

Implementation of E-Court in Civil Life Settlement to Realize Simple Principles Quickly and Low Costs (Study in Malang District Court Class 1a)

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Abstract

The development of technology and information in the digital era as it is today is a major change in human behavior. The digital era as it is today requires all elements of society and institutions to meet the needs of the community related to the development of this era. On the basis of this fulfillment, the Supreme Court has created an e-court application. This research is a type of empirical legal research. Empirical legal research is oriented to primary data (research results in the field). As for the results of this study, in the implementation of e-court at the Malang District Court it has been implemented in accordance with Perma No.1 of 2019, there are 4 features of e-court services, namely registration, payment, summons, and trial, all of which are held electronically. This is also an effort made by the Supreme Court to modernize the judicial process in Indonesia without eliminating aspects that existed in the previous judicial system, namely maximizing the existing potential with the support of information and communication technology. In line with the suitability of the simple principle of fast and low cost, the number of cases at the Malang District Court that entered via e-court in 2019 to 2021 reached 4,985 cases, namely civil cases that include applications, lawsuits, simple claims, and objections. In 2019 there were fewer cases that went through compared to cases that went through the manual procedure, but over time the e-court became effective and manual case registration began to be abandoned. The effectiveness of e-courts in the settlement of civil cases at the Malang District Court has been running effectively since 2020, namely the examination and settlement of cases is carried out in an efficient and effective manner, and at a cost that can be reached by the community.

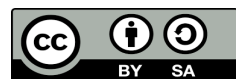
Keywords : E-Court; Effectiveness; Principles of Justice; Settlement of Civil Cases.

Abstrak

Perkembangan teknologi dan informasi di era digital seperti sekarang ini menjadi sebuah perubahan yang besar terhadap perilaku manusia. Era digital seperti sekarang ini menuntut semua elemen masyarakat maupun lembaga untuk memenuhi kebutuhan masyarakat terkait dengan perkembangan zaman ini. Atas dasar pemenuhan tersebut, Mahkamah Agung telah menciptakan aplikasi e-court. Penelitian ini merupakan jenis penelitian hukum empiris. Penelitian hukum empiris berorientasi pada data primer (hasil penelitian dilapangan). Adapun hasil dari penelitian ini, dalam implementasi e-court di Pengadilan Negeri Malang sudah diterapkan sesuai dengan Perma No.1 Tahun 2019, terdapat 4 fitur dari layanan e-court yaitu pendaftaran, pembayaran, pemanggilan, dan persidangan yang semua layanan tersebut diselenggarakan secara elektronik, ini juga upaya yang dilakukan Mahkamah Agung untuk modernisasi proses peradilan di indonesia tanpa menghilangkan aspek yang ada pada sistem peradilan sebelumnya yaitu memaksimalkan potensi yang ada dengan dukungan teknologi

informasi dan komunikasi. Sejalan dengan kesesuaian asas sederhana cepat dan biaya ringan, jumlah perkara di Pengadilan Negeri Malang yang masuk melalui e-court pada tahun 2019 hingga 2021 mencapai 4.985 perkara, yaitu perkara perdata yang mencakup permohonan, gugatan, gugatan sederhana, dan bantahan. Pada tahun 2019 lebih sedikit perkara yang masuk melalui bila dibandingkan dengan perkara yang masuk dengan prosedur manual namun seiring dengan berjalannya waktu e-court berjalan dengan efektif dan pendaftaran perkara secara manual mulai ditinggalkan. Efektivitas e-court dalam penyelesaian perkara perdata di Pengadilan Negeri Malang sudah berjalan secara efektif sejak tahun 2020 yaitu pemeriksaan dan penyelesaian perkara dilakukan dengan cara efisien dan efektif, dan biaya yang dapat dijangkau oleh masyarakat.

Kata Kunci : E-Court; Efektivitas; Asas Peradilan; Penyelesaian Perkara Perdata.



