

The Court Role in Providing E-court System Education to Community: Post-Enactment of Supreme Court Regulation Number 1 of 2019

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Abstract : The judicial system in Indonesia has now begun to adapt to the developments in information and technology to improve court case administration services which are realized through the digitization of court cases or known as the electronic justice system (e-court). E-court is a case processing service. It involves registration, payment of fees, and court summons via electronic media and online. The implementation of e-court in Indonesia is based on supreme court regulation No.1 of 2019 on Electronic case and trial administration in courts. This e-court system is designed to create an effective, efficient, and cost-effective Indonesian justice system for justice seekers. However, the lack of public understanding of the e-court system becomes an obstacle to implementing an e-court system in Indonesia. This research aims to analyze how the role of the court in socializing the e-court system to the public as an effort to improve case administration services in court. The research employed normative legal research and a literature study approach with the secondary assessment of legal materials and juridical data analysis. The findings revealed that the current courts are still working to improve technology-based court administration services (e-court) to the public by providing explanations and education through the official website of state court accounts spread throughout Indonesia. In addition, the court has also massively socialized the implementation of the e-court system to the public, advocates/lawyers, and court officials via online and offline. Unfortunately, for people who wish to litigate electronically at this time, it can only be done by cooperating with advocates/lawyers who have e-court access.

Keywords: E-court; Case; Community; Court.

Peran Pengadilan dalam Memberikan Penyuluhan Sistem E-Court Kepada Masyarakat Pasca Pemberlakuan Perma No 1 Tahun 2019

Abstrak : Sistem peradilan di Indonesia saat ini sudah mulai beradaptasi dengan perkembangan teknologi informasi guna terciptanya peningkatan pelayanan administrasi perkara di pengadilan yang diwujudkan melalui digitalisasi perkara pengadilan atau dapat disebut sistem peradilan elektronik (e-court). E-court merupakan sebuah layanan proses perkara mulai dari pendaftaran, pembayaran biaya, dan pemanggilan sidang melalui media elektronik dan secara daring. Pelaksanaan e-court di Indonesia dilandasi oleh Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. Sistem e-court ini dibuat demi terciptanya sistem peradilan Indonesia yang efektif, efisien, serta hemat biaya bagi para pencari keadilan. Namun, minimnya pemahaman masyarakat mengenai sistem e-court ini menjadi salah satu hambatan terselenggaranya sistem e-court di Indonesia. Tujuan penelitian ini adalah untuk menganalisis bagaimana peran pengadilan untuk mensosialisasikan sistem e-court terhadap masyarakat umum sebagai upaya dalam meningkatkan pelayanan administrasi perkara di pengadilan. Metode penelitian yang digunakan dalam artikel ini adalah penelitian hukum normatif dan melalui pendekatan studi literatur dengan penilaian sekunder bahan hukum serta analisis data secara yuridis. Hasil penelitian ini menunjukkan bahwa pengadilan saat ini masih terus berupaya untuk meningkatkan pelayanan administrasi peradilan berbasis teknologi (e-court) kepada masyarakat, yaitu dengan memberikan penjelasan dan edukasi melalui website resmi akun Pengadilan Negeri yang tersebar di seluruh Indonesia. Selain itu Pengadilan juga secara masif melakukan sosialisasi baik secara daring maupun luring mengenai pelaksanaan sistem e-court baik kepada masyarakat, advokat/pengacara dan petugas pengadilan. Sayangnya, bagi masyarakat yang ingin berperkara secara elektronik saat ini hanya bisa dilakukan dengan menggandeng advokat/pengacara yang memiliki akses e-court.

Kata kunci: E-court, Masyarakat, Pengadilan, Perkara.

