



LEGAL VALIDITY OF ELECTRONIC SUMMONS IN INDONESIA'S CIVIL PROCEDURAL LAW: A STUDY OF SUPREME COURT REGULATION NO. 7 OF 2022

Dody Novizar Mardiansyah

Universitas Brawijaya, Malang, Indonesia, Email: dodynovizar@student.ub.ac.id

Sukarmi

Universitas Brawijaya, Malang, Indonesia, Email: sukarmi@ub.ac.id

Adi Kusumaningrum

Universitas Brawijaya, Malang, Indonesia, Email: adi_ningrum@ub.ac.id

Yenny Eta Widyanti

Universitas Brawijaya, Malang, Indonesia, Email: yenny.eta@ub.ac.id

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ABSTRACT

Digital transformation in Indonesia's judicial administration is reflected in the implementation of the electronic justice system, particularly through the regulation of e-summons. However, in practice, the e-summons mechanism intersects with the principles of legality and propriety of *relaas* (summons) as regulated under civil procedural law. This article examines the legal validity of electronic summons as regulated by Supreme Court Regulation Number 7 of 2022 within the framework of civil procedural law that remains guided by the HIR and RBg. It also analyzes legal issues arising from the delivery of summons through external parties, which raises concerns regarding authority, accountability, and procedural legitimacy. This study employs a normative legal research method, using statutory analysis, a conceptual approach to procedural law principles, and a comparative approach to electronic summons practices in several other countries. The findings reveal normative inconsistencies between conventional procedural law and recent digital regulations, as well as unresolved legal issues related to the involvement of third parties in delivering summons. These challenges highlight the need for a reformulation of civil procedural law that accommodates technological developments without undermining legal certainty and procedural justice.

1. Introduction

The massive phenomenon of information technology development has spread throughout the world.¹ Information technology and digitalization are currently becoming important matters and are needed in human life, considering the ease they offer to be used anywhere and anytime. Those who live in modern civilization today demand everything that is fast, easy, efficient, and effective. In fact, modernity seems to be an identity that must be present in all aspects of human life, while the rest is considered ancient and outdated. Furthermore, the digital era has brought about a paradigm shift in various aspects of life, including law enforcement institutions such as judicial bodies.²

Digital transformation in the Indonesian judicial system is a manifestation of legal bureaucratic reform that aims to increase efficiency, transparency, and accessibility for justice seekers. One of the important policies being the milestone of this change is the implementation of the electronic court system (e-Court) which is regulated through Supreme Court Regulation Number 3/2018, then amended by Supreme Court Regulation Number 1/2019 and finally refined through Supreme Court Regulation Number 7 of 2022. Through this policy, the Supreme Court has changed various administrative procedures to be digital-based, including regulating the electronic summons of litigants known as e-summons.³ The transformation of the judiciary through digitalization aims to assist and facilitate the court and the parties for the ingoing case through the procedural stages of the trial.⁴ Such alteration certainly provides a breath of fresh air in terms of efficiency and convenience.⁵ However, it simultaneously escalates the legal issues that are not simple, especially upon associating with the provisions of conventional civil procedural law which are still under the guidance of the HIR and RBg. The two colonial legacy regulations stipulate that the summons must be delivered directly by the bailiff or substitute bailiff in order to guarantee the validity and appropriateness of the summons process, while after the e-Summons came into

¹ Anggun Lestari Suryamizon., Pengaruh Teknologi terhadap perkembangan Hukum Hak kekayaan Intelektual di Indonesia, *Pagaruyung Law Journal*, Vol.1, no. 1, 2017, page.61

² Andara Tsabitha, Aulia Rahmadhani, Kalista Revana Pebrianti, and Salsabila Anggraini Zakaria., "Analisis Penerapan E-Court Dalam Sistem Peradilan Perdata Di Indonesia Guna Mewujudkan Peradilan Yang Transparan, *Media Hukum Indonesia*, Vol.2, No. 4, 2024, page.757. See too, Hafizh Daffa Setiawan, Mohammed Erhuma, and Amarru Muftie Holish., "E-Court Paradigm Shift: Problems of Legitimacy Mechanisms of Electronic Evidence in State Administrative Procedure Law," *Indonesian State Law Review*, Vol.6, no. 1, 2023, page.58.

³ Deasy Yuni Pratiwi Deasy, Askari Razak, Rizki Ramadani., "Effectiveness of Implementation of The Regulation of The Supreme Court of The Republic of Indonesia Concerning Electronic Administration of Cases and Trials in Court," *Qawanin Jurnal Ilmu Hukum*, Vol.5, no. 2, 2025, page.3.

⁴ Habibah Zainah and Muchamad Coirun Nizar., "Analisis Masalah Mursalah Terhadap Penggunaan Sistem E-Court Di Pengadilan Agama," *Jurnal Ilmiah Sultan Agung*, Vol.1, no. 1, 2022, page.79.

⁵ Salsabiela Nur Azizah and Winanto., "Tinjauan Yuridis Pelaksanaan Sistem E-Court Dalam Peradilan Perdata Untuk Mewujudkan Asas Sederhana Cepat Dan Biaya Ringan Di Pengadilan Negeri Wonosobo," *Prosiding Kontelasi Ilmiah Mahasiswa Unisula (KIMU)*, Semarang, Unissula, 2021, page.5.

effect, the mechanism for delivering the summons released has been carried out electronically by sending them via a digital domicile such as email or telephone number, meaning that it is no longer sent by the bailiff directly from door to door. If the parties do not have an electronic domicile, it will be sent via a third party such as PT. Pos Indonesia to the parties' addresses, this is known as registered mail. Thus, the delivery of the e summons mechanism escalated a conflict of norms between the new rules that encourage digitalization and the old rules which demands formality in procedures.

Previous studies on electronic justice in Indonesia largely focus on the implementation of e-Court and e-Litigation systems, emphasizing efficiency, accessibility, cost reduction, and technological readiness. The literature consistently finds that electronic case administration accelerates proceedings and lowers litigation costs through features such as e-filing, e-payment, e-summons, and e-litigation.⁶ Empirical research in both religious and general courts further highlights infrastructure limitations, digital literacy gaps, and legal culture as key barriers to effective adoption.⁷

Nevertheless, most studies treat e-Summons merely as a technical component of e-Court, rather than as an independent procedural mechanism with distinct legal consequences. Discussion of summons is generally confined to efficiency outcomes, with limited analysis of its conformity with fundamental civil procedural principles such as due process, legal certainty, and proper service of process under HIR and RBg.⁸ Although PERMA Number 7 of 2022 is frequently cited, it is mostly

⁶ Eti Yusnita, and Muhammad Toriq., "Embracing E-Court Innovation: Advancing Masalah Mursalah in Indonesia's Religious Courts," *Nurani: jurnal kajian syari'ah dan Masyarakat*, Vol.24, no. 2, 2024, page.515. See too, R. Helmia., "The existence of electronic courts (E-court) in realizing simple, fast and low-cost justice," *International Journal of Innovation, Creativity and Change*, Vol.8, no. 9, 2019, page.272.