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A. INTRODUCTION

Development of technology and information in the digital era as it is today is a major change in human behavior. Entering the industrial revolution 4.0, which became a call for the Indonesian people to be able to follow or develop through technological or information sophistication. The era of the industrial revolution 4.0 has made humans dependent on technology that can help human life in their daily lives. Such as payments through virtual accounts or m-banking, ordering food online, shopping online. However, the presence of information technology has a negative impact on socio-cultural aspects, such as reduced socialization due to lack of face-to-face processes due to the development of communication tools.^{1,2}

Breadth of technological sophistication, information in the 4.0 industrial revolution makes people inevitably follow these developments. Human relations with information technology that are developing rapidly are day by day becoming very complex. Human attachment to technological developments in addition to offering facilities that are not long-winded without having to leave the house, is also based on human needs which are generally controlled by digital developments in the revolutionary era industry 4.0.

The industrial revolution 4.0 is driven by the people's need for efficiency and convenience in all aspects of life.³ Not only that, in the digital era like today, elements of society and

¹ Daryanto Setiawan, "Dampak Perkembangan Teknologi Informasi Dan Komunikasi Terhadap Budaya," *JURNAL SIMBOLIKA: Research and Learning in Communication Study* 4, no. 1 (April 2018): 62, <https://doi.org/10.31289/simbolika.v4i1.1474>.

² Anggun Tri Kurniawatik, Khaerunnisa Khaerunnisa, and Tasya Tasya, "Melek Information and Communications Technology (ICT) Pada Masyarakat Pedesaan Di Era Globalisasi," *Cebong Journal* 1, no. 1 (November 2021): 1–9, <https://doi.org/10.35335/cebong.v1i1.3>.

³ Zaka Firma Aditya and Sholahuddin Al-Fatih, "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet," *International Journal of Human Rights* 0, no. 0 (2020): 1–25, <https://doi.org/10.1080/13642987.2020.1826450>.

institutions must act to meet the needs of society.⁴ On the basis of this fulfillment, the Supreme Court has created an E-Litigation or E-Court application which slightly changes the practice of court proceedings in Indonesia which was previously done manually but now with this application everything is done electronically. The purpose of establishing the E-Litigation application is to easily meet the needs of the community in terms of time, cost and energy efficiency.⁵ This is also to meet the needs of entering the industrial revolution 4.0. With the launch of the E-Court application on July 13, 2018 by the Chief Justice of the Supreme Court, the trial process is not always carried out manually, namely by following the trial in court. E-Court is a service for registered users to register cases electronically.^{6,7} This application is an embodiment of Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in the Courts. So, it is hoped that it can change the Indonesian judiciary like courts in developed countries.

Innovation of the Supreme Court in facing the times that require all its needs for technology is by creating an E-court.⁸ The presence of this e-Court is an innovation as well as a commitment from the Supreme Court to realize reform in the world of Indonesian justice (Justice Reform) which synergizes the role of information technology (IT) with procedural law (IT for Judiciary).⁹ The system was previously regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2018 concerning Electronic Court Case Administration, which was later withdrawn and substituted by the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2019 (PERMA No. 1 of 2019). PERMA No. 1 of 2019 regulates case administration for all stages of trial electronically which applies to types of Civil Cases in District Courts, Religious Courts, Military Administration, and State Administration.¹⁰

The advantage of Supreme Court Regulation Number 1 of 2019 is that it allows the sending of files that are not only specific to the lawsuit file, but also to response letters in the form of replicas, duplicates, conclusions, and decisions. By definition, Supreme Court

⁴ Zil Aidi, "E-LITIGATION AS THE AMENITIES FOR THE PRINCIPLE OF CONTANTE JUSTITIE MANIFESTATION OF CIVIL JURISDICTION IN INDONESIA," *JCH (Jurnal Cendekia Hukum)* 6, no. 2 (March 2021): 206, <https://doi.org/10.33760/jch.v6i2.310>.

⁵ Nurfatin Yollandita Mandovi, "Application of E-Litigation in Unlawful Acts at the Sidoarjo District Court," *Yustisia Tirtayasa: Jurnal Tugas Akhir* 2, no. 1 (April 2022): 44, <https://doi.org/10.51825/yt.v2i1.13931>.

