

---

## THE OPTIMALIZATION STRATEGY OF E-COURTS ORGANIZING QUALITY IN INDONESIA

Michael Gerry<sup>1</sup>, Rina Elsa Rizkiana<sup>2</sup>

<sup>1,2</sup>Faculty of Law, Social Science, and Political Science, Universitas Terbuka

South Tangerang, Indonesia

[mcgerry2000@gmail.com](mailto:mcgerry2000@gmail.com), [xxx.elsa1357@gmail.com](mailto:xxx.elsa1357@gmail.com)

---

**ABSTRACT;** *Electronic court (e-Court) as a form of digitizing law enforcement. The legal basis for e-Court is PERMA 1 of 2019 and PERMA 4 of 2020. E-Court is held in accordance with the principles of simple, fast, and low cost as stipulated in Article 2 paragraph (4) of Law 48 of 2009. The principle of implementation faced with law enforcement issues, as well as reforming the administration of justice through Case Investigation Information System (SIPP) implementation by the Supreme Court. This study analyzes the juridical construction and implementation of e-Court and e-Litigation in Indonesia, the e-Court implementation in terms of the principles of judicial administration, the obstacles, and analyzes the optimization strategy of e-Court in Indonesia. This research is a normative juridical research with a statute approach and a conceptual approach. The results of this study that the problem of the e-Court service system in Indonesia has not run optimally because there were several obstacles in the process of law. Thus, it needed a strategy to optimize the e-Court system and the legal substance of e-Litigation services through strengthening human resources, as system integration to ensure information disclosure in order to realize a more modern judiciary in Indonesia.*

**Keywords:** e-Court; Legal Perspective; Principles of Judicial Administration

### INTRODUCTION

According to Greek philosopher Heraclitus, "nothing endures but change" meaning that everything in this world must undergo change.<sup>1</sup> This remark accurately captures the status of the globe following the Covid-19 Pandemic. Different facets of life saw a huge shift and turmoil. The establishment of a new order and balance in social life causes each individual to attempt to acclimate to a new type of comfort. These modifications lead to new social symptoms, such as altering how to interact by donning masks or avoiding physical touch, among other things.

However, law enforcement must still be present in order for new social phenomena to occur. According to the proverb "ubi societas ibi ius," which means "where there is society, there is law," this is in line with the idea that "law is a tool of social engineering."<sup>2</sup> In the Covid-19 Pandemic age, law enforcement must become a more effective and efficient judiciary. The sophistication of information technology, which is developing quickly, can help this progress. Even according to the International Consortium for Court Excellence (ICCE), one sign of a great court is a functioning, effective judiciary.<sup>3</sup> However, as stated in Article 4 paragraph (2) of Law 48/2009 respecting Judicial Power, it must take into consideration the criteria of simplicity, expediency, and cheap cost (contante justice principle).<sup>4,5</sup>

According to one of the Supreme Court's ideas, the 2010-2035 Judicial Reform Blueprint, the Supreme Court has revolutionized case administration.<sup>6</sup> The Judicial Reform Blueprint serves as

---

<sup>1</sup> Prakash P. Punjabi, "Editorial: Changing Constantly and Constant Change," *Perfusion* 26, no. 4 (2011): 261, <https://doi.org/10.1177/0267659111413007>.

<sup>2</sup> Andi Safriani Ikbal, "Problematika Hukum terhadap Pembebasan (Asimilasi) Narapidana di Tengah Covid-19 (Studi Kasus Bapas II Watampone)," *Alauddin Law Development Journal (ALDEV)* 4, no. 10 (2020): 25–37.

<sup>3</sup> Asep Nursobah, "Pemanfaatan Teknologi Informasi untuk Mendorong Percepatan Penyelesaian Perkara di Mahkamah Agung (Utilization of Information Technology to Boost Acceleration of Settlement Case in Supreme Court)," n.d.,.

<sup>4</sup> Budi Rau, "Kajian Hukum Efektifitas Penerapan (Asas Contante Justitie) Asas Peradilan Cepat, Sederhana Dan Biaya Ringan," *Jurnal Lex Crimen* VI, no. 6 (2017): 140–45.

<sup>5</sup> Mahkamah Agung Republik Indonesia, "Cetak Biru Pembaharuan Pengaduan 2010-2035," *Mahkamah Agung Republik Indonesia*, 2010, 107, <https://www.mahkamahagung.go.id/media/198>.

<sup>6</sup> H. M. Syarifuddin, *Aksesibilitas Keadilan Bagi Perempuan Dan Anak*, 2020.

a roadmap for judicial reform in order to make it happen quickly and effectively. The key principles of Court Excellence must be realized through judicial reform in order to satisfy public needs for speedy access to legal information.<sup>7,8,9</sup> As a result, the Supreme Court filed the SIPP application with the court of appeals. Similar to the debut of SIPP at the court of first instance, it is hoped that this rollout would be successful in terms of performance enhancement. Supreme Court's innovation was then followed by the existence of the Quality Assurance Accreditation (*Akreditasi Penjamin Mutu* or APM) and the existence of the One Stop Integrated Service (*Pelayanan Terpadu Satu Pintu* or PTSP).<sup>10</sup>

The creation of Electronic Court, or e-Court, is another significant judicial reform. The government-organized Electronic-Based Government System includes e-Court. Information and communication technology is employed in the implementation so that both advocates and non-advocates can access it through a website that is connected with the One Stop connected Service (PTSP) at the District Court and the High Court. On July 13, 2018, Presidential Regulation No. 95 of 2018 on Electronic-Based Government Systems, Perma 3 of 2018 on Case Administration in Courts, and Decree of the Director General of the General Courts Agency No. 77/DJU/SK/HM02.3/ 2 of 2018 on Guidelines for One Stop Integrated Service Standards (PTSP) at the High Court and District Court, which were amended by Decree of the Director General of the General Courts Agency, all became regulations for this system.

