



## LEGALITY OF E-COURT IN THE LEGAL REFORM TOWARDS A JUDICIAL SYSTEM WITH LEGAL CERTAINTY

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### ABSTRACT

*The development of existing technology has an impact on the public service system in terms of online criminal case registration, online payments, online summons, and online trials. This study aims to determine the implementation of the Electronic-Based Government System application in services at the District Court. The research method used in this study was normative legal research. The results of the study show that the existence of e-court has had a major impact on the progress of the justice system in Indonesia while realizing justice based on simplicity, speed and low cost. The impact of the e-court system itself on the judicial process with the increasing development of digital technology, the transformation of courts into modern courts that utilize digital information technology to the maximum is a necessity. The results of the study are expected to provide strategic recommendations for the District Court in optimizing the implementation of SPBE in order to achieve the goals of good governance and improve the quality of public services.*

### A. INTRODUCTION

Settlement of a dispute can be done in 2 (two) ways, namely litigation (in court) and non-litigation (outside court) dispute resolution.<sup>1</sup> In Civil Procedure Law there are 2 (two) types of process for examining and resolving cases in court,<sup>2</sup> namely lawsuit cases (contentious), namely cases

1 I Made Wahyu Chandra Satriana and Ni Made Liana Dewi., Non Litigation Dispute Resolution in Settlement of Civil Disputes, *Law Science and Field* 10, No. 2 (2021): 214–220

2 I Wayan Wahyu Wira Udytama, (et. al.), Analysis of Breach of Contract Dispute Resolution

in which there is a dispute between two or more parties, and petition cases (voluntaire),<sup>3</sup> namely cases in which there is no dispute and only is unilateral in the interests of the applicant. Formally, if a lawsuit is to be tried in court, a lawsuit letter must be submitted to the court and authorized. When filing a lawsuit, the plaintiff must register it after the court fees have been paid. Once registered, the lawsuit is given a case number and then submitted to the Chief Justice.<sup>4</sup>

After the Chief Justice receives the lawsuit, he will then appoint a judge assigned to handle the case.<sup>5</sup> On the appointed hearing day, if one party or both parties are not present, the hearing is postponed and the next hearing date is determined.<sup>6</sup> Those present were ordered to attend the next hearing without being summoned again and those who did not attend were summoned once again.<sup>7</sup> The following is an illustration of the case in court:

On the day of the first trial, the panel of judges will open the trial and declare "the trial is open and open to the public".<sup>8</sup> If the plaintiff and defendant are present, the judge will ask for the identities of both parties plaintiff and defendant. On this occasion, the judge will try to make peace, and give the parties the opportunity to reconcile and set the next trial without being summoned again. If the parties reconcile, a peace deed will be made which has the same legal force as a decision that has permanent force. However, if peace is not reached and there is no change in the lawsuit, then the next trial will be the reading of the lawsuit.<sup>9</sup>

After reading the lawsuit, the judge gives the defendant the opportunity to prepare an answer on the next hearing day, and orders him to appear at the next hearing without another summons.<sup>10</sup> Furthermore, after the answers have been read, the plaintiff is given the opportunity to prepare a reply and set a date for the next hearing to submit the reply, and

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Through Litigation and Non-Litigation Pathways, *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)*: 654-659

- 3 Maimunah and Amad Sudiro., Analysis Of Judge Considerations And Legal Basis In Decisions Rejecting Lawsuits In Land Disputes, *Edunity* 2, No. 10 (October 2023): 1210-1223
- 4 Rudy, Dewa Gde, (et al.), Validity of Documentary Evidence in Civil Procedure Law through Electronic Trials. *Undiksha Journal of Citizenship Education* 9, No. 1 (2021): 167-174.
- 5 Joanna C. Schwartz., After Qualified Immunity, *Columbia Law Review* 120, No. 2 (2020): 309-388
- 6 Sonyendah Retnaningsih (et. al.), Pelaksanaan E-Cour Aan E-Court Menurut Perm T Menurut Perma Nomor 3 T A Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Pengadilan Negeri Di Indonesia), *Jurnal Hukum dan Pembangunan* 50, No. 1 (2020): 124-144
- 7 Mohammad Maulana Kusumawardhana (et. al.), Akibat Hukum Ketidakhadiran Penggugat Pada Sidang Perkara Perdata Dalam Agenda Pembuktian (Studi Kasus Putusan Perkara Nomor: 80 / PDT.G / 2020 / PN. Plg), *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana* 5, No. 3 (2023): 260-272
- 8 Desak Paramita Brata (et. al.), Tinjauan Yuridis Asas Sidang Terbuka Untuk Umum Dalam Penyiaran Proses Persidangan Pidana, *Jurnal Komunitas Yustisia* 3, No. 1 (2020): 79-90
- 9 Moh. Ridho Saputra Djaman., Pelaksanaan Peraturan Mahkamah Agung (Perma) No. 4 Tahun 2019 Tentang Tata Cara Penyelesaian Gugatan Sederhana Pada Pengadilan Negeri Manado, *Lex Privatum* 9, No. 11 (2021): 36-45
- 10 Aulia Mukharomah., Analisis Prosedur Pemanggilan Para Pihak yang Bersengketa, *Media Hukum Indonesia* 2, No. 4 (2024): 793-800

