



## Electronic Court (e-court) at the Sarolangun Religious Court

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### ABSTRACT

This research aims to analyze the E-Court justice system at the Sarolangun Religious Court, using empirical juridical research methods, which prioritize field data as main data and library materials as supporting data. Data collection techniques are carried out through interviews and literature studies of the data needed in the analysis process. The results of this research are a description of the implementation of the E-Court system at the Sarolangun Religious Court and an analysis of inhibiting factors and opportunities for its development. From the description of the discussion, it can be concluded that the implementation of the system is not yet fully effective and is less popular with users, this is because the understanding of the e-court system is not yet fully understood by users. And it is constrained by application systems that use the internet network, so network factors also influence the e-court system process.

### INTRODUCTION

Historically, the birth of the e-court system in the world of justice, in addition to the demands of increasingly sophisticated technology, and the enthusiasm of the Supreme Court to build a modern judiciary based on information technology, to build the principles of fast trials and low costs, as well as a clean and corruption-free judiciary, this system also as a response to complaints from some lawyers, advocates or lawyers who want a solution regarding the alleged complexity of the trial system, ineffective time effectiveness, wasteful costs for advocates, and inaccurate time management, even though they only come to the trial to convey a statement. response to a lawsuit or a replica or duplicate. In response to all this, e-court (electronic court) was born, electronic trial in Indonesian, is a justice system that is carried out electronically. The instruments are electronic registration of cases, electronic payment of cases, electronic summons of parties to the case and electronic hearings (Kusbianto & Zaen, 2023).

As a system, e-court is a new system for the world of justice which is different from the previous system, but that does not mean that with this new system, the old system will be abolished, no, the old system will still operate as usual. This system has also been applied to all courts in Indonesia. Former Chairman of the Supreme Court of the Republic of Indonesia, Prof. Dr. H. M. Hatta Ali, SH., MH said that the new era of modern justice based on information technology is an important momentum in Indonesian justice, namely the shift from a manual justice administration system to an electronic justice administration system. The issuance of PERMA Number 3 of 2018 concerning Electronic Administration of Cases in Court followed by the launch of the e-Court application has opened up space for the process of registering cases electronically (e-filing), payment of down payment of case fees electronically (e-payment), summons and notification to the parties electronically (e-summons) (Rinn et al., 2014). The three features in the e-Court application are integrated with the Case Tracking Information System (SIPP), the Supreme Court Case Information System (SIAP) and the Decision Directory. The spirit of modernization at the Supreme Court is driven by the vision to create a great Indonesian judicial body through simple administration of justice. fast and low cost (Alhogbi et al., 2018).

The Sarolangun Religious Court is one of the courts that implements an e-court system in trials. What is the practice at the Sarolangun Religious Court and what are the obstacles and challenges in implementation, is an interesting study to be discussed in detail. The importance of this knowledge is none other than being a source of insight for researchers and law faculty students, considering that the study of e-court is a new system being implemented in the courts (Smith et al., 2017).

For this reason, in this scientific article we will specifically discuss the application of e-court in courts. For this need, the author tried to conduct research with the theme Electronic court (e-court) at the Sarolangun Religious Court. Departing from the background of the problem above, the main issue raised is how to implement e-court in the justice system at the Sarolangun Religious Court. To find an answer to this main problem, you must first solve the following problems: How is the e-court system implemented at the Sarolangun Religious Court? So what are the obstacles and opportunities in implementing the system?

### LITERATURE REVIEW

E-court is a service for Registered Users for Online Case Registration, Obtaining Online Estimates of Case Fees, Online Payments, Summons made via electronic channels, and Hearings conducted electronically. In terms of online case



registration, currently apart from Advocates, other registered users can also use this facility. So Advocates as Registered Users and Justice Seekers (Non-Advocate) as Other Users who have been registered can hold proceedings in all Courts that are active in the election when they want to register a new case (Hardilina et al., 2023).

The stages of litigating electronically are: first, online case registration (e-filing) is carried out after being registered as a registered user by selecting the District Court, Religious Court or State Administrative Court which is already active in providing e-Court services. All registration files are sent electronically via the RI Supreme Court e-Court application. Online case registration in the e-Court application is currently only open for registration cases for lawsuits, objections, simple claims and petitions. This case registration is a type of case registered at the General Court, Religious Court and State Administrative Court, the registration of which requires more effort, and this is the reason for creating an e-Court, one of which is the ease of doing business. The benefits of online case registration via the e-Court application that can be obtained from this application are: 1. Saves time and costs in the case registration process. 2. Payment of down payment fees which can be made via multi channels or from various payment methods and banks. 3. Documents are archived properly and can be accessed from various locations and media. 4. Faster Data Retrieval Process (Saud et al., 2018).

