

## **DIGITAL TRANSFORMATION OF DIVORCE CERTIFICATES AND REFORM OF RELIGIOUS COURT PROCEDURE IN INDONESIA**

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### **Abstrak**

*Penerapan Akta Cerai Elektronik di lingkungan peradilan agama melalui SK Dirjen Badilag Nomor 932/DJA/SK.TI1.3.3/VII/2025 merupakan inovasi strategis dalam upaya digitalisasi pelayanan hukum. Kebijakan ini sejalan dengan asas peradilan yang sederhana, cepat, dan biaya ringan sebagaimana diamanatkan Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman. Melalui EAC, proses administrasi perceraian diharapkan menjadi lebih efisien, transparan, serta mampu mengurangi kompleksitas birokrasi dan risiko penyalahgunaan dokumen fisik. Dari perspektif hukum acara perdata Islam, EAC tetap dinilai sah sepanjang memenuhi ketentuan pencatatan perceraian oleh pejabat yang berwenang dan didasarkan pada putusan pengadilan yang berkekuatan hukum tetap. Legalitas EAC juga diperkuat oleh Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, khususnya Pasal 5 ayat (1), Pasal 14, dan Pasal 15, yang mengakui dokumen elektronik sebagai alat bukti hukum yang sah sepanjang memenuhi prinsip keaslian, integritas, dan keandalan sistem elektronik. Namun demikian, implementasi EAC menuntut harmonisasi dengan prinsip perlindungan hukum dan perlindungan data pribadi sebagaimana diatur dalam Undang-Undang Nomor 27 Tahun 2022. Perlindungan terhadap data sensitif para pihak menjadi aspek krusial yang harus dijamin melalui sistem keamanan teknologi yang memadai. Dengan pendekatan tersebut, EAC berpotensi menghadirkan layanan peradilan agama yang modern, efektif, dan tetap menjamin perlindungan hak-hak hukum para pencari keadilan.*

**Kata Kunci:** Akta Cerai, Elektronik, Peradilan Agama.

### **Abstract**

*The implementation of the Electronic Divorce Certificate within the Religious Court system through Decree of the Director General of Badilag Number 932/DJA/SK.TI1.3.3/VII/2025 represents a strategic innovation in the digitalization of legal services. This policy is in line with the principle of a simple, fast, and low-cost judiciary, as mandated by Law Number 48 of 2009 on Judicial Power. Through the EAC, the administrative process of divorce is expected to become more efficient and transparent, while also reducing bureaucratic complexity and the risk of misuse of physical documents. From the perspective of Islamic civil procedural law, the EAC remains legally valid provided that it complies with divorce registration procedures conducted by authorized officials and is based on a court decision that has obtained permanent legal force. The legality of the EAC is further reinforced by Law Number 11 of 2008 on Electronic Information and Transactions, particularly Article 5 paragraph (1), Articles 14,*

and 15, which recognize electronic documents as legally valid evidence, provided that they meet the principles of authenticity, integrity, and reliability of electronic systems. Nevertheless, the implementation of the EAC requires harmonization with the principles of legal protection and personal data protection, as regulated under Law Number 27 of 2022. The protection of sensitive personal data of the parties involved constitutes a crucial aspect that must be ensured through reliable technological security systems. With this approach, the EAC has the potential to deliver a modern and effective religious court service while safeguarding the legal rights of justice seekers.

**Keywords:** *Divorce Certificate, Electronic, Religious Courts.*

## A. Introduction

Article 24 of the 1945 Constitution of the Republic of Indonesia (UUD 45) states that "Judicial power is an independent power to administer justice to uphold law and justice. Judicial power is exercised by the Supreme Court and judicial bodies under it within the General Courts, Religious Courts, Military Courts, State Administrative Courts, and by a Constitutional Court."

Regarding the bodies and functions related to judicial power, the 1945 Constitution of the Republic of Indonesia mandates that it be further regulated by law, including Law Number 48 of 2009 concerning Judicial Power, Law Number 24 of 2003 as amended by Law Number 8 of 2011 concerning the Constitutional Court, and Law Number 14 of 2005 as amended by Law Number 3 of 2009 concerning the Supreme Court. The Supreme Court is one of the judicial powers as referred to in the 1945 Constitution of the Republic of Indonesia, and is the Highest State Court of all judicial environments which in carrying out its duties is free from government influence and other influences<sup>1</sup>.

Religious Courts are established by law with jurisdiction covering a city or district. The composition of the Religious Court consists of the Leadership (Chairman of the Religious Court and Deputy Chairperson of the Religious Court), Member Judges, Clerk, Secretary, and Bailiff. Similarly, the High Religious Court is established by law, only its jurisdiction covers a provincial area. The composition of the High Religious Court consists of the Leadership (Chairman and Deputy Chairperson),

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<sup>1</sup>Yustisia Vision Team, Working Cabinet (Jokowi-JK), 1945 Constitution of the Republic of Indonesia, State Institutions and Their Leaders and Legislation, Visimedia, Jakarta, 2014. pp. 62-63.

Member Judges, Clerk, and Secretary. To facilitate the search for justice, especially regarding divorce cases, the Religious Court is one of the judicial institutions that is provided for certain civil cases whose existence has been recognized since the enactment of Law Number 14 of 1970 concerning the Principles of Judicial Power and which was most recently replaced by Law Number 48 of 2009 concerning Judicial Power, which in its provisions is specifically for Muslims with a special scope of authority regarding certain civil cases so as to provide legal certainty for justice seekers<sup>2</sup>.