the parties are ordered to attend without another summons. The next hearing is the reading of the replica by the defendant, then the hearing is adjourned to give the defendant the opportunity to compile the duplicate, and order the parties to attend the next hearing with the agenda of submitting the duplicate without being summoned again. After the duplicity is read by the defendant, the next opportunity is to submit evidence to strengthen the arguments, and the trial is adjourned to give the plaintiff the opportunity to prepare a list of evidence and order the parties to attend the next hearing with the agenda of submitting evidence from the plaintiff without a summons repeat.<sup>11</sup>

After the plaintiff submits evidence, the defendant is then given the opportunity to compile and submit evidence at the next hearing, and order the parties to appear at the next hearing with an agenda for submitting evidence by the defendant, without another summons. After the evidentiary process from the parties is complete, proceed with preparation of conclusions, and the hearing is adjourned to give the parties an opportunity to submit conclusions and order the parties to attend the next hearing without being summoned again.<sup>12</sup>

Next, the parties presented their conclusions, and the trial was adjourned to give the panel of judges the opportunity to deliberate to reach a decision. In the next trial, the Chief Judge reads out his decision and parties who are not satisfied with the decision can submit legal action. Based on the examination illustration above, the things that must be done by judges regarding their main duties are judges to receive, examine and adjudicate as well as resolve cases (conduct trials) as regulated in Law Number 48 of 2009 concerning Judicial Power with paying attention to matters of consolidating or proving whether or not the events or facts submitted by the parties are true or not by proving them through valid evidence according to the law of evidence. Qualifying proven events/facts, by assessing the events and their legal relationships, in this case finding the law regarding the events that have been consolidated which are then stated in the legal considerations of the decision.<sup>13</sup>

The Chief Judge guides and initiates the proceedings and supervises the preparation of the trial minutes (BAP). The panel of judges drafts a concept for the decision/determination of the case they are handling, which originates from the results of the examination which are recorded in full in the trial report (BAP) and is based on The BAP makes a decision/determination. Thus, the process of examining a lawsuit in court takes place in a contradictory manner, namely giving the defendant the right and opportunity to refute the plaintiff's arguments and conversely the plaintiff also has the right to oppose the defendant's objections. The trial

11 Berutu, Lisfer., Realizing Simple, Fast and Low Cost Justice With e-Court. *Scientific Journal of the World of Law* 5, No. 1 (2020): 41-53.

12 Putu Wuri Handayani dan Nurulita Prihasti Kardia., Analysis of E-government Implementation Levels in Indonesian Ministry Level Based on the Deloitte & Touche Framework. *Journal Information Systems* 6, No. 2 (2010): 134-139.

13 Sari Ni Putu Riyani Kartika., The Existence of E-Court to Realize Simple, Fast and Low Cost Principles in the Civil Justice System in Indonesia. *Yustitia Journal* 13, No. 1 (2019): 80-100.

process is carried out after the parties are legally summoned by the bailiff to appear and attend the specified trial. After the examination of the dispute between two or more parties is resolved from start to finish, the court will issue a decision on the lawsuit.<sup>14</sup>

In its development, the process of resolving cases in court is not always carried out in the conventional way, namely the parties come directly to court, but can be done online. This was marked by the launch of the e-court application for the first time on July 13 2018 in Balikpapan by the Chief Justice of the Supreme Court, Muhammad Hatta Ali.<sup>15</sup> He officially launched the e-court application and stated that with the launch of this e-court application it means that the Supreme Court has moved towards electronic justice which will fundamentally change the practice of serving cases in the courts and take the Indonesian judiciary one step further. approaching judicial practice in developed countries. The e-court application is expected to be able to improve services in its function of accepting case registrations online, so that people will save time and costs when registering cases.<sup>16</sup> Meanwhile, in its definition it focuses more on the role of "government" in e-government, emphasizing that although information technology plays an important role, the main function of government remains to organize government and regulate society. Therefore, e-government must be viewed from two sides: first, as a public sector approach that focuses on public services, and second, as a technological approach that supports efficiency and transparency in government.<sup>17</sup>

In essence, the judiciary in Indonesia has adopted the principles of good justice comprehensively, namely simple, fast and low cost. This is expressly regulated in Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power. Article 2 paragraph (4) regulates that "trials are carried out simply, quickly and at low cost." The principle of simplicity, speed and low cost is the most basic judicial principle of the implementation and administration of justice which leads to effective and efficient principles and principles. These three principles have been pursued in such a way that they can be implemented well by the entire justice system in Indonesia, especially the civil justice system.<sup>18</sup>

E-Court is a Court instrument as a form of service to the public in terms of online case registration, online payment, sending trial documents (*Replik, Duplik*, Conclusion, Answer) and online summons. Through e-court, legal developments in Indonesia are ready or not to follow the "online

14 Hamzah, Moh Amir., Update on Civil Procedure Law for Appellate Courts. *ADHAPER: Journal of Civil Procedure Law* 2, No. 1 (2016): 15-36.

