability of electronic procedures. This demonstrates that promotional

³⁷ Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (Depok: Rajawali Pers, 1989).

and educational efforts have been insufficient. Therefore, the societal factor is categorized as not yet effective.

The legal culture among both the public and court officials is still in a transitional phase, shifting from conventional systems to digital platforms. Judge Ayub Lubis noted that a minority of advocates still prefer face-to-face hearings and exhibit resistance toward electronic systems. This resistance reflects a lingering manual mindset within segments of the legal community. At the public level, there is also a cultural hesitancy fear of engaging with the judiciary which further reinforces cultural resistance. These patterns indicate that the prevailing legal culture does not yet fully support the E-Litigation system.

From the perspective of legal practitioners, Trio Wiramon emphasized that people from lower socioeconomic backgrounds “are still afraid to engage with the courts,” making cultural adaptation a significant challenge. This fear suggests that legal culture involves not only technological adaptation but also public perceptions of judicial institutions. Internally, the bureaucratic culture within the judiciary, as mentioned by Ayub Lubis, remains present in certain areas. While E-Litigation reduces manual bureaucratic practices, the transformation of institutional values has not been uniformly achieved. These conditions point to the legal culture factor as still being ineffective.

Muharromah Nur Wakhidah stressed the need to improve legal digital literacy as an essential part of cultural transformation. In her view, written communication has become increasingly central in the context of E-Litigation, yet not all parties are accustomed to this shift. Furthermore, awareness regarding privacy protection remains low among both the public and court officials. This underdeveloped digital legal culture increases the risk of misuse or procedural errors. Collectively, these observations demonstrate that the legal culture factor is still in its formative stage and has not yet reached a level of effectiveness that supports the full realization of E-Litigation’s potential.

Based on the foregoing discussion, it becomes evident that the implementation of E-Litigation at PTUN Tanjung Pinang, while normatively grounded in a strong regulatory framework, has not yet achieved full effectiveness across all key dimensions. As outlined in the analysis, only the legal factor has proven effective, while the remaining four factors law enforcement, facilities and infrastructure, societal readiness, and legal culture still face significant challenges. These gaps indicate that the fulfillment of human rights through E-Litigation remains partial and uneven, particularly at the empirical level. The following table provides a concise summary of these findings, highlighting the effectiveness status and key indicators for each factor influencing the success of E-

Litigation in ensuring access to justice, equality before the law, and protection of privacy rights.

Table 1.
 Summary of Effectiveness Analysis Implementation of E-Litigation at PTUN Tanjung Pinang

Factor	Result	Key Indicator
1. Legal Factor	Effective	Clear, firm, and adaptable legal framework (PERMA 3/2018 & 1/2019); shared understanding among actors.
2. Law Enforcement	Not Yet Effective	Inconsistent staff competence, reliance on ad-hoc solutions, varied interpretation of procedures.
3. Facilities & Infrastructure	Not Yet Effective	Unstable internet, limited technical features, lack of transparency in data protection systems.
4. Societal Factor	Not Yet Effective	Low digital literacy, unequal access in remote/island areas, limited public outreach.
5. Legal Culture	Not Yet Effective	Resistance to digital transformation, lingering manual mindset, weak digital rights awareness.

Source: Processed Data by the Author

Based on the analysis of Soerjono Soekanto's five legal effectiveness factors, only the legal factor is considered effective in the implementation of E-Litigation at PTUN Tanjung Pinang. This indicates that while the regulatory framework is strong, its practical implementation is hindered by non-legal (non-normative) factors. The ineffectiveness of the law enforcement, infrastructure, societal, and legal culture factors shows that E-Litigation has not yet reached full effectiveness. This imbalance is a primary cause of the suboptimal fulfillment of human rights. As such, effectiveness currently exists only at the normative level, not at the empirical level.

The ineffectiveness of the law enforcement and infrastructure factors directly affects the due process of law in E-Litigation. When internet connectivity is unstable or the competency of human resources is uneven, the right of parties to equal access to justice may be compromised. These technical barriers may not be inherently discriminatory but can produce discriminatory effects for certain groups. Furthermore, inconsistent interpretations among judges regarding electronic evidence weaken legal certainty. These conditions demonstrate that the fulfillment of human rights remains inadequate.