INTRODUCTION

Judiciary is a process carried out in court that is related to the task of examining, deciding, and adjudicating cases. Meanwhile, a court is an official institution that implements the judicial system in the form of examining, hearing, and deciding cases. According to the Oxford University Press, a court refers to any person, institution, or often regarded as a government agency that is authorized to adjudicate legal disputes between parties and carry out the administration justice in the civil, criminal, and administrative based on statutory regulations.¹ Courts must prioritize the public in civil matters.² The term of court mention in article 4 of law number 4 of 2004 concerning judicial power. It explains that the court adjudicates according to the law without discriminating against people. In addition, the court helps justice seekers and tries to overcome all obstacles to realize a simple, fast, justice. and low-cost court.³

There are several weaknesses of the conventional justice system in Indonesia. This is the basis for the emergence of several demands from the community to create a simple, fast, and inexpensive justice system. This is because the judiciary system in Indonesia has adopted the principles of a good trial comprehensively. It covers a simple, fast, and low-cost court. This is expressly regulated in article 2 paragraph (4) of law number 48 of 2009 concerning on judicial power. Article 2 paragraph (4) stipulates that "the trial is carried out simply, quickly, and at low-cost." The principle of simple, fast, and low-cost becomes the most basic principle of justice in the implementation and the services of administrative justice that leads to the principles of effectiveness and efficiency. These three principles have strived in such a way as to be implemented properly by the entire judicial system in Indonesia, especially the civil justice system.⁴ Furthermore, in principle, court hearings are open to the public. This means everyone is allowed to attend and hear the examination at trial. The aim is none other than providing protection to human rights in the field of justice. They must be responsible for conducting a fair, impartial examination, and fair decisions to the public.⁵

The current use of information technology is an inseparable part of society, especially those who live in big cities and various regions in Indonesia. The existence of information technology help us to obtain various information and to communicate. In addition, there is also an increase in the quality and quantity of public services. As we know, the development of information technology turns a convenience as a requirement. The efficiency and effectiveness of things that can be accessed online are beyond doubt. This becomes the reason for collaborating technology with the justice system in Indonesia. The rapid development of technology today requires us to keep up with the flow of technological developments, as well as for agencies to undertake administrative modernization.⁶ The use of these technological advances is carried out to improve the quality of judicial administration services in Indonesia. The electronic justice system (e-court) is realized through *Perma* number 3 of 2018 concerning case administration in an electronic court which then refined through regulation number 1 of 2019 on electronic administration cases and trials in courts.⁷ This supreme court regulation makes it easy for people who seek justice to file cases without having to come directly to

¹David Walker, *The Oxford Companion to Law*, Oxford: Oxford University Press, ISBN 0-19-866110-X. 1890, Pg 301

²Shanon Salter, "Online Dispute Resolution And Justice System Integration: British Columbia's Civil Resolution Tribunal", *Windsor Yearbook of Access to Justice*, Volume 34, Number 1, 2017, Pg. 113

³Article 4 of Law Number 4 of 2004 on Judicial Power

⁴Mohammad Saleh, *Penerapan Asas Peradilan, Sederhana, Cepat, dan Biaya Ringan Pada Eksekusi Putusan Perkara Perdata*, Cet. 3, Yogyakarta: Graha Cendekia, 2016, Pg. 39.

⁵Bambang Sugeng dan Sujayadi, *Pengantar Hukum Acara Perdata & Contoh Dokumen Litigasi*, Jakarta:Kencana Prenada media Grup, 2012. Pg. 5

⁶Hengki Tamando Sitohang, "Sistem Informasi Pengagendaan Surat Berbasis Web Pada Pengadilan Tinggi Medan", *Journal Of Informatic Pelita Nusantara*, Volume 3 No 1 Maret 2018, E-ISSN 2541-3724, Pg. 6

⁷Dian Latifiani, "Advocate as Law Enforcer in the Implementation of E-Court", *International Journal of Innovation, Creativity and Change*. Volume 11, Issue 4, 2020, Pg 440

the court.⁸ The application of electronic justice greatly helps the realization of the supreme court vision to become the Indonesian supreme judiciary body, which at the 10th point of the realization of the supreme court's vision in the 2010-2035 judicial reform blueprint is to create a modern judiciary body based on integrated information technology.⁹ To realize the vision of the supreme court, there is a modernization of case management. It covers the report of electronic-based case to online courts. Even though it has been designed in such a way, several obstacles arise in the implementation of this system. Thus, to make this system successful, it is necessary to carry out several supporting efforts, especially from the organizers, the court. How is the implementation of the electronic justice system (e-court) in the court after the enactment of *Perma* No. 1 of 2019? And How are the court's efforts in educating the public about the electronic justice system (e-court)?

