

TRANSFORMING LEGAL PROCEEDINGS IN INDONESIA'S ADMINISTRATIVE COURT: THE ROLE OF LEGAL CULTURE IN THE SOCIETY 5.0 ERA

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Abstract

This study explores the integration of technology in Indonesia's Administrative Court system, particularly the impact of electronic justice (e-court) in the Society 5.0 era. With advancements in technology reshaping societal functions, the study examines how these changes have influenced legal proceedings within the Administrative Court. The research focuses on the implementation of Supreme Court Regulation No. 1 of 2019, which governs e-court proceedings, and how these technological advancements align with Indonesia's legal culture and the values of Pancasila, particularly social justice. It highlights fundamental shifts, such as the introduction of electronic summons, electronic domicile, and online hearings, as part of the modernization of judicial processes. Through qualitative research and doctrinal legal analysis, this study emphasizes the significance of legal culture in ensuring the smooth transition to digital procedures and fostering public awareness of citizens' rights and obligations. The findings suggest that while technological progress in the court system brings efficiency, the successful adoption of these changes requires legal culture to promote public understanding and participation, ultimately supporting the realization of social justice as outlined by Pancasila.

Keywords: Electronic Proceedings; Legal Culture; Pancasila; Society 5.0; Administrative Court.

A. Introduction

As stated in Article 1 number 2 of Law No. 25 of 2004 concerning the National Development Planning System, national development is an endeavor carried out by all aspects of the nation to accomplish the objectives set for the nation (Afandi & Purwanto, 2019). The Preamble to the 1945 Constitution stipulates that the objectives of the state are to safeguard all Indonesians and all Indonesian blood, to promote the general welfare, to educate the life of the nation, and to take part in the upkeep of a global order that is founded on the principles of independence, eternal peace, and social justice (Wibowo, 2020).

According to what is said in the book titled "Development of the Indonesian National Legal System" by Barda Nawawi Arief (2021), the evolution of the national legal system can be viewed from a variety of perspectives. When seen from the perspective of its growth, as was discussed earlier, the scope of development in the national legal system includes not only the development of the system's structure but also the development of its culture. Human culture includes the culture of the legal system. The behavioural patterns of individuals as members of society that represent the same response (orientation) to the legal life experienced by a particular society are called legal culture (Nurhasan et al., 2022). Knowledge of the legal culture of the local community is an essential piece of information. This includes knowledge about the

composition of the local community, legal systems, legal concepts, legal standards, and human behaviour (Rahayu et al., 2020).

Not all societies have the same perspective on the world, and the values prioritized in each society are frequently different. The process of law formation needs to be understood, but the content of laws and how they are established are also important. The code of norms and behaviours embedded in other social control systems (such as morality or religion) are either accepted by society or wholly rejected. Additionally, the social order grants significant rights to individuals within the social order (Bicchieri et al., 2023).

The advancement of technology that humans created is accelerating with time. The period of Society 5.0 is one of them; this notion enables us to apply modern-based sciences (such as artificial intelligence, robots, and the Internet of Things) to meet human needs and make people more comfortable (Calp & Bütüner, 2022; Alojaiman, 2023). Creative thinking, critical thinking, communication, and working together are the primary skills individuals must acquire to thrive in the Society 5.0 era (Saputra & Mirsafa, 2023; Mansyur et al., 2023).

It is necessary for the legal system, which is a component of civilization, to adjust to improvements in technology (Wood & Wood, 2005). Several government agencies, including the Supreme Court, have launched the development of public services through technology, communication, and information networks (Cahyono et al., 2022). As one of the judicial organizations that fall under the jurisdiction of the Supreme Court, the Administrative Court has also anticipated these developments by implementing revisions within the regulations' framework. The Supreme Court has issued Supreme Court Regulation No. 1 of 2019, which pertains to administering cases and hearings in courts electronically, also known as electronic justice (sometimes called e-litigation or e-court) (Kurniawan, 2020). This adjustment indicates that the Supreme Court is aware of this fact. This rule provides updates about implementing proceedings in electronic courts (Nurjihad & Ariyanto, 2022).

