

## Analysing Factors that Affect E-Syariah Adoption by Shar'ie Lawyers (Menganalisis Faktor yang Mempengaruhi Kegunaan E-Syariah oleh Peguam Shar'ie)

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### ABSTRACT

*This study discusses the importance of implementing E-Syariah, which is a Government-to-Citizen (G2C) application, in fulfilling the needs to improve Shariah Courts' administration in Malaysia. Its objective is to identify factors that affect the intention and utilization of E-Syariah by its targeted users, the Malaysian Shar'ie lawyers, which are currently lacking. A self-administered questionnaire was utilized and responses from 240 Shar'ie lawyers were collected and analyzed using structural equation modeling (SEM). Results from the analysis indicate that behavioral intention to use E-Syariah is positively influenced by performance expectancy and technical facilitating conditions; and use behavior of using E-Syariah is positively affected by behavioral intention to utilize E-Syariah. Findings from this study contribute to the literature on user acceptance of information system and can assist the federal agency and policy makers in evaluating the effectiveness of their efforts in implementing E-Syariah.*

*Keywords: User acceptance; information system; Malaysia; electronic government; E-Syariah*

### ABSTRAK

*Kajian ini membincangkan kepentingan E-Syariah, sebuah aplikasi 'kerajaan kepada rakyat' dalam meningkatkan mutu pentadbiran Mahkamah Syariah di Malaysia. Objektif kajian adalah untuk mengenalpasti faktor yang mempengaruhi hasrat dan penggunaan E-Syariah oleh pengguna sasaran, iaitu peguam Syar'ie di Malaysia, yang sekarang ini berada pada tahap yang rendah. Borang soal-selidik telah diedarkan dan maklumbalas daripada 240 peguam Syar'ie telah dikumpul dan dianalisis menggunakan pemodelan persamaan berstruktur (SEM). Hasil kajian menunjukkan bahawa hasrat menggunakan E-Syariah adalah dipengaruhi secara positif oleh jangkaan prestasi dan kondisi sokongan teknikal; dan perlakuan penggunaan E-Syariah adalah dipengaruhi secara positif oleh hasrat menggunakan E-Syariah. Kajian ini memperkaya bidang ilmu penerimaan system maklumat oleh pengguna dan seterusnya menyokong agensi dan pembuat dasar dalam menilai keberkesanan usaha mereka melaksanakan E-Syariah.*

*Kata kunci: Penerimaan pengguna; sistem maklumat; Malaysia; kerajaan elektronik; E-Syariah*

### INTRODUCTION

The administration of Islamic Law in Malaysia is unique. Prior to the arrival of colonial powers in the Malay States (now Malaysia), Islamic Law was applied and absorbed to a certain degree as the rules of the Malay customs. However, when the Malay States were under the British influence, most courts were headed by British judges, who were trained in English Common Law and they tended to apply English Law when there was no legislation that could be based upon. Even though Islamic Law had been acknowledged as the law of the land, British judges felt they were incompetent in dealing with issues related to Islamic practices and Malay customs. Thus, frequently, Executive Council members of various States were consulted to assist them. Later, the legislation for the administration of Islamic Law was enacted in each individual state. This development has contributed to a dual system of courts. The Civil Courts, which rulings

are based on English law, deal with most of legal issues such as contracts and crime, and everyone in Malaysia is subjected to their jurisdiction. On the other hand, the Shariah Courts handle issues pertaining to Islamic Family Law and some aspects of Islamic Criminal Law, and only Muslims are under their jurisdiction. Malaysian Shariah Courts are run separately from the Civil Courts, thus they have a very high responsibility in interpreting and applying Islamic Law. They are under the power of the state and each state has its own enactments, work processes and forms (Mohamed Ibrahim 2000).

The inconsistency of work processes among states affects the effectiveness of Shariah Courts' administration directly, and the implementation of Shariah Law indirectly. As a way to solve this issue, the Department of Shariah Judiciary Malaysia (JKSM) was established to act as a liaising federal agency for these various courts. JKSM has identified Information and Communication Technology (ICT) as a tool to produce effective and efficient

administration among the Shariah Courts, and one of its important initiatives is to develop the E-Syariah system (JKSM 2004).

