

JUDICIAL INDEPENDENCE IN THE AGE OF ONLINE CIVIL COURTS: A COMPARATIVE STUDY OF INDONESIA AND HUNGARY

UMAR MUBDI*

PhD Student at Doctoral School of Law and Political Sciences, University of Szeged, Hungary; and Faculty of Law, Universitas Gadjah Mada, Indonesia

Abstract

This study compares the experience of Indonesia and Hungary to examine how the independence of judicial is reformed in the development of online civil courts. The research aims to analyze how the principles of constitutional independence are translated into digital justice reform and how technological innovations influence the balance between independence, accountability and transparency. In the methodology of this study, the analysis of constitutional provisions, legislative frameworks, administrative structures and digital judicial policy in both countries uses a doctrinal legal method. The main sources of law are combined with doctrinal writings on the independence of the judiciary, the judicial trilemma, and digital civil procedure to identify institutional and technological factors influencing the autonomy of the judiciary. The findings indicate that Indonesia and Hungary are adopting different reform pathways. Indonesia follows an “innovation first model” where digital systems, such as e-Court, were introduced ahead of comprehensive regulatory adjustments, while Hungary adopted a “regulatory first model” through the codification of the Civil Procedure Code (2016) and the E-Government Act (2015) before the full implementation of digitalization. Despite these differences, both countries face similar challenges in harmonising digital systems with the guarantees of independence of the Constitution. In Indonesia, gaps in civil procedural law and central control of digital platforms raise concerns about administrative pressure through technical mechanisms. Although Hungary’s regulatory framework is comprehensive, the centralization of the administrative authority within the National Court of Justice creates a risk of management influence on judges. Overall, the study concludes that online civil courts can only support judicial independence if their technical design, organizational structure and constitutional principles work together.

Keywords: Judicial Independence, Online Courts, Comparative Law

1. INTRODUCTION

Judicial independence is a pillar of the state of law that has two main objectives.¹ Each is the fulfillment of the right to a fair trial and the embodiment of the principle of separation of powers. The first goal is often referred to as the “subjective factor” and the second goal is referred to as the “objective factor”.² A number of other studies then reduced subjective factors into several indicators, namely the appointment of judges, tenure, and intervention prevention.³ Meanwhile, objective factors contain a number of main principles such as the principle of alternity which is simply translated as accountability and transparency.⁴ These factors can only be glued together in a democratic ecosystem. Because, in democracy, there is a meritocratic process for law enforcers who

¹ Rafael Bustos Gisbert, “Judicial Independence in European Constitutional Law,” *European Constitutional Law Review* 18, no. 4 (2022): 591–620, <https://doi.org/10.1017/S1574019622000347>.

² *Ibid.*, pg. 603.

³ A. M. Singhvi, “Judicial Independence and Accountability—Who Should Adorn the Bench?” *Indian Journal of Public Administration* 45, no. 3 (1999): 399–403, <https://doi.org/10.1177/0019556119990309>; Bustos Gisbert, “Judicial Independence in European Constitutional Law,” pg. 604–606.

⁴ R Stevens, “A Loss of Innocence? Judicial Independence and the Separation of Powers,” *Oxford Journal of Legal Studies* 19, no. 3 (1999): 365–402, <https://doi.org/10.1093/ojls/19.3.365>; see Bustos Gisbert, “Judicial Independence in European Constitutional Law,” pg. 607.

want to occupy a structural position in judicial power.⁵ Thus, the culture of law and judicial independence are complementary to realize the rule of law.

However, the existence of these subjective and objective factors gives birth to a "trilemma" in judicial independence.⁶ This trilemma is in the form of a dynamic relationship between the principles of independence, accountability, and transparency. Independence requires that the court be free from internal and external interference so that the decisions made are fair.⁷ Furthermore, accountability is related to the accountability of judges obtained from the monitoring, evaluation, and ethical enforcement processes.⁸ Meanwhile, transparency at the minimum limit requires a trial that is open to the public and traceability of the trial process to the verdict.⁹

By observing these three principles, the problem arises only when the reinforcement of one principle will suppress the other. For example, if transparency is too extreme by opening up the entire internal process of the trial, then public pressure is very likely to interfere with the independence of the judge. If accountability with tightening supervision is carried out, then the judge's freedom in deciding cases will also be compromised. On the other hand, if independence is emphasized without sufficient accountability, then judges can act arbitrarily. This condition often occurs due to the failure of judicial reform in balancing the focus and priorities of strengthening.¹⁰

Understanding the context of these values and principles can lead us to a discourse on digital-based judicial reform, especially in the civil court. The digitization of the civil court, in the theoretical framework, by Engstrom (2021) is termed as "digital civil procedure" to show changes in trial procedures and court governance.¹¹ This means that digitalization has changed the trial forum from initially *in-person* to *online-based*. This is possible with the development of *virtual meeting technology, cloud storage, or websites* that can facilitate the registration process, trials, and verdicts.¹² In addition, court governance has also undergone major transformations such as reduced physical documents, expanded public access to judgments, and savings in accommodation costs in litigation.¹³ Susskind (2019) also uses the term "online court" to describe the digitization of the judiciary in general.¹⁴ One of the aspects emphasized by him is that digitalization can mean radical changes as well as *transformative changes*. The two directions of the change, for example, can be found in the change in the duties of the court clerk to make trial documentation or conduct the summons process.

The problem now is that the digitization of the civil justice does not stop at changing trial procedures and governance. However, digitalization has also changed the court's attitude towards independence

⁵ Filipe Marques and Paulo Pinto De Albuquerque, eds., *Rule of Law in Europe* (Cham: Springer Nature Switzerland, 2024), <https://doi.org/10.1007/978-3-031-61265-7>.

⁶ Jeffrey Dunoff & Mark Pollack, The Judicial Trilemma, 111 *AJIL* 225 (2017); see Mauricio Guim, "The Judicial Trilemma Visits Latin American Judicial Politics," *AJIL Unbound* 111 (2017): 354–58, <https://doi.org/10.1017/aju.2017.80>, pg. 354.

⁷ Mauricio Guim, *Op.cit.*

⁸ Christopher Phiri, "Judicial Independence Through Accountability: Why and How to Remove Judges in Zambia," *Journal of African Law* 69, no. 2 (2025): 213–32, <https://doi.org/10.1017/S0021855325000026>.

⁹ Francesco Viganò, "Protecting Judicial Independence by Strengthening Public Confidence in the Judiciary", in Marques and Pinto De Albuquerque, *Rule of Law in Europe*, pg. 51-53.

¹⁰ Helen Keller and Severin Meier, "Independence and Impartiality in The Judicial Trilemma," *AJIL Unbound* 111 (2017): 344–48, <https://doi.org/10.1017/aju.2017.85>.

¹¹ Engstrom, David Freeman. "Digital Civil Procedure." *University of Pennsylvania Law Review* 169, no. 2243 (2021): 2258.

¹² HiiL. *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation*. 2021. <https://www.hiil.org/wp-content/uploads/2021/11/HiiL-Use-of-digital-technologies-in-judicial-reform-and-access-to-justice-cooperation.pdf>.

¹³ Hartung, Dirk, Florian Brunnader, et al. *The Future of Digital Justice* (The Netherlands: Boston Consulting Group, 2022). https://ink.library.smu.edu.sg/sol_research/4631.

