

ADVOCATE CHALLENGES IN PERFORMING PROFESSIONAL FUNCTIONS WITHIN INDONESIAN ELECTRONIC COURT PROCEEDINGS

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Abstract. The implementation of electronic court proceedings (e-Court) in Indonesia has significantly transformed the practice of the legal profession, particularly the role of advocates. While judicial digitalization enhances administrative efficiency and transparency, it simultaneously introduces novel structural and cultural hurdles. This study employs a normative juridical method with both statute and conceptual approaches to critically analyze the implications of electronic litigation for the functions and responsibilities of advocates. The findings indicate that restricted technical access, regional infrastructure disparities, limited digital literacy, and pressing concerns regarding data protection constitute the primary obstacles to effective legal representation in electronic proceedings. Furthermore, a significant regulatory gap persists due to the lack of harmonization between conventional procedural laws and digital mechanisms, which potentially threatens the principles of fair trial and legal certainty. Accordingly, structural mitigation is urgently required. This research concludes that strengthening the digital capacity of legal practitioners through continuous legal education, alongside comprehensive regulatory reforms and modernizing professional codes of ethics, is essential to ensure that the foundational values of *Officium Nobile* remain preserved within the modern electronic judicial system.

Keywords: *e-Court, advocates, legal ethics, legal certainty, technological challenges*

Introduction

The rapid development of information and communication technology over the past two decades has significantly influenced various aspects of human life, including legal and judicial systems. This digital transformation requires state institutions, particularly the judiciary, to adapt to new paradigms of electronic-based public services. Within the legal context, digitalization is not merely an administrative improvement but also relates to how the principles of justice, legal certainty, and utility can be effectively realized in an online environment. This necessity encouraged the Supreme Court of the Republic of Indonesia to launch the electronic court system (e-Court) as part of a broader e-Government initiative aimed at modernizing the national judiciary (Indra et al., 2024). The implementation of e-Court was initially regulated under Supreme Court Regulation (PERMA) No. 3 of 2018 on Electronic Court Administration, subsequently amended by PERMA No. 1 of 2019 and most recently by PERMA No. 7 of 2022. Through this system, all procedural stages case registration, payment of court fees, electronic summons, hearings, and the submission of documents such as replies, rejoinders, conclusions, and decisions can be conducted electronically (Simanungkalit and Debora, 2024). This initiative represents a concrete step by the Supreme Court to realize the principles of a simple, fast, and low-cost judiciary as mandated by Article 2 paragraph (4) of Law No. 48 of 2009 on Judicial Power. Consequently, the e-Court system constitutes a major milestone in the reform of Indonesia's judicial system (Setiawan and Putri, 2021).

Despite these advances, the implementation of e-Court has not proceeded without challenges. In practice, many legal practitioners, particularly advocates, face considerable barriers. As key actors in safeguarding the rights of justice seekers, advocates are central to ensuring fair legal representation (Kusuma et al., 2024). However, the transition to digital procedures requires advocates to adapt to new mechanisms requiring technological competency, adequate infrastructure, and a thorough understanding of electronic regulations. Not all advocates especially those practicing in rural areas or senior practitioners are able to adapt quickly to this digital environment, creating a digital divide within the legal profession that may affect the quality of legal services (Nasution, 2021a). Beyond technical barriers, there are complex legal and ethical issues as well. The Indonesian Code of Ethics for Advocates was formulated based on assumptions of conventional practice, where interactions between advocates, clients, and courts occur in person. In contrast, e-Court involves online communication and electronic document exchanges, creating the potential for new ethical violations such as data breaches, document manipulation, or misuse of digital identity. The absence of clear ethical norms tailored to digital litigation risks blurring professional boundaries and potentially undermining the integrity of the advocate profession as an *officium nobile* a noble profession grounded in honor, moral responsibility, and legal integrity (Putri, 2023).