E-Syariah was implemented in October 2001 and became fully operational in 2005. The implementation of E-Syariah involved six phases or modules, which are Shariah Court Case Management System (SPKMS), Shar'ie Lawyers Registration System (SPPS), Office Automation, E-Syariah Portal, Library Management System and System Link. SPKMS is the main module used in all Shariah Courts throughout Malaysia, and it allows the users to perform online registration, processing, recording and payment, involving cases of divorce/marital claim, criminal, inheritance and appeal. SPPS, on the other hand, manages online registration of Shar'ie lawyers; i.e. from application to production of certificate of practice. E-Syariah Portal ([www.esyariah.gov.my](http://www.esyariah.gov.my)) is the online gateway that provides information related to Courts' operation for the general public and members of the Courts. Office Automation is the facility that integrates the E-Syariah system with the Internet, and also offers other applications such as word processing, and spreadsheet. The Library Management System provides users with the function to do search or loan materials stored in the system's database, while the System Link module allows users to share information with other Malaysian government agencies (such as Malaysian Islamic Development Department, National Registration Department, Immigration Department, Royal Malaysia Police, Legal Affairs Division and Accountant General's Department), thus enabling users to verify data and speed up legal-to-action processes. This function helps to reduce inter-agency bureaucracy (JKSM 2004; Kiflie & Elias 2011; Sukor, Mohd Amin & Yahya 2011).

The implementation of E-Syariah requires collaborative efforts between federal and states agencies in standardizing work processes, forms and work flows used in Shariah Courts throughout the nation. Through this standardization, some issues and problems in Shariah Courts' administration such as redundancy in case registration, delay in handling cases, and difficulties in acquiring related statistics are handled. By 2010, through E-Syariah, all 123 Shariah Courts in all 14 states throughout Malaysia are connected through a Wide Area Network (WAN) called the EG\*Net. This network provides a dedicated and secured telecommunication system for government agencies (JKSM 2010).

The implementation of E-Syariah can be considered as a technical success; whereby it had received various recognitions in the country, such as the 1<sup>st</sup> place for ICT Quality Award in 2007, The Best EG Portal 2006 and as a 4-star Government Portal. However, the adoption by one of its intended users, the Shar'ie lawyers, is very low. In fact, for certain functions, the usage has decreased in comparison to the usage during its introduction phase in 2005 (JKSM 2010).

The issue of low utilization of the E-syariah system by Shar'ie lawyers brings about the question of whether the system such as the G2C is a successful EG application.

This is because an application can only be regarded as a success, if it is accepted and used by all its intended users (Baroudi, Olson & Ives 1986; Kijnsanayotin, Pannarunothai & Speedie 2009). One function of the system is to allow the public, the courts' employees and the lawyers to view information about cases, including applications, proceedings' dates, witnesses, plaintiffs, lawyers, supporting documents and others. Some of the information must be provided by the lawyers themselves. If they are not participating in the utilization of the system, the information might not be available in the system and this defeats the purpose of E-Syariah, which is to provide fast and up-to-date information to its users (JKSM 2004; Kiflie & Elias 2011; Sukor et al. 2011). Therefore, Shar'ie lawyers are important users of E-Syariah and their acceptance of the system is crucial in supporting effective implementation of Shariah Law in Malaysia (Mohamed Ibrahim 2000).

Thus, the objective of this study is to ascertain the factors that affect the intention and utilization of E-Syariah by Shar'ie lawyers. The findings offer a greater understanding in the factors that influence usage of information system within a collaborative setting. In regard to practical implication, the findings can contribute toward a more effective collaboration between the state and federal government agencies in the implementation of the system and in its future improvement.

#### THEORETICAL FRAMEWORK

To achieve its objective, this study reviews several models related to the factors that affect individual user acceptance and utilization of information system. These models include Theory of Reasoned Action (TRA), Theory of Planned Behavior (TPB), Technology Acceptance Model (TAM), Motivational Model (MM), Model of PC Utilization (MPCU), Innovation Diffusion Theory (IDT) and Unified Theory of Acceptance and Use of Technology (UTAUT).

