

Analysis of the Use of E-Court as An Electronic-Based Court Service in the Administration of Civil Judgment in Indonesia

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Abstract

A Technological advances have a broad impact on every aspect of people's lives, including the legal system, especially the e-court system which is a form of the government service system. The aim of the electronic justice system is to simplify the justice system by enabling online registration of cases, payments, summons and hearings. People had to waste time and energy traveling to and from court buildings before e-courts were available, making this service inefficient and ineffective. However, there are a number of obstacles to the use of E-Court, including lack of public outreach and education, limited human resources, and gaps in access to information and communication technology. Normative juridical research is the backbone of this research while also relying on secondary data. For this research, we also consulted secondary sources, such as government records and scientific publications, to gather information. The results found that the use of E-Court as a court service in Indonesia provides benefits including increased efficiency and effectiveness of justice, greater public trust in the justice system.

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Introduction

Judiciary is a process carried out in court which is related to the task of examining, deciding and adjudicating cases. Meanwhile, the court is an official body or agency that implements the justice system in the form of examining, adjudicating and deciding cases. According to Sjachran Basah, justice is everything related to the task of deciding cases by applying the law, finding the law, and providing justice.

The services provided by courts in Indonesia, especially those relating to civil procedural law, continue to evolve in response to growing demands. The legal justice system, especially civil law in Indonesia, is eager to welcome technological advances in this era of continuous technological progress so that citizens can more easily access, obtain information, submit and carry out legal processes (up to and including the resolution of their cases). This not only impacts the general public, but is also something new for the judiciary in Indonesia. Reflecting on the development of the justice system in various countries, such as the United States, Malaysia, Singapore and India, Indonesia believed and decided that it needed further development which apparently could be obtained from the implementation of the justice system until the emergence of E-Court which became a way out of the desire to welcome progress. technological systems within the scope of this judiciary.

E-Court is a means for the Court to provide services to the public related to online registration of cases, electronic estimates of downpayment, online payment of downpayment, online summons and online trials by uploading documents or trial files either in the Replica stage Duplicate, Conclusion or Answer. E-Court is also an instrument in court as a form of service to the community in terms of online case registration, online payments, online

summons, and online trials. There were many problems related to the Indonesian legal system's reliance on manual processes before the introduction of E-Court, including inefficiencies in case administration, delays in case resolution, and difficulty obtaining information. According to Article 2 paragraph (4) of Law no. 48 of 2009 concerning Judicial Power, "Justice is carried out simply, quickly and at low cost." This means that the justice system in Indonesia uses a simple, fast and cheap process, and basically also follows the principle of Containing Justice. However, in practice, issues of efficiency, security and timeliness often become widespread concerns in all justice systems in Indonesia, which implies that these things conflict with these goals.

The Indonesian government only began to realize the importance of technology in helping resolve judicial problems in the early 2000s, when this was a reaction to the extraordinary and rapid growth of information technology. At the same time, there are calls to speed up and improve the process of resolving legal cases. The development of a web-based justice information system has made it easier for the public to access case information online, thereby increasing efficiency and fairness in the civil justice process. This is different from manual processes that previously relied on physical documentation and face-to-face meetings.

In fact, in general, in 2023, the number of Civil Cases, Civil Religious Cases and State Administrative Cases registered via the e-Court application at the Court of First Instance will be 313,947 cases, or an increase of 10.86% compared to 2022. Of this number, A total of 311,615 cases or 99.26% have been successfully tried via e-Litigation or an increase of 9.92% from 2022. Meanwhile, at the Court of Appeal, the number of appeal cases that have been registered using the e-Court application in 2023 is as many as 6,644 cases.

From the number of registered cases plus the remaining cases from last year, 4,685 cases have been decided via e-Litigation. The number of Registered Users and Other Users who used e-Court services as of December 31 2023 was recorded at 594,816 users, consisting of 239,984 Registered Users from advocates and 354,832 Other Users from individuals, government, legal entities and incidental powers.

Based on the data described above, the number of cases registered and resolved using the electronic justice system continues to increase from year to year in line with the increase in the number of users of electronic justice services. This is a positive impact of accelerating the implementation of the electronic justice system during the Covid-19 pandemic, slowly but surely, in the future all case resolution will migrate from conventional case resolution to electronic case resolution.