15 Lorenza, Armenia, (et al.), Implementation and Impact for Advocates in Implementing Virtual Case Registration. *DIH: Journal of Legal Studies* 17, No. 1 (2021): 105

16 Burhanuddin, Hamnash., (et al.) Electronic Case Services (E-Court) During the Covid-19 Pandemic Relation to the Principle of Legal Certainty. *Journal of Varitas et Justitia* 30, (2021): page. 36.

17 H. Ha., Success factors for e-Government implementation in Singapore. *Asian Journal of Information Technology* 7, No. 10 (2008): 343-349.

18 Susanto, (et. al.), Implementation of E-Court in Registration of Lawsuits and Petitions at the Tigaraksa Religious Court in Order to Realize Fast, Simple and Low Cost Justice Supported by Technology. *Pamulang University Proceedings* 1, No. 1 (2021): 1-13

wave", and currently the Supreme Court is also starting to adapt to the online or electronic wave. The Supreme Court transferred manual-based performance to an electronic or "online" system, namely, among others, Case Tracking Information System (SIPP), SIAP, SIKEP, KOMDANAS, SIMARI, SIWAS, e-LLK, SIMAK, PNBP, Correspondence Information System, Library Information, Portal Information System, Decision Directory, Case Info, New Decision Directory, On Line Lawsuits, E-SKUM, ATR, SPPT, Electronic Hearing Summons Assistance and of course currently also includes electronic trials/e-litigation.<sup>19</sup>

After the enactment of Perma Number 3 of 2018, it turns out that in practice not all courts have opened e-court services.<sup>20</sup> Currently implementation is still being implemented in stages in Class I Religious Courts, this is due to obstacles in installing the network service system in each Religious Court as well as the capacity of human resources who are able to operationalize the application.<sup>21,22</sup> Apart from that, it is necessary to further promote the socialization of the use of the e-court application among the Religious Courts and also the public who use these services, so that they can increase the use of the application in the administrative process of registering cases at the Religious Courts.<sup>23,24</sup> Bearing in mind that the Supreme Court Regulation was only published in 2018, it is therefore necessary to conduct research regarding the implementation of the e-court application in Religious Courts,<sup>25</sup> to get an idea of the implementation of the e-court application in administrative services for registering cases in the Court.<sup>26</sup> In this research, the implementation of the e-court application that will be studied is the use of the e-court application in lawsuit cases at the Religious Courts in Indonesia, because they are considered more prepared to implement this service application. Since the birth of Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court (PERMA Number 1 of 2019) which was promulgated on 19 August 2019 has been revoked and declared no longer

19 Muhammad Syarifuddin., *Digital Transformation of Trials in the New Normal Era*, (Jakarta: PT. Imaji Cipta Karya, 2020): 12-13.

20 Mulyani Zulaeha., E-Courts in Indonesia: Exploring the Opportunities and Challenges for Justice and Advancement to Judicial Efficiency, *International Journal of Criminal Justice Sciences* 18, No. 1 (2023): 183-194

21 Rizkiyah Putri Zonia., Analisis Hukum Sidang Perkara Perdata Menggunakan Sistem Online Dalam Rangka Mewujudkan Asas Peradilan Yang Sederhana, Cepat Dan Biaya Ringan, *Ganesha Civic Education Journal* 6, No. 1 (2024): 1-12

22 Suharizal and Suhelmi Helia., Pengaplikasian Asas Sederhana, Cepat Dan Biaya Ringan Dalam Penggunaan Sistem Persidangan Secara Elektronik (E-Court) Oleh Advokat Dan Hakim Di Pengadilan Negeri Padang, *Journal Publicuho* 7, No. 2 (2024): 531-538

23 Annisa Dita Setiawan (et. al.), Implementasi Sistem E-Court Dalam Penegakan Hukum Di Pengadilan Negeri, *Jurnal Poros Hukum Padjadjaran* 2, No. 2 (2021): 198-207

24 Toebagus Galang Windi Pratama., Peran Integrasi Teknologi dalam Sistem Manajemen Peradilan, *Widya Pranata Hukum* 4, No. 1 (2022): 65-83

25 Susanto Susanto (et. al.), Menciptakan Sistem Peradilan Efisien Dengan Sistem E-Court Pada Pengadilan Negeri Dan Pengadilan Agama Se-Tangerang Raya, *Jurnal Cendekia Hukum* 6, No. 1 (2020): 104-116

