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Neo-Digitalism in the Legal System: Adapting Law to Technological Developments

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Abstract: This article discusses the application of neo-digitalism in the legal system, focusing on how digital technology can change the way law is applied, accessed, and understood. The process of digitization in the judiciary, such as e-courts, the use of electronic documents, and virtual trials, has enhanced the efficiency, transparency, and accessibility of legal services. Additionally, technologies like artificial intelligence (AI) and big data offer great potential to improve justice and the accuracy of legal decision-making. However, the application of these technologies also presents serious challenges, such as data security and privacy, as well as the increasing threat of cybercrime, which requires legal adjustments to address cross-border issues. Countries in the European Union, for example, have implemented the General Data Protection Regulation (GDPR) to regulate personal data protection, but they still face challenges in harmonizing regulations across member states. In Southeast Asia, countries like Singapore have adopted e-courts and blockchain-based smart contracts, but still need to address cybercrime issues and the digital divide between urban and rural areas, particularly in countries like Indonesia and the Philippines. Meanwhile, in China, although the adoption of digital technology in the judiciary has advanced with the use of AI and e-courts, challenges related to surveillance and privacy protection remain a significant issue due to the strict control by the government. India is also working to digitize its legal system, but is constrained by infrastructure and accessibility in rural areas, which leads to inequality in legal services. In Indonesia, although efforts to digitize the judiciary through e-court programs have begun, the digital divide between urban and rural areas and issues related to personal data protection remain major challenges.

Keywords: neo-digitalism, legal system, development, technology, GDPR

Introduction

The development of digital technology in recent years has brought about significant transformations in various sectors of life, including in the legal field.¹ Digital technology, which includes the application of artificial intelligence (AI),² big data, blockchain, as well as virtual trials,³ have the potential to redefine the way law is applied, practiced, and accessed. In this context, the term neo-digitalism emerges, referring to the integration of digital technology into the legal system to create a more efficient, transparent, and responsive legal framework that meets the demands of the times. This technology not only simplifies legal processes but also opens up opportunities to enhance justice and accuracy in decision-making.

Although digital technology offers great potential, its implementation in the legal world also presents significant challenges. One of the main challenges is data security and privacy,⁴ where the management of legal information, increasingly digital-based, opens up vulnerabilities to cybercrime and data breaches.⁵ In this situation, it is crucial for the legal system to adapt to technological developments in a way that maintains a balance between innovation and the protection of personal rights. An adaptive legal system will create a safe space for users of legal services in cyberspace.

In addition to challenges related to data security, cybercrime has become an increasingly urgent issue. Crimes such as hacking, online fraud, and identity theft are rapidly growing as the digital world becomes more interconnected.⁶ This demands updates to existing legal regulations, as many legal systems today are still not

¹ Asep Supriatna, "Perkembangan Fikih Dalam Era Digital: Kajian Terhadap Metode Ijtihad Dalam Memahami Masalah Kontemporer," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2023): 724, https://doi.org/10.47467/as.v6i1.5478.

² Adhitia Presetiyo Sudaryanto and Stevy Hanny, "Manajemen Sumber Daya Manusia Sektor Publik Menghadapi Kemajuan Kecerdasan Buatan (Artificial Intelligence)," *Musamus Journal of Public Administration* 6, no. 1 (2023): 514.

³ Muklas Hafizh Savero, "Pengaruh Implementasi Persidangan Virtual Terhadap Efektivitas Dan Aksesibilitas Proses Peradilan Pidana Di Era Pasca Pandemi Covid 19," *Jurnal Hukum Dan Kewarganegaraan* 6, no. 7 (2024): 7.

⁴ Juwita Pratiwi Lukman and Ahmad Rosandi Sakir, "Transformasi Digital Dalam Administrasi Publik: Peluang Dan Tantangan," *MULTIPLE: Journal of Global and Multidisciplinary* 2, no. 1 (2024): 1042.

⁵ Virginia Valentine, Clara Sinta Septiani, and Jadiaman Parshusip, "Menghadapi Tantangan Dan Solusi Cybercrime Di Era Digital Facing Cybercrime Challenges And Solutions In The Digital Era," *Informatech: Jurnal Ilmiah Informatika Dan Komputer* 1, no. 2 (2024): 152.