Because everything is done online, E-Court makes managing legal matters simpler. Due to the availability of e-Court, the court is authorized to accept case registration receipts online (e-Filing), accept case fee deposits electronically (e-Payment), and serve notifications and summonses to trials electronically (e-Summons). The integrity of court equipment, access to court information, and the speed of case processing are three issues that are seen to be antithetical to the concepts of simple, rapid, and cheap cost, and frequently arise in the area of justice. These issues are addressed by e-Court.

The Supreme Court continues to improve the way justice is administered after this. The Supreme Court introduced an innovation in the form of an electronic trial (also known as e-Litigation) in 2019. This invention eventually became a crucial and important component of e-Court. PERMA 1/2019 serves as the legal foundation for the establishment of e-Litigation. The concept of *Solus Populi Suprema Lex Esto*, which states that the safety of the populace is the highest law, is indirectly demonstrated by the presence of e-Litigation in the midst of the Covid-19 Pandemic.<sup>11</sup> Additionally, the presence of PERMA 1/2019 serves as a way to update the rules governing e-Court, rendering PERMA 3/2018 invalid.

By connecting the use of information technology and judicial procedural legislation, the Supreme Court's commitment to achieving justice field reform in Indonesia is demonstrated by the approval of PERMA 3/2018 and PERMA 1/2019. One may argue that the approval of the two PERMAs marked the beginning of the courtroom revolution that gave rise to computerized courts. The government's decision to develop a Work From Home (WFH) system and social segregation in an effort to halt the spread of the Covid-19 virus is supported by the availability of electronic justice.

E-Court hasn't operated at its best during the Covid-19 Pandemic, though. The challenges that arise in the implementation of e-Court are connected to its structure, content, and legal culture. In reality, as the parties are no longer obliged to physically appear in court to register their cases, the implementation of PERMA 1/2019 should be optimized as a solution to the current case registration issue. Due to the absence of technical guidance and the public's ignorance of the availability of electronic judicial services, they were unable to be used as a remedy during the Covid-19 Pandemic. Therefore, e-Court services cannot give those who are intending to file a

---

<sup>7</sup> Cekli Setya Sidik Sunaryo, Himas El Hakim et al., "Dimensi Keadilan Pluralitas," *Penerbit Universitas Muhammadiyah Malang*, 2021, 2013–15.

<sup>8</sup> Badan Litbang Diklat Kumdil Mahkamah Agung Republik Indonesia, "Kerangka Kerja Internasional Untuk Keunggulan Pengadilan (IFCE)," 2020.

<sup>9</sup> Elizabeth Richardson, Pauline Spencer, and David B. Wexler, "The International Framework for Court Excellence and Therapeutic Jurisprudence: Creating Excellent Court and Enhancing Wellbeing," *Journal of Judicial Administration* 25, no. May (2016): 148–66.

<sup>10</sup> Zulfia Hanum et al., "Prosiding Seminar Nasional Pakar Ke 3 Tahun 2020," n.d.

<sup>11</sup> "Proceeding Open Society Conference Digital Communication and Information Ecosystem in the Pandemic and Post-Pandemic Era: Opportunities and Challenges," n.d.

lawsuit or are currently involved in one, legal certainty. This is one of the outcomes of e-Summons-related regulatory difficulties that contravene RBg and HIR requirements.<sup>12</sup>

According to this explanation, the community as a whole has not made full use of the e-Court technology's ability to embody the ideal of justice as being straightforward, quick, and inexpensive. As a result, the main goals of this study are to describe the legal framework, e-Court, and e-Litigation in Indonesia, as well as their implementation; to analyze how these systems are being used to administer justice in Indonesia, as well as the challenges they encounter; and to devise methods for making the most of the e-Court system.

## PROBLEM

1. How are e-Courts and e-Litigation structured legally in Indonesia?
2. How are the administrative justice principles applied to the e-Court implementation?
3. How is the best strategy of action to enhance the effectiveness of Indonesia's electronic justice system?

