


THE DIGITALIZATION OF INDONESIA'S COMMERCIAL COURT SYSTEM FOR BANKRUPTCY AND DEBT RESTRUCTURING PROCEEDINGS

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Article	Abstract
<p>Keywords: E-Court; Judicial Digitalization, Bankruptcy, Debt Restructuring, Suspension of Debt Payment Obligations;</p> <p>Article History Received: Sept 03, 2025; Reviewed: Sept 30, 2025; Accepted: Nov 21, 2025; Published: Nov 23, 2025;</p>	<p>The COVID-19 pandemic triggered a global economic downturn that significantly impacted Indonesia, resulting in widespread financial distress and an increase in corporate insolvencies. Amid these challenges, Indonesia's judiciary accelerated the adoption of digital judicial mechanisms through the implementation of the electronic court (e-Court) system. Rooted in a series Supreme Court Regulation, including the most recent Supreme Court Regulation No. 7 of 2022, the e-Court framework modernized court administration and enabled remote hearings, ensuring that justice remained accessible despite social restrictions. This study employs a normative legal research method, specifically statutory and case-based approach, to analyze the evolution and application of the e-Court system, particularly in the context of Suspension of Debt Payment Obligations (Penundaan Kewajiban Pembayaran Utang or PKPU) proceedings as governed by Law No.</p>

37 of 2004. Using the Garuda Indonesia case (Decision No. 425/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst.) as a reference, the research highlights how e-Court supported judicial continuity and upheld the principles of simplicity, promptness, and affordability as mandated under Article 2(4) of Law No. 48 of 2009 on Judicial Power. The findings underscore e-Court's crucial role in maintaining economic and judicial resilience, while also identifying challenges regarding procedural legitimacy, technological literacy, and equitable access.



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Introduction

The COVID-19 pandemic brought about a series of sudden and unprecedented circumstances. The high rate of infection triggered a global financial crisis, significantly affecting both developed and developing economies. According to data from Indonesia's Central Statistics Agency (Badan Pusat Statistik), Indonesia experienced a 2.1% contraction in per capita growth in 2020.¹ The pandemic not only placed immense pressure on the general economy but also increased the risk of business failure or insolvency across several strategic sectors.

The implementation of large-scale social restrictions (*Pembatasan Sosial Berskala Besar*) to curb the spread of the virus had long-term consequences for both economic activities and legal proceedings. Traditionally, court processes in Indonesia required physical attendance and were bound by procedural timelines as outlined in Supreme Court Circular No. 2 of 2014 (*Surat Edaran Mahkamah Agung (SEMA) No. 2 Tahun 2014*), which emphasized that cases should be

¹ Badan Pusat Statistik. "Ekonomi Indonesia 2020 Turun Sebesar 2,07 Persen (c-to-c)." February 5, 2021. Accessed August 26, 2025. <https://www.bps.go.id/id/pressrelease/2021/02/05/1811/ekonomi-indonesia-2020-turun-sebesar-2-07-persen-c-to-c>.

resolved swiftly, simply, and at minimal cost.² However, the pandemic made in-person hearings nearly impossible, creating an urgent need for the judiciary to rely on digital mechanisms to maintain access to justice.

Even before the pandemic, the Indonesian government had already anticipated the need for technological innovation in the justice system. The Supreme Court issued Regulation No. 3 of 2018 on Electronic Court Administration (Peraturan Nomor 3 Tahun 2018 Mahkamah Agung tentang Administrasi Perkara di Pengadilan Secara Elektronik), which introduced the use of digital platforms for case registration, document submission, and other administrative procedures. This regulation reflected a forward-looking vision for judicial modernization that would later prove essential during the COVID-19 crisis.

As the pandemic intensified financial pressures on businesses, many domestic companies faced severe liquidity challenges and potential insolvency. The inability to meet financial obligations, combined with disrupted global supply chains and reduced consumer demand, led to a surge in defaults and restructuring efforts. Under these extraordinary circumstances, the availability of digital judicial infrastructure such as the E-Court became more than just an administrative convenience, it became a vital instrument for economic resilience.³

One of the key legal mechanisms for addressing corporate financial distress in Indonesia is the Suspension of Debt Payment Obligations (*Penundaan Kewajiban Pembayaran Utang* or PKPU), which is regulated under Law No. 37 of 2004 on Bankruptcy and PKPU (*Undang-Undang Nomor 37 Tahun 2004 Tentang Kepailitan dan*

² Handayani, D. "Efektivitas E-Court Perkara Perdata Masa Pandemi dan Pascapandemi COVID-19 di Makassar." *Masalah-Masalah Hukum* 52, no. 2 (2023): 119-130. <https://doi.org/10.14710/mmh.52.2.119-130>.

³ Putra, Dedi. "A modern judicial system in Indonesia: legal breakthrough of e-court and e-legal proceeding." *Jurnal Hukum dan Peradilan* 9.2 (2020): 275-297.

Penundaan Kewajiban Pembayaran Utang). This mechanism allows debtors who are unable to meet their debt obligations to postpone payments and negotiate a settlement plan with their creditors, thereby avoiding bankruptcy.⁴ Through the Suspension of Debt Payment Obligations, debtors are granted time and opportunity to reorganize their business operations and restructure their debts, enabling them to continue operating and eventually fulfill their financial obligations.⁵

This legal instrument was utilized by Garuda Indonesia when the company faced a severe financial crisis that was further exacerbated by the COVID-19 pandemic. The Suspension of Debt Payment Obligations process for Garuda Indonesia was approved through the Decision of the Central Jakarta Commercial Court No. 425/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst., dated 27 June 2022.