⁶ Hikmat Zakky Almubaroq Ihsania Karin Azzani, Susilo Adi Purwantoro, "Urgensi Peningkatan Kesadaran Masyarakat Tentang Kasus Penipuan Online Berkedok Kerja Paruh Waktu Sebagai Ancaman Negara," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 10, no. 7 (2023): 3556.

adequate to address crimes occurring in cyberspace. Therefore, a new approach to legal regulation is needed to tackle cybercrimes that are transnational in nature and often involve perpetrators who are not directly detectable.

As a response to this phenomenon, this article aims to explore how the legal system can adapt to the development of digital technology through the application of neo-digitalism. It discusses the implementation of e-court, the use of electronic documents, and virtual trials as part of this adaptation,⁷ electronic documents, as well as the use of AI in legal decision-making, this article will also identify the challenges that arise in their implementation, such as the need for strong regulations to protect data privacy and cybersecurity. The article will provide an overview of how the legal system can evolve and transform to become more responsive to the needs of society in the rapidly advancing digital era.

From the developments and demands of the times, the author proposes the term neo-digitalism as a concept that describes the deep integration between digital technology and the legal system in the modern era. This term refers to the use of advanced technologies, such as artificial intelligence (AI), big data, blockchain, and virtual trials, in transforming legal processes to create a legal system that is more efficient, transparent, and responsive to the dynamics of changing times. Neo-digitalism is not just about the technical digitalization of the legal world, but also about how technology can strengthen the fundamental principles of law, such as justice, transparency, and accessibility. Therefore, neo-digitalism becomes an approach that aligns the legal system with the speed of change brought about by technology, ensuring that the law remains relevant and effective in addressing increasingly complex global challenges.

This research employs a qualitative approach with a literature study to analyze the concept of neo-digitalism in the legal system, as well as how law can adapt to the development of digital technology.⁸ The researcher collects data from various primary and secondary sources, such as scholarly articles, academic journals, and policy reports related to the application of technology in the legal world. Furthermore, a

4.0 Di Indonesia," *Jurnal Al-Qardh* 4, no. 1 (2019): 60–75, https://doi.org/10.23971/jaq.v4i1.1442.

Sherly Ayuna Putri Annisa Dita Setiawan, Artaji, "Implementasi Sistem E-Court Dalam Penegakan Hukum Di Pengadilan Negeri," *Jurnal Poros Hukum Padjadjaran* 2, no. 2 (2021): 201.
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qualitative analysis approach is used to evaluate various concepts related to the digitization of the judiciary, data security, as well as the challenges and opportunities posed by cybercrime. Comparative analysis is also applied to compare the implementation of digital law in different countries and examine how law is adapted to technological advancements. With this approach, the research aims to provide a comprehensive overview of the impact of digital technology on the legal system, as well as legal solutions that can address emerging issues across various areas of law.

Transformation of the Legal System with Digital Technology

In the era of digital transformation, the legal system is no longer a static entity left behind by the times.⁹ The digitization of legal processes is a significant step in modernizing the way the judiciary operates, with the aim of improving efficiency, transparency, and accessibility for the public. One form of its implementation is e-court, a digital platform that allows online case submissions, remote hearings, and the management of electronic documents.¹⁰ With this technology, the judiciary is no longer limited to physical spaces. Individuals who previously faced geographical barriers, such as those living in remote areas, can now access legal services remotely. The use of electronic documents also reduces dependence on paper, accelerates administrative processes, and minimizes the risk of document loss or manipulation. Furthermore, virtual hearings, accelerated by the pandemic, increasingly demonstrate that technology can be a practical solution to overcome traditional barriers in the judicial system.

However, this digitization does not stop at the administrative aspect. The use of advanced technologies such as artificial intelligence (AI) and big data is also beginning to be integrated into legal processes to achieve more objective and evidence-based justice. AI, for example, can assist in analyzing large volumes of data, identifying patterns, and providing insights that may otherwise go unnoticed. By integrating AI and other information technologies into the judicial process, the Supreme Court aims to accelerate case handling, minimize administrative errors, and provide broader access

⁹ Jefry Tarantang, Rahmad Kurniawan, and Gusti Muhammad Ferry Firdaus, "Electronic Money Sebagai Alat Transaksi Dalam Perspektif Islam," *An-Nisbah: Jurnal Ekonomi Syariah* 07, no. April (2020): 1–21, https://doi.org/https://doi.org/10.21274/an.2020.7.1.1%20-%2021.