E-Court, the government's electronic-based public service, is undeniably a breakthrough in the Indonesian justice system, as it offers features and capabilities that were previously unavailable. Most importantly, the need for E-Court is to improve the justice system by implementing justice based on the principles of speed, simplicity and low cost. Furthermore, it is certain that there are other aspects of the impact of this E-Court service system that require further research. Although society has accepted and benefited from improvements in the justice system, which have not occurred instantly or evenly, the system will certainly undergo further changes in the future. For example, this is a real problem for court staff who, due to their age and lack of education, cannot fully understand the rapid advances in technology. When developing a new one, this becomes something that requires extra attention.

Research Methods

Normative juridical research is the backbone of this research. According to Soerjono Soekanto normative juridical approach, namely legal research carried out by examining library materials or secondary data as a basis for research by conducting searches of

regulations and literature related to the problem being studied. 4 This type of legal research involves searching for relevant regulations and literature in the field, as well as using secondary sources such as library books and databases. There is a connection between the topic of discussion and the problem being investigated. Therefore, this research uses a normative juridical research strategy to collect information related to the use of E-Court in civil proceedings.

This research also relies on secondary data. According to Hasan (2002), secondary data is data obtained or collected by people conducting research from existing sources. This data is used to support primary information, where this data can be obtained, namely from library materials, literature, previous research, books, and so on. For this research, we consulted secondary sources, such as government records and scientific publications, to gather information. The results of the research are in the form of report objectives, scientific work and regulations as well as theories related to the objectives of this research. The methods used to collect information for this research are closely related to literature regulations, such as library research, and studies of relevant scientific literature are carried out to establish the theoretical and legal basis for normative legal research problems. data collected from literature reviews from related sources, such as journals, laws and regulations, all of which relate to the problem being investigated. For data analysis purposes, we collected all relevant data and consulted professional sources who offered their thoughts and views regarding the use of E-Court in civil case trials. In inductive reasoning, or the search for truth by moving from particulars to generalizations, analysis is carried out.

In this research, the authors jointly examine and analyze the regulations regarding the use of e-courts in the administration of civil justice, including their scope and perceived field facts related to the impact of implementing the use of e-courts and the problems that arise in the development of the civil justice system in Indonesia regarding their use. E-court is a short option for resolving cases based on judicial principles.

Results And Discussion

1. Analysis of Regulations for the Use of E-Courts in the Administration of Civil Justice.

The government's efforts to make the justice system more accessible, efficient and user-friendly have given rise to E-Court, a digital platform that facilitates the resolution of legal disputes.

"To run the Commander-in-Chief Judicial Agency Management System, computers are acceptable." reads Article 9 paragraph (1) The official Indonesian state document relating to the digital management of court cases is Law Number 3 of 2018. This opens the door for general judicial authorities to carry out managerial tasks, including maintaining archives, documenting cases, and reporting to themselves, using electronic technology. Data and administrative procedures can be better managed with the use of software programs, electronic databases, and electronic communications. To make the justice system more accessible and efficient, this article presents the legal basis for the use of IT in the administration of justice bodies.

Apart from that, Supreme Court Regulation Number 1 of 2019 regulates procedures for electronic dispute resolution in court and regulates the process of electronic dispute resolution in the judicial system. Electronic registration, communication, document storage and management, examination, execution of decisions, and data protection and security—the most controversial issues—are all realized in full compliance with civil court electronic dispute resolution standards. With luck, this regulation will make it easier and faster to resolve civil justice problems through the use of technology without compromising the validity or security of the judicial process.

Following the revocation, the Supreme Court of the Republic of Indonesia issued Regulation Number 1 of 2019 concerning the Conduct of Cases and Trials Electronically, which replaced the previous regulation. The aim of this regulation is to make the Indonesian judiciary more open and efficient. Law Number 48 of 2009 concerning Judicial Power and Regulation Number 3 of 2018 concerning the Electronic Justice System of the Supreme Court provide the legal basis.