The societal factor poses a major barrier to the realization of *equality before the law*. The digital literacy gap results in the marginalization of certain groups within the E-Litigation process, as repeatedly noted by advocates and system users. Unstable internet access, particularly in remote and island regions, creates disparities in the ability to participate in hearings. This has serious implications for effective access to justice among vulnerable populations. Hence, the fulfillment of human rights is still uneven.

The underdeveloped legal culture further obstructs the internalization of human rights values in E-Litigation. The public's unpreparedness to transition to a digital system leads to reluctance and distrust in electronic procedures. Meanwhile, although bureaucratic practices within the judiciary have been reduced, remnants of such practices still appear in certain processes. This resistance may not always be explicit, but it affects the rhythm of service delivery. These realities affirm that the transformation of legal culture is a gradual process that requires time and strategic support.

Overall, the effectiveness of E-Litigation at PTUN Tanjung Pinang in fulfilling human rights remains partial. While the strong regulatory framework is the most effective component, the other factors, law enforcement, infrastructure, society, and legal culture, require substantial reinforcement. Achieving comprehensive effectiveness will require multi-level interventions, including capacity-building training, public education, infrastructure improvements, and harmonization of technical regulations. Only through such efforts can E-Litigation truly function as an instrument that guarantees the right to justice, the right to equality, and the right to privacy. This transformation is essential to ensure that electronic justice becomes substantively and procedurally effective.

Factors Influencing the Effectiveness of Human Rights Fulfillment in the Implementation of E-Litigation at PTUN Tanjung Pinang

Based on the previous analysis, the implementation of E-Litigation at the Tanjung Pinang Administrative Court (PTUN Tanjung Pinang) reveals that the fulfillment of human rights, particularly the principles of *equality before the law* and *privacy rights*, has not yet been fully and optimally achieved. This ineffectiveness is not due to shortcomings in legal substance, as the regulatory framework governing E-Litigation is already adequate and aligned with the needs of judicial modernization³⁸.

The challenges arise predominantly at the level of practice, thereby revealing a gap between normative provisions and factual implementation. This condition underscores that the success of E-Litigation is determined not only by the quality of its legal

³⁸ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

instruments but also by the accompanying social dynamics. Accordingly, the analytical focus must shift toward non-substantive aspects that influence the effective operation of electronic justice systems.

The findings of this study indicate a diversity of user experiences in accessing and participating in E-Litigation processes, which directly affects equitable access to justice. While some parties are able to follow electronic court proceedings effectively, others face significant obstacles that limit their full participation. These disparities are not only related to users' technical capabilities but also reflect structural problems in the delivery of digital services. The mismatch between the readiness of users and the service providers creates disparities that may undermine the protection of human rights during judicial processes ³⁹.

Therefore, a holistic analysis is necessary to identify the root causes behind this lack of effectiveness. According to Soerjono Soekanto's theory of legal effectiveness, the success of a legal system's implementation depends heavily on elements beyond the written law itself ⁴⁰. His theory posits that legal effectiveness is determined by four key factors: law enforcement personnel, facilities and infrastructure, society, and legal culture. These elements operate simultaneously and influence one another in determining whether a rule or legal system can function optimally. Within the context of judicial digitalization, these four factors become even more interdependent, as technological systems require structural readiness, cultural maturity, and user capability. As such, Soekanto's framework is highly relevant for assessing the effectiveness of E-Litigation in terms of fulfilling human rights.

Initial findings suggest that the issues emerging from the implementation of E-Litigation do not stem from weaknesses in the normative framework, but rather from the accompanying social and institutional conditions. The imbalance between technological demands and the capacity of involved actors has created barriers in the implementation of electronic proceedings. This is evident in the varying levels of readiness among judicial personnel, the condition of supporting infrastructure, and users' preferences or resistance to adapting to digital systems. The interaction among these three dimensions has resulted in inconsistent patterns of implementation in the field. Therefore, this study emphasizes the importance of examining non-substantive factors that influence the effectiveness of electronic judicial services.

In the context of human rights fulfillment, E-Litigation is expected to facilitate broader, faster, and more efficient access to justice without diminishing procedural protections

³⁹ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Konstitusi Press, 2006).

⁴⁰ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

for the parties involved. However, empirical findings indicate that factual inequalities hinder the realization of the principles of equality and privacy in practice. These disparities are not merely technological in nature but are also shaped by social and administrative readiness. If such barriers remain unaddressed, the potential of E-Litigation to enhance access to justice may, paradoxically, evolve into a new source of inequality⁴¹. Thus, a thorough analysis of the supporting aspects of E-Litigation implementation becomes critically important.