Challenges also emerge in the realm of procedural law, particularly concerning electronic evidence. Although Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) and its amendments recognize electronic evidence as legally valid, its application in court often provokes debate. Advocates must ensure that digital documents, electronic signatures, and online communications submitted as evidence satisfy principles of authenticity and integrity. This requires a level of digital literacy that goes beyond the traditional competencies expected in conventional legal practice (Wilyana et al., 2020). Furthermore, electronic hearings present challenges in maintaining the principles of fair trial and the right to effective legal representation. Issues such as unstable internet connections, limited access to technological devices, or other technical disruptions may hinder courtroom proceedings and reduce the quality of interaction between advocates, judges, and clients (Ihwan and Nugraheni, 2021). These circumstances may create unequal access to justice, especially for underprivileged communities lacking adequate technological resources. In this context, the role of advocates becomes increasingly crucial to ensure that their clients' rights remain protected and that judicial processes remain fair despite the digital format (Subhan et al., 2025).

Considering these challenges, it is evident that the transition toward an electronic judicial system is not merely a technical shift but also a paradigm shift in the practice of advocacy. The role of advocates as independent, autonomous, and responsible legal professionals is being tested within this digital environment. Therefore, this research is essential to analyze the challenges faced by advocates in performing their professional functions in the era of electronic court proceedings (e-Court), particularly in technical, ethical, and legal dimensions. This study aims to offer a comprehensive overview of the current landscape of advocacy within the e-Court system and to propose recommendations for achieving a modern, accountable, and just electronic judiciary.

Research question / problem statement

Based on the foregoing background, this study addresses the following research question: What challenges do advocates face in performing their professional functions within electronic court proceedings (e-Court)?

Research objective

This study aims to identify and analyze the various challenges encountered by advocates in carrying out their professional functions within the electronic court (e-Court) system. It seeks to provide a comprehensive understanding of how the transition to electronic case administration and hearings influences the roles, responsibilities, and ethical obligations of advocates in modern judicial practice. Additionally, the study examines the technical, juridical, and ethical barriers arising from e-Court implementation and evaluates the extent to which advocates are able to adapt to digitalized judicial processes without compromising the principles of due process of law and the fundamental rights of justice seekers.

Materials and Methods

This study employs a normative legal research method using both the statute approach and the conceptual approach. The normative approach is used to analyze the body of positive law governing the implementation of electronic court proceedings (e-Court), including the provisions contained in Law No. 18 of 2003 on Advocates, Law No. 48 of 2009 on Judicial Power, as well as Supreme Court Regulation (PERMA) No. 3 of 2018 and PERMA No. 7 of 2022, which form the legal basis for electronic case administration and electronic litigation. The conceptual approach is applied to examine relevant theories concerning the legal profession, the principle of fair trial, the concept of officium nobile, and legal modernization theory in the context of judicial digitalization. The data used in this research consist entirely of secondary legal materials, including primary legal sources (statutes and regulations), secondary legal sources (books, scholarly articles, and previous studies), and tertiary legal sources (legal dictionaries and supporting reference materials). The analysis is conducted through a qualitative descriptive method, which involves interpreting, describing, and linking legal provisions with relevant concepts and theories in legal studies, in order to obtain a comprehensive understanding of the challenges faced by advocates in performing their professional functions within the electronic court system.

Results and Discussion

This study finds that the implementation of electronic court proceedings (e-Court) has brought substantial changes to courtroom procedural mechanisms. This system represents a form of judicial modernization that aims to enhance efficiency, transparency, and access to justice. Nevertheless, for the legal profession, the adoption of e-Court also introduces new challenges that require critical examination. Based on the findings, these challenges can be categorized into several key aspects.