During this period, Indonesia's E-Court system emerged as an essential tool that enabled the continuation of judicial proceedings despite restrictions on physical interaction. It allowed parties to file cases, exchange documents, and participate in hearings virtually, ensuring that the principle of swift, simple, and affordable justice remained intact.⁶ While the establishment of E-Court provided significant advantages in efficiency and accessibility, it also raised important questions about the legitimacy, security, and fairness of virtual proceedings.

Previous research has examined the e-Court system as a cornerstone of Indonesia's judicial digitalization, emphasizing its role in promoting efficiency, transparency, and accessibility. Atikah identified it as a major reform integrating technology with procedural law, while Retnaningsih et al. and Ariwijaya & Samputra highlighted its evolution and practical impact despite ongoing infrastructural and

4 Mantili, R., and P. E. T. Dewi. "Penundaan Kewajiban Pembayaran Utang (PKPU) Terkait Penyelesaian Utang Piutang dalam Kepailitan." *Jurnal Aktual Justice* 6, no. 1 (2021): 1-19.

5 Nugroho, S. A. *Hukum Kepailitan di Indonesia dalam Teori dan Praktik serta Penerapan Hukumnya*. Jakarta: Prenadamedia Group, 2018.

⁶ Sari, Ni Putu Riyani Kartika. "Eksistensi E-Court Untuk Mewujudkan Asas Sederhana, Cepat, Dan Biaya Ringan Dalam Sistem Peradilan Perdata Di Indonesia." *Jurnal Yustitia* 13.1 (2019): 80-100.

literacy challenges. Handayani confirmed its effectiveness during and after the pandemic, and Lahilote et al. noted persistent socio-cultural barriers to adoption. Together, these studies reveal both the progress and limitations of e-Court implementation, underscoring the urgency and significance of further research following the 2022 regulatory refinements.

Given this context, there is a pressing need to critically examine the implementation and effectiveness of the e-Court system in facilitating complex legal proceedings, particularly those involving debt restructuring and insolvency within Indonesia's rapidly digitalizing judicial framework. This research offers a distinct contribution by examining the application of the e-Court system within the context of the Suspension of Debt Payment Obligations (*Penundaan Kewajiban Pembayaran Utang*) or debt restructuring cases. Consequently, this study seeks to address the following research questions, What are the regulatory provisions governing the e-Court system as stipulated by the Indonesian Supreme Court Regulations? And How is the e-Court system applied in the adjudication and resolution process of *Penundaan Kewajiban Pembayaran Utang* (PKPU) or debt restructuring cases?

Method

The method used in this research is the normative legal research method which focuses on examining norms, rules, principles, and doctrines contained within laws and regulations; the philosophical, sociological, and juridical foundations underlying a regulation; the background and history of its formation; as well as aspects such as legal systematics, legal harmonization, legal history, and comparative law related to a particular regulation.⁷

The research approach used in this study is a juridical-descriptive-analytical method. Abdulkadir Muhammad explains that descriptive research is explanatory in nature and aims to provide a complete description of the prevailing legal conditions in a particular

7 Soekanto, S., and S. Mamudji. *Penelitian Hukum Normatif*. Jakarta: Raja Grafindo Persada, 2003.

place, existing juridical phenomena, or certain legal events occurring in society.⁸

According to Peter Mahmud Marzuki, legal research employs five main approaches: statutory, case-based, historical, comparative, and conceptual.⁹ In this study, the statutory approach is applied by examining regulations related to debt restructuring in Indonesia, particularly Law No. 37 of 2004 on Bankruptcy. The case-based approach is carried out by analyzing court decisions that have permanent legal force, including the Central Jakarta Commercial Court Decision No. 425/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst. and the Supreme Court Decision No. 1454 K/Pdt.Sus-Pailit/2022 concerning the Suspension of Debt Payment Obligations (PKPU) of PT Garuda Indonesia.

The materials used in normative legal research consist of secondary data, including primary, secondary, and tertiary legal materials. Primary legal materials used in this study include laws and court decisions, among others:

- 1 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar 1945*)
- 2 Law No. 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (*Undang-Undang No. 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang*)
- 3 Law Number 48 of 2009 concerning Judicial Power (*Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman*)
- 4 Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (*Undang-undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*)

8 Muhammad, A. *Hukum dan Penelitian Hukum*. Bandung: Citra Aditya Bakti, 2004.

9 Marzuki, P. M. *Penelitian Hukum: Edisi Revisi*, Revisi (Jakarta: Kencana Prenada Media Grup, 2017),

<https://opac.perpusnas.go.id/DetailOpac.aspx?id=1409842>.

- 5 Supreme Court Regulation of the Republic of Indonesia No. 3 of 2018 on Electronic Court Administration (*Peraturan Nomor 3 Tahun 2018 Mahkamah Agung tentang Administrasi Perkara di Pengadilan Secara Elektronik*)
- 6 Supreme Court Regulation of the Republic of Indonesia No. 1 of 2019 on Case Administration and Court Proceedings Electronically (*Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik*)
- 7 Supreme Court Regulation of the Republic of Indonesia No. 7 of 2022 concerning Amendments to Supreme Court Regulation No. 1 of 2019 on Case Administration and Court Proceedings Electronically (*Peraturan Mahkamah Agung Republik Indonesia Nomor 7 Tahun 2022 tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik*)
- 8 Decision of the Central Jakarta Commercial Court No. 425/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst.

