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## **LEGAL FRAMEWORK FOR E-SYARIAH AND I-SYARIAH IN JUDICIAL SERVICE DELIVERY IN MALAYSIA: ITS DEVELOPMENT AND CHALLENGES**

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### **ABSTRACT**

The electronic technology transformation within the Syariah Court management system in Malaysia has created a new dimension which is geared towards a more efficient, comprehensive, and all-inclusive Syariah Court service delivery process. This research aims to analyse the challenges in developing this Syariah Court management system, namely the e-Syariah system implemented at the Federal level and the i-Syariah system which is applicable in Sarawak. An in-depth investigation was conducted on the modules developed in the e-Syariah and i-Syariah systems to obtain inclusive

research information on the areas of concerned. A qualitative research method was employed to explore the progressive challenges in developing the e-Syariah and i-Syariah systems, and this was followed by a comparison of the systems applied by the Civil Courts and the contents of the system applied by the Syariah judiciary institutions in Malaysia. The findings revealed several challenges in developing the Syariah Court management system in Malaysia from the perspective of legal provisions, as well as information and communications technology (ICT). This matter has been viewed positively by the Department of Syariah Judiciary Sarawak (JKSS) and the Department of Syariah Judiciary Malaysia (JKSM), leading to the close cooperation with the Sarawak Information System Sdn. Bhd. (SAINS) in developing i-Syariah and e-Syariah to be applied in the Civil Courts. An upgrade of the e-Syariah system was carried out by the JKSM to respond to the challenges of digital technology applications in Malaysia, hence enabling the delivery of Syariah judiciary service that can be implemented successfully, systematically, and dynamically.

**Keywords:** e-Government, e-Syariah, i-Syariah, Syariah Court's Case Management System, Syariah Judiciary Department of Sarawak.

## INTRODUCTION

The past two decades have witnessed the rapid progress of development in information and communications technology (ICT), which is perceived by many governments across the world as a major opportunity to upgrade the quality of public service delivery (Ramli, 2017). Realising this importance of ICT, the Malaysian government launched the Multimedia Super Corridor (MSC) initiative in 1996 to stimulate the growth of ICT in Malaysia (Nayan et al., 2011). The mega project was also part of the strategy to achieve Vision 2020 (Husin et al., 2017). Additionally, the government introduced e-Government in 1997 to ensure transformation in the public service (Suki & T. Ramayah, 2010). The Malaysian Administrative Modernisation and Management Planning Unit (MAMPU) has been entrusted with the planning, implementation, and supervision of the e-Government initiative (Nayan et al., 2010). Seven e-Government programmes have been introduced by the Malaysian government to

support the upgrade in the quality of service by public servants, the people, and local businesses (Mohamed et al., 2009). This includes the application of information technology (IT) in the s public services (Razak et al., 2017).

One of the pioneer projects in the early stages of implementing e-Government is the e-Syariah system, which involved the Syariah judiciary institutions in Malaysia (Husin et al., 2017). It presents a new dawn for the Syariah Court as this new system will facilitate the administration and upgrading of the quality of service delivery to the people. After nearly two decades of application, the e-Syariah system has also been positively impacted by the rapid advancement of digital technology. Therefore, the Department of Syariah Judiciary Sarawak (JKSS) has accordingly adopted an initiative parallel to the advancement of technolog, known as i-Syariah (*Syariah Intelligent Management System*) to ensure a more efficient and effective government service (Marzuki, 2020). The development of this system is aimed at responding to the challenges faced by the users of digital technology applications, which in the context of Sarawak have been widely used especially for service delivery.

## **METHODOLOGY AND RESEARCH DESIGN**

The objective of this research is to conceptually analyse the administration of Syariah judiciary institutions from the aspect of development in electronic system applications. It focused on the e-Syariah system which has been applied by the Syariah judiciary institutions in Malaysia through the Department of Syariah Judiciary Malaysia (JKSM), the State Syariah Judiciary Department (JKSN), and the State Syariah Court (MSN). This research also analysed the development of a new system to be applied by the Department of Syariah Judiciary Sarawak (JKSS) through the i-Syariah system, which has been exclusively developed for the Syariah Courts throughout Sarawak and the implementation of the i-Syariah system in the context of justice delivery through the development of technology systems. It also analysed the challenges in developing a Syariah Court management system, namely the e-Syariah, at the Federal level and scrutinised the development of the e-Court system which has been applied in the Civil Court as a yardstick of challenges faced by the

Syariah Court in applying the system. The research shall answer the following questions: (1) What is the system used for the management of cases across the Syariah judiciary institutions in Malaysia? (2) How is the system implemented for the case management and delivery of justice service? (3) What are the current challenges towards the progress of the system development in the Syariah judiciary in Malaysia?

## **CASE MANAGEMENT SYSTEM OF THE SYARIAH COURT IN MALAYSIA**

The Syariah Court is one of the judiciary systems applicable in Malaysia (Samah et al., 2023). The Department of Syariah Judiciary, Malaysia (JKSM) was established to streamline the administration of justice in Syariah Courts and to improve their infrastructure, procedure, and quality of service (Shuib, 2012).