The existence of Religious Courts is highly expected to be able to realize the wishes of the people in legal protection and guarantee equality of citizens to uphold justice, truth, order, and legal certainty, so that it can provide protection to the people, and it is very important to maintain, because the Religious Courts are the final place of complaint for those of diverse Islamic faiths if a dispute occurs and the dispute cannot be resolved outside the court.

The Religious Court is one of the institutions that implements judicial power in Indonesia as mandated by Article 24 of the 1945 Constitution.<sup>3</sup> The authority of the Religious Court is emphasized in Article 49 paragraph (1) of Law Number 7 of 1989 (further regulated in Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts) that the Religious Court has the duty and authority to examine, decide and settle cases at first instance between people of the Muslim faith in the fields of: Marriage; Inheritance; Wills and gifts made based on Islamic law; Waqf and charity; and Sharia Economics<sup>4</sup>.

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<sup>2</sup> Saikho As'ali, *Authority to Issue Divorce Certificates for Muslims*, Mimbar Keadilan Journal of Legal Studies February 2018, p. 88

<sup>3</sup>Article (1) states that judicial power is an independent power to administer justice to uphold law and justice. Article (2) states that judicial power is exercised by a Supreme Court and judicial bodies under it in the general judicial system, religious judicial system, military judicial system and state administrative judicial system.

<sup>4</sup>Supreme Court of the Republic of Indonesia, Law of the Republic of Indonesia Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, Jakarta, Directorate General of Religious Courts, 2006. Abdul Manan and M. Fauzan, Principles of Civil Law on the Authority of Religious Courts, Jakarta: PT Raja Grafindo Persada, 2002. Republic of Indonesia, "Law of the Republic of Indonesia Number 4 of 2004, concerning the Main Provisions of Judicial Power," in the Ministry of Religion, Collection of Legislation in the Environment of Religious Courts, Jakarta, Project, 2004.

The provisions of the above article provide an explanation that in addition to having the authority to hear and decide divorce cases, the Religious Court is also given the authority and is even required to issue a Divorce Certificate after the case has permanent legal force, after which the Divorce Certificate is delivered to the parties (husband and wife). The provisions regarding the authority of the Religious Court in issuing a Divorce Certificate certainly give rise to overlapping authority in issuing a Divorce Certificate with the Population and Civil Registration Service as the Implementing Agency for Population Administration Registration, which also has provisions regarding the procedures for issuing a Divorce Certificate as stated in Article 40 paragraph (1) and paragraph (2) of Law Number 23 of 2006 concerning Population Administration, which stipulates that:

- a. Article (1) Divorce must be reported by the person concerned to the Implementing Agency no later than 60 (sixty) days after the court decision on divorce has obtained permanent legal force;
- b. Article (2) Based on the report as referred to in paragraph (1), the Registration Officer

Behind the task of the Religious Court in charge and authorized to adjudicate cases that are the authority of the religious court in the first instance, there are also problems that currently often occur in society such as the existence of fake divorce certificates submitted as a requirement for marriage at the KUA, such as the case that occurred at the KUA of Binangun sub-district, Cilacap district, which has carried out marriage registration between Sulastri and her current husband named Darno on October 23, 2013. At the time of marriage registration, letters from the Village Head stated that Darno had the status of a bachelor and Sulastri had the status of a divorced widow, proven by Divorce Certificate No. 135 / AC / 2011 / PA / CLP. Case No. 1980 / Pdt.G / 2011 / PA.Clp in the name of Sulastri with Juprih. However, later there was a report received to the KUA that the divorce certificate was fake.

Seeing the conditions that occur in society and along with the development of information technology, digital transformation has become an urgent need in judicial institutions, including in the religious court environment. Digitalization of services is not only required to speed up administrative processes, but also to increase

accountability, transparency, and accuracy of case data. One concrete step in updating procedural law in religious courts is the issuance of Decree of the Director General of the Religious Courts of the Supreme Court of the Republic of Indonesia Number 932 / DJA / SK.TI1.3.3 / VII / 2025 concerning the Implementation of Electronic Divorce Certificates (*Electronic Divorce Certificates / EAC*) <sup>5</sup>. This policy aims to implement divorce certificates in electronic form to facilitate services, prevent forgery, and expand access to justice for the community.

Although the implementation of electronic divorce certificates has begun in Religious Courts throughout Indonesia, this also raises new legal problems that need to be critically examined, such as fundamental problems related to the evidentiary power of EAC compared to physical divorce certificates, security standards, validation of electronic signatures and related to the protection of personal data of the parties, the above problems are very relevant when linked to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) which regulates electronic instruments as valid legal evidence as long as they can fulfill the principles of authenticity and data integrity <sup>6</sup>.

Furthermore, the implementation of the EAC must consider fundamental principles of Islamic civil procedural law in Indonesia, such as simplicity, speed, and low cost, justice, and non-discrimination against litigants, particularly vulnerable groups such as women and rural communities who may face limited access to technology <sup>7</sup>. This reform must not create legal uncertainty or even increase the vulnerability of litigants who already have difficulty obtaining religious court services. Therefore, research on the Electronic Divorce Certificate is crucial to examine how this new regulation can be implemented effectively, fairly, and oriented towards protecting the rights of the parties.