The literature review supports the development of the study's conceptual framework as shown in Figure 1. Of all the models reviewed, UTAUT by Venkatesh, Morris, Davis and Davis (2003) was selected as the basis of the study's framework due to its cohesiveness view

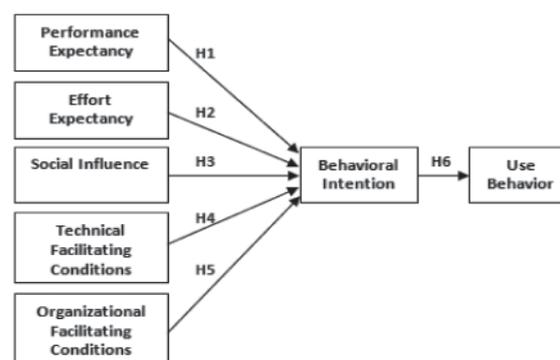


FIGURE 1. Conceptual framework

on individual acceptance of information system as it combines explanatory power of all previous models (Loo, Yeow & Chong 2009).

Based on UTAUT, this study identifies seven variables that are relevant to its research context and integrates them into its framework; five are identified as independent variables (performance expectancy, effort expectancy, social influence, technical facilitating conditions and organizational facilitating conditions), one as a mediating variable (behavioral intention) and one as a dependent variable (use behavior).

The four moderators suggested in UTAUT, which are gender, age, experience and voluntariness of use, are not included in this study. The moderating effects of gender and age are not relevant to this study's context because Shar'ie lawyers are comprised of professionals and thus, the differences in gender and age are unlikely to have significant influences on their roles and performance as lawyers. Experience as a moderator is also omitted because data for this study was collected at one point of time and the effect of user experience with the system is beyond the scope of this study. Voluntariness of use is also dropped from the study since the use of E-Syariah by all lawyers is not mandatory, thus, the effect of voluntary versus mandated usage cannot be examined.

The selected variables and their relationships to other variables are described as follow.

*Performance Expectancy and Behavioral Intention* Performance expectancy is stated as the extent to which a Shar'ie lawyer believes that using E-Syariah will assist him or her in attaining greater job performance and help Shariah Court in arriving justice (adapted from Venkatesh et al. 2003). Behavioral intention is defined as the strength of one's intention to use the E-Syariah (adapted from Masrom & Hussein 2008). Performance expectancy construct is relevant since online facilities and information provided by E-Syariah are useful and can contribute toward the enhancement of Shar'ie lawyers' job performance. This study believes that Shar'ie lawyers' behavioral intention to use the system will be enhanced since it offers advantages to their job performance. Therefore, the study posits that:

H<sub>1</sub> The higher the performance they expect from E-Syariah, the greater the intention to utilize E-Syariah.

*Effort Expectancy and Behavioral Intention* In this study, effort expectancy is described as the extent of ease related to the use of E-Syariah (adapted from Venkatesh et al. 2003). High effort expectancy suggests high ease of use (Brown, Dennis & Venkatesh 2010). This construct is relevant since E-Syariah offers high ease of use in terms of navigating and finding information, as well as doing online transactions on its portal. It is believed that Shar'ie lawyers' behavioral intention to use the system will be enhanced since the system offers high ease of use. Therefore, this study suggests that:

H<sub>2</sub> The lesser the effort they expect in using E-Syariah, the greater the intention to use E-Syariah.

*Social Influence and Behavioral Intention* This study defines social influence as the level to which an individual feels that specific individuals or groups that are important to him or her believe he or she should use E-Syariah (adapted from Venkatesh et al. 2003). Social influence such as interpersonal influence (peer impact) is identified as a major factor to users' intention in adopting Electronic Government application (Hung, Tang, Chang & Ke 2009). Individual decision to adopt a technology is also affected by a network structure formed by existing adopters where individual who is connected to many adopters will have greater probability of adopting (Katona, Zubcsek & Sarvary 2011). This construct is relevant since Shar'ie lawyers interact among themselves and with Shariah Court community in order to gain new information and share knowledge. This study feels that Shar'ie lawyers' behavioral intention to use the system will be enhanced by social influence since social interaction is important to Shar'ie lawyers; and individuals or groups' opinions may influence his or her decision in using E-Syariah. Therefore, this study proposes that:

H<sub>3</sub> The higher the social influence has on them on using E-Syariah, the greater the lawyers' intention to use E-Syariah.