26 Nur Atira Ali (et. al.), Penerapan Aplikasi E-Court di Pengadilan Agama Sungguminasa Kelas I B, *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 9, No. 1 (2022): 102-111.

valid. Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Court (PERMA Number 3 of 2018). PERMA Number 1 of 2019 improves PERMA Number 3 of 2018 so that now not only case registration can be done online or known as e-court but trials can also be carried out electronically, namely e-litigation. Regulations regarding electronic case administration and court trials are the Supreme Court's answer to the demands of current developments which require more effective and efficient case administration and court trial services as well as efforts to support ease of doing business in Indonesia.<sup>27</sup>

Initially the e-court application was implemented based on Perma Number 3 of 2018 concerning Electronic Case Administration. This e-court application is expected to be able to improve services in its function of accepting case registrations online, so that people will save time and costs when registering cases. E-court in Indonesia is the foundation for the first implementation of an electronic-based justice system in Indonesia. Initially, this e-Court was implemented only in a few pilot religious courts. However, in line with developments in service needs, within a few months, e-Court has become an additional facility in all District Courts. Currently e-Court can be used for case registration, especially criminal cases, payments and summoning litigants electronically. Users are still limited to advocates. In the future, this facility will be developed so that it can also be enjoyed by both advocates and individuals.

Built based on Perma Number 3 of 2018 which regulates the electronic administration of cases in court, e-Court is a new chapter in the case administration system in court. e-Court is also a concrete manifestation of the Supreme Court of the Republic of Indonesia in providing excellent service to justice seekers on the basis of fast, simple and low cost. Director General of the Religious Courts Agency, D Aco Nur, really appreciates the development of e-Court activation in the religious justice environment. He hopes that this facility will make it easier for justice seekers in the jurisdiction of the Religious Court/*Syar'iyah* Court to obtain maximum service. Because there has been no real change in the implementation of e-court as expected since the issuance of PERMA Number 3 of 2018, it is necessary to accelerate the increase in utilization. e-court services in order to achieve a simple, fast and low cost judicial process through electronic administration of cases in court. In addition, a clear vision and objectives regarding the implementation of SPBE are also factors that are often mentioned in this study.

A clear vision will provide direction and measurable objectives in each stage of implementation. Likewise with mature strategic planning, which is the basis for implementing SPBE. The government must have a comprehensive strategy to implement SPBE as a whole, both from a technical and managerial perspective. Consistent leadership support is also an equally important factor, because without commitment from the leadership, the

27 Hary Djatmiko. Implementation of Electronic Justice (e-Court) Post Enactment PERMA Number 3 of 2018 concerning the Administration of Cases in Court. Electronic. *Legalita* 1, No. 1 (2019): 22-32.

implementation of SPBE will not run well.<sup>28</sup>

Previous research from Java, stated that the Implementation of Criminal Trials Through Teleconference as a Breakthrough in Criminal Procedure Law, In the implementation of trials through teleconference in the future will cause problems of legal harmonization. With the absence of changes to Law Number 8 of 1981 concerning Criminal Procedure Law which regulates the Criminal Justice System in Indonesia, it is difficult to hold trials through teleconference optimally.<sup>29</sup> Another study from Liba stated that efforts to modernize judicial institutions in Indonesia must be encouraged by seeking transformation in the form of accommodating electronic trial mechanisms (e-court) as stated in the procedural law which in this case can be accommodated through changes to the Criminal Procedure Code which is currently being discussed by the DPR for amendment. In addition, another transformation step that can be taken is to hold long-distance trials (teleconferences) by designating villages as partners for placing teleconference media, because their areas are far from the court location, making it difficult for justice seekers to come directly to the court located in the district/city capital.<sup>30</sup>

The purpose of this study is to analyze the implementation of e-court applications on the number of criminal cases and trials in court electronically and to analyze the obstacles to e-court-based public services in the e-court process in district courts.

## B. RESEARCH METHODS

This research was normative legal research which examines or studies secondary data in the form of written materials related to the problems that were the object of research, such as legislation, books, scientific papers and other writings. The data sources for this research were obtained from primary legal materials, secondary legal materials and tertiary legal materials. The approach applied in this research was a conceptual approach, a statutory approach. The conceptual approach was a type of approach that studies legal principles. Then the legislative approach was an approach taken by looking for the legal ratio (reasons and objectives) and the ontological basis of a law.<sup>31</sup>

## C. RESULTS AND DISCUSSION

### 1. Implementation of the E-Court Application on the Number of Criminal Cases and Trials in Court Electronically

28 Joia, L. A., Factors influencing the success of government-to-government e-Government in Brazil. *International Journal of Electronic Government Research* 1, No. 3 (2005): 23-40.