Secondary legal materials include legal literature such as law journals, legal theories, academic books related to the research topic, symposium or seminar papers, and scholarly articles. Lastly, tertiary legal materials are materials that provide explanations or clarification of the primary and secondary legal materials.

Result and Discussion

A. Judicial Process in Indonesia

Human interests can only be protected when society functions in an orderly manner, and such order is maintained when there is balance within the social system.¹⁰ However, in a modern and dynamic society, maintaining such equilibrium is no longer solely about enforcing static norms, it requires a justice system that adapts to

¹⁰ Harwati, T. *Peradilan di Indonesia*. Sanabil, 2015. ISBN 978-602-74024-5-4.

evolving social, economic, and technological realities. Law must serve not only as an instrument of control but also as a living system that responds to public needs and supports the sustainability of social order. The ability of the judiciary to act independently, fairly, and consistently is therefore central to upholding the rule of law and restoring balance whenever that order is disrupted.¹¹

The 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar 1945*) provides a strong constitutional foundation for this judicial independence, stipulating that:¹²

1. Judicial power is an independent authority responsible for administering justice in order to uphold law and fairness.
2. This power is exercised by the Supreme Court (Mahkamah Agung) and subordinate courts within four jurisdictions, namely, general courts, religious courts, military courts, and administrative courts as well as by the Constitutional Court (Mahkamah Konstitusi).
3. Other institutions whose functions are related to judicial power are regulated by law.

These provisions emphasize that the independence of the judiciary is not merely administrative or institutional, but a philosophical principle which ensures justice is exercised without interference from political or economic interests. In practice, however, the Indonesian justice system has continually evolved to balance its constitutional ideals with the demands of accessibility, efficiency, and public trust.

Regarding the authority of judicial bodies under the Supreme Court of the Republic of Indonesia, Article 25 of Law Number 48 of 2009 concerning Judicial Power (*Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman*) stipulates the following:

1. General courts have the authority to examine, adjudicate, and decide criminal and civil cases in accordance with the provisions of laws and regulations.

¹¹ Ibid

¹² Ibid, page 23.

2. Religious courts have the authority to examine, adjudicate, decide, and resolve cases between individuals of the Islamic faith in accordance with the provisions of laws and regulations.
3. Military courts have the authority to examine, adjudicate, and decide military criminal cases in accordance with the provisions of laws and regulations.
4. Administrative courts have the authority to examine, adjudicate, decide, and resolve state administrative disputes in accordance with the provisions of laws and regulations.

One of the fundamental principles of Indonesia's judicial system is the principle of simplicity, promptness, and affordability (*seederhana, cepat, dan biaya ringan*), as enshrined in Article 2(4) of Law Number 48 of 2009 concerning Judicial Power (*Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman*). This principle reflects Indonesia's commitment to access to justice for all citizens, making it one of the fundamental pillars of the national legal framework.¹³

As Ilham notes, these principles must be observed and implemented by every judicial institution.¹⁴ The principle of simple justice calls for procedures that are efficient, straightforward, and not overly bureaucratic. The principle of prompt justice requires that cases be resolved swiftly and without unnecessary delay to avoid prolonged uncertainty. Meanwhile, the principle of affordable justice ensures that court costs remain within reach of the public, while maintaining precision and diligence in the pursuit of truth and fairness. Together, these principles represent not only administrative ideals but also the moral and social responsibility of the judiciary to deliver justice that is both meaningful and practical in people's lives.

13 Hariyanto, E., and S. Sundusiyah. "Implementasi Peraturan Mahkamah Agung tentang E-Court untuk Mewujudkan Asas Sederhana, Cepat, dan Biaya Ringan di Pengadilan Agama Pamekasan." *Arena Hukum* 15, no. 3 (2022): 471-498. <https://doi.org/10.21776/ub.arenahukum.2022.01503>

14 Syarif, Z. "Asas Peradilan Sederhana, Cepat, dan Biaya Ringan dalam Ketentuan Persidangan Hybrid Perkara Perdata." *Collegium Studiosum Journal* 7, no. 1 (2024): 193-203.

B. Electronic Court in Indonesia

Following the discussion on the judicial process in Indonesia, this section examines the evolution of electronic court proceedings (e-court) as part of judicial reform initiatives. The development of e-court implementation can be traced through a series of Supreme Court Regulations (*Peraturan Mahkamah Agung / PERMA*), which progressively expanded the scope of digitalization in judicial administration and proceedings.

The first regulatory framework was established through Supreme Court Regulation No. 3 of 2018 on Electronic Court Administration, which was later revoked and refined by Supreme Court Regulation No. 1 of 2019 on Case Administration and Court Proceedings Electronically. Under the 2019 regulation, the electronic system was no longer limited to case registration; it also enabled electronic court hearings. The COVID-19 pandemic accelerated the need for procedural reform, prompting the Supreme Court to extend the application of electronic trials to include criminal cases through the issuance of Supreme Court Circular No. 4 of 2020 on online criminal trial procedures.¹⁵

Below is the detailed explanation of how the supreme courts regulations have regulated electronic court administration and proceedings:

1. Supreme Court Regulation of the Republic of Indonesia No. 3 of 2018 on Electronic Court Administration (*Peraturan Nomor 3 Tahun 2018 Mahkamah Agung tentang Administrasi Perkara di Pengadilan Secara Elektronik*)

In 2018, the judiciary introduced the concept of digital case management through the launch of an application-based system known as e-Court. The preamble of this regulation highlights that, in accordance with Article 2 paragraph (4) of Law No. 48 of 2009 on Judicial Power, the judiciary must ensure that legal proceedings are

¹⁵ Kamello, T., and M. Sastro. "The Development of Procedural Law Through the E-Court System After the Pandemic in Indonesia." *Veteran Law Review* 6, Special Issue (2023): 15–27.

simple, prompt, and low-cost. To achieve these principles, judicial reform was deemed necessary to address the challenges and obstacles within the administration of justice.