Understanding the role of legal culture in the renewal of proceedings in the Administrative Court in facing the Society 5.0 era based on Pancasila can be linked to the theory of Law as a Tool of Social Engineering, which means law as a tool for renewal/engineering in society. This term expects the law to play a role in changing social values and society's understanding of the renewal of proceedings in the Administrative Court. Considering the explanation presented above, the primary focus of this paper is on the fundamental changes that have occurred in the implementation of proceedings in the Administrative Court in the era of Society 5.0, as well as the role that legal culture plays in the implementation of proceedings in the Administrative Court in the era of Society 5.0 based on Pancasila.

B. Method

The method employed in this study is qualitative research. Sukmadinata (2019) defines qualitative research as a design to describe and analyze phenomena, events, social activities, attitudes, beliefs, and perceptions of individuals or groups. The specific type of research adopted in this study is doctrinal legal research. Doctrinal research is concerned with analyzing legal principles formulated by courts and legislatures. Unlike other social science research, doctrinal research emphasizes the particularities of legal principles and their non-probabilistic nature (Hutchinson & Duncan, 2012).

The term "doctrinal research" requires clarification. Derived from the Latin word *doctrine*, meaning instruction or knowledge, "doctrine" refers to legal concepts and principles—encompassing cases, statutes, and rules. The doctrine has been defined as the synthesis of various rules, principles, norms, interpretive guidelines, and values that explain and justify a segment of the law within a larger legal system (Hutchinson & Duncan, 2012). According to Minow (2013), Dean of Harvard Law School, the restatement of doctrinal principles is vital to legal research. From the perspective of civil law systems, Gestel and Micklitz (2011) describe doctrinal legal

research as deriving arguments from authoritative sources, such as rules, precedents, and scholarly publications. Legal research is conducted by examining library materials or secondary data, which is called normative or library-based legal research.

C. Results and Discussions

1. Embracing Technological Advancements: Evolution of the Indonesian Administrative Court in the Era of Society 5.0

For a quarter of a century, Kutawangi has undergone a legal crisis in protecting cultural heritage, namely seventeen years without having a Local Regulation on Cultural Heritage and eight years using the 2009 Local Regulation on Cultural Heritage. Some of these are invalid because they are not by Law No. 11 of 2010 concerning Cultural Heritage. The legal crisis is an implication of the interest of legislators. If viewed from the intensity of interest, they did not or were less concerned with protecting cultural heritage in the first period. Then in the next period, they are more interested yet less serious. In this recent period, the government is indicated to apply the technique of symbolic legislation, namely that a regulation was formed for political and social purposes other than the objectives stated in the legislation in the related regulation substance (Klink, 2016). Therefore, there is no question of quality and effectiveness.

In terms of the structure of the judicial system, the Administrative Court is a component of the power that originates from the Supreme Court (Putrijanti, 2020). There is a manifestation of the rule of law in Indonesia, and that manifestation is the presence of the Administrative Court in the dynamics of justice. Beginning with Law Number 5 of 1986 concerning the Administrative Court, Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning the Administrative Court, and Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the Administrative Court, the Administrative Court has been subject to modification in its regulations. These modifications are based on the development of the Administrative Court.

It cannot be denied that information technology has taken over every facet of state life in this era of society 5.0. In this era, the Supreme Court recognizes the difficulties experienced. The judiciary institution experiences obstacles as a result of technological improvements. To keep up with the rapid development of technology, it is necessary to adhere to these challenges, which are demands. One of the most critical administrative professors in the Netherlands, Paul Frissen (1999), brought attention to the strong interaction between information technology and the government.

A new regulation, known as Supreme Court Regulation Number 1 of 2019, has been released by the Supreme Court. This regulation pertains to the administration of cases and proceedings in courts conducted electronically, also referred to as electronic court (e-court). Implementing procedures in the Administrative Court is impacted by Supreme Court Regulation Number 1 of 2019 concerning electronic courts. As a result of the establishment of the Electronic Court, the Administrative Court has undergone several modifications in conducting its hearings.