RESEARCH METHODS

The research employed normative juridical legal research. Normative legal research or library research is research conducted by examining document studies. It uses a variety of secondary data or data obtained from literature studies such as statute approaches, court decisions, legal theory, and scholars' opinions taken from various sources, books, legal journals, legal dictionaries, and the internet related to the implementation of e-court based on *Perma* no 1 of 2019 on the electronic administration cases and trials in courts. By using statute approach, the writers analyzed the legal material and explain the research object obtained based on the qualitative material. Thus, a discussion on a clear picture of the material substance in this study became more accurate. The research used qualitative analysis. It covered an explanation of existing data in words or statements without numbers. This is to make the explanation covered in this study is easy to be understood.

RESULTS AND DISCUSSION

1. The implementation of the Electronic Justice System (E-Court) in the Post-Enforcement Court of *Perma* Number 1 of 2019

The demand for a fast, efficient, and cost-effective judiciary has led to a reformation in the justice system in Indonesia. An electronic justice system (e-court) has been created with the support of technology. The e-court program is believed to simplify trial procedures. This is because several stages of civil proceedings can be transferred through an electronic system. The summons of the parties, the sending of duplicate documents, and even the payment of court fees are facilitated by the system.¹⁰ An electronic system is a set of electronic devices and procedures that are useful for preparing, collecting, processing, analyzing, storing, displaying, announcing, sending, and/or disseminating electronic information.¹¹

The e-court application was firstly launched by the chief justice of the supreme court in 2018 with the promulgation of the supreme court regulation No.3 of 2018. The existence of an electronic system plays a major role in the advancement of the judiciary. The Supreme Court seeks to improve the rules related to electronic justice by issuing supreme court regulation (PERMA) number 1 of 2019 on electronic case and trial administration in courts. This regulation regulates the scope of district courts, religious courts/sharia courts, military courts, and state administrative courts. Electronic administration of cases and trials in court includes the process of accepting claims,

⁸Septiar, "Implementasi Pengadilan Elektronik (E-Court) Pada Badan Peradilan di Indonesia dihubungkan dengan Asas Sederhana Cepat dan Biaya Ringan", *undergraduate thesis, faculty of law, Bandung Islamic University*, 2019, Pg. 48

⁹Hary Djatmiko, "Implementasi Peradilan Elektronik (E-Court) Pasca Diundangkannya Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik", *LEGALITA*, Vol. 01, No.01, August-December 2019, Pg.24

¹⁰Habibullah, Muhamad Amri, "Tinjauan Yuridis Implementasi Pendaftaran Perkara Perdata Secara Elektronik Berdasarkan Perma No. 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik (Studi Pada Pengadilan Negeri Pekalongan)", *Undergraduate thesis, Sultan Agung Islamic University* 2019. Pg 4

¹¹Article 1 number 5 Law Number 11 Year 2008 concerning Electronic Information and Transactions.

requests, objections, rebuttals, resistance, intervention, receipt of payments, submission of summons/notifications, responses, replicates, duplicates, conclusions, acceptance of legal remedies, management, submission, storage of civil documents/civil Religion/Military administration/State administration.

Prior to the promulgation of Government Regulation (PERMA) number 1 of 2019 on the electronic administration cases and trials in Courts, the supreme court has made rules relating to the application of information technology in the Indonesian judicial process as follows:¹²

- a. Supreme Court Regulation (PERMA) Number 3 of 2018 on electronic case administration in courts
- b. Decree of the supreme court chief justice Number 1-144/KMA/SK/1/2011 on guidelines for information services in courts.
- c. Supreme court circular letter number 14 of 2010 concerning electronic documents as the application completion for cassation and reconsideration. This is changed to the circular letter of the supreme court of the republic of Indonesia number 1 of 2014 on amendments to circular letter of the supreme court of the republic of Indonesia number 14 of 2010, electronic documents as the application completion for cassation and reconsideration.
- d. The circular letter of the general director of general courts number 3/Dju/ Hm.02.3/6/2014 concerning information technology-based court administration in the general courts.
- e. *Perma* number 8 of 2016 concerning guidelines for handling complaints (Whistleblowing System) at the supreme court and the judicial bodies under, this regulation covers the application of the supervision information system (Siwas)