The second stage, by registering the case online via e-Court, the Registrant will automatically receive a Cost Estimate (e-SKUM) and Payment Number (Virtual Account) which can be paid via the available electronic channels (Multi Channel). When registering a case, registered users will immediately receive the SKUM which is generated electronically by the e-Court application. Registered Users, after receiving the Estimated Down Payment or e-SKUM, will get a Payment Number (Virtual Account) as a virtual account for payment of the Case Down Fee.

The third stage, after the Registrant makes payment according to the Estimated Cost Fee (e-Skum), the Court provides a Case Number on working days and hours, then the e-Court application will provide notification/notification that the case has been registered with the Court.

The fourth stage, the Summons for the hearing and Notification of the Decision are delivered to the parties via electronic channels to the parties' email addresses and information on the summons can be seen in the e-Court application. In accordance with Perma No.3 of 2018, summons for which registration is made using e-Court, summons to Registered Users are made electronically and sent to the registered user's electronic domicile address. However, for the defendant, the first summons will be carried out manually and when the defendant appears at the first hearing, he will be asked for approval whether he agrees to be summoned electronically or not. If he agrees, the defendant will be summoned electronically according to the electronic domicile provided and if not agree that the call will be made manually as usual (Rosmiati, 2016).

The fifth stage, the application supports electronic (online) trials so that trial documents such as replicas, duplicates, answers and conclusions can be sent electronically. The e-Court application also supports electronic hearings so that trial documents such as replicas, duplicates, conclusions and/or answers can be sent electronically which can be accessed by the court and the parties. The sixth stage, the application contains decision information, namely the date of the decision, the decision, the date of minutes and an electronic copy of the decision can be downloaded through this application. Seventh stage, signing the electronic copy of the decision file (Suratno et al., 2018).

The main basis for implementing electronic trials is the Supreme Court Regulation issued by PERMA Number 3 of 2018 concerning Electronic Administration of Cases in Court, followed by Supreme Court Regulation Number 1 of 2019 concerning electronic administration of cases and trials. Based on the provisions of article 2 paragraph (4) of Law no. 48 of 2009 concerning judicial power states that trials are carried out simply, quickly and at low cost. To realize this, reforms need to be carried out to overcome obstacles and obstacles in the process of administering justice. Therefore, there is a need for new breakthroughs combined with today's technological sophistication. The online system is a new breakthrough in the administration of justice. By utilizing sophisticated technology in the form of an internet network, you can create a system in the form of an application called E-Court. With an online operating system, people seeking justice do not need to register by coming directly to the religious court.

The main objective of the Supreme Court in issuing regulations regarding electronic case administration is PERMA RI No. 3 of 2018 concerning Electronic Administration of Cases in Court, the purpose of which is as a legal basis for administering case administration in court electronically to support the realization of orderly, professional, transparent, accountable, effective, efficient and modern case administration.

It should be stated that the main difference between the E-Court service in 2018 and the E-Court service which was perfected in 2019 is the addition of an electronic trial menu. As a form of service to the public in terms of online case registration, online payment, sending trial documents (Replik, Duplicate, Conclusion, Answer) and online summons, the e-court case application is expected to be able to improve services in its function of receiving online case registration where The public will save time and costs when registering cases. Online case registration in the e-court application is currently a new type of registration for lawsuit cases and will continue to develop. Registration of lawsuit cases in court is a type of case registered in the General Court, Religious Court and State Administrative Court, the registration of which requires more effort, and this is the reason for creating an e-court, one of which is the ease of doing business (Suratno & Hutabarat, 2018).

According to Hatta Ali, the Supreme Court has collaborated a lot with foreign courts which can be used as references, for example the Australian judiciary, the Dutch Royal judiciary and courts in the Middle East and even in the



Asian region. Hatta Ali said that the launch of the Electronic Court was a big leap from the overall great efforts of the Supreme Court in making administrative changes in the courts. This initiative needs to be fully supported by the judiciary starting from the directorate general, appellate level courts and all first level courts which are the spearhead of service implementation. As an initial stage, the implementation of electronic courts will be carried out in 32 pilot courts within selected general courts, religious courts and state administrative courts. "It is my hope that this year the evaluation of the pilot court will be completed so that the necessary changes to the system or rules can be carried out immediately and no later than one year from today (launching) this facility (E-Court) must be able to be utilized throughout the judiciary," he stressed ( Chief Justice of the Republic of Indonesia) (Arifany, 2021).