However, the jurisdiction of the JKSM is limited and cannot interfere directly in the administration of the State Syariah Courts (MSN) due to its exclusive rights (Mat Hussin et al., 2023). Both the JKSN and MSN are state government agencies governing the Syariah judiciary institutions at the state level, particularly in the administration and management of Syariah Court cases (Mat Hussin et al., 2023). However, Syariah Courts in Malaysia are still using the e-Syariah system, which was developed at the federal level by the JKSM. Conversely, a new system, known as the i-Syariah, was developed and has been exclusively used for case management in Sarawak. Both the e-Syariah and i-Syariah are integral systems of technology employed to simplify case management in the Syariah Court.

### **The Implementation of the e-Syariah System in Syariah Courts Throughout Malaysia**

The e-Syariah is a “Government to Citizen” (G2C) application aimed towards strengthening and upgrading the efficiency of the Syariah Court administration in Malaysia (Ramly et al., 2015). The proposal for creating an electronic case management system of the Syariah Court was based on the outcome of the Cabinet Ministers Meeting on 13 October 1999. The e-Syariah system is an electronic network for

case management system which connects the State Syariah Courts (JKSN and MSN) with the JKSM for regulation and the sharing of information across the Syariah Court institutions in Malaysia. The government allotted RM39 million for Syariah administration reformation to upgrade the service quality of Syariah Courts in Malaysia (Yahya et al., 2012). Additionally, the e-Syariah project is one of the seven e-Government initiatives launched in 2002 (Abidin, 2006) and placed under the Multimedia Super Corridor (MSC) initiative as part of the strategy to achieve Vision 2020 (Muhammad, 2013; Husin et al., 2017).

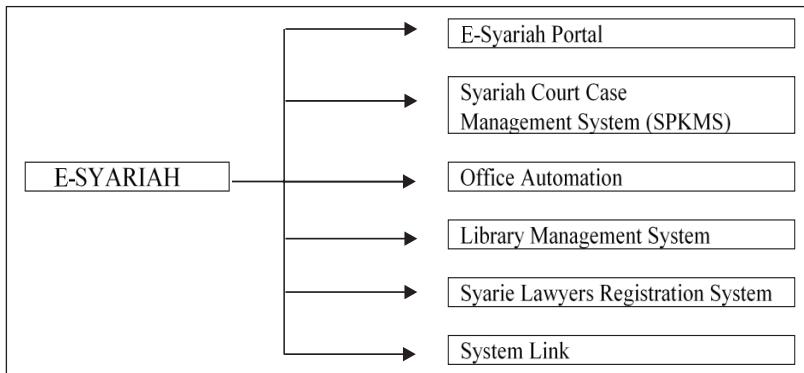
The main objective of the e-Syariah is to create an e-Government network at the Federal level that connects the JKSM with the MSN throughout Malaysia and other agencies involved with the operation of the Syariah Court (Muhammad & Salam, 2019). The government's effort to develop the system is aimed towards systematically upgrading the efficiency of the management and administration of Syariah judiciary institutions in Malaysia. The goal is to enhance the quality of service in the Syariah Court (Yahya et al., 2012) and become the catalyst for a Federal and State agency collaboration to streamline the work process, forms, and workflow applied in the Syariah Court (Ramly et al., 2015). The e-Syariah project commenced on March 2002 and was launched by the previous Prime Minister of Malaysia, Dato' Seri Dr. Mahathir Bin Mohamad on 7 February 2003 at the Marriot Hotel, Putrajaya (Prime Minister's Office of Malaysia, 2003). Among the entities directly involved in the development of the e-Syariah include MAMPU as the coordinator, the JKSM as the implementer, and Sarawak Information System Sdn. Bhd. (SAINS) as the system developer.

### **The e-Syariah System**

The e-Syariah system comprises five (5) pillar modules, namely the Syariah Court Case Management System (SPKMS), the Syarie Lawyer Registration System, Office Automation, the Library Management System, and the e-Syariah Portal (Saman & Haider, 2012). The Link system is also part of the development of the e-Syariah modules (Ramly et al., 2015). Table 1 illustrates the e-Syariah system as implemented by the JSKM:

**Table 1**

*The e-Syariah System as implemented by the JKSM*

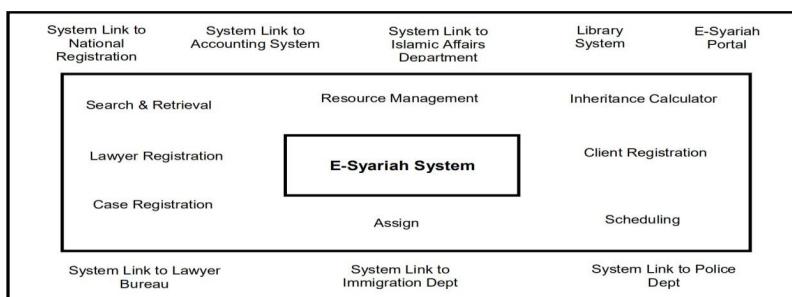


*Note.* Source is from Ramly et al. (2015)

The e-Syariah was developed as a holistic system covering the management aspects of Syariah Courts in Malaysia (Mahmod & Buang, 2022). The application, which involves this module, is an important aspect of an effective and complete Syariah Judiciary Court management. The e-Syariah system has been improved from the e-Syariah version 1 to the more dynamic e-Syariah version 2 (Saman & Haider, 2012) for the ease of use of consumers. The system architecture of the e-Syariah system is as illustrated in Figure 1.

