

Digitalisation of Syariah Court Procedures in Malaysia: Challenges, Legal Reform and the Pursuit of Maqasid Al-Shariah

Nor Afandi Mohd Sohime^{1*}, Mohd Norhusairi Mat Hussin², Mahamatayuding Samah³

^{1,2,3} University of Malaya, Kuala Lumpur, Malaysia

*Corresponding author: norafandi.sohime@gmail.com

Abstract: Digital transformation has become an essential component of judicial reform, including within the Malaysian Syariah Court system. Various digital initiatives such as e-Filing, e-Bicara, and e-Naziran have been introduced to improve efficiency, accessibility, and transparency in court administration. However, the implementation of digital procedures remains uneven across states due to variations in legal frameworks, technological infrastructure, and institutional readiness. This paper examines the development of digital procedures in the Malaysian Syariah Courts, with particular emphasis on civil procedural mechanisms and their suitability for contemporary judicial needs. Adopting a doctrinal and qualitative methodology, the study analyses relevant legislation, procedural rules, administrative policies, and digital initiatives governing Syariah Court processes. It further explores legal, technological, and institutional challenges affecting digitalisation, including procedural inconsistencies, electronic documentation, online hearings, and access to justice. The analysis is guided by Law and Technology Theory and the principles of Maqasid al-Shariah to evaluate whether digital reforms enhance procedural justice, judicial efficiency, and public interest (maslahah). The findings indicate that digitalisation has significant potential to strengthen case management and judicial administration. Nevertheless, existing procedural laws require reform to accommodate emerging digital practices and ensure greater uniformity across jurisdictions. The paper proposes a framework for legal and procedural reform to establish a more integrated, efficient, and Shariah-compliant digital justice system capable that addresses contemporary challenges in the administration of Islamic law.

Keywords: Syariah Court; Digital Transformation; Civil Procedure; Maqasid al-Shariah; Judicial Reform.

Introduction

Digital transformation has become a foundational pillar of public sector reform, fundamentally reshaping the delivery of government services across the globe. Driven by rapid advancements in information technology, artificial intelligence (AI), cloud computing, data analytics, and digital communication systems, public institutions are increasingly transitioning towards more efficient, responsive, and user-centred service models.

In the context of Syariah Court administration, digital transformation extends beyond the mere digitisation of documents. It represents a comprehensive restructuring of judicial processes, including case management systems, inter-party communication between courts and legal practitioners, and the adoption of electronic hearing mechanisms by Syariah Court judges. These developments collectively aim to enhance efficiency, transparency, and ultimately improve access to justice within the Syariah legal system (Organisation for Economic Co-operation and Development [OECD], 2020; United Nations Development Programme [UNDP], 2021).

This development has led to the emergence of the concept of digital justice, which refers to an approach that integrates digital technology into the judicial system in order to enhance administrative efficiency, accelerate dispute resolution processes, reduce litigation costs, and improve the level of transparency within judicial institutions. According to Susskind (2019), the use of technology in the justice system should not be viewed as a replacement for judges or the principles of justice, but rather as an instrument that supports the more effective delivery of justice. Accordingly, many countries have introduced electronic filing systems, online case management, virtual court proceedings, electronic service of summons and pleadings, as well as other court documents and digital communication platforms to ensure that the justice system remains relevant in line with technological change and meets societal needs (Velicogna, 2022).

In Malaysia, efforts toward digital transformation in the judicial sector have been implemented in a more structured manner through the introduction of the e-Court system in the Civil Courts. This system encompasses various applications such as e-Filing, e-Review, e-Lelong, e-Appellate, as well as an integrated case management system that has contributed to improving the efficiency of court administration while also expediting the resolution of cases. The implementation of this system demonstrates that the use of digital technology is capable of strengthening institutional judicial governance through the coordination of work processes, the reduction of physical document usage, and the enhancement of accessibility to court services (Ahmad & Ahmad, 2021; Jabatan Kehakiman Malaysia, 2024).

In line with these developments, Syariah Courts in Malaysia have also implemented a digitalisation agenda through the development of the e-Syariah system, coordinated by the Syariah Judiciary Department of Malaysia (JKSM). Several states, including Selangor and Sarawak, have actively adopted and utilised this platform, while

other states are still in the process of gradual implementation. This system was developed to strengthen the administrative management of Syariah Courts through the implementation of various digital applications such as e-Filing, e-Trial (e-Bicara), e-Audit (e-Naziran), case management systems, electronic case registration, and digital record storage. This digitalisation initiative forms part of efforts to enhance the efficiency of Syariah judicial service delivery, reduce delays in case management, and improve public access to Islamic judicial institutions (Jabatan Kehakiman Syariah Malaysia, 2024).