## RESEARCH METHODS

The technique of inquiry is normative juridical or doctrinal legal study, which is focused on normative legal phenomena or mostly drawn from library data collecting.<sup>13</sup> Analytical disciplines and prescriptive disciplines are included in normative legal research in terms of the nature and extent of the legal discipline.<sup>14</sup> By gathering diverse facts and information, as well as with the use of numerous library materials, this research employs literary study. To conduct the literature study, the following primary legal materials were examined: (1) the 1945 Constitution of the Republic of Indonesia, Law No. Decree of the Director General of the Agency General Court Number 3239/DJU/SK/HM02.3/11/2019 on Amendments to the Decree of the Director General of the General Courts Agency Number 77/DJU/SK/HM02.3/2/2018 on Stand, (2) Secondary legal materials in the form of books, academic journals, news, views, cases, and official reports, (3) Tertiary legal materials in the form of dictionaries and encyclopedias. The subject is examined, covered in detail, and linked to the problems brought up in this study.

A conceptual approach and a legislative approach are used in the research analysis based on the examination of the subject under inquiry. From the perspective of practical knowledge, the employment of a conceptual method is considered to enable exact determination of research. This becomes one of the steps in the process of coming up with relevant new ideas by identifying preexisting doctrines, concepts, and perspectives. Additionally, in order to fully comprehend the hierarchy and principles of statutory rules, the statutory approach is applied in this study investigation. As a result, all laws and rules pertaining to the legal concerns being addressed are examined in this study.<sup>15</sup>

## DISCUSSION

### 3.1 The Legal Framework for e-Courts and e-Litigation in Indonesia and Their Application

The Judicial Reform Blueprint should be followed to the letter while implementing judicial reform. This is due to the fact that The Framework of Court Excellence was used as a reference while creating the Blueprint for Justice Reform. The core values of Court Excellence, including fairness, impartiality, independence, competence, transparency, accessibility, timeliness, certainty, equality, and integrity, are contained in the International Framework for Court Excellence, a global standard for the justice system. Therefore, it is proposed that the Judicial Reform Blueprint be used to update the judiciary in order for the reform to be organized, quantitative, precise, and adhere to the basic ideals of the Corridor of Court Excellence.

---

<sup>12</sup> Burhanuddin et al., "Layanan Perkara secara Elektronik (E-Court) saat Pandemi Covid-19 Hubungannya dengan Asas Kepastian Hukum."

<sup>13</sup> Rina Elsa Rizkiana and Michael Gerry, "Penanganan Hak atas Perumahan yang Layak terkait Backlog di Masa Pandemi Covid 19 : Studi Kasus di Kota Samarinda (Decent Housing Rights Handling Related to Backlog during Covid-19 Pandemic : Samarinda City Case Study)," *HAM* 13, no. 2 (2022): 287–304, <https://doi.org/http://dx.doi.org/10.30641/ham.2022.13.287-304>.

<sup>14</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif; Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2001).

<sup>15</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Media Prenanda Group, 2014).

e-Court is one of the outcomes of the modernization of Supreme Court case administration vision that is included in the 2010–2035 Judicial Reform Blueprint. With PERMA 3/2018 and Presidential Regulation Number 95 of 2018 on Electronic-Based Government Systems, this system was officially launched on July 13, 2018. The Decree of the Director General of the General Court of Justice Number 77/DJU/SK/HM02.3/2/2018 regarding Guidelines for One Stop Integrated Service Standards (PTSP) at the High Court and District Court, which was subsequently amended by a Decree of the Director General of the Judiciary Agency, also supports this. General Number 3239/DJU/SK/HM02.3/11/2019 on Amendments to the Decree of the Director General of the General Judiciary Agency Number 77/DJU/SK/HM02.3/2/2018 on Standard Guidelines for One-Stop Services (PTSP) at Courts High and District Court.

Changes in the administrative procedure of proceedings beginning with the court of first instance, officers at the General Bureau, Directorate of Administration and Management, Junior Registrar, Substitute Registrar, and Supreme Court Justices have been brought about by the adoption of e-Court. A contemporary form based on electronics (e-Court File) is being tried to replace all conventional ways of case management. It is urgent to implement changes to work systems based on information technology, including adjustments to technical tools, workplace culture, and resource preparation.<sup>16</sup> This is done as a response to three issues that frequently arise in the field of justice and go against the concepts of simple, quick, and inexpensive justice, namely the reliability of the court system, the availability of court information, and the pace at which cases are handled.

Additionally, on August 9, 2019, the Supreme Court published PERMA 1/2019 to update and advance e-Court services, namely by introducing e-Litigation services. This menu was introduced on December 27 and will be legally binding in all Indonesian courts as of January 2, 2020. The Supreme Court is attempting to establish a judicial field that is in accordance with the principles in Article 4 paragraph (2) of Law 48/2009 on Judicial Powers, fulfilling the demands of justice seekers (*yustisiaben*), keeping up with the times that are turning to information technology bases, realizing smooth administration of justice that can be further regulated by the Supreme Court, as well as fulfilling these goals by launching the e-Litigation program.<sup>17</sup>

As a result, there are presently 6 (six) aspects of electronic court administration in Indonesia, including e-Court Files (electronic trial papers), e-Filing (electronic case registration), and e-Payment (electronic down payment of case costs). electronic), e-SKUM (estimated down payment), e-Litigation (electronic trial), and e-Summon (electronic notification and summons filing to court).