Limitations in technical access and infrastructure

One of the primary challenges faced by advocates in performing their professional functions in the era of electronic proceedings (e-Court and e-Litigation) is the uneven

distribution of technical access and infrastructure across Indonesia. The implementation of the electronic judicial system by the Supreme Court through Supreme Court Regulation (PERMA) No. 7 of 2022 indeed represents a progressive step toward judicial efficiency, transparency, and accountability. However, in practice, many advocates continue to experience difficulties in accessing and utilizing the system optimally. These obstacles are particularly evident among advocates practicing in regions with unstable internet quality, limited digital devices, and insufficient court infrastructure, such as server capacity and systems that often experience technical disruptions. In addition to infrastructure issues, digital literacy also constitutes an important factor influencing the effectiveness of advocates in the electronic judicial system. Not all advocates possess adequate technological skills to operate the e-Court application, register cases online, or properly upload defense documents (Suharto et al., 2026). Training provided by professional organizations and judicial institutions is often neither continuous nor evenly distributed across Indonesia. As a result, some advocates still face difficulties complying with e-Litigation procedures—from case registration to evidentiary stages. This condition generates inequality in access to justice, as the effectiveness of legal representation becomes highly dependent on the availability of infrastructure and technical capabilities of advocates, rather than solely their substantive legal competence as officers of justice (Zaidah et al., 2024).

Readiness of Human Resources (HR) among advocates and the courts

Human resource readiness is a crucial factor in the successful implementation of electronic court proceedings in Indonesia. The transformation toward an e-Court system requires not only technological adaptation but also changes in mindset and technical skills among legal actors, including advocates, judges, registrars, and court personnel. In reality, not all legal professionals possess adequate digital competencies to operate electronic systems effectively. Significant differences in digital literacy between senior and junior advocates, for instance, affect the effectiveness of online hearings. Many advocates continue relying on conventional methods due to limited understanding of the technical procedures of e-Court, from case registration and evidence submission to virtual hearing sessions (Nasution, 2021b). Court personnel also face similar challenges. Not all court employees possess sufficient technical skills to manage complex e-Court systems, particularly in first-level courts located in regional areas. Limitations in training, lack of competent technical staff, and frequent system disruptions result in administrative barriers such as delayed document validation, incorrect case data entry, or technical difficulties during online hearings involving multiple parties. Therefore, HR readiness within the judiciary is essential to ensure the smooth operation of an efficient, transparent, and accountable electronic judicial system (Hutagalung, 2022).

To address these challenges, strengthening human resource capacity within judicial institutions must be conducted systematically and continuously. The Supreme Court has initiated digital transformation through the implementation of the e-Court system as an early step toward modernizing technology-based judicial services. Enhancing digital legal literacy among advocates such as through Continuing Legal Education (CLE) focused on technological competencies is necessary to adapt to the digitalization of legal practice. With adequate training and integrated technological support, both advocates and court personnel can effectively adjust to the new mechanisms, ensuring that the essence of justice is not diminished by technical barriers or HR limitations (Fajriyani et al., 2019).

Regulatory challenges and legal certainty

Although the implementation of e-Court and e-Litigation has been regulated under Supreme Court Regulation (PERMA) No. 3 of 2018, later revised by PERMA No. 7 of 2022, various normative issues persist in practice, creating legal uncertainty for advocates in fulfilling their roles within electronic proceedings. One of the core problems is the absence of harmonization between conventional procedural laws, such as HIR/RBg, and the digital-based judicial system. Existing regulations have not fully accommodated the paradigm shift from face-to-face proceedings to online mechanisms, resulting in ambiguities concerning evidentiary processes, document authentication, and the validity of electronic evidence submitted through the e-Court system (Syahputra and Khotimah, 2021). Additionally, there remains a regulatory gap pertaining specifically to the roles and responsibilities of advocates in electronic proceedings, encompassing ethical, technical, and formal legal aspects. PERMA provisions primarily address administrative mechanisms and procedural matters, without providing ethical guidelines or operational standards for advocates regarding digital document management, use of electronic signatures, and safeguards for client confidentiality in digital spaces. This condition creates uncertainty for advocates in determining the boundaries of their professional duties. Furthermore, no derivative regulations from advocate organizations such as the Indonesian Advocate Code of Ethics explicitly accommodate the digital era (Renaldhi et al., 2025).