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<sup>5</sup>Decree of the Director General of Badilag Number 932/DJA/SK.TI1.3.3/VII/2025 concerning the Implementation of Electronic Divorce Certificates.

<sup>6</sup>Indah Julitah Pelapu, *Legal Certainty of the Use of Electronic Signatures in Notarial Deeds*, Lex\_Privatum Vol\_14\_No\_02\_Sept\_2024.

<sup>7</sup>See Law Number 50 of 2009 concerning the Second Amendment to the Religious Courts Law, Article 57A

Therefore, with the renewal of religious court procedural law using the EAC digital approach, it must remain in line with the principle of legal protection <sup>8</sup>where in its implementation it must provide a sense of security, legal certainty and justice for the justice seekers, thus this research is expected to contribute in mapping challenges and formulating solutions so that the digital transformation initiated by religious courts can run optimally and not cause new problems in the future.

#### **B. Strength of Electronic Divorce Certificates (EAC) from the Perspective of Legal Protection Theory and Personal Data Protection.**

In this rapidly evolving digital era, individuals' personal data is increasingly vulnerable to potential misuse and privacy violations. Personal data security is a human right that must be guaranteed and respected. Indonesia, as a developing country with rapid technology adoption, has a responsibility to protect personal data as a means of privacy. In this context, the right to privacy is an urgent issue that must be addressed. The right to privacy is the fundamental right of every individual to maintain the confidentiality and security of their personal data. With the rise in cases of privacy violations and misuse of personal data, it is crucial for every country to have effective laws and regulations to protect the privacy rights of its citizens.

The principle of the right to privacy regarding personal data is a critical aspect in this increasingly advanced digital era. Every day, we interact with technology and provide personal data online. Personal data refers to any information that can directly or indirectly identify an individual. This includes, but is not limited to, name, address, telephone number, email address, date of birth, identification numbers, financial data, and medical information.<sup>9</sup> But by providing this information, we also open up the opportunity for potential data misuse and privacy breaches.

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<sup>8</sup>Yassir Arafat, *Principles of Balanced Legal Protection in Contracts*, JURNAL LACHTENS, Vol. 4, No. 2, December 2015, p. 27.

<sup>9</sup> Mahira, DF, Emilda Y Lisa NA, 2020, "Consumer Protection System (CPS): System, Consumer Personal Data Protection Through Collaboration Concept", Legislatif, Vol.3 No.2, pp.287-302

Every individual can choose to maintain privacy regarding their data. Owned or shared, this freedom is protected by the laws in force in Indonesia.<sup>10</sup> Based on this legal basis, Indonesian citizens have a constitutional right to privacy protection, which includes the right to privacy over their personal information. The state is obligated, based on its constitutional rights, to provide legal protection for various aspects of Indonesian citizens' lives. The legal objectives for constitutional rights should include legal benefit, justice, and clarity.

In relation to the protection of personal data, several actions or efforts that have been taken by the Indonesian Government are:

- 1. The enactment of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law)**

The government has established the PDP Law as the main legal umbrella that regulates the principles of personal data protection, the rights of data subjects, the obligations of data controllers and processors, as well as administrative and criminal sanctions for personal data violations.

- 2. Strengthening the Principle of Data Subject Rights**

The PDP Law guarantees the rights of data owners, such as the right to information, the right to access, the right to rectification, the *right to erasure*, the right to withdraw consent, and the right to file objections to the processing of personal data.

- 3. Establishment and Planning of Personal Data Protection Authority**

The government mandates the establishment of an independent personal data protection supervisory body to ensure compliance with the PDP Law and to conduct supervision, law enforcement, and dispute resolution.

- 4. Implementation of Electronic System Security Standards**

Through derivative regulations and technical policies, the government requires electronic system administrators, including judicial institutions, to implement data

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<sup>10</sup> Erna, P 2019, "The Importance of Personal Data Protection in Online Loan Transactions (The Urgency of Personal Protection in Peer to Peer Lending)", National Law Magazine, No. 2, pp. 1-27

security principles such as encryption, authentication, system audits, and cyber risk management.

##### **5. Integration of Data Protection in the Government's Digital Transformation**

The government has included personal data protection as part of the Electronic-Based Government System (SPBE) agenda, to ensure that digital public services run safely, accountably, and are oriented towards protecting citizens' rights.

##### **6. Increasing Data Protection Literacy and Awareness**

The government is gradually encouraging education and outreach to state officials and the public regarding the importance of personal data protection in the use of digital services.

The implementation of the Electronic Divorce Certificate (EAC) through Decree of the Director General of Religious Affairs No. 932/DJA/SK.TI1.3.3/VII/2025 marks a milestone in digital transformation within the religious courts. A divorce certificate is essentially an authentic document that officially and legally proves the dissolution of a marriage based on a religious court ruling. In Islamic civil procedure, this certificate is crucial as it serves as the basis for changes in marital status, rights to maintenance, child custody, and the division of joint property.