Empirical conditions also demonstrate that the success of E-Litigation is shaped by the interaction between institutional readiness and user capacity. The shift from traditional to digital litigation formats demands an adaptive capability that varies among stakeholders. In this situation, the effectiveness of E-Litigation depends on the degree to which its supporting elements can operate consistently and reinforce one another. A lack of harmony between these elements can lead to a decline in service quality and hinder the protection of human rights. Therefore, a comprehensive examination of the four legal effectiveness factors is necessary to understand the root causes of the challenges faced in the field.

The findings of this study demonstrate that the effectiveness of human rights fulfillment through E-Litigation is shaped by a complex interaction between judicial actors' readiness, the adequacy of supporting infrastructure, user capacity, and the prevailing legal culture. The lack of harmony among these elements creates barriers that affect equal access and the protection of privacy rights for parties involved in electronic court proceedings. The variation in institutional readiness and the public's ability to adapt to digital systems suggests that the implementation of E-Litigation continues to follow an uneven pattern. This situation confirms that the success of judicial digitalization is determined not solely by the quality of legal regulations but also by the consolidation of supporting elements beyond the normative sphere. In light of these findings, the key non-substantive factors influencing the effectiveness of E-Litigation in fulfilling human rights are: law enforcement personnel, facilities and infrastructure, society, and legal culture.

Law enforcement personnel play a central role in determining the effectiveness of E-Litigation,⁴² as the success of this system heavily relies on the ability of court officials to manage electronic processes⁴³. Interview results show that most judges and clerks have a basic understanding of how to operate the electronic litigation system. However, technical competencies remain uneven, leading to inconsistencies in the quality of

⁴¹ Satjipto Rahardjo, *Hukum Dalam Jagat Ketertiban* (Jakarta: UKI Press, 2006).

⁴² Soekanto, *Pokok-Pokok Sosiologi Hukum*.

⁴³ Susskind, *Online Courts And The Future of Justice*.

services delivered to the public. Inadequately skilled officials may cause delays or administrative errors that negatively affect litigants. This highlights the human resource dimension as a significant obstacle to fulfilling human rights through E-Litigation.

The uneven technical competence of court staff also impacts the right to privacy, as mismanagement of electronic documents may lead to data breaches ⁴⁴. Several respondents stated that not all court personnel fully understand the required standards for digital security, particularly when uploading documents and managing user accounts. This gap in capacity undermines the credibility of the electronic justice system and erodes public trust. Without law enforcement officers who are technologically competent, the fulfillment of human rights is at risk of being compromised.

A recommended solution is the implementation of competency-based technical training programs conducted on a regular basis, with clear and measurable evaluation standards. These trainings must cover both the technical operation of the E-Litigation application and digital security practices aligned with data protection standards. Furthermore, PTUN Tanjung Pinang should establish an internal technical support team capable of responding swiftly to system issues. Enhanced supervision and performance monitoring are also needed to ensure that every official meets minimum service standards when using E-Litigation. These measures will increase the effectiveness of legal personnel in fulfilling the rights of parties involved.

Technological facilities and infrastructure are among the most critical factors in determining the success of E-Litigation implementation, as all processes depend on the stability of digital systems.⁴⁵ Research findings show that technical disruptions, including unstable internet connections, difficulties uploading documents, and limited equipment within the court, continue to occur. These issues delay court proceedings and generate procedural uncertainty. For individuals with limited technological access, such infrastructural constraints significantly impair their ability to participate equally. Therefore, the facilities factor remains a major obstacle to human rights fulfillment.

The lack of adequate infrastructure also affects the application of the principle of *equality before the law*, as not all parties have access to appropriate devices. Several respondents reported having to borrow equipment or rely on public internet access to engage in litigation processes. This places under-resourced parties at a disadvantage compared to those with complete digital tools. Additionally, the lack of specialized facilities for vulnerable groups, such as the elderly or those in remote regions, widens

⁴⁴ Susskind.

⁴⁵ Susskind.

the access gap. These limitations in infrastructure directly compromise procedural justice.