**Figure 1**

*System Architecture of the e-Syariah*



*Note.* Source is from Muhammad (2013)

The above Figure 1 clearly shows that the development of the e-Syariah system incorporated the complete aspects of Syariah Court

management. It intends to serve various purposes, including services provided by Syariah Court personnel and Syarie lawyers, as well as for information search. The system was the latest in terms of technology at the time of its launch in 2003 as one of the seven e-Government projects introduced to support the upgrade in service quality among government servants, people, and businesses (Mohamed et al., 2009).

Subsequently, the e-Syariah version 2, which was previously applied by Syariah Courts throughout Malaysia, has been upgraded to the e-Syariah version 3. This pilot project involves main modules, namely Case Management, Finance, Statistical Document Management, and Security Modules (Portal of the Department of Syariah Judiciary Malaysia, 2023). The JKSM launched the e-Syariah version 3 on 30 September 2022 at the Federal Territories Syariah Court, and was witnessed by the Director General of MAMPU. A total of 16 system features have been incorporated into the project, including Syariah Court case management, portal, integration, data migration, security, ICT help desk, mobile application, Syariah lawyer registration, maintenance, document management, key performance indicators (KPI), advice, statistics, dashboard, training management, and finance.

Two of the most important applications in the e-Syariah system are the Syariah Court Case Management System (SPKMS) and the e-Syariah Portal. The SPKMS has become the main module used by Syariah Courts throughout Malaysia and covers the aspects of online registration, process, payment, divorce case/marital claims, criminal, inheritance, and appeal (Ramly et al., 2015). The system has been used extensively by Syariah Court personnel across Malaysia for managing Syariah civil cases, criminal and inheritance, rescheduling of cases, as well as statistics and reports. The e-Syariah system project could assist Syarie Officers in executing their tasks efficiently and effectively (UTMK JAKESS, 2012). It also simplifies court case management, as cases have been executed in an efficient, systematic, and orderly manner. Furthermore, the online work system of the Malaysian Syariah Courts is consistently upgraded and improvised for it to become more functional and to facilitate cooperation with the agencies involved with the local judiciary institutional service (Department of Syariah Judiciary Malaysia, 2005). The SPKMS was launched in the Malaysian Syariah Courts in stages at the end of 2004 (Department of Syariah Judiciary Malaysia, 2005).

Furthermore, the e-Syariah Portal is one of the modules developed in the e-Syariah system that has enabled the public to access knowledge and use the system easily (Muhammad, 2009). The e-Government innovation has created a large impact on the management and administration of Syariah Court cases by lessening the communication gap between the Syariah Courts and the public (Yahya et al., 2012). This is evidenced by the fact that the e-Syariah Portal has connected all Syariah Courts in Malaysia and acts as a one-stop counter for matters related to the Islamic judiciary (Siddiquee, 2007). It also enables the public to understand the court procedures, latest regulations, necessary forms and paperwork, and enquiries regarding case status (UTMK JAKESS, 2012).

Among the services accessible through the e-Syariah portal include the following: online case registration, online case status, online Faraid calculation, court directories, and referential material (Yahya et al., 2012). It also offers services related to the JKSM profile, Jurnal Hukum information, type of cases, publication of information (circular letter, Sulh, JKSM newsletter), e-Forms, schedule of court cases, book review, Syariah laws, archives, court procedures, Quranic verses, Islamic jurists and Prophet's traditions, lawyers' information, and online government agency services. The implementation of the e-Syariah is considered a technical success which has received national recognition and achievement, including becoming the winner of the ICT Quality Award in 2007 (Muhammad & Salam, 2019), Best EG Portal 2006, and 4-Star Government Portal (Ramly et al., 2015).

