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Effectiveness of Summoning Mechanisms in Divorce Cases through E-Court and Registered Mail (POS): A Study at the Ambon Religious Court

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ABSTRACT

The digital transformation of Indonesia's judiciary has accelerated since the COVID-19 pandemic, notably through Supreme Court Regulation (PERMA) No. 7 of 2022 on Electronic Court Administration and Proceedings and Supreme Court Circular (SEMA) No. 1 of 2023 on Registered Mail Summons. This study examines the effectiveness of e-court electronic summons and registered postal (POS) summons in divorce proceedings at the Ambon Class IA Religious Court. Using an exploratory sequential mixed-method design, it combines court case records for 2023–2025 with in-depth interviews with eight informants (bailiffs, advocates, and litigants). The case records cover all cases registered through e-court, not divorce alone, and serve as contextual indicators; the divorce-specific analysis rests on the interviews. E-court cases rose from 198 (2023) to 311 (2024) and 1,100 (2025), while verstek rulings remained at 59.83–63.48% of claims. Guided by Soerjono Soekanto's theory of legal effectiveness, the analysis shows that e-court summons are undermined by low digital literacy and unchecked email notifications, whereas postal summons suffer from slow delivery, address-finding failures, courier turnover, and non-compliance with the village-coordination procedure. Archipelagic geography is introduced as an additional factor conditioning all five Soekanto factors. The study proposes richer party-contact and location data, a stronger cooperation framework with PT Pos Indonesia, and institutionalized digital-literacy assistance.

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1. Introduction

The digital transformation of Indonesia's judiciary accelerated following the COVID-19 pandemic in early 2020. However, electronic case administration had begun with the Supreme Court's introduction of e-court in 2018, subsequently regulated through PERMA No. 3 of 2018, PERMA No. 1 of 2019, and PERMA No. 7 of 2022 on Electronic Court Administration and Proceedings.[1] The latest regulation comprehensively governs electronic proceedings, including electronic summons.[2]

Summoning is a fundamental procedural requirement in civil litigation. Under the HIR and RBg, summons must be properly and officially delivered, traditionally by a bailiff within the prescribed period before a hearing.[3] PERMA No. 7/2022 introduced electronic summons for parties with electronic domiciles and registered-mail summons for those without electronic domiciles or who cannot be reached electronically.[4] The Supreme Court subsequently cooperated with PT Pos Indonesia (Persero), with implementation procedures governed by SEMA No. 1 of 2023.[5] The cooperation agreement commenced on 22 May 2023 for an initial three-year term, making an evaluation of its effectiveness timely. Both mechanisms aim to realize the principle of simple, speedy, and low-cost justice under Article 2(4) of the Law on Judicial Power.[6]

These mechanisms are particularly important in divorce proceedings, which constitute a major part of religious courts' caseloads. Divorce cases comprise *cerai talak*, initiated by husbands through petitions, and *cerai gugat*, initiated by wives through claims. Proper summons enables reconciliation and ensures that the opposing party can be heard. If a properly summoned defendant fails to appear, the court may issue a *verstek* decision; its validity depends on the proper execution of summons.[7] Previous empirical research on *relaas* in divorce proceedings demonstrates the practical importance of this procedural requirement.[8]

The Ambon Class IA Religious Court has fully implemented e-court. Its records show that cases registered electronically increased from 198 in 2023 to 311 in 2024 and 1,100 in 2025, representing a 253.70% increase in the final year. These figures cover all electronically registered claims and petitions, not exclusively divorce cases. Divorce nevertheless constitutes the dominant category among claims filed at the court and is the focus of this qualitative inquiry. This growth raises questions about whether the accompanying summoning mechanisms can accommodate the increasing adoption of digital judicial services.

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[1] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)"; Kurniawan, "Implementation of Electronic Trial (E-Litigation) on the Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law"; Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)."

[2] Peraturan Mahkamah Agung Nomor 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik.

[3] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."

[4] Marzuki et al.; Peraturan Mahkamah Agung Nomor 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik.

[5] Surat Edaran Mahkamah Agung Nomor 1 Tahun 2023 tentang Tata Cara Panggilan dan Pemberitahuan Melalui Surat Tercatat.

[6] Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman; Hasyim, "Implementasi Asas Peradilan Sederhana, Cepat dan Biaya Murah melalui E-Court."

[7] Nurfaizah and Sholehudin, "Legal Defect of Verstek Decision with Invalid and Proper Summons in the Context of Civil Procedure Law."

[8] Bukido et al., "The Effectiveness of the Relaas Call in Settlement of Divorce Cases in the Religious Courts."

Maluku's archipelagic geography further complicates summons delivery because communities are separated by sea, while some urban settlements occupy hillsides accessible only through narrow lanes. Previous studies have examined judicial discretion in applying Article 24(3) and (4) of PERMA No. 7/2022 in island regions[9] and the implementation of e-court at the Ternate Religious Court in neighboring North Maluku.[10] However, the influence of archipelagic conditions on summons effectiveness remains insufficiently examined.

Previous studies have investigated e-court effectiveness and summoning mechanisms separately across Indonesian courts.[11] Research at the Singaraja and Madiun District Courts and the Bangil Religious Court indicates that administrative functions, including registration, fee payment, and document exchange, can operate efficiently when users possess adequate digital literacy, whereas electronic summons and notifications remain comparatively weak.[12] Similar assessments have been conducted at the Makassar and Kraksaan Religious Courts and the Lubuk Sikaping District Court.[13] National assessments also identify persistent delivery-stage obstacles despite digitalization,[14] while juridical studies examine electronic proceedings as a renewal of civil procedural law requiring reconciliation with existing procedural rules.[15] Nevertheless, these studies generally assess e-court as a whole rather than the interaction between electronic and registered-mail summons in divorce proceedings.