*Facilitating Conditions and Behavioral Intention* Facilitating conditions is the extent to which one feels that an organizational and technical infrastructure exists to assist his or her usage of a potential system (Brown et al. 2010; Venkatesh et al. 2003). The existence of facilitating conditions removes barriers to use technology (Thompson, Higgins & Howell 1991; Venkatesh, Brown, Maruping & Bala 2008; Venkatesh et al. 2003). This study adapts measurements which are suggested by previous studies (Patrick@Marimuthu 2007; Sambasivan, Wemyss & Rose 2010). In the contexts of this study, facilitating conditions are categorized into technical and organizational facilitating conditions. Technical facilitating conditions are stated as the extent to which a Shar'ie lawyer believes that technical infrastructures and supports exist to assist him or her in using E-Syariah. In contrast, organizational facilitating conditions refer to non-technical activities and efforts performed by JKSM, the law firms and Shariah Courts in relation to E-Syariah implementation that facilitates the use of the system by Shar'ie lawyers. These constructs are relevant and this study suggests that Shar'ie lawyers' behavioral intention to use the system will be enhanced since technical and organizational facilitating conditions facilitate the use of E-Syariah. Therefore, this study posits that:

H<sub>4</sub> The higher the technical facilitating conditions existence in supporting the use of E-Syariah, the greater the intention to use E-Syariah.

H<sub>5</sub> The higher the organizational facilitating conditions existence in supporting the use of E-Syariah, the greater the intention to use E-Syariah.

*Behavioral Intention and Use Behavior* UTAUT includes both behavioral intention and use behavior as important constructs in its framework. This study also does the same. Many studies have provided strong evidence that the tendency to perform a particular behavior can be predicted from corresponding behavioral intention (Ajzen 2005). The positive correlation between behavioral intention and use behavior has been theorized in many intention-based models and technology adoption models (Venkatesh et al. 2003). In this study, behavioral intention is described as consideration that the Shar'ie lawyers have in using the system, while use behavior is the actual adoption of E-Syariah by them. The study believes that there is a significant relation between the intention to use E-Syariah and its actual usage, whereby, lawyers who have serious consideration in utilizing the system will eventually use it. Therefore, this study proposes that:

H<sub>6</sub> The greater the intention to utilize E-Syariah, the greater the usage of E-Syariah.

#### METHODOLOGY

The population of this study comprises of 678 lawyers who have registered with JKSM and are currently practicing Shariah law in the states of Malaysia. Shar'ie lawyers can be divided into two groups; Shar'ie lawyers from the public sector and those from the private sector. In this study, self-administered questionnaire was used for both groups. A total of 240 usable questionnaires were collected and used for analysis using structural equation modeling (SEM).

#### DEVELOPMENT OF MEASURES

Four of the items used to measure performance expectancy were adapted and modified from Venkatesh et al. (2003) and Brown et al. (2010), with one item created by this study. The measures for effort expectancy were adapted and modified from Venkatesh et al. (2003) and Sambasivan et al. (2010). Four of the items that were used to measure social influence were adapted from previous studies (Brown et al. 2010; Venkatesh et al. 2003) with some modifications to suit the context of this study. One more item was created by this study. Four items used in measuring technical facilitating conditions were adapted and modified from Venkatesh et al. (2003) and Brown et al. (2010) and one item was created. Four of the items that were used to measure organizational facilitating condition were adapted from Sambasivan et al. (2010) and one item was created. Respondents were requested to specify their agreement or disagreement to the statements based on five-point Likert scale. Three items to measure behavioral intention were adapted from Venkatesh

et al. (2003) and Loo et al. (2009). For this variable, the respondents indicated their preferences by using the five-point Likert scale. Measures of use behavior were adapted and modified from Sambasivan et al. (2010). All the three items used five-point Likert scale with different scale response format.

## RESULTS

### CONSTRUCT VALIDITY

This study utilised confirmatory factor analysis (CFA) to analyse the convergent validity of the constructs. Factor loadings, average variance extracted (AVE) and construct reliability are indicators of convergent validity (Hair, Black, Babin & Anderson 2010). Table 1 presents the values for individual constructs, where the factor loadings for all items are higher than 0.5, AVE for constructs close or higher than 0.5 and reliability for constructs are higher than 0.7. The threshold values are based on Hair et al. (2010).