⁷ Azhar Alam, Ririn Tri Ratnasari, Yusuf Wisnu Nugroho, and Putri Melaniya Utami., "Identifying Problems and Solutions of the E-Court System of Religious Courts in Indonesia: An Analytic Network Process Study," *UUM Journal of Legal Studies*, Vol.15, no. 2, 2024, page.650. See too, R. Helmia., "The existence of electronic courts (E-court) in realizing simple, fast and low-cost justice," *International Journal of Innovation, Creativity and Change*, Vol.8, no. 9, 2019, page.274; Hasyim Sofyan Lahilote, Frangky Soleman, Faradila Hasan, Rusdaya Basri, and Azizah Lahilote., "Digitalisasi Peradilan di Indonesia Tengah: Studi Implementasi E-Court dan E-Litigasi di Pengadilan," *Syariah: Jurnal Hukum dan Pemikiran*, Vol.24, no. 2, 2024, page.321; Dian Latifiani, Nur Arif Nugraha, Anis Widyawati, Akhmad Khalimy, Muhammad Iqbal Baiquni, Asmarani Ramli, and Pratama Herry Herlambang., "The Revitalizing Indonesia's Religious Courts System: The Modernization Impacts and Potentials of E-Court," *Jurnal Hukum*, Vol.40, no. 1, 2024, page.10.

⁸ Dian Latifiani, Yusriyadi Yusriyadi, Agus Sarono, Esmi Warassih Pudjirahayu, Suryo Adi Widigdo, and Nur Arif Nugraha., "Implementation of Simple, Fast and Low-Cost Principles in E-Summons with the E-Court System," *Diponegoro Law Review*, Vol.8, no. 1, 2023, page.112. See too, Mulyani Zulaeha., "E-Courts in Indonesia: Exploring the opportunities and challenges for justice and advancement to judicial efficiency," *International Journal of Criminal Justice Sciences*, Vol.18, no. 1, 2023, page.187; Indriati Amarini, Yusuf Saefudin, Ika Ariani Kartini, Marsitiningasih Marsitiningasih, and Noorfajri Ismail., "Digital transformation: creating an effective and efficient court in Indonesia," *Legality: Jurnal Ilmiah Hukum*, Vol.31, no. 2, 2023, page.269; Dian Latifiani, Baidhowi Baidhowi, Pratama Hery Herlambang, Farkhan Radyafani Winarno, and Ahmad Habiburrahman., "Can Advocates' Legal Culture in Civil Law Enforcement Drive Reform in Indonesia's Modern Justice System?," *Journal of Law and Legal Reform*, Vol.5, no. 3, 2024, page.923.

addressed descriptively, without critical assessment of its adequacy in resolving normative conflicts between Supreme Court Regulations and statutory procedural law.⁹

Moreover, the legal implications of third-party involvement in summons delivery, particularly by PT Pos Indonesia, remain underexplored, and comparative perspectives on electronic service of process are rarely applied in civil procedural studies.¹⁰ This indicates a clear research gap concerning the normative validity of e-Summons within Indonesia's civil procedural framework.

The main issue to be further examined in this study is the validity of the electronic summons letters within the framework of current civil procedural law, in particular the principle of the validity and appropriateness of the summons letter. As is known, the existence of e-summons that do not involve a physical bailiff raises legal doubts about the validity of the release, especially when the summoned party claims not to have received the summons properly. This situation has the potential to cause new procedural disputes that can impact the legitimacy of the court decisions. Substantively, the problem becomes more complex when the parties do not have an electronic domicile, thus requiring delivery to be carried out through registered mail. In such cases, the service of summons is no longer performed by court officials, but by a third party such as PT Pos Indonesia, which is structurally not part of the judiciary.¹¹ This situation raises questions regarding the authenticity and legal responsibility of the summons letter. In fact, such practices are prone to manipulation if not accompanied by strong monitoring and reliable proof mechanisms. Therefore, a comprehensive and holistic review of the existing procedural law provisions is required to ensure that every form of summons, both conventional and electronic, remains legally certain and operates within a legal

⁹ Hasyim Sofyan Lahilote, Frangky Soleman, Faradila Hasan, Rusdaya Basri, and Azizah Lahilote., "Digitalisasi Peradilan di Indonesia Tengah: Studi Implementasi E-Court dan E-Litigasi di Pengadilan," *Syariah: Jurnal Hukum dan Pemikiran*, Vol.24, no. 2, 2024, page.325. See too, Dian Latifiani, Nur Arif Nugraha, Anis Widyawati, Akhmad Khalimy, Muhammad Iqbal Baiquni, Asmarani Ramli, and Pratama Herry Herlambang., "The Revitalizing Indonesia's Religious Courts System: The Modernization Impacts and Potentials of E-Court," *Jurnal Hukum*, Vol.40, no. 1, 2024, page.8.

¹⁰ Aristo Evandy A. Barlian, Atip Latipulhayat, Elis Rusmiati, Widati Wulandari, and Ahmad Novindri Aji Sukma., "The Digital Transformation of Criminal Justice: A Comparative Examination of Indonesia's E-Court System and Global Best Practices," *Lex Scientia Law Review*, Vol.9, no. 1, 2025, page.1524. See too, Aristo Evandy A. Barlian, Atip Latipulhayat, Elis Rusmiati, Widati Wulandari, and Ahmad Novindri Aji Sukma., "Electronic Criminal Justice in Indonesia: Challenges and the Future Measures," *Jambura Law Review*, Vol.7, no. 1, 2025, page.253; Zulfia Hanum Alfi Syahr, Novian Uticha Sally, and Muhamad Zaky Albana., "The bailiff's services in the electronic judicial era in Indonesia," *Transforming Government: People, Process and Policy*, Vol.17, no. 3, 2023, page.320.