The regulation emphasizes the need for effective and efficient court administration services in response to the demands of modernization. Based on these considerations, the Supreme Court deemed it necessary to establish regulations governing the electronic administration of court cases.

Article 1 of the regulation lays the definitional and structural foundation for implementing electronic case administration within Indonesia's judicial system. It begins by clarifying the scope of the courts covered under this regulation in the first paragraph, which includes general courts, religious courts (*Mahkamah Syar'iyah*), military courts, and administrative courts. By encompassing all judicial environments under the Supreme Court's supervision, the regulation establishes a uniform standard for digitalization across diverse jurisdictions. This inclusivity reflects a deliberate effort to create administrative consistency and promote the use of technology as a unifying infrastructure within the national justice system.

The second paragraph subsequently introduces the concept of the Court Information System (*Sistem Informasi Pengadilan*) which refers to a comprehensive network of information systems developed by the Supreme Court to facilitate case administration and justice services. This definition marks a significant shift toward centralized digital governance, where each court operates under a shared technological framework for activities such as case registration, document submission, and procedural communication. It embodies the judiciary's vision of improving accessibility and coordination through a single, integrated system.

Furthermore, the fifth paragraph defines electronic case administration as encompassing the entire process of submitting lawsuits or petitions, filing replies and rejoinders, drafting conclusions, as well as managing, transmitting, and storing procedural documents across civil, religious, military, and administrative courts. This represents the judiciary's first formal recognition that procedural

documentation and inter-party communication could be securely managed through electronic means.

Article 2 explicitly states the purpose of the regulation: to establish a legal basis for the electronic administration of cases that is professional, transparent, accountable, effective, efficient, and modern. This article captures the Supreme Court's vision of digital transformation as a means of achieving procedural integrity and institutional transparency. It also indicates a shift in the judiciary's operational paradigm, from manual, paper-based bureaucracy to a digital, data-driven system that prioritizes accessibility and accountability.

However, despite its progressive spirit, the 2018 regulation remained limited in scope as it only governed:

- a) Electronic case administration, such as filing and document submission;
- b) Electronic summons (e-summons); and
- c) Issuance of digital copies of court decisions or rulings.

The scope of the 2018 regulation was primarily limited to digitalizing administrative process of the judicial system, it did not yet authorize or regulate online hearings or trials, meaning that court proceedings themselves still had to be conducted in person. Nonetheless, this regulation laid the essential groundwork for future digital transformation within Indonesia's judiciary. By establishing the legal and technological basis for managing cases electronically, it created the structural conditions necessary for the next stage of reform. Building upon this foundation, the Supreme Court subsequently issued Supreme Court Regulation of the Republic of Indonesia No. 1 of 2019, which expanded the digitalization framework to include not only electronic case management but also electronic court proceedings, marking a significant step toward the full realization of digital justice in Indonesia.

2. Supreme Court Regulation of the Republic of Indonesia No. 1 of 2019 on Case Administration and Court Proceedings Electronically (*Peraturan Mahkamah Agung Republik Indonesia*

Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik)

Building upon the foundation established by the 2018 regulation, the Supreme Court issued Regulation No. 1 of 2019 to enhance the effectiveness and efficiency of case administration and court proceedings in line with the principles of simplicity, promptness, and affordability. The preamble emphasizes that the rapid development of technology necessitates improvements to the previous regulation particularly regarding the procedures for conducting electronic hearings.

The most significant development from the 2018 to the 2019 regulation lies in the expansion of scope. Article 1 paragraph 6 introduces a broader definition of electronic case administration, which now covers a complete range of judicial processes such as the submission of claims, petitions, objections, responses, counterclaims, and interventions; receipt of payments; electronic summons and notifications; submission of replies, rejoinders, conclusions, and appeals; as well as the management, delivery, and storage of case documents in civil, agrarian, military, and administrative courts through an integrated electronic system.

Additionally, the following paragraph introduces a new definition of electronic hearings (*persidangan secara elektronik*), which refers to a series of judicial proceedings conducted with the support of information and communication technology. This inclusion marks the first formal recognition that court hearings could be conducted electronically, signifying a major milestone in Indonesia's judicial digitalization.

Article 3 further expands the implementation of electronic case administration and hearings to higher judicial levels (appeal, cassation, and judicial review), provided that both parties agree and that the electronic system has already been used at the first instance. Article 4 reiterates that electronic hearings apply to all stages of court proceedings, including the submission of claims or petitions, responses, replies, rejoinders, presentation of evidence, conclusions, and the pronouncement of judgments or rulings.

More detailed provisions of electronic courts proceedings are provided in Chapter V (Articles 19–28), which establish the specific procedures for conducting electronic hearings. Article 22 stipulates that electronic hearings involving the submission of claims, responses, replies, rejoinders, and conclusions must follow the established court schedule. The parties are required to submit their electronic documents within the designated timeframe, after which the presiding judge reviews and forwards the verified documents to the opposing party through the court's electronic system.