## **METHOD**

The type of research used in this writing is empirical juridical research. This research approach is aimed at understanding how effective the application of law is in the social environment, so that it can be said to determine the gap between *das sollen* and *das sein*. Based on the opinion of Sri Mamuji and Soerjono Soekanto, empirical juridical research is: "legal research carried out through primary data research". Meanwhile, according to Peter Mahmud Marzuki, empirical juridical research is also called socio-legal research, namely: Socio-legal research only positions law as a social phenomenon. In such cases, the law is seen from an external perspective only. That's why in socio-legal research, law is usually connected with social problems. So socio-legal research is research that focuses on personal or community actions related to the law. In accordance with the explanation above, it can be concluded that empirical juridical legal research is legal research that analyzes and studies the behavior of society or individuals related to it through primary data sources.

## **RESULT**

### **A. Implementation of Electronic Court (e-court) at the Sarolangun Religious Court**

The Registrar of the Sarolangun Religious Court, Anita Kirana, said that: The Sarolangun Religious Court has gone through all the stages as mentioned above, even now the e-court application which has been integrated with SIPP is running but not optimally and there are several cases registered through the e-court. This can be observed in the e-court map of the Supreme Court of the Republic of Indonesia, where up to now 70 cases have been registered via e-court. The presence of e-litigation has also opened up the practice of electronic justice in Indonesia. This is illustrated by at least two indicators, firstly, e-litigation expands the range of legal subjects that can utilize the electronic justice system. Initially only for advocates as registered users, it also includes other users including prosecutors as state attorneys, government legal bureaus, TNI Polri, Indonesian Attorney General's Office, directors/management or employees appointed by legal bodies, and incidental proxies who meet the requirements as system users. judicial information. Second, the use of e-litigation is not only for trials at the first level, but can also be used for legal appeals, cassation and judicial review of cases that use e-litigation at the first level. Hatta Ali revealed the various benefits that people seeking justice can enjoy if they use e-litigation. According to him, e-litigation makes the justice system simpler and faster. The litigants also do not need to wait in long queues waiting for the trial, which has often been complained about, so the trial process is also faster. Apart from that, according to Hatta Ali, e-litigation can bridge the vast geographical constraints of Indonesia which consists of thousands of islands and also reduce case costs because the judicial process is carried out electronically, such as costs for summons, attendance at court to answer answers, evidence and listening to the reading of the decision. . No less important, electronic systems increase public trust in judicial institutions. Limiting direct interaction between justice service users and judges and judicial officers. This is done by reducing the number of service users coming to court and canalizing the way they interact, thereby minimizing the possibility of ethical deviations or legal violations (Kusbianto & Zaen, 2023).

Furthermore, the Sarolangun Religious Court's One Stop Integrated Services Officer, Ayu Febri, said So far, the implementation of e-court case registration is going well, there are even two cases that are being heard via e-litigation. What is a bit of a problem is when the registration is done at the end of the month, because the registration disrupts the case reporting system. Because at the end of the month the institution must close its books and make a written report regarding the number of cases received and how many have been resolved.

Currently there are two systems implemented by the Sarolangun Religious Court in carrying out registration and trials for justice seekers. The two systems are the regular system and the electronic system (e-court system) In summoning the parties to come to court, it is very different from ordinary summons, if the usual way is to call directly to the Plaintiff or Defendant's address, this electronic summons is called via email for the Plaintiff, while the Defendant is called normally, except in trial The defendant represented his attorney and stated that he wanted to proceed electronically, then the next summons was made via the registered email. This is what the deputy chairman of the Sarolangun Religious Court, Deni Irawan, explained (Muhammad & Rahmadina, 2023).

If both parties to the case are present at the trial, and both parties agree to conduct the proceedings electronically, then the initial stage of the trial is mediation, after which the trial is postponed and both parties are ordered to appear again on the day and date of the trial that has been determined. Furthermore, at the second trial, the lawsuit will be read as well as determining the schedule for the next trial which will be prepared in the court calendar. In the court calendar, the trial schedule and agenda are determined, starting from the date and agenda for the Defendant's response hearing, the date and agenda for the Reply hearing, the date and agenda for the duplicate hearing, the date and agenda for the



evidentiary hearing, the date and agenda for the conclusion hearing, and the date and agenda for the verdict reading hearing. . All trial schedules and agendas, apart from evidence, are carried out or sent electronically without the need to come to court. Especially for evidence, the parties must come and present evidence and present witnesses directly before the court. This is how the deputy chairman of the Sarolangun Religious Court explained. Thus, through this electronic hearing, you only need to come to the hearing three times, the rest you just need to send the data electronically (Muhammad & Rahmadina, 2023).