¹¹ Helinca Nababan, Muataqim, dan Hotma P. Sibuea., "Analisis Terhadap Panggilan Sidang Kepada Para Pihak Melalui Domisili Elektronik dan Surat Tercatat Berdasarkan Perma No 7 Tahun 2022 Tentang Perubahan Atas Perma No 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan Di Pengadilan Secara Elektronik," *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol.4, no. 4, 2024, page.645.

framework that guarantees the rights of the summoned party and does not create loopholes in the verification system.¹²

Commencing from the legal issues mentioned above, this study was conducted with the aim of determining the degree of validity of electronic notification of summons via e-summons to the parties after the enactment of Supreme Court Regulation Number 7/2022. The main focus lies on whether this system has fulfilled the principles of the lawfulness and propriety according to procedural law which still uses HIR and RBg as normative references.¹³ This study also examines the role of third parties in conveying releases, as well as its legal implications for the validity of the summons process. Likewise, this study explores the possibility of reformulating summons rules in the future by considering modern judicial practices in several other countries that have previously implemented similar systems. To achieve these objectives, the approaches employed include a legislative approach, a conceptual approach to examine the principles of procedural law, and a comparative approach to assess the relevance of the e-summons model in a global context¹⁴ By combining these three approaches, this study is expected to be able to formulate comprehensive policy recommendations in strengthening the party summons system (relaas) in the realm of civil trials that are in accordance with the demands of the times without having to set aside basic principles as regulated in procedural law.

The scientific contribution of this study is divided into two main parts, which are theoretical and practical aspects. In the theoretical aspect, this study seeks to broaden the understanding of how the principle of legal and proper should be interpreted in the context of digitalization of justice, and the contribution to the development of civil procedural law theory that is responsive to changes in technology. Meanwhile, from a practical perspective, this study is expected to be a normative basis for the Government in reformulating colonial procedural law that better accommodates the digitalization of the era needed by society and the Supreme Court, first-instance courts, and legal regulators to make adjustments to the electronic summons system. The findings of this study can also be the basis for harmonizing the applicable procedural law with the policy of modernizing justice. That way, the application of e-summons is not only administratively valid, but also legally legitimate and fair for all parties and certain.

2. Research Methods

This research uses a doctrinal/normative legal methodology, with a statutory, conceptual, and comparative approach.¹⁵ The statutory approach is used to study

¹² Nisa Dewi Asmar, Darmini Roza, dan Syofiarti., "Pengaturan Mekanisme Persidangan Secara Elektronik Dipengadilan Agama Pada Kelas IA," *Unes Journal of Swara Justisia*, Vol.7, no. 2, 2023, page.560.

¹³ Kondios Mei Darlin Pasaribu., "Penerapan Hukum Terhadap Ketidakhadiran Tergugat Hubungannya Dengan Undang – undang Perkawinan (Putusan No. 21/pdt.G/2020/PN.Tbt)," *Jurnal Ilmiah Penelitian Law Jurnal*, Vol.2, no. 1, 2021, page.81.

¹⁴ Nanda Dwi Rizkia and Hardi Fardiansyah., *Metode Penelitian Hukum (Normatif Dan Empiris)*, Bandung: Widina Media Utama, 2023, page.134.

¹⁵ Marjan Miharja., *Buku Ajar Metode Hukum Penelitian Hukum*, Bandung: Cendekia Press, 2023, page.85.

MA Regulation Number 7/2022, HIR, RBg, and other related regulations in order to understand the legal standing of e summons in the Indonesian justice system. The conceptual approach is used to examine the principles of lawfulness and propriety in civil procedural law and their relevance in the context of digitalization of justice. Meanwhile, a comparative approach is conducted by examining electronic summons mechanisms in several countries, such as Singapore and Australia, to obtain an overview of global patterns or mechanisms for summoning parties and to identify best practices that ensure greater legal certainty and fairness. Research data in the form of primary, secondary, and tertiary legal materials are analyzed qualitatively using descriptive-analytical techniques to produce comprehensive and relevant legal arguments regarding the validity of electronic summons in Indonesia.¹⁶

3. Results and Discussion

3.1. Compatibility of E-Summons with the Principle of Validity and Propriety

The application of e-summons as a method of summoning parties in civil court proceedings rises serious challenges to the basic principles of procedural law, especially in relation to the principle or principle of legality and propriety of the summons release. In the Indonesian civil law system, summons is a formal requirement that determines whether or not the examination of a case is valid. Based on the provisions of Article 390 HIR and Article 146 RBg, a summons must be delivered legally and properly by a bailiff or substitute bailiff. Evidently, The principle of legality means that the summons is carried out by an official who is authorized or has legitimate authority, while the principle of propriety concerns the time limit and method of delivery that allows the summoned party to prepare their presence and defense. Therefore, the change in the summons mechanism from conventional to electronic systems elevate the need for a reinterpretation of these principles in a digital context.

Coinciding with the Supreme Court issuing Supreme Court Regulation Number 7/2022 concerning Electronic Administration of Cases and Trials in Court, there are provisions in Article 1 point 6, Article 15 (1) and Article 17 (1) which stipulate that court summons can be set up electronically through the court information system to parties who have registered and possess an electronic domicile. Although technically this regulation provides convenience, from a procedural law perspective, a crucial question arises: can e-summons be qualified as a legitimate action of a bailiff? An electronic system is not a legal subject in the sense of executing a court order, so if the release is not carried out by a bailiff or an officially appointed substitute, then the principle of "legitimate" can be legally questioned. Given that in the legal context, a computer is an electronic device that is included in the qualification of an object and is not a legal subject, Thus, the release delivered by the computer device has deviated from the essence of the principle

¹⁶ Bachtiar., *Mendesain Penelitian Hukum*, Yogyakarta: Deepublish, 2021, page.25.

of "proper" as outlined by procedural law.

In this context, there is a dualism of norms between the codified civil procedural law (HIR/RBg) and the technical administrative provisions (PERMA).¹⁷ The lack of synchronization between these two norms potentially triggers to a conflict (conflict of norms) in judicial practice. On the one hand, the judiciary needs to accommodate technological advances and demands for efficiency by utilizing the digitalization of the era through the e-Summons system. On the other hand, the formal validity of a summons that is not delivered by the court apparatus can be debated in terms of procedural law. This inconsistency can be exploited by the defendant to file a resistance or exception on the basis of the invalidity of the summons, which legally contradicted with the existing procedural law that is still in effect today.

Various theoretical approaches have been developed to provide solutions to this normative conflict. The legal evolution approach encourages procedural law to adapt to changes in information technology.¹⁸ From this perspective, the actions of electronic systems that have been registered and verified by the Supreme Court can be interpreted as administrative representations of bailiffs. However, this view still requires formal legitimacy through amendments or the reformulation of rules at the statutory level, or at least through revisions to the HIR/RBg. Without clear legal legitimacy, the court faces the risk of a legal vacuum in the formal evidentiary basis for the validity of summonses. Moreover, from a legal standing perspective, this situation increases the potential for normative conflict between the mechanism for summoning parties regulated under Supreme Court Regulation Number 7 of 2022 and the summoning provisions regulated under the HIR/RBg as statutory law.