¹⁴ Richard Susskind, *Online Courts and the Future of Justice* (Oxford: Oxford University Press, 2019).

as the highest value and principle of judicial power.¹⁵ To argue this disposition, Indonesia and Hungary can be the locus of analysis. Based on Article 24 paragraph (1) and Article 25 of the 1945 Constitution of the Republic of Indonesia (the Constitution of Indonesia), the institution of judicial power and the requirements for the appointment of judges in Indonesia must be regulated in a law.¹⁶ Law Number 48 of 2009 concerning Judicial Power (the Judicial Power Act) is the main rule in the judicial system which is a derivative of Article 24 paragraph (1) of the Constitution of Indonesia. The Judiciary Power Act aims to ensure the independence of judges and realize a clean and credible judiciary.¹⁷ Unfortunately, in the midst of the judicial reform process, online courts in Indonesia are more regulated through regulations under the Supreme Court.¹⁸ Moreover, the rules in the regulation are technical in nature without providing guidance on how independence, accountability, and transparency are balanced in the era of judicial digitalization. The concern that arises then is the normative deviation from the principles in the Constitution of Indonesia into its particular arrangement.

In the Hungarian context, Article 28 paragraph (1) of the 2011 Fundamental Law of Hungary (the Fundamental Law) states that everyone has the right to an independent and impartial tribunal, established in accordance with the law, and a trial open to the public and in a timely manner. Article 26 paragraph (1) of the Fundamental Law reaffirms that judges are obliged to be independent and only subject to the law. Nevertheless, Victor Orbán's government in 2011 has carried out structural reforms to the judiciary through the CLXI Act of 2011 on the Organisation and Administration of Courts. This structural reform placed the National Office for the Judiciary (NOJ) as the holder of control of the administration of the courts in Hungary which had previously replaced the National Judicial Council (NJC).¹⁹ This control includes the authority to transfer judges, distribute cases, or appoint court leaders.²⁰ With regard to the digitization process, electronic communications began to be introduced in Hungary in 2013 and two years later have been made available in all courts optionally.²¹ In order to make technical adjustments and strengthen the role of digital in the courts, the government has repealed the CXXX of 2016 on the Code of Civil Procedure (the CCP Act) and Act CCXXII of 2015 on the General Rules for Trust Services and Electronic Transactions (the E-Government Act).²² Note regarding this digitalization is that there is a need for the integration of electronic communication systems and a comprehensive legal background.²³ Thus, the experience of judicial power in Hungary demonstrates the importance of judicial independence built on the basis of structural reform and technological adaptation.

Based on the description above, at least this article will touch on a number of analysis keywords such as judicial independence, judicial reform, and digitalization. A number of studies place emphasis on various aspects. Tom Ginsburg & Nuno Garoupa (2009), for example, emphasize the issue of judicial institutional reform that needs to be adjusted to the local context.²⁴ Daniel E. Chand (2009) argues

¹⁵ Helen Keller and Severin Meier, *Op.cit.*, pg. 1-2.

¹⁶ Article 24 paragraph (1) of the Indonesia's Constitution states that "*Judicial power is exercised by a Supreme Court and other judicial bodies in accordance with the law*"; Article 25 of Indonesia's Constitution states "*The conditions for becoming and being dismissed as a judge are determined by law*".

¹⁷ It is listed in the consideration section of the Indonesia's Judiciary Power.

¹⁸ Umar Mubdi, 2025, "New Round of Civil Justice Reform", <https://www.hukumonline.com/berita/a/babak-baru-reformasi-peradilan-perdata-lt6809d75d3bbe4/>, accessed on 15 November 2025.

¹⁹ Kriszta Kovács and Kim Lane Scheppele, "The Fragility of an Independent Judiciary: Lessons from Hungary and Poland—and the European Union," *Communist and Post-Communist Studies* 51, no. 3 (2018): 189–200, <https://doi.org/10.1016/j.postcomstud.2018.07.005>.

²⁰ *Ibid.*

²¹ Dávid Tóth and Nárcisz Projics, "The Digitalization of the Hungarian Justice System," *Gubernaculum et Administratio* 1(25) (2022): 229–48, <https://doi.org/10.16926/gea.2022.01.15>.

²² *Ibid.*, pg. 229-230.

²³ *Ibid.*, pg. 246.

²⁴ Nuno Garoupa and Tom Ginsburg, "Guarding the Guardians: Judicial Councils and Judicial Independence," *American Journal of Comparative Law* 57, no. 1 (2009): 103–34, <https://doi.org/10.5131/ajcl.2008.0004>.

for structural protection for judges in online courts to minimize the risk of administrative bias.²⁵ Included in this case are clear provisions regarding the career path and role of judges so as not to affect independence.²⁶ Neil Chisholm (2014) also implies that the reform of the judiciary should be able to simplify bureaucracy.²⁷

By examining the description above, this article finds its significance in examining how the principle of independence in a constitution is translated into digital-based judicial reform. So, the discussion in this article will lead to two areas. *First*, the regulation and understanding of the principle of independence in the constitutions of Indonesia and Hungary. *Second*, the experience of Indonesia and Hungary in designing and implementing digital-based civil justice reform that is in line with independence.

2. THE PRINCIPLE OF JUDICIAL INDEPENDENCE IN THE INDONESIAN AND HUNGARIAN CONSTITUTIONS

In many countries, judicial independence is an important principle that has always been governed by the modern constitution.²⁸ In fact, the literature says this principle is operational at the highest level. It is not only a normative principle that needs to be translated into other laws and regulations.²⁹ The operation of this principle is directed as an effort to ensure an independent judicial power and is free from the intervention of other parties. One of the literature that needs to be referred to is Gisbert (2019) which identifies independence into three meanings. *First*, the subjective meaning in the sense that judges individually are free from the pressures of other branches of power.³⁰ *Second*, objective meaning is related to institutional structures and separation of powers designed to prevent mutual influence and autonomy.³¹ *Third*, the meaning of status is related to the certainty of the judge's career guarantee such as promotion mechanisms, mutations.³²

In addition, judicial independence is also influenced by historical and institutional factors. Hayo and Voigt (2007) show that although the constitution has provided *de jure* protection for judicial independence, it is often not achieved *de facto*.³³ One way to anticipate this is to associate the design of judicial institutions with historical or political factors. Still related to this factor, Bell (2006) provides a sociological perspective on the principle of independence in the constitution. He said that, in the civil law tradition, the career structure of judges is more seniority and creates dependence.³⁴ On the other hand, in the common law tradition, judicial independence is realized through the mechanism of appointing judges by public elections and selective authorities.³⁵

In this sub-chapter, this article will discuss the regulation of the principle of judicial independence in the constitutions of Indonesia and Hungary. In addition, a number of regulations at the EU level will also be incorporated given its position as a supranational entity. A comparison of the regulation

²⁵ Daniel E. Chand, "Protecting Agency Judges in an Age of Politicization: Evaluating Judicial Independence and Decisional Confidence in Administrative Adjudications," *The American Review of Public Administration* 49, no. 4 (2019): 395–410, <https://doi.org/10.1177/0275074019829608>.

²⁶ Gar Yein Ng, "The Transfer of Judges and Judicial Independence," *Hague Journal on the Rule of Law*, ahead of print, September 8, 2025, <https://doi.org/10.1007/s40803-025-00262-7>.

²⁷ Neil Chisholm, "The Faces of Judicial Independence: Democratic versus Bureaucratic Accountability in Judicial Selection, Training, and Promotion in South Korea and Taiwan," *American Journal of Comparative Law* 62, no. 4 (2014): 893–950, <https://doi.org/10.5131/AJCL.2014.0027>.

²⁸ Garoupa and Ginsburg, *Op.cit.*, pg. 110-113.

²⁹ *Ibid.*

³⁰ Bustos Gisbert, *Op.cit.*, pg. 601-620.

³¹ *Ibid.*

³² *Ibid.*

³³ Bernd Hayo and Stefan Voigt, "Mapping Constitutionally Safeguarded Judicial Independence—A Global Survey," *Journal of Empirical Legal Studies* 11, no. 1 (2014): 159–95, <https://doi.org/10.1111/jels.12038>.

³⁴ John Bell, "Judicial Cultures and Judicial Independence," *Cambridge Yearbook of European Legal Studies* 4 (2001): 47–60, <https://doi.org/10.5235/152888712802761798>.