TABLE 1. CFA for individual constructs

Items	Factor loading	AVE	Reliability
PE1	.80	0.691	0.918
PE2	.91		
PE3	.81		
PE4	.83		
PE5	.80		
EE1	.68	0.657	0.905
EE2	.73		
EE3	.91		
EE4	.88		
EE5	.83		
SI1	.56	0.483	0.819
SI2	.55		
SI3	.66		
SI4	.82		
SI5	.83		
TFC1	.67	0.489	0.737
TFC2	.84		
TFC3	.56		
OFC1	.70	0.530	0.847
OFC2	.86		
OFC3	.82		
OFC4	.66		
OFC5	.56		
BI1	.78	0.788	0.917
BI2	.88		
BI3	.99		
UB1	.88	0.684	0.864
UB2	.91		
UB3	.67		

Notes: PE-performance expectancy; EE-effort expectancy; SI-social influence; TFC-technical facilitating conditions; OFC-organizational facilitating conditions; BI-behavioral intention; UB-use behavior.

Constructs which had been assessed in previous stage (CFA for individual construct) were used to specify the measurement model. CFA for the measurement model was carried out to assess construct validity (especially on the discriminant validity), the model fit and multivariate normality, as well as to check for potential outliers. Table 2 presents the values for AVEs and squared correlation estimates for constructs in the measurement model. It shows that all the squared correlation coefficients among all two constructs are lesser than the AVE of the constructs. This indicates that all the constructs in the measurement model are distinct from each other. Table 3 presents the goodness of fit indices of the measurement model. CFI and IFI significantly pass the cutoff value (.9), whereas value for RMSEA is .072, which is lower than .08. In addition, Relative Chi-Square is 2.243 (Chi-Square = 798.413 with degrees of freedom=356), which is lower than the cutoff value (.5). Thus, these indices show that there is a good fit between the data and the proposed measurement model.

TABLE 2. AVE (on the diagonal) and squared correlation coefficients (on the off-diagonal) for study constructs

Construct	PE	EE	SI	TFC	OFC	BI	UB
PE	.691						
EE	.278	.653					
SI	.130	.210	.483				
TFC	.151	.342	.029	.490			
OFC	.192	.261	.446	.135	.532		
BI	.134	.177	.035	.180	.097	.799	
UB	.214	.286	.261	.123	.224	.120	.687

TABLE 3. Goodness of fit indices (measurement model)

GOF	Relative Chi-Sq (<5.0)	CFI (>=.9)	IFI (>=.9)	RMSEA (<=.08)
Value	2.243	.900	.901	.072