Although various efforts and initiatives have been implemented, the digitalisation process within the Syariah Courts continues to face several significant challenges. Unlike the Civil Courts, which fall under the Federal judicial administration system, the Syariah Courts are administered separately by each state based on the jurisdiction outlined in the Ninth Schedule of the Federal Constitution. This administrative structure grants each state autonomous authority in determining enactments, developing technological infrastructure, allocating financial resources, and implementing digital transformation policies according to their respective priorities and capacities. As a result, the level of digital procedure implementation varies significantly between states, thereby creating inconsistencies in procedures, the use of digital applications, and judicial administrative mechanisms (Abdul Monir Yaacob, 2018; Jabatan Kehakiman Syariah Malaysia, 2024).

In addition to issues arising from differences in legal frameworks, the implementation of digital systems is also influenced by several interrelated factors. These include limitations in information technology infrastructure, cybersecurity risks, the level of digital literacy and skills among users, the effectiveness of training provided to judicial officers, as well as the organisational readiness to accept changes in structure and work culture. This situation became more challenging when the use of online proceedings and electronic documents was widely expanded during the COVID-19 pandemic, which required rapid adaptation by judicial institutions. Although these measures successfully ensured the continuity of judicial administration, several issues concerning procedural validity in Syariah Courts, the integrity of electronic documents submitted by lawyers, data protection, and compliance with principles of substantive justice still require further examination from the perspectives of Syariah law and procedural rules (UNDP, 2021; Velicogna, 2022).

Theoretically, technological advancement typically progresses much faster than the processes of law-making and legal strengthening. This phenomenon is often discussed from the perspective of Law and Technology, which emphasises that legal systems must continuously evolve in line with technological innovation to avoid the emergence of a regulatory gap that may create legal uncertainty. In the context of the Syariah Courts in Malaysia, the emergence of digital systems such as e-Filing, e-Trial (e-Bicara), and electronic document management requires improvements to the existing procedural framework (Tatacara Mal) so that every digital procedure can be implemented based on robust, consistent legal provisions that ensure the validity of judicial processes (Moses, 2013; Brownsword, 2019).

At the same time, any reform of the Syariah judicial system must remain grounded in the principles of Maqasid al-Shariah, which will be fully discussed in this study. It is important to understand that digitalisation is not merely intended to improve administrative efficiency, but should also function as a mechanism for realising public interest (maslahah), safeguarding the rights of litigating parties, reducing harm (mafsadah), and strengthening public confidence in Islamic judicial institutions. The principles of protecting wealth (hifz al-mal), preserving dignity (hifz al-'ird), and upholding justice are among the key objectives of Shariah that can be further reinforced through the ethical and controlled use of technology (Auda, 2008; Kamali, 2008).

Building upon these contemporary developments, this paper focuses on examining the implementation of digital procedures within the Syariah Courts in Malaysia, particularly those related to the Civil Procedure (Tatacara Mal) and the extent of their compatibility with the requirements of a modern judicial system. In addition, this study also analyses various issues and constraints arising from legal, institutional, and technological perspectives that may influence the effectiveness of digitalisation in the Syariah Courts. At the same time, several improvement proposals are presented at the end of this article to strengthen the Civil Procedure framework towards a more structured, efficient Syariah judicial system that is aligned with the principles of Maqasid al-Shariah.

Method

This study is conducted using a qualitative approach based on a legal research design, integrating doctrinal and normative analysis as the primary methods. In addition, the study is supported by limited empirical data obtained through semi-structured interviews to strengthen the analytical findings. This approach is selected as it allows for a deeper and more comprehensive evaluation of the adequacy of the existing legal framework as well as the implementation of digitalisation within Syariah Court procedures in Malaysia (Creswell & Creswell, 2018; Yin, 2018). The study prioritises a doctrinal approach as its main method by examining primary legal sources, including the Syariah Court Civil Procedure Enactments of the respective states, Syariah Court Rules, Practice Directions issued by the Syariah Judiciary Department of Malaysia (JKSM), as well as provisions related to procedure and evidence. In addition, secondary sources such as academic journal articles, legal books, and

institutional reports are also consulted to strengthen the analysis. Content analysis is employed to assess the extent to which the existing legal framework is prepared and relevant in supporting the implementation of digital procedures such as e-Filing, e-Trial (e-Bicara), and electronic case management. This study also adopts a comparative method by examining judicial digitalisation practices in other jurisdictions such as Singapore and Indonesia in order to identify best practices and approaches that may be adapted to the context of Syariah Courts in Malaysia (Bowen, 2009; Krippendorff, 2019).