Article 23 allows third parties to intervene in an ongoing electronic case, while Article 24 provides that witness or expert examinations may be conducted remotely through audiovisual communication, with the consent of all parties involved.

Article 26 affirms that court decisions or rulings may be pronounced electronically and that such electronic copies, once digitally signed in accordance with the Electronic Information and Transactions Law, hold full legal validity and binding effect. This provision conclusively recognizes that electronic judgments carry the same force as traditional ones, ensuring that digitalization does not diminish judicial authority or procedural legitimacy.

In summary, the 2019 regulation demonstrates the Supreme Court's progressive development of judicial digitalization, which began with an initial focus on administrative processes and culminated in the formal establishment of electronic hearings, supported by legally recognized digital documents and judgments. This framework continued to evolve and was further refined under the 2022 regulation.

3. Supreme Court Regulation of the Republic of Indonesia No. 7 of 2022 concerning Amendments to Supreme Court Regulation No. 1 of 2019 on Case Administration and Court Proceedings Electronically (*Peraturan Mahkamah Agung Republik Indonesia Nomor 7 Tahun 2022 tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang*

Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik)

The issuance of the 2022 regulation marks a further refinement and expansion of Indonesia's judicial digitalization framework, following the earlier regulations of 2018 and 2019. The preamble of this regulation emphasizes the necessity to enhance efficiency and effectiveness in court administration and proceedings, particularly to accommodate the need to continue modernizing court administration and proceedings to overcome practical challenges and obstacles encountered in judicial implementation.

Notably, Article 1(1) defines the court (*Pengadilan*) as the Supreme Court and the four judicial bodies under it, replacing the previous explicit listing of individual courts. The regulation also provides clarification on the concept of Electronic Signature (*Tanda Tangan Elektronik*), affirming its validity in line with the prevailing laws on electronic information and transactions.

Furthermore, Article 3A expands digitalization to include the management and settlement of bankruptcy and insolvency assets (*pengurusan dan pemberesan harta pailit*) electronically. Article 5(3) also introduces specific provisions for curators or administrators to become Registered Users, which require them to submit: (a) an identity card, (b) a valid curator or administrator membership card, (c) a curator or administrator examination certificate, and (d) a valid registration certificate.

The new regulation also introduces a new Chapter IIIA (Articles 28A–28G), which governs electronic legal remedies (*upaya hukum*) such as appeals, cassation, and judicial review. These provisions establish that the entire appeal process from submission and document transmission to decision delivery can now be conducted electronically through the court information system. This advancement represents the completion of the digital litigation cycle within Indonesia's judicial framework.

In summary, the 2022 regulation mainly refines and strengthens the system introduced in 2019. It confirms that cases filed

electronically will also be heard electronically by default, including default (*verstek*) hearings when one party does not appear. It also makes the process of submitting documents and conducting hearings more organized, allowing evidence, witness, and expert examinations to take place through video conferencing. Finally, it gives clear legal power to electronic judgments, stating that once a decision is uploaded and digitally signed in the court system, it has the same legal force as a conventional judgment.

Following the discussion of the 2022 regulation, it is essential to review existing scholarly research that has examined the implementation and impact of the e-Court system in Indonesia, particularly in assessing its effectiveness, advantages, and challenges as an instrument of judicial digitalization.

Atikah analyzed the implementation of the e-Court system in Indonesia as a judicial innovation introduced through the 2018 Supreme Court Regulation on the Electronic Administration of Court Cases.¹⁶ The research concluded that the e-Court system represents a major step in Indonesia's judicial reform, integrating information technology with procedural law to realize a modern, fast, simple, and low-cost justice process. Although still relatively new compared to systems in countries like Singapore, e-Court has had a positive impact by simplifying case registration and increasing efficiency. The study also emphasized the crucial role of advocates as registered users in ensuring the effectiveness of e-Court implementation and recommended continued adoption and compliance to support accessible and transparent judicial services.

Retnaningsih et. Al. analyzed the implementation of the e-Court and e-Litigation systems in Indonesia's District Courts, focusing on their development from the initial pilot project under Supreme Court Regulation No. 3 of 2018 to the more comprehensive framework established under Supreme Court Regulation No. 1 of 2019.¹⁷ The

16 Atikah, I. "Implementasi E-Court dan Dampaknya terhadap Advokat dalam Proses Penyelesaian Perkara di Indonesia." In Open Society Conference, vol. 107 (2018), 127-134.

17 Retnaningsih, S., D. L. S. Nasution, R. A. Velentina, and K. Manthovani. "Pelaksanaan E-Court Menurut PERMA Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik dan E-Litigation menurut PERMA Nomor

study found that 2018 Regulation served as the foundation for Indonesia's first electronic court system, later expanded by the 2019 Regulation to include not only electronic filing, payment, and summons but also electronic trials (e-litigation). While the reforms represented a major step toward a more efficient and accessible judiciary, their implementation faced significant obstacles, including limited technological proficiency among lawyers and court staff, inadequate infrastructure and courtroom equipment, and incomplete data synchronization between e-Court and the court's internal case management system (SIPP).

In 2021, Ariwijaya and Samputra studied the implementation of e-Court policy in Indonesian courts using national data on electronic case registration and payments from 2019 to mid-2020.¹⁸ The research found that the e-court policy effectively realized the judicial principles of simplicity, speed, and low cost, as shown by a significant increase in electronic case registrations and transparent online payment systems across all court levels. However, challenges remain in user digital literacy, outdated bureaucratic mindsets, lack of electronic domiciles for some litigants, and insufficient courtroom infrastructure for online hearings. The study also recommended continuous policy updates, enhanced IT infrastructure, regular monitoring, and broader public education to ensure sustainable and efficient e-court implementation nationwide.