A second body of research examines registered-mail summons following PERMA No. 7/2022 and SEMA No. 1/2023. Studies in Padang, Kuala Kapuas, Ungaran, and Bandung, as well as research on the legal implications of registered-mail *relaas*, assess whether this mechanism delivers simple, speedy, and low-cost justice.[16] Reported obstacles include address-verification failures and inadequate coordination between postal couriers and village

[9] Wafi, "Fleksibilitas Hakim dalam Penerapan Pasal 24 Ayat (3) dan (4) Peraturan Mahkamah Agung Nomor 7 Tahun 2022 pada Wilayah Kepulauan (Studi di Wilayah Kabupaten Lingga)."

[10] Yunus et al., "Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate."

[11] Arifin et al., "Efektivitas Penerapan E-Court Perkara Perceraian di Pengadilan Agama Parepare"; Saputra et al., "Efektivitas Relaas Panggilan Surat Tercatat Via Pos dalam Penyelesaian Perkara secara E-Court di Pengadilan Agama Padang Kelas IA"; Yuliandari et al., "Effectiveness of Summons and Notifications Via Registered Letter in the Kuala Kapuas Religious Court".

[12] Indrayani et al., "Efektivitas E-Court terkait Administrasi Pendaftaran Perkara Perdata dan Persidangan secara Elektronik dalam Memberikan Keadilan bagi Masyarakat di Pengadilan Negeri Singaraja Kelas I B"; Mustafa and Sulistyantoro, "Efektivitas Sistem E-Court terhadap Penyelesaian Perkara Perdata di Pengadilan Negeri Kabupaten Madiun"; Sakinah, "Analysis the Effectiveness of E-Court System at the Religious Court of Bangil Based on Simple Principles Quickly and Low Cost."

[13] Hidayat and Asni, "Efektifitas Penerapan E-Court dalam Penyelesaian Perkara di Pengadilan Agama Makassar"; Hafihd et al., "Efektivitas Platform E-Court dalam Menangani Sistem Peradilan di Pengadilan Agama Kec. Kraksaan"; Saputri and Jumiati, "Efektivitas Pelaksanaan Layanan Publik dengan Aplikasi E-Court di Pengadilan Negeri Lubuk Sikaping."

[14] Lubis and Thariq, "Efektivtas Sistem E-Court dalam Peradilan Perdata dan Analisis Kekurangannya di Indonesia"; Sujatmiko et al., "Optimalisasi Sistem Peradilan secara Elektronik dalam Mewujudkan Asas Peradilan Sederhana, Cepat dan Biaya Ringan."

[15] Makturidi et al., "Inovasi Administrasi Perkara Perdata Secara E-Court di Era 4.0"; Kurniawan, "Implementation of Electronic Trial (E-Litigation) on the Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law."

[16] Dewantoro, "Efektivitas Pemanggilan Surat Tercatat dalam Menciptakan Peradilan yang Sederhana, Cepat, dan Biaya Ringan: Pasca Peraturan Mahkamah Agung Nomor 7 Tahun 2022"; Tugapae et al., "Efektivitas Mekanisme Pemanggilan Pihak Berperkara dengan Surat Panggilan Tercatat (POS) dalam Persidangan Perdata di Pengadilan Negeri Ungaran"; Naylla et al., "Implementasi Peraturan Mahkamah Agung No. 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik dalam Hal E-Summons di Pengadilan Agama Kota Bandung"; Syarifurrizal, "Pembaharuan Penerapan Relaas Panggilan Persidangan Berdasarkan Prinsip Biaya Ringan."

authorities.[17] Other research identifies procedural misunderstandings among postal workers, insufficient proof of receipt, and inaccurate addresses as potential causes of ineffective or invalid delivery. It also highlights the absence of explicit legal consequences in SEMA No. 1/2023 when postal providers fail to comply with the prescribed procedures.[18] Although one study takes a case registered at the Ambon Religious Court as its starting point, it focuses exclusively on registered-mail summons.[19] Meanwhile, Nababan and Sibuea compare electronic-domicile and registered-mail summons and recommend stronger guidance for participants in electronic proceedings.[20]

International scholarship similarly emphasizes the relationship between technological innovation and access to justice. Sourdin, Li, and McNamara examine court innovations adopted during crises,[21] while Okeke identifies regulatory and digital divides and infrastructure limitations as barriers to technology-enabled justice in developing countries.[22] Research on WhatsApp-based summons in Brazilian civil proceedings demonstrates the potential of messaging applications as efficient alternatives to physical service, provided that minimum validity requirements are satisfied, and emphasizes the need for specific legislation.[23] These findings suggest that geographically fragmented jurisdictions face implementation challenges that may not be adequately captured by research conducted in contiguous mainland settings.

Taken together, existing literature indicates an implementation gap between the normative framework established by PERMA No. 7/2022 and SEMA No. 1/2023 and the operational realities of summons delivery. Three limitations remain: electronic and registered-mail summons are generally examined separately, the effects of archipelagic geography have not been systematically analyzed, and existing studies document procedural obstacles without sufficiently explaining their underlying causes through an integrated legal, institutional, and societal framework. No study has comprehensively compared both mechanisms in divorce proceedings within an archipelagic jurisdiction using a theory of legal effectiveness.

This study addresses these limitations through three contributions: an empirical comparison of electronic and registered-mail summons based on court records and interviews with three categories of actors; an extension of Soerjono Soekanto's theory of legal effectiveness by incorporating geography as an analytical factor; and the development of an optimization model for summons in geographically fragmented jurisdictions. Its originality lies in integrating both summoning mechanisms, legal effectiveness theory, and archipelagic geography into a single analytical framework.