This study also applies a normative approach that focuses on evaluating law in terms of coherence, justice, and effectiveness of implementation, grounded in the principles of Maqasid al-Shariah and procedural justice. Through this approach, analysis is conducted to assess the extent to which existing legal provisions genuinely uphold the objectives of Shariah, particularly in preserving justice (al-'adl), property (al-mal), and the dignity of litigating parties. At the same time, this approach helps identify the existence of gaps or deficiencies in the legal framework (legal gaps) that may affect the effectiveness of implementing digital judicial procedures (Auda, 2008; Kamali, 2008). This study does not involve interviews or fieldwork data collection, but relies entirely on document and literature analysis, including academic articles, institutional reports, and relevant legal sources. The data are analyzed using a conceptual thematic approach by identifying key issues such as technical challenges, legal inconsistencies, and the implications of digitalisation on Syariah litigation practices (Braun & Clarke, 2006). To enhance analytical accuracy, the study also employs comparison across multiple sources through document triangulation (Denzin, 2012). Overall, this approach enables a comprehensive assessment of the digital transformation of Syariah Courts from both legal and practical perspectives (Kvale & Brinkmann, 2015).

Literature Review

1. Digitalisation of the Judicial System in Malaysia

Overall, this indicates that digital transformation has become one of the key drivers of modern judicial reform. This change is not merely cosmetic or technical in nature, but involves a structural transformation of judicial administration that directly affects case management efficiency, procedural transparency, and public access to justice. Within the framework of digital governance, judicial systems are shifting from a traditional model based on physical documents to a more dynamic, responsive, and integrated data-driven system (UNDP, 2021). In the context of the Malaysian Civil Courts, the implementation of systems such as e-Court, e-Filing, and e-Review has demonstrated significant improvements in judicial administration and management efficiency. However, developments within the Syariah Courts remain more gradual and are not yet uniform across states. Previous studies also indicate that these systems not only accelerate case management processes, but also reduce reliance on physical files and minimise the risk of manual errors and delays in handling court documents. In addition, digitalisation enhances the transparency of the judicial system through electronic records that are more easily traceable, reviewed, and audited by stakeholders (Zumrotu Ruzayana, Ulfa Salsabila, & Misbahul Firsha, 2025).

Besides improving efficiency, the implementation of digitalisation in the judicial system also has significant impacts on access to justice, including in the context of the Syariah Courts. Through the use of systems such as e-Filing and online case management, parties involved in litigation are now able to submit documents without the need to physically attend court. This change not only saves time and travel costs, but also reduces logistical and structural barriers that previously limited some segments of society from effectively accessing judicial services. Hence, this digital transformation is seen as an important mechanism in expanding inclusiveness and accessibility within a more modern and responsive Syariah judicial system.

However, in the context of the Malaysian Syariah Courts, digitalisation has evolved along a more complex and uneven trajectory. The e-Syariah and i-Syariah systems developed by the Department of Syariah Judiciary Malaysia (JKSM) represent an important milestone in the effort to modernise the Islamic judiciary in Malaysia. These systems function as integrated case management platforms covering case registration, document management, scheduling of proceedings, as well as data integration between state Syariah Courts (Jabatan Kehakiman Syariah Malaysia [JKSM], 2024).

From an institutional functional perspective, the e-Syariah system does not merely serve to enhance administrative efficiency, but also functions as a foundational mechanism for the development of a more integrated and comprehensive digital judicial ecosystem. Its implementation enables the management and coordination of case data to be carried out in a more structured and systematic manner, while reducing the risk of record duplication and improving the effectiveness of monitoring judicial administrative performance at the national level. Within the framework of contemporary public administration, this development reflects a shift towards a data-driven judiciary model, in which data serves as a core component in judicial decision-making processes and administrative planning (Organisation for Economic Co-operation and Development [OECD], 2020).

2. E-Filing System and Digital Procedures in the Syariah Courts

The development of the e-Filing system in the Malaysian Syariah Courts is one of the key manifestations of the growing judicial digital transformation in line with the national public sector digitalisation agenda. This system was introduced through the e-Syariah platform developed and coordinated by the Department of Syariah Judiciary Malaysia (JKSM) as a strategic effort to strengthen case management efficiency, streamline court administrative processes, and reduce reliance on traditional, time-consuming manual procedures (Jabatan Kehakiman Syariah Malaysia [JKSM], 2024). In this context, e-Filing is not merely a technological innovation, but a structural transformation in judicial workflows that directly affects how documents are filed, processed, reviewed, and managed within the Syariah Court system. From an operational perspective, e-Filing is designed to enable litigants and Syariah lawyers to submit case documents electronically without the need to physically appear at court. Theoretically, this mechanism enhances access to justice, speeds up case registration processes, and reduces administrative congestion at court counters.

For example, in a maintenance claim case in the Syariah Court, without the e-Filing system, litigants are required to physically attend the court counter to file documents. If the documents are incomplete, the case file cannot be registered and must be resubmitted on another day, leading to delays in the registration process as well as in the scheduling of hearing dates. In addition, physical service of documents also takes a longer time to reach the opposing party. This situation differs from e-Filing, which allows documents to be submitted online in a faster, more efficient, and systematic manner.