Similarly, Handayani examined the effectiveness of the e-Court system based on civil case decisions handled by the District Court and Religious Court in Makassar during and after the COVID-19 pandemic.¹⁹ Based on their analysis, the implementation of e-court, as regulated in supreme court regulations, was highly effective in realizing the principles of simplicity, speed, and low cost while maintaining legal

1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik (Studi di Pengadilan Negeri di Indonesia)." *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): Article 8. <https://doi.org/10.21143/jhp.vol50.no1.2486>.

18 Ariwijaya, A. R., and P. L. Samputra. "Evaluasi Kebijakan Peradilan Elektronik (E-Court) Mahkamah Agung Republik Indonesia." *Jurnal Hukum & Pembangunan* 51, no. 4 (2022): 1104–1122. <https://doi.org/10.21143/jhp.vol51.no4>

19 Handayani, D. "Efektivitas E-Court Perkara Perdata Masa Pandemi dan Pascapandemi COVID-19 di Makassar." *Masalah-Masalah Hukum* 52, no. 2 (2023): 119–130. <https://doi.org/10.14710/mmh.52.2.119-130>.

certainty and fairness. During both the pandemic and post-pandemic periods, e-court significantly improved efficiency, transparency, and accessibility of justice, although some technical challenges remained in the proof submission stage and user readiness.

Lahilote et al. further explored the early implementation of e-Court and e-Litigation systems in the Bitung and Praya Religious Courts, focusing on adoption rates, infrastructure readiness, and socio-cultural factors influencing their use.²⁰ The research found that e-Court and e-Litigation adoption remained very low (below 10%) due to intertwined technical, social, and cultural barriers rather than infrastructure constraints alone. Despite differing workloads, both courts faced similar challenges related to limited digital literacy and community preference for traditional legal processes. The study concluded that improving effectiveness requires a multilevel, context-sensitive policy approach by the Supreme Court, strengthened digital literacy programs, user mentoring, and continuous evaluation to ensure broader, sustainable adoption of judicial technology in Indonesia's religious courts.

C. The Application of the E-Court System in Debt Restructuring and Bankruptcy Cases

1. Judicial Framework: The Commercial Court and the Suspension of Debt Payment Obligations Mechanism

The Commercial Court in Indonesia serves as a specialized judicial institution designed to resolve disputes connected to commerce and business, with a particular focus on bankruptcy and the suspension of debt payment obligations (PKPU), as regulated under Law No. 37 of 2004 concerning Bankruptcy and Suspension of Debt

²⁰ Lahilote, H. S., S. Sabarudin, and I. Abdullah. "Digitalisasi Peradilan di Indonesia Tengah: Studi Implementasi E-Court dan E-Litigasi di Pengadilan." *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 2 (2024): 315–332. <https://doi.org/10.36448/pranatahukum.v14i1.162>.

Payment Obligations.²¹ In line with Indonesia's rapid economic growth and increasing global integration, the Commercial Court plays a vital role in maintaining economic stability by providing a reliable and efficient legal mechanism for handling business and financial disputes. By ensuring legal certainty and upholding the principles of fair and effective adjudication, the Court contributes significantly to fostering investor confidence and promoting a sound business environment.²²

The Suspension of Debt Payment Obligations and insolvency mechanisms represent two distinct legal remedies available to resolve a debtor's inability to meet financial obligations. The Suspension of Debt Payment Obligations aims to prevent bankruptcy by granting the debtor an opportunity to restructure their debts through a composition plan, whereas bankruptcy entails the liquidation of the debtor's assets to satisfy creditors' claims. In both proceedings, creditors seeking repayment must undertake a series of formal and substantive legal steps. These include court-supervised meetings among secured, preferred, and concurrent creditors, led by court-appointed administrators (*kurator*) who, under the supervision of a supervisory judge, are responsible for managing and distributing the debtor's estate in accordance with bankruptcy law.

The Suspension of Debt Payment Obligations (*Penundaan Kewajiban Pembayaran Utang* or PKPU), which is regulated under Law No. 37 of 2004 on Bankruptcy and PKPU (*Undang-Undang Nomor 37 Tahun 2004 Tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang*). This mechanism allows debtors who are unable to meet their

²¹ Oelangan, M. D. "Penyelesaian Sengketa Bisnis Melalui Pengadilan Niaga." *Pranata Hukum* 14, no. 1 (2019): 522–593. <https://doi.org/10.36448/pranatahukum.v14i1.162>

²² Nuraeni, Y., Judijanto, L., Sufiarina, S., & Sihombing, L. A. (2024). *Hukum Acara Peradilan Niaga: Teori dan Implementasinya di Indonesia*. PT Sonpedia Publishing Indonesia. Page 48

debt obligations to postpone payments and negotiate a settlement plan with their creditors, thereby avoiding bankruptcy.²³

Article 222 of Law No. 37 of 2004 establishes the legal basis for submitting a Suspension of Debt Payment Obligations (*Penundaan Kewajiban Pembayaran Utang*, or PKPU), which provides that:

- a. PKPU may be filed either by a debtor who has more than one creditor or by a creditor.
- b. A debtor who is unable or foresees that they will be unable to continue paying debts that are due and payable may apply for Suspension of Debt Payment Obligations with the intention of submitting a composition plan (*rencana perdamaian*) that includes an offer to pay part or all of their debts to creditors.
- c. A creditor who foresees that the debtor will be unable to continue paying debts that are due and payable may request that the debtor be granted Suspension of Debt Payment Obligations to allow the debtor to submit a composition plan containing an offer to pay part or all of their debts to creditors.