⁶ Kaimuddin Kaimuddin, Andi Jusran Kasim, and Dwi Utami Hudaya Nur, "EFEKTIVITAS BERPERKARA SECARA ELEKTRONIK (E-COURT) DI MASA PANDEMI COVID-19," *QISTHOSIA : Jurnal Syariah Dan Hukum* 2, no. 2 (December 2021): 101–20, <https://doi.org/10.46870/jhki.v2i2.128>.

⁷ Yusia Agatha Sihite and Devi Siti Hamzah Marpaung, "Efektivitas E-Court Sebagai Sarana Penyelesaian Sengketa Di Tengah Pandemi Covid-19 Di Indonesia," *Widya Yuridika* 5, no. 1 (May 2022): 95, <https://doi.org/10.31328/wy.v5i1.2495>.

⁸ Annisa Dita Setiawan, Artaji, and Sherly Ayuna Putri, "IMPLEMENTASI SISTEM E-COURT DALAM PENEGAKAN HUKUM DI PENGADILAN NEGERI," *Jurnal Poros Hukum Padjadjaran* 2, no. 2 (May 2021): 198–217, <https://doi.org/10.23920/jphp.v2i2.352>.

⁹ Samsul Bahri et al., "EFEKTIVITAS BERACARA SECARA E-LITIGASISAAT PANDEMI COVID-19 DI PENGADILAN AGAMA TAMIANG LAYANG," *Jurnal Hadratul Madaniyah* 9, no. 1 (June 2022): 27–37, <https://doi.org/10.33084/jhm.v9i1.3697>.

¹⁰ Ahmaturrahman Ahmaturrahman, "Pengaturan E-Court Dalam Peraturan Perundang-Undangan Untuk Penyelesaian Perkara Perdata Di Pengadilan," *Simbur Cahaya* 28, no. 2 (December 2021): 374, <https://doi.org/10.28946/sc.v28i2.1478>.

Regulation Number 1 of 2019 regulates more regarding the conduct of trials electronically.¹¹ Compared to Supreme Court Regulation Number 3 of 2018 which only applies to electronic case administration without an electronic trial menu. The presence of this simple, fast and low-cost principle is determined in the case examination procedure in a fast time, without a convoluted process, and costs that are light or can be borne by legal subjects. But, litigation in court has drawbacks, namely the process of litigation takes a long time, there are winners and losers, and also at large costs. Therefore, there are many options for resolving civil cases through non-litigation channels.

B. METHOD

The type of research used in this research is empirical juridical. Empirical juridical research is research on issues related to juridical problems and is based on facts obtained from field studies directly on the object.¹² This study examines the behavior that arises from interactions with existing norms. The author uses the interview method, as well as documents relevant to the author's research and all of them are obtained directly at the research site. Data collection techniques in this type of empirical legal research used in this study were interviews with Court Judges, e-court staff, lawyers and literature studies as supporting data.

C. RESULTS AND DISCUSSIONS

1. General Description of the Overview of the Malang District Court Class 1A

Malang District Court was originally located on Jalan Cipto No. 1 Malang, precisely in the housing complex of Dutch officials. The building still shows an ancient building, but physically has shown renovation along with the times. As an ancient building it should get special attention and should be declared as a cultural heritage. Judging from the architectural aspect, the building is the same as the surrounding buildings, which still show the architecture of the Dutch era. Usually, all Dutch buildings still leave inscriptions about the year of construction. However, it is not certain that the Malang District Court has existed since the Dutch era, so further research is needed.

However, at the Malang District Court located at Jalan Cipto No. 1 Malang, various Dutch documents were still found indicating the year 1800. The year of the documents found does not necessarily mean that the Malang District Court has existed since that year. The expansion of Malang Regency influences the jurisdiction of the Malang District Court. Initially, the Malang District Court Office was located on Jalan Cipto No. 1 Malang. In 1983 the Malang District Court Office moved to a new office