³⁵ *Ibid.*

of judicial independence needs to be taken to see the normative construction and institutional design of judicial power. This can ultimately be useful for the preparation of analysis to strengthen judicial independence in the digital era.

2.1. *Judicial Independence in the Constitution of Indonesia*

Indonesia, as a state governed by the rule of law, affirms the existence of the separation of powers.³⁶ Judicial power is specifically regulated in Article 24 paragraph (1) of Indonesia's Constitution, which states that judicial authority is exercised by the Supreme Court together with other courts established by statute. This provision indicates that judicial power in Indonesia is vertically structured with a single highest judicial body.³⁷ In this regard, the Supreme Court becomes the highest judicial institution for the settlement of civil, criminal, administrative, and religious cases. Meanwhile, the Constitutional Court, which is equal in status to the Supreme Court, serves as the highest judicial institution handling five types of cases. These include judicial review of statutes against the Constitution, dissolution of political parties, disputes over the authority of state institutions, electoral disputes, and decisions concerning presidential impeachment.³⁸

The provisions on judicial power are further elaborated in the Judicial Power Act. One of the judicial administration principles regulated in this law is judicial independence. Article 3 of the Judicial Power Act emphasizes that in carrying out their duties and authority, judges and constitutional judges have an obligation to maintain judicial independence. In essence, judicial independence within the framework of the Judicial Power Act may be explained through three dimensions.

First, independence based on judicial structure. This means that judicial institutions do not fall under other branches of power, namely the executive and legislative branches. In the Indonesian context, structural independence is reflected in Article 18 of the Judicial Power Act, which states that judicial authority is exercised by the Supreme Court together with the courts under it within the jurisdictions of general courts, religious courts, military courts, and administrative courts, as well as by the Constitutional Court. This provision signifies that there are two top-level judicial bodies: the Supreme Court and the Constitutional Court.³⁹ Under the Supreme Court, various judicial jurisdictions exist depending on the subject and object of the case. For context, general courts handle civil and criminal cases for citizens at large. Religious courts only handle cases involving citizens of the Islamic faith and matters concerning Islamic law. Military courts adjudicate members of the national armed forces who violate military law. Administrative courts rule on cases involving decisions of administrative bodies.

All four judicial jurisdictions ultimately converge at the Supreme Court as the highest court. This makes the Supreme Court the locus for cassation proceedings.⁴⁰ Consequently, two levels of courts exist below the Supreme Court. Each of them is district courts at the regency/municipal level, and high courts at the provincial level. Within the Supreme Court itself, judicial chambers are established to handle general, religious, administrative, and military matters. Practically, Indonesia's judicial system still features what Crouch (2019) terms "dependent specialised courts," referring to special

³⁶ Andi Muhammad Asrun, Zainal Arifin Hossein, "Evolution of Indonesian Judiciary: From Struggle of Independence to Crisis of Accountability," *Russian Law Journal* 11, no. 2 (2023), <https://doi.org/10.52783/rlj.v11i2.886>.

³⁷ Simon Butt, "Constitutional Court Decisions on the Judicial Independence of Other Indonesian Courts," *Constitutional Review* 9, no. 2 (2023): 247, <https://doi.org/10.31078/consrev922>.

³⁸ Butt, *Op. cit.*, pg. 249.

³⁹ Dian Rositawati, 2019, 'Judicial governance in Indonesia : Judicial independence under the One Roof System', Doctor of Laws, Tilburg University., <https://research.tilburguniversity.edu/en/publications/3cdbf6bf-2616-46f3ab2d-c6e4516c6969>, accessed 10 March 2026.

⁴⁰ Article 20 of The Judicial Power Act.

courts with particular subjects and objects outside the four main jurisdictions.⁴¹ An example is the corruption court, which specifically adjudicates corruption cases but procedurally remains within the general court system.

The above explanation illustrates that judicial power, structurally, does not depend on other branches of government. Courts are established hierarchically, each with distinct roles and functions such that one does not influence another. District and high courts function as *judex factie* (examining facts), while the Supreme Court acts as *judex juris* (examining the application of law).⁴²

Second, independence based on function. As the executors of judicial power, courts in Indonesia have three functions, such as confirming disputed facts (*constantir*), determining the applicable law for those facts (*qualifisir*), and imposing legal consequences (*constituir*).⁴³ These three judicial functions must be carried out independently by each judge handling a case, not only free from executive or legislative interference, but also independent from influence by fellow judges, including court leadership.

Third, independence based on budgeting. This dimension means that judicial authorities can plan and manage their budget independently without excessive dependence on the executive branch. Previously, when the judiciary remained under the Ministry of Justice (before the “one-roof” reform of 1999-2000), budget planning and management were controlled by the executive.⁴⁴ This created non-autonomous judicial budgeting, strong executive influence and intervention, and limited judicial institutional development.⁴⁵ After the “one-roof” reform, all organizational, administrative, and financial matters shifted from the Ministry of Justice to the Supreme Court. Since then, judicial authorities have possessed their own powers to carry out judicial functions without fiscal constraints.

In addition to these three dimensions, Article 24B of the Constitution of Indonesia also regulates ethical oversight of judges by the Judicial Commission. This oversight includes proposing candidates for Supreme Court justices and exercising relatively broad authority to maintain the honor, dignity, and conduct of judges. Such authority is further regulated in Law No. 18 of 2011 on the Judicial Commission. The Judicial Commission thus represents an important constitutional component for ensuring judicial independence, although in practice debates frequently arise concerning the limits of its supervisory powers.⁴⁶

2.2. Judicial Independence in the Constitution of Hungary

Judicial independence in Hungary also stems from constitutional directions. Article C (1) of the Fundamental Law regulates that the functions of the State shall be exercised on the basis of the principle of separation of powers. Thus, the judiciary is categorized as a branch that different from the executive and legislative powers. Furthermore, any person shall be guaranteed the right to be tried by a court established by law on the basis of independence and impartiality.⁴⁷ Article XXVIII (1) of the Fundamental Law affirmed this point and stressed that the trial must be conducted in a

⁴¹ Melissa Crouch, “The Judicial Reform Landscape in Indonesia: Innovation, Specialisation and the Legacy of Dan S. Lev,” in *The Politics of Court Reform*, 1st ed., ed. Melissa Crouch (Cambridge University Press, 2019), 1–28, <https://doi.org/10.1017/9781108636131.001>.

⁴² Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*, (Yogyakarta: Liberty, 2006).

⁴³ *Ibid.*, pg. 80-115.

⁴⁴ Dian Rositawati, *Op.cit.*, pg. 83-102.

⁴⁵ *Ibid.*

⁴⁶ Bambang Sutiyo, “Penguatan Peran Komisi Yudisial dalam Penegakan Hukum di Indonesia,” *Jurnal Hukum Ius Quia Iustum* 18, no. 2 (2011): 266–84, <https://doi.org/10.20885/iustum.vol18.iss2.art7>.