### **THE IMPLEMENTATION OF THE I-SYARIAH SYSTEM IN THE DEPARTMENT OF SYARIAH JUDICIARY SARAWAK (JKSS)**

The Syariah Intelligent Management System, also known as the i-Syariah, is a court management system applicable to Syariah Courts under the auspice of the JKSS in Sarawak (Department of Syariah Judiciary Sarawak, 2021). It was developed by the Sarawak Information System Sdn. Bhd. (SAINS), which is an ICT arm of the State government and has been responsible for the execution of ICT in Sarawak (Junaini & Musa, 2007). The SAINS has vast experience in the development of technology systems in Sarawak and court management systems, such as creating a website for the High

Court of Sabah and Sarawak (Portal of the High Court of Sabah and Sarawak, 2020) and Artificial Intelligence in the Sabah and Sarawak Civil Court (Lim & Gong, 2020). The i-Syariah is a comprehensive application that aims to upgrade the effectiveness of Syariah judiciary service to Syarie lawyers, government agencies, private agencies, and the whole community of Sarawak based on digital technology. Through ICT, various economic activities, professional interactions, and commercial transactions can take place and generate a digital economy (Hamarah & Mohamad, 2020). The development of this digital transformation is in accordance with the wish of the Chief Minister of Sarawak, YAB Datuk Patinggi (Dr.) Abang Haji Abdul Rahman Zohari Bin Tun Datuk Abang Haji Openg, to encourage the growth of Sarawak's economy whereby the catalyst initiative is a technology-based digital government (IDECS, 2020).

### **The Objective of Developing the i-Syariah**

The application of the i-Syariah as a Syariah Court management system aims to enhance the quality of the work process with the latest and technically sound technology to replace the current court management system (Department of Syariah Judiciary Sarawak, 2021). Previously, all case management in Sarawak was done according to the SPKMS e-Syariah. However, commencing on 6 July 2020, the JKSS applied the i-Syariah system for case management in Syariah Courts. There are three justifications for the development of the i-Syariah system, namely:

- i. The system facilitates the JKSS service for the whole of Sarawak and can be integrated with the system of other agencies;
- ii. The system enables a comprehensive statistical data preparation for the state government of Sarawak and to generally spearhead a better achievement and image; and
- iii. The system application can realise the function of the JKSS towards the JKSS Transformation Plan 2020-2030, Balanced Scorecard (BSC) JKSS initiative, and also the compliance for the certification of MS ISO 9001: 2015 and MS 1900: 2015 (Department of Syariah Judiciary Sarawak, 2019).

The i-Syariah system was specially developed for Sarawak to transform the Syariah Court management system into a new comprehensive,

thorough, effective, and up-to-date system with the current digital technology advancement. Such an initiative will integrate with the e-Syariah system across certain aspects and facilitate the Syariah Court management through electronic technology. Moreover, the i-Syariah will also work with other systems to ensure its thorough application.

The i-Syariah system stands as a continuity of the e-Syariah previously enforced by the JKSM. Its creation could be classified, although not new to the Syariah Court management in Sarawak, as a stage-by-stage technology transformation to ensure a more effective service delivery. This is best illustrated in Table 2 below:

**Table 2**

*The History of the Syariah Court Management System in Sarawak*

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1991	Mahkamah Syariah Information System.
1995	Court Case Information System (COCIS) - later known as SEMAK.
1998	SEMAK was introduced to Syariah Court, Kuala Lumpur.
2002	SAINS developed the e-Syariah to be applied by Syariah Courts in Malaysia, including Sarawak.
2019	i-Syariah was approved.
2020	i-Syariah phase 1 commenced application.

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*Note.* Source is the Department of Syariah Judiciary Sarawak (2020)

The existence of a new court management system (i-Syariah) in Sarawak resulted from the inability of the e-Syariah to fulfil the criteria of case management across the state. This is mainly related to the jurisdiction of courts in Sarawak with regard to the issue of property ownership, including the management of inheritance. The Federal Constitution is the main reference of law in the administration of Malaysia (Muda et al., 2023). According to the Ninth Schedule of the Federal Constitution, List 2, State List has provided that the State has jurisdiction over the matters of inheritance, but is limited only to the certification of the qualified heirs and their portions according to the Law of Inheritance and this is stated in the Circulars of the Director General of Federal Lands and Mines No. 7/2017 (Mat Hussin et al., 2023). Therefore, the Syariah Courts do not have the jurisdiction

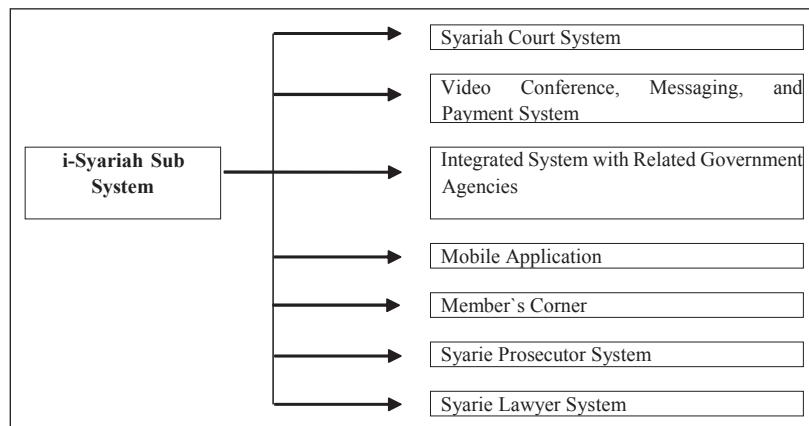
to order the distribution of properties to the heirs according to their portion (Noordina et al., 2012). However, this situation is different in Sarawak as the Syariah Court of Sarawak has a wider jurisdiction related to matters of inheritance (Nedri, personal communication, April 1, 2021). The requirement by the JKSS to broaden the usage of a more comprehensive faraid system could not be fulfilled by the e-Syariah system. This triggered the proposal for the creation of a new system in the Sarawak Syariah Court that is in line with the development of digital technology as implemented in the Civil Court in Malaysia. (Nedri, personal communication, April 1, 2021).