Along with the development of technology and new procedural laws in religious courts, it is possible that various questions will arise regarding the evidentiary power of EAC. Regarding this matter, if we look at Article 5 paragraph (1) of the ITE Law (jo. Law 19/2016), electronic documents are recognized as valid legal evidence. However, the document must be made by an authorized official and use a certified electronic signature, EAC has the same evidentiary power as a physical authentic deed<sup>11</sup>. This principle can be seen in Articles 14 and 15 of the ITE Law which guarantee that electronic documents and electronic signatures have the same legal standing as conventional written documents, as long as they can fulfill 3 principles,

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<sup>11</sup>Safitri Indriani, *Electronic Evidence as a Means of Proof in Electronic Transactions*, Scientific Journal of Legal Science, p. 382

including the principle of authenticity, the principle of integrity and the principle of reliability<sup>12</sup>.

Islamic civil procedural law perspective, there is no Islamic jurisprudence provision explicitly requiring a physical divorce certificate. The Compilation of Islamic Law (KHI) places greater emphasis on the validity of the divorce decree and its registration by authorized officials. Therefore, the use of electronic documents remains valid as long as the substance and formal procedures are met. The principles of muamalah in Islam are flexible and open to innovation (the principle of *al-ashlu fil mu'amalat al-ibahah*) as long as they do not violate the principles of justice, legal certainty, and protection of the rights of the parties.

**Table I**

**Legal Power and Recognition of Electronic Divorce Certificates (EAC)**

Legal Force Aspect	Legal basis	Regulatory Substance	Implications for the EAC
<b>The Position of Electronic Documents as Legal Evidence</b>	Article 5 paragraphs (1), (2), and (3) of Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning ITE	Electronic information and/or evidentiary power in documents and without having to printouts be accompanied by their	EAC has valid legal power and without having to be accompanied by physical documents.
<b>Authenticity of Deeds Issued by Authorized Officials</b>	Article 1868 of the Civil Code	Authentic deeds are made by or in the presence of authorized public officials.	The Religious Court is an authorized public official; the EAC meets the requirements of an authentic deed
<b>Binding Power of Court Decisions</b>	Article 54 of Law No. 48 of 2009 concerning Judicial Power	Court decisions that have EAC as a derivative permanent legal force must be has full binding respected and power.	that have EAC as a derivative permanent legal force must be has full binding respected and power.
<b>Electronic-Based Case</b>	Regulation on Electronic	on Electronic Court products	justice EAC is the official product of the

<sup>12</sup>Rizqi Robi Ali Sodiqin, "The Principle of Legal Assurance as a Guarantee for Electronic Signature Certification," Presidential: Journal of Law, State Administration, and Public Policy Volume 1, No. 2, June 2024, pp. 13-23

Legal Force Aspect	Legal basis	Regulatory Substance	Implications for the EAC
<b>Administration Recognition</b>	Administration Cases and Trials (e- and Court and e-Litigation) of the ITE Law	of recognized as valid (e- and Court and e-Litigation) force. Electronic signatures have valid legal force	Supreme Court's electronic system. Electronic signatures on the EAC are valid and binding.
<b>Validity of Electronic Signatures</b>	Article 11 of the ITE Law	Everyone has the right to fair legal certainty	The EAC's rejection is contrary to the principle of legal certainty.
<b>Legal Certainty of State Documents</b>	Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia	Everyone has the right to fair legal certainty	The EAC's rejection is contrary to the principle of legal certainty.
<b>Recognition of Electronic Government Systems</b>	PP No. 71 of 2019 Government concerning the electronic systems Implementation of must be reliable, Electronic Systems and secure Transactions	Everyone has the right to fair legal certainty	The EAC system meets the country's electronic system standards.
<b>The Principle of Simple, Fast, and Low-Cost Justice</b>	Article 2 paragraph (4) Law no. 48 of 2009	The trial is conducted simply, requesting physical quickly and at low documents cost.	The EAC supports this principle; contrary to this principle.
<b>Legal Protection of Citizens</b>	Legal Theory (Philipus M. Hadjon)	Protection to (Philipus M. preventitive repressive protection	The state is obliged to provide EAC recognition is a and form of preventive legal legal protection
<b>Formal Material and Proof Strength</b>	Doctrine of Evidence Law	Civil Authentic have perfect evidentiary power	EAC proves that a divorce has occurred legally and bindingly.

Furthermore, the issue of legal protection arises because the EAC contains highly sensitive personal data, such as the identity of spouses, divorce decrees, and children's rights. According to the theory of legal protection, as stated by Philipus M. Hadjon regarding legal protection, legal protection is a concept involving legal measures and mechanisms designed to protect the rights of individuals and society as

a whole. Legal protection aims to ensure that everyone has fair access to justice, security, and equal treatment under the law<sup>13</sup>.

As explained in the theory of legal protection above, in this case it has relevance to the theory of personal data protection, if we look at Law Number 27 of 2022 concerning personal data protection, it requires public institutions, including religious courts to implement security for private citizen data, because in this case the divorce certificate contains very personal information, then in the use of the EAC system it is mandatory to be equipped with very adequate technological security, related to strict authentication procedures, encryption and limited control, this is expected so that divorce data is not misused, disseminated without permission and not accessed by unauthorized parties<sup>14</sup>.

However, the implementation of the EAC must also align with the principles of legal protection so that users can obtain certainty about their rights without intimidation or discrimination. Furthermore, the implementation of the EAC must also consider personal data protection to prevent the disclosure of confidential divorce data. In other words, this innovation is legitimate both formally and materially, but it absolutely needs to be accompanied by robust legal and technological protection instruments to achieve its objectives and legal certainty.