29 Muhammad Faris Van Java., Analisis Yuridis Penerapan Persidangan E-Court Dalam Sidang Perkara Pidana Berdasarkan Asas Peradilan Cepat, Sederhana, dan Biaya Ringan, *Jurnal Ilmiah Wahana Pendidikan* 9, No. 3 (2023): 582-597

30 Yulita Liba and Supriyadi A. Arief., Praktek di Pengadilan Berbasis Elektronik: Bentuk Konkret Mewujudkan Transparansi, *Iuris Studia: Jurnal Ilmu Hukum* 6, Issue. 1 (2025): 89-97

31 Soerjono Soekanto., *Introduction to Legal Research*, (Jakarta: Third Edition, UI Press, 2007): 12.

According to Soepardi, "Administration is the entire process of cooperative activities carried out by a group or more people together and simultaneously to achieve predetermined goals." The definition of administration is a form of business and activity related to setting policies that achieve organizational targets or goals. So it can be interpreted that administration has a crucial role in all activities of an organization. From this definition of administration we can know the following 2 important things:<sup>32</sup>

Administration is an art as well as a complex process<sup>33</sup> in managing various organizational or institutional activities. As a process, administration includes a series of systematic and rational steps aimed at achieving common goals. However, as an art, administration requires special skills that are contextual, situational, and dependent on the time and place of implementation. This is because administrative practices always interact with social, cultural, and policy dynamics that apply in a particular environment, so that flexible and creative adjustments are needed in their implementation.<sup>34</sup>

Since the development of human civilization, administration has been present as an integral part in achieving collective goals. In the modern context,<sup>35</sup> administrative innovation continues to develop, one of which is through the implementation of the E-Court system by the Supreme Court.<sup>36</sup> E-Court is an application designed to facilitate the electronic trial process, starting from filing a lawsuit or application, paying court fees, to summoning the parties to the case digitally.<sup>37</sup> The background to the emergence of E-Court is the Supreme Court's desire to simplify and accelerate judicial services, especially in responding to geographical constraints that have so far hampered public access to justice. Previously, only advocates who had an official account at the District Court, such as in Surabaya, could access this service. However, along with the development and demands for transparency and efficiency of public services, this system has been expanded so that it can be used by the entire community, including parties who want to file cases independently without having to come directly to court. Thus, E-Court

32 Hamzah Moh Amir., Renewal of the Civil Procedure Law for the Appellate Court. *ADHAPER: Journal of Civil Procedure Law* 2, No. 1 (2016): 15-36

33 Mehmet Evren Okur (et. al.), Recent Trends on Wound Management: New Therapeutic Choices Based on Polymeric Carriers, *Asian Journal of Pharmaceutical Sciences* 15, Issue. 6 (2020): 661-684

34 Andrea C. Schalley and Susana A. Eisenclas., *Handbook of Home Language Maintenance and Development; Social and Affective Factors*, (De Gruyter Mouton, 2020): 64

35 Sahira Jati Pratiwi., The Application of e-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems, *Indonesian Journal of Advocacy and Legal Services* 2, No. 1 (2020): 39-56

36 Aju Putrijanti and Kadek Cahya Susila Wibawa., The Implementation of E-Court in Administrative Court to Develop Access to Justice in Indonesia, *Journal of Environmental Treatment Techniques* 9, Issue. 1 (2021): 105-109

37 Muh. Khairul Akmal., Sistem Berperkara Melalui E-Court Di Pengadilan Negeri Sungguminasa Perspektif Siyasah Dusturiyah, *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasah Syar'iyah* 3, No. 2 (2022): 403-412.



has become a symbol of the transformation of judicial administration towards a more inclusive, efficient, and adaptive system to technological developments.<sup>38</sup>

E-Court is a court instrument as a form of service to the public in terms of online case registration, online payments, sending trial documents (replicas, duplicates, conclusions, answers) and online summons.<sup>39</sup> This E-Court application is expected to be able to improve services in its function of accepting online case registrations where people will save time and costs when registering cases.<sup>40</sup> E-Court is an application used to process lawsuits or requests and pay cases electronically.<sup>41</sup> This e-Court can also be said to be a court instrument as a form of service to the community.<sup>42</sup> The e-court case application is expected to be able to improve services in its function of accepting online case registrations where the public will save time and costs when registering cases.<sup>43</sup> In E-Court, the stages carried out include online registration by including the email used at the time of the summons without having to send a letter home, payment online, then the trial if agreed to be carried out online by both parties, answers can be made online (answer) which is called elitization, the next stage of proof which is carried out in court cannot be done online because the evidence of the plaintiff and the defendant must actually be shown and the sanctions must be sworn in directly.<sup>44</sup> So with the E-Court, the legal complaint process and trial can be carried out online without having to go to court, however, when the evidentiary process cannot be carried out online it must be carried out in person because the plaintiff's and defendant's evidence must be shown in real time.<sup>45</sup>

Online Trial (E-Litigation) The e-court application also supports sending trial documents such as replicas, duplicates, conclusions and/or answers electronically which can be accessed by the court and the parties. In the SSIP table, general civil cases are also listed which include

38 Mohammed Abubakr Ahmed (et. al.), Evaluating E-court systems in regional governments in developing countries using technology acceptance model, *Sage Journals Information Development* 0, No. 0 (2024)

39 Akhmad Shodikin (et. al.), Efektivitas Penerapan Sistem E-Court Pengadilan Agama Dalam Perkara Perceraian, *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 4, No. 2 (2024): 135-148.