Solutions that may be applied include enhancing internet connectivity within court premises, providing public computer stations, and offering technical assistance services for community use. The court should also establish a dedicated digital helpdesk to facilitate document submission and virtual hearings for the public. Furthermore, collaboration with local governments and internet service providers is necessary to expand technological access to underserved areas. Developing a backup server system is also essential to ensure the continuity of court operations. The implementation of these solutions will strengthen the realization of human rights through the provision of adequate technological facilities.

The societal factor relates to the ability, readiness, and knowledge of parties in utilizing the E-Litigation system.⁴⁶ The wide disparity in digital literacy means not all users can understand how to upload documents, navigate electronic hearings, or operate their court accounts. Individuals with lower educational backgrounds or those lacking legal representation tend to face greater obstacles. This condition creates the risk of procedural discrimination, which is contrary to the principle of *equality before the law*. Therefore, public capability emerges as a critical determinant in the effectiveness of E-Litigation.

In addition to digital literacy, access to technological devices significantly influences the public's ability to participate in court proceedings⁴⁷. Several respondents reported difficulty obtaining proper equipment, such as computers, document scanners, or stable internet connections. These limitations lead to delays in meeting deadlines or administrative errors that weaken their legal standing. Such conditions reveal that not all members of the public are structurally prepared to engage in electronic justice. This directly threatens the fulfillment of the right to a fair trial.

To address this, legal digital literacy programs should be implemented and tailored to the specific characteristics of the user community. Courts can conduct periodic outreach using both digital platforms and in-person meetings to educate the public about E-Litigation procedures. Providing digital legal aid facilities for underprivileged communities is also essential to reducing access disparities. Additionally, simplifying the user interface of the litigation system can assist individuals with limited digital

⁴⁶ Susskind.

⁴⁷ Susskind.

capabilities. This inclusive approach holds great potential for improving the effectiveness of human rights fulfillment in electronic judicial services.

Legal culture reflects the public's mindset, values, and attitudes toward the legal system⁴⁸, including their acceptance of electronic justice. Research findings show that some parties still feel more comfortable with in-person hearings, perceiving them as clearer, more direct, and easier to follow. This attitude affects their willingness to consistently engage with the E-Litigation system. Some respondents even suggested that electronic processes appear less "formal" compared to traditional courtroom proceedings. This cultural resistance has become a notable barrier in the implementation of E-Litigation.

Beyond resistance, a lack of digital cultural readiness is also reflected in the public's continued reliance on direct assistance from court officials. This dependency demonstrates that cultural adaptation has not kept pace with systemic change. Moreover, the lack of integration of human rights values in public understanding means that many individuals do not fully grasp the importance of protecting privacy and ensuring equal access in electronic litigation. These challenges illustrate that legal culture remains a significant hurdle. Without cultural support, E-Litigation is unlikely to achieve optimal effectiveness.

Potential solutions include fostering a digital legal culture through public education and targeted human rights literacy campaigns related to E-Litigation. Courts should adopt more inclusive communication strategies to build public trust in electronic mechanisms. Involving community leaders and academics in outreach efforts may also accelerate cultural acceptance of digital justice.

Furthermore, the development of an electronic feedback system would allow the public to report challenges and share their experiences, which can be used to continuously improve service delivery. These efforts are necessary to cultivate a more adaptive legal culture that upholds the fulfillment of human rights in digital judicial processes.

The implementation of E-Litigation at the PTUN Tanjung Pinang, when assessed through the lens of Soerjono Soekanto's theory of legal effectiveness, demonstrates that the four key factors, law enforcement personnel, facilities and infrastructure, society, and legal culture are deeply interconnected in influencing the fulfillment of human rights. The findings of this study reveal that the obstacles faced are not isolated within individual factors but rather emerge from the interaction among factors that reinforce one another.

⁴⁸ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

For instance, technological unpreparedness is not merely an issue of infrastructure but also places additional strain on legal personnel and exacerbates the gap with communities with low digital literacy. Consequently, the effectiveness of E-Litigation cannot be measured solely through the fulfillment of a single variable but must be evaluated based on the dynamics of the entire system functioning simultaneously. This context reinforces Soekanto's argument that the successful implementation of law is a product of the integration of multiple social components.

The limitations in digital competence among law enforcement officers, for example, become even more apparent when technological infrastructure is inadequate and when the prevailing legal culture has not yet embraced the use of electronic systems. Under such conditions, the quality of service delivered to E-Litigation users becomes inconsistent, thereby undermining the principle of *equality before the law*. Individuals with good access to technology experience more efficient judicial proceedings, while those with limited access are placed at a disadvantage. This imbalance in service delivery creates an empirical perception that E-Litigation has not yet succeeded in guaranteeing equal standing before the law. In this way, a barrier in one factor can trigger a cascading effect that impairs the broader fulfillment of human rights.