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[17] Naylla et al., "Implementasi Peraturan Mahkamah Agung No. 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik dalam Hal E-Summons di Pengadilan Agama Kota Bandung"; Aini et al., "Legal Implication on Relaas: Conventional Court Summons by Registered Letters.".

[18] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."

[19] Marzuki et al.

[20] Nababan et al., "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."

[21] Sourdin et al., "Court Innovations and Access to Justice in Times of Crisis."

[22] Okeke, "Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies."

[23] Coelho et al., "The Use of the WhatsApp Application for Summons in Civil Legal Proceedings."

Accordingly, this objectives of this research are to (1) assess the effectiveness of electronic summons in divorce cases at the Ambon Religious Court; (2) assess the effectiveness of registered-mail summons; (3) compare the effectiveness of both mechanisms; (4) identify the factors, including geography, influencing summons effectiveness in the Maluku archipelago; and (5) formulate an optimization model for summons in this jurisdiction.

2. Theoretical Framework

2.1 Theory of Legal Effectiveness

This study adopts Soerjono Soekanto's theory of law enforcement and legal effectiveness as its main analytical framework.[24] The theory identifies five interrelated factors influencing legal effectiveness: (1) the law itself, including the clarity and consistency of legal norms; (2) law enforcers and their institutional capacity; (3) facilities and infrastructure; (4) the community's legal awareness and compliance; and (5) culture, including values and habits shaping legal acceptance.[25] These factors operate interdependently, meaning that weaknesses in one factor may undermine the effectiveness of others.[26]

This framework is appropriate because PERMA No. 7/2022 and SEMA No. 1/2023 seek to reform judicial practices, whose effectiveness depends not only on legal provisions but also on implementing institutions and users. Summoning also involves third parties, particularly postal couriers and litigants, making institutional and societal factors essential. Furthermore, the theory has been applied to assess registered-mail summons in other contexts, enabling comparative analysis.[27]

For analytical presentation, the five factors are grouped into three dimensions based on Lawrence Friedman's legal system theory: legal substance (the law itself), legal structure (law enforcers and facilities), and legal culture (community and culture).[28] This grouping serves as a heuristic for summarizing the findings in Section 4.6 without replacing Soekanto's five factors as the primary analytical categories.

Empirically, five indicators, namely delivery success, time efficiency, cost, court attendance, and user satisfaction, represent the outcome variables, while Soekanto's five factors explain the effectiveness of summons. The analysis examines legal adequacy and enforcement, bailiff and courier practices, address data and notification systems, litigant behavior and compliance, and digital literacy and communication habits. Table 3 in Section 4.6 presents the resulting analytical matrix.

2.2 The Geographic Factor as an Additional Analytical Dimension

Soekanto's framework addresses law enforcement generally but does not identify the state's geographic reach to its subjects as a separate factor. In judicial summoning, however, geographic reach is essential because a summons must reach a locatable recipient, either physically or electronically. This study therefore introduces the geographic factor as a sixth, contextual dimension for four reasons.

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[24] Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum.
[25] Soekanto; Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."
[26] Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum.
[27] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."
[28] Friedman, The Legal System: A Social Science Perspective.

First, facilities and infrastructure concern resources that institutions can procure, whereas terrain, sea distances, and settlement patterns are conditions beyond the court's direct control. Second, Articles 24(3) and (4) of PERMA No. 7/2022 require distinct interpretive consideration in island regions,[29] indicating that the normative framework recognizes geography as a separate concern. Third, access-to-justice literature identifies geographic and infrastructural conditions as independent barriers to justice in developing and geographically dispersed regions.[30] Fourth, the empirical finding that couriers could not locate an address in a hillside neighbourhood despite receiving a map link demonstrates a specific geographic constraint that cannot be adequately explained by the five existing factors.

The geographic factor functions as a conditioning dimension rather than a replacement for Soekanto's original framework. It influences the five factors by extending delivery chains, increasing advance fees based on bailiff travel distances,[31] complicating address identification, and limiting the ability of community and cultural factors, such as the habit of checking messages, to overcome these barriers. This context-specific extension is particularly relevant to assessing legal effectiveness in archipelagic settings, although its applicability to other geographically fragmented jurisdictions requires further research.

3. Research Method

3.1 Research Design

This research employs an exploratory sequential mixed-method design in which qualitative data were collected and analyzed first, and the findings informed the subsequent quantitative phase. The qualitative strand explores the factors behind the effectiveness or failure of each summoning mechanism. The quantitative strand uses descriptive statistics from court records to show the scale and trend of the caseload and the *verstek* outcome, in which summons failures may ultimately be reflected. The design is qualitatively dominant. It is empirical legal research in the sense that it studies how legal norms operate in practice, and it uses Soekanto's theory as the lens for interpreting that operation.[32]

3.2 Research Site and Participants

The research was conducted at the Ambon Class IA Religious Court, located at Jalan Kebun Cengkeh, Batu Merah Atas, Sirimau, Ambon, Maluku Province. This location was selected because of the challenges posed by Maluku's archipelagic geography and the surge in e-court cases at this court. The research was carried out over eight months in three phases: pre-research (months 1–2), field research (months 3–6), and post-research (months 7–8).

Primary data were obtained through in-depth interviews with eight key informants selected by purposive sampling based on their direct involvement in the summoning process: two court bailiffs *(jurusita)*, three practicing advocates, and three litigants (plaintiffs or petitioners). The sampling strategy was designed to capture the perspective of every category of actor directly involved in summoning: bailiffs who execute both e-court and postal summons, advocates who navigate the system on behalf of clients, and litigants who

[29] Wafi, "Fleksibilitas Hakim dalam Penerapan Pasal 24 Ayat (3) dan (4) Peraturan Mahkamah Agung Nomor 7 Tahun 2022 pada Wilayah Kepulauan (Studi di Wilayah Kabupaten Lingga)."
[30] Okeke, "Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies."
[31] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."
[32] Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum.

experience its consequences first-hand. This triangulated informant structure allowed cross-verification of claims; for instance, bailiffs' accounts of courier inconsistency could be checked against litigants' experiences of delivery failure. The interviews were conducted in Indonesian. Excerpts are reproduced in the original language, and the English text renders their substance.