⁴⁷ Zoltán Fleck, “Changes of the Judicial Structure in Hungary – Understanding the New Authoritarianism,” *Osteuropa Recht* 64, no. 4 (2018): 583–99, <https://doi.org/10.5771/0030-6444-2018-4-583>.

transparent, fair and reasonable time. These provisions together provide a solid basis for judicial independence to be supported by the principles of separation of powers and fair trials.⁴⁸

Concerning institutional design, the Fundamental Law places the Kúria (Curia) as the highest judicial body.⁴⁹ One characteristic of the Curia's function is ensuring uniformity in the application of jurisprudence across the tiered court structure.⁵⁰ Below the Curia are the regional courts of appeal, followed by regional courts as courts of first instance, and at the lowest level, the district courts.⁵¹ At the same level as district courts and regional courts, there are administrative and labour courts, with appeal mechanisms handled by administrative and labour regional colleges.⁵² Meanwhile, the Constitutional Court functions as the guardian of the constitution, with primary authority to review the constitutionality of norms and to adjudicate constitutional claims.⁵³

The effectiveness of this institutional design largely depends on the judicial administration system.⁵⁴ In 2011, Hungary's judicial power underwent significant reform through the establishment of the National Office for the Judiciary (NOJ) and the National Judicial Council (NJC).⁵⁵ The NOJ holds central judicial administrative authority, including powers over human-resource management, case allocation, judicial recruitment, administrative supervision of courts, and other functions.⁵⁶ The NOJ is led by a president nominated by the President of Hungary and elected by parliament.⁵⁷ The NJC, on the other hand, functions as an independent oversight body supervising the central judicial administration carried out by the NOJ President.⁵⁸ The NJC also holds authority to issue opinions and comments on draft judicial regulations and to give approval for certain personnel matters.⁵⁹ This makes the NJC a balancing mechanism to ensure that judicial authority within the NOJ does not become overly centralized and remains accountable.

Regarding independence at the level of individual judges, the Fundamental Law affirms several principles. Each of them is judges are independent and subject only to the law, must not receive instructions related to judicial activities, must not engage in political affiliation, and may only be removed from office for reasons and through procedures set out in a cardinal act.⁶⁰ Furthermore, the appointment of professional judges is carried out by the President of the Republic, while the President of the Kúria is elected by Parliament for a nine-year term with a two-thirds majority.⁶¹ Nevertheless, guarantees of personal judicial independence remain vulnerable to certain policies. For example, in 2012 there was a change in the judicial retirement age from 70 to 62 years that drove changes in the composition of the judiciary. The European Court of Justice (CJEU) subsequently ruled that this policy

⁴⁸ Bán-Forgács Nóra, "Judicial Independence in Hungary: A Theoretical Framework (MTA Law Working Papers, No. 2024/18)". *MTA Centre for Social Sciences, Institute for Legal Studies.*, <https://jog.tk.elte.hu/en/mtalwp/judicial-independence-in-hungary-a-theoretical-framework?download=pdf>, accessed 10 March 2026.

⁴⁹ See Article 25 (1) of the Fundamental Law.

⁵⁰ See Article 25 (3) of the Fundamental Law.

⁵¹ Courts of Hungary, "Hungarian Judicial System", <https://birosag.hu/en/hungarian-judicial-system>, accessed 10 March 2026.

⁵² *Ibid.*

⁵³ See Article 24 of the Fundamental Law.

⁵⁴ Chand, *Op.cit.*, pg. 395-396.

⁵⁵ Courts of Hungary, "National Office for the Judiciary", <https://birosag.hu/en/national-office-judiciary>, accessed 10 March 2026.

⁵⁶ *Ibid.*

⁵⁷ European Commission, "Commission Staff Working Document: 2020 Rule of Law Report: Country Chapter on the rule of law situation in Hungary", <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020SC0316>, accessed on 10 March 2026.

⁵⁸ Courts of Hungary, "About the National Office for the Judiciary", <https://birosag.hu/en/en/en/about-us/about-the-noj>, accessed 9 March 2026.

⁵⁹ *Ibid.*

⁶⁰ See Article 26 (1) of the Fundamental Law.

⁶¹ See Article 26 (2) of the Fundamental Law.

constituted excessive age discrimination under Directive 2000/78/EC.⁶² In other words, European judicial independence standards are assessed not only by domestic constitutional standards, but also by EU legislation requiring effective protection of intangibility.

Institutional and administrative dimensions of the judiciary have also continued to evolve. The Hungarian government reported post-2019 reforms up to 2023, including requiring NJC approval for NOJ secondments and revising case-allocation mechanisms in the Kúria to enhance predictability.⁶³ In December 2023, the European Commission stated that several judicial reforms undertaken by Hungary were sufficient to meet the EU's basic requirements for judicial independence.⁶⁴ As a result, some previously frozen EU funds were allowed to be released.⁶⁵ However, the Commission emphasized that monitoring would continue, and fund suspension in other rule-of-law-related areas would remain in place.⁶⁶

Ultimately, this landscape interacts with the broader principle of the rule of law within the European Union. In addition to the CJEU ruling on the judicial retirement age, tensions are also evident in the asylum sector. On 13 June 2024, the CJEU imposed a lump-sum penalty of €200 million plus a €1 million daily fine for Hungary's non-compliance with the Court's 2020 judgment on international protection procedures.⁶⁷ The CJEU regarded Hungary's conduct as a deliberate circumvention of common EU policies, amounting to a serious breach of EU law.⁶⁸ Although this issue lies outside the narrow domain of judicial administration, the legal consequences reinforce that the effectiveness of national courts as "EU courts in situ" is a prerequisite for the enforceability of EU law.⁶⁹ Thus, standards of judicial independence and accountability carry a transnational dimension with direct implications at the national level.

Overall, the Fundamental Law sets out several core principles, including separation of powers, guarantees of fair trial, the Kúria as the highest court ensuring uniformity of law, the Constitutional Court as guardian of the constitution, and guarantees of judicial independence and irremovability at the personal level.⁷⁰ However, experiences over the past decade demonstrate that the quality of independence is profoundly shaped by administrative configurations (the relationship between the NOJ and the NJC), career and retirement policies, and fiscal-institutional support. In addition, the CJEU's normative adjustments also encouraged the judicial reform in Hungary. Thus, proper reading of Hungarian judicial independence must include the interconnected layers of constitutional, administrative and supranational order that shape the system.

⁶² Transparency International Hungary. "Justice Sector (Igazságszolgáltatás)." <https://transparency.hu/en/kozszeaktor/igazsagszolgalatas/>, accessed 10 March 2026.

⁶³ European Commission, 2025 Rule of Law Report: Country Chapter on Hungary, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025+Rule+of+Law+Report+-+Country+Chapter+Hungary.pdf, accessed 8 March 2026.

⁶⁴ European Commission, "Commission considers that Hungary's judicial reform addressed deficiencies in judicial independence, but maintains measures on budget conditionality", https://ec.europa.eu/commission/presscorner/api/files/document/print/et/ip_23_6465/IP_23_6465_EN.pdf, accessed 10 March 2026.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ Court of Justice of the European Union, "Press Release No 99/24", <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-06/cp240099en.pdf>, accessed on 8 March 2026.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ Hungarian Helsinki Committee and Transparency International Hungary, "A Sauron's Eye in the Hungarian Justice System", https://helsinki.hu/wp-content/uploads/2024/05/A_Saurons_eye_in_the_Hungarian_Justice_System_20240531.pdf, accessed 10 March 2026.

3. CIVIL JUDICIAL REFORM TOWARDS ONLINE COURTS

3.1. Design Principles of Digital Civil Reform

The transformation of the judiciary toward online courts is fundamentally not only about digitizing procedural rules, but also about strengthening the normative and institutional foundations of a modern civil justice system.⁷¹ In this regard, digital justice reform must be based on three fundamental principles, such as independence, accountability and transparency.⁷² In addition, the organizational structure supporting online courts must be designed to prevent political influence from entering the judicial process.⁷³ More technically, information-technology governance and administrative management of the judiciary have a direct impact on the independence of the judiciary.⁷⁴ Therefore, this section explains the three components of this concept.

Table.1. Principles of Digital Civil Judicial Reform

No.	Aspects	Formulated Conceptions
1.	Judicial Trilemma (Guim, 2017)	The three values (independence, accountability, transparency) are pressing each other so that they cannot be maximized at the same time.
2.	Organizational Structure (Chand, 2019)	Independence increases if adjudication is separated from administrative functions.
3.	Bureaucratic Accountability (Chisholm, 2014)	Judicial independence can strengthen accountability or even strengthen the bureaucratization of the judiciary.