Aside from that, the concept of legality and propriety in civil procedural law has a philosophical dimension that is not merely administrative. A summons is considered valid not only because it is carried out by an authorized official, but also because it guarantees the participation and defense rights of the summoned party. Therefore, when a party is summoned through e-summons, the system must guarantee that the summoned party actually receives the information and has sufficient time to prepare. If the electronic system fails to provide such guarantees, then the principle of "propriety" can be questioned. Accordingly, the validity of e-summons should be assessed not only in terms of formal legality, but also in terms of the effectiveness of notification to the interested parties.

Some argue that a summons is the beginning of the trial examination process at the first level. Therefore, the examination process can only be conducted in accordance with the prescribed procedures and mechanisms if it depends on the validity or legality of the summons and notification carried out by the bailiff.¹⁹

¹⁷ Muchammad Razzy Kurnia, Syahrul Adam, dan Faris Satria Alam., "Pelaksanaan E-Court Dan Dampaknya Terhadap Penyelesaian Perkara Di Pengadilan Agama Jakarta Pusat," *Jurnal Fajar: Media Komunikasi dan Informasi Pengadilan Kepada Masyarakat*, Vol.21, no. 2, 2021, page.103.

¹⁸ Anisa Dita Setiawan, Artaji, dan Sherly Ayuna Putri., "Implementasi Sistem E-Court Dalam Penegakan Hukum Di Pengadilan Negeri," *Jurnal Poros Hukum Padjajaran*, Vol.2, no. 2, 2021, page.204.

¹⁹ M. Yahya Harahap., *Hukum Acara Perdata*, Jakarta: Sinar Grafika, 2005, page.213.

Thus, the implementation of the mechanism for delivering the release of the summons must refer to the applicable procedural law, which is subject to the HIR/RBg rules in which hierarchically have a higher degree and rank than the Supreme Court regulations.

Obviously, the next problem in its implementation is that e-summons often experience technical obstacles, such as notifications not being received, inactive accounts, or users not accessing the system within a certain period of time.²⁰ This is a serious challenge in implementing the principle of due process. To anticipate this, the Supreme Court has regulated several layers of notification, such as via email and the application of notifications. However, there are no objective parameters that can determine when a summons is considered "received" by the relevant party. This creates ambiguity in the application of the principle of due process objectively and uniformly across jurisdictions.

The Comparison with other countries' legal systems shows that e-summons can be considered legal as long as they are supported by a strict authentication system and clear evidence of receipt. In some countries, such as Singapore, e-summons is combined with a digital log system and active acknowledgement from the recipient (acknowledgment receipt) and the responsibility remains in the hands of the bailiff.²¹ This system ensures that the summoned party is fully aware of the summons and has sufficient opportunity to appear and defend himself. Unfortunately, this practice has not been implemented in Indonesia, where the e-Summons system is not yet equipped with a validation feature for receipt and evidence that can be printed and submitted as an official release.

Therefore, it is necessary to update regulations in civil procedural law to be in line with the development of information technology.²² Reformulation of HIR and RBg is very important, especially in terms of redefining the legal subject of summons and the mechanism for proving receipt of summons. Indeed, Synchronization between procedural law and technical regulations such as MA Regulation Number 7/2022 is a strategic solution to avoid dualism of norms and can guarantee legal certainty for the parties in civil cases. Without comprehensive reform, e summons has the potential to cause repeated procedural disputes in the future.

Hence, reinterpreting the principle of lawfulness and propriety in the digital context becomes an unavoidable legal urgency. The Supreme Court as the highest judicial institution must take an active role in harmonizing conventional procedural law

²⁰ Adinda Paraswika Fabanyo, Ismiarta Aknuranda, dan Bondan Sapta Prakoso., "Evaluasi Penerapan Electronic Court (e-Court) Menggunakan Kerangka Kerja Human, Organization, dan Technology (HOT-FIT) di Pengadilan Agama Jayapura Papua," *Jurnal Pengembangan Teknologi Informasi dan Ilmu Komputer*, Vol.5, no. 10, 2021, page.4264.

²¹ Juliani Paramitha Yoesuf, Siti Nur Intihani, Efridani Lubis, Muhammad Fahrudin, and Sinta Elviyanti., "Optimization Of E-Litigation Base Trial Implementation as a Strategy to Prevent Bribery and Gratification (Comparatory Study of E-Litigation Implementation in Malaysia and Singapore)," *Jurnal Ilmiah Living Law*, Vol.16, no.1, 2024, page.39.

²² Serlika Aprita., "Pembaharuan Hukum Perdata di Indonesia," *Buletin Hukum dan Keadilan*, Vol. 5, no. 1, 2021, page.67.

principles with the digital reality that is now an urgent need.²³ This reform is not merely an administrative transformation, but also a paradigm shift in ensuring access to justice and efficiency of the legal process. Technological developments must not sacrifice legitimacy and legal certainty, but must be a means of strengthening both simultaneously.

In civil court practice in Indonesia, sending a summons to the parties in the case is one of the crucial stages that must be carried out legally and properly by the court apparatus, as regulated in Article 390 HIR and Article 146 RBg.²⁴ However, along with the growing need for efficiency in court administration, especially in reaching parties who are in remote locations or do not have accounts in electronic systems, the courts have begun to work with third parties such as PT. Pos Indonesia in carrying out the sending of the summons releases.²⁵ This phenomenon has given rise to polemics in the study of civil procedural law, as the sending of releases by non-judicial parties can create legal uncertainty in terms of the authority and validity of the summons.

The validity of a summons that is not carried out directly by the bailiff also has implications for the rights of the parties to obtain a fair trial. An invalid summons may be considered a violation of the principle of *audi et alteram partem*, namely the principle that each party must be given an equal opportunity to be heard in the trial process. Therefore, legitimacy and accountability in the implementation of summons delivery must be a primary concern, especially when third parties are involved. If this issue is not handled carefully, it has the potential to give rise to lawsuits or appeals that challenge the summons procedure.

From a comparative legal perspective, some countries such as Singapore and Australia have relatively strict systems for summons, where only official authorities are allowed to make and deliver releases. Indonesia has not adopted such a system comprehensively. Therefore, if the involvement of PT. Pos is to continue to be used, a legal framework must be formed that explicitly regulates the procedures, responsibilities, and legal status of summonses made by third parties so that the release of summonses meets the principles of procedural law and has more legal certainty. Without clear regulations, this practice will continue to draw criticism and has the potential to disrupt the credibility of the judicial institution. Therefore, it is necessary to reform the summons system that involves a comprehensive evaluation of applicable procedures and standards, so that releases made by third parties remain legally valid and ethically proper.

