

Digital Transformation of the Judiciary in Indonesia: Analysis of the Practicality of Electronic Mediation of Divorce According to the Ideals of Islamic Law and Legal Ideals

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ABSTRACT: Increasing digital transformation in the Indonesian judicial system after the implementation of PERMA No. 1 of 2019 concerning Electronic Justice Administration, with an emphasis on electronic mediation (e-mediation) in the context of divorce, containing sensitive elements. The purpose of this study is to analyse the efficiency level of e-mediation and assess the suitability of the practice with the ideals of Indonesian law (justice, certainty, utility) and the principles of Islamic law (maslahah, islah, avoidance of mudharat). The methodology used in this study is qualitative with an analytical-descriptive approach to library research. Primary data obtained from PERMA and court decisions, as well as secondary data from scholarly journals, books, and fatwas were analyzed with an interdisciplinary approach. The findings of this study show that e-mediation in divorce cases is practical from the point of view of time and cost efficiency (aspects of certainty and utility). However, the level of practice is hampered by various technical challenges, digital divides, and the complexity of the psychological dynamics of the parties involved. From the perspective of Islamic law, e-mediation is in line with the principles of islah (reconciliation) and maslahah if it is able to defuse conflicts, although it is important to pay attention to the confidentiality and validity aspects of the negotiation process related to iddah maintenance and children's rights. In conclusion, e-mediation is an innovation that is consistent with the values of sharia law and maqashid, but its implementation requires infrastructure improvement, mediator capacity development, and specific guidelines that integrate positive aspects of Islamic law, technology, and ethics.

KEYWORDS: Digital Transformation, Electronic Mediation, Divorce, Legal Ideals, Islamic Law, Practicality.

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Introduction

The Battle of the Digital transformation has become mainstream in the modernization of the global legal and judicial sectors, including in Indonesia. In context *Society 5.0* emphasizing the integration of physical and digital spaces to solve social problems, the Indonesian judiciary made a significant leap with the issuance of Supreme Court Regulation (PERMA) Number 1 of 2019 concerning Electronic Judicial Administration. This policy is the legal basis for the implementation of digital justice (e-court), which aims to create a fast, simple, and low-cost justice (Ahmed et al., 2021; Putrijanti & Wibawa, 2021). As an implementation, the Supreme Court launched various supporting applications, such as *e-Court*, *e-Filing*, dan *e-Summon*, which marks a new chapter in access to justice (Muhamad Iqbal, Susanto, 2020; Retnaningsih et al., 2020).

In the Indonesian civil justice system, mediation occupies a very strategic position as a mandatory step before the trial of the main case begins. This is regulated in Article 30, Paragraph (1) of PERMA Number 1 of 2016 concerning Mediation Procedures in Court, which was then reaffirmed in PERMA Number 1 of 2018. Mediation is not only seen as an administrative procedure, but as an effort to achieve peace and restorative justice dispute resolution. According to Delisa, conventional mediation (face-to-face) in the Religious Court has long been a *gatekeeper* to filter divorce cases, with a significant success rate in reconciling the parties (Delisa et al., 2025)

However, the paradigm and practice of mediation have experienced a dramatic disruption with the COVID-19 pandemic. Social restrictions are forcing the judiciary to adapt and accelerate the adoption of electronic mediation (*e-mediation*). This shift from a conventional to virtual approach is not just a change in medium, but a fundamental transformation in the interaction between mediators and parties. Research by Lahilote et al. revealed that the pandemic became an inevitable catalyst, where e-mediation, which was previously still in the trial stage, became the only viable option to ensure the continuity of the judicial process (Lahilote et al., 2024). Post-pandemic, this practice continues to be maintained because it is considered to increase efficiency.

Nonetheless, the implementation of *e-mediation* faces complex challenges when applied to specific cases such as divorce. Divorce cases are not only a formal legal issue, but are loaded with emotional sensitivity, high secrecy, and strong religious values (Islamic Law). The psychological dynamics of the parties, which include heartache, anger, and disappointment, require a humanist and empathic approach that is difficult to realise entirely through the screen (Zaidah & Normas, 2022). In addition, the substance of the discussion in divorce mediation is very crucial, including the civil rights of children (hadhanah, alimony), joint property, and mascots, which, from the perspective of Islamic Law, have an inseparable spiritual and legal-formal dimension (Aunillah & Annisa, 2025). The confidentiality of the negotiation process has become particularly vulnerable in the digital space, raising concerns about the leakage of sensitive personal data (Amrin, 2023; Pepriyanti et al., 2023).