Source: Author's compilation, 2026

First, the digitalization of the judiciary can be designed with an understanding of the Judicial Trilemma, chiefly the condition in which independence, accountability, and transparency cannot be strengthened simultaneously. When transparency or accountability is raised too high, judicial independence is compressed. Conversely, when independence is prioritized, accountability and transparency may weaken. In the context of digital courts, this issue becomes more pronounced because technology makes judicial processes far more “visible.” Features such as case-monitoring platforms or case-information dashboards make each stage of the proceedings easily traceable. While this provides benefits in terms of transparency and internal oversight, it may also turn into a “pressure factor” if such data is used to evaluate, promote, or reassign judges. Therefore, digital systems must be carefully designed so that transparency is maintained without undermining judicial independence.

Still within the framework of the judicial trilemma, Guim (2017) explains that balancing these values does not require maximizing a single one, but rather designing institutions such that stakeholders have no incentives to undermine independence, accountability, or transparency.⁷⁵ He shows that extreme prioritization of one value leads to political consequences that harm other value. For instance, a long judicial term could exacerbates the government’s attempts to weaken judicial independence. Thus, the balance can only be achieved by the institution's design of individualized accountability mechanisms, distributed powers, and forms of transparency that do not make judges

⁷¹ Richard Susskind, *Op.cit.*, pg. 95-121.

⁷² Guim, *Op.cit.*, pg. 354; see also Jennifer Hillman, “Independence at the Top of the Triangle: Best Resolution of the Judicial Trilemma?,” *AJIL Unbound* 111 (2017): 364–68, <https://doi.org/10.1017/aju.2017.83>.

⁷³ Chand, *Op.cit.*, pg. 399-400.

⁷⁴ Chisholm, *Op.cit.*, pg. 940-947.

⁷⁵ Guim, *Op.cit.*

vulnerable to pressure. Basically, the system must be structured in such a way that no actor benefited from undermining any of these three values, but rather from a conflict between them.

Second, the success of judicial digitalization is not determined solely by technology, but also by how organizational structures are designed to preserve neutrality in judicial processes. Chand (2019) shows that judicial independence becomes stronger when adjudication is placed within institutions that are fully separated from executive bodies capable of influencing outcomes.⁷⁶ In the context of digital courts, this structural separation becomes even more important because numerous technical aspects may affect case processing, such as automated randomized case distribution or access to data that should remain confidential. If the organizational structure does not create sufficient distance between judges and court administrative units, or even worse between judges and other branches of government, then the potential for indirect influence becomes significantly higher.

Third, judicial digitalization also requires close attention to how judicial bureaucracy and technological governance influence judicial independence. Neil Chisholm (2014) explains that judicial independence is not determined solely by legal rules, but is also heavily shaped by processes of judicial selection, training, and promotion.⁷⁷ In this sense, independence may strengthen judicial accountability or may instead reinforce judicial bureaucratization. From this perspective, technology can become a new factor that intensifies bureaucratization. Each aspect of a judge's work can now be measured in detail, such as case-completion speed, decision patterns, or comparative productivity. This may generate subtle forms of pressure as judges feel constantly monitored, thereby reducing their freedom to make decisions independently. Furthermore, technology opens the possibility of algorithmic bias, such as when case-allocation systems operate on technical parameters unknown to users. For this reason, technological governance must ensure that technical controls do not undermine the autonomy of judicial functions.

3.2. Civil Court Reform in Indonesia

The implementation of the e-court system, one of the most important milestones in modernising civil litigation in Indonesia, is a new phase of the reform of Indonesian civil courts.⁷⁸ This change is not just the shift from physical hearing to electronic hearing, but also the reconstruction of how the court operates and interacts with the litigants. Digitalization accelerates dispute resolution processes, reduces transaction costs and expands access to justice.⁷⁹ At the same time, however, digitalization raises new challenges in terms of independence, transparency and quality of case governance when courts are obliged to fill legislative gaps. Therefore, the reform of the Indonesian civil courts must be analyzed within the framework of the theory of the independence of the judiciary and the institutional design aimed at strengthening the autonomy of the judiciary in the digital age.

Since the Supreme Court launched the e-Court system in 2018, which includes e-filing, e-payment, e-summons, and e-litigation, the operation of civil courts has changed significantly.⁸⁰ The e-filing feature allows parties to file lawsuits and upload documents online without physically attending the courthouse. The e-payment feature enables digital payment of case fees. The e-summons feature facilitates electronic service of process to make summons more efficient, while e-litigation allows the electronic exchange of submissions and enables parts of the hearing to be conducted virtually.

⁷⁶ Chand, *Op.cit.*

⁷⁷ Chisholm, *Op.cit.*

⁷⁸ Dedi Putra, "A Modern Judicial System in Indonesia: Legal Breakthrough of E-Court and E-Legal Proceeding," *Jurnal Hukum Dan Peradilan* 9, no. 2 (2020): 275, <https://doi.org/10.25216/jhp.9.2.2020.275-297>.

⁷⁹ Don Marco Marchetti, "Digital Justice and Human Security: Evaluating E-Court Reforms in Italy and Indonesia", *Jurnal Paradigma Hukum Pembangunan* 11, no. 1 (2026): 1-42.

⁸⁰ Dian Latifiani et al., "Reconstruction of E-Court Legal Culture in Civil Law Enforcement," *Journal of Indonesian Legal Studies* 7, no. 2 (2022): 441–48, <https://doi.org/10.15294/jils.v7i2.59993>.

Although these functions accelerate the process and make it more efficient, digitalization also raises new problems. Many digital evidence, such as e-mails, video recordings, electronic transactions, digital signatures, etc., are complex and require rigorous procedures to ensure authenticity.⁸¹ Furthermore, all steps of electronic systems actually create audit trail, which actually increases transparency, but only when standards of integrity and data integrity are consistently applied will they be meaningful. Without these safeguards, digitalization could create new legal uncertainties, such as disputes over upload timestamps or metadata authenticity. Unfortunately, these matters are not fully regulated by the laws of the Indonesian colonial legacy of civil proceedings, the HIR (*Herzegovina Inlandsch Regulation*) and the RBg (*Rechtreglement voor de Buitengewesten*). As a result, the Supreme Court had to fill this gap with circulars (SEMA), Supreme Court Regulations (PERMA) and case law. This model is consistent with Boston's (2024) argument that when legislators are slow to respond to the needs for reform, courts often play a role in establishing procedural standards through the establishment of judicial laws, especially in modern administrative matters and civil litigation.⁸²

In addition, the effectiveness of digital justice also depends on the quality of case management. Technology should help courts manage case loads, electronic calendars and document flow. However, without a substantive reform of Indonesian civil procedure, courts are obliged to create their own rules to address the gap. This may blur the line between the legal role and the legislative role. This tension is evident when almost all operational aspects of the electronic court are governed by PERMA and the basic civil procedure law is still outdated.

In terms of judicial human resources, digitalization also affects judicial independence. Gar Yein Ng (2025) emphasizes that independence does not arise solely from constitutional rules, but also from transparent systems of transfer, promotion, and evaluation.⁸³ From this perspective, Indonesia's digital systems generate detailed performance data, such as case counts or disposition speed, which may become bureaucratic control tools if not properly regulated. To ensure a safe and functional digital judicial system, technology governance must also be improved. The e-Court system requires strong cybersecurity standards, data-protection measures, and clear separation between technical authority and judicial authority. Because technology management remains centralized under the Supreme Court, independent oversight must be strengthened to prevent excessive concentration of technical power that could compromise judicial independence.