Thus, it can be concluded that the legality of releasing a summons through the e summons system is legally normatively contrary to the principle of the validity and appropriateness of releasing a summons. Although this practice has been going on and is considered to aid accelerated the court administration, it does not yet

²³ Jumadi and Sarah., "Transformasi Digital Sistem E-Court Dalam Modernisasi Persidangan Kasus Hukum Pidana, Perdata dan Hukum Islam di Indonesia," *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol. 5, no. 3, 2025, page.1989.

²⁴ Zainal Asikin and Muhammad Zainuddin., *Hukum Acara Perdata Di Indonesia*, Jakarta: Kencana, 2015, page.136.

²⁵ Pepy Nofriandi., "Mahkamah Agung Evaluasi Pelaksanaan Kerja Sama Dengan PT. Pos Indonesia (Persero) Tantang Pengiriman Dokumen Tercatat," *mahkamahagung.go.id*, Januari, 10 2025.

have a solid legal basis. Thereupon, it is important for the government as a policy maker and judicial institution to immediately formulate regulations that accommodate this practice without ignoring the basic principles of judicial procedural law to ensure a legal, fair and legally accountable judicial process, both formally and materially.

3.2. Validity of Summons Relaas Delivered by Third Parties (PT. Pos Indonesia)

In the context of civil procedural law in Indonesia, the existence of summons release as part of the official trial procedure is crucial to guarantee the principle of due process of law.²⁶ This release or summons letter must be delivered by an authorized court official that is a bailiff or substitute bailiff as regulated in Article 390 HIR and Article 146 RBg.²⁷ This provision shows that only official officers of the judicial institution are authorized by law to carry out the summons actions to the parties in a case. In court practice, this summons is not merely administrative in nature, but has a legal formal value that affects the validity of the trial process. Accordingly, parties who are not legally and properly summoned can file legal objections, either in the form of exceptions or resistance. This is where the accuracy of the summons execution is important, because if it is delegated to a party outside the court such as PT. Posts without an explicit legal basis, then such actions have the potential to cause violations of formal procedures, which ultimately result in the summons letter becomes legally invalid.

Although in practice the Supreme Court of the Republic of Indonesia has regulated the cooperation mechanism between the court and PT. Pos Indonesia for efficient document delivery, and has also been manifested in the form of MA Circular Letter Number 1 / 2023 concerning the delivery of summons releases by third parties (PT. Pos Indonesia) with the term "registered letter". However, there is not a single phrase in the Circular Letter that explicitly confirms the capacity of PT. Pos which is equated with the position of bailiff, but only gives authority to PT. Pos to act as an extension of the bailiff in delivering releases in the context of a courier. Then in MA Regulation Number 7 / 2022, no legal basis was found that provides full legitimacy for PT. Pos in carrying out the summons of parties in civil cases. This creates legal ambiguity. PT. Pos only acts as a logistics party or ordinary letter delivery without the status of a court official. This is certainly different from the capacity of the bailiff who has the legal power to deliver and sign the minutes of the summons and is responsible for the validity of the summons. Therefore, the submission of the release to PT. Pos to be delivered to the parties actually shifts the legal function from official state officials to business entities, which from a

²⁶ Fauziah Lubis and Siti Aisyah., "Cara Mengajukan Gugatan Dan Perubahan Gugatan Dalam Praktek Peradilan Hukum Acara Perdata," *Jurnal Hukum Dan Kebijakan Publik*, Vol. 6, no. 3, 2024, page.340.

²⁷ Fadhilah Bardan., "Efektifitas Relaas Melalui Siaran Radio Dan Surat Tercatat (Studi Di Mahkamah Syar'iyah Bireuen)," *Jurnal Al-Mizan: Jurnal Hukum Islam Dan Ekonomi Syariah*, Vol. 11, no. 2, 2024, page.337.

formal perspective, and do not have legal force.

From a constitutional perspective, the act of summoning in the court process is closely related to the constitutional rights of citizens. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to recognition, guarantees, protection, and certainty of fair law.²⁸ If the summons is issued by a non-judicial entity without explicit regulatory delegation of authority, then there is a potential violation of the principle of fair trial guaranteed by the constitution. Moreover, if the party being summoned does not receive the letter directly or within the proper time, then his right to defend himself can be ignored. Even in a modern judicial system, basic principles such as due process and the legality of officials must not be set aside under the guise or alibi of efficiency or speed of delivery.

Normatively, the task of summoning the parties is the exclusive authority of the bailiff or substitute bailiff appointed by the court. This has to be intended so that the summons is carried out in accordance with the provisions of the procedural law that guarantees accountability and can be legally accounted for. When this task is transferred to a third party such as PT. Pos, a crucial question emerges regarding the legal status of the release made or delivered by the postal officer. Does the release have the same legal force as the release made or delivered by the bailiff? Or is this action a form of deviation from the provisions of the applicable procedural law?

In this context, PT. Pos acts as a logistics partner that provides document delivery services from the court to the parties.²⁹ However, in performing this task, PT. Pos does not have the legal authority to send or deliver, let alone sign a release as the evidence of a valid summons.³⁰ So if a summons is delivered by a postal officer and not by a bailiff, it is feared that this could cause legal problems, one of which is that the release of the summons becomes formally flawed which results in the invalidity of the summons. Surely, this can also open up a gap for the summoned party to file an exception that he was not legally summoned. This situation can result in the cancellation of the trial process due to formal flaws in the summons. Therefore, the court must be very careful in handing over the task of summons to external parties, since this can have an impact on the legitimacy of the decision made if it is considered flawed in the procedural stages.

Normatively, civil procedural law has not revised the provisions regarding who the legal subject is who is authorized to replace the bailiff or substitute bailiff in delivering the release of the summons. Article 390 HIR and Article 146 RBg only regulate that the summons is only valid to be carried out by the bailiff / substitute bailiff appointed by the court, this regulation applies as a binding positive

²⁸ Frans H. Winarta and Luhut MP Pangaribuan., *Prinsip Dan Praktik Bantuan Hukum di Indonesia*, Jakarta: Kencana, 2017, page.106.

²⁹ Ihsan Saputra, Darmini Roza, dan Zennis Helen., "Efektivitas Relas Panggilan Surat Tercatat Via Pos Dalam Penyelesaian Perkara Secara E-Court Di Pengadilan Agama Padang Kelas IA," *Jurnal Sakato Ekasakti Law Review*, Vol. 3, no. 2, 2024, page.105.