Based on the description above, it was identified that there were academic gaps that needed to be studied more deeply. Most previous studies have discussed the effectiveness of *e-mediation* from a time and cost efficiency perspective. However, there are still limited studies that comprehensively analyse the level of practicality of *e-mediation* in the context of the complexity of divorce cases. Practicality here is seen not only in terms of technical and efficiency aspects, but also in the ability of these mechanisms to

uphold substantive justice, secrecy, and the psychological values of the parties (Antich & Calo, 2021). Furthermore, as a country with a majority Muslim population, the analysis of conformity *e-mediation* with the principles of Islamic Law, especially related to the purpose of marriage (*maqashid al-nikah*), principle *Ishlah* (peace), and ethics (*Morals*) in resolving disputes, is still very much needed (Suhaili, 2025). Therefore, this article aims to critically analyse the digital transformation of the judiciary with a focus on the practicality of electronic mediation in the settlement of divorce cases, reviewed from the integrative perspective of the Ideals of Indonesian Law and Islamic Law.

Research Aim and Research Questions

This research is a normative legal research (*legal research*) by combining conceptual approach, statute approach, and case approach (Rizkia & Fardiansyah, 2018). The primary data sources for this study are PERMA No. 1 of 2019, PERMA No. 1 of 2016 jo. PERMA No. 1 of 2018 concerning Mediation, as well as several decisions of Religious Courts related to mediation. The secondary data of this study were obtained from scientific journals, textbooks, articles, and online publications regarding the digital transformation of the judiciary, mediation, civil procedural law, fiqh munakahat, and maqashid sharia. The data of this study were collected through document and literature studies. The data analysis of this study uses qualitative content analysis and logical analysis techniques (Vaismoradi et al., 2013). Data is analysed by describing the findings, then interpreting them within the framework of legal theory and principles of Islamic law as per the systematic analysis of qualitative data by Miles and Huberman (Miles & Huberman, 2016).

Research Results

The Concept of Divorce Settlement in Islam

In Islamic law, divorce (*thalaq*) is seen as the last resort (*abghadl al-halal*) that Allah hates the most, but its validity is recognized when the marriage is no longer tenable. The settlement of divorce disputes in Islam is not only oriented towards the termination of the marriage bond, but rather emphasises efforts for reconciliation (*ishlah*) and a just settlement. The main foundation is found in QS. An-Nisa': 35, which emphasises the importance of a referee (*tahkim*) by a peacemaker from each family.

According to Tahir, the essence of resolving divorce in Islam must be based on the principle of *maqashid al-syari'ah* (Purpose of Shari'a) (Tahir et al., 2024), in particular the protection of the five basic things (*al-dlaruriyat al-khamsah*), namely: to protect religion (*hifzh al-din*), soul (*hifzh al-nafs*), Sense (*hifzh al-'aql*), descendants (*hifzh al-nasl*), and treasures (*Hifzh Al-Mal*). Therefore, the process must prioritise the values of peace, justice, and the benefit of the family, especially children. Norfatin Najwa Binti Che Adnan added that the concept of *Sulh* (peace) is the heart of munakahat fiqh, where each stage of pre-divorce is such that *Them'* and *Scarlet Witch* actually contains room for mediation and reflection (Najwa, 2024).

Mediation as an Alternative to Divorce Case Resolution

Mediation is a modern manifestation of the concept of *Ishlah* and *Sulh* in the Islamic tradition. As an Alternative Dispute Resolution (ADR), mediation offers a more humane, voluntary, and future-oriented approach to the parties, especially children, compared to litigation that is often adversarial. Research by Supriadi, M. Muhibbin, and Suratman at the Malang Religious Court shows that mediation has succeeded

in reaching the level of a peace agreement (*reconciliation*), amounting to 25-30% of the total cases mediated. This success cannot be separated from the alignment of mediation values with Islamic legal principles (Rohman & Rachmatulloh, 2022). Fikri et al. emphasised that mediators in the context of Muslim divorce not only play the role of facilitators, but can also function as *Al-Hakam* (referee) appointed based on QS. An-Nisa': 35, who is in charge of reconciling and finding the most beneficial solution (Fikri et al., 2023). Mediation allows the parties to discuss sensitive matters such as *idda*, *Mut'ah*, child support, and custody (*hadhanah*) in a more private and respectful atmosphere, so that it is in accordance with the principles *Satr al-'Avrat* (covering up the disgrace).