The use of e-Filing is permissible for various claims, requests, and objections, as well as for the filing and preservation of documents in civil, civil-religious, and military administration matters. The PERMA 1/2019's Article 5 paragraphs (2) and (3) provide that Registered Users and Other Users may use case management services online. However, it should be stressed that all papers submitted by the parties must be in electronic format, particularly those in the.pdf (portable document format),.rtf (rich text format), or.doc extensions. This includes evidence of letters on the defendant's answer and other documents.

When a case is registered electronically, the system is immediately instructed to estimate the electronic down payment fee in the form of an e-SKUM (Electronic Power of Attorney to Pay). Estimating the total amount of costs typically needed for a case, including the summons radius charge, yields the down payment fee. This is due to the fact that if the defendant chooses not to be served online, the cost of the electronic down payment problem may go up or down over time. As per Article 12 of PERMA 1/2019, down payment costs must be paid online using the e-Payment service.

Only if the parties agree to be summoned electronically may the summons of the litigants be carried out electronically (e-Summon). This summons will be distributed via email to authenticated users. According to the rules of Article 16 PERMA 1/2019, the bailiff or substitute bailiff, upon a judge's order, issues a summons to the parties' email addresses via the Court Information System.

The emergence of e-Litigation is a complement to the online court system. Problems with the application of the legality principle have arisen in e-Litigation, however, as a result of the pandemic condition. Procedures for carrying out criminal justice administration in a pandemic crisis are not governed by Law 8/1981 on Criminal Procedure Code (KUHP). As a result, on March 23, 2020, the Supreme Court issued SEMA 1/2020,

---

<sup>16</sup> Asep Nursobah, "News Letter Kepaniteraan Mahkamah Agung," January 15, 2021.

<sup>17</sup> Syamsul Ma'arif, *Buku Panduan E-Court Mahkamah Agung* (Jakarta: Mahkamah Agung, 2019).

which is applicable to the Supreme Court, on Guidelines for the Implementation of Tasks During the Period to Prevent the Spread of the Corona Virus Disease 2019 in the Supreme Court and the Judicial Bodies Under It. The existence of the concept of legal certainty will always be ensured by the Republic of Indonesia and the judicial institutions that fall under it.

The directives in the SEMA are as follows: 1) finish the trial that is currently underway, particularly when the defendant is under house arrest and it is no longer practicable to keep them there; 2) plan online trials via teleconference with the head of the district court and the head of the detention facility or correctional institution; 3) Scheduling phase II for cases where the accused is not being detained or where there is still a time limit for detention while taking into account the Covid-19 emergency response period in the relevant court areas; postponing the trial in criminal cases where the accused's detention period may still be extended.

In PERMA 1/2019 and SEMA 1/2020, it has been verified that legal instruments relevant to the introduction of e-Litigation in Indonesia have been adopted. However, as stated in Article 3 paragraph (1) of PERMA 1/2019, "electronic trials are only aimed at civil cases, civil religion, military administration, and state administration," neither of them has addressed the subject of e-Litigation in criminal cases. As a result, the Supreme Court issued PERMA 4/2020, which contains provisions for electronic criminal justice.

In accordance with PERMA 4/2020, electronic case administration issues, criminal case trial processes, including trials of defendants, witnesses, and experts, and the review of evidence that deviates from the rules outlined in the Criminal Procedure Code are all governed.

According to a study on the management of legal proceedings, general courts in all of Indonesia are overburdened with almost five million cases annually. The State Administrative Court hears about three thousand cases annually, compared to the Religious Courts' estimated five hundred thousand cases.<sup>18</sup> The increased use of e-Court is strongly correlated with the large number of cases that have been filed.

The data on the usage of e-Court services in 2019—a total of 47,244 cases—can be used to view this study. As a matter of fact, this figure keeps rising in 2020, reaching 186,987 instances (an increase of 295.79%). Meanwhile, 115,455 criminal cases were registered electronically in 2020, which is comparable to 57.75% of the 199,939 criminal cases presented to district courts in the non-traffic violation category.<sup>19</sup>

379 district courts having a 99.21% implementation rate of e-Court. 8,560 cases, or 4.58% of the total e-Court cases, or 186,987 cases, were resolved using the e-Court system in 2020. In 7,174 instances, or 83.81% of the 1,386 cases submitted by Other Users, Registered Users used electronic trial services (e-Litigation).<sup>20</sup> The following data will be received if these data are provided in detail:

Table 1. Case information using the e-Court system

No.	Judiciary	Use of e-Courts		Increase in Percentage (%)	e-Court use in 2020		Percentage Comparison (%)	Users of e-Litigation by Type in 2020			
		2019	2020		Number of Registrations	Disconnected		Registered User	%	Other Users	%
1.	District Court	21.895	82.225	275,54	82.225	4.631	5,63	3.859	83,33	772	16,67
2.	Religious Courts	24.776	102.690	314,47	102.690	2.738	2,67	2.205	80,53	533	19,47
3.	Administrative Court	573	2.072	261,61	2.072	1.191	57,48	1.110	93,20	81	6,80
Amount		47.244	186.987	295,79	186.987	8.560	4,58	7.174	83,81	1.386	16,19

Source: Supreme Court, 2020

The e-Court service has seen a significant growth in the number of cases of all kinds recorded, as seen in the table above. This indicates that yustisiaben, or those seeking justice, are very interested in using the Supreme Court's electronic justice services. Additionally, this service provides a remedy during the Covid-19 outbreak, which necessitates restricting people's mobility while settling conflicts cannot be delayed.