Therefore, the e-Filing system is important as it supports the integration of digital case management, enabling case records to be stored in a more organised, easily accessible, and transparent manner for purposes of monitoring and judicial auditing. In the context of modern public administration, e-Filing also forms part of the digital governance approach, which emphasises efficiency, accountability, and institutional transparency (United Nations Development Programme [UNDP], 2021).

The effectiveness of e-Filing implementation in the Syariah Courts does not depend solely on legal and administrative aspects, but is also significantly influenced by the level of readiness of information and communication technology (ICT) infrastructure in each institution. Many studies have found considerable disparities in ICT facilities among state courts, including inconsistent internet connectivity, the absence of a fully integrated database system, and variations in technical capacity across judicial institutions. These imbalances directly affect the smooth operation of digital systems, particularly in ensuring that electronic filing processes can be carried out efficiently and continuously without technical disruptions (Mahmod, Buang, Mohd Sufi Mohd Rani, & Mohd Norhusairi Mat Hussin, 2024). In some instances, these infrastructural weaknesses have caused disruptions to electronic filing processes, delays in document processing, and inconsistencies in case records across systems.

This study also emphasizes that the success of e-Filing implementation should not be viewed purely as a technological issue, but must be analyzed within institutional, legal, and Shari'ah value frameworks. In the context of Maqasid al-Shariah, the e-Filing system should support the objectives of preserving justice (*ḥifẓ al-'adl*), protecting wealth (*ḥifẓ al-māl*), and safeguarding the dignity of litigants (*ḥifẓ al-'ird*). Therefore, any weaknesses in the implementation of this system that result in delays, lack of transparency, or procedural unfairness may be considered contrary to the fundamental objectives of the Shariah within the Islamic judicial system.

Overall, studies on e-Filing and digital procedures in the Syariah Courts indicate that although there has been significant progress in judicial digitalization, its implementation still faces various multidimensional challenges. These challenges include infrastructure limitations, human resource capacity, legal frameworks, and inconsistencies in policies across states. Hence, the literature suggests the need for a more comprehensive, standardized, and integrated legal and administrative framework to ensure that the e-Filing system can truly function as a catalyst for Syariah judicial efficiency, aligned with Islamic principles of justice and the requirements of modern digital transformation.

3. Online Proceedings in Shariah Law: Admissibility of Digital Evidence and Validity of Procedure

From a legal and Islamic jurisprudential perspective, discussions on online proceedings in Syariah courts primarily focus on the admissibility of digital evidence and the validity of procedural conduct within a virtual environment. Technological advancement has significantly transformed the landscape of evidentiary practice by expanding the types of materials that may be submitted in court, including electronic documents, emails, digital recordings, and system-generated data, all of which are increasingly utilised in contemporary judicial practice. Previous literature further emphasises that the use of digital evidence requires a more detailed and systematic regulatory framework to ensure the authenticity of evidence, the continuity of the chain of custody, and the reliability of information presented throughout court proceedings (Alias, Wan Ismail, Baharuddin, & Tuan Ibrahim, 2025). These elements form a fundamental basis in ensuring that digital evidence is not exposed to risks of manipulation and is able to maintain a level of reliability comparable to traditional physical evidence. Accordingly, the inherently mutable nature of digital evidence necessitates the implementation of comprehensive

verification mechanisms, including system authentication, chain of custody procedures, and digital identity verification to safeguard data integrity throughout the litigation process.

This approach is consistent with the general principles of proof in Syariah, which require certainty and clarity in every claim, as stated in the fiqh maxim “*al-bayyinah ‘ala al-mudda’i wa al-yamin ‘ala man ankar*”, meaning that the burden of proof lies on the claimant, while denial is accompanied by an oath from the party being accused. This principle substantively reinforces the requirement that every form of evidence, including digital evidence, should only be admitted when it meets a reasonable standard of certainty and its authenticity is properly established.

In the context of the Syariah Courts, this issue becomes more complex as it involves the interaction between classical evidentiary principles under Islamic law and contemporary technological developments. Therefore, clarity and firmness in legal provisions relating to digital evidence are essential to ensure that court proceedings conducted in a digital environment are not challenged on grounds of procedural validity. In the absence of uniform guidelines, there is a likelihood of divergent judicial approaches among judges and across different states in the admission of electronic evidence.

In addition, previous studies have also indicated that the Syariah law of evidence framework has not yet fully evolved in tandem with digital technological advancements, particularly in relation to electronic forms of proof and the conduct of online proceedings. This situation necessitates urgent improvements to existing provisions to strengthen the validity of digital judicial procedures, including clearer recognition of electronic evidence, the establishment of digital identity verification mechanisms, and the development of more consistent guidelines for the implementation of online proceedings in the Syariah Courts (Alias, Wan Ismail, Baharuddin, & Abdul Mutalib, 2021).