3.3 Data Sources and Scope of the Case Data

Secondary data consisted of e-court case records of the Ambon Class IA Religious Court for 2023–2025, the relevant regulations (PERMA No. 7/2022 and SEMA No. 1/2023), and academic literature.

The scope of the case data needs to be stated precisely because it bears on the object of the study. The volumes of 198 (2023), 311 (2024), and 1,100 (2025) are the total numbers of cases registered through the e-court system at the court in each year, comprising both claims *(gugatan)* and petitions *(permohonan)*. They are not a count of divorce cases. The dataset available to the authors reports cases by procedural category and outcome and does not break them down by case type. Two features of the religious court docket explain why this matters. *Cerai gugat*, the wife's divorce claim, is a *gugatan* and, as is typical of religious courts, the great majority of *gugatan* filed at this court are divorce-related. *Cerai talak*, the husband's divorce petition, is a *permohonan*, but the *permohonan* category also includes other petitions, so growth in petitions cannot be read as growth in divorce. For this reason the case data are used only as contextual indicators of the pressure placed on the summoning system, and the divorce-specific evidence of this study is the qualitative material, which concerns summoning experiences in divorce proceedings.

The *verstek* percentages reported in Table 1 are calculated as a share of claims *(gugatan)*, not of total cases, because a *verstek* ruling presupposes a defendant who has been summoned and fails to appear. This measure is closest to the object of the study, since divorce claims are the dominant category of claims. It is nevertheless not restricted to divorce, and it is interpreted as a proxy for court attendance and not as a direct measure of summons failure.

3.4 Operationalization of Effectiveness

Effectiveness was assessed through five indicators: (1) delivery success rate, the percentage of summons successfully received; (2) time efficiency, the average duration from issuance of the summons to receipt by the summoned party; (3) cost, the total expenditure including printing, postage, and human resources; (4) court attendance rate, the percentage of parties present at hearings after receiving a summons; and (5) user satisfaction, the parties' satisfaction regarding timeliness, clarity, and service quality. Indicators (1), (2), (3), and (5) are assessed qualitatively from the informants' accounts, cross-checked across bailiffs, advocates, and litigants, because channel-level numerical records for them are not reported in this article. Indicator (4) is approximated by the *verstek* ratio in the court records. In the analysis, the effectiveness indicators are treated as outcomes, and Soekanto's five factors, with the geographic factor added, are used as the categories that explain them.

3.5 Data Analysis and Trustworthiness

Quantitative analysis used descriptive statistics (frequencies, percentage shares, and year-on-year growth rates) to characterize the case data. Qualitative data were analyzed thematically. The five factors of Soekanto served as the analytical categories, and material that did not fit any of them was examined separately; the geographic factor was identified from

this residual material. Data validity was ensured through source triangulation across bailiffs, advocates, and litigants and through member checking, in which preliminary findings were returned to two of the eight informants for verification. No substantive corrections were required, which supports the credibility of the qualitative findings reported in Section 4. Because a study of eight informants at a single court cannot support statistical generalization, the findings are offered as analytically transferable insights and not as population estimates.

4. Results and Discussion

4.1 Overview of E-Court Cases at the Ambon Religious Court

Court records reveal fast growth in cases registered through e-court (Table 1). Total volume increased by 57.07% from 2023 to 2024 and by 253.70% from 2024 to 2025, which demonstrates an extraordinary rate of digital adoption among court users in this jurisdiction.

Table 1. E-Court Case Data (All Case Types), Ambon Religious Court 2023–2025

Year	Total Cases	Civil Claims	Petitions	*Verstek* Rulings	Granted	Withdrawn
2023	198	176	22	108 (61.36%)	26 Claims / 17 Pet.	29 Claims / 3 Pet.
2024	311	239	72	143 (59.83%)	48 Claims / 61 Pet.	35 Claims / 7 Pet.
2025	1,100	534	561	339 (63.48%)	63 Claims / 445 Pet.	22 Claims / 86 Pet.

Source: Ambon Class IA Religious Court, 2026. Notes: The table covers all cases registered through e-court and is not limited to divorce. Verstek percentages are shares of claims (gugatan): 108/176, 143/239, and 339/534. In 2025, claims and petitions sum to 1,095, five fewer than the reported total of 1,100; the difference is not disaggregated in the source data.

Two features of Table 1 deserve comment. First, the composition of the caseload changed. Claims grew by 35.80% in 2024 and 123.43% in 2025, while petitions increased by 227.27% and 679.17%, respectively, raising their share of the total from 11.1% in 2023 to 23.2% in 2024 and 51.0% in 2025. Since petitions do not always involve a defendant to be summoned and include matters other than divorce, the increase in total volume overstates the growth of the summoning workload and cannot be interpreted as a divorce trend. Nevertheless, it indicates the adoption of e-court registration, while the increase in claims from 176 to 534 represents a threefold rise in cases requiring an opposing party to be summoned.

Second, the verstek ratio remained high, at 61.36% in 2023, 59.83% in 2024, and 63.48% in 2025. In absolute terms, verstek rulings increased from 108 to 143 and then to 339. The persistence of this ratio alongside expanding digital adoption suggests a structural problem rather than a transitional effect of early e-court implementation. Legally, a verstek ruling presupposes proper service of summons; thus, the high ratio indicates substantial non-attendance despite formally valid summonses. The distinction between formal validity and actual notice is central to the interviews examined below. However, verstek remains an imperfect indicator because defendants may choose not to attend despite receiving proper notice, making qualitative findings necessary to identify the underlying mechanisms.