¹⁰ Wawan Supriyatna Susanto , Muhamad Iqbal, "Menciptakan Sistem Peradilan Efisien Dengan Sistem E-Court Pada Pengadilan Negeri Dan Pengadilan Agama Se-Tangerang Raya," *JCH (Jurnal Cendekia Hukum)* 6, no. 1 (2020): 105, https://doi.org/10.3376/jch.v6i1.287.

to information for those seeking justice.¹¹ On the other hand, big data analytics enables the legal system to identify certain patterns in legal cases, such as crime trends or abuse of power, allowing legal policies to be adjusted more strategically. Additionally, the concept of smart contracts based on blockchain introduces a new dimension in ensuring legal security and transparency. These smart contracts operate automatically with protocols that cannot be altered or manipulated, making them highly valuable tools in digital transactions, business agreements, or dispute resolution.

With all these innovations, the digitization of legal processes not only revolutionizes the way the judiciary operates but also opens the door to a more inclusive legal system. Technology becomes a bridge between justice and society, making legal services faster, more transparent, and easily accessible to all layers of society. Although challenges such as data privacy, cybersecurity, and the digital divide remain, legal digitization shows that the legal system can adapt to meet the needs of modern society without losing its essence of justice. This is not just about change, but a revolution towards a more just, responsive legal system that is ready to face the demands of the times.

Challenges in Implementing Technology in Law

Amid the advancements in the digitization of the legal system, data security and privacy issues have become unavoidable challenges. Efforts to protect the personal data of parties involved in legal cases are now under intense scrutiny, 12 given the increasing risks of data theft and misuse of information. 13 To address these threats, various data privacy regulations are being strengthened. One concrete step taken is the implementation of stricter cybersecurity protocols within e-court systems and other digital legal platforms. Data encryption, multi-layered authentication, and continuous monitoring have been integrated into the systems to minimize the risk of information leaks. Additionally, governments and relevant institutions are increasingly focused on

¹¹ Zico Junius Fernando, "Al Hakim: Merevolusi Peradilan Yang Berintegritas, Bermartabat, Dan Meningkatkan Kesejahteraan Hakim," *Jurnal Hukum Dan Peradilan* 2, no. 2 (2024): 145.

¹² Sinta Dewi, "Konsep Perlindungan Hukum Atas Privasi Dan Data Pribadi Dikaitkan Dengan Penggunaan Cloud Computing Di Indonesia," *Yustisia* 5, no. 1 (2016): 22.

¹³ Rokhmat Subagyo Muhazzab Alief Faizal, Zelyn Faizatul, Binti Nur Asiyah, "Analisis Risiko Teknologi Informasi Pada Bank Syariah: Identifikasi Ancaman Dan Tantangan Terkini," *Asy-Syarikah Jurnal Lembaga Keuangan, Ekonomi Dan Bisnis Islam* 5, no. 2 (2023): 92.

providing training for law enforcement officers to raise awareness of the importance of digital security.

However, the issues don't stop there. Cybercrime has also become a major challenge. Online fraud, hacking of legal data, and identity theft have now become real threats that are often difficult to trace. To address this, various countries are starting to adjust their cyber law regulations. For example, some jurisdictions have adopted more specific laws regarding cybercrime, with stricter penalties. At the global level, efforts to establish international agreements to address cross-border cybercrime are ongoing. While implementation still faces coordination challenges, these steps show that legal adaptation to cyber threats is already in progress.

Furthermore, virtual courts and legal technologies are now not only focused on efficiency but also on security. Investments in blockchain-based technology are being considered as a solution to create an immutable digital record, providing transparency while offering protection against digital crimes. By continuously discussing and refining these measures, the legal system will not only be able to survive in the digital era but also provide justice that is secure, reliable, and in line with the demands of the times.

In the United States, despite having highly advanced technological infrastructure, the main challenge in implementing neo-digitalism in the legal system is related to data security and privacy. Although the country has implemented various technologies like e-court and AI in some aspects of the judiciary, the fragmented regulatory system between states creates gaps in the regulation of personal data and protection for users. Additionally, the rapidly evolving threat of cybercrime calls for stronger regulations and interstate cooperation to create a more secure and integrated digital legal system.