Going forward, the implementation of the Electronic Divorce Certificate (EAC) in Religious Courts needs to be positioned as an integral part of the digital transformation of the judiciary, oriented towards improving the quality of legal services and protecting human rights. Digitalization is not only interpreted as accelerating administration but also as an effort to build an accountable, transparent, and just justice system. Personal data protection must be a primary principle at every stage of EAC implementation, given that divorce certificates contain sensitive data such as personal identity, marital status, and court decisions. Therefore, the

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<sup>13</sup>Kornelis Antonius Ada Bediona, Analysis of the Theory of Legal Protection According to Philipus M Hadjon in Relation to the Imposition of Castration Punishment on Perpetrators of Sexual Crimes, *Das Sollen: Journal of Contemporary Studies of Law and Society* (2023) 02:01, p. 14

<sup>14</sup>Taufik Hidayat Telaumbanua, *Legal Protection for Social Media Users Against Misuse of Personal Data Related to Privacy Rights According to Positive Law*, *Journal of the Faculty of Law, Unsrat Lex Privatum*. Vol. 13. No. 01. 2024, p. 4

implementation of the EAC must fully adhere to Law Number 27 of 2022 concerning Personal Data Protection as a binding legal norm.

Religious Courts need to strengthen their institutional position as data controllers *responsible* for the collection, processing, storage, and distribution of data within the EAC. This role is crucial to ensure legal accountability in the event of data breaches or leaks. Developing a secure and reliable information technology infrastructure is essential for the sustainability of the EAC. Electronic systems must be equipped with multi-layered encryption mechanisms, dual authentication, audit trails, and data recovery systems to ensure the authenticity and integrity of electronic divorce certificates<sup>15</sup>.

From the perspective of Islamic civil procedure, the future requires harmonization of the principles of electronic divorce registration with the values of prudence (*h if z al-nafs* and *h if z al-'ir d*)<sup>16</sup> in maintaining the honor and privacy of the parties. Digitalization must remain in line with *the maqāṣ id al-syārī'ah*<sup>17</sup>, particularly the protection of human dignity. Improving the human resource capacity of religious court officials is a key agenda in the implementation of the EAC. Judges, clerks, and technical staff need to be equipped with personal data protection literacy and an understanding of digital ethics to be able to manage case data professionally and responsibly.

More detailed technical regulations regarding EAC governance are needed, including authority-based access restrictions, data retention periods, and mechanisms for deleting electronic data after the legal purpose has been fulfilled. These regulations will strengthen legal certainty and prevent data misuse. The participation of justice seekers must also be strengthened by granting limited and secure access rights to the

<sup>15</sup> <https://badilag.mahkamahagung.go.id/seputar-peradilan-agama/penerapan-sistem-elektronik-akta-cerai-eac-di-pengadilan-agama-manna-12-9> accessed on December 27, 2025

<sup>16</sup> Husamuddin MZ, *Justice as Maqāṣ id al- ḏarūriyyāt in Modern Social Needs*, Indonesian Journal of Shariah and Justice (IJSJ) Vol.3, No. 2(2023), pp. 247-268

<sup>17</sup> Arief Budiman Adlin, "Strategies for Overcoming the Impact of Digisexuality on Muslim Family Harmony in the Era of Society 5.0: A Maqashid Syariah Perspective," CENDEKIA: Jurnal Ilmu Pengetahuan Vol. 5 No. 3, July 2025, p. 1124

EAC, while guaranteeing the rights of data subjects to obtain information, correct data errors, and file objections to unauthorized processing of personal data.

Continuous external oversight and periodic evaluation of the implementation of the EAC are necessary, both through the Supreme Court and the personal data protection watchdog. This oversight is crucial to ensure that the digitalization of the judiciary does not create new risks of privacy violations. With a comprehensive approach, the future implementation of the Electronic Divorce Certificate in Religious Courts is expected to become a model for technology-based judicial services that is not only efficient and modern, but also upholds personal data protection, legal certainty, and the values of substantive justice for the community.

### **C. Harmonization of the EAC with the Principles of Simple, Fast and Low-Cost Justice.**

The principle of Simple, Fast, and Low-Cost Justice is one of the main principles in the administration of justice in Indonesia. This principle is stated in Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power which states that "Justice is carried out simply, quickly, and at low cost" aims to realize access to justice for all citizens without exception, making the principle of simple, fast, and low-cost justice one of the fundamental principles in the justice system in Indonesia. Along the way, there are various obstacles in the implementation of this principle, especially in the resolution of civil cases. Long trial processes, complicated bureaucracy, and high costs often become obstacles for those seeking justice <sup>18</sup>.

The provision that trials are conducted with the principles of simplicity, speed and low cost must still be upheld, reflecting the law on civil procedure which contains regulations on examination and evidence that are much simpler. The basis of this principle of simplicity, speed and low cost is contained in Law No. 4 of 2004 concerning Judicial Power, Article 4 paragraph 2 which reads "Trials are conducted simply, cheaply and quickly" and Article 5 paragraph 2 which reads "The court assists

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<sup>18</sup> Zulfadin Syarif, "The Principles of Simple, Fast, and Low-Cost Trials in the Provisions for Hybrid Civil Trials," Collegium Studiosum Journal, Vol. 7 No. 1, June 2024, p. 194

justice seekers and tries to overcome all obstacles and barriers to achieve simple, fast and low cost trials <sup>19</sup>.