### **The i-Syariah System Application**

The development of the i-Syariah was based on the concept of technology transformation within the judiciary institution and keeping abreast with the current workforce and the application of the latest advanced technology. Table 3 illustrates the seven main sub-systems in the Syariah Court Case Management System:

**Table 3**

*The i-Syariah System as implemented by the JKSS*



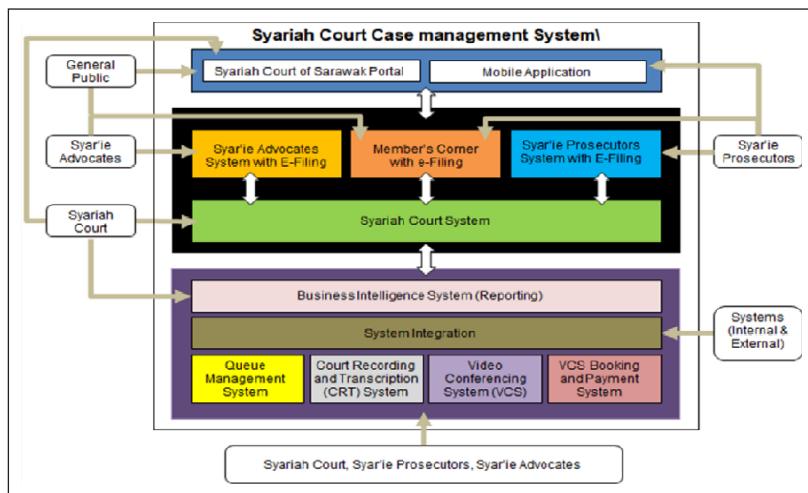
*Note.* Source is the Department of Syariah Judiciary Sarawak (2020)

These sub-systems are constantly updated to ensure a user-friendly and comprehensive system without distraction. The development of the i-Syariah system involved two phases, consisting of twenty-eight (28) modules and seven (7) main subsections for its application

(Department of Syariah Judiciary Sarawak, 2020). The application of the developed system was done in stages to ensure an organised and smooth workflow according to the order of priority of the Syariah Courts in Sarawak. The various modules developed in the i-Syariah system are meant for the management of Syariah Court matters related to the subsystem mentioned above. Figure 2 shows an overview of the application of the i-Syariah system, which includes the management of the Syariah Courts and Syariah judiciary institutions in Sarawak.

**Figure 2**

*The Development of the i-Syariah System*



*Note.* Source is the Syariah Judiciary Department of Sarawak (2020)

It can be observed that the development of the i-Syariah takes into account aspects related to the Syariah Court, such as Syarie Lawyer, Syarie Prosecutor, and the public. The first phase of the Syariah Court Case Management System was to develop the following modules: the Case Registration and Approval module, Receipt Management module, Form Template Management module, Document Management module, Virtual File module, Unit Sulh module, Schedule Management module, Planner Management module, Hijri Calendar Management module, Case Assignment module, Judgement module, Appeal Case Management module, Review Case Management module, Calendaring module, Exhibit Management module, Docket Management module, Case Listing, Reports and

Statistics module, Case Searching and Retrieval module, User Profile and Maintenance module, System Profile Management module, Application Profile Management module, Case Monitoring module, as well as the System Log and Audit Trail module.

The module applications in the i-Syariah were systematically developed to ensure the Syarie Judge could understand the empowerment of technology transformation in the Syariah judiciary. Meanwhile, the other i-Syariah subsystems also consist of comprehensive and special modules developed in the second phase, namely the E-Filing modules (Syarie Advocate System, Member's Corner, Appeal Case Management module Syarie Advocate System, Review Case Management, Syarie Advocate System, and Syarie Advocate Practising Certificate Management), Case Auto Assignment and Auto Fixture Management module, Schedule Postponement Management module, e-Mention module, Notice Server module (including hardware), File Search module, Reports and Statistics module integrated with external reporting tool, Digital Signature module, Bahagian Sokongan Keluarga (BSK) module, System Announcement to Portal module, Queue Management module (Counter System, Proceeding System Open Court/Chambers), Law Reference module, CRT, Video Conferencing, Booking and Payment System, Online Payment, Modules with Mobile Application (e-Filing and Acknowledgement module, e-Signing Documents, e-Signing Notice Server, System Announcement, Schedule Calendaring, Notification), Modules with Offline Function (e-Signing Notice server, Offline Receipting module), the i-Syariah Backend function (Syarie Prosecutor System), and Integration with Third Party Applications (Department of Syariah Judiciary Sarawak, 2020).

