

The Use of E-Court In The Settlement of Civil Cases, In Realizing Simple, Fast, And Low-Cost Justice At The Jepara District Court

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ABSTRACT

A legal state is a country whose entire aspect of life is governed by law. All actions of the government and its citizens (society) must be submissive, obedient, and obedient to the applicable law, because the law is used as a basis for regulating all aspects of social, national, and state life, in all national and state life. The non-doctrinal approach in this study is intended to find out an overview of how the use of e-court in the settlement of civil cases (lawsuits, simple lawsuits, and applications) in the Jepara District Court. With the e-court, the costs incurred will be less. Through the e-court, the justice-seeking parties register the case, the payment of the costs of the case, summons, trial, and the collection of copies of the judgment are carried out online.

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Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the Indonesian state is a state of law (rechtsstaat). A legal state is a country whose entire aspect of life is governed by law. All actions of the government and its citizens (society) must be submissive, obedient, and obedient to the applicable law, because the law is used as a basis for regulating all aspects of social, national, and state life, in all national and state life. In its implementation it is not necessarily that the law will be obeyed by everyone, without thinking realistically (positively), about real events in society, which will be governed by the norms of the law.

Civil law is a set of rules governing relations between individuals. According to Subekti, civil law broadly includes all material private laws, namely all the main laws governing individual interests. Based on this definition, Subekti emphasized that civil law is an order of material rules, therefore, a formal rule order is needed that contains procedures in enforcing the material law. Such a rule order is referred to as the Procedural Law.

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The procedural law formed in such a way as to enforce material civil law is the civil procedural law. According to Wirjono Prodjodikoro, civil procedural law is a set of norms that regulate how people should do before the court, and how the court should act, between one another, to carry out the running of the norms of civil law. According to Sudikno Mertokusumo, civil procedural law regulates how material civil law is obeyed by the intercession of judges, starting from filing a claim for rights (lawsuit), adjudicating (examining, and deciding by a judge), to the implementation of the decision (execution) by the court.

Based on the opinions regarding civil procedural law as outlined above, it can be concluded that civil procedural law cannot be separated, from what is called a court as a place where people seek justice, fighting for their rights before the law. In every court, civil cases are tried (examined, and decided) by judges, so civil procedural law is needed, to ensure that each such process can run well.

Civil procedural law that exists in Indonesia today, is a civil procedural law that has existed since the colonial era, including:

1. Het Huziene Indonesisch Reglement (HIR), which applies to the jurisdictions of Java and Madura;
2. Rechtsreglement Buitengewijsten (RBG), which applies in jurisdictions outside Java and Madura);
3. Burgerlijk Rechtsvoordering (RV/BRV), which applies to Europeans;
4. Book IV of the Civil Code/Burgerlijk Wetboek voor Indonesie (BW);
5. Trade Law Book/Wetboek van Koophandel voor Indonesie (WVK).

Still in force civil procedural law left over from the colonial era, this situation caused a lag in civil procedural law, over the dynamics of the development of civil procedural law in society. The rapid development of technology in society, society needs legal provisions that are able to respond to legal issues they face. Adjustment of the provisions of civil procedural law, with the situation of society becomes a non-negotiable necessity.

In responding to the provisions of civil procedural law, in order to be adapted to the development of society, it is necessary to implement a judicial system, using the principle of simple, fast, and low costs. This is done in order to realize the institution of the court in providing justice, expediency, and legal certainty to the community. The International Consortium For Court Excellence (ICCE) explained that an effective and efficient judiciary is one of the indicators of a superior judiciary. This is greatly influenced by means, one of which is the use of information technology. The process of resolving cases in court, given the increasing development of information technology, should not be carried out in the old (conventional) ways, with the parties coming to the trial in person, but can be done by utilizing information technology, and carried out online, except in evidentiary matters, the parties are still present at the trial to submit evidence.