In the European Union, member states face similar challenges related to personal data protection, despite the General Data Protection Regulation (GDPR) providing a

¹⁴ Muhammad Hafid et al., "Tantangan Menghadapi Kejahatan Cyber Dalam Kehidupan Bermasyarakat Dan Bernegara," *Jurnal Pendidikan Tambusai* 7, no. 2 (2023): 9550.

Husamuddin Mz, and Ida Rahmah, "Tinjaun Yuridis Penegakkan Hukum Kejahatan Cyber Crime Studi Implementasi Undang-Undang Nomor 11 Tahun 2008," *MAQASIDI: Jurnal Syariah Dan Hukum* 4, no. 1 (2024): 47, https://doi.org/10.47498/magasidi.v4i1.2966.

¹⁶ Febrian Reza Hermawan, "Implementasi Teknologi Blockchain Pada Equity Crowdfunding," *Journal of Information System, Applied, Management, Accounting and Research* 5, no. 1 (2021): 252.

strong legal foundation for regulating privacy in the digital world.¹⁷ However, cross-border cooperation in addressing cybercrime and regulating technologies such as blockchain and AI still faces implementation challenges due to the lack of uniformity among member states. This creates difficulties in ensuring that all countries within the European Union have consistent and effective regulations to combat cybercrime and optimize the use of advanced technologies within the legal system.

China has become one of the most aggressive countries in adopting digital technology within its legal system. The use of AI to analyze legal decisions and the implementation of e-court systems have expedited judicial processes. However, the country also faces challenges related to mass surveillance and the extensive control of personal data by the state. While technology can enhance the efficiency of the legal system, policies that prioritize state control raise issues concerning human rights and individual freedoms, creating a tension between digital innovation and the protection of citizens' privacy.

In India, despite a strong push to digitize the legal system, the main challenge lies in the limited accessibility to legal services, particularly in rural or remote areas. While initiatives like e-court have been introduced to improve judicial efficiency, inadequate access to proper technology and a lack of training for law enforcement in certain regions remain significant barriers. India also faces disparities in the implementation of legal technology, which creates inequality in the quality and speed of legal services between major cities and remote areas.

In Southeast Asia, countries face various challenges and opportunities in implementing neo-digitalism in their legal systems, given the varying levels of technological advancement among them. In Singapore, as a country with highly advanced digital infrastructure, the application of technology in the legal system is already well-developed. e-court, blockchain-based smart contracts, and the use of Al for legal analysis have accelerated judicial processes and increased transparency.¹⁸

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¹⁷ Isra Ruddin and Subhan Zein Sgn, "Evolusi Hukum Cybercrime Dalam Perkembangan Hukum Dalam Dunia Digital," *Jurnal Hukum & Pembangunan* 53, no. 1 (2023): 144, https://doi.org/10.21143/jhp.vol53.no1.1522.

¹⁸ Perbandingan Mekanisme Pelaksanaan E-court, Zulfa Mufida, and Imam Asmarudin, "Perbandingan Mekanisme Pelaksanaan E-Court Di Indonesia Dan Singapura," *Jurnal Studi Islam Indonesia* 1, no. 1 (2023): 188.

Singapore is also a prime example in developing regulations to address issues related to cybercrime and data security. The country has successfully created policies that are adaptive to technological advancements, though it still faces challenges in maintaining a balance between innovation and the protection of personal rights.

In Indonesia, despite significant efforts to digitize the legal system through initiatives like e-court and judicial information systems, the main challenges faced are accessibility and the digital divide between urban and rural areas. The uneven technological infrastructure across the country and the lack of training for law enforcement in remote areas hinder the full utilization of digital technology in the legal system. Additionally, personal data protection is also a concern, especially amidst the widespread use of digital data in judicial processes.

In Malaysia, the implementation of digital technology in the legal system is beginning to develop with initiatives such as e-court and the digitization of legal documents. However, the country still faces issues related to data security and privacy, which are becoming increasingly critical as the use of technology in legal processes grows. Nonetheless, Malaysia is working on developing better regulations concerning cybercrime and personal data protection, while striving to align its policies with higher international standards, such as the EU's GDPR.