40 Dadan Herdiana (et. al.), Pelatihan Penggunaan Aplikasi E-Court Untuk Paralegal Di Lembaga Bantuan Hukum "Unggul", *Jurnal Pengabdian Kepada Masyarakat* 2, No. 1 (2021): 110-115

41 Dudung Hidayat., Realizing The Principle Of Simple, Fast, And Low Cost In The Examination Of Civil Disputes With The E-Court Application Model, *Joss : Journal of Social Science* 2, No. 12 (2023): 1097-1106

42 Romi Julisman (et. al.), Efektivitas Sistem E-Court Di Pengadilan Negeri Lubuk Basung, *Collegium Studiosum Journal* 6, No. 2 (2023): 548-554.

43 Fuad Hasyim., Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Murah Melalui E-Court, *Syariat: Jurnal Studi Al Qur'an Dan Hukum* 8, No. 2 (2022): 255-268

44 Aidi, Z., Implementation of E-Court in Realizing Effective Civil Case Settlement and Efficient. *Legal Issues* 49, No. 1 (2022): 80-89.

45 Khotib Iqbal Hidayat (et. al.), Kajian Kritis Terhadap Dualisme Pengadilan Elektronik (E-Court) dan Konvensional, *Batulis Civil Law Review* 1, No. 1 (2020): 14-23

(civil lawsuits, simple lawsuits, counterclaims and petition civil cases), special civil cases which include (intellectual property rights, bankruptcy & PKPU, and industrial relations courts), crimes which include (criminals). ordinary crimes, short sentences, quick sentences, pre-trial crimes, traffic cases), as well as special crimes which also include (juvenile crimes, corruption crimes, fisheries crimes and human rights), trial schedules, reports and delegations. In the SSIP data we can see that all cases can be seen more clearly because the SSIP lists various cases which can later be seen as examples of existing cases or illustrations. SSIP also provides various information that we want to know.<sup>46</sup> In this case, we can see that every day there is always data coming in and it is updated automatically so that every day the data coming in ranges from 5 to 15 cases which can be seen on the Homepage.<sup>47</sup>

Politics Paul Janet revealed that politics is a science that regulates the development of a country, including the principles of government (Paul Janet, 1980). From the explanation according to the experts above, the indicator in the steps towards political goals is implementing the bureaucracy that regulates all regulations in the country. So if it is related to the Malang City District Court, it has implemented the results of the Supreme Court's PERMA. With the existence of E-Court, it has a big influence on the politics that occur in Indonesia because E-Court innovation makes significant changes in government services by maximizing e-government which has been massively implemented in every service in Indonesia, especially in the Malang City District Court which has a vision in accordance with PERMA MA regarding fast, simple, low cost trials. And this is very helpful in minimizing the existence of extortion or other forms of corruption in the Supreme Court. With the demands regarding e-government, it gives the Supreme Court the flexibility to create a Supreme Court PERMA which will later be implemented by all District Courts in Indonesia.<sup>48</sup> So with the existence of PERMA MA the government created the E-Court application to support all courts in the District Courts in Indonesia, especially in the Malang City District Court which has implemented E-Court and requires it for all judicial matters, so that it can provide services quickly, simply and low cost, and fast. This is because this application makes it easier for us, it is said to be simple because we can do it online and efficiently, with low costs which reduce the costs of conventional budgets which still use paper.<sup>49</sup>

46 Rosmana Fitri, (et al.), *Implementation of the E-Court System in Settlement of Civil Cases by Advocates in Palembang City*. (Palembang: Diss. Sriwijaya University, 2020): 23-24.

47 Tuyadiah, Amal, Muhammad Syukri Albani Nasution, Elvira Dewi Ginting., *Realization Trial via Electronic Media (e-Litigation) in Religious Courts (Study of PERMA No. 1 of 2019 and its implementation in court Rantaprapat Religion)*, *Al Mashlahah Journal of Islamic Law and Social Institutions Islam* 8, No. 2 (2020): 23-24.

48 Kurniati, I. A., *Restoring the Image of the Judiciary Through E-Court*. *Conference On Communication and News Media Studies*, 1, (2019): 23.