This legal uncertainty risks undermining the principles of due process of law and fair trial, as unclear procedures may affect the effectiveness of legal representation. Therefore, comprehensive and harmonized regulatory reforms between the Supreme Court and advocate organizations are necessary to ensure that electronic judicial processes not only achieve technical efficiency but also uphold legal certainty, procedural justice, and the protection of parties' rights in digital proceedings.

Professional ethics challenges and data security

The development of the e-Court system brings significant ethical implications for the legal profession, particularly related to client confidentiality and electronic data security. In traditional legal practice, advocates are bound by the principle of attorney-client privilege, which ensures the confidentiality of communications between advocates and clients as a matter of professional trust (Puspadewi et al., 2025). However, within electronic proceedings, this principle faces new challenges due to the use of digital platforms that carry risks of data breaches, hacking, or misuse of electronic documents. When case documents, evidence, or powers of attorney are submitted online, advocates must ensure secure data transmission to avoid ethical violations. Moreover, the absence of specific ethical standards governing digital legal practice generates ambiguity in applying the professional code of ethics. The Indonesian Advocate Code of Ethics does not explicitly regulate the handling of electronic documents, the use of digital signatures, or obligations to maintain the security of online communication systems with clients. In cyber legal practice, advocates are required not only to master substantive law but also to possess digital literacy and the ability to assess the security risks of the technologies they employ. The lack of explicit ethical guidelines exposes advocates to professional dilemmas, such as balancing efficiency with client confidentiality obligations (Satria et al., 2024).

Another issue concerns the authentication and integrity of electronic data. Although Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) provides the legal basis for electronic signatures and digital documents, practitioners remain skeptical about the security level of the e-Court system, particularly regarding encryption and data storage standards. Data breaches or alteration may have serious implications for the admissibility of evidence and the advocate's responsibility to preserve the integrity of legal documents (Aprilianti, 2024). These ethical and security challenges indicate the need to revise the Indonesian Advocate Code of Ethics and establish digital ethical guidelines endorsed by professional organizations such as PERADI or KAI. Collaboration among the Supreme Court, Ministry of Communication and Informatics, and advocate organizations is also essential to develop an integrated cybersecurity system that safeguards the confidentiality and integrity of legal documents throughout all stages of e-Court proceedings. This ensures that judicial digital transformation does not compromise fundamental values of the legal profession integrity, independence, and ethical responsibility toward clients and the court (Suharto et al., 2026).

Impact of electronic proceedings on the functions of advocates

The implementation of electronic proceedings (e-Court and e-Litigation) fundamentally alters the functions and roles of advocates as legal professionals who perform both social and professional functions within the judicial system. Ideally, digitalization should enhance efficiency, transparency, and access to justice. However, in practice, it necessitates significant adjustments to how advocates carry out their traditional roles in the courtroom. In conventional proceedings, advocates interact directly with judges, prosecutors, witnesses, and clients; whereas in electronic proceedings, interactions are mediated through technology, which may influence advocacy effectiveness and the psychological dynamics of trial processes (Paridah, 2020). One of the most apparent impacts is the diminished space for interpersonal communication and courtroom influence. In face-to-face trials, advocates can build courtroom presence through rhetoric, gestures, and nonverbal strategies that influence judicial perception. In e-Litigation, such communication becomes limited by screens and internet quality, potentially reducing advocacy effectiveness, especially when responding spontaneously to opposing arguments or clarifying witness testimony. Online hearings also do not always guarantee full participation, particularly when technical disruptions, audio delays, or disconnections occur during proceedings (Salsabila et al., 2025).