Finally, Indonesia's reform of the civil courts has moved in the right direction with the electronic court system. Its success cannot be measured solely by administrative efficiency or the volume of cases. Digitalization must ensure that fundamental values such as independence, responsibility and transparency remain unchanged in the judiciary. Reform of civil procedure, strengthening human resources governance, and strengthening IT governance are essential conditions for sustainable development and compliance with procedural justice principles in Indonesia's digital justice system.

3.3. Civil Court Reform in Hungary

The reform of the Hungarian civil court in recent decades has shown that digitalization not only accelerates services, but also redefines the fundamental way of the judiciary.⁸⁴ Digitalization was systematically carried out through major legislative reforms, such as the CCP Act and the E-Government Act.⁸⁵ With these reforms, the Hungarian judiciary entered a new era where procedural

⁸¹ *Ibid.*

⁸² Joshua Boston et al., "Political Competition and Judicial Independence: How Courts Fill the Void When Legislatures Are Ineffective," *Journal of Law and Courts* 12, no. 1 (2024): 165–84, <https://doi.org/10.1017/jlc.2023.16>.

⁸³ Ng, *Op. cit.*, pg. 4-6.

⁸⁴ Nagy and Tóth, "E-Justice in Hungary with Special Regard to Administrative-Court Cases", *European Review of Digital Administration & Law (ERDAL)*, Vol. 5, No. 1 (2024), 185-191.

⁸⁵ CMS International Law Firm, "Digital Litigation in Hungary", https://cms.law/content/versionview/627141/5/eng-GB/site_access/dp_eng, accessed 10 March 2026.

rules were designed from the outset to comply with digital technologies. The transition was supported by the national cyber government strategy and a wide range of digital infrastructures, including compulsory electronic communication in civil and administrative matters, the use of personal access points as well as automated forms filling, deadline monitoring and speech recognition systems to support judicial workflows.⁸⁶ The digitization of the Hungarian judiciary accelerated further during the 2020 Covid19 epidemic. According to Osztovits (2022), Hungary has implemented digital courts programmes since 2018, and is ready to respond quickly to the crisis, which means that judges and courts are already technologically ready to go online trials and remote hearings.⁸⁷ In the period of emergency, the government issued special rules (Veirs) requiring hearings to be conducted through electronic networks. Due to the absence of complete technical rules, the Supreme Court of Curia issued a judgment from the Civil Court of Curia No. 2/2020 (30.4.20) aimed at standardizing electronic trial practices, including approved software (Skype for Business), rules on trial advertising and record process procedures. These innovations were later incorporated into the amendments to the Civil Procedure Code, making remote hearings permanent features of the procedural law and not temporary emergency measures.⁸⁸

Beyond online hearings, Hungary has also expanded its e-justice features. As noted by Nagy & Tóth (2024), courts now provide an E-file system allowing online access to case documents, a duration calculator that estimates the expected length of proceedings using historical data, and an online complaint service to enhance transparency in public services.⁸⁹ These systems are integrated with the Digital Court project, which automates anonymization of decisions and the publication of a jurisprudence database, although significant challenges remain, particularly the quality of the decision search engine, which is considered insufficiently modern.⁹⁰

On the technical side, Tóth & Projics (2022) show that Hungary's judicial digitalization rests on two major pillars, such as electronic communication and the use of communication networks in evidence-taking and witness examination.⁹¹ Electronic communications are detailed in the E-Government Act and the CCP Act, which require legal entities, lawyers and public authorities to communicate electronically with courts. For example, Articles 622-624 of the CCP Act provide for the use of electronic communications networks for evidence and online hearings. The main features include document validation mechanisms, digital signature recognition, and mandatory upload of supporting documents. In addition, videoconference-based evidence is becoming common when physical presence is a burden for witnesses, experts and even plaintiffs and defendants to examine.

However, Hungarian digitalization also presents important challenges.⁹² Several issues include the perceived rigidity of civil procedural law, the highly centralized structure of judicial administration, and the frequent regulatory changes needed to adapt to evolving circumstances. Additionally, the use of automated decision-making has begun to develop in administrative contexts but cannot yet be applied to civil adjudication, as judicial decision-making still requires human judgment.⁹³ Another important observation is that digital reform demands greater transparency in the appointment and rotation of judges, especially because digital records increasingly facilitate public oversight.

⁸⁶ Courts of Hungary, "Electronic Procedure", <https://birosag.hu/en/electronic-procedures>, accessed 10 March 2026.

⁸⁷ Andras Osztovits, "Hungarian Civil Procedure Law's Response to the Covid Challenge," *Wroclaw Review of Law, Administration & Economics* 12, no. 2 (2022): 12–28, <https://doi.org/10.2478/wrlae-2023-0019>.

⁸⁸ *Ibid.*, pg. 17-21.

⁸⁹ Nagy and Tóth, *Op.cit.*

⁹⁰ *Ibid.*

⁹¹ Tóth and Projics, *Op.cit.*, pg. 230-233.

⁹² Osztovits, *Op.cit.*

⁹³ *Ibid.*

3.4. Comparative Analysis: Judicial Independence in Digital Courts in Indonesia and Hungary

The comparison between Indonesia and Hungary in the context of online civil courts demonstrates that digitalization has become a critical factor in reshaping the structure of judicial independence that both countries have constitutionally established. In Indonesia, the normative basis for independence is articulated in Article 24 of the Constitution of Indonesia, which affirms the judiciary as an autonomous and independent branch of power. The multilayered judicial structure, comprising district courts, high courts, and the Supreme Court, along with the Constitutional Court as guardian of constitutionality, reflects a strong model of structural independence. In Hungary, the principle of separation of powers is codified in Article C(1) of the Fundamental Law, while guarantees for an open, fair, and timely trial are contained in Article XXVIII(1). Formally, both countries place the judiciary beyond the reach of the executive and legislative branches.

The “innovation-first” framework characterizes Indonesia’s trajectory. The e-Court policy has accelerated administrative processes and expanded access to services, but it has simultaneously shifted the locus of control from the physical courtroom to centralized digital platforms managed by the Supreme Court. In this setting, independence is no longer tested solely by judicial structure, but also by technological design, such as who controls document workflows, who can access judges’ activity logs, how case-distribution algorithms operate, and how the authenticity of electronic evidence is determined.

Digitalization introduces technical parameters that may expand the potential for indirect administrative influence, for example through performance metrics or system configurations that shape case-handling patterns. Consequently, innovation must be accompanied by clear and written procedural standards for digital processes so that constitutional guarantees of independence can effectively protect judges from technology-based pressures. At this point, regulatory gaps have led the Supreme Court to fill voids through PERMA and SEMA, practically useful, yet highlighting the urgency of harmonizing civil procedure law so that innovation remains aligned with constitutional principles.

By contrast, the “regulatory-first” framework describes Hungary’s evolution, where digitalization is rooted in the CCP Act and integrated with the E-Government Act. As a result, electronic communications, qualified electronic signatures, reliable timestamps and the use of official gateways (e.g. *egyfélkapu*) operate on consistent legal and technical standards. This model addresses procedural gaps and aligns national practices with EU supranational standards. However, normative independence does not automatically translate into practical independence. The concentration of administrative powers within the NOJ, including authority over the distribution of cases, promotions and judicial appointment, raises major concerns and makes the National Judicial Council (NJC) an important internal check and balance mechanism. In its assessment of Hungarian legal regulations, the Venice Commission has highlighted the importance of transparency in the management of the legal profession to ensure compliance with the principles of fair trial and separation of powers.⁹⁴ Unresolved issues, such as the dispute over the reduction in the age of judiciary retirement, however, demonstrate that the independence of justice has a supranational dimension. This shows that the decisions of the European Union judicial institutions can directly affect the design of the national institutional structures and the composition of the judicial bodies.

Together, these patterns illustrate the trade-offs that must be carefully managed. Indonesia’s innovation-first approach delivers service acceleration but carries the heavy burden of regulatory harmonization and safeguarding independence from the technocratization of judicial processes.