The application of E-litigation, which allows judicial procedures to be carried out electronically, was introduced under this law. Before it was implemented, the E-Court system was only limited to three functions: case registration, payment of court fees, and payment of summons fees. Electronic transmission of decisions, exchange of evidence and response papers can now be carried out using the E-litigation program. Increased efficiency and openness in the justice system in Indonesia is the result of this regulation. By using the E-Court application, anyone can file a case, pay court fees, schedule a trial, and learn more about summons for court decisions.

2. Analysis of the Scope of Use of E-Court in the Administration of Civil Justice.

According to Supreme Court Regulation Number 2 of 2018, what is meant by "Electronic Case Administration" is a set of procedures for handling civil, religious, military and state case files through an electronic system that is appropriate to the respective judicial environment, including accepting lawsuits/petitions, answer, replica, duplicate, and conclusion.

E-FILING

If you are already registered as a user of the E-filing technology system, you can register for online case registration services simply by selecting a court that offers E-Court services. The Indonesian Supreme Court's E-Court program is used for all file transfers online/electronically. You can use this software to enter electronic documents for current cases, as well as to manage, transport, and store paper, as well as to make copies, duplicates, and final decisions.

When submitting SPT reports, individual taxpayers often choose to use the e-filing program. Unfortunately, taxpayers cannot use this program in situations where the income production period is less than one year. This will cause the SPT status to change from zero to underpayment or overpayment. Anyone who has access to the e-SPT program and knows about taxation can use it to change their tax obligations. The ideals of fairness and effectiveness are at odds with this. It is recommended for taxpayers who do not have tax expertise not to report SPT because the filing process is considered complicated. Lastly, taxpayers can be considered as not complying with the rules.

E-PAYMENT

As an additional step after electronic registration, this application offers a service for paying civil case fees which are resolved via the E-Skum application. This will allow registrants to conduct business without physically appearing before a judge. In terms of saving time, money and energy, this service greatly simplifies judicial procedures for case registrants. Payments uploaded by the system are the only payments subject to this rule; all transactions between the parties to the dispute are outside its scope. For example, inheritance issues involving disputed funds are now outside the court but still under supervision

E-CALL

Litigating parties are allowed to submit summons to appear in court via electronic means as intended in paragraphs 11 and 12 of MA-RI Regulation Number 3 of 2018. If the plaintiff has written evidence and internet registration, then the summons can be served. presented online; The court bailiff, who can be contacted online, serves the defendant with an initial summons. and for the attorney to process electronically, written consent from the principal is required.

E-LITIGATION

One application of the legal criteria of "simplicity, speed and low cost" as stated in article (2) of Law Number 48 of 2009 concerning judicial power is electronic trials. Claim, request, agreement, response, replica, duplicate and conclusion electronic evidence and electronic assessment statements are all part of the trial process made possible by the e-litigation system. The Supreme Court and four lower-level judicial organizations handle electronic litigation.

The use of electronic litigation in civil trials is an example of technological advances that go beyond the traditional areas of managing court public services such as lawsuit registration, case deposit payments, and online summons. As an extension of E-Court, E-litigation incorporates full electronic implementation into the trial process, including administration.

Despite the fact that it introduces several improvements to certain aspects, its development continues to ignore user concerns. Some argue that the use of technology in trials can eliminate the human element in the law, which is very important in achieving true justice. To resolve disputes and build agreement between disputing parties, non-verbal cues and direct engagement in the courtroom may be helpful.

3. Impact and Problems of Using Electronic Procedural Law (E-Court) in the Civil Justice Administration Process.

In achieving justice for society in this era of technological progress, E-Court is basically here to help. This stems from the initial investment in E-Court and the impact it had on its success. The E-Court system itself makes a positive contribution to the progress of justice in Indonesia. Because the basis of the E-Court is the public's desire for access to justice, its presence will make it easier for the public to find answers to their questions regarding how to resolve legal problems in an era of rapid technological progress. Many good things have resulted from the implementation of the E-Court system in Indonesia, which has made the country's justice system more efficient and effective. Testing is a simpler and quicker procedure. Litigants can save time and money on travel costs by using E-Court to submit papers and trials online. The use of e-Court also has an impact on reducing the burden on civil court employees. To free up court personnel to handle more complex cases, E-Court automates trial procedures and case management.