Results and Discussion

1. Implications of Digital Transformation on the Syariah Courts

This study’s findings indicate that the implementation of digital transformation in the Syariah Courts in Malaysia has brought widespread impacts on judicial administrative systems, public access to justice services, professional competency development, as well as the relationship between judicial institutions and the Muslim community. Overall, this digitalisation process should not be viewed merely as a technical change; rather, it represents a structural shift affecting case management, court service delivery, and the forms of interaction between judicial institutions and parties involved in litigation. Previous literature also shows that the use of technology in the judicial system can enhance efficiency, transparency, and accuracy in case management. However, its effectiveness still depends on factors such as infrastructure readiness, institutional preparedness, and user acceptance of the changes (Organisation for Economic Co-operation and Development [OECD], 2020; United Nations Development Programme [UNDP], 2021).

From a policy and judicial administration perspective, the findings of this study indicate that the implementation of the e-Syariah system has served as an initial catalyst in the development of a more structured digital judicial ecosystem in Malaysia. However, the analysis also reveals a significant implementation gap among states, particularly in terms of system maturity, technological infrastructure, and procedural standards. These disparities have affected efforts to achieve nationwide harmonisation in the administration of Syariah justice. Accordingly, digital transformation within this institution requires a more comprehensive and coherent policy framework, including the strengthening of legal provisions and the enhancement of court procedures to align with contemporary needs and the objectives of Maqasid al-Syariah, which emphasise justice and public interest (Auda, 2008; Kamali, 2008).

In addition, the study finds that digitalisation has positively improved access to justice, especially for lawyers who face challenges related to travel across states, time constraints, and financial costs. Systems such as e-Filing have facilitated more efficient case registration and document management among legal practitioners, in line with global developments in digital justice systems that emphasise fast and convenient access to judicial services (Susskind, 2019). Nevertheless, the findings also show that digital inequality remains a major concern that may undermine the principle of equal access to justice. This issue is particularly evident among rural communities and individuals with lower levels of technological literacy, thereby limiting their ability to fully benefit from digital judicial systems (United Nations Development Programme [UNDP], 2021).

From the perspective of professional capacity development, the shift towards digitalisation in the Syariah Court necessitates an urgent need to enhance skills and training among judicial human resources. Judges, syarie lawyers, and court officers must be equipped with adequate digital literacy to enable them to manage electronic case systems, handle digital evidence, and conduct online proceedings more efficiently and accurately. For example, current practices refer to the implementation of Practice Direction No. 12 of 2021 on wakalah, guidelines on the administration of wakalah for syarie lawyers, as well as provisions relating to the use of affidavits in civil cases conducted through remote communication methods.

Although this framework has been introduced, there is still a need to obtain certain letters of authorisation or approvals from lawyers for related applications. This situation indicates that the implementation of such approaches has not yet been carried out comprehensively and uniformly across all Syariah Courts. In relation to existing practices such as Practice Direction No. 12 of 2021, guidelines on wakalah for syarie lawyers, and the use of affidavits for remote civil proceedings which still require additional approvals and procedures. This study emphasises that the implementation of these systems should be supported by more systematic, continuous, and comprehensive training programmes. This approach is essential to ensure that all relevant parties fully understand and master the prescribed digital procedures, thereby enhancing the effectiveness of digital judicial transformation in the Syariah Courts without compromising the integrity and credibility of the judicial process (OECD, 2020).

From the social perspective and in terms of client–court relations, this study finds that digitalisation of the Syariah Courts has the potential to enhance clients' confidence in Islamic judicial institutions that are more modern, transparent, and responsive to contemporary needs. This transformation not only strengthens the efficiency of the justice delivery system but also facilitates clients' access to court services that are faster, more accessible, and more transparent. Within the framework of Maqasid al-Shariah, these changes support the preservation of justice, dignity, and the overall welfare (maslahah) of the parties involved, particularly the clients, in a more comprehensive manner (Auda, 2008).

Overall, the findings of this study demonstrate that digital transformation in Malaysia's Syariah Courts has significant potential to strengthen the judicial system in terms of efficiency, integrity, and access to justice. However, its successful implementation depends on policy standardisation, infrastructure improvement, enhancement of human resource capacity, and legal reforms that support the comprehensive adoption of technology within the framework of Syariah Civil Procedure.

2. Challenges in the Implementation of Digital Transformation

This discussion focuses on a critical analysis of the study findings related to the implementation of digitalisation in Syariah Court procedures in Malaysia. An assessment is conducted on the effectiveness of existing systems, while also identifying various challenges and constraints arising in the implementation process. At the same time, the study evaluates the need for improvements and reforms to the relevant legal and policy frameworks to ensure the continuity of a more structured digital transformation. Overall, the findings indicate that the digitalisation process in the Syariah judicial system is progressing and producing positive impacts; however, it has not yet reached a fully coordinated, uniform, and mature level that can comprehensively support a truly technology-driven administration of justice at an optimal level.