One of the modules developed in the i-Syariah system is the integration system with other related agencies to facilitate court matters (Department of Syariah Judiciary Sarawak, 2019). This is intended for integration with the e-Dakwa System, eKISWA System (e-Munakahat), SIFBAS System, Sarawak ID, JKM System, Jabatan Mufti System, JPN System, PDRM System, LHDN System, Jabatan Penjara System, Jabatan Imigresen System, JKSM system (e-Syariah version 3), ERNDO System, Land and Survey System, Native Court System, Songkhla and Konsulat Malaysia, Pontianak System, and Unified Security Access Control System (UKPN).

The purpose of these integrations is not only for a web system but to facilitate the service of Syariah Courts with other agencies and simplify the customers' need for registration and payment purposes (Nedri, personal communication, April 1, 2021). The development of i-Syariah is a manifestation of the advancement of the Syariah judiciary institutions in Sarawak in line with the rapid progression of digital technology in the Civil Court.

Some applications adopted in the i-Syariah have already been implemented in the Civil Court, such as the Queue Management System (QMS) and the Court Recording and Transcription (CRT) System. The Video Conferencing System is also included in the i-Syariah system plan due to the geographical factor of Sarawak and to facilitate court services to the public (Nedri, personal communication, April 1, 2021). Sarawak is the largest state in Malaysia, with an area of 124,450 km and a population of 2.5 million (Karunakaran, 2014). Thus, technology is urgently needed to ensure a successful delivery of service to the community. An e-Filing system will also be implemented in the i-Syariah system to facilitate the online filing of cases (Hassan & Mokhtar, 2011). Through the system, legal firms will no longer be required to present physical documents manually to the court and lawyers will be able to send documents or summons through the online system from their current whereabouts (Keong, 2017). This will assist both lawyers and Syariah Court matters instantly and mould an effective and practical service delivery through ICT. The Government of Sarawak is highly dedicated in its effort to apply ICT and the Internet to upgrade the process and improve the delivery of quality service (Junaini & Musa, 2007).

## **ANALYSIS AND DISCUSSIONS**

The application of electronic technology in the Syariah judiciary system of Malaysia has been pioneered by the e-Syariah system for the entire nation and the recently developed i-Syariah system in Sarawak. It is a major challenge for the Syariah Court to achieve a more effective and comprehensive service delivery along with the cycle of technological advancement. Discussions have been made regarding the application of the e-Syariah system in the Syariah Court of Malaysia. Such a comprehensive system takes into account the responsibility of the court, Syarie lawyers, the community, and

related agencies. The development and application of e-Syariah has reached its second phase after nearly two decades of service. Several additional applications were also created to further empower the e-Syariah system, including the e-Nafkah and the e-Bicara (Muhammad & Salam, 2019).

The e-Nafkah is a new sub-module for the SPKMS, which was specially developed for the personnel involved in the Family Support Division (BSK) of the JKSM who are stationed in the JKSN, the MSN across Malaysia, and the Perak Islamic Department (The Government of Malaysia's Official Portal, 2020). The BSK was established by the JKSM to overcome the issue of ex-husbands or fathers failing to pay the monthly maintenance fee for their children (Malek, 2016). The e-Nafkah system enables the BSK to act proactively by serving the dual function of both a virtual file and data bank that can upload all court orders related to the maintenance. Moreover, the development of the e-Nafkah accounted for the three-pronged units in the BSK, namely the Legal Advisory Services Unit (UKNP), the Fund Management Unit (UPD), and the Enforcement and Execution of Orders Unit (UPPP) (Yusoff et al., 2017).

On the other hand, the e-Bicara module is part of the SPKMS e-Syariah system that assists Syarie Judges in recording proceedings directly to the system in an orderly manner (Mahmod & Buang, 2022). The system also facilitates Syarie Judges in case proceedings, thus allowing judgements to be made expediently and in an orderly manner (JKSM, 2019). To ensure its optimum application by Syarie Judges, the JKSM formulated a practice direction specifically for the e-Bicara, namely the Practice Direction No. 6 Year 2013 on *“Application of e-Bicara by Syarie Judge”* (Department of Syariah Judiciary Malaysia, 2013). The Practice Direction has made it obligatory for Syarie Judges to use the e-Bicara application to prepare proceeding notes and grounds of judgment in a stipulated time frame. This is a manifestation that the usage of the e-Bicara application among Syarie Judges in Malaysia is highly encouraged by the JKSM, the JKSN, and the MSN. Furthermore, the e-Bicara application has been directly integrated into the SPKMS e-Syariah version 3 under the proceedings section, specifically on notes of evidence. Its function remains the same: to record trial notes in case proceedings.