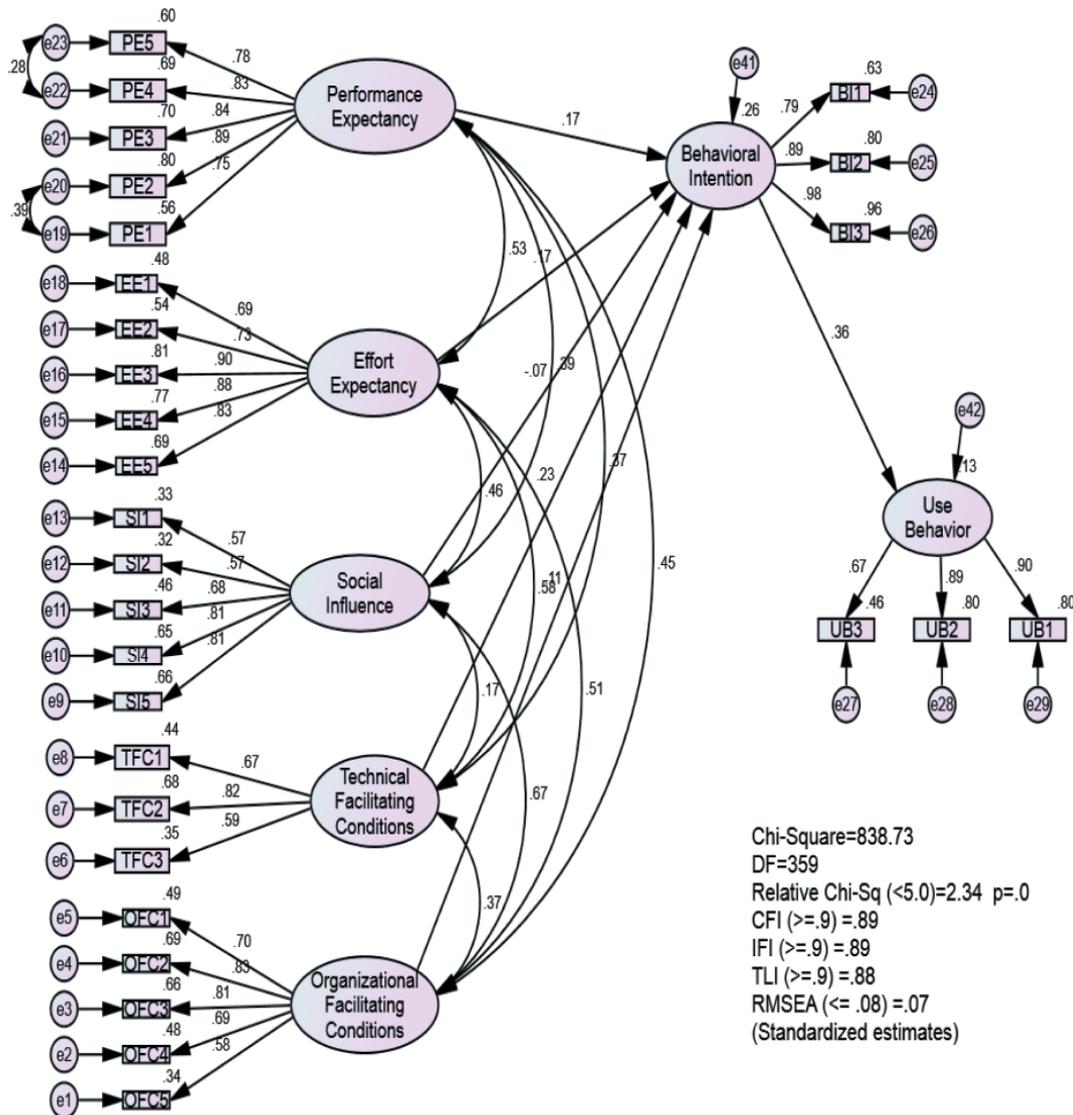


FIGURE 2. Structural model of the independents and dependents construct

## HYPOTHESIS TESTING

This study implemented structural modeling in order to test the developed hypotheses. It can be used to test the interrelationships between variables as well as their direct and indirect effects (Abu Samah 2012). Figure 2 presents the results of the structural model. By referring to the goodness-of-fit indices for the structural model, it is found that the model fits the data. The indices show that the Relative Chi-Square = 2.34 (Chi-Square = 838.73 with degrees of freedom = 359) is lower than the cut-off value of 5.0. The values of CFI = .89, IFI = .89 and TLI = .88 are significantly close to the cutoff value of 0.9. In addition, the RMSEA is .07, which is lower than the cutoff value of .08.

Table 4 shows the results from running the structural model as presented in Figure 2. Based on the results, the following findings are confirmed.  $H_1$  is positively supported (Beta = 0.169, C.R. = 2.169,  $p = .030 < .05$ ). This explains that the higher the performance the

Shar'ie lawyers expects from E-Syariah, the greater their intention will be in using E-Syariah.  $H_4$  is also positively supported (Beta = 0.235, C.R. = 2.477,  $p = .013 < .05$ ). This confirms that the higher the existence of the technical facilitating conditions in supporting Shar'ie lawyers in using E-Syariah, the greater the influence on their intention to use E-Syariah.  $H_2$ ,  $H_3$  and  $H_5$  are not supported.  $H_2$  is not supported as it may be due to possible high level of ICT literacy among Shar'ie lawyers, hence navigating a portal is not a difficult task for them, while, for  $H_3$ , this may be due to E-Syariah usage not being mandatory for the Shar'ie lawyers. Thus, they are not under pressure to comply or rely on others for opinions or advices. Lastly, for  $H_5$ , it is also not being supported likely due to majority of these lawyers are from private firms, which in general, do not provide training, guidelines or policies on the use of E-Syariah for their employees. This issue may also be the result of system usage not being compulsory for the firms' staff, thus, there is less need of supports from the firms for them.