Thus, it can be concluded that as a new system, e-Court has been implemented and implemented at the Sarolangun Religious Court. It has even been developed with e-litigation which is part of the e-court system. However, each program had and encountered obstacles at each stage so that the overall process was concluded with results. Thus, it can be concluded that as a new system, e-Court has been implemented and implemented at the Sarolangun Religious Court. It has even been developed with e-litigation which is part of the e-court system. However, each program has and encounters obstacles at each stage so that the overall process can be concluded with less than optimal results.

This can be seen from the registration process, where at this stage it is found that not all those involved in the case have knowledge of the online registration system, so that in practice it will usually be carried out by an advocate or assisted by the court in charge of the e-court service. This will still require a slow waiting time, even though the e-court system aims to speed up the judicial process. What happens at the registration stage will also happen at each subsequent stage, plus signal or network problems. This will also result in additional waiting time and this occurs at each process or stage that users of the justice application with the e-court system must follow (Salsabila & Purnomo, 2022).

## **DISCUSSION**

### **A. Obstacles and Opportunities**

Looking at the development of the implementation of the e-court system at the Sarolangun Religious Court, if it is related to the number of cases submitted to the Sarolangun Religious Court per year, which is around 500 cases, then 70 cases submitted via e-court is still considered small. Supposedly, 50% of cases that come in should all use e-court, especially considering the large number of cases that come in. After conducting an interview with the deputy chairman of the Sarolangun Religious Court, there are three factors why e-court has not become a system that is truly popular in the Sarolangun Religious Court, firstly there are still few users, and secondly users do not understand the e-court system well, thirdly, introduction to society is not yet optimal. And also explained these factors as follows, First, there are still few users. Based on the data submitted in the One Stop Integrated Services information section, almost 95% of cases entered by e-court at the Sarolangun Religious Court are through advocates or legal representatives, with the rest being ordinary people as users. 95% of it was done with only 4 advocates. Thus, for Sarolangun, only 4 advocates understand technology and it is not an exaggeration to say that they understand the use of e-court well and carry out e-court proceedings at the Religious Courts, what about other users, other users besides advocates are only 5% and that's all. taught directly by PTSP officers at the Sarolangun Religious Court. Thus, there are still many advocates in the Sarolangun Religious Court area and people who have not used e-court to register their cases in court (Qomaro, 2022).

According to Juniver Girsang, as the first registered advocate in the e-court system, he will always convey to the ranks of advocates to immediately change their old mindset towards the long, expensive and non-transparent judicial process. In the past, when I went to court, I had to wait for hours just for the hearing with the agenda of postponing the hearing. Not to mention that from the start of registering I had to go back and forth to court. Of course it will cost a lot and my time will be wasted. Now with e-court everything can be resolved and made easy. When it is accused that e-court can be detrimental to advocates due to the potential loss of income and payment for court process services from clients, because advocates no longer need to come to court as before. Some of my fellow advocates may have their income reduced, because usually advocates are paid to wait hourly. But now there is no longer that service because there is no need to come.

However, for lawyers it should be profitable. Like me, usually I can finish one thing in a day because I wait, now I can do work in several places because I have enough time. He also appealed to all advocates to always update their knowledge by studying a lot and reading books, because now with the e-court, advocates have to argue with opposing advocates through writings that are sent to the court online. Imagine the agenda of answering the answer via e-mail or something similar, so that we really have to strengthen the argument through writing. We don't see each other anymore like we used to. Juniver also admitted that there are still many advocates who are still not aware of the development of information technology so they are left behind by the updates carried out by the Supreme Court which has moved towards the modern era. I ask the advocates to be IT literate if they don't want to be left behind and left behind by the times. Advocates must be able to operate computers and not be allergic to developments in information technology.

Second, users who do not understand the e-court system well. The lack of lawyers and other users using e-court indicates that there are still many people who still do not understand the new system being implemented. Whether he admitted it or not, when a justice seeker was asked how you registered your case, whether using the normal method or an electronic system, he answered, I don't know, sir, what is clear is that I brought the lawsuit and registered it myself, then paid. Then the officer said, just wait for the summons to be heard by the court officer. This means that he himself does not understand how he is processing his lawsuit. And the public clearly does not know that currently in the Sarolangun Religious Court there are two systems, namely the regular system and the e-court system. More than that, there are also





justice seekers who choose to register their cases normally, because they don't understand technology and don't want to be complicated by new things. That's what Ayu Febri said in her interview.