<sup>18</sup> Mahkamah Agung and Republik Indonesia, "Ringkasan Eksekutif," 2020, <https://doi.org/10.1787/a26ff6edb-id>.

<sup>19</sup> Nursobah, "Pemanfaatan Teknologi Informasi untuk Mendorong Percepatan Penyelesaian Perkara di Mahkamah Agung (Utilization of Information Technology to Boost Acceleration of Settlement Case in Supreme Court)."

<sup>20</sup> Nursobah.

### 3.2 The administrative justice principles applied to the e-Court implementation

All judicial organizations across the globe are encouraged to follow the guidelines of the International Consortium for Court Excellence (ICCE) in order to become top-notch judicial institutions. If the relevant judiciary structures its administrative system properly and efficiently, this advantage can be realized. Information technology can be used to accomplish one of these goals.

As a result, Indonesia's Supreme Court published the 2010–2035 Judicial Reform Blueprint, which required that the country's court use information technology. By implementing SIPP and e-Court in the four judicial bodies under the Supreme Court, this information technology is used. Thus, the implementation of these two innovations is also founded on traditional justice administration ideas, including the concepts of an open trial, hearing the statements of the parties, simplicity, speed, and affordability. The Supreme Courts Secretary Letter Number 1012/SEK/HM.02.3/12/2017, which asserts that SIPP and e-Court are available anytime, anywhere, conveniently, swiftly, and affordably, supports this claim by emphasizing the need of openness and simple access to case information. - dreams can become reality.

Because there is a synergistic link between the function of information technology and procedural law (IT for Judiciary) in promoting access to justice in Indonesia, judicial reform in that country can thus be implemented through innovation in e-Court and SIPP services. The establishment of this service promotes the "open court principle" by allowing the general public to utilize it as a platform for monitoring various judgments made (holding responsibility) or a way to stop judges from abusing their power. Transparency in the justice system will gradually increase the judicial community's responsibility, professionalism, and integrity.

The e-Court system, however, cannot be deployed optimally due to a number of implementation-stage challenges. The limitations of the e-Court system as a legal framework must be examined by component or each sub-system. According to Lawrence Meir Friedman<sup>21</sup>, a legal system always has a legal sub-system made up of legal substance, legal structure, and legal culture. A legal framework includes institutions, organizations, and law enforcement. Legal substance alludes to the current legal standards. Law enforcement officers' behavior and societal norms are referred to as culture, or legal culture.

Reviewing the legislative framework of e-Court reveals issues with the information section and technical implementation instructions, such as the requirement to create an e-Court account and physically visit the court. For parties with specific competencies, many Indonesian courts mandate that an e-Court account be created directly at the court in question. This definitely runs counter to the idea of upholding the judicial simple concept. Since account creation is the primary function of an e-Court, it should be handled and facilitated online for all parties without exception.

The socialization of the relatively basic independent claim facility is the second issue. Dissemination of information about the presence of e-Court and the services included in it has been done and is still being done. However, it is presently believed that the socializing was not done equally. The general people has not been able to fully benefit from filing lawsuits or registration applications online. The internet connection's erratic performance comes in third. According to Maulida (2022), Indonesia ranks 117th out of 178 nations in terms of average internet speed in 2021.<sup>22</sup>

As a result, unstable internet connections are a prevalent issue. This is a severe issue since a breakdown in the internet connection—which is frequently unreliable or disconnected—could cause the electronic trial to be suspended indefinitely (see Article 17 paragraph (1) of PERMA 4/2020). The idea of a swift trial is undoubtedly harmed by the suspension of a trial. Additionally, as stated in Article 18 PERMA 1/2019, the problem of unstable internet connections may impair the legality of electronically summoning parties. If an electronic call has a technical issue that prevents it from being received or causes it to be received after the legal deadline, the call is deemed void and breaches the legal certainty principle.

Fourth, the use of e-Litigation still conveys the sense that the case is being conducted in private. According to Article 13 paragraph (1) Law 48/2009 and Article 153 paragraph (3) of the Criminal Procedure Code, the panel of judges did state that the trial was open to the public at the outset of the proceedings. However, because it relates to the

---

<sup>21</sup> Lawrence Meir Friedman and Grant Melvin Hayden, *American Law: An Introduction* (New York: Oxford University Press, 1984).

<sup>22</sup> Lely Maulida, "Akhir 2021, Rata-Rata Kecepatan Internet Di Indonesia Makin Lelet," February 4, 2022.

general public's access to current electronic trials, such as device ownership, internet quotas, and website user interfaces, the e-Litigation process should still be viewed as being relatively restricted or exclusive to litigants. Contrary to the premise that e-Litigation is accessible to the general public, the implementation phase is only accessible to those who have the necessary access, which is unproductive.