Based on Article 224 paragraphs (1) to (6) of the Bankruptcy and Suspension of Debt Payment Obligations Law (UUK-PKPU), the Suspension of Debt Payment petition must be filed with the court and signed by the applicant. The petition must include details regarding the nature and amount of the debtor's receivables and debts, along with supporting evidence. The petition is submitted to the Chairman of the Commercial Court, which will review the completeness of the documents and decide whether the application can be accepted or rejected. If accepted, the court will issue a Temporary Suspension of Debt Payment Obligations (*PKPU Sementara*) lasting for a maximum of 45 days. During this period, the debtor is protected from legal actions by creditors, and the court will appoint administrators

23 Mantili, R., & Dewi, P. E. T. (2021). *Penundaan Kewajiban Pembayaran Utang (PKPU) Terkait Penyelesaian Utang Piutang dalam Kepailitan*. Jurnal Aktual Justice, 6(1), 1-19.

(*pengurus*) to oversee and manage the Suspension of Debt Payment Obligations process.

Once the Suspension of Debt Payment Obligations petition is received by the Commercial Court, the proceedings will include the debtor's response, examination of evidence from both the debtor and the applying creditor (and other creditors, if any), followed by the submission of conclusions from each party, leading to the issuance of a Suspension of Debt Payment Obligations decision. In this session, the court will evaluate the debtor's proposed composition plan and determine whether there is a prospect of reaching an agreement. If the debtor has prepared a composition plan, voting may be conducted. The debtor is required to submit a plan outlining the repayment scheme to creditors. However, if the debtor is not yet ready with the plan, they may request an extension through a Permanent Suspension of Debt Payment Obligations (*PKPU Tetap*).

A Permanent Suspension of Debt Payment Obligations is an extension of the Temporary Suspension of Debt Payment Obligations. It may be granted under several conditions, such as when the debtor has not yet completed the composition plan or when creditors have not reached a decision regarding the proposed plan. Whether or not a debtor is granted a Permanent Suspension of Debt Payment Obligations is determined through a voting process involving all creditors. According to Article 229(1) of the Bankruptcy and Suspension of Debt Payment Obligations Law, the granting or extension of a Permanent Suspension of Debt Payment Obligations is decided by the court based on:

- a. The approval of more than half of the concurrent creditors whose claims are recognized or temporarily recognized and who are present, representing at least two-thirds of the total recognized or temporarily recognized claims of concurrent creditors or their proxies present at the hearing; and

- b. The approval of more than half of the secured creditors whose claims are guaranteed by pledge, fiduciary security, mortgage, or other collateral rights, representing at least two-thirds of the total claims of such creditors or their proxies present at the hearing.

With respect to voting for the granting of a Permanent Suspension of Debt Payment Obligations, both concurrent and secured creditors have the right to determine the continuation of the Suspension of Debt Payment Obligations process. If the voting results meet the quorum required for granting a Permanent Suspension of Debt Payment Obligations, the process will continue with a maximum period of 270 days from the issuance of the Temporary Suspension of Debt Payment Obligations decision. This 270-day period serves as the timeframe for the debtor and creditors to negotiate and finalize the composition plan, not as the deadline for the debtor to settle all debts. However, if by the end of the Permanent Suspension of Debt Payment Obligations period no agreement on the composition plan is reached, the court will declare the debtor bankrupt.

2. Case Study: The Suspension of Debt Payment Obligations Proceedings of Garuda Indonesia

The COVID-19 pandemic not only placed severe pressure on the global and national economy but also triggered insolvency risks in several strategic sectors, including the aviation industry. The implementation of large-scale social restrictions over an extended period had serious consequences for commercial airlines. All inbound and outbound flights to and from Indonesia were suspended under government regulations. This impact is evident from the decline in the per capita growth of the transportation and logistics sector, which decreased by 15.1% in Indonesia and 16.5% across ASEAN.²⁴

²⁴ ASEAN Stats. (2025, August 26). ASEAN Gross Domestic Product (GDP) Annual. Retrieved from <https://data.aseanstats.org/asean-gdp-annual>

The pandemic created significant financial distress for the global aviation industry, including PT Garuda Indonesia (Persero) Tbk, which struggled to meet its debt obligations. As a result, Garuda Indonesia sought to restructure its debts through the Suspension of Debt Payment Obligations mechanism. In 2022, the Garuda Indonesia Suspension of Debt Payment Obligations case became one of the largest Suspension of Debt Payment Obligations proceedings in Indonesia's history. The proposed composition plan (*rencana perdamaian*) submitted by Garuda Indonesia included several key measures: extending debt maturities, partial debt remission, conversion of a portion of debt into new bond instruments, and renegotiation of aircraft lease agreements. These measures were designed to gain creditor approval and ensure the airline's financial recovery.²⁵

During the Suspension of Debt Payment Obligations proceeding of Garuda Indonesia, not all discussions and negotiations could be held in person. Several creditor meetings were conducted virtually, in line with pandemic restrictions, to reach agreements or obtain necessary approvals. This raised an important legal question of whether agreements or approvals reached through online meetings could be considered valid evidence in court proceedings, particularly in commercial court cases where such agreements determine the outcome of Suspension of Debt Payment Obligations decisions and bankruptcy resolutions.