4.2 Effectiveness of E-Court Summoning Mechanism

The e-court system demonstrates clear advantages in case registration and administrative efficiency. Parties with adequate digital literacy can register cases remotely, monitor case

progress in real time, and avoid long queues at the courthouse. Advocate Herman Masri, S.H. confirmed that the e-court process overall runs well and smoothly and that digitally literate parties can follow their cases from anywhere.

However, the electronic summoning component, notification through the registered email (electronic domicile), faces a fundamental cultural barrier. Bailiff Hendra Cipta, A.MD reported that many litigants do not routinely check their emails and therefore miss hearing schedules entirely:

> *"Kadang email tidak diperiksa, akhirnya mereka tidak tahu sidangnya sudah lewat. Notif juga tidak dimengerti padahal sekarang sudah ada pengingat. Permasalahan di Indonesia ini, penggugat pun tidak memeriksa email, akhirnya tidak tahu sidangnya sudah berlalu." (Bailiff Hendra Cipta, A.MD, March 30, 2026)*

This finding reflects a gap between the regulatory assumption that parties regularly use email and the empirical reality of low digital literacy in regions like Maluku. In Soekanto's terms it is a mismatch between the law and the culture and community factors: the norm presumes a habit that the community has not yet acquired. The finding is consistent with the study of divorce cases at the Parepare Religious Court,[33] and an assessment of e-court at the Ternate Religious Court, also in eastern Indonesia, has likewise examined the obstacles to its application.[34] Latifiani similarly analyzes human attitudes toward technology as a matter of legal culture in the electronic court system of the religious courts.[35]

This pattern of strong administrative performance coupled with weak summons delivery has been documented in other jurisdictions, including studies at the Singaraja and Madiun District Courts and at the Bangil Religious Court, all of which report that e-court registration and payment functions are broadly effective while notification-related functions lag behind.[36] The consistency of this finding across geographically and institutionally distinct courts suggests that the cultural barrier identified in Ambon reflects a structural characteristic of the implementation of PERMA No. 7/2022 nationwide and not a deficiency specific to this court.

Two further points follow. First, an unchecked email is not an obstacle that the court can observe, because the electronic notification is formally delivered to the domicile the party registered. This is why the problem appears in *verstek* rulings and not in delivery-failure statistics. Second, the same barrier weakens the promise that e-court saves time and cost, since a missed notification leads to a missed hearing and to repetition of the summons by another channel, namely registered mail.[37] Experience elsewhere suggests that channels people already use daily, such as messaging applications, can serve as electronic service if validity requirements are met,[38] a point taken up in Section 4.7.

4.3 Effectiveness of Registered Postal Mail Summoning Mechanism

The registered postal summons mechanism was introduced as a more accessible alternative to direct bailiff delivery. However, the research findings reveal four interrelated categories of obstacles that significantly undermine its effectiveness.

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[33] Arifin et al., "Efektivitas Penerapan E-Court Perkara Perceraian di Pengadilan Agama Parepare."
[34] Yunus et al., "Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate."
[35] Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)."
[36] Indrayani et al., "Efektivitas E-Court terkait Administrasi Pendaftaran Perkara Perdata dan Persidangan secara Elektronik dalam Memberikan Keadilan bagi Masyarakat di Pengadilan Negeri Singaraja Kelas I B."
[37] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."
[38] Coelho et al., "The Use of the WhatsApp Application for Summons in Civil Legal Proceedings."

First, delivery time is substantially longer than expected. Unlike direct bailiff delivery, which can be completed within one to two days, postal delivery within Ambon City takes three to seven days because of the multi-tiered distribution chain: pick-up from the court by the main branch post office, distribution to district-level post offices, and final delivery to the address. Bailiff Wahyu Trisno, A.MD explained:

> *"Kendala utamanya adalah waktu pengirimannya lebih lama karena bukan kita yang mengendalikan, bukan kita yang menyampaikan langsung. Jadi tergantung dari pihak ketiga yaitu pos." (Bailiff Wahyu Trisno, A.MD, March 30, 2026)*

Second, address-finding failure rates are high. The primary cause is the limited address information on national identity cards (KTP), which typically contain only the street name, village, district, and city, without house numbers or other identifying details. This makes precise location impossible for postal workers unfamiliar with the area. The problem is aggravated when the address supplied by a party is inaccurate or incomplete, a recurrent obstacle also reported for registered-mail summons elsewhere.[39]

Third, courier inconsistency severely hampers reliability. Outsourced couriers, who frequently change assignments every one to two months, do not have enough time to learn their delivery routes. Bailiff Hendra Cipta, A.MD identified this as a key structural problem:

> *"Tingkat profesionalismenya masih belum stabil. Biasanya sudah mulai terbiasa membawa surat panggilan sidang, sudah dua bulan mungkin sudah diganti, satu bulan sudah diganti. Karena outsourcing." (Bailiff Hendra Cipta, A.MD, March 30, 2026)*

The inconsistency manifests in paradoxical cases in which the first summons to a given address succeeds but the second summons to the identical address fails because a different courier who is unfamiliar with the location has been assigned. This was confirmed by Bailiff Wahyu Trisno, A.MD: the second summons failed at the same address as the first, most likely because of courier rotation.

Fourth, although SEMA No. 1/2023 expressly requires postal workers to coordinate with the village or sub-district office when an address cannot be found, this procedure is routinely not carried out. As described in the literature on the circular, after two unsuccessful delivery attempts the postal officer must document the address, including a photograph with GPS coordinates, and deliver the summons through the local village or sub-district authorities.[40] Unlike court bailiffs, who have both the authority and the obligation to coordinate with local village officials to verify the location of parties, postal couriers appear to return undelivered summons without attempting this mandatory step.