Alterations to Electronic Domicile documents and Electronic Summons (also known as e-summons) by Article 65 of Law Number 5 of 1986 on Administrative Court, the act of summoning parties is regarded as lawful and appropriate provided it is carried out through "registered mail" at least six days before the trial. The adoption of a new concept regarding the status of the parties, known as the idea of electronic domicile, has been brought about due to the recent modifications implemented in electronic proceedings in any court. Electronic Domicile is defined as the parties' domicile in the form of a confirmed email address, according to Article 1 number 3 of Supreme Court Regulation Number 1 of 2019. This idea implies that summoned parties will no longer utilize registered mail but instead use electronic notifications (e-summons) sent via email. The Supreme Court Regulation Number 1 of 2019 states that, in practice,

notification through electronic mail or e-summons is believed to be equivalent to registered mail. As a result, it is considered admissible (Yoesuf et al., 2023).

In electronic courts, alterations have been made to how complaints and responses are read. Article 74 of Law Number 5 of 1986 stipulates the reading of complaints and answers. This article clearly states that a judge presiding over an open trial reads the complaint and the answer. It is stated in Article 22 of Supreme Court Regulation Number 1 of 2019 that electronic courts are conducted through online sessions for the reading of complaints and responses. This refers to the fact that the reading of complaints and answers is no longer done in a traditional open trial but rather online.

Modifications to the Procedures for the Inclusion of Third Parties in Electronic Proceedings in Article 83 of Law Number 5 of 1986 explain that interested third parties can intervene in ongoing cases either at their request or at the judge's initiative. However, Article 23 of Supreme Court Regulation Number 1 of 2019 adds a requirement by stating that the attendance of these third parties must follow electronic procedures. Furthermore, their application will be declared inadmissible if they cannot attend the electronic hearing. This condition was included to ensure that the electronic proceedings are strictly followed. Article 83 of Law Number 5 of 1986 regulates the rights of third parties to intervene as intervenors. This undoubtedly restricts the ability of third parties to intervene.

In term of the alterations made to the electronic evidence Regarding electronic evidence, more changes have occurred due to the advent of electronic courts. Regulatory provisions about electronic evidence can be found in Article 24 of Supreme Court Regulation Number 1 of 2019. Electronic evidence raises additional concerns, such as those concerning the inspection of electronic document evidence, which directly opposes the provisions of Article 1888 of the Civil Code, which states that photocopies of documents must be compared with the originals. In addition, the concept of documentary evidence, specifically printed documents, which are not considered to be electronic evidence by Law Number 11 of 2008 concerning electronic information and transactions, and which are required to be completed with a stamp by Article 2 paragraph (1) of Law Number 13 of 1985 concerning Stamp Duty (Sa'adah et al., 2021).

Alterations are also made to how judgements are announced in electronic courts. According to Article 108 of Law Number 5 of 1986, judgements must be pronounced when the trial is open to the public. The inference is that the judgement is invalid and has no binding power if not delivered in an open trial; hence, it must be proclaimed once more in an open trial. It can be inferred that the judicial decisions made in Indonesia's procedural law court system are oral pronouncements. This provision suggests that the law continues to adhere to the notion that pronounced decisions are legally binding. However, according to Article 26 of Supreme Court Regulation Number 1 of 2019, the judgement is pronounced "electronically", which means that it is not delivered in a physical trial but is merely conveyed to the parties and published in the decision directory of the Supreme Court. Article 108 of Law Number 5 of 1986 contains a rule conceptually distinct from Article 26 of Supreme Court Rule Number 1 of 2019, a regulation about the Pronouncement Hearing of Court Decisions.

Discussing changes is closely related to the existence of renewal concerning steady growth and progress. With the release of new laws concerning electronic courts by the Supreme Court, the assertion that the law always exists behind and evolves in response to events or happenings in society has been disproved. Improvements in judicial services, particularly those provided by the Administrative Court, are made possible by the changes that take place, which involve the implementation of breakthroughs. The evolution of the judicial process through the establishment of a technology-based system has shown to be helpful not only for society but also for judicial institutions, particularly the Administrative Court, in the process of conducting hearings in the era of society 5.0.