Mediation in the Indonesian Legal System

In the Indonesian legal system, mediation has become a procedural obligation (*mandatory mediation*) for all civil cases, including divorce, since the issuance of Supreme Court Regulation (PERMA) No. 1 of 2016 concerning Mediation Procedures in Court, which was later reaffirmed in PERMA No. 1 of 2018. This obligation is stated in Article 30, Paragraph (1), which states that before the examination of the case, the judge is obliged to seek peace through mediation.

Priyana et al. analyse that the integration of mediation into the Indonesian justice system reflects a paradigm shift from retributive to restorative justice (Priyana et al., 2023). In the context of the Religious Court, this is a harmonious meeting point between positive law and Islamic law. Mediation in the Religious Court is unique in that its mediator, who is often a judge or mediator who understands *fiqh munakahat*, can combine modern mediation techniques with a religious approach (Rohman & Rachmatulloh, 2022), such as using the postulates of the Qur'an and Hadith to persuade reconciliation.

The latest development is the adoption of electronic mediation (*e-mediation*), which is regulated in PERMA No. 1 of 2019 concerning Electronic Justice Administration, and PERMA No. 2 of 2023 concerning Mediation. According to Pepriyanti, although *e-mediation* increases efficiency, its effectiveness in handling the emotional complexity of divorce cases needs to be continuously evaluated to ensure that the mediation process does not lose its restorative values (Pepriyanti et al., 2023). The comparison of conventional mediation with electronic mediation can be illustrated in table 1.

Table 1

Comparative Indicators of Conventional and Electronic Mediation

Indicator	Conventional Mediation	Electronic Mediation
Physical presence	Mandatory	Not required
Travel cost	High	Minimal
Scheduling flexibility	Limited	Flexible
Case processing time	Moderate	Faster

Mediation in the settlement of divorce cases is a clear example of how the universal values of Islam (*ishlah*, *sulh*, *maslahah*) can be accommodated and institutionalised in the modern Indonesian legal system. The obligation of mediation in the Religious Court is not only to meet procedural legal demands, but also to implement the substance of Islamic law itself. The synergy between the concept of *sulh* in *fiqh*

and the principle of *restorative justice* in Indonesian civil procedure law places mediation as an ideal mechanism to resolve divorce disputes in a fair and dignified manner. The difference can be illustrated in Table 2.

Table 2

Assessment of E-Mediation from Dual Perspectives

Dimension	Legal Ideals Perspective	Islamic Law Perspective
Legal Certainty	Strong (clear regulation)	Acceptable (formal validity met)
Utility	High efficiency	Supports <i>maslahah</i>
Justice	Requires qualitative improvement	Valid if ethical safeguards upheld
Confidentiality	Needs cybersecurity reinforcement	Ethical obligation (<i>satr al-'awrah</i>)

Discussion

The digital transformation carried out by PERMA No. 1 of 2019 has brought the Indonesian judiciary into a very significant new era, where physical presence is gradually being replaced by more modern and efficient virtual interactions. In an increasingly developing context, electronic mediation (e-mediation) has emerged as a very important key instrument through PRERMA No.2 of 2023, especially for complex civil cases such as divorce, which often require more effective solutions. However, its practicality must be carefully examined beyond mere measures of apparent efficiency, taking into account the deep philosophical foundations of Indonesian legal ideals and the substantive values contained in Islamic Law that deserve attention.

From a practical perspective, the findings of various cutting-edge studies show a balanced picture. On the one hand, e-mediation has proven to be very effective in overcoming geographical and bureaucratic constraints (Orellana, 2023). Maulina noted that the implementation of e-mediation in the Religious Court during the pandemic has succeeded in significantly reducing the waiting time for the mediation process (Maulina et al., 2022). This efficiency is a direct manifestation of the usefulness (*utility*), which is one of the pillars of Indonesian legal ideals. However, on the other hand, such practicality is faced with complex challenges.

Divorce mediation requires a depth of empathy and the ability to read body language that is difficult to fully realise in virtual communication (Ratnawaty et al., 2024). These limitations have the potential to hinder the achievement of a truly sincere and sustainable agreement, which is precisely the heart of the mediation process. In addition, the vulnerability of data confidentiality and sensitive conversations of parties in the digital space can reduce a sense of security and trust, crucial factors in discussing things such as alimony, child custody (*hadhanah*), and the division of common property (Nindyati & Ulfia, 2024). With regard to the ideals of Indonesian law, the presence of *e-mediation*, which is an electronic dispute resolution method, has met the demands of legal certainty through the existence of a clear and firm legal umbrella regulated in PERMA No. 1 of 2019.