⁹⁴ European Commission for Democracy through Law (Venice Commission). “Hungary: Opinion on the amendments to the Act on the organisation and administration of the Courts and the Act on the legal status and remuneration of judges adopted by the Hungarian parliament in December 2020.” CDL-AD(2021)036-e. Adopted at the 128th Plenary Session, Venice/online, 15–16 October 2021. Council of Europe. <https://www.coe.int/en/web/venice-commission/-/cdl-ad-2021-036-e>.

Hungary's regulatory-first approach provides normative certainty and standardization but must ensure that administrative architecture does not erode judicial autonomy. At the design level, balancing administrative efficiency with judicial autonomy becomes the key determinant. Digital systems now define how cases are processed, how evidence is evaluated, and how judges perform their roles. Therefore, both Indonesia and Hungary must treat the governance of digital platforms as an issue of constitutional governance, encompassing standards of data authentication and integrity, audit-trail sovereignty, transparency and accountability of algorithms, and the delineation of boundaries between technical and judicial functions. Problems in information-technology governance may threaten independence more significantly than traditional forms of political intervention.

From this comparison, three potential implications emerge. *First*, constitutional principles of independence must be translated into explicit digital procedural guidelines so that judicial protections operate effectively in practice. *Second*, organizational structures must ensure that adjudicative authority is not subsumed by managerial authority, while preventing excessive administrative concentration. *Third*, information-technology governance must be positioned as a constitutional pillar.

Accordingly, digital reform that preserves independence is one that integrates all three dimensions in a comprehensive manner. Indonesia is moving from procedural innovation toward the need for regulatory harmonization, whereas Hungary is moving from digital codification toward the need for administrative strengthening. In both contexts, judicial independence in the era of online civil courts can only be preserved if digitalization is treated as an institutional reform.

4. CONCLUSION

The analysis of Indonesia and Hungary shows that judicial digitalization operates within a tension between the principle of judicial independence and the demands of procedural modernization. Classical understandings of judicial independence, subjective independence (freedom of judges from interference) and objective independence (an accountable and transparent judicial structure), must now adapt to the new characteristics of digital justice. In Indonesia, the e-Court innovation has accelerated services but has developed more rapidly than the procedural framework, leading the Supreme Court to assume a dominant role in filling normative gaps. This produces an innovation-first approach, which requires regulatory harmonization to ensure that the principles of independence, accountability and transparency remain unchanged. In Hungary, legal reforms such as the CCP Act and the E-Government Act established the regulation-first approach to resolve the legal framework before fully implementing digitalization. This gives strong normative certainty, but administrative challenges persist due to the concentration of powers in the NOJ.

The two countries demonstrate that digitalization is shifting the independence of the physical court room to a digital ecosystem governed by algorithms, audit trails and data governance. In this context, independence is shaped not only by the constitutional design, but also by the control of the flow of documents, the distribution of cases, judicial compliance and electronic evidence integrity. Thus, the development of online civil courts must be done within the framework of constitutional governance, because the quality of information-technology governance has a direct impact on the space of judicial independence and the dynamics of institutional powers. In Indonesia, the main needs include reforming the Civil Procedure Law, strengthening information-technology governance and restructuring administrative relations to prevent digital innovation from creating new bureaucratic pressures. The central challenge for Hungary is to ensure that highly centralized administrative structures do not undermine digital efficiency and respect the rules of law at the European Union level. Overall, the comparison shows that digitalization of the judiciary can only strengthen independence when implemented through a coherent institutional framework.

ACKNOWLEDGEMENT


I would like to express my sincere gratitude to my PhD supervisor, Dr. Kitti Bakos Joóné, for her continuous guidance, encouragement, and intellectual support throughout the development of this

research. I am equally grateful to my co-supervisor, Dr. Gyengéné Dr. Nagy Márta, whose insightful feedback and constructive comments have been invaluable in refining the conceptual foundations of this work.

REFERENCES

1. Asrun, Andi Muhammad, and Zainal Arifin Hossein, "Evolution of Indonesian Judiciary: From Struggle of Independence to Crisis of Accountability," *Russian Law Journal* 11, no. 2 (2023), <https://doi.org/10.52783/rlj.v11i2.886>.
2. Bell, John, "Judicial Cultures and Judicial Independence," *Cambridge Yearbook of European Legal Studies* 4 (2001): 47-60, <https://doi.org/10.5235/152888712802761798>.
3. Butt, Simon, "Constitutional Court Decisions on the Judicial Independence of Other Indonesian Courts," *Constitutional Review* 9, no. 2 (2023): 247, <https://doi.org/10.31078/consrev922>.
4. Chand, Daniel E., "Protecting Agency Judges in an Age of Politicization: Evaluating Judicial Independence and Decisional Confidence in Administrative Adjudications," *The American Review of Public Administration* 49, no. 4 (2019): 395-410, <https://doi.org/10.1177/0275074019829608>.
5. Chisholm, Neil, "The Faces of Judicial Independence: Democratic versus Bureaucratic Accountability in Judicial Selection, Training, and Promotion in South Korea and Taiwan," *American Journal of Comparative Law* 62, no. 4 (2014): 893-950, <https://doi.org/10.5131/AJCL.2014.0027>.
6. CMS International Law Firm, "Digital Litigation in Hungary", https://cms.law/content/versionview/627141/5/eng-GB/site_access/dp_eng., accessed 10 March 2026.
7. Court of Justice of the European Union, "Press Release No 99/24", <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-06/cp240099en.pdf>., accessed on 8 March 2026.
8. Courts of Hungary, "About the National Office for the Judiciary", <https://birosag.hu/en/en/en/about-us/about-the-noj>, accessed 9 March 2026.
9. Courts of Hungary, "Electronic Procedure", <https://birosag.hu/en/electronic-procedures>, accessed 10 March 2026.
10. Courts of Hungary, "Hungarian Judicial System", <https://birosag.hu/en/hungarian-judicial-system>, accessed 10 March 2026.
11. Courts of Hungary, "National Office for the Judiciary", <https://birosag.hu/en/national-office-judiciary>, accessed 10 March 2026.
12. Crouch, Melissa, "The Judicial Reform Landscape in Indonesia: Innovation, Specialisation and the Legacy of Dan S. Lev," in *The Politics of Court Reform*, 1st ed., ed. Melissa Crouch (Cambridge University Press, 2019), 1-28, <https://doi.org/10.1017/9781108636131.001>.
13. Dunoff, Jeffrey & Mark Pollack, The Judicial Trilemma, 111 *AJIL* 225 (2017); see Mauricio Guim, "The Judicial Trilemma Visits Latin American Judicial Politics," *AJIL Unbound* 111 (2017): 354-58, <https://doi.org/10.1017/aju.2017.80>., pg. 354.
14. Engstrom, David Freeman. "Digital Civil Procedure." *University of Pennsylvania Law Review* 169, no. 2243 (2021): 2258.
15. European Commission for Democracy through Law (Venice Commission). "Hungary: Opinion on the amendments to the Act on the organisation and administration of the Courts and the Act on the legal status and remuneration of judges adopted by the Hungarian parliament in