The judicial world in Indonesia, has adhered to the principles of a good justice system, namely: simple, fast, and low cost. Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power, states that "justice is carried out simply, quickly, and at low cost. With the principle of simple, fast, and low cost, judicial administration services can run effectively and efficiently. These principles have been well implemented by the entire judicial system in Indonesia, especially in the civil justice system. One of the legal cases or disputes resolved by the e-litigation system is the process of hearing civil cases. In this case it is very clear that the settlement of cases in judicial proceedings is carried out in a fast and precise manner, without convoluted processes and does not cost much or can be borne by the subject of law.

According to Alfin Toffler in the era of the third wave of the world, the development of society at this time, has entered the uber-civilization model. The uber civilization model is characterized by the change of time series civilization to real time, everyone's attitude will change to collaboration/networking, speed, multitasking, and the presence of invisible competitors. The rapid development of information technology also has an effect on the development of law, this happens because the law grows and develops, according to the direction of the development of a dynamic society.

Research Methods

Considering that the problem in this research is focused on the use of e-court in the settlement of civil cases, in realizing simple, fast, and low-cost justice in the Jepara District Court, the approach taken is a non-doctrinal legal research approach / juridical empirical/sociological, which is research conducted directly by looking at the reality that exists in practice in the field, and is based on a study of the operation of law in society. The work of law in society can be studied from the level of legal effectiveness. The non-doctrinal approach in this study is intended to determine the description of how the use of e-court in the settlement of civil cases (lawsuit, simple lawsuit, and petition) in the Jepara District Court, as regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, and has been amended by Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, and in realizing simple, fast, and low-cost justice, as stipulated in Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power.

Data is the result of research in the form of facts or figures that can be used as material for information, while what is said to be information is the result of data processing that is used for a purpose. The research data used in this research are primary data and secondary data

Results and Discussion

A. The Use Of E-Court In The Settlement Of Civil Cases At The Jepara District Court

For the use of electronic case administration services (e-court) in the settlement of civil cases at the Jepara District Court, based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, and has been amended by Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, divided into 2 namely: Registered Users consist of advocates and Other Users consist of the general public, institutions / state-owned enterprises or other government / private enterprises.

Requirements to become a Registered User for Advocates consist of:

1. Identity Card;
2. Advocate Membership Card;
3. Minutes of Advocate Oath by the High Court.

Registered Users shall obtain an e-court account online through the e-court application with the following steps:

1. Accessing the e-court application using a web browser through a computer, tablet or smart phone device;
2. Registering by filling in full name, email address and password;
3. Activate the account at the registered email address as well as approval as electronic domicile;
4. Logging into the application;
5. Complete advocate data.

The Court of Appeal verifies the Advocate Oath Report that registers as a Registered User. To facilitate the High Court to verify the Advocate Oath Report, the High Court must have a database of Advocates who have been sworn in at the relevant High Court. The High Court shall appoint an officer with a Decree to verify the Advocate Oath Report.

To be able to become an Individual Other User, in registering a case at the Jepara District Court, must have:

1. Identity Card and/or Certificate of replacement of Identity Card;
2. Passport.

To be able to become an Other User, Ministries and Institutions / State-owned Enterprises or other government-owned Enterprises, in registering a case at the Jepara District Court, must have:

1. Identity Card or Certificate of replacement of ID card;
2. Employee Card;
3. Power of Attorney/Assignment Letter.

To be able to be another User, the Attorney as a State Attorney, in registering a case at the Jepara District Court, must have:

1. Identity Card or Certificate of replacement of ID card;
2. Employee Card;
3. Power of Attorney and/or Letter of Assignment.

To be able to become a Legal Entity Other User, in registering a case at the Jepara District Court, must have:

1. Identity Card or Certificate of replacement of ID card;
2. Decree as an employee;
3. Special Power of Attorney.

To be able to become an Other User, Incidental Power of Attorney, in registering a case at the Jepara District Court, must have:

1. Identity Card or Certificate of replacement of ID card;
2. Special Power of Attorney;
3. Incidental Permission from the President of the Court.

Other Users may obtain an e-court account through the e-court desk at the One Stop Integrated Service (PTSP) of the Jepara District Court, except with the permission of the President of the Jepara District Court, Other User Accounts are only valid for one case at a time. The Jepara District Court has appointed an officer, by Decree, whose task is to verify the requirements for registration as an Other User.