This non-compliance is not unique to Ambon. Comparable findings on registered-mail summons under SEMA No. 1/2023 have been reported elsewhere in Indonesia, where address-verification failures and inconsistent coordination between postal couriers and local authorities are identified as dominant causes of failed delivery.[41] Taken together with the Ambon findings, this suggests that the cooperation framework between the judiciary and PT Pos Indonesia may benefit from standardized, nationally enforced technical protocols and not from reliance on informal practice at the level of individual courts.

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[39] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."

[40] Marzuki et al.

[41] Naylla et al., "Implementasi Peraturan Mahkamah Agung No. 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik dalam Hal E-Summons di Pengadilan Agama Kota Bandung"; Aini et al., "Legal Implication on Relaas: Conventional Court Summons by Registered Letters."

The timing rules make the delay finding more serious than it first appears. The registered letter must be dispatched no later than six calendar days before the hearing and received no later than three working days before it.[42] A delivery time of three to seven days within Ambon City therefore consumes most of this margin, and at the upper end of the observed range it exceeds it. When delivery fails or arrives late, the hearing must be postponed and the summons repeated, which is how a delay in the postal chain becomes a delay in the case itself.

4.4 Impact on Litigants

The cumulative impact of summoning failures falls heavily on litigants. The most common consequences are repeated hearing postponements and compulsory additional advance court fee payments, which create a significant financial burden, particularly for economically vulnerable parties. Because advance fees for summons are calculated from the distance a bailiff must travel to reach the party, geography feeds directly into cost.[43] These consequences run against the principle of swift, simple, and inexpensive justice that the reforms are meant to advance,[44] and the renewal of summons practice has itself been discussed in terms of the low-cost principle.[45]

The most extreme case documented in this research involved petitioner Sasri Hunusalela, who provided the respondent's address along with a phone number and even a Google Maps link. Despite this comprehensive information, the postal courier failed to locate the address for two consecutive summons. The presiding judge ultimately instructed the petitioner to withdraw the case and refile through the gaib (absent party) procedure, an outcome that directly contradicts the principle of simple, swift, and affordable justice that PERMA No. 7/2022 is designed to uphold. The gaib procedure, under which summons is made by announcement when the whereabouts of the defendant are unknown, is designed for parties who cannot be found. Its use in a case where the respondent's address, phone number, and map link were all supplied shows how a failure of the postal channel can be converted into a procedural detour for the litigant.

Conversely, positive outcomes were also documented. Litigant Rani reported that the summons to her husband in Batu Merah was delivered successfully and signed by him personally, after which he attended the first hearing. This demonstrates that the mechanism can function well when the delivery address is clear and accessible.

4.5 Comparative Analysis of Both Mechanisms

Table 2. Comparative Effectiveness: E-Court vs Registered Postal Summons

Indicator	E-Court (Electronic Domicile)	Registered Postal Mail
Delivery Time	Instant (automatic email notification)	3–7 days (within city); longer for outer islands
Delivery Success	Impeded by low digital literacy of litigants	Impeded by address inaccuracy and courier inconsistency
Cost	Relatively low (integrated in system)	Higher; potential additional panjar fees when summons fails

[42] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."
[43] Marzuki et al.
[44] Hasyim, "Implementasi Asas Peradilan Sederhana, Cepat dan Biaya Murah melalui E-Court."
[45] Syarifurrizal, "Pembaharuan Penerapan Relaas Panggilan Persidangan Berdasarkan Prinsip Biaya Ringan."

Court Attendance	Often missed due to unchecked email notifications	Variable; dependent on successful physical delivery
User Satisfaction	Positive for registration; negative for summons notification	Low when summons fails; positive when successful
Main Obstacle	Low digital literacy; email non-inspection	Address inaccuracy; courier turnover; non-compliance with village coordination procedure

Source: Primary Research Data, 2026.

The comparison in Table 2 illustrates that neither mechanism is uniformly superior: e-court summons offers speed but is undermined by behavioral non-compliance, whereas registered postal summons offers a more familiar, tangible delivery format but is undermined by structural and logistical weaknesses. This dual-mechanism dilemma echoes national-level assessments of e-court's shortcomings, which conclude that digitalization alone does not resolve delivery-stage bottlenecks without complementary institutional and infrastructural reform.[46]

The two mechanisms are also not independent alternatives. In the design of PERMA No. 7/2022, registered mail serves as the channel for parties without an electronic domicile and as the follow-up when electronic summons is unsuccessful.[47] For a defendant who neither checks email nor has an address that a courier can find, the weaknesses of the two channels therefore accumulate and do not offset one another, and the last recourse is the gaib procedure or withdrawal and refiling. This sequence helps explain why the *verstek* ratio has not fallen although two channels are available. The comparison is descriptive: no statistical test of the difference between the mechanisms was performed (see Research Limitations), so the third research question is answered in qualitative terms.

4.6 Factors Influencing Summoning Effectiveness

Analysis through Soerjono Soekanto's five factors of legal effectiveness shows that every factor is implicated in the observed ineffectiveness. Table 3 summarizes how each factor is matched with the evidence of this study, and the paragraphs that follow discuss them in turn.

Table 3. Soekanto's Factors, Additional Geographic Factor, and Research Findings

Soekanto Factor	Analytical Focus in this Study	Principal Findings	Effect on Summons Effectiveness
1. The law itself	PERMA No. 7/2022 and SEMA No. 1/2023 as norms	Adequate norms on paper; no enforceable consequence when village coordination is skipped; e-domicile design presumes routine email use	Gap between norm and practice; weak compliance
2. Law enforcers	Court bailiffs and outsourced postal couriers	Three bailiffs for 1,100 e-court cases; couriers rotate every one to	Inconsistent and slower delivery

[46] Lubis and Thariq, "Efektivtas Sistem E-Court dalam Peradilan Perdata dan Analisis Kekurangannya di Indonesia"; Sujatmiko et al., "Optimalisasi Sistem Peradilan secara Elektronik dalam Mewujudkan Asas Peradilan Sederhana, Cepat dan Biaya Ringan."