From the perspective of digital procedural effectiveness, the study finds that the implementation of systems such as e-Filing, e-Bicara, e-Review, as well as the integrated case management system of the Syariah Court (e-Syariah), has had a positive impact on case management efficiency.

The use of these systems accelerates the filing process of Statements of Claim (PT), Statements of Defence (PB), and Replies to Defence, as well as the Bundles of Documents and Pleadings Bundles, while also facilitating electronic and systematic document management. This is consistent with Practice Direction No. 8 of 2022 issued on 2 December 2022 regarding the Guidelines for Case Management in Civil Matters for Filing Document Bundles, Case Facts, and Statements of Evidence.

In addition, the system also supports case scheduling, case mention management, and more orderly conduct of proceedings at the Syariah Court. Overall, the integration of these digital procedures has improved the efficiency of court administration and facilitated the overall flow of Syariah litigation processes. However, this effectiveness still depends on the level of institutional readiness and infrastructure at the state level. This indicates that technology alone does not guarantee the effectiveness of the judicial system without the support of uniform governance and consistent implementation policies (OECD, 2020).

From the perspective of implementation constraints, the findings of this study show that the effectiveness of Syariah Court digitalisation is influenced by three main issues, namely differences in legal frameworks between states, limitations in information technology infrastructure, and uneven levels of digital skills among legal practitioners. Differences in provisions within the State Syariah Civil Procedure Enactments have created variations in how digital procedures are interpreted and implemented. This situation also creates legal uncertainty, as some states have explicitly provided for the implementation of e-proceedings, while others still rely on older case management systems (Brownsword, 2019).

In addition, the study also found that weaknesses in information and communication technology (ICT) infrastructure are among the factors disrupting the smooth implementation of the digital judicial system. Issues such as inconsistent internet access, lack of fully integrated systems, and insufficient digital equipment in certain courts have affected the effectiveness of the system's operation. This situation is not merely a technical issue but also affects the principle of equality in access to justice. In this regard, the existence of a digital divide may lead to unequal access to judicial services between urban and rural areas (United Nations Development Programme [UNDP], 2021).

From the perspective of human resources, this study finds that the level of digital literacy among judges, syariah lawyers, and court officers remains inconsistent. This has created differences in the acceptance and use of digital systems in court proceedings. The absence of systematic training and continuous competency development programmes has also been identified as one of the factors contributing to the inefficiency of comprehensive digital system implementation. In addition, this study also shows that syariah lawyers in particular do not receive exposure and training equivalent to that provided to officers in other government institutions. This situation has resulted in gaps in understanding and skills in the use of digital court systems, which in turn may affect the smooth conduct of proceedings and the overall effectiveness of digital transformation among legal practitioners.

From a legal perspective, this study shows that the framework of the Syariah Court Civil Procedure (Tatacara Mal) remains underdeveloped in line with current technological needs. The absence of specific provisions on the recognition of electronic documents, digital signatures, and online proceedings has created legal uncertainty. This affects the principles of reliability and integrity of judicial proceedings, particularly when judges are required to exercise discretion in assessing the validity of digital evidence without uniform guidelines. This is a current reality in Syariah Courts. Within the Law and Technology framework, this situation reflects the urgent need for legal reform to avoid a gap between technological development and the existing legal structure (Moses, 2013; Brownsword, 2019).

From the perspective of Maqasid al-Shariah, this study shows that the implementation of digitalisation in the judicial system is generally in line with Shariah objectives, particularly in efforts to preserve justice, wealth, and human dignity. However, every form of technological implementation must be carefully examined to ensure that it does not give rise to new harms (mafsadah), such as unequal access to the system, issues of data security and confidentiality, and the risk of misuse or manipulation of electronic evidence. Therefore, a balance between the benefits of technology and the protection of Shariah principles must always be emphasised in the implementation of judicial digital transformation. Accordingly, technology in the Syariah judicial system should be regarded as a means (wasilah) that is subordinate to the objectives of Shariah, rather than an absolute goal that overrides the principles of justice itself (Auda, 2008; Kamali, 2008).

Overall, this study concludes that the main issue hindering the development of digital transformation in the Syariah Courts does not stem from a lack of technology, but rather from the lack of alignment between the legal framework, institutional structure, and policy implementation at various levels. If this inconsistency is not addressed comprehensively, it may undermine the objectives of Shariah, particularly in terms of justice, information security, and the integrity of evidentiary processes in the digital judicial system. Therefore, any reform efforts must be implemented in a holistic and integrated manner, including amendments to the Syariah Civil Procedure rules, harmonisation of digital procedural standards across states, and continuous strengthening of training and competency development for human resources. Without such comprehensive reform, the true potential of digitalisation in strengthening the Syariah judicial system will be difficult to achieve optimally in line with the demands of justice and the welfare objectives of Shariah.