2. Embracing Changes: The Role of Legal Culture in the Era of Society 5.0's Electronic Justice

In the period of civilization 5.0, it is a fact that the development of information technology has altered many elements of human life (Gladden, 2019). These changes have occurred in various domains, including politics, economics, social, cultural, legal, defense, security, and other areas. One could argue that technological improvements are closely tied to nearly every aspect of the fundamentals of contemporary life. People living in the era of Society 5.0 are characterized by the rapid acceleration of social changes supported by advances in scientific and technological fields. Satjipto Rahardjo (2005) stated that "law is for humans, not humans for the law." This statement indicates that if the law is no longer appropriate, it is not humans who should be compelled to conform to it; rather, the legislation should be modified to accommodate the evolving requirements of the human population.

Within the Administrative Court's electronic justice system framework, law enforcement agencies are required to respond to the development of information technology, regardless of whether or not they are willing to do so. Rapid changes, particularly those associated with technological advancements, result in societal, mental, and cultural norm shifts. Adaptation to these changes is an immediate necessity for society. If the signals of change are not responded to promptly, the change will continue to be carried out by people and forces from the outside. The society that will be impacted by these changes will be marginalized, and they will merely become observers of the change process. The afflicted society will experience a great deal of suffering due to this circumstance since they will be required to pay a very high price for the delay.

Implementing processes in the Administrative Court has been subjected to significant modifications due to the changes that occurred with the Supreme Court regulation on electronic justice. One of them is a shift in the way that it is implemented culturally. The process has transitioned to the computerized format, beginning with the traditional practices of summoning parties, reading complaints, and proving, and ending with the pronouncement of judgments.

Traditional and modern views are the two most prevalent perspectives on changes (definitely in the sense of renewal) in the laws that govern people's lives in a country. Both of these perspectives are considered to be valid. In the traditional perspective, for the law to be able to regulate society, society must first transform. On the other hand, from a contemporary point of view, for the law to accommodate any new developments, the law must always be in direct correlation with the events. Changes in the neutral legal area should be made to establish legal certainty; on the other hand, regarding privacy issues, the law should serve as a social control mechanism in the community's life (Travis, 2017).

One of the most significant research areas in the sociology of law is the study of social change in the legal field. In the sense that social change affects changes in the legal field, and legal changes, in turn, affect social change, the interaction between social change and the legal field is called an interactive relationship. This indicates that changes in the law can affect changes in society (Cotterrell, 2017). Law as a social engineering tool refers to a thesis proposed by Roscoe Pound (2017). This idea describes the role of law in society as a tool for renewal and engineering. Within the context of this concept, the law plays a part in forming social values within a society. The concept of "law as a tool of social engineering" becomes the primary idea in the renewal of society in Indonesia. This is done to adapt to Indonesia's situation and conditions.

In addition to being a tool for social engineering, the law may also be understood as a tool for changing the behavior of individuals by the aims that have been specified. In today's modern society, law possesses a significant quality: community members consciously utilize it. In this context, the law reinforces the behaviors and habits already present in society and drives behaviors and habits towards the goals sought, eradicates unsuitable behaviors, develops new

behavioral patterns, and so on. The term “modern legal view” refers to this perspective, which ultimately results in using law as a tool, namely, law as a weapon for social engineering.

Legal culture means a representation of the behaviors, attitudes, and behaviors of society as a whole, as well as those of law enforcement. In the Administrative Court, there is still a lack of public knowledge regarding electronic services, particularly the requirement of having an active email account. This is especially true regarding the requirement to carry out electronic services. It is difficult for the general public to reply when they decide to use electronic courts and electronic litigation because they must supply supporting devices for each option—both the people who execute this system and the society as a whole need to modify their mentality. For the law to be effective, society must have legal knowledge; hence, active legal assistance is required to push for a restructuring of social order. The primary objective of this legal assistance is to get all of the social, economic, legal, and cultural resources that have been kept out of society’s reach up to this point closer to the people who have been excluded from society.

Within the context of the implementation of proceedings in the Administrative Court in the period of Society 5.0, the role of legal culture becomes a bridge to cultural change when coupled with the theory of law as an instrument of social engineering through social engineering. When considered in conjunction with the conception of law as a tool for social engineering, the role of legal culture has both preventative and repressive objectives. It is explained by legal culture’s role in the preventative goal that legal culture can foresee the presence of electronic courts, which will modify traditional societal behaviors into adapting to electronic technology. The repressive goal illustrates that if electronic justice has been implemented and society cannot accept and change its previous habits, legal culture can force society to change those patterns through the government. This is accomplished through the socialization of several new rules related to the electronic proceedings of the Administrative Court. These changes are necessary to achieve the expected goals of electronic justice (Velicogna, 2011).