The legal recognition of electronic documents as valid evidence in Indonesia is grounded in Article 5 of the Electronic Information and Transactions Law (*Undang-Undang Informasi dan Transaksi Elektronik*). This provision explicitly states that electronic information and/or electronic documents, including their printed forms, constitute lawful evidence and represent an extension of the evidentiary tools recognized under Indonesia's procedural law. However, such evidence

25 Ang, I., and G. Lie. "Penundaan Kewajiban Pembayaran Utang dalam Kasus PT Garuda Indonesia." RIGGS: Journal of Artificial Intelligence and Digital Business 4, no. 3 (2025): 6319-6325.

is only deemed valid if it is produced or managed through an electronic system that complies with the requirements set forth in the same law.

Further clarification is provided in Article 1 paragraph (4), which defines an *electronic document* as any electronic information created, transmitted, received, or stored in analog, digital, electromagnetic, optical, or similar forms, that can be displayed or heard through electronic systems. This broad definition encompasses written text, audio, images, maps, designs, photographs, symbols, and access codes, provided that they carry meaningful content understandable to a competent person.

However, the Electronic Information and Transactions Law does not specifically regulate the procedural requirements for forming electronic legal agreements or the validity of the steps marking the initiation and completion of such agreements. This regulatory gap presents challenges for administrators and judges in the Commercial Court, particularly in bankruptcy and Suspension of Debt Payment Obligations proceedings, where ensuring the authenticity and reliability of electronically submitted documents is essential for maintaining the integrity of judicial outcomes.

In conclusion, the Garuda Indonesia Suspension of Debt Payment Obligations case illustrates how digital mechanisms became indispensable during the pandemic, ensuring that essential insolvency proceedings could continue despite physical restrictions. The use of virtual meetings and electronic documentation demonstrated the judiciary's adaptability and the growing relevance of electronic evidence in commercial court processes. Supported by the provisions of the Electronic Information and Transactions Law, electronic information and documents are legally recognized as valid forms of evidence, provided that they comply with the requirements of an authorized electronic system. This legal foundation enabled the courts to acknowledge online agreements and digital records as legitimate, ensuring procedural integrity and reinforcing the role of digitalization in modern insolvency administration.

Conclusion

The development of Indonesia's e-Court system marks a long-term transformation in judicial governance, rooted in the mandate of Law No. 48 of 2009 on Judicial Power to ensure that court processes remain simple, fast, and low-cost. Supported by a series of Supreme Court Regulations, including the most recent Supreme Court Regulation No. 7 of 2022, this digital framework became especially crucial during the period of global uncertainty brought about by the COVID-19 pandemic. During this period, the e-Court system served as a vital mechanism for safeguarding the administration of justice and maintaining the continuity of Indonesia's judicial functions. Through the e-Court platform, companies were able to access the Commercial Court to initiate or respond to debt restructuring and insolvency proceedings, even amidst travel restrictions and lockdowns. This digital infrastructure allowed legal remedies such as the Suspension of Debt Payment Obligations (*Penundaan Kewajiban Pembayaran Utang*) and bankruptcy petitions to proceed without delay, thereby preserving access to justice during a time of crisis. The Garuda Indonesia Suspension of Debt Payment Obligations case exemplifies how technological innovation ensured both procedural integrity and economic resilience under extraordinary circumstances. In practical terms, digital proceedings enabled debtors and creditors often located in different regions or even jurisdictions to participate in hearings, submit proofs of debt, and negotiate restructuring plans remotely. By recognizing electronic information and documents as valid forms of legal evidence, reinforced by the Electronic Information and Transactions Law, Indonesia's judiciary effectively adapted to the challenges posed by the pandemic while maintaining the principles of simplicity, speed, and affordability in judicial processes. Although the Electronic Information and Transactions Law provides the basis for treating electronic documents as admissible evidence, it does not regulate the procedural stages of forming electronic agreements or the validity of their completion. This regulatory gap presents challenges for judges and administrators in bankruptcy and Suspension of Debt Payment Obligations cases, particularly in verifying the authenticity of

electronically submitted documents. Nevertheless, the Garuda Indonesia case demonstrates that the courts were able to navigate these limitations and maintain the momentum of restructuring proceedings, underscoring the broader legal and economic value of digitalization. Beyond crisis response, the digitalization of the judiciary represents a long-term transformation that strengthens the relationship between legal certainty and economic stability. The e-Court system has evolved into a cornerstone of Indonesia's judicial reform, bridging the gap between technological progress and the realization of accessible, transparent, and efficient justice. Looking forward, further development should focus on enhancing cybersecurity, data integration, and digital literacy among legal practitioners and the public. This evolution also requires technological infrastructures that go beyond stable internet access. Electronic judicial processes depend on reliable application systems capable of safeguarding the validity and trustworthiness of court decisions. In this context, blockchain technology has emerged as an important tool for ensuring integrity in digital proceedings by verifying the authenticity of litigants, validating electronic legal documents submitted as evidence, and securing judicial decisions so that courts can produce rulings that are both credible and resilient in a digital environment. In this light, the e-Court should not only be viewed as a pandemic-era solution but as a sustainable instrument for modern governance which reinforces the rule of law, supports economic recovery, and positions Indonesia's judiciary to meet the demands of an increasingly digital society.

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