Nevertheless, the achievement of substantive justice remains a very critical and fundamental question. Justice in the context of divorce lies not only in the final outcome of the agreement reached by

both parties, but also in the ongoing process that has the goal of restoring and empowering the individuals involved (Khosyiah, 2018). It is feared that the pressure to resolve cases quickly through these digital platforms has sacrificed the depth of the deliberative process that is actually necessary to achieve true restorative justice (Izzah & Pradikta, 2022). In other words, there is a clear tension between the efficiency of technology that offers a wide range of legal benefits and certainties, and the lingering, deep need for justice that is personal and contextual to each individual (Orellana, 2023).

Viewed from the perspective of Islamic Law, *e-mediation* is basically in line with the main principle of dispute resolution, namely, *Ishlah* (peace) is very basic. Mukhlis emphasised that all forms of mechanisms that aim to reconcile husband and wife and avoid divorce are a very significant effort in upholding *maslahah* (universal good) (Mukhlis, 2020). This effort is especially carried out in order to protect the offspring (*hifzh al-nasl*) and also protect property (*Hifzh Al-Mal*). From the point of view of contemporary *fiqh*, Najwa stated that peace agreements (*sulh*) reached through electronic means are, in principle, valid and permissible, as long as they meet the predetermined principles and conditions (Najwa, 2024), namely the willingness of the parties and the clarity of the object agreed upon by all parties involved. However, Salamah reminded us of the importance of integrating values *akhlaqul karimah* in this ongoing digital process (Salamah, 2013). The aspect of confidentiality (*iffah*) becomes very central and crucial; The *e-mediation* process must be able to guarantee that family disgrace is not widespread, in accordance with the principles of *sadd al-dzari'ah* (closing the door of damage) (Hidayat, 2023). Thus, practical *e-mediation* in Islamic law is not only measured by its formal validity, but also by its ability to uphold the prevailing ethics and maintain the dignity of the parties involved in the process.

E-mediation in divorce cases is a practical breakthrough instrumentally, but it still leaves substantive challenges. Its value cannot be seen only through the lens of efficiency, but must be judged by its ability to realise restorative justice and uphold ethical-religious values. For this reason, the success of this digital transformation is highly dependent on strengthening infrastructure, increasing the capacity of mediators in handling psychological dynamics virtually, and the preparation of operational guidelines that are not only technical-procedural, but also perspective on the ideals of sharia law and *maqashid*. Thus, *e-mediation* can truly be a tool that not only decides cases but also restores relationships and upholds dignified justice.

Conclusions

The digital transformation of the judiciary in Indonesia, especially through the implementation of *e-mediation* in divorce cases in the Religious Courts, has brought major changes in the dispute resolution system. This electronic justice policy has been proven to improve time efficiency, cut costs, and overcome geographical barriers that have been obstacles for justice-seeking communities. However, challenges remain, especially related to limitations in capturing psychological aspects, body language, and confidentiality during the online mediation process, making substantive justice and empathy sometimes difficult to achieve. From the perspective of Islamic law, *e-mediation* is considered in line with the principles of *ishlah* (peace) and *maqashid sharia*, as long as it fulfils the principles and legal requirements of the contract and maintains the ethics and confidentiality of the parties. In order for the benefits of *e-mediation* to be optimal, efforts are needed to strengthen technological infrastructure, mediator training, the preparation of holistic operational guidelines, increase people's digital literacy, and privacy

protection. With the right reform steps, e-mediation is expected not only to speed up the resolution of cases but also to uphold dignified restorative justice.

Furthermore, it is necessary to conduct a more comprehensive study focused on analysing the practicality of e-mediation in divorce cases that considers the psychological, sociological, and confidentiality dimensions of the parties, in addition to technical aspects and time and cost efficiency. More in-depth research on the conformity of e-mediation with the principles of Islamic Law, especially regarding *maqashid al-nikah*, the principle of *ishlah* (peace), and the values of *akhlaqul karimah*, is also very necessary. An integrative approach that combines positive analysis of Indonesian law, substantive values of Islamic Law, and humanitarian aspects in the application of electronic mediation can fill the academic gap that is still minimal. In addition, it is also important to evaluate the long-term effectiveness of e-mediation, data security, and the satisfaction of the parties in order to provide a comprehensive picture of the impact of judicial digital transformation in the context of sensitive and complex divorces.

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