3. Maqasid al-Shariah Perspective

From the perspective of Maqasid al-Shariah, digital transformation is aligned with the objectives of preserving justice, dignity, and public interest (maslahah). However, it must be implemented with caution to avoid risks such as unequal access, data security issues, and manipulation of digital evidence (Auda, 2008). The implementation of systems such as e-Syariah, e-Filing, and online proceedings is not merely a technical change, but an institutional reform that directly affects the realisation of justice, as well as the preservation of property and individual dignity.

From the perspective of the preservation of justice (hifz al-‘adl), the use of digital systems in case management has helped to expedite court proceedings, reduce case delays, and enhance transparency in judicial administration. This is consistent with the principle of justice as a core foundation of the Islamic judicial system (Auda, 2008). At the same time, the preservation of property (hifz al-māl) is also supported through the reduction of travel costs, time, and logistical burdens borne by litigants, in line with findings on the efficiency of digital judicial systems (OECD, 2020).

In addition, digital transformation also has implications for the preservation of dignity (hifz al-‘ird), as online case management and electronic documentation can reduce excessive exposure to sensitive issues in open court proceedings. However, these benefits can only be fully realised if data security and confidentiality are given serious attention. In the context of the Syariah judiciary system, information security is particularly critical as it involves personal data, family matters, and sensitive documents requiring a high level of confidentiality. From a legal perspective, however, the implementation of digital systems in Syariah Courts is still not fully supported by a comprehensive and uniform legal framework.

The State Syariah Court Civil Procedure Enactments only provide general provisions relating to service of documents under Sections 41 to 45, which remain oriented toward physical documentation (ETMMS Selangor 2003). However, there are no specific provisions detailing electronic documents, digital signatures, or the admissibility of digital evidence, unlike the civil legal framework such as the Digital Signature Act 1997 and the

Electronic Commerce Act 2006. This creates an interpretive gap that may affect the consistency of judicial practice.

Within the framework of Law and Technology, this situation reflects a gap between the rapid development of judicial technology and the capacity of the law to adapt accordingly. From the perspective of legislative and administrative reform, this study finds that a more responsive and adaptive legal reform is an urgent and necessary requirement to ensure that the Syariah judicial system remains relevant, consistent, and effective in the digital era, as well as to prevent the law from lagging behind current technological realities.

From an institutional and organisational culture perspective beyond technical and legal frameworks, this study emphasises that institutional factors and organisational culture are key elements influencing the success of digitalisation in the judiciary system. The level of acceptance among judges, Syariah lawyers, and court officers plays a significant role in determining the effectiveness of digital system implementation in daily court practice. In some cases, there is also resistance to change, arising from comfort and familiarity with long-established manual systems.

Overall, the Maqasid al-Shariah-based analysis shows that digital transformation has strong potential to strengthen the Syariah judicial system in terms of efficiency, transparency, and access to justice. However, this potential can only be fully realised if issues such as inter-state inconsistency, the digital divide, infrastructure weaknesses, and the lack of a clear legal framework are comprehensively addressed. Therefore, this study concludes that a more holistic, structured, and integrated reform is required to ensure that digital transformation in the Syariah judicial system can be achieved optimally, in line with the objectives of Maqasid al-Shariah and the needs of a modern judicial system.

4. Reform of the Civil Procedure (Tatacara Mal) for Strengthening the Digital Syariah Judicial System

- a) The following are proposed reforms to the framework of the Civil Procedure (Tatacara Mal) in order to strengthen the Syariah judicial system so that it becomes more integrated, efficient, and aligned with the principles of Maqasid al-Shariah, as follows:
- b) Civil Procedure framework of the Syariah Courts of the respective states should be strengthened through specific amendments to provisions relating to document filing, service of documents, and case record management, particularly Sections 41 to 45 of the ETMMS concerning service of documents and summons, as well as provisions relating to case registration and management. This strengthening should explicitly incorporate recognition of digital technology as part of official court procedures, including electronic filing, online case management, and the acceptance of electronic documents and electronic evidence as legally valid forms of proof under Syariah law. The formulation of such clear provisions is essential to ensure that every judicial process has a strong legal foundation, remains consistent, and does not depend on differing interpretations across states.
- c) Efforts to standardise procedures across states should be strengthened through a national coordination mechanism led by the Department of Syariah Judiciary Malaysia (JKSM), particularly via the Practice Directions of the Chief Syariah Judge of each state and resolutions from the Conference of Chief Syariah Judges of Malaysia. This standardisation should be based on existing legal frameworks, including Sections 41 to 45 of the State Syariah Court Civil Procedure Enactments, which govern the service of documents, and should be expanded through an integrated interpretation with the State Syariah Court Evidence Enactments that recognise relevant documents and evidence in court proceedings.
- d) In addition, harmonisation should also take into account provisions under the State Syariah Court Evidence Enactments, particularly Section 3 (definition of “document”), Section 48 (admissibility of electronic documents/computer documents, where provided in certain state enactments such as Selangor), and Sections 83–85 (computer documents and the admissibility of electronic evidence as well as the requirements for authentication). These provisions, in principle, open the space for the acceptance of digital forms of evidence in court proceedings. This approach allows procedural and evidentiary standards to be aligned more consistently across states through an integrated interpretation of both procedural enactments and evidence enactments.
- e) From the perspective of judicial administration, standardisation should be implemented technically through the enforcement of Practice Direction of the Chief Syariah Judge No. 1 of 2018 (Case Management Procedures of the Syariah Court) and Practice Direction of the Chief Syariah Judge No. 2 of 2018 (e-Syariah and Electronic Case Management), which serve as the foundation for the implementation of digital-based case management systems in the Syariah Courts. The scope of standardisation should also include technical specifications such as electronic document format standards (PDF/A), digital identity authentication protocols, the use of electronic signatures in line with the Digital Signature Act 1997 (Act 562), as well as centralized case data integration through the e-Syariah system.
- f) Although the Syariah Courts fall under state jurisdiction as provided under Article 74 of the Federal Constitution and the State List (List II, Ninth Schedule), the need for procedural uniformity in digital judicial practice requires a national standardisation approach to avoid inconsistencies between states. Such