- December 2020.” CDL-AD(2021)036-e. Adopted at the 128th Plenary Session, Venice/online, 15-16 October 2021. Council of Europe. <https://www.coe.int/en/web/venice-commission/-/cdl-ad-2021-036-e>.
16. European Commission, “Commission considers that Hungary’s judicial reform addressed deficiencies in judicial independence, but maintains measures on budget conditionality”, https://ec.europa.eu/commission/presscorner/api/files/document/print/et/ip_23_6465/IP_23_6465_EN.pdf, accessed 10 March 2026.
 17. European Commission, “Commission Staff Working Document: 2020 Rule of Law Report: Country Chapter on the rule of law situation in Hungary”, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020SC0316>, accessed on 10 March 2026.
 18. European Commission, 2025 Rule of Law Report: Country Chapter on Hungary, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025+Rule+of+Law+Report+-+Country+Chapter+Hungary.pdf., accessed 8 March 2026.
 19. Fleck, Zoltán, “Changes of the Judicial Structure in Hungary - Understanding the New Authoritarianism,” *Osteuropa Recht* 64, no. 4 (2018): 583-99, <https://doi.org/10.5771/0030-6444-2018-4-583>.
 20. Garoupa, Nuno, and Tom Ginsburg, “Guarding the Guardians: Judicial Councils and Judicial Independence,” *American Journal of Comparative Law* 57, no. 1 (2009): 103-34, <https://doi.org/10.5131/ajcl.2008.0004>.
 21. Gisbert, Rafael Bustos, “Judicial Independence in European Constitutional Law,” *European Constitutional Law Review* 18, no. 4 (2022): 591-620, <https://doi.org/10.1017/S1574019622000347>.
 22. Guim, *Op.cit.*, pg. 354; see also Jennifer Hillman, “Independence at the Top of the Triangle: Best Resolution of the Judicial Trilemma?,” *AJIL Unbound* 111 (2017): 364-68, <https://doi.org/10.1017/aju.2017.83>.
 23. Hartung, Dirk, Florian Brunnader, et al. *The Future of Digital Justice* (The Netherlands: Boston Consulting Group, 2022). https://ink.library.smu.edu.sg/sol_research/4631.
 24. Hayo, Bernd, and Stefan Voigt, “Mapping Constitutionally Safeguarded Judicial Independence—A Global Survey,” *Journal of Empirical Legal Studies* 11, no. 1 (2014): 159-95, <https://doi.org/10.1111/jels.12038>.
 25. HiiL. *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation*. 2021. <https://www.hiil.org/wp-content/uploads/2021/11/HiiL-Use-of-digital-technologies-in-judicial-reform-and-access-to-justice-cooperation.pdf>.
 26. Hungarian Helsinki Committee and Transparency International Hungary, “A Sauron’s Eye in the Hungarian Justice System”, https://helsinki.hu/wp-content/uploads/2024/05/A_Saurons_eye_in_the_Hungarian_Justice_System_20240531.pdf, accessed 10 March 2026.
 27. Joshua, Boston, et al., “Political Competition and Judicial Independence: How Courts Fill the Void When Legislatures Are Ineffective,” *Journal of Law and Courts* 12, no. 1 (2024): 165-84, <https://doi.org/10.1017/jlc.2023.16>.
 28. Keller, Helen, and Severin Meier, “Independence and Impartiality in The Judicial Trilemma,” *AJIL Unbound* 111 (2017): 344-48, <https://doi.org/10.1017/aju.2017.85>.
 29. Kovács, Kriszta, and Kim Lane Scheppele, “The Fragility of an Independent Judiciary: Lessons from Hungary and Poland—and the European Union,” *Communist and Post-Communist Studies* 51, no. 3 (2018): 189-200, <https://doi.org/10.1016/j.postcomstud.2018.07.005>.

- 
30. Latifiani, Dian, *et al.*, "Reconstruction of E-Court Legal Culture in Civil Law Enforcement," *Journal of Indonesian Legal Studies* 7, no. 2 (2022): 441-48, <https://doi.org/10.15294/jils.v7i2.59993>.
 31. Marchetti, Don Marco, "Digital Justice and Human Security: Evaluating E-Court Reforms in Italy and Indonesia", *Jurnal Paradigma Hukum Pembangunan* 11, no. 1 (2026): 1-42.
 32. Marques, Filipe, and Paulo Pinto De Albuquerque, eds., *Rule of Law in Europe* (Cham: Springer Nature Switzerland, 2024), <https://doi.org/10.1007/978-3-031-61265-7>.
 33. Mertokusumo, Sudikno, *Hukum Acara Perdata Indonesia*, (Yogyakarta: Liberty, 2006).
 34. Mubdi, Umar, 2025, "New Round of Civil Justice Reform", <https://www.hukumonline.com/berita/a/babak-baru-reformasi-peradilan-perdata-lt6809d75d3bbe4/>, accessed on 15 November 2025.
 35. Nagy and Tóth, "E-Justice in Hungary with Special Regard to Administrative-Court Cases", *European Review of Digital Administration & Law* (ERDAL), Vol. 5, No. 1 (2024), 185-191.
 36. Ng, Gar Yein, "The Transfer of Judges and Judicial Independence," *Hague Journal on the Rule of Law*, ahead of print, September 8, 2025, <https://doi.org/10.1007/s40803-025-00262-7>.
 37. Nóra, Bán-Forgács, "Judicial Independence in Hungary: A Theoretical Framework (MTA Law Working Papers, No. 2024/18)". MTA Centre for Social Sciences, Institute for Legal Studies., <https://jog.tk.elte.hu/en/mtalwp/judicial-independence-in-hungary-a-theoretical-framework?download=pdf> , accessed 10 March 2026.
 38. Osztoivits, Andras, "Hungarian Civil Procedure Law's Response to the Covid Challenge," *Wroclaw Review of Law, Administration & Economics* 12, no. 2 (2022): 12-28, <https://doi.org/10.2478/wrlae-2023-0019>.
 39. Phiri, Christopher, "Judicial Independence Through Accountability: Why and How to Remove Judges in Zambia," *Journal of African Law* 69, no. 2 (2025): 213-32, <https://doi.org/10.1017/S0021855325000026>.
 40. Putra, Dedi, "A Modern Judicial System in Indonesia: Legal Breakthrough of E-Court and E-Legal Proceeding," *Jurnal Hukum Dan Peradilan* 9, no. 2 (2020): 275, <https://doi.org/10.25216/jhp.9.2.2020.275-297>.
 41. Rositawati, Dian, 2019, 'Judicial governance in Indonesia : Judicial independence under the One Roof System', Doctor of Laws, Tilburg University., <https://research.tilburguniversity.edu/en/publications/3cdbf6bf-2616-46f3ab2d-c6e4516c6969>, accessed 10 March 2026.
 42. Singhvi, A. M., "Judicial Independence and Accountability—Who Should Adorn the Bench?," *Indian Journal of Public Administration* 45, no. 3 (1999): 399-403, <https://doi.org/10.1177/0019556119990309>; Bustos Gisbert, "Judicial Independence in European Constitutional Law.", pg. 604-606.
 43. Stevens, R, "A Loss of Innocence? Judicial Independence and the Separation of Powers," *Oxford Journal of Legal Studies* 19, no. 3 (1999): 365-402, <https://doi.org/10.1093/ojls/19.3.365>; see Bustos Gisbert, "Judicial Independence in European Constitutional Law.", pg. 607.
 44. Susskind, Richard, *Online Courts and the Future of Justice* (Oxford: Oxford University Press, 2019).



45. Sutiyo, Bambang, "Penguatan Peran Komisi Yudisial dalam Penegakan Hukum di Indonesia," *Jurnal Hukum Ius Quia Iustum* 18, no. 2 (2011): 266-84, <https://doi.org/10.20885/iustum.vol18.iss2.art7>.
46. Tóth, Dávid, and Nárcisz Projics, "The Digitalization of the Hungarian Justice System," *Gubernaculum et Administratio* 1(25) (2022): 229-48, <https://doi.org/10.16926/gea.2022.01.15>.
47. Transparency International Hungary. "Justice Sector (Igazságszolgáltatás)." <https://transparency.hu/en/kozszeaktor/igazsagszolgalattas/>, accessed 10 March 2026.
48. Viganò, Francesco, "Protecting Judicial Independence by Strengthening Public Confidence in the Judiciary", in Marques and Pinto De Albuquerque, *Rule of Law in Europe.*, pg. 51-53.