Beyond communication, the advocate's role in safeguarding justice and fairness (*officium nobile*) faces challenges in ensuring compliance with due process of law. In digital settings, advocates must adapt their advocacy strategies for example, organizing digital documents systematically, using verifiable electronic evidence, and mastering online presentation tools. Failure to do so may disadvantage clients due to inadequate legal representation (Lubis et al., 2025). Administrative burdens on advocates also increase due to technical obligations inherent in e-Court usage. Advocates must understand document upload systems, verify electronic signatures, and ensure client data security. Larger law firms may overcome these challenges through legal technology divisions, but independent practitioners or those in remote regions often experience these obligations as additional burdens, creating functional disparities between urban and regional advocates.

From an ethical standpoint, digitalization also demands a redefinition of the advocate's function as a protector of client rights within digital justice frameworks. Advocates now serve not only as courtroom defenders but also as guardians of client data integrity and security. This evolution signifies that digital transformation is not merely procedural modernization but also a paradigm shift in the professional responsibilities of advocates within modern legal ecosystems. Thus, the implementation of e-Court brings dual consequences: expanded efficiency and access to justice on one hand, and significant demands for professional, ethical, and technological adaptation on the other. The success of advocates in navigating these changes depends on organizational readiness, regulatory support, and individual ability to integrate legal expertise with digital competence.

Theoretical analysis of judicial modernization and the transformation of advocate functions

Digital transformation in the judicial system through e-Court and e-Litigation represents not only administrative innovation but also a broader process of legal modernization. According to Lawrence M. Friedman, a legal system consists of three essential elements legal structure, legal substance, and legal culture which must adapt simultaneously to social and technological changes to function effectively. In this context, e-Court reflects changes in legal structure (courts and technology), but its success depends heavily on adjustments in legal substance (regulation) and legal culture (professional practices, including advocates) (Kautsar and Muhammad, 2022). Judicial modernization through e-Court aims to realize the principles of a fast, simple, and low-cost judiciary as mandated by Article 2(4) of Law No. 48 of 2009 on Judicial Power. However, this modernization cannot be separated from the readiness of all legal actors, particularly advocates, as one of the pillars of the judicial system. Advocates' functions include not only representing clients but also ensuring justice and safeguarding fair trial processes. Therefore, changes in judicial mechanisms inevitably influence the systemic role of advocates.

From the perspective of legal profession theory, the role of advocates is rooted in the concept of *Officium Nobile* an honorable profession grounded in integrity, moral responsibility, and humanitarian values in upholding the law. The digitalization of courts requires a reinterpretation of *Officium Nobile* in virtual spaces, where justice is mediated not by physical interaction but by algorithms, data, and digital networks (Helmi and Silalahi, 2025). As such, advocates must acknowledge that ethical responsibilities in digital environments extend beyond substantive legal advocacy to include data confidentiality and procedural fairness in technology-based systems. In the context of procedural justice, fairness is determined not only by outcomes but also by the fairness and transparency of the processes undertaken. In e-Court, advocates play a crucial role in ensuring that digital proceedings uphold fundamental rights such as the right to be heard (*audi et alteram partem*) and equality of arms. Challenges arise when digital barriers technical limitations or system unpreparedness undermine participant involvement, potentially diminishing the quality of procedural justice (Renaldi et al., 2025). Advocates must therefore take an active role in ensuring that digital transformation does not erode core principles of justice.

From the perspective of responsive legal theory developed by Nonet and Selznick, law should not be merely repressive or administrative but adaptive to social and technological developments. The implementation of e-Court shows that Indonesian law

is moving toward a responsive paradigm, using technology to expand access to justice and enhance judicial accountability. However, advocates ultimately determine whether this transformation results in substantive benefits or creates new exclusions for those unprepared for digitalization. Thus, theoretical analysis shows that judicial modernization through e-Court necessitates a paradigm shift in the role of advocates from traditional practitioners to legal technologists and guardians of digital justice values (Sulaiman and Nasir, 2014). Advocates must navigate these changes by balancing technological efficiency with foundational legal values such as the right to counsel, professional independence, and legal ethics. This underscores the importance of advocates as integral components of an adaptive and equitable judicial system in the era of legal modernization.