The issue of electronic privacy further illustrates how these four factors are interwoven. When data protection mechanisms lack transparency, and both the public and legal personnel do not fully understand digital security standards, the risk of privacy violations increases significantly⁴⁹. Moreover, a legal culture that still regards physical documents as the benchmark for data security leads some parties to question the reliability of electronic data protection. Such doubts not only diminish public trust but also hinder the optimization of E-Litigation as a secure and reliable system. This situation indicates that the protection of *privacy rights* depends on the simultaneous integration of competence, infrastructure, and cultural acceptance.

The disparity in digital literacy among the public further highlights the extent to which the effectiveness of E-Litigation is shaped by the interaction of various factors. Citizens who are unfamiliar with digital procedures face not only technical challenges but also a reduced opportunity to assert their rights effectively. When legal personnel lack the time or capacity to provide adequate assistance, access to justice services becomes increasingly unequal. This situation is compounded by unstable technological infrastructure, which heightens the risk of failed document uploads or missed procedural deadlines. These conditions result in the emergence of a "new layer of

⁴⁹ Mardjono Reksodiputro, *Hak Asasi Manusia Dalam Sistem Peradilan Pidana* (Jakarta: UI Press, 1997).

injustice” within a digital system that, in principle, aims to eliminate barriers to accessing justice.

Furthermore, the prevailing legal culture among both the public and court officials, which remains oriented toward manual systems, continues to slow the adaptation process to E-Litigation. The perception that online hearings are less formal or less convincing leads some parties to prefer conventional mechanisms. However, technological developments demand a shift in legal behavior to align with the innovations of modern judicial systems. The misalignment between cultural perceptions and technological imperatives generates tension in practice, which ultimately has a direct impact on the fulfillment of human rights.

In other words, the success of E-Litigation is highly dependent on the capacity of all stakeholders to adapt to both the structural and cultural transformations required by digital justice systems. The interconnection among these factors illustrates that the challenges within E-Litigation are not merely technical in nature but are inherently multidimensional. Each factor contributes in its own way to the suboptimal realization of human rights, and when these elements are not addressed comprehensively, E-Litigation risks functioning merely as an administrative mechanism rather than as a genuine instrument for protecting fundamental rights.

For example, improvements in technological infrastructure without corresponding enhancements in digital literacy will continue to leave significant disparities in access. Similarly, capacity-building programs for judicial personnel, if not accompanied by changes in legal culture, will fail to bring about substantial behavioral transformation in public service. These dynamics underscore the necessity of an integrative approach that harmonizes all contributing factors.

Based on the overall analysis, it can be concluded that the effectiveness of human rights fulfillment through E-Litigation at the Tanjung Pinang Administrative Court depends on the simultaneous strengthening of all four non-normative factors. Law enforcement personnel must possess both digital competence and a high degree of human rights sensitivity; technological infrastructure must be accessible, equitable, and secure; the public must be empowered through targeted digital education; and legal culture must evolve to support digital transformation. If any of these components lag, disparities in access and risks of privacy violations will persist. Therefore, the successful implementation of E-Litigation requires a multi-layered, measurable, and adaptive policy framework that responds to the diverse socio-technical realities of its users. With the alignment of these four factors, E-Litigation can evolve into a justice system that is not only modern and efficient but also equitable and genuinely human rights-oriented.

Conclusion

The adoption of E-Litigation at the Tanjung Pinang Administrative Court marks a significant milestone in judicial digitalization, yet the optimal protection of human rights, specifically privacy and equality before the law, remains an elusive goal. A substantial disconnect exists between formal legal mandates and their practical execution, suggesting that a robust regulatory framework, such as PERMA No. 1/2019, is insufficient without concurrent readiness in social and technical infrastructures. Applying Soerjono Soekanto's theory, the study highlights that while the "law" factor is strong, the "enforcement," "facilities," and "legal culture" factors act as systemic bottlenecks. Disparities in digital literacy and unstable connectivity create a fragmented landscape where technologically advantaged litigants thrive, while vulnerable groups face new procedural hurdles, thereby undermining the essence of substantive justice.

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