Fifth, even after the e-Court was put into place, there is still a backlog of cases. For criminal matters especially, the present e-Court implementation pertains to PERMA 1/2019 and PERMA 4/2020. The two legal documents did not, however, expressly rule out the use of the prior non-electronic procedural law requirements. As a result, when e-Court is implemented, a number of procedural law rules that are relevant to non-electronic situations but are not covered by the two PERMAs start to apply. The *actor sequitur forum rei* principle is one of these rules.

As a result, even if a lawsuit is filed through the e-Court system, it must be filed in a court that has jurisdiction over the subject of the complaint. The lack of a ready-to-use litigation format is the last issue. The goal of establishing e-Court, as previously stated, is to actualize the ideals of an effective and efficient court as outlined in the ICCE.

However, because the e-Court system does not offer a ready-to-use litigation format, the implementation of these ideals is hindered. This is evident in section C number 2 of Supreme Court Decree 129/SK/KMA/VIII/2019 on Technical Instructions for Electronic Administration of Cases and Trials in Courts, which mandates that only registered users and other users submit court documents. For those who wish to file a lawsuit without legal representation but are not familiar with the law, this condition is undoubtedly burdensome.

In addition, an examination of the e-Court's legal provisions based on PERMA 1/2019 reveals that the parties' terms of agreement governing the use of e-Summons and the execution of e-Litigation are in accordance with the law. The implementation of an electronic summons (e-Summon) for the defendant is only permitted within the terms of Article 15 Paragraph 1 Letter B of PERMA 1/2019.

Additionally, Article 20 of the same legislation states that e-Litigation can only be conducted if both parties to the case have agreed to utilize the service. The implementation of the notion of a quick and inexpensive trial may be hindered by such regulations. If one of the parties declines, the hearing and summons to the plaintiffs must be returned in the old format, which entails face-to-face proceedings and traditional mail that obviously incurs more expenses.

However, as stated in Article 15 paragraph (2) PERMA 1/2019 and Article 6 paragraph (2) s.d. paragraph (5) PERMA 4/2020, this criterion does not apply to State Administration and Criminal matters. Second, the electronic appeals provisions are ineffective. Similar issues are present in clauses relating to electronic appeals. In essence, Article 3 Paragraph (2) of PERMA 1/2019 states that cases may only be handled online at the first level before an appeal may be filed.

In fact, such laws work against attempts to develop a judiciary that is effective and efficient (through the use of information technology). In reality, Court Clerks are given the ability and obligation to record and register case information electronically in the Court Information System (SIP) under Article 29 paragraph (2) jo. paragraph (3) of the same regulation. This implies that all non-electronically recorded cases will likewise be transformed to electronic form in order to be registered in SIP.

The stipulations of Article 3 paragraph (2) are therefore unimportant. Third, there are no penalties for court clerks who are responsible for converting case data into electronic format. According to an analysis of PERMA 1/2019 and PERMA 4/2020, there are no provisions providing punishments connected to the duties of court clerks in electronically converting case information in line with PERMA 1/2019's Article 29 paragraphs (1) and (2). Because it pertains to the application of the idea of a straightforward and quick trial, this requires greater attention. The party who filed a non-electronic case at the first level and subsequently intends to submit an electronic appeal would suffer if the court clerk is careless in carrying out these duties.

A review of the e-Court's culture or legal culture reveals a number of challenges, such as the fact that the public is still not well-informed about the presence of the platform. Because they are worried about the potential negative effects of utilizing e-Court, a significant section of the public prefers to employ non-electronic trials. The quality of the degree of public legal awareness that aims to be integrated with the use of information technology can also be impacted by this condition, which can raise the danger of conflicting and different interpretations connected to the implementation of e-Court.

Legal certainty, benefit, and justice are thought to be the three (three) components of law enforcement that the e-Court system is supposed to have.<sup>23</sup> One endeavor to turn intangible concepts of justice, legal certainty, and societal benefits into real ones is law enforcement itself. A plan is thus required to maximize the use of e-Court in the community, taking into account the description of the installation of e-Court and some of the barriers faced during its implementation.

### 3.3 The best strategy of action to enhance the effectiveness of Indonesia's electronic justice system

The first plan is to strengthen the legal foundation of e-Court-related rules, namely PERMA 1/2019 and PERMA 4/2020. This is due to Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that all policies developed by the government (in a wide sense) must be founded on legal instruments. Legal provisions that are implemented in an illogical manner will also be implemented in an illogical manner, or what is known as a domino effect.

In this instance, the rules governing e-Court's illogical provisions must be changed first since they serve as the foundation for the existence of e-Court. This stage is critical in light of the strong positivist belief that permeates Indonesian law enforcement personnel's thinking. When morally righteous activity is regarded to be unlawful (against the law), it may result in punishment.

System integration is the second tactic. This stage may be completed by streamlining the e-Court system's user interface and workflow (use case scenario), which will make it easier for users to comprehend its workings and processes.

Human resources (HR) strengthening is the third method. In order to facilitate access to justice in the community and achieve the openness of justice, strengthening is accomplished through the principle of information disclosure utilizing e-Court. Collaboration between the community, NGOs, and information management and documentation officers (*Pejabat Pengelola Informasi dan Dokumentasi* or PPID) is necessary for this strategy to be successful.