Simple, fast and low-cost justice is also contained in Law No. 7 of 1989. Simple, fast and low-cost justice is stated in Article 57 paragraph 3, as well as in Article 58 paragraph 2 which states "the court helps overcome all obstacles and barriers to achieving simple, fast and low-cost justice." Procedural law is a collection of provisions with the aim of providing guidelines in efforts to seek truth and justice in the event of a divorce over a case in one of the families with a simple, fast and low-cost judicial settlement in resolving the case.

The implementation of the Electronic Divorce Certificate (EAC) in the religious court environment, as regulated in the Decree of the Director General of Badilag Number 932/DJA/SK.TI1.3.3/VII/2025, actually aims to align Islamic civil law procedures with the principles of modernizing public services. One of these is the principle of simple, fast, and low-cost justice as mandated in Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power <sup>20</sup>. With the digitalization of divorce certificates, the implementation of the administrative process after the divorce decision becomes more efficient, this can reduce queues for printing physical documents, and minimize the risk of delays or data manipulation, in line with efforts to provide simpler and faster justice, while reducing transportation costs or processing physical documents at the court office.

Harmonization with the principle of legal certainty (Article 28D paragraph (1) of the 1945 Constitution) requires that EAC innovations continue to guarantee the validity, authenticity, and clarity of their procedures for use <sup>21</sup>. Legal certainty requires that EAC procedures be clearly regulated in implementing regulations, equipped with

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<sup>19</sup> Sofian Syaiful Rizal, *The Principles of Simple, Fast, and Low-Cost Judicial Procedures in Divorce Lawsuits at the Pamekasan Religious Court, Analysis of Judge's Decision Number: 0862/Pdt.G/2015/Pa. Pmk, At-Turāṣ: Journal of Islamic Studies Volume 6, No. 1, January-June 2019*, p. 80

<sup>20</sup> Nisa Dewi Asmar, *Regulation of Electronic Trial Mechanisms in the Padang Religious Court Class Ia*, UNES Journal of Swara Justisia, UNES Journal of Swara Justisia, p. 558

<sup>21</sup> Teddy Anggoro, Restoring the Supremacy of Article 28d Paragraph (1) of the 1945 Constitution of the Republic of Indonesia Regarding the Constitutional Court Decision Providing a Legal Appeal for Cassation Against the Decision to Postpone Debt Payment Obligations, *Jurnal RechtsVinding*, Vol. 13 No. 1, April 2024 pp. 65-81

data security standards (including certified electronic signatures), and have a strong normative basis as recognized by Article 5 paragraph (1) and Articles 14–15 of the ITE Law. Thus, there is no doubt that EAC documents are valid and can be used as authentic evidence.

In addition, the implementation of the EAC must remain in line with the principle of personal data protection so that divorce certificate data is not misused. This data protection needs to strengthen the sense of security of the parties to the case, where this cannot be separated from the principle of legal certainty. In realizing EAC harmonization, several things must be achieved as follows:

1. Easily accessible and transparent procedures
2. Faster publication with an electronic system and faster issuance time than a physical divorce certificate.
3. The costs incurred are more affordable and there is minimal physical bureaucracy.
4. And meet data security standards and legal procedures to ensure legal certainty.

So in this case, the emergence of the EAC innovation ultimately becomes a means to strengthen two principles, namely the principle of legal certainty and the principle of simple, fast and low-cost justice, modernizing the process without losing legal certainty and providing fast, simple and efficient justice services as the ideals of modern religious courts.

**Table II**

**EAC as a Breakthrough in the Principles of Simple, Fast, and Low-Cost Justice**

Principles Justice	Conventional of Conditions (Manual Divorce through EAC Certificate)	Implementation (Manual Divorce through EAC Certificate)	Legal Breakthrough Value	Normative Basis
Simple	Layered procedures, processing divorce certificate must go directly to court	Electronic a issuance of divorce certificates with standardized digital procedures	Simplify administrative flow of divorce certificates to reduce excessive formalities	Article 2 and paragraph (4) Law no. 48 of 2009

Principles of Justice	Conventional Conditions (Manual Divorce through EAC Certificate)	Implementation (Manual Divorce through EAC Certificate)	Legal Breakthrough Value	Normative Basis
Fast	Issuance time is relatively long due to printing, manual signing, and physical collection.	Divorce certificates can be issued and accessed immediately after the decision becomes final.	Significantly reduces service time	Regulation on e-Court and e-Litigation
Low Cost	Transportation, photocopying, legalization and transportation document retrieval costs	No printing and costs required	Reducing economic burden on justice seekers	Principle of access to justice
Administrative Efficiency	Reliance on physical archives and manual labor	Integrated digital archives in the justice system	Saving state resources and service users	Government Regulation No. 71 of 2019
Accessibility	Limited by distance and time of court office	Accessible anytime anywhere	and Expanding access to justice	The principle of equality before the law
Legal certainty	Risk of loss, damage or delay of documents	Documents are stored securely	Ensuring legal certainty for the parties	Article 28D paragraph (1) of the 1945 Constitution
Transparency	The administration process is not always monitored by users	Process recorded in electronic system	Improving accountability	Good governance
Data Protection	Physical leak risk	Digital security and access control systems	Personal data protection more guaranteed	is Law No. 27 of 2022
Substantive Justice	Burdening economically vulnerable groups	Minimizing economic and geographical barriers	and Supporting substantive justice	Legal protection theory