inconsistencies may affect system integrity, procedural consistency, and the overall efficiency of case management within the Syariah digital judicial ecosystem. In this regard, the development of a standard digital Syariah Civil Procedure model could serve as a primary reference for all State Syariah Courts, without infringing upon the jurisdiction and autonomy of the states as guaranteed under the Federal Constitution.

- g) From an operational judicial perspective, the integrated case management system of e-Syariah under the coordination of JKSM should be expanded to connect all levels of the Syariah Courts through a centralized database that enables real-time information sharing. This integration is essential to ensure a uniform flow of case data covering case registration, hearing status, and court decisions. Such an initiative would reduce issues of data fragmentation between states, duplication of records, and administrative errors, while simultaneously enhancing case management efficiency and the overall transparency of the Syariah judicial system.
- h) At the same time, aspects of information security and the privacy of involved parties must be strengthened through more comprehensive legal provisions relating to cybersecurity, including mechanisms for digital identity authentication and the protection of judicial data. This approach is consistent with the principles of Maqasid al-Shariah, particularly the preservation of property (ḥifẓ al-māl) and dignity (ḥifẓ al-‘ird), which require that every judicial process be conducted in a fair, secure, and integrity-preserving manner.
- i) Human capital capacity building should be strengthened through continuous training supported by the Chief Syarie Judge Practice Directions related to e-Syariah, as well as the administrative powers of the courts under the State Syariah Court Civil Procedure Enactments. Such training should cover the use of e-Filing systems, electronic document management, and compliance with digital judicial procedures. This measure is essential to ensure uniform implementation, enhance system efficiency, and strengthen justice and transparency within the Syariah Court system.

All of these reform proposals illustrate the need to strengthen the Civil Procedure framework of the Syariah Courts towards a more structured, coherent, and integrated digital judicial system. The strengthening of legal provisions, harmonisation of procedures between states, and integration of case management systems under JKSM are seen as important steps to ensure that judicial implementation is no longer fragmented, but instead operates within a more uniform and efficient digital ecosystem. At the same time, these reforms also require a balance between state autonomy and the need for national standardisation so that procedural integrity, the validity of digital evidence, and the smoothness of case management can be consistently maintained. With the support of human capital training and strengthened data security aspects, this transformation is ultimately expected to reinforce a more transparent, trustworthy Syariah judicial system that is aligned with the objectives of Maqasid al-Shariah in terms of justice and the preservation of public interest.

Conclusion

Overall, this study concludes that digital transformation in the Syariah Courts in Malaysia has brought significant improvements in case management efficiency, the smoothness of judicial processes, and the expansion of access to justice through the implementation of systems such as e-Filing and e-Syariah. However, these benefits have not yet been fully realised due to inconsistencies in implementation across states, limitations in technological infrastructure, and legal frameworks that have not fully adapted to the requirements of digital judicial procedures. Accordingly, this study emphasises that the proposed reforms are critical to ensuring the overall effectiveness of this transformation. Among the key aspects that must be prioritised are amendments and strengthening of the Syariah Court Civil Procedure (Civil Procedure) framework to explicitly recognise digital procedures, the standardisation of practices between states through national coordination mechanisms, the legal recognition of electronic documents and electronic evidence, the strengthening of the centralised integration of the e-Syariah system, and continuous human capital development among legal practitioners and judicial officers.

Ultimately, from the perspective of Maqasid al-Shariah, these reforms are not merely technical necessities but substantive requirements to ensure that the digital Syariah judicial system continues to uphold justice, integrity, and the protection of the public interest (maslahah). With the implementation of integrated and consistent reforms, the Syariah judicial system in Malaysia has the potential to become more uniform, modern, and resilient in facing current technological developments.

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