The realization of E-court does not happen in a blinking eye, there are many considerations and developments that shape the electronic justice system. This e-court system connects around 910 courts throughout Indonesia. The electronic justice system (e-court) is not only found in the district courts but also in the religious courts. The judicial processes that can be carried out through e-court are online lawsuit registration (E-filing), electronic court fee payment (E-Payment), electronic trial notification (E-Summons), electronic trial (E-litigation). The features available in the application are integrated with the Case Tracking Information System (SIPP), the Case Information System (SIAP), and the Verdict Directory. The descriptions of the stages available in this e-court feature are mentioned in the following:¹³

- a. E-Filing, E-Filing or online case registration is done after the registrant has registered online. This can be done by selecting the intended court (District Court/Religious Court /State Administrative Court which has been supported by e-court services). Electronic court administration services can be used by registered users and other users. According to articles 1 numbers 4 and 5 of the supreme court regulation no.1 of 2019, registered users are advocates who meet the requirements of the court information system users. Meanwhile, other users are legal subjects other than advocates who meet the requirements of the court information system users. For example, state attorneys, state lawyers, government law firms/TNI/POLRI, RI prosecutor's office, directors/managers appointed by legal entities, and incidental proxies determined by law.
- b. E-Payment, In the registration process, there are administrative fees that must be paid. This fee is used to pay for the calling of the parties. Fees payment is made after the advocate receives an email containing the estimated nominal fee of the case. Furthermore, the advocate pays the fee according to the nominal stated in internet banking, banking message, and mobile banking. The

¹²Hary Djatmiko, *Op.Cit.* Pg.28-29.

¹³Desi Indah Jayani, et al. "Urgensi Pembentukan E-Court Sebagai Wujud Peradilan Yang Berkembang." *Lontar Merah*, Vol 3, No.1,2020,Pg.286-287

court will verify and validate the lawsuit and register it in the information system of case tracking.

- c. E-Summons, Electronic summons (E-Summons) are made to the plaintiffs who have registered electronically, and the defendants or other parties who have expressed their consent to be summoned electronically. This is regulated in article 15 of Perma number 1 of 2019. In this case, the parties do not need to wait for the bailiff to call. This is because the summons is made by e-mail correspondence. Thus, it is more efficient in time and cost. According to article 17 of Perma No.1 of 2019, summons to parties who are domiciled outside the jurisdiction court can be submitted electronically and copied to the court jurisdiction where the party is domiciled.¹⁴
- d. E-Litigation, Electronic trial (E-Litigation) is basically a series of trial events that can be accessed by the parties through laptops or independent computer devices. However, not all trials are conducted online. The first trial will continue to be held in court except in the case of replications, duplicates, responses, and conclusions. They can be made online or by sending responses electronically. The response from the defendant must be accompanied by evidence in the form of a letter, an electronic document.

In the case of an agreement between the parties, the verification process of examining witnesses and/or experts can be done in long-distance using audio-visual communication media that allows all parties to participate in the trial. Furthermore, the decision delivery by a judge will also be done electronically. This is further regulated in article 26 paragraph (2) of the supreme court regulation number 1 of 2019 which states that

"The pronouncement and the determination of the decision as referred to in paragraph (1) has been legally done by submitting a copy of the decision/electronic decision to the parties through the court information system"

The implementation of the e-court has made a difference in the development of the Indonesian judiciary. This e-court is a definite step in creating a clean judiciary and uphold justice and legal certainty. Broadly speaking, electronic trials certainly helps to save time, especially during the pandemic of Covid-19 which requires people to limit themselves in attending public places. However, the implementation of this e-court still encountered several problems. Especially, the public opinion who states that the court e-system system is still less practical and the doubts about this new security system. Accordingly, many people prefer to proceed with their cases through conventional courts. This can be seen from the small number of cases submitted via the e-court system. This may be due to the following factors:

- a. Lack of supporting facilities, Not all regions in Indonesia have supporting facilities such as electronic technology. This not only applies in terms of court facilities but also facilities owned by the community. These things also need to be considered.
- b. Lack of human resources in terms of IT, The shift in the use of human resources to technology does not necessarily ignore the importance of the quality of human resources. In fact, this transition requires human resources who truly master information technology in court. This is because a tool without enthusiasm is of no use.¹⁵
- c. Lack of socialization, Here, socialization is considered important. This is because it is useful to break the stigma of society especially in doubting the e-court system security. In addition, socialization helps the public to understand the process of this electronic justice system.