TABLE 4. Results of SEM on effect of predictors on behavioral intention

Hypothesized Relationships			B	S.E.	Beta	C.R.	P
Performance Expectancy	→	Behavioral Intention	.189	.087	.169	2.169	.030
Effort Expectancy	→	Behavioral Intention	.166	.093	.174	1.790	.073
Social Influence	→	Behavioral Intention	-.051	.074	-.070	-.696	.487
Technical Facilitating Conditions	→	Behavioral Intention	.243	.098	.235	2.477	.013
Organizational Facilitating Conditions	→	Behavioral Intention	.163	.146	.114	1.110	.267

R = .51

R<sup>2</sup> = .26

Table 5 presents the results from running the structural model as presented in Figure 2. The results verify the following findings.  $H_6$  is positively supported (Beta = .356, C.R. = 5.275,  $p = .000 < .05$ ). This significant relationship shows that the greater the intention to utilize E-Syariah among the Shar'ie lawyers, the greater the usage of E-Syariah will be among them.

TABLE 5. Results of SEM on effect of behavioral intention on use behavior

Hypothesized Relationships		B	S.E.	Beta	C.R.	P
Behavioral Intention	→ Use Behavior	.543	.103	.356	5.275	***

R = .36

R<sup>2</sup> = .13

## DISCUSSIONS

The results of this study show that performance expectancy and technical facilitating conditions provide a significant impact on behavioral intention to use E-Syariah, which in turn, is proven to have a strong influence on the actual use

by system users. These findings contribute to enriching the literature on user acceptance of information system and offer several implications for the success of e-government implementation, such as E-Syariah system.

In regard to theoretical contribution, this study has introduced three variables from the UTAUT model (performance expectancy, technical facilitating condition and behavioral intention) and results from its analysis reveal that the links between performance expectancy and technical facilitating conditions, to behavioral intention, to be consistent with those of past researches (Abu-Shanab, Pearson & Setterstrom 2010; Alshehri, Drew & AlGhamdi 2012; Tan & Foo 2012; Venkatesh et al. 2003; Weerakkody, Al-Shafi, Irani & Lee 2009; Aggelidis & Chatzoglou 2009). A similar finding is also made on the relationship between behavioral intention and use behavior. Therefore, these findings validated the three variables from the UTAUT model.

From the practical perspective, the study identifies performance expectancy and technical facilitating conditions as factors that influence the adoption of E-Syariah, which is a G2C application. JKSM, and other government agencies that are involved in the development and implementation of G2C applications can use the results from this study to evaluate and improve their efforts

in developing and implementing their applications. Firstly, they need to put more efforts in providing information to increase users' understanding on the benefits of the system. Specifically, how the system can contribute to the users' work performance must be emphasized. By having a good understanding, the users' intention to use and their actual usage will increase. For this purpose, training and communication programs by JKSM, and other related agencies should be conducted to assist the users, especially the Shar'ie lawyers, as to become familiar with the information provided by, various system features of, and types of supports provided for E-Syariah. Secondly, the agencies also need to consider enhancing their technical facilitating conditions by removing barriers in the use of the system. In the case of E-Syariah usage, efforts by both the legal firms and JKSM need to be focused on ensuring uninterrupted internet connection, while also, collaboratively, providing a centralized help desk to assist lawyers in need of assistances.

The findings also have some policy implications. The study found that, unlike Syariah Courts' employees whose usage of E-Syariah is mandated on them, Shar'ie lawyers' utilization of the system is on a voluntary basis. This study believes this has an influence on the reduced usage level by the lawyers. Therefore, this finding can be utilized by the policy makers to formulate a relevant e-government IT policy concerning approach toward creating a critical mass for the system usage. Mandatory versus voluntary usage by Shar'ie lawyers can be considered to promote a more rapid acceptance by lawyers from both the public and private sectors in regard to E-Syariah implementation.

#### CONCLUSIONS

E-Syariah is an important innovation within the Malaysian public sector, which supports the transformation of Syariah Courts administration toward a more systemic and dynamic institution. The implementation of E-Syariah has the potential of promoting effective legal system in the country. Thus, comprehending the factors that influence E-syariah system usage by Shar'ie lawyers can contribute toward improving the utilization level of the information system. With this as its objective, this study analyzed the effects of performance expectancy, effort expectancy, social influence, technical and organizational facilitating conditions on the intention and actual use of E-Syariah by the Syar'ie lawyers. The study's findings verify those of earlier research, foster further insight on Shar'ie lawyers' behavior in using E-Syariah, and also augment the literature on technology acceptance by individual users. This understanding assists improvement attempt in the implementation of technological innovations within the government sector and society.

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