In this instance, human resources are divided into 2 (two) groups: administration officials for the e-Court system and users of the e-Court system. The framework of collaboration and coordination among management officials can be reviewed and strengthened in order to improve the standard of officials controlling the e-Court system. This is a crucial component in changing the workplace culture so that it is more open and professional while offering services to the general public. The successful deployment of the full range of e-Court services depends on management and law enforcement employees receiving technical education and training.

Enhancing the caliber of human resources also has to focus on the 2 (two) categories of users who make up the e-Court system: advocates and other users. A strategy to improve the caliber of advocates with relation to the e-Court system is to include information about it in the Advocate Profession Special Education (PKPA). It should be kept in mind that one of the goals of an e-Court is to make it simpler for those seeking justice, particularly attorneys, to file a lawsuit.<sup>24</sup>

It is clear that attorneys dominate the e-Court system from the fact that they are the only category of Registered Users (Article 5 paragraph (2) PERMA 1/2019). Given these realities and the role of an advocate as a member of the legal system, knowledge regarding the e-Court system should be incorporated into the PKPA curriculum in order to develop advocates who are familiar with the use of information technology in the legal system.

While this is going on, the general public can be given frequent and equitable socialization to improve the quality of other users. This socialization may be carried out with the use of print and electronic media, both of which offer brief descriptions of the presence of e-Court as well as details on how to obtain information about the system to learn more about it. The coaching method, which entails direct explanations by visualizing a guide in the form of a video aimed at the litigants or by providing a mindmap for a guide to the administration of justice along with contact officers who can be contacted at any time, can also be used to carry out reinforcement.

While this is going on, the general public can be given frequent and equitable socialization to improve the quality of other users. This socialization may be carried out with the use of print and electronic media, both of which offer brief descriptions of the

---

<sup>23</sup> Soedikno Mertokusumo, *Mengenal Hukum* (Yogyakarta: Liberty Yogyakarta, 1999).

<sup>24</sup> Baiq Paridah, "Implementasi dan Dampak E-Court (Electronics Justice System) terhadap Advokat dalam Proses Penyelesaian Perkara di Pengadilan Negeri Selong," n.d.



presence of e-Court as well as details on how to obtain information about the system to learn more about it. The coaching method, which entails direct explanations by visualizing a guide in the form of a video aimed at the litigants or by providing a mindmap for a guide to the administration of justice along with contact officers who can be contacted at any time, can also be used to carry out reinforcement.

## CONCLUSION

PERMA Number 1 of 2019 on Electronic Administration of Cases and Trials in Courts and PERMA RI No. 4 of 2020 on Electronic Administration and Trial of Criminal Cases in Courts were established by the Supreme Court as the foundation for e-Court and e-Litigation in Indonesia, according to the findings of the research that was conducted. Using the Theory of the Legal System and still keeping in mind the fundamentals of delivering justice, an examination of the implementation of e-Court reveals a number of roadblocks that prevent it from operating as efficiently as it should.

According to the results, there are a number of implementation-related challenges that prevent the e-Court system from being used to its full potential. Based on Lawrence Meir Friedman's theory, which takes into account legal content, legal structure, and legal culture, the limits discovered are examined. To get around this, the e-Court system must be optimized using the right and proper approach. In order to build an effective legal system, this plan calls for enhancing the legal substance of PERMA 1/2019 and PERMA 4/2020, integrating a more integrated system, and boosting the quality of human resources.

## REFERENCES

- Agung, Mahkamah, and Republik Indonesia. "Ringkasan Eksekutif," 2020. <https://doi.org/10.1787/a26f6edb-id>.
- Burhanuddin, Hamnach, H. Ahmad Fathonih, Aden Rosadi, and Nuraeni Eneng. "Layanan Perkara Secara Elektronik (E-Court) saat Pandemi Covid-19 Hubungannya dengan Asas Kepastian Hukum," n.d.
- Friedman, Lawrence Meir, and Grant Melvin Hayden. *American Law: An Introduction*. New York: Oxford University Press, 1984.
- Hanum, Zulfia, Alfi Syahr, Pusat Penelitian, Pengembangan Hukum, Dan Peradilan, and M A Ri. "Prosiding Seminar Nasional Pakar Ke 3 Tahun 2020," n.d.
- Ikbal, Andi Safriani. "Problematika Hukum terhadap Pembebasan (Asimilasi) Narapidana di Tengah Covid-19 (Studi Kasus Bapas II Watampone)." *Alauddin Law Development Journal (ALDEV)* 4, no. 10 (2020): 25–37.
- Indonesia, Badan Litbang Diklat Kumdil Mahkamah Agung Republik. "Kerangka Kerja Internasional untuk Keunggulan Pengadilan (IFCE)," 2020.
- Keputusan Direktur Jenderal Badan Peradilan Umum MA Republik Indonesia Nomor 3239/DJU/SK/HM02.3/11/2019 tentang *Perubahan Surat Keputusan Direktur Jenderal Badan Peradilan Umum Nomor 77/DJU/SK/HM02.3/2/2018 tentang Pedoman Standar Pelayanan Terpadu Satu Pintu (PTSP) pada Pengadilan Tinggi dan Pengadilan Negeri*.
- Keputusan Direktur Jenderal Badan Peradilan Umum MA Republik Indonesia Nomor 77/DJU/SK/HM02.3/2/2018 tentang *Pedoman Standar Pelayanan Terpadu Satu Pintu (PTSP) pada Pengadilan Tinggi dan Pengadilan Negeri*
- Ma'arif, Syamsul. *Buku Panduan E-Court Mahkamah Agung*. Jakarta: Mahkamah Agung, 2019.
- Mahkamah Agung Republik Indonesia. "Cetak Biru Pembaharuan Pengadilan 2010-2035." *Mahkamah Agung Republik Indonesia*, 2010, 107. <https://www.mahkamahagung.go.id/media/198>.
- Maulida, Lely. "Akhir 2021, Rata-Rata Kecepatan Internet Di Indonesia Makin Lelet," February 4, 2022.
- Mertokusumo, Soedikno. *Mengenal Hukum*. Yogyakarta: Liberty Yogyakarta, 1999.
- Nursobah, Asep. "News Letter Kepaniteraan Mahkamah Agung," January 15, 2021.
- . "Pemanfaatan Teknologi Informasi Untuk Mendorong Percepatan Penyelesaian Perkara di Mahkamah Agung (Utilization of Information Technology to Boost Acceleration of Settlement Case in Supreme Court)," n.d. <http://www.courtexcellence.com/~/>.
- Paridah, Baiq. "Implementasi dan Dampak E-Court (Electronics Justice System) terhadap Advokat dalam Proses Penyelesaian Perkara di Pengadilan Negeri Selong," n.d.
- Peraturan MA Republik Indonesia Nomor 1 Tahun 2019 tentang *Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik*.