B. The Use Of E-Court In The Settlement Of Simple Civil Cases At The Jepara District Court

1. Pendaftaran Perkara Online (e-filing).

Case registration with e-court is very easy and helps us the parties in case registration, can be done anywhere, and anytime, and can be done by using a computer/laptop/android phone, after all the requirements are entered, then the fee that must be paid in the form of Virtual Account, which is paid at the bank.

2. Online payment of court fees (e-payment).

The components of costs that must be paid in the settlement of civil lawsuits in the Jepara District Court consist of process costs as stipulated in Supreme Court Regulation Number 3 of 2012 concerning Case Settlement Process Costs and Their Management at the Supreme Court and the Judicial Bodies under it, consisting of: registration fee, PNBP for Plaintiff's Power of Attorney, office stationery (ATK), cost of duplicating the lawsuit for the Defendant, stamp duty, and redaction. The e-court application provides a Virtual Account Code that is used to pay the court fees and PNBP for the registration of power of attorney electronically, both by Registered Users and Other Users. Registered Plaintiffs and other users shall pay the court fee in accordance with the e-SKUM to the account of the Jepara District Court at the State Savings Bank (BTN), through electronic payment channels with the following steps:

- a. Obtaining the estimated case fee (e-SKUM) along with the Virtual Account code for the electronic payment channel;
- b. Make payment in accordance with the estimated court fee (e-SKUM);
- c. Wait for automatic confirmation from the system, check the payment automatically or confirm the payment manually by filling in the form provided by the e-court application;
- d. After obtaining confirmation from the system, Registered Users and Other Users will obtain a lawsuit Case Number for trial, after being registered in the Case Tracking Information System (SIPP) of the Jepara District Court.

Registered Users and Other Users add the case fee through the Jepara District Court Case Tracking Information System (SIPP) application. Registered users and other users receive an electronic notification of the remaining court fees after the SIPP financial journal is closed.

Payment of case fees with e-court is very easy, and helps us the parties in making payment of case fees, can be done anywhere, and anytime, and payment can be made by coming to the bank, or payment through banking applications such as mobile banking and internet banking.

3. E-summons

Summons/notification to the parties who register a lawsuit case at the Jepara District Court, carried out electronically delivered to:

- a. Plaintiff;
- b. The Defendant whose electronic domicile has been stated in the lawsuit;
- c. Defendants who have expressed their consent, and parties whose proceedings have been conducted electronically;

In the event that the Defendant has been summoned through his/her electronic domicile as stated in the lawsuit letter is not present, further summons shall be made by registered mail.

The Bailiff/Substitute Bailiff sends a summons/notice to the parties through the Electronic Domicile on the Court Information System (SIP). In the event that the Defendant does not have an Electronic Domicile, the summons/notice shall be delivered by Registered Mail. A Registered Letter is a letter addressed to the recipient

and can be proven by a receipt from the recipient stating the date of receipt. Summons/notices to parties residing abroad and whose Electronic Domicile is known, are made electronically. In the event that the electronic domicile of the parties residing abroad is unknown/unverified, the summons/notification shall be made in accordance with the applicable procedures. An electronic summons/notice is a valid and proper summons/notice, as long as the summons/notice is sent to the electronic domicile within the time period specified by law. For the Defendant whose address is unknown from the beginning, the summons is carried out through a public summons. The cost of an electronic summons is nil.

Based on the Judge's order, the Bailiff/Substitute Bailiff sends a summons to the parties' electronic domicile through the Court Information System, with the following steps:

- a. The Bailiff/Substitute Bailiff logs in to the e-court application in accordance with the user name and password given by the Administrator;
- b. Bailiffs/Substitute Bailiffs confirm the trial schedule before sending the electronic summons, and;
- c. The Bailiff/Substitute Bailiff sends a summons through the e-court application to the electronic domicile of the parties.

C. Hambatan Dalam Penggunaan E-Qourt Dalam Penyelesaian Perkara Perdata Di Pengadilan Negeri Jepara, Dihubungkan Dengan Teori Efektivitas Hukum.