49 Ramdani, Riyan, Dewi Mayaningsih., *The Urgency of Electronic Trials (E- Litigation) In the Perspective of Religious Court Procedural Law in the Era of Digitalization*, *Al-Ahwal Al-*

## 2. The Obstacles and Challenges of E-Court Based Public Services E-Court Process in District Courts

The process of implementing E-Court is not free from obstacles. Barriers that often occur are related to networks, geographical conditions, number of providers, high infrastructure costs, conventional society. The obstacles and challenges that occur in the E-Court implementation process are divided into network, geographical conditions, number of providers, high infrastructure costs, and conventional communities. It can be explained as follows:

The internet network has now become a basic need for most people in various parts of the world, even for some people, the internet is considered an irreplaceable primary need. However, in reality there is still a significant gap in internet access in Indonesia, especially in remote, outermost, and disadvantaged (3T) areas. This condition is a major challenge for the Supreme Court in implementing the E-Court application comprehensively. This is because, to run an electronic-based justice system effectively, a stable and even internet network is needed, which unfortunately cannot be enjoyed by all Indonesian people.<sup>50</sup> In areas where the infrastructure is inadequate, ordinary people who are not familiar with technology often have difficulty accessing E-Court services, thus causing inequality in access to justice.

The Ministry of Communication and Informatics (Kominfo) through the Public Service Agency of the Telecommunication and Information Accessibility Agency (BAKTI) has actually attempted to equalize telecommunications infrastructure.<sup>51</sup> However, Indonesia's geographical challenges as an archipelagic country with more than 13,000 islands and difficult-to-reach terrain conditions exacerbate the limitations of access. In addition, from a business perspective, the 3T region is considered less profitable for telecommunications operators, so network investment is minimal. The large number of internet service providers does not guarantee high internet speed quality, because bandwidth is divided among many operators so that each gets a small portion and has an impact on decreasing service quality.<sup>52</sup>

Another obstacle to implementing e-court in courts is that there are still many people who are not in the court's jurisdiction understand the digitalization system.<sup>53</sup> As a result, the e-court feature cannot be functioned. Several courts in Indonesia face the same obstacles in implementing e- court caused by human resource factors. There are still

*Syakhsiyyah Journal* 2, No. 2 (2021): 12-13.

50 I Wayan Sudir., Keadilan Digital: Tantangan Hukum Dalam Era Disrupsi Teknologi, *Kertha Widya* 12, No. 2 (2024): 35-59

51 Irfan Rafi Maulana., Optimalisasi Pengembangan Start-up dalam Mengatasi Middle-Income Trap Era Jokowi: Analisis Kebijakan Holistik dan Sinergi Multisektor, *Indonesia Foreign Policy Review* 11, Issue. 1 (2024): 54-78

52 Syahr, Z. H. A., Dynamics of Digitalization of Court Service Management. *Proceedings of the National Expert Seminar*, (2020): 2-3

53 Yulis Prameswari., Implementation of Electronic Court in the Surabaya Religious Court, *Ma'mal Journal of Sharia and Law Laboratory* 1, No. 5 (October 2020): 412

many people who technologically literate.<sup>54</sup> Likewise what happened in the Religious Courts, that Human resources are one of the inhibiting factors in implementation electronic hearings (E-Litigation). But the human resources in question not only the public in general, but legal practitioners, namely judges and clerks substitute and legal representative as registered user. Thus the resource Humans are the dominant factor that hinders the implementation of the justice system electronic.

Apart from that, several areas in Maluku have not yet been connected to internet network adequate. As a result, some lawyers outside the city prefer to registering lawsuits manually.<sup>55</sup> Obstacles faced by religious courts has differences from other courts. Therefore, the implementation of e-court and e-litigation at the Religious Courts need to be evaluated and improved.<sup>56</sup> Factors that hinder the implementation of electronic justice systems include: elements of the legal system, namely legal structure, legal substance and legal culture. Element This influences changes in law in society.<sup>57</sup> Law functions as a tool for change, there are constraints on human resources, facilities and culture law is a priority for the Religious Court to make progressive efforts so that the demands of PERMA Number 1 of 2019 in the judicial system can be realized.<sup>58</sup>

When talking about electronic or e-court services it is not possible looking from one point of view, because this is an internal system Law, according to Lawrence Friedman, the legal system is a single unit law which consists of three elements, namely: (1) Structure, (2) Substance, (3) Legal Culture/Culture.<sup>59</sup> So to measure case services individually Electronics in Religious Courts could be a solution or not during the Covid-19 pandemic 19 in an effort to provide services to the community must be seen from three perspectives these elements.

a. Legal Structure

In the legal structure we talk about institutions, institutions and law enforcement itself as the implementer of existing legal rules. connection with Electronic services at the Religious Courts during the Covid-19 pandemic are still minimal information and technic

54 Amal Tuyadiah, Muhammad Syukri Albani Nasution, Elvira Dewi Ginting., *Realization Trial via Electronic Media (e-Litigation) in Religious Courts (Study of PERMA no.1 of 2019 and its Implementation in the Rantauprapat Religious Court)*, *Al Mashlahah Journal of Law Islam and Islamic Social Institutions* 8, No. 2 (2020): 371

55 Achmad Ali., *Revealing the Veil of Law: A Philosophical and Sociological Study*, (Jakarta: PT. Toko Mount Agung, 2002): 202.