Another positive impact is making court services more accessible, so that people outside the court area can still obtain case information and participate in online trials. Increasing the Standards of Judicial Openness and Accountability. Trial documentation is carried out electronically. Because E-Court allows the recording of trials electronically, the accountability and openness of trials is increased. Provide case details on the internet. The Case Tracking Information System (SIPP) allows the public to view case records online, thereby increasing the openness of the justice system. Prevents possible abuse of power: There will be less scope for court officials to abuse their power with an E-Court system that communicates with other systems.

Improving the Quality of Court Administration Providing access to legal resources To make it easier for individuals to learn about the law and their rights, E-Court can provide online legal information services. Creation of an online education platform One way to increase the competence and professionalism of court officials is to create an online training system using E-Court. A more trustworthy judiciary can be achieved with the introduction of an E-Court system that is open, honest and easy to use.

Apart from the benefits of E-Court in Indonesia which have been mentioned above, it cannot be denied that the developing procedural system can be misused, which can cause social problems. This is primarily due to the fact that the E-Court system stores litigants' personally identifiable information, which can be exploited by careless parties to manipulate

or defraud proceedings. Many people remain skeptical about the system's ability to prevent individual losses from data breaches, identity theft, interference with legal processes, and hacking or leaks of sensitive information, all of which can result in major financial losses. As a result, people no longer trust the legal system, which can reduce its efficiency and damage its image.

Another big problem is the low level of digital literacy, which can make it difficult for the average Indonesian citizen to understand the trial process and electronic legal document services, especially if they are people who use these systems and still have difficulty understanding basic concepts such as computers and Internet. Litigants are susceptible to misunderstandings and misunderstandings due to a lack of understanding and education about current laws.

Another problem is the unequal distribution of personnel based on workload demands and assessments, as well as the scarcity of human resources who have expertise in court IT. There are times when the court has a limited caseload but sufficient staff is available. On the other hand, there are courts that handle many cases, but there are not enough officers to handle them. These factors make it difficult to implement E-Court smoothly and lead to unfairness. In addition to the uneven distribution of workers, most court IT departments are run by temporary workers. Due to staff shortages, court employees with computer science degrees have found alternative employment. Because it is possible that honorary staff will move to other agencies that have competent capabilities, the condition of information technology development is in a critical condition. During business hours, dedicated staff must manage the E-Court application exclusively.

If the information technology hardware that is supposed to support electronic case administration is not available, then implementing E-Court will face difficulties. Unfortunately, not all regions in Indonesia have the same level of infrastructure and access to technology, especially in rural areas. The impact that may arise is a delay in the resolution of civil cases due to inadequate use of the E-Court justice system in areas where access is inadequate.

Conclusion

E-Court is a digital platform that the court system uses to make it more accessible, efficient and user-friendly. It allows online case registration, payment, summons, and hearing. The implementation of E-Court has brought several benefits, such as increased efficiency and effectiveness of justice, greater public trust in the justice system, easier access to justice services, and better accountability and transparency. Supreme Court Regulation Number 1 of 2019 and Supreme Court Regulation Number 3 of 2018 respectively regulate electronic dispute resolution and electronic case administration in court, as well as regulate the use of E-Court. Next, an overview of the various parts of the E-Court is given. The electronic system in the judicial system that allows electronic filing of cases, payment of court fees, summoning of parties, and conduct of trials is known as the E-Court system. A number of benefits have resulted from the implementation of E-Court, including increased efficiency and effectiveness of the judiciary, greater public confidence in the justice system, easier access to court services, and greater accountability and openness. On the other hand, this discussion pays attention to a number of problems that arise when implementing E-Court, such as the unequal distribution of human resources with the necessary technical knowledge, inadequate infrastructure in certain areas, concerns regarding data security, and the possibility of misuse of the system. .

Highlights several challenges in the field of justice implementing E-Court, including lack of public outreach and education, limited human resources with the necessary technical expertise, and uneven distribution of information and communication technology (ICT)

infrastructure in various regions in Indonesia. These issues make it difficult to implement E-Court smoothly and raise concerns about system security and potential abuse. The document emphasizes the need to improve ICT infrastructure, human resource capabilities, and education and community outreach to address current problems. obstacles and further develop the E-Court system in Indonesia.

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