In Society 5.0, the renewed procedures in the Administrative Court conducted electronically, also known as e-court, directly impact many individuals. When it comes to resolving matters in court, the convenience offered by contemporary technological systems, specifically the electronic court service system, becomes an absolute necessity. The resumption of proceedings in the administrative court is anticipated to accomplish the objectives set forth by Pancasila by the state. Because Pancasila serves as the basis for the state, all activities undertaken by the Indonesian people and the Indonesian government must conform to Pancasila. Pancasila is derived from the culture of Indonesia itself (Darmaputera, 1988). Consequently, it serves a comprehensive purpose and plays a significant part in the lives of the community, the nation, and the state. Since Pancasila’s ideals are universal, it is necessary to incorporate them into the daily activities of the nation and the state, including the creation of the legal system.

When the value of Pancasila, precisely the value of social justice, is considered, it becomes clear that the implementation of electronic justice in the administrative court has yet to satisfy all parties involved successfully. The principle of social justice for all Indonesians reminds all Indonesian citizens of the equal obligations and rights they are responsible for fulfilling to achieve social justice in their society. Freedom, equality, and similarity are core to the meanings and values of social justice (Sugiartha et al., 2023).

Digitalization has the potential to affect social justice by creating divisions between individuals who have a good grasp of digital service provision and possess the required skills and those who lack digital literacy and struggle to navigate the new systems, rules, and requirements that come with digitalization (Lolich & Timonen, 2022). Comprehensive implementation of social justice is essential in all facets of Indonesian society, encompassing the entire population. This implies that social justice is not limited to any particular group but encompasses the entire Indonesian society. In the context of social justice, according to Pancasila, regarding digitalization, it is essential to establish equal economic opportunities in the digital economy era.

The objective is to achieve social development and ensure fair distribution of resources in the digital economy. This will help reduce economic inequalities and promote shared prosperity in the era of globalization and digitalization. Additionally, upholding social rights and working towards their fulfillment in the modern digital era is crucial (Widodo et al., 2024).

In this day and age of civilization, the continuation of procedures in the Administrative Court by utilization of electronic means is anticipated that 5.0 will recognize the significance of social justice. The person who exemplifies the Value of Justice is a model for the community regarding the spirit of justice. The entire community, including those living in urban regions and more isolated places, is anticipated to experience this revitalization.

Administrative law researchers generally concentrate on procedural aspects, whereas social justice experts prioritize the actual results or consequences. They highlight notable societal inequalities that result in substantial discrepancies in material wealth, health, education, and life expectancy. The concept of administrative justice, which prioritizes adherence to equitable regulations and protocols, frequently seems detached from these discrepancies. The idea of social justice can be beneficial to scholars studying administrative justice. Administrative justice specialists frequently disregard outcomes that fall outside the jurisdiction of the law and classify them as political issues. Focusing on social justice's 'social' aspect compels us to examine a more comprehensive framework and demonstrate how substantial societal disparities generate and sustain inequities (Gulland, 2022).

Administrative courts serve as a mechanism to attain the objective of legal justice. Consequently, legal entities function as a medium for actions and cooperation to accomplish the primary goal. The State Administrative Court is a component of the legal system responsible for examining, adjudicating, and resolving problems related to State Administration. Its purpose is to uphold the principles of the Pancasila State Law, which aims to establish a fair and prosperous society based on Pancasila. The critical components of a fair and prosperous society, grounded in Pancasila, encompass safeguarding the entirety of the Indonesian nation and its diverse ethnicities, advancing the well-being of the public, enlightening the nation's existence, and actively contributing to the preservation of global harmony founded upon everlasting peace, freedom, and social equity. The establishment of the State Administrative Court aims to ensure justice in society and enhance the role of administrative justice as a component of the government's public service to its citizens. This ensures a proper balance between individual and public interests.