³⁰ Fitriani Lundeto., "Efektifitas Relas Panggilan Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Bitung," *Itisham Journal of Islamic Law and Economics*, Vol. 1, no. 2, 2021, page.118.

procedural law, and there has been no revision or update in the form of laws or Supreme Court regulations that exclude or expand the authority to third parties. Even in Supreme Court Regulation Number 7 / 2022 only facilitates administration, not expanding the authority to non-judicial parties such as PT. Pos to deliver official court letters.³¹ This confirms that the validity of the summons letter still depends on the authority of the court official, not a third-party intermediary such as PT. Pos.³²

Meanwhile, the court argues that cooperation with PT. Pos is carried out in the context of administrative services and does not constitute a transfer of authority. However, in practice, PT. Pos often does not merely deliver letters, but also delivers summons releases that are then recorded as part of the legal process. This becomes problematic if the defendant or respondent feels that they have not been summoned in accordance with the provisions of the law, resulting in the filing of an objection. In some cases, such objections can form the basis for canceling a decision because they are considered a formal defect in the judicial process. Therefore, it is important for the Supreme Court to provide firm and explicit guidelines regarding the limitations of cooperation with PT. Pos in the context of sending and delivering summons releases.

In addition, in comparative studies with other countries such as Singapore and Australia, the process of summoning parties is still carried out by official court officers, even though the courts use electronic systems for administrative purposes. This means that although modern courts apply digitalization systems, the principle of *relaas* validity remains grounded in the legal authority of court officials. This provides a lesson for Indonesia that digital efficiency must continue to be based on the principle of legality and formal authority, which cannot be replaced by commercial entities such as PT. Pos.

In the context of human rights protection, the existence of a valid and proper summons has a direct correlation with the fulfillment of the right to a fair and equal trial. Law Number 39 of 1999 concerning Human Rights, in Article 3, states that everyone has the right to recognition before the law and to be treated equally before the law. If the summons is delivered by a third party that lacks legal legitimacy, violations of these rights may occur systematically. Moreover, if the defendant cannot prove that they did not receive the summons legally, this may affect their absence from the trial and lead to a default decision (a decision rendered without the party's presence).

Thereby, referring to the book of questions and answers on judicial technical issues from the 1989 Supreme Court National Working Meeting related to civil procedural law, the Chief Justice of the Pekanbaru High Religious Court submitted a question

³¹ Dewantoro., "Efektivitas Pemanggilan Surat Tercatat Dalam Menciptakan Peradilan Yang Sederhana, Cepat Dan Biaya Ringan (Pasca Peraturan Mahkamah Agung Nomor 7 Tahun 2022)," *Jurnal Hukum Caraka Jurtitia*, Vol. 3, no. 3, 2023, page.119.

³² Revi Afifah, and Nanda Ratri Fadilah., "Implementation of Pancasila Values in Students in Everyday Life," *The Easta Journal Law and Human Rights*, Vol. 1, no. 2, 2023, page.54.

to the Supreme Court, which essentially asked whether, due to a shortage of staff, a summons could be delivered by honorary court staff. The Supreme Court firmly answered that this was "not allowed." The next question from the Pekanbaru High Religious Court essentially asked whether, in a case filed by a poor litigant (supported by a statement from the sub-district head) where the case clearly involved no court costs, the summons could be sent by post. The Supreme Court remained consistent with its previous answer and again stated that this was "not allowed."

From these questions and answers between the Chief Justice of the High Religious Court and the Supreme Court, it is clear how important and essential the role of the legally authorized subject is in delivering summons, which is limited solely to the bailiff or substitute bailiff. Meanwhile, other court officials, such as clerks, judges, and even the chief judge of the court, are not granted the authority to deliver summons releases, let alone external parties outside the judiciary, such as PT. Pos Indonesia.

Therefore, to avoid potential violations of constitutional rights, there needs to be a reformulation of the regulations regarding the involvement of third parties in sending summonses. The Supreme Court can initiate new regulations that emphasize the limitations of PT. Pos's role, while also clarifying that the final responsibility for the validity of the summons remains in the hands of the bailiff. Thus, administrative cooperation with PT. Pos can still be carried out without compromising the legality of the judicial process. This reformulation is also important to ensure that the Indonesian judicial system remains aligned with the principle of the rule of law and responds to the challenges of digitalization without disregarding the principles of validity and propriety at every stage of court proceedings. Consequently, it can be concluded that the delivery of summonses by a third party, such as PT. Pos, which is not legally an employee of the court, is contrary to the constitutional mandate. Legally, any summons delivered by such a third party is therefore invalid.

3.3. Reformulation of Electronic Summons Release Regulations in the Future

The description above shows that the implementation of e-summons as a new innovation in court administration based on Supreme Court Regulation Number 7 of 2022 has brought significant changes to the practice of civil procedural law, particularly in the mechanism for summoning parties to a case. Currently, two mechanisms are applied: first, summons is delivered to the electronic domicile of the parties; second, if a party does not have an electronic domicile, the summons is delivered through a registered mail mechanism carried out by an external party to the court. In previous practice, the provisions of HIR and RBg emphasized that summons must be delivered directly by a court official, namely a bailiff, in a manner considered legal and proper. However, with the implementation of the electronic justice system, differences in the interpretation of the principle of proper summons have emerged.³³ Submission of summons via e-summons is considered

³³ Ni Putu Riyani Kartika Sari., "Eksistensi E-Court Untuk Mewujudkan Asas Sederhana, Cepat dan Biaya Ringan Dalam Sistem Peradilan Perdata Di Indonesia," *Yustitia*, Vol.13, no.1, 2019, page.13.

not to fully guarantee that the summoned party has received the letter with certainty and correctly, considering that not all parties have equal access or literacy to information technology.

After the enactment of MA Regulation Number 7/2022, the role of the bailiff has changed to the implementation carried out by the internet network via computer devices and through third parties, that is PT Pos Indonesia in distributing the summons releases, which raises adequate complex legal issues. Formally, releases are part of an official court action that is only valid and binding if carried out by authorized officers. When that responsibility is delegated to a computer machine or external party, questions arise about the legitimacy of the subject who carries it out and to whom the subject is legally responsible for if there is an error, delay, or failure to deliver. In this context, the validity of releases made based on delivery by parties outside the court structure is questionable. This is exacerbated by the absence of comprehensive technical guidelines regarding the standards and procedures for sending releases by third parties that are equivalent to the duties of a bailiff, thus potentially disrupting the principle of legal certainty and protection for the parties.³⁴

When compared to practices in other countries, the e-summons system in Indonesia is still at an early stage and has not yet been fully established. For example, in Singapore and Australia, digital justice systems are supported by strict electronic identity verification mechanisms and equipped with automatic tracking to ensure receipt of summons by the intended party. In these systems, the authority and responsibility for delivering summons remain with court officials, while technology functions as a tool to enhance efficiency. This situation differs from Indonesia, where the digitalization process has not yet been fully supported by adequate institutional supervision and control. Therefore, the practice of e-summons in Indonesia still has the potential to cause an imbalance between the principle of efficiency and the principle of procedural justice and legal certainty, which can have a negative impact on the legitimacy of the trial process.³⁵