Several other applications were also developed to facilitate the court's process, namely the MyReCourt (Ibrahim, 2020), the MySolve

by Perak, and the E-Locator by Selangor (Department of Syariah Judiciary Selangor, 2020). These applications can be categorised as a form of electronic transformation at the state level, but not thoroughly applied throughout Malaysia, as is in the case of the e-Syariah. There were also innovations done in some State Syariah Courts, including the e-Fos project (*e-Fast Order Suh*), the e-Siap (*e-Syariah Instant Access Procedure*), and the EZNafkah (Muhammad & Salam, 2019). These innovations, which were done at the JKSN and MSN levels, did not involve the development of a new system, but rather an implementation of improvement in the work process to expedite the management of related matters.

After nearly two decades of application in the Malaysian Syariah Courts, the e-Syariah system needs an update and upgrade to a more complete and comprehensive system. This is parallel with the advancement of technology applicable in judiciary systems throughout the world. The main challenge for the application of technology in the Syariah Court emerges from the aspect of legal provision. To date, there is no legal provision in the Ordinance of Syariah Court that specifically provides for the usage of technology in the trial proceedings. It includes the process of case management, online case filing, summons delivery process, online payment, attendance of parties in court, online trial, and online delivery of judgment. The need for technology usage became prominent during the COVID-19 pandemic, which significantly changed how humans live their daily life (Boo, 2021). It also led to the practice of working from home (WFH), whereby employees work remotely from their workplace (Wahab et al., 2022). The new norm challenges employers and employees in terms of work culture and has prompted the wide usage of video conferencing applications, such as Zoom, Skype, and Google Meet, that require stable internet access (Abdullah et al., 2022). The Syariah Court also needs to upgrade the quality of service delivery by incorporating technology applications, especially for court processes such as registration and trial until the judgement is made.

Several guidelines exist in relation to online trials, one of which was produced by the Perak Syariah Court, namely the “*Garis Panduan Perbicaraan Secara Atas Talian dalam Tempoh Perintah Kawalan Pergerakan*” (Department of Syariah Judiciary Perak, 2020). However, the said online trial was specifically meant for cases of the

Syariah Lower Court involving Section 18 case trial (*Wali Hakim/Under Age Marriage/Janda Berhias*) and Section 57 (*Confirmation of Divorce Pronouncement*) of the Perak Islamic Family Enactment. The Syariah Judiciary Department of Selangor (JAKESS) issued a statement that in controlling the spread of COVID-19, services like the wakalah, affidavit affirmation, Majlis Sulh, as well as trial and mention of cases were offered online through video conference. These services could be obtained through an application made to the Court Registrar with the consent of the parties involved (Zain, 2020). There is also a practice direction which provides for an online wakalah process, namely the Practice Direction No. 5 Year 2014 JKSM “*Proses Wakalah Peguam Syarie Bagi Pihak-Pihak Yang Berada di Luar Negeri Atau Luar Negeri Atau Dalam Keadaan Keadaan Tertentu*” (Department of Syariah Judiciary Malaysia, 2014). This matter is related to the administrative procedure of the wakalah/affidavit through video conference over other applications, which is permitted in the Syariah Court and can be done by Syarie Lawyers if their client is abroad or out of the country.

Conceptually, several value-added criteria have been enforced at the State Syariah Court level that give way for the introduction of technological advancement for proceedings in the Court. However, there should be clear coordination at the Federal level to facilitate the Syariah judiciary institutions in the states and ensure uniformity in the laws, guidelines, practice direction, and types of technology to be applied fully in judiciary proceedings. This will ensure a coordinated, efficient, and effective service delivery of the Syariah judiciary.

The present research findings have concluded that the e-Syariah portal contains thorough information about the Syariah judiciary institutions in Malaysia. However, it has not been aggressively updated to include current information, as well as those from the JKSN dan the MSN regarding the advancement and movement of Syariah judiciary at the state level. The e-Syariah portal is also not multi-linked and has no access to the grounds of judgement produced by the Syariah Court as the official portal of the Chief Registrar, Federal Court of Malaysia (Official Portal Office of the Chief Registrar Federal Court of Malaysia, 2020). It is crucial for the e-Syariah portal to be a comprehensive website that contains related materials including the display of online grounds of judgement, which have been compiled by the JKSM from the JKSN and the MSN for publication in the

Jurnal Hukum, as provided for in the Practice Direction No. 10 Year 2001 (Department of Syariah Judiciary Malaysia, 2001).

This research has also observed there there is a slow advancement of electronic technology application within the Syariah Judiciary in Malaysia compared to the system applied in the Civil Judiciary Institution. The electronic technology transformation in the Malaysian Civil Court system has shown quite an encouraging speed. Moreover, Malaysia's experience in this field has become a reference and model to many countries across the world (Keong, 2017).