The electronic summoning of parties is one of the improvements made to implement proceedings electronically in the Administrative Court (Latifiani et al., 2023). This change recognizes the importance of social justice. Providing social justice in the Administrative Court as well as for the community is accomplished through the use of electronic summoning of parties. Because summons letters can be notified via electronic mail, specifically email, providing efficient time management, the electronic summoning system allows the administrative court and the community to manage their time efficiently. This revitalization is one example of the spirit of justice that various parties can experience.

Not all communities can adopt these reforms even though the Administrative Court is renewing its implementation of processes to realize the social importance of justice (Aritonang, 2024). There is a strong connection between the role of legal culture and the execution of these transformational processes. Legal culture is responsible for increasing awareness of change throughout the community. The principles of the state, which are based on Pancasila, are anticipated to be realized as a result of this transition (Taher, 2021). The fact that the community is already aware of their lack of knowledge regarding electronics does not negate that some community members are ignorant about electronics. This pattern is altered as a result of the function that legal culture plays, and the community is ultimately compelled to comprehend and understand these changes. Legal culture can be understood as the pattern of knowledge, attitudes,

and behaviors that a group of individuals exhibit regarding the legal system. This is one interpretation of the word “culture”. To accomplish the finest job, an excellent legal culture role is required.

In the period of Society 5.0, the role of legal culture in the renewal of procedures in the Administrative Court has the potential to realize the principles of Pancasila, precisely the concept of social justice. Legal culture has a role in providing and fostering the community’s awareness of fair rights and obligations as citizens, which is necessary to realize law enforcement and justice. The self-consciousness of the community regarding the changes that take place in the progression of the times is the foundation upon which legal awareness is built (Fibrianti et al., 2023). Within the law enforcement realm in Indonesia, legal culture plays a very significant role. To successfully implement procedures in the Administrative Court in the era of Society 5.0, it is necessary to have a legal culture that is in sync with the advancements in technology. The successful implementation of proceedings in the Administrative Court in the era of Society 5.0 must be supported by a legal culture role that aligns with these developments. If, in the past, the implementation of proceedings in the Administrative Court was still conventional or not yet electronic, then this change is necessary to implement proceedings successfully in the Administrative Court.

Implementing processes in the Administrative Court will be challenged if no changes in the legal system’s culture conform to technical advancements. Therefore, taking into consideration the significance of the role that legal culture plays in the implementation of proceedings in the Administrative Court, the government ought to continue to make a variety of efforts to guarantee that the community is aware of the modifications that have been made to the proceedings in the Administrative Court in the era of society 5.0. The government can make efforts to support a legal culture that can uphold the implementation of proceedings in the Administrative Court in the era of Society 5.0. One of these efforts is to provide socialization of several new rules related to the Administrative Court proceedings in the era of society 5.0. Suppose the role of legal culture can function effectively in the renewal of the implementation of proceedings in the Administrative Court through electronic means. In that case, the realization of the value of social justice is also accomplished through the renewal of the implementation of proceedings in the Administrative Court during the era of Society 5.0.

D. Conclusion

Several fundamental changes have been implemented in the Renewal of Proceedings in the State Administrative Court in the era of Society 5.0. These changes include modifications to electronic summoning and electronic domicile, modifications to the reading of complaints and responses in electronic litigation, adjustments to the entry of third parties in electronic hearings, modifications to electronic evidence, and the electronic court decision announcement. Specifically, regarding the services provided by the State Administrative Court, these modifications bring breakthroughs that make it possible to realize excellent judicial services.

In the era of Society 5.0, the function of legal culture is essential in renewing proceedings in the State Administrative Court. This is because it substantially contributes to the smooth proceedings in the State Administrative Court during this period. Within the Renewal of Proceedings in the State Administrative Court in the period of Society 5.0, the function of legal culture has the potential to enable the realization of the principles of Pancasila, precisely the value of Social Justice. In light of the changes that are taking place, legal culture must promote and foster public understanding of citizens’ equitable rights and obligations. The State Administrative Court must enhance the provision of infrastructure and facilities to maximize the use of electronic proceedings and give the general public straightforward opportunities to familiarize themselves with improvements to electronic procedures.

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