Strategies for strengthening the function of advocates in the era of electronic proceedings

To address the various challenges arising from electronic court implementation, advocates must strengthen their professional and institutional capacities to adapt to digital judicial transformation. The first strategy is to enhance digital legal literacy through structured and continuous training. Professional organizations such as PERADI, KAI, and IKADIN may collaborate with the Supreme Court and the Ministry of Communication and Informatics to provide certification programs covering e-Court usage, electronic data security, and digital document management. Such training is necessary not only to improve technical skills but also to maintain professional standards in the digital legal environment. Second, regulatory reforms and professional ethics guidelines must be strengthened to align with electronic judicial practices. Revisions to the Indonesian Advocate Code of Ethics and Supreme Court Regulations relating to e-Court should include specific provisions on digital evidence, client data protection, and advocates' responsibilities in preserving the integrity of electronic information. These regulatory efforts will provide a clear legal basis and prevent ethical violations or data leaks that could harm clients and undermine the officium nobile principle.

Third, strategies should focus on building adequate support systems and technological infrastructure nationwide. Equal distribution of internet access within courts and law offices is essential to avoid disparities in e-Court access. The government, in partnership with the Supreme Court, may develop digital helpdesks and integrated technical support systems in district courts, enabling advocates facing technical problems to obtain assistance promptly and efficiently. Fourth, in the long term, a collaborative electronic judicial ecosystem must be established among courts, prosecutors, police, and advocate organizations. Such collaboration ensures uniform understanding of electronic systems, digital document validation, and online evidentiary procedures across legal institutions (Suharto et al., 2026). Through strong interinstitutional synergy, judicial modernization can occur effectively without compromising the principles of justice, legal certainty, or human rights protection.

Finally, periodic research and evaluation of e-Court implementation are necessary to identify challenges faced by advocates and assess the effectiveness of the policies adopted. These evaluations can serve as the basis for developing more adaptive and contextual regulations. Thus, strengthening the function of advocates in the digital hearing era requires not only reactive responses to technological advancements but also

proactive efforts to maintain the balance between digital innovation and the fundamental values of the legal profession.

Conclusion

This study concludes that advocates encounter five principal categories of challenges in performing their professional functions within electronic court proceedings (e-Court): (1) technical and infrastructural constraints, including unstable internet connectivity and limited access to adequate digital facilities; (2) disparities in human resource readiness, particularly regarding the digital literacy and operational competence of both advocates and court personnel; (3) regulatory and legal certainty issues resulting from the misalignment between conventional procedural law and electronic judicial mechanisms; (4) ethical and data security risks associated with the confidentiality, authenticity, and integrity of electronic legal documents; and (5) functional challenges that alter traditional modes of advocacy, including diminished persuasive interaction in virtual hearings and increased administrative burdens. These findings directly address the research question by confirming that the transition to electronic proceedings imposes multidimensional obstacles that materially affect advocates' ability to deliver effective legal representation. When viewed through Friedman's legal system theory, these challenges illustrate that the structural modernization achieved through the e-Court system has not been fully matched by corresponding developments in legal substance and legal culture, thereby creating systemic gaps that burden practitioners. Simultaneously, the transformation of judicial processes necessitates a reinterpretation of *officium nobile*, requiring advocates to uphold justice not only through substantive legal expertise but also through digital competence and adherence to heightened ethical standards in virtual environments. Accordingly, mitigating these challenges demands regulatory harmonization, enhanced digital capacity-building, and coordinated institutional support to ensure that judicial digitalization remains consistent with the principles of due process, professional integrity, and the broader objectives of an equitable and modern legal system.

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Conflict of interest

The authors confirm that there is no conflict of interest involve with any parties in this research study.

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