2. The Court's Efforts to Educate the Public about the Electronic Justice System (E-Court).

The current use of information technology is an inseparable part of society that lives in big cities, and various regions in Indonesia. The existence of information technology helps to obtain

¹⁴Article 17 of the Supreme Court Regulation Number 1 of 2019

¹⁵Ifah Atur Kurniati, *Op.Cit.*

various information and to communicate. Additionally, this also helps to increase the quality and quantity of public services, including the justice field. The judicial system in Indonesia is demanded to be able to adapt to technological advances. This is to improve the judicial administration service system effectively and efficiently. To achieve a simpler, faster, and low-cost civil dispute resolution procedure, in 2018, the supreme court issued an information technology-based public service. This is to implement a digitization case using an application, namely e-court. This application is expected to help the litigants at the judiciary. The e-court program is believed to streamline trial procedures. This is because several stages of a civil procedure can be transferred via an electronic system. The summons of the parties, the delivery of duplicate documents, and the payment of court fees are facilitated by the system.¹⁶ The electronic justice system or e-court is also part of the court's efforts to provide easy access to the public and justice seekers. In addition, this also makes the court an increasingly transparent, effective, and efficient institution. The judicial environment that provides e-court is the district court, religious/sharia courts, military courts, and state administrative courts.¹⁷

In fact, until now there are still many justice seekers who prefer to use conventional or offline courts. This is because there are still many people who do not understand or even do not know about the online court system. Not all justice seekers understand the technology and not all have supporting facilities and adequate internet access or fast connections. These things are feared to disrupt the process of the online court. Besides, the e-court system is only based on the parties' agreement. In addition, not all defendants are registered in e-court system service and have a fee to refer to an advocate registered in the e-court system serves as a legal representative.

International conventions guarantee access to courts that everyone is entitled to an impartial and open trial by an independent supreme court in determining their civil rights and obligations or when facing criminal charges against them. Generally, the right to access relates to equal opportunities for legal protection. In addition, to a properly functioning judicial system, they must provide everyone with the opportunity to raise objections to violations of their rights.

Courts continue to introduce and educate the general public about the e-court system to improve modern court administration services. This is done by providing education through the official website of various state court accounts in Indonesia such as the official account page of the district court in Kendari city and North Sulawesi. The public service rubric contains clear and detailed information about the electronic justice system (e-court), such as:

- a. Definition of e-court
- b. E-court service
- c. E-court users (along with e-court book guideline for bagi advocates and other users)
- d. Requirement for account registration
- e. E-court brochure¹⁸

In addition, to date, the district and religious courts have conducted socialization on the implementation of e-court in various regions in Indonesia. The e-court socialization activities carried out by the court are the agenda of the supreme court of the Republic of Indonesia. This covers the implementation of a modern electronic-based judicial system. Most of the socialization that has been held by the court is limited to socialization with advocates/lawyers and court officials. In this case, advocates/lawyers act as direct users of the e-court application system. The district court employees who are indirectly involved in using the e-court application such as judges, registrars, secretaries, junior registrars, bailiffs, civil Staff, and civil cashiers also get online or offline socialization.

¹⁶Habibullah, *Op.cit.*

¹⁷Zil Aidi, "Implementasi E-Court Dalam Mewujudkan Penyelesaian Perkara Perdata Yang Efektif Dan Efisien", *Masalah-Masalah Hukum*, Jilid 49 No.1, Januari 2020, Halaman 80-89, p-ISSN : 2086-2695, e-ISSN : 2527-4716

¹⁸Mahkamah Agung Republik Indonesia, "Pengadilan Negeri/PHI/Tipikor Kelas 1A Kendari", <http://www.pn-kendari.go.id/> accessed on November 2, 2020 at 01:00 p.m.