Moreover, the renewal of the electronic administration system reveals a striking disparity between courts in urban areas and those in rural areas in implementing the e-summons system. In many regions, limited technological infrastructure and a low level of understanding of the e-summons system mean that many summonses are still issued manually.³⁶ In fact, Supreme Court Regulation Number 7/2022 directs the electronic system as part of judicial bureaucratic reform. This disparity causes potential violations on the principle of equality before the law,

³⁴ Anggia Debora Sitompul & Sri Laksmi Anindita., "Peran Pt Pos Indonesia (Persero) dalam Implementasi Surat Tercatat Sebagai Media Panggilan dan Pemberitahuan Perkara Di Era Digital," *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol.5, no. 4, 2025, page.2723.

³⁵ Dian Latifiani, Yusriyadi Yusriyadi, Agus Saron, Esmi Warassih Pudjirahayu, Suryo Adi Widigdo, and Nur Arif Nugraha., "Implementation of Simple, Fast and Low-Cost Principles in E-Summons with the E-Court System," *Diponegoro Law Review*, Vol.8, no. 1, 2023, page.114.

³⁶ Ridwan Cahyadi Banyuaji., "Persidangan Elektronik dan Tantangannya," *Pengadilan Agama*, January, 10 2025.

because access to justice becomes unequal. Previous studies tended to state that e-summons have been effectively implemented, but the reality in the field shows that its effectiveness is greatly influenced by the institutional readiness and the human resources in each court.³⁷

Taking into account these various aspects, it can be concluded that although Supreme Court Regulation Number 7 of 2022 represents a progressive step toward building a modern justice system, it is still not fully aligned with the basic principles of procedural law that emphasize the validity and propriety of *relaas* (summons). Several studies indicate that the implementation of e-summons has not yet operated optimally due to legal culture, technological limitations, and normative inconsistencies between electronic procedures and conventional procedural law.³⁸ Therefore, two stages of improvement are required. First, from the government's perspective, there is a need to reformulate procedural law norms in a more comprehensive manner, including the formal adoption of technology as a legitimate instrument for efficiency without undermining due process principles.³⁹ Second, from the perspective of the Supreme Court as the pillar of judicial authority, policy formulation must remain consistent with existing higher-level regulations and must not conflict with fundamental procedural principles.⁴⁰

Aligned with these assessments, the reformulation of civil procedural law is inevitable in line with changes in the digital landscape that affect the judicial system in Indonesia. The use of information technology, including the implementation of e-summons, requires updates to existing norms so that they remain consistent with applicable legal principles and ongoing developments. Without explicit regulatory changes, the existence of e-summons may continue to

³⁷ Indriati Amarini, Yusuf Saefudin, Ika Ariani Kartini, Marsitiningasih Marsitiningasih, and Noorfajri Ismail., "Digital transformation: creating an effective and efficient court in Indonesia," *Legality: Jurnal Ilmiah Hukum*, Vol.31, no. 2, 2023, page.270.

³⁸ Dian Latifiani, Yusriyadi Yusriyadi, Agus Sarono, Esmi Warassih Pudjirahayu, Suryo Adi Widigdo, and Nur Arif Nugraha., "Implementation of Simple, Fast and Low-Cost Principles in E-Summons with the E-Court System," *Diponegoro Law Review*, Vol.8, no. 1, 2023, page.115. See too, Mulyani Zulaeha., "E-Courts in Indonesia: Exploring the opportunities and challenges for justice and advancement to judicial efficiency," *International Journal of Criminal Justice Sciences*, Vol.18, no. 1, 2023, page.188; R. Helmia., "The existence of electronic courts (E-court) in realizing simple, fast and low-cost justice," *International Journal of Innovation, Creativity and Change*, Vol.8, no. 9, 2019, page.276.

³⁹ Aristo Evandy A. Barlian, Atip Latipulhayat, Elis Rusmiati, Widati Wulandari, and Ahmad Novindri Aji Sukma., "The Digital Transformation of Criminal Justice: A Comparative Examination of Indonesia's E-Court System and Global Best Practices," *Lex Scientia Law Review*, Vol.9, no. 1, 2025, page.1527. See too, Brata Yoga Lumbanraja, Yos Johan Utama, and Aju Putrijanti., "E-Musyawarah: Innovative ADR for resolving administrative disputes outside the court from the perspective of Lawrence M. Friedman's legal system theory," *Revista Brasileira de Alternative Dispute Resolution-Brazilian Journal of Alternative Dispute Resolution-RBADR* Vol.6, no. 12, 2024, page.64; Indriati Amarini, Yusuf Saefudin, Ika Ariani Kartini, Marsitiningasih Marsitiningasih, and Noorfajri Ismail., "Digital transformation: creating an effective and efficient court in Indonesia," *Legality: Jurnal Ilmiah Hukum*, Vol.31, no. 2, 2023, page.273.

⁴⁰ Zulfia Hanum Alfi Syahr, Novian Uticha Sally, and Muhamad Zaky Albana., "The bailiff's services in the electronic judicial era in Indonesia," *Transforming Government: People, Process and Policy*, Vol.17, no. 3, 2023, page.322; Mukhtar, and Tanto Lailam., "Accountability and Transparency of the Electronic Court and Litigation Systems in Indonesia," *Jurnal Hukum* Vol.39, no. 2, 2023, page.159.

generate legal debates regarding the validity, authority, and legitimacy of summons delivery. Therefore, regulatory updates should begin with a systematic and comprehensive revision of the HIR and RBg to accommodate the electronic summons system, ensuring that it continues to fulfill the elements of lawfulness and propriety within the framework of modern procedural law. This reformulation not only addresses technical legal aspects but also reflects the state's efforts to align the interests of administrative justice with developments in information technology.⁴¹

One important step in this reformulation is to include normative recognition of electronic summons releases such as e-summons in the laws or regulations at the level of laws. This recognition is not only declarative, but also substantive as it is providing legal requirements that must be met so that an electronic summons can be categorized as valid and proper. Provisions such as clarity of electronic domicile, proof of receipt by the relevant party, and verification from the judicial system are important aspects that need to be formulated rigidly and concretely to close the opportunity for procedural deviations. In addition, it is important to create a digital audit and tracking system to ensure the integrity of the summons process. Such a system will increase the legitimacy of the digital mechanism and become a progressive form of legal protection in judicial governance.⁴²

Furthermore, the regulation on electronic release needs to be redefined with an adaptive approach but still based on the principle of due process of law. This includes the establishment of norms that stipulate that the electronic justice system can be considered an official extension of the court, provided that there are strict control and accountability mechanisms. This will avoid conflicts of norms that have the potential to give rise to legal disputes. The reformulation must also consider the best practices from the legal systems of other countries that have successfully integrated technology into the litigation process, such as the e-filing and e-service systems in Singapore and Australia. This comparative approach is expected to provide inspiration and a more concrete direction in forming a futuristic procedural legal system that remains grounded in the values of formal justice.