Every application of rules does not always go well, there must be obstacles in its implementation. There are also obstacles to the use of e-court, in the settlement of civil cases at the Jepara District Court, in realizing simple, fast, and low cost justice, based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, and has been amended by Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, as follows:

1. There is still a lack of knowledge and understanding of the litigants in the Jepara District Court, regarding the use of e-court, as well as how to operationalize e-court;
2. There are still some Registered Users (advocates) who do not understand the use of e-court in electronic case registration, or electronic trial, so that they are sometimes assisted by the e-court corner officer of Jepara District Court, in conducting case registration and electronic trial. Other users at the time of case registration are also still assisted by the Jepara District Court e-court corner officer in registering their cases, as well as the electronic trial process;
3. Certain Agencies/Institutions as Defendants, still prioritize choosing face-to-face trial (conventional trial), because if they attend directly at the Jepara District Court, their Official Travel is paid, but if they choose online/e-litigation trial, their Official Travel is not paid;

4. Problems with the internet network which is sometimes unstable, sometimes interfering with the use of e-court;

In the use of e-court using public internet network, sometimes unstable internet network disturbs the parties and court apparatus in operating e-court, especially related to electronic case registration, electronic summons, and electronic trial. If there is an internet network disruption the parties cannot register cases electronically, as well as the judicial apparatus cannot make electronic summons to the litigants, and the parties cannot upload electronic documents related to the trial, such as answers, replications, duplicates, and letter evidence, and conclusions, and the judge/judge panel cannot verify electronic documents related to the electronic trial process;

Based on the obstacles described above, if connected to the Theory of Legal Effectiveness according to Lawrence M. Friedman, it can be explained as follows:

1. legal substance

According to Lawrence M. Friedman's theory, the substance of law is made as a substantial system, which regulates whether or not legal rules can be implemented in society. Prior to the implementation of Supreme Court Regulation No. 7 of 2022, the use of e-court in Jepara District Court has not been able to run effectively, because the use of e-court based on Supreme Court Regulation No. 1 of 2019, can only run well, which includes: online case registration (e-filing), and online case fee payment (e-payment), while for electronic summons (e-summons) only applies to Plaintiffs, and Defendants who are willing to conduct electronic trials, while for Defendants who are not willing to conduct electronic trials, manual summons are still carried out, as well as electronic trials (e-litigation) can only be carried out if the Defendant is willing to conduct electronic trials, while if the Defendant is not willing to conduct electronic trials, the trial is conducted conventionally by attending the trial. After the enactment of Supreme Court Regulation No. 7 of 2022, cases registered electronically are tried electronically, summons to the parties are made electronically through the electronic domicile, electronic summons are not only made to the Plaintiff, but electronic summons are made to the Defendant as well, through the electronic domicile of the Defendant, if at the first hearing the Defendant is not present, for the next hearing it is summoned by registered mail. Electronic trial begins after mediation is declared a failure, in the event that the Defendant does not agree that the trial is conducted electronically, hard copies and soft copies of the answer, duplicates, and conclusions are submitted to the Court Clerk through the PTSP at the latest before the trial schedule to be uploaded into the SIP, in the event that the Defendant who has been legally and properly summoned is not present, the trial will continue electronically and the case will be decided by *verstek*, and notification of the decision to the Defendant who has been legally and properly summoned is not present, is made by registered letter. Notification of the verdict/decision to the Defendant who does not agree to the trial electronically is delivered by registered letter. With the existence of Supreme Court Regulation No. 7 of 2022, the settlement of civil cases in the Jepara District Court, in realizing simple, fast, and low cost justice, can run effectively, it's just that Supreme Court Regulation No. 7 of 2022 still

provides tolerance to Defendants who are not willing to convene electronically, to come to court to submit answers, duplicates, and conclusions without going to trial, through One Stop Integrated Services, while the Plaintiff continues to convene electronically.

