

The impact of the digital divide on access to e-court services for rural communities in the resolution of civil disputes

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Abstract: Advances in information technology have prompted the Supreme Court of the Republic of Indonesia to implement an electronic court system (e-Court) as part of judicial bureaucratic reform to realize the principles of simple, fast, and low-cost justice. However, the implementation of e-Court faces the reality of a digital divide, particularly in rural areas, which is characterized by limited network infrastructure, low device ownership, and inadequate levels of digital and legal literacy. This study aims to analyze the impact of the digital divide on the accessibility of e-Court services for rural communities in the settlement of civil disputes, as well as to formulate affirmative and inclusive policy recommendations. The research employs a qualitative method with a normative and descriptive-analytical juridical approach, based on a literature review of relevant laws and regulations, court decisions, and previous scholarly works. The findings indicate that, without systematic policy intervention, judicial digitalization has the potential to create technological elitism that further marginalizes rural communities. Therefore, the state needs to strengthen ICT infrastructure, implement legal digital literacy programs, and provide inclusive e-Court services for rural communities in order to ensure the realization of justice.

Keywords: Digital Divide, E-Court, Access to Justice, Rural Communities, Technology

1. Introduction

Advances in information and communication technology amid the era of globalization have fundamentally transformed various aspects of human life, including the legal and judicial sectors. Digital innovation is now not only being applied in the economic, social, and political spheres, but has also extended to the judicial system as part of efforts to modernize bureaucracy and improve public services (Lubis & Thariq, 2025). These initiatives represent a form of judicial bureaucratic reform focused on improving efficiency, expediting case resolution, and expanding access to justice for the public without being hindered by spatial or temporal constraints

In this regard, the Supreme Court of the Republic of Indonesia is striving to adapt to the changing times through the implementation of the electronic court system (e-Court), which is aimed at realizing the principles of simple, swift, and cost-effective justice as mandated by Article 2(4) of Law No. 48 of 2009. The digitization of the judiciary through the e-Court system is expected to serve as a strategic tool for realizing these three pillars. By streamlining manual procedures, reducing in-person queues at courts, and cutting transportation and administrative costs, this system is conceptually believed to expand access to justice for the public on a broader scale (Ariyanti & Wiraguna, 2025).

However, behind the buzz of modernization lies a fundamental challenge that is often overlooked: the digital divide. This phenomenon refers to the disparity in access to information and communication technology, which encompasses not only the ownership of infrastructure such as hardware (computers, smartphones) and internet connectivity, but also digital literacy skills to effectively utilize these technologies (Lestari et al., 2025). A study by Saputra & Wiraguna (2025) identified that vulnerable groups, particularly communities in rural areas or remote islands, are trapped in this divide. They face multidimensional barriers, ranging from the lack of adequate network infrastructure and limited device ownership to low levels of digital and legal literacy.

Policies aimed at creating procedural justice actually have the potential to give rise to a new form of injustice, known as “technological elitism,” in which only technologically literate urban communities enjoy the ease of accessing the legal system, while rural communities become increasingly marginalized. In a democratic state, the rule of law is assessed not only by the quality of the substance of legislation but also by the capacity of institutional mechanisms to ensure fair and equal access to justice for every citizen (Sa’adah & Ma’u, 2024). This principle underscores the urgency of the state’s role in building an inclusive judicial system that transcends geographical and infrastructure limitations. The transition to digital justice does not eliminate the state’s constitutional responsibility; rather, it reformulates it into an obligation to mitigate the digital divide so that no citizen is marginalized. In other words, the digitalization of the judiciary must go hand in hand with affirmative policies to bridge the digital divide.

This paradox becomes even more apparent when on-the-ground realities show that rural communities, which have historically faced geographical barriers in accessing conventional courts, are now confronted with technology-based obstacles. A preliminary study by Lubis & Thariq (2025) identified that, although e-Court services are nominally available, their implementation still faces obstacles such as a shortage of human resources who are not yet proficient in the technology, disparities in internet network quality across regions in Indonesia, and the uneven implementation of e-Court across all levels of the judiciary.

The objective of this study is to comprehensively analyze and describe the impact of the digital divide on rural communities' access to e-Court services for the resolution of civil disputes, while also identifying the main barriers based on a literature review. Furthermore, this study formulates inclusive policy recommendations to address these barriers, so that the digital transformation of the judiciary through e-Court truly realizes the principle of equality before the law and guarantees the right to justice for all citizens, including those in rural areas with all their limitations.