This is very important considering legal information is made to inform the public about their rights in resolving disputes or how to bring a case to a court. Therefore, the ability to disseminate legal information at a cost through information technology, especially the internet, is seen as an important means to increase access to justice. Quoted from Jawa Pos, according to a spokesman for the Magelang district court, "Usually people who are for the first time or do not understand e-court will come directly to the PN office to take care of their cases. We are helping the process and trying to direct them to use e-court".¹⁹ This was done by the court considering that there are still many people who do not understand the e-court procedure. Therefore, to provide benefits in line with the objectives of this electronic-based court system service, it is necessary to hold more massive socialization to the public regarding court information disclosure. Thus, the disclosure of judicial information is not only the responsibility of the judiciary but is also the joint responsibility of the judiciary, the legal community, and the public, to utilize and respond to the disclosure of information implemented by the judiciary. This is because information disclosure is not only a form of public service but also a form of control system over the judicial process in Indonesia. From this point of view, the judges will be encouraged to be careful, qualified, and impartial. Thus, the judges' performance will be professional and accountable.²⁰

In addition, quoted from the supreme court's official website, the secretary of the supreme court stated that the supreme court is full support in the provision of facilities and infrastructure to support the implementation of e-Litigation, especially for courts that are becoming pilot projects. They prepare budgets for IT devices as a means for teleconferences and so on. Thus, the application of e-litigation which aims to provide services to our society can run optimally. Furthermore, the support for the provision of advice and infrastructure is expected that all court officials who become the pilot projects and participate in the court socialization activities can share their knowledge with all court officials. Thus, all court officials can understand and play a role in the success of the e-litigation system in Indonesia.²¹

CONCLUSION

Post-issuance of regulation number 1 of 2019 concerning the administration cases and trials in courts electronic and e-litigation applications, court case administration services in Indonesia have continued to improve. Through *Perma* No.1 of 2019, the e-court and e-litigation application, all lawsuits, payments, notifications, summons, and the verdict submission is carried out electronically. Trials via electronic provide convenience and are cost-effective. However, its implementation requires commitment and better performance especially from the scope of the court. Thus, human resources can follow modernization and more effective and efficient trials can be achieved.

The court continues to improve technology-based court administration services (e-court) to the public. This is done by providing explanations and education through the state court official website accounts that spread throughout Indonesia. In addition, the Court has massively socialized the implementation of this e-court system online and offline. However, the socialization is still limited to advocates/ lawyers and court employees such as judges, registrars, secretaries, junior registrars, bailiffs, civil staff, and civil cashiers. Meanwhile, the general public who wants to litigate online can only find the process of implementing the e-court system through the local regional

¹⁹Rofik Syarif Ghirinda Putra, 8 November 2020, "*PN Magelang Gencar Sosialisasikan E-Court*", <https://radarsemarang.jawapos.com/berita/jateng/magelang/2020/11/08/pn-magelang-gencar-sosialisasikan-e-court/>, accessed on November 12, 2020 at 04:20 p.m.

²⁰Muhamad Edo, "Optimalisasi Sistem Layanan Pengadilan Berbasis Elektronik Guna Menjamin Keterbukaan Informasi Menuju Peradilan Yang Modern", *LEGISLATIF*, Volume 3 Nomor 1, 2019

²¹Pepy Nofriandi, 13 Agustus 2019, "*Sambut Era Peradilan Secara Elektronik (E-Litigation), Mahkamah Agung Adakan Sosialisasi Kepada Pengadilan Pilot Project*", <https://mahkamahagung.go.id/id/berita/3717/sambut-era-peradilan-secara-elektronik-e-litigation-mahkamah-agung-adakan-sosialisasi-kepada-pengadilan-pilot-project> accessed on November 16, 2020 at 04:45 p.m.

district court official websites or collaborate with advocates/ lawyers who are registered in the e-court application.

SUGGESTION

Based on the aforementioned conclusions, the e-court socialization to the community should be further improved. This is because there are still many people who only understand the definition of e-court. They are not familiar with the procedure. In addition, e-court socialization can be done via printed and electronic mass media or public service announcements that nationally broadcasted. The court should also prepare human resources who are ready and technology literate both from the internal and external court. Lastly, there is also a need for infrastructure, the internet, and adequate computer equipment related to the implementation of the e-court.

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