In the Philippines, digital technology in the legal system is still in its early stages, with some e-court projects and document digitization implemented in major cities. However, accessibility remains a primary challenge in remote areas. Additionally, the use of technology in the judiciary faces obstacles related to digital inequality and limited infrastructure. The country also faces the growing threat of cybercrime, necessitating stronger regulations and better strategies to address cybercrimes involving technology. With the varying levels of progress and challenges, Southeast Asian countries need to develop more flexible and adaptive regulations in response to the advancement of digital technology in their legal systems. Regional cooperation in addressing issues such as cybersecurity, cybercrime, and personal data protection becomes increasingly important to create a legal system that is fairer, more transparent, and more efficient in the region.

¹⁹ Harly Clifford Jonas Salmon Loso Judijanto, Evy Febryani, Wira Marizal, "Tinjauan Yuridis Penggunaan Digital Justice Untuk Akuntabilitas Dan Efisiensi Sistem Peradilan Di Indonesia," *Sanskara Hukum Dan HAM* 3, no. 02 (2024): 102, https://doi.org/10.58812/shh.v3.i02.

The Future of Digital Law and International Regulations

In an era where digital technology forms the backbone of various global activities, digital law can no longer function within narrow territorial boundaries. Cybercrime, cross-border transactions, and personal data protection involving multiple jurisdictions require international regulations that are harmonized. The importance of inter-country cooperation in addressing these challenges has become more evident, given the transnational nature of cybercrime. International regulations are crucial in creating uniform digital security standards, protecting users worldwide, and ensuring transparency in cross-border transactions. However, the journey toward the integration of global digital law is not without challenges, especially for developing countries that often face infrastructure, resource, and technological capability limitations. These challenges need to be addressed through collaboration, including technical assistance and training programs, to help these countries implement relevant digital law frameworks.

On the other hand, the rapid development of technology demands that the law become more adaptive. Pegulations that are too rigid risk falling behind technological innovations, creating legal gaps that can be exploited negatively. Policymakers are now required to formulate flexible regulations that not only accommodate current technologies but also remain responsive to new technologies that may emerge in the future. For example, issues such as artificial intelligence, blockchain, and the metaverse require innovative legal approaches to ensure that these technologies are used safely and ethically. The development of adaptive law in the digital age also includes the protection of human rights, such as privacy and freedom of expression, which are often under threat in the digital world. Regulations must be able to balance the protection of individual freedoms with the need for global security. By creating an inclusive and collaborative legal framework, the future of digital law promises not only a more efficient system but also one that is fairer for all layers of society worldwide.

²⁰ Adinda Lola Sariani, "Efektivitas Penegakan Hukum Terhadap Kejahatan Siber Di Indonesia," *Al-Dalil Jurnal Ilmu Sosial, Politik, Dan Hukum Vol.* 2, no. 2 (2024): 75.

²¹ Rika Rizki Rohmah, "Evolusi Hukum Perbankan Syariah Di Indonesia," *AL MIDAD : Jurnal Ilmu Pendidikan Dan Studi Keislaman* 1, no. 1 (2024): 50.

Conclusion

The integration of digital technology into legal systems through neo-digitalism offers both tremendous opportunities and significant challenges. The digitization of judicial processes, such as e-courts, virtual trials, and the use of Al and big data, has the potential to enhance efficiency, transparency, and accessibility in legal services. However, the rapid pace of technological advancements also presents serious concerns, particularly regarding data security, privacy, and the increasing threat of cybercrime. Countries around the world, from the European Union to Southeast Asia, China, India, and Indonesia, are taking steps to adapt their legal frameworks to the digital age, with varying degrees of success. While regulations like the GDPR in Europe and innovations like blockchain in Singapore show promise, the digital divide and regulatory fragmentation remain persistent challenges. To address these issues and ensure a fair, secure, and efficient legal system in the digital era, international collaboration is essential. The development of flexible and adaptive legal frameworks that respond to emerging technologies is crucial for safeguarding digital rights, promoting justice, and overcoming the challenges posed by global technological changes. Ultimately, the future of law in the digital age depends on the ability of policymakers, legal practitioners, and global stakeholders to work together to create laws that are both responsive and responsible, ensuring that the legal system can navigate the complexities of the digital landscape.

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