2. Method

This study is a qualitative descriptive study. Descriptive research aims to accurately describe or depict specific situations, conditions, phenomena, or groups that exist at the time the study is conducted. This method involves collecting and analyzing various sources of literature relevant to the research topic, such as scientific journals, books, research reports, and other academic publications. The data used in this study consists of secondary data obtained through a review of various scientific literature, both national and international. The review was conducted using academic databases and digital libraries with keywords such as the digital divide, access to justice, e-Court, rural communities, and civil disputes.

Data analysis was conducted using a normative legal approach with a descriptive-analytical methodology, which involves interpreting applicable legal norms and relating them to empirical findings in the literature regarding the digital divide and the implementation of e-Court. Based on the results of this classification, legal reasoning was then applied to draw conclusions regarding the extent to which the digital divide affects the accessibility of e-Court services for rural communities.

3. Result and Discussion

3.1. The Digital Divide in the Implementation of e-Courts: Forms, Implications, and Policy Responses

As the world continues to evolve, technology is advancing at a rapid pace. Technology has permeated various aspects of society, including social, economic, cultural, political, and even legal spheres. One example of the application of innovative technology in the legal sphere is the e-Court system.

The e-Court system is an innovation introduced by the Supreme Court to address the growing needs of a society that increasingly relies on technology for the delivery of judicial services. The implementation of this system was initially based on Supreme Court Regulation of the Republic of Indonesia No. 3 of 2018 on the Electronic Administration of Cases in Courts, which was subsequently revoked and replaced by Supreme Court Regulation of the Republic of Indonesia No. 1 of 2019 on the Electronic Administration of Cases and Hearings in Courts (hereinafter referred to as Perma No. 1 of 2019) to further optimize public services in the case resolution process in courts. (Setiawan et al., 2021). The application of e-Court in the judicial system certainly has benefits in facilitating access to justice, and aims to strengthen fundamental judicial principles, such as swift and simple trials, low costs, and trials open to the public for the community in legal services.

However, in reality, implementing a new system does not always come with advantages; there are also challenges in its implementation. Ansori (2021) found that people living in rural areas generally do not yet know or understand how to use e-Court, due in part to a lack of technological knowledge, limited internet access, and insufficient outreach regarding the e-Court system from the courts. These conditions indicate that there is a digital divide experienced by rural communities, who are at a disadvantage and lagging behind, which affects the accessibility and effectiveness of digital-based services or e-Court. To understand these impacts more deeply, it is necessary to map the forms of the digital divide, analyze its implications for access to justice, and formulate steps that can be taken by stakeholders.

3.2. Types of the Digital Divide in Access to e-Court Services in Rural Areas

Based on a literature review, the digital divide in the context of access to e-Court services in rural areas can be classified into three levels, as outlined by van Deursen & van Dijk (2019). First, the first-level digital divide relates to disparities in infrastructure access and device ownership. Data from the Central Statistics Agency in 2024 shows that internet penetration in rural areas of Indonesia still lags significantly behind urban areas, with a gap of 15%. This situation is exacerbated by unstable signal quality and limited ownership of smartphones or computers adequate for accessing the e-Court platform.

Second, the second-level digital divide relates to differences in digital skills and literacy. A study conducted by Kusuma et al. (2024) found that although some villagers own smartphones, they lack sufficient understanding of how to file cases online, fill out electronic forms, or participate in virtual hearings. This low level of digital literacy makes e-Court services seem unfamiliar and difficult to access.

The third-level digital divide refers to disparities in the outcomes derived from the use of technology. For rural communities that have successfully accessed e-Court, the quality of their litigation experience tends to be lower compared to urban users. Technical obstacles such as intermittent connections during virtual hearings can disrupt concentration and understanding of the proceedings, which ultimately has the potential to affect the quality of the resulting rulings, leading to legal uncertainty for rural litigants (Jumadi & Sarah, 2025). This finding indicates that the digital divide is not merely an issue of access, but also a substantive issue.

3.3. Structural and Socio-Economic Barriers to Accessing E-Court in Rural Areas

Barriers to e-court access for rural communities stem not only from technical issues related to technology use but also from infrastructure gaps and socio-economic disparities among communities. In many rural areas, information technology infrastructure remains limited—such as slow internet connections, unstable internet, and even areas where internet access is entirely unavailable. This situation is exacerbated by the significant geographical distance from legal service centers or public facilities providing internet access, forcing rural communities to bear additional costs just to secure adequate internet connectivity (Sari, 2025). Angin et al. (2023) state that Indonesia's vast archipelago means many students and teachers in rural and remote areas face challenges due to insufficient infrastructure and poor internet connectivity. Four out of five internet users in Indonesia reside in Java and Sumatra. According to data from the Indonesian Internet Service Providers Association (APJII), the number of internet users in Indonesia has reached 143.26 million, or approximately 55% of the population. This means that the remaining 45%, or about 117 million people, are still not connected to the internet. In fact, it is not only because they are in 3T (underdeveloped, border, and outermost) areas that have internet blind spots, but there are still many areas that do not fall under the 3T category yet are not covered by a signal.