Apart from that, regarding electronic trials, there are still court human resources who do not understand the e-court system. Moreover, there is the issue of e-litigation. Some of the human resources have difficulty using information technology and cannot run applications, while the basic basics of e-court are application operations. If information technology is not mastered, how is it possible to carry out e-court trials and e-litigation? Regarding human resources, the deputy chairman of the Sarolangun Religious Court, Deni Irawan, said that it was true that one of the reasons for the problem of implementing e-court was human resources. Incidentally, many of our clerk's human resources are old, whose mastery of information technology is still limited. It will take a long time to provide a comprehensive understanding regarding this e-court. Today we teach, tomorrow we forget again. And this of course slightly hampers the acceleration of the data entry process, but in the meantime we are still backing it up with reliable personnel so that the process can be completed quickly. Because when we enter the trial, we also have to open the e-court application and wait in the application to see whether, for example, the defendant's answer has been sent via e-court on the day and time of the trial. If so, then it is the clerk's job to download and send the answer. it to the opposing party via the e-court application. And so the activity continues until the verdict is read which must immediately be uploaded to the e-court.

Third, introduction to society is not optimal. This is a matter of outreach to the public. So far, the court has been passive and waited for people to come to the court and then offered whether they wanted to proceed via e-court or normal. This is the opportunity for the court to introduce e-court to the public. There is no specific time to explain the rest.

The chairman of the Sarolangun Religious Court, when asked how to introduce the e-court system to the community, explained that the right time to introduce the e-court was when the community needed a court, and they came themselves to the Sarolangun Religious Court to seek information, that's where we introduced it. If we go out into the community, it is quite difficult, first there is a problem of costs, then there is a problem of time, because on a daily basis we also have to carry out quite a lot of trials (Smith et al., 2017).

## **B. Development Opportunities**

From the obstacles above, there are at least three possible opportunities that can be implemented so that the implementation of e-court at the Sarolangun Religious Court will be better in the future. First, provide a good understanding to registered users and other users, including the internal human resources of the Sarolangun Religious Court. In this case, it can be done through socializing large banners displayed around the Sarolangun Religious Court explaining the ease and practicality of conducting e-court proceedings. Create practical steps step by step in the form of brochures and prepare reliable staff who are ready at any time to explain in detail and clearly regarding the implementation of the e-court. Second, collaborate with the local government to carry out outreach. Regarding this point, the court could participate in local government programs to carry out legal education. However, specifically for the Religious Courts, the central issue that is being raised is how to conduct proceedings electronically at the Sarolangun Religious Courts, the convenience and benefits of which need to be conveyed to the public (Kusbianto & Zaen, 2023).

Third, strengthening the internet network and expanding it. Of course, electronic activities cannot be separated from a strong network. The stronger the network, the easier access can be. To register cases online, of course you rely on a strong network, not only specifically for the Sarolangun Religious Court, all corners of the jurisdiction of the Sarolangun Religious Court must also have a strong network. So there must be an expansion that can be requested from the local regional government, for the sake of the Sarolangun community. If the network is strong and reaches all corners of the jurisdiction of the Sarolangun Religious Court, then registering cases (e-filing) electronically will be faster too (Smith et al., 2017)..

## **CONCLUSION**

It can be concluded that as a new system, e-Court has been implemented and implemented at the Sarolangun Religious Court. It has even been developed with e-litigation which is part of the e-court system. However, each program has and encounters obstacles at each stage so that the overall process is not optimal. This can be seen from the registration process, where at this stage it is found that not all those involved have knowledge of the online registration system, so usually in practice it will be carried out by an advocate or assisted by the court in charge of the e-court service. This will still require a slow waiting time, even though the e-court system aims to speed up the judicial process. And this also happens in the later stages. There are three factors why e-court has not become a system that is truly popular in the Sarolangun Religious Court, firstly, there are still few users, and secondly, users do not understand the e-court system well, thirdly, introduction to the public has not been optimal. And there are at least three possible opportunities to implement so that the implementation of e-court at the Sarolangun Religious Court will be better in the future. First, provide a good understanding to users, Second, collaborate with the local government to carry out outreach and Third, strengthen the internet network and expand it. Of course, electronic activities cannot be separated from a strong network. The stronger the network, the easier access can be.

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