Principles of Justice	Conventional Conditions (Manual Divorce through EAC Certificate)	Implementation (Manual Divorce through EAC Certificate)	Legal Breakthrough Value	Normative Basis
Modernization of the Judiciary	Conventional administration of justice	Information technology-based justice	Progressive legal reform	Supreme Court Judicial Reform Blueprint

Harmonizing the implementation of the Electronic Divorce Certificate (EAC) with the principles of simple, expeditious, and low-cost justice is an urgent need for modernizing religious courts. Digitizing divorce administration through the EAC aims to expedite legal services while reducing the administrative burden and costs for the parties. However, the effectiveness of the EAC must be balanced with guarantees of comprehensive legal protection, particularly regarding the rights of legal subjects and the security of the personal data of justice seekers.

From the perspective of legal protection theory, the state is obliged to provide preventive and repressive protection to citizens in all public policies, including the digitization of judicial documents. The EAC, as an electronic court service product, must ensure preventive legal protection through a secure, transparent, and accountable system, as well as repressive protection in the form of complaint and redress mechanisms in the event of rights violations or personal data leaks.

The principle of simple, fast and low-cost justice as stipulated in Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power demands that the process of issuing and accessing divorce certificates is not complicated, does not take a long time, and does not incur additional costs that burden the public. The implementation of EAC is conceptually in line with this principle because it minimizes manual procedures, reduces face-to-face meetings, and cuts printing and document distribution costs.

However, accelerating services through the EAC must not compromise the principle of prudence in personal data management. Divorce certificates contain sensitive data such as personal identity, marital status, and court decisions, which are

private. Therefore, harmonizing the EAC with judicial principles must be based on the principles of personal data protection as stipulated in Law Number 27 of 2022 concerning Personal Data Protection. The legal approach to personal data protection in the EAC requires adequate judicial information system security standards, including access control, data encryption, and user authentication. With a protected system, the EAC can provide legal certainty to parties that their personal data will not be misused, accessed without authorization, or disseminated beyond legitimate legal purposes.

Harmonization must also be realized through strengthening technical regulations and clear operational guidelines for religious court officials. Court officials, as controllers of personal data, have legal and ethical responsibilities in managing the EAC. In this context, the theory of legal protection emphasizes the importance of clearly delimiting authority and responsibility to prevent maladministration or privacy violations. From the perspective of justice seekers, the EAC, integrated with the principles of simple, fast, and low-cost justice, offers the benefit of easy access to documents anytime and anywhere. However, this convenience must be accompanied by legal education and digital literacy so that the public understands their rights and obligations, including the right to personal data protection and procedures for securing electronic documents.

Going forward, EAC harmonization needs to be supported by an effective internal and external oversight system. This oversight serves as a form of repressive legal protection in the event of abuse of authority or data leaks. System audit mechanisms, regular evaluations, and responsive complaint channels are crucial instruments in maintaining public trust in religious courts. Furthermore, the integration of the EAC with the national digital legal ecosystem must adhere to the principles of interoperability and prudence. Data exchange between agencies can only be conducted on a clear legal basis and the principle of data minimization. This approach reflects a balance between the efficiency of judicial services and the protection of citizens' constitutional right to privacy.

Thus, the future concept of harmonizing the EAC with the principles of simple, expeditious, and low-cost justice requires a comprehensive and balanced approach. The theory of legal protection and personal data protection serves as the normative foundation for ensuring that digital innovation in religious courts not only delivers efficiency but also guarantees justice, legal certainty, and respect for human rights.

#### **D. Epilogue**

The Electronic Divorce Certificate (EAC) is a significant innovation in the digital transformation of Religious Courts, normatively and legally valid and recognized in Indonesia's legal evidence system. Based on the Electronic Information and Transactions Law (ITE Law), the Judicial Power Law, the Civil Code, and Supreme Court regulations, the EAC qualifies as an electronic document with equal standing to a physical authentic deed, provided it is issued by an authorized official and supported by a reliable electronic system. From the perspective of Islamic civil procedural law, the use of the EAC also aligns with the principle of flexibility in transactions and does not conflict with the provisions of the Compilation of Islamic Law, as long as the substance of the decision and the recording procedures are met. However, the EAC contains highly sensitive personal data, so its implementation must align with the theory of legal protection and the personal data protection regime. The state, through the Religious Courts, is obliged to provide preventive and repressive legal protection for the privacy rights of the parties, as mandated by Law Number 27 of 2022 concerning Personal Data Protection. Therefore, the sustainability of the EAC requires strengthening technological security aspects, accountable data governance, and increasing the capacity of the judicial apparatus. With this approach, the EAC is not only an instrument of judicial efficiency, but also a concrete manifestation of human rights protection, legal certainty, and substantive justice in the digital era.

Harmonizing the implementation of the Electronic Divorce Certificate (EAC) with the principles of simple, fast, and low-cost justice is a strategic step in the modernization of Religious Courts in Indonesia. Normatively, the EAC aligns with

the mandate of the Judicial Power Law, which demands efficient, accessible, and non-burdensome justice for those seeking justice. Digitizing divorce certificates through the EAC can simplify administrative procedures, expedite document issuance, and reduce costs previously incurred due to manual mechanisms. However, the effectiveness of the EAC cannot be separated from guarantees of legal certainty and protection of personal data. Divorce certificates contain sensitive data, so their implementation must be supported by a reliable security system, clear technical regulations, and the responsibility of judicial officials as data controllers. With a legal protection theory approach, the EAC functions not only as an efficiency instrument but also as a means of protecting citizens' constitutional rights, thereby achieving the goals of substantive justice and public trust in religious courts.