It is also necessary to consider the re-arrangement of the role of third parties in the implementation of the release delivery, such as PT. Pos or other courier agencies. It is not enough to just be an informal extension; the third party must be legalized as an official partner of the court through a memorandum of understanding or a legally binding cooperation agreement. This agreement must include clauses that regulate technical procedures, deadlines for delivery, and

⁴¹ Tifani Efendi, Aldri Frinaldi, dan Roberia., "Perkembangan Teknologi Digital dan Tantangan Bagi Hukum Administrasi Negara," *Polyscopia*, Vol. 1, no. 3, 2024, page.103.

⁴² Dian Latifiani, Nur Arif Nugraha, Anis Widyawati, Akhmad Khalimy, Muhammad Iqbal Baiquni, Asmarani Ramli, and Pratama Herry Herlambang., "The Revitalizing Indonesia's Religious Courts System: The Modernization Impacts and Potentials of E-Court," *Jurnal Hukum*, Vol.40, no. 1, 2024, page.11.

administrative obligations such as the preparation of minutes and proof of receipt. In this way, the implementation of the release by a third party will not violate the provisions of the procedural law that requires authority in the summons. Legal certainty can be obtained through a structured monitoring and reporting system between the judicial institution and the third party.

This reformulation also requires training and capacity building for court officials, especially bailiffs and administrative staff, in operating the e-summons system and understanding its legal implications. Without adequate understanding, the implementation of the new regulation is feared to be merely a formality without effectiveness. Therefore, the court needs to organize technical guidance and competency certification for judicial officials so that the implementation of digital procedural law is truly in accordance with the initial objectives, which are efficiency, transparency, and legal certainty. In addition to technical training, professional ethics development is also needed in managing digital information to maintain public trust in the e-Summons system.⁴³

In addition to internal changes, the reformulation of the summons regulation must also be accompanied by extensive socialization to the justice-seeking community.⁴⁴ This is important so that the parties understand their rights and obligations in the digital litigation process. Adequate knowledge about how to receive e-summons, the legal consequences of ignoring electronic summonses, and complaint procedures in the event of administrative errors will provide stronger legal protection. This socialization must be delivered in language phrases that are not open to multiple interpretations and are easy to understand and available in various media, both online and offline. Community-based legal counseling can also be an effective strategy to reach groups of people who are not yet fully technologically literate.⁴⁵

What is more, the integration of e-summons into the trading system must be followed by the establishment of an internal supervisory institution tasked with monitoring and broadcasting the implementation of electronic summons. This institution must have the authority to investigate reports of terminology, delivery failures, or data manipulation. Thus, aspects of accountability and transparency can be maintained, as well as preventing potential violations of the law that could harm the principle of justice. This supervisory institution should be independent but coordinate closely with the Supreme Court and the Judicial Commission to ensure synergy and accountability between institutions.

Finally, the reformulation of civil procedural law in the context of e-summons is not only a response to technological developments, but also part of the

⁴³ Febryan Alam Susatyo., "Kriteria Alat Bukti Elektronik Yang Sah Dalam Urgensi Pembaharuan KUHAP," *Hukum Dan Dinamika Masyarakat*, Vol.21, no. 1, 2023, page.51.

⁴⁴ Dheya Rahmawati, Adi Kristian Silalahi, dan Tri Setia Fujiarti., "Law in the Digital Era: The Impelmentation Of E-Court And E-Litigation as form of Efficiency in the Scope of Civil Justice," *Rewang Rancang: Jurnal Hukum Lex Generalis*, Vol. 5, no. 4, 2024, page.2.

⁴⁵ Firzhal Arzhi Jiwantara, Siti Hasanah, dan Lukman., "Penyuluhan Hukum Tentang Sistem E-Court Dalam Pelaksanaan Peradilan DI Indonesia (Di Sekretariat Kantor DPC Peradi Mataram-NTB Bersama Calon Advokat Peradi)," *Ejoin: Jurnal Pengabdian Masyarakat*, Vol. 1, No. 4, 2023, page.248.

transformation of the market system towards a modern market. This renewal is expected to be able to answer the challenges of the digital era without sacrificing the basic principles of procedural law. With a solid legal basis, the implementation of e-summons will be more trusted by the public and will be able to increase the efficiency and judicial institutions in Indonesia. Additionally, this reformulation is a state commitment to ensuring that access to justice remains maintained, affordable, and inclusive in every dynamic social condition.

4. Conclusion

This study describes the implementation of the e-summons system in the Indonesian judiciary as regulated under Supreme Court Regulation Number 7 of 2022. The introduction of e-summons represents an important development in the digitalization of judicial administration and reflects broader efforts to modernize court services. The system has changed the traditional mechanism for summoning parties in civil cases by allowing summons to be delivered electronically or, when an electronic domicile is unavailable, through registered mail involving third parties.

The findings show that the e-summons system improves administrative efficiency and supports faster case processing, but it also presents several challenges when viewed from the perspective of civil procedural law. The electronic delivery of summons raises questions regarding conformity with the principles of validity and propriety as regulated under the HIR and RBg, which traditionally require direct service by authorized court officials. In addition, the involvement of third parties, such as PT Pos Indonesia, in delivering summons through registered mail introduces issues related to authority, accountability, and legal responsibility that are not yet clearly regulated.

The study also observes differences in the readiness of courts to implement the e-summons system. Courts located in urban areas generally demonstrate better technological infrastructure and institutional capacity, while courts in rural or remote regions face limitations in infrastructure and digital literacy. These conditions result in uneven implementation, with some summons still being issued manually despite the existence of electronic mechanisms.

Based on these observations, the study highlights the need for adjustments in civil procedural law to accommodate developments in judicial digitalization. Updates to procedural regulations are needed to clarify the legal status, mechanisms, and standards of electronic summons. In addition, improvements in technological infrastructure, digital verification systems, and the capacity of court officials are necessary to support consistent implementation. Overall, the e-summons system reflects ongoing changes in judicial practice, while also indicating the importance of aligning technological innovation with established procedural principles to ensure legal certainty and fairness in the administration of justice.

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