2. legal structure

According to Lawrence M. Friedman's theory, it is said to be a structural system, because it determines whether or not the law can be implemented properly by law enforcement officials. The use of e-court in the settlement of civil cases at the Jepara District Court, in realizing simple, fast, and low cost justice, has been able to run well at the Jepara District Court, although there are obstacles due to the lack of knowledge and understanding of the litigants, regarding the use of e-court, as well as how to operationalize e-court, but these problems can be resolved, because they are assisted by the service desk officer (e-court desk corner officer) of the Jepara District Court. Every Registered User or Other User who has problems related to electronic case registration, or problems related to electronic trial, has been able to be resolved through the e-court corner desk service officer, even the e-court corner desk service officer of Jepara District Court, often socializes about the use of e-court, or how to operate e-court to Registered Users (advocates) and Other Users (general public). Related to the apparatus of Jepara District Court such as Judges and Court Clerks (Substitute Clerks) have been able to use, as well as operationalize e-court well, so there is no problem to the apparatus of Jepara District Court in using or operationalizing e-court. The Jepara District Court has also socialized Supreme Court Regulation No. 7 of 2022 to all Jepara District Court officials related to the implementation of e-court. In relation to the problem of unstable internet network, which sometimes interferes with the use of e-court, if there is an internet interruption, the litigant contacts the service officer of the e-court corner desk of the Jepara District Court, so that problems related to the electronic trial can be resolved, so as not to interfere with the course of the electronic trial (e-litigation).

D. The Use Of E-Court In The Settlement Of Civil Cases At The Jepara District Court Has Fulfilled The Principles Of Simplicity, Speed And Low Cost, In Relation To The Theory Of Legal.

To find out whether the use of e-court, in the settlement of civil cases at the Jepara District Court, has realized simple, fast, and low cost justice, based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, and has been amended by Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, below is a comparison of case settlement at the Jepara District Court before using e-court, and after using e-court.

Conclusion

Based on the research conducted, it can be concluded that (1) Jepara District Court has used e-court in the settlement of civil cases of lawsuit, simple lawsuit, and petition, in realizing simple, fast, and low cost justice, which includes: online case registration (e-

filling), online case fee payment (e-payment), electronic summons (e-summons), electronic trial (e-litigation), and electronic signature. (2) Obstacles in the use of e-court in the settlement of civil cases of lawsuit, simple lawsuit, and petition at the Jepara District Court, in realizing simple, fast, and low cost justice, namely: the lack of knowledge and understanding of the litigants in the Jepara District Court, regarding the use of e-court, as well as how to operationalize e-court; certain agencies/institutions still prioritize choosing face-to-face (conventional trial), because if they attend directly at the Jepara District Court, their official travel is paid, but if they choose online/e-litigation, their official travel is not paid; and the problem of internet network that is sometimes unstable, sometimes interferes in using e-court, even though there are these obstacles, if it is connected with the Theory of Legal Effectiveness according to Lawrence M. Friedman, it turns out that the settlement of cases according to the Theory of Legal Effectiveness according to Lawrence M. Friedman. Friedman, it is evident that the settlement of civil cases in the Jepara District Court has been carried out effectively, because in the use of e-court in the Jepara District Court in the settlement of civil cases of lawsuit, simple lawsuit, and petition, all systems in e-court have been implemented, starting from online case registration (e-filing), e-payment, e-summons, e-litigation, and e-signature, although there are obstacles, but they do not affect the settlement of civil cases in the Jepara District Court, by using e-court in realizing simple, fast, and low-cost justice. (3) The use of e-court in the settlement of civil cases of lawsuit, simple lawsuit, and petition at the Jepara District Court has fulfilled the principles of simple, fast, and low cost, and if it is connected to the Theory of Legal Benefit according to Gustav Radbruch, with the use of e-court in the settlement of civil cases of lawsuit, simple lawsuit, and petition at the Jepara District Court, e-court has provided many benefits to the people seeking justice at the Jepara District Court, Before the existence of e-court, the party who will register a case must come to the court, then given an estimated panjar case fee, which is paid to the bank, after the case is registered at the court, then a summons is made to the litigants by the bailiff by visiting the homes of the litigants, and followed by a trial which must be attended by the parties directly to the court. With e-court, the costs incurred will be less. Through e-court, justice-seeking parties register cases, pay case fees, summons, trials, and take copies of decisions online.

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