The transformation of judiciary management in the Civil Court of Malaysia between 2009 to 2012 has put more emphasis on the management of cases than in the preceding years (Zakiyy & Hassan, 2015). Malaysia is among the first countries to practise a paperless Civil Court using a system known as "e-Courts" (Zain et al., 2018). Such a system is implemented to serve various purposes: (1) to authorise the online filing of cases to achieve the aim of a "paperless office", (2) to save on storage space and human resources, (3) to allow instant access to documents while on trial, and (4) to avoid counterfeit documents (Saman & Haider, 2012).

The management of the Civil Court has prompted the application of several electronic court systems, such as the e-Filing System (EFS), the Case Management System (CMS), the Queue Management System (QMS), the Court Recording and Transcribing (CRT) (Saman & Haider, 2012), Artificial Intelligence (AI) (Lim & Gong, 2020), the Community and Advocate Portal System (CAP) (Hassan & Mokhtar, 2011), and the Video Conferencing System (VCS) (Hassan & Mokhtar, 2011). The application of these systems has shown positive impacts and extensive improvements in the implementation of the e-Court in justice delivery (Zain et al., 2018). Furthermore, the latest application was developed for the Civil Court in 2020, which is the Artificial Intelligence (AI) system and implemented in Sabah and Sarawak. It was developed by the Sarawak Information Systems Sdn. Bhd. (SAINS), which is a company under the state government of Sarawak (Lim & Gong, 2020). AI can be construed as "allowing a machine to behave in such a way that it would be called intelligent if a human being behaved in such a way" (Reiling, 2020). Although the legal fraternity in Malaysia has seen little innovation in the past, it is at the verge of launching a legal revolution and should embrace

AI technology to enhance the quality of legal services (Bhavani & Thuraisingam, 2022). AI has been applied in the Court of Sabah and Sarawak as an assistant in the sentencing process of drug and rape cases (Lee, 2020).

The advancement of digital technology applications in the Civil Court stands as an encouraging factor for the Syariah judiciary institutions in Malaysia to achieve the same. The use of ICT in the Civil Court has been viewed positively by the JKSS and it has initiated a cooperation with the SAINS to develop the i-Syariah to upgrade the service delivery of the Syariah judiciary to be at par with the advancement of digital technology in Sarawak. Various aspects from the Civil Court were incorporated into the i-Syariah system to be implemented in the Syariah Court, including the e-Filing System (EFS), the Case Management System (CMS), the Queue Management System (QMS), the Court Recording and Transcribing (CRT), Artificial Intelligence (AI), and the Video Conferencing System (VCS). Discussion on the challenges of developing electronic technology transformation in the Syariah Court management system in Malaysia through the application of the e-Syariah and the i-Syariah has shown a positive impact, albeit with several weaknesses in the former system. However, according to the i-Syariah development plan, technology transformation in the Syariah judiciary management system is urgently needed to achieve a comprehensive and efficient delivery of the Syariah judiciary service. Accordingly, the judiciary institution at the Federal level led by the JKSM had upgraded the e-Syariah system, which is more comprehensive and adaptable in line with the change of dynamic technology advancement to face the challenges and complexity of Syariah judiciary services.

Therefore, the JKSM, the JKSN, and the MSN should act efficiently and comprehensively to elevate the Syariah Judiciary in Malaysia while keeping abreast with digital technology advancement in the global arena. A new legal framework management should be developed and coordinated for Syariah Courts throughout Malaysia to upgrade the quality and transformation of Syariah judiciary service delivery as implemented in the Civil Court, mainly from the aspects of the e-Filing System (EFS), the Case Management System (CMS), the Queue Management System (QMS), Court Recording and Transcribing (CRT), Artificial Intelligence (AI), and the Video Conferencing System (VCS).

## **CONCLUSION**

The development of a management system oriented towards electronic technology is a dynamic and efficient step in the current era of ICT advancement. Such a matter is no exception in the management system of the Syariah Court, which has been implemented through the e-Syariah system for Syariah Courts throughout Malaysia and the i-Syariah system that was specially developed for the application in Sarawak. The large investment made by the Federal Government in developing the management system of Syariah Courts via the e-Syariah system has shown a positive impact on the efficiency of Syariah Court management. However, moving along with the change of time, the e-Syariah system should be updated or rebranded to be in step with current ICT efficiency. The transformation initiated by the JKSS in the development of the i-Syariah system is also motivated by a similar objective as the e-Syariah, namely to ensure a more efficient and comprehensive service delivery of the Syariah judiciary institutions. The experience of the Civil Judiciary Institution in the development of the e-Court should be taken into consideration by the Syariah judiciary institutions in Malaysia to avoid the application of outdated technology. This research has found that there is an effort made by the judiciary institution in the state of Sarawak through its development of the i-Syariah system. This is the right action according to the time and situation of digital technology advancement in Sarawak. Such application has been expanded across all Syariah Courts in Malaysia to ensure a more organised, updated, and dynamic Syariah Court management system. This will indirectly strengthen the Syariah Court to confront the current challenges in the application of digital technology and to upgrade the quality of service delivery of Syariah judiciary in Malaysia.

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