## REFERENCES

- Anggen Suari, Kadek Rima, and I Made Sarjana. 2023. "Menjaga Privasi Di Era Digital: Perlindungan Data Pribadi Di Indonesia." *Jurnal Analisis Hukum* 6(1): 132-42. doi:10.38043/jah.v6i1.4484.
- Arafat, Yassir. 2015. "Prinsip-Prinsip Perlindungan Hukum Yang Seimbang Dalam Kontrak." *Jurnal Rechtens* 4(2): 25-39.
- Damásio. 2009. "كتاب المجامع "مجلة العربية" 2(255): 5.
- Dewi Asmar, Nisa, and Darmini Roza. 2023. "UNES Journal of Swara Justisia PENGATURAN MEKANISME PERSIDANGAN SECARA ELEKTRONIK DI PENGADILAN AGAMA PADANG KELAS IA." : 557-74. <https://creativecommons.org/licenses/by/4.0/> <https://swarajustisia.unespadang.ac.id/index.php/UJSJ/indexDOI:https://doi.org/10.31933/ujsj.v7i2>.

Ibrahim, Malik. 2018. "Reformasi Birokrasi Pada Lingkungan Peradilan Agama Di Indonesia." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11(2): 133–46. doi:10.14421/ahwal.2018.11203.

Kornelis Antonius Ada Bediona, Randi Hilman Nurjaman, Muhamad Rafly Falah Herliansyah, and Dzulfikri Syarifuddin. 2023. "Analisis Teori Perlindungan Hukum Menurut M Hadjon Dalam Kaitannya Dengan Hukuman Kebiri Terhadap Pelaku Seksual." *Das Sollen: Jurnal Kajian Kontemporer Hukum dan Masyarakat* (2023): 1–19.

Kusnadi, Sekaring Ayumeida. 2021. "Perlindungan Hukum Data Pribadi Sebagai Hak Privasi." *AL WASATH Jurnal Ilmu Hukum* 2(1): 9–16. doi:10.47776/alwasath.v2i1.127.

Mahkamah Agung RI. 2015. "Mahkamah Agung Republik Indonesia." *Mahkamah Agung Republik Indonesia (Eksistensi Waris Di Indonesia: Antara Adat dan Syariat)*: 2. <https://journal.uinsgd.ac.id/index.php/asy-syariah/article/view/656>.

Republic of Indonesia. 1945. "The 1945 Constitution of the Republic of Indonesia (Unofficial Translation)." 1(1). <https://www.dpr.go.id/jdih/uu1945>.

Rizal, Sofian Syaiful. 2019. "Asas Peradilan Sederhana, Cepat, Dan Biaya Ringan Dalam Gugatan Perceraian Di Pengadilan Agama Pamekasan: Kajian Putusan Nomor 0862/Pdt.G/2015/PA. Pmk." *AT-TURAS: Jurnal Studi Keislaman* 6(1): 77–96. doi:10.33650/at-turas.v6i1.546.

Rizqi Robi Ali Sodiqin. 2024. "Prinsip Jaminan Hukum Sebagai Jaminan Sertifikasi Tanda Tangan Elektronik." *Presidensial: Jurnal Hukum, Administrasi Negara, dan Kebijakan Publik* 1(2): 13–23. doi:10.62383/presidensial.v1i2.30.

Soetoprawiro, Koerniatmanto. 2023. "Keadilan Sebagai Maqasid Al-Darurriyat Dalam Kebutuhan Sosial Modern." *Jurnal Hukum PRO JUSTITIA* 28(2): 229–56. <http://journal.unpar.ac.id/index.php/projustitia/article/view/1064>.

Soleh, Mohammad Afifudin. 2018. "Mimbar Keadilan Jurnal Ilmu Hukum Februari 2018 Inthan Juwita Ndun." : 1–17. doi:10.5281/zenodo.1161852.86.

Sugiono Margi, and Maulida Khazanah. 2022. "Kedudukan Mahkamah Konstitusi Dalam Kelembagaan Negara." *Jurnal Rechten : Riset Hukum dan Hak Asasi Manusia* 1(3). doi:10.52005/rechten.v1i3.48.

Syariah, Maqashid. 2025. "1 , 2 1,2." 5(3): 1118–27.

SYARIF, ZULFADIN. 2024. "Asas Peradilan Sederhana, Cepat, Dan Biaya Ringan Dalam Ketentuan Persidangan Hybrid Perkara Perdata." *Collegium Studiosum Journal* 7(1): 193–203. doi:10.56301/csj.v7i1.1275.

Telaumbanua, Taufik Hidayat, Deasy Soeikromo, and Delasnova S. S. Lumintang. 2024. "Perlindungan Hukum Bagi Pengguna Media Sosial Terhadap Penyalahgunaan Data Pribadi Terkait Hak Privasi Menurut Hukum Positif." *Jurnal Fakultas Hukum Unsrat Lex Privatum* 13(1): 11. <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/53779>.