- Peraturan MA Republik Indonesia Nomor 3 Tahun 2018 tentang *Administrasi Perkara di Pengadilan secara Elektronik*.
- Peraturan Presiden Republik Indonesia Nomor 95 tahun 2018 tentang *Sistem Pemerintahan Berbasis Elektronik*.
- Peter Mahmud Marzuki. *Penelitian Hukum*. Jakarta: Kencana Media Prenanda Group, 2014.
- “Proceeding Open Society Conference Digital Communication and Information Ecosystem in the Pandemic and Post-Pandemic Era: Opportunities and Challenges,” n.d.
- Punjabi, Prakash P. “Editorial: Changing Constantly and Constant Change.” *Perfusion* 26, no. 4 (2011): 261. <https://doi.org/10.1177/0267659111413007>.
- Rau, Budi. “Kajian Hukum Efektifitas Penerapan (Asas Contante Justitie) Asas Peradilan Cepat, Sederhana Dan Biaya Ringan.” *Jurnal Lex Crimen* VI, no. 6 (2017): 140–45.
- Richardson, Elizabeth, Pauline Spencer, and David B. Wexler. “The International Framework for Court Excellence and Therapeutic Jurisprudence: Creating Excellent Court and Enhancing Wellbeing.” *Journal of Judicial Administration* 25, no. May (2016): 148–66.
- Rizkiana, Rina Elsa, and Michael Gerry. “Penanganan Hak atas Perumahan yang Layak Terkait Backlog di Masa Pandemi Covid 19: Studi Kasus di Kota Samarinda (Decent Housing Rights Handling Related to Backlog during Covid-19 Pandemic : Samarinda City Case Study).” *HAM* 13, no. 2 (2022): 287–304. <https://doi.org/http://dx.doi.org/10.30641/ham.2022.13.287-304>.
- Sidik Sunaryo, Himas El Hakim, Cekli Setya, Azna Pratiwi, Shinta Ayu, Azna Abrory Wardana, Sholahuddin Abrory Wardana, Vinaricha Sucika Wiba, Lona Puspita, Satria Unggul Wicaksana Prakasa, Nurul Ula Al-Fatih, Tin Hla, Febriansyah Ramadhan, and Aldy Yohanes Manueke Uly. “DIMENSI KEADILAN PLURALITAS.” *Penerbit Universitas Muhammadiyah Malang*, 2021, 2013–15.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif; Suatu Tinjauan Singkat*. Jakarta: RajaGrafindo Persada, 2001.
- Surat Edaran MA Republik Indonesia Nomor 1 Tahun 2020 tentang *Pedoman Pelaksanaan Tugas Selama Masa Pencegahan Penyebaran Corona Virus Disease 2019 (Covid-19) di Lingkungan MA dan Badan Peradilan yang Berada di Bawahnya*.
- Surat Keputusan MA Republik Indonesia Nomor 129/SK/KMA/VIII/2019 tentang *Petunjuk Teknis Administrasi Perkara dan Persidangan di Pengadilan secara Elektronik*.
- Surat Sekretaris MA Republik Indonesia Nomor 1012/SEK/HM.02.3/12/2017 tentang *Implementasi SIPP Versi 3.2.0 di Empat Lingkungan Peradilan*.
- Syarifuddin, H. M. *Aksesibilitas Keadilan Bagi Perempuan Dan Anak*, 2020.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 tentang *Kekuasaan Kehakiman*.
- Undang-Undang Republik Indonesia Nomor 8 Tahun 1981 tentang *Hukum Acara Pidana*