[47] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."

		two months and skip the coordination step	
3. Facilities and infrastructure	E-court notification system and address data	KTP address data lack house numbers; cooperation framework with PT Pos Indonesia still immature	Address-finding failures; missed notifications
4. The community	Litigants and advocates	Digitally literate parties succeed; other parties do not check email or supply incomplete address data	*Verstek* rulings; postponements; extra fees
5. Culture	Legal culture and communication habits	Low routine email use; preference for face-to-face or telephone contact; unstable professional culture among couriers	Mismatch between regulatory assumptions and practice
6. Geography (additional)	Terrain, sea separation, connectivity	Hillside neighborhoods reachable only by narrow lanes; longer delivery for outer islands	Amplifies factors 2 to 5; raises cost and delay

Source: Primary Research Data and authors' analysis, 2026.

The law itself. PERMA No. 7/2022 and SEMA No. 1/2023 provide adequate normative foundations for both mechanisms, and their design, which pairs electronic summons with a postal fallback, is sound in principle. The weakness lies in the gap between the norm and its implementation. The village-coordination requirement of SEMA No. 1/2023 is routinely not carried out, and the circular does not specify the legal consequences if the postal provider fails to follow the procedure,[48] which leaves compliance without an enforcement mechanism. The e-court norm also assumes that parties use the email address they register, an assumption that the regulation does not test against the digital habits of litigants.

Law enforcers. The Ambon Religious Court has only three bailiffs to handle what has now become 1,100 e-court cases annually, a structural constraint of considerable severity, since bailiffs are the actors with the authority and obligation to verify party locations with village officials. On the postal side, couriers are outsourced workers who rotate every one to two months and who, as the informants reported, appear to return undelivered summons without the coordination step the circular requires. Limited understanding of the procedure among postal workers has been reported elsewhere as well.[49]

Facilities and infrastructure. The electronic channel depends on a working email account and notification system, and the postal channel depends on address data. KTP address data, which typically contain only the street, village, district, and city without house numbers, are an inadequate basis for locating a person in dense or irregular settlements. The mandatory registration fields proposed in Section 4.7 target this weakness. The cooperation framework with PT Pos Indonesia is also still relatively new and immature regarding technical coordination, supervision, and delivery accountability.

The community. Litigants and advocates decide whether the system works in practice. Digitally literate parties use e-court effectively, and delivery succeeds when the address is clear, as in the case of the summons signed by the respondent in Batu Merah. However, parties

[48] Marzuki et al.
[49] Marzuki et al.

who do not check email miss hearings, and address data supplied by plaintiffs are sometimes incomplete, an issue also reported as a source of failed registered-mail delivery elsewhere.[50]

Culture. Low digital literacy among Maluku's population represents the most fundamental cultural barrier. The habit of not checking email, unfamiliarity with electronic notification systems, and a preference for face-to-face or telephone communication reflect a legal culture that has not yet fully made the transition to the digital era.[51] On the postal side, couriers' lack of awareness of the legal importance of the documents they deliver, combined with the high-turnover outsourcing system, reflects a professional culture that has not yet been institutionalized.

Geography (additional factor). The fragmented archipelagic geography of Maluku, with communities separated by sea, limited transportation connectivity, and challenging terrain such as hillside neighborhoods accessible only through narrow lanes (as reported by litigant Winda), creates barriers to address-finding that are specific to this region and have no parallel in mainland Indonesian courts. Geography also conditions the other factors: distance raises the advance fees calculated from bailiff travel,[52] lengthens the postal chain, and limits the court's ability to replace a failed channel quickly.

Grouped into Friedman's three dimensions, the findings show that all three are implicated: legal substance through the law itself, legal structure through law enforcers and facilities, and legal culture through the community and culture factors.[53] The interaction among the factors matters more than any single one. A sound norm cannot compensate for couriers who do not follow it or for parties who do not read the notification, and the geographic factor magnifies each of these weaknesses. This is why the optimization model in Section 4.7 addresses several factors together and does not propose a single technical fix.

4.7 Optimization Model for Summoning Mechanisms

Based on the research findings, this study proposes a three-component optimization model, each component targeting specific factors identified in Section 4.6. First, richer identification and contact data. Courts should require mandatory fields in case registration forms for active phone numbers, Google Maps location links or GPS coordinates, and alternative contacts (relatives or neighbors) in case the primary party cannot be reached, and integration with the Dukcapil civil registration database should be explored. This component addresses the facilities and community factors and reduces the effect of geography on address-finding. Okeke's review of technology-based initiatives highlights infrastructure and digital-divide constraints,[54] which supports designing notification channels around what users already have and use. Because messaging applications are more widely used than email, notification by SMS or WhatsApp could complement the electronic-domicile email, although the legal validity and proof of receipt of such notices would need to be regulated first.[55]

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[50] Marzuki et al.
[51] Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)."
[52] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."
[53] Friedman, The Legal System: A Social Science Perspective.
[54] Okeke, "Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies."
[55] Coelho et al., "The Use of the WhatsApp Application for Summons in Civil Legal Proceedings."