56 Adella Rofi'ah and Nawa Angkasa., *Implementation of E-Court and Its Impact on Justice Seekers in the Legal Process at the Religious Court*, *Istinbath: Jurnal Hukum* 21, No. 1 (2024): 122-138

57 Gracia, Majolica Ocarina Fae and Ronaldo Sanjaya., *The existence of E-Court for Realizing Efficiency and Effectiveness in the Indonesian Judicial System in Amidst COVID-19*, *Journal of Syntax Transformation* 2, No. 4 (2021): 56-57.

58 Purwantini, Nahoyah., *Implementation of E-Litigation on the Validity of Judges' Decisions in Religious Courts According to Supreme Court Regulation Number 1 of 2019 "Concerning Electronic Case and Trial Administration*, *Journal Dynamics* 27, No. 8 (2021): 34-35.

59 A.T. Fuadah., *Anthology of Legal Theories*, (Bandung: Sahifa, 2015): 12.

instructions in online registration services, especially Creating your own e-court account must be done in the e-court corner of the Court A religion that requires parties to come to court, from three courts Religion, only the Bandung Religious Court does not require it come to the Religious Court because the officer will guide you to create an account online by providing an announcement with a WhatsApp number who can be contacted by parties seeking justice. There is still a lack of socialization regarding independent lawsuit facilities, which can be utilized by community in making a letter of claim/application for online registration, which in the end still relies on posbakum to make a letter of claim/application.

b. Legal Substance

The legal norm in electronic case services is Perma 1/2019, based on the considerations of Perma 1/2019, this regulation was issued as the answer to the demands of the times, to realize justice which is more effective and efficient. And the Supreme Court Made reform happen judiciary that collaborates between technology and procedural law (IT For Judiciary). Substantially, the Supreme Court's regulations do not delete or annul applicable norms, but rather add them or perfect it. However, it is not without problems, if you look at article 20 of Perma 1/2019 explained that the trial could be carried out on the basis of consent plaintiff and defendant. This means that it is not mandatory to use it in full online system if one of the parties does not agree to use e-litigation then the trial is carried out according to the normal procedure. So substance Perma 1/2019 is not coercive, only an option, because it is fixed requires approval from the Plaintiff/Applicant and Defendant/Respondent.

c. Legal Culture

Legal culture is a description of habits society, the way of thinking and acting of society and law enforcement.<sup>60</sup> Regarding electronic services at the Religious Courts, they are still minimal Public knowledge about electronic services, especially there must be conditions that must be met first, such as an active email, account number, account activation for people with low education it is difficult to reach it, people's lack of understanding of technology prefers it using manual methods, proven by information from the Religious Courts Afternoon, when parties are provided with service information electronically, parties are more select manually. People who don't want it to be difficult, because if using e-court and e-litigation parties must provide devices to supports this, in addition to the administration of justice administrators who It's still manual, so this mindset must be changed by both the organizers and the organizers its people. If society has legal awareness, the law becomes effective is useless and effective is useful,<sup>61</sup> that's why it

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60 J.S. Praja., *Legal Theories A Comparative Study With Philosophical Approaches*. (Bandung: Post UIN Sunan Sunan Gunung Djati, 2009): 23.

61 Beni A. Saebani, *Sociology of Law*, Cet. I, (Bandung: Pustaka Setia, 2007): 76.

needs to exist Active legal assistance encourages the creation of an overhaul of the order social. This legal aid basically wants to bring all resources closer together social, economic, legal and cultural to the people who have been kept away out of reach of society.

#### **D. CONCLUSION**

The era of the industrial revolution 4.0 has brought about increasingly fast and responsive public services that include the actualization of the dimensions of government that are assisted by the implementation of electronic government, which is an issue that needs more attention from the government. The birth of the E-Court application is an innovation and commitment of the Supreme Court of the Republic of Indonesia in realizing renewal in the world of Indonesian justice that synergizes the role of information technology with government services including E-Filing, E-Payment, E-Summons and E-Litigation. The implementation of E-Court in the Court is in accordance with the principles of simple, fast and low-cost justice. The principles of simple, fast and low-cost justice are the principles used as a reference in the implementation of the judicial process, especially criminal justice. However, in practice, e-court still has a gap between legal norms and the reality of implementation in the field. These gaps include limited internet infrastructure in the 3T region, low digital literacy of the community and law enforcement, and minimal socialization of e-Court features such as e-filing and e-litigation. So it is necessary to renew it by emphasizing the need to strengthen the synergy between legal structures, legal substances and legal culture in order to create an electronic justice system that is truly just.

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