In addition to disparities in infrastructure development, this also has a direct impact on the fulfillment of fundamental principles in the judicial process. Limited ICT infrastructure, inadequate internet access, and the lack of supporting facilities in rural areas make it difficult to realize the principles of simple, speedy, and affordable justice as mandated in Article 2, paragraph (4) of Law No. 48 of 2009, to be difficult to realize for those seeking justice in rural areas (Iqbal et al., 2019). This disparity has the potential to erode the principle of equality before the law and the right to access justice, as only groups with digital access and capacity can fully utilize e-court services. Thus, structural and socio-economic barriers to e-court access are, in essence, legal issues, as they determine the extent to which electronic litigation mechanisms can truly ensure the fair and equal protection of the parties' procedural rights (Sari, 2025)

3.4. Characteristics of Civil Disputes and Their Relevance to e-Court Accessibility in Rural Areas

Civil disputes have characteristics that differ from criminal or administrative cases, which influences how the digital divide affects access to e-Court services for rural communities.

3.4.1. Common Types of Civil Disputes in Rural Communities

Rural communities have a distinct pattern of civil disputes, dominated by simple cases such as land boundary disputes, inheritance matters, oral agreements, small-scale debt disputes, and simple lawsuits. These disputes typically involve relatively small claim amounts and parties who are related by kinship..

3.4.2. The Stages of Civil Case Resolution via e-Court and Its Vulnerability to the Digital Divide

The resolution of civil cases through e-court involves a series of stages, each of which is susceptible to the digital divide. The Bojonegoro Religious Court details these stages as follows:

First, the online case filing stage (e-filing). The plaintiff or petitioner must file the lawsuit electronically through the e-court application by submitting all documents in electronic form. For those who face difficulties, the court provides assistance through the Legal Aid Post (Posbakum) and PTSP officers.

Second, the online case fee payment stage (e-payment). After registration, the system issues an estimated advance fee and a virtual account number. Payment is made electronically, which requires a bank account and the ability to use mobile banking.

Third, the online summons stage (e-summons). Court summonses are sent via electronic channels to the parties' email addresses. If the defendant does not have an email address, the summons is sent via registered mail by PT Pos Indonesia.

Fourth, the electronic trial stage (e-litigation). Once administrative procedures are complete, trial stages such as the answer, reply, rejoinder, and closing arguments are conducted electronically according to the set schedule. However, the evidentiary stage involving the presentation of witnesses is still conducted offline or in person.

Ummah et al. (2025) assert that although e-litigation has ushered in the practice of electronic adjudication in Indonesia, its implementation still faces serious challenges when the parties involved have not yet mastered information technology.

3.5. The Impact of the Digital Divide on the Principles of Access to Justice and Equality Before the Law

The digital divide in e-Court services not only affects technical and administrative aspects but also has serious implications for the fulfillment of citizens' constitutional right to access to justice. In a democratic state, access to justice is a cornerstone of the rule of law (Sa'adah & Ma'u, 2024). When certain segments of society—in this case, rural communities—are hindered from accessing e-Court services due to the digital divide, the state has indirectly created new forms of discrimination within the judicial system.

These findings suggest that the implementation of e-Court, if not accompanied by affirmative policies to address the digital divide, has the potential to give rise to what is known as "judicial technological elitism." Urban communities that are tech-savvy and have adequate internet access can enjoy the convenience and efficiency of litigation through e-Court, while rural communities are increasingly marginalized as manual procedures are phased out. Yet, Article 2, Paragraph (4) of Law No. 48 of 2009 on the Judiciary unequivocally mandates that judicial proceedings be conducted in a simple, swift, and cost-effective manner. This principle applies to all those seeking justice, without exception.

A comparison with the implementation of e-Court practices in Singapore shows that the success of judicial digitization heavily depends on the overall readiness of the digital ecosystem. Mufida et al. (2023) note that in Singapore, the digital transformation of the judiciary has always been accompanied by public digital literacy programs and equitable infrastructure investment extending to remote areas. This success is also underpinned by the progress of Singapore's courts in swiftly responding to electronic document submissions. Without such measures, digitalization efforts could actually widen the access-to-justice gap between segments of society that have access to technology and those that do not.

3.6. The Specific Impact of the Digital Divide on Parties in Civil Cases in Rural Areas

The digital divide does not affect all parties in civil cases equally. Tayeb (2025) criticizes the fact that e-Court policies are not yet based on inclusive data and do not provide data on the segments of society that are left behind in terms of access. There is no vulnerability map that measures how e-Court affects the extremely poor or communities in areas with weak internet infrastructure..

3.6.1. Impact on the Plaintiff

As the party initiating the case, the plaintiff bears a greater burden in accessing the e-Court system. They must be able to navigate all stages of the electronic administrative process from the very beginning. Failure at the electronic registration stage means the lawsuit cannot be filed. Delfina (2025) notes that while e-Court has a positive impact on accelerating case administration, challenges related to infrastructure and digital literacy mean that the resulting efficiency has not been felt equally by all..

3.6.2. Impact on the Defendant

Defendants in rural areas face different challenges. They may only learn of a lawsuit after receiving an electronic summons they do not understand. Ummah et al. (2025) found that undelivered summonses are one of the obstacles to the implementation of e-justice. Absence from virtual hearings due to technical difficulties can result in a default judgment (in the defendant's absence).

3.6.3. Impact on Witnesses and Other Evidence

Evidence in civil cases relies heavily on witness testimony. Under current procedures, the presentation of witnesses as part of the evidentiary process is still conducted in person. However, coordination regarding schedules and notifications to witnesses continues to rely on digital communication, which may not be accessible to witnesses from rural communities with limited access to technology.

3.7. Affirmative Action Policies as a Solution to Overcome Barriers to e-Court Accessibility

Based on an analysis of the barriers and their impacts, a comprehensive affirmative policy is needed to address the barriers to accessing e-Court services for rural communities.

The government can undertake several initiatives as solutions to bridge the digital divide. First, the Indonesian government can collaborate with telecommunications service providers and technology companies to improve internet connectivity for rural

communities (Pitaloka, 2025). This would enable rural residents to begin using the internet as a means of handling legal matters online.

Second, there is a need to strengthen digital literacy programs for rural communities. The TILIK Desa program, initiated by the Jember District Court, deserves to be replicated and expanded by involving village governments, universities, and civil society organizations (Zannata, 2025). Direct mentoring by judicial officers who visit villages has proven effective in increasing public understanding and trust in e-Court. Training for village officials to become e-Court service facilitators can also serve as a long-term solution..

Third, strengthening the institutional capacity of the courts to provide inclusive e-Court services. Increasing the number of help desk staff specifically assigned to assist people from rural areas, providing computer and internet facilities in courts that the public can use for free, and adapting the system to make it more user-friendly for the general public—ensuring access to justice is guaranteed throughout the judicial digitization process—are concrete steps that can be taken (Hamada & Alamsyah, 2025).

4. Conclusion

Technological development in Indonesia has expanded into various sectors, including social, economic, political, and legal spheres. Technology now coexists closely with society, leading many sectors to adopt digitalization, including the judiciary through the implementation of electronic court systems (e-court). Fundamentally, the adoption of e-court aligns with judicial bureaucratic reform aimed at realizing the principles of a simple, expeditious, and low-cost judiciary. However, in practice, the system continues to face significant challenges, particularly the digital divide experienced by rural communities. This divide manifests in limited internet infrastructure, inadequate access to digital devices, and low levels of digital and legal literacy. Consequently, the benefits of e-court services have not been distributed equally across society, potentially creating a form of “technological elitism” in which only urban populations with adequate digital competence can effectively access and benefit from electronic judicial services.

This study argues that without structured and targeted affirmative policy interventions, the transition toward electronic courts may in fact widen disparities in access to justice between urban and rural communities. Traditional geographical barriers are increasingly being replaced by technology-based obstacles that are equally exclusionary in nature. Therefore, the state, government institutions, and the Supreme Court of Indonesia must strengthen digital connectivity infrastructure in rural areas while simultaneously promoting digital and legal literacy programs for rural populations. In this regard, judicial digitalization through e-court should not merely be understood as a procedural innovation, but also as an instrument of empowerment that must be designed inclusively to genuinely uphold the principle of equality before the law and ensure equal access to justice for all citizens, including those living in rural areas with infrastructural limitations.

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