Second, a strengthened cooperation framework with PT Pos Indonesia is essential. A more detailed memorandum of understanding should include measurable delivery time standards with penalties for non-compliance, mandatory village or sub-district coordination procedures when addresses cannot be located, real-time shipment tracking accessible to the court, clear feedback mechanisms reporting failed deliveries with explanations, and guaranteed courier assignment consistency to prevent the rotation problem. This component addresses the law itself and law enforcers. Because the cooperation agreement was concluded for an initial three-year term ending in May 2026, its renewal or revision offers a concrete opportunity to include these standards.[56]

Third, digital literacy programs for court users should be systematically institutionalized. Court bailiffs and registry staff can provide technical assistance to digitally unfamiliar parties at the time of case registration, covering how to activate email notifications and monitor case progress online. This aligns with the recommendation of Nababan and Sibuea for strengthened guidance for participants in electronic courts[57] and addresses the community and culture factors.

The three components are complementary. The first two make delivery more likely to succeed, and the third makes it more likely that the party will notice and act on the notice. Implementation can begin with the measures under the court's own control, namely registration forms and assistance at registration, while the cooperation framework and any use of messaging applications require coordination with the Supreme Court and PT Pos Indonesia.

4.8 Discussion: Implications for the Literature and for Theory

The findings both confirm and qualify earlier work. They confirm the broad pattern in the literature that e-court works well administratively but poorly at the delivery stage,[58] and that registered-mail summons meets practical obstacles in address verification and coordination.[59] They add three things. First, by examining both channels at one court, the study shows that the two mechanisms fail for different reasons, behavioral for one and logistical for the other, but that in a sequential design their failures accumulate. Second, by placing divorce proceedings at the center of the qualitative inquiry, it links the summons problem to litigants' costs and access to justice in family matters.[60] Third, it tests the fit of Soekanto's theory in an archipelagic setting.

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[56] Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."

[57] Nababan et al., "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."

[58] Indrayani et al., "Efektivitas E-Court terkait Administrasi Pendaftaran Perkara Perdata dan Persidangan secara Elektronik dalam Memberikan Keadilan bagi Masyarakat di Pengadilan Negeri Singaraja Kelas I B"; Sakinah, "Analysis the Effectiveness of E-Court System at the Religious Court of Bangil Based on Simple Principles Quickly and Low Cost"; Lubis and Thariq, "Efektivtas Sistem E-Court dalam Peradilan Perdata dan Analisis Kekurangannya di Indonesia."

[59] Naylla et al., "Implementasi Peraturan Mahkamah Agung No. 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik dalam Hal E-Summons di Pengadilan Agama Kota Bandung"; Marzuki et al., "Effectiveness of Registered Letter Summoning Laws (After the Supreme Court Circular Letter Number 1 of 2023)."

[60] Bukido et al., "The Effectiveness of the Relaas Call in Settlement of Divorce Cases in the Religious Courts."

Theoretically, the study suggests that Soekanto's five factors are necessary but not sufficient for explaining summons effectiveness where the reach of the state depends on geography. The geographic factor does not replace them; it modifies their effect. This proposition is drawn from a single court and should be tested in other island courts, for instance by comparing Ambon with the courts of Ternate and other archipelagic regions.[61] Practically, the findings imply that reforms addressing only the technology, such as more electronic notification, or only the logistics, such as faster postal delivery, will leave part of the problem intact. Sustainable improvement requires action across norms, institutions, and users, in line with the multi-factor structure of the theory.

5. Conclusion

This study concludes that the effectiveness of e-court and registered postal summons in divorce proceedings at the Ambon Class IA Religious Court remains limited. First, e-court cases increased from 198 in 2023 to 1,100 in 2025, indicating growing digital adoption and pressure on the summoning mechanism, although the figures cover all case types. Second, low digital literacy among litigants contributes to unchecked email notifications and *verstek* rulings, which consistently accounted for approximately 60–63% of claims. Third, registered postal summons face four obstacles: slow delivery, limited address information, inconsistent courier professionalism, and non-compliance with village-coordination procedures under SEMA No. 1/2023. Fourth, summoning failures cause repeated hearing postponements, additional advance fees, and, in extreme cases, forced case withdrawal, undermining the principle of swift, simple, and affordable justice. Fifth, neither mechanism operates optimally, as their weaknesses accumulate through sequential implementation. Their effectiveness is influenced by Soekanto's five factors, namely law, law enforcers, facilities and infrastructure, community, and culture, as well as Maluku's archipelagic geography. Thus, both mechanisms are only partly effective and fail in different ways, with their differences assessed descriptively rather than statistically.

This study has several limitations. The qualitative findings are based on eight informants from a single court and cannot represent other religious courts. The quantitative analysis is descriptive and does not establish statistical differences between the two mechanisms. Furthermore, case-volume data cover all e-court cases rather than divorce cases, and a five-case discrepancy in the 2025 data remains unresolved. The *verstek* ratio is an imperfect indicator of attendance because it covers all claims and may include deliberate absences. Delivery success, time, cost, and satisfaction were assessed qualitatively without channel-level records. Geographical evidence mainly concerns Ambon City, while deliveries to outer islands were not systematically examined. Finally, the findings represent a snapshot of an evolving digital transition and may change as digital literacy and institutional capacity develop.

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[61] Yunus et al., "Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate"; Wafi, "Fleksibilitas Hakim dalam Penerapan Pasal 24 Ayat (3) dan (4) Peraturan Mahkamah Agung Nomor 7 Tahun 2022 pada Wilayah Kepulauan (Studi di Wilayah Kabupaten Lingga)."

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Statement of the Use of AI
In preparing this article, the authors used a generative AI tool (Claude, developed by Anthropic) in a limited, supporting role, namely for language and wording edits, rechecking the arithmetic of the case data, and an initial search for literature. The research idea, the collection and analysis of the interview data, the court records, the findings, the arguments, and the conclusions are the authors' own work. All AI-assisted output was reviewed, verified against the original sources, and edited by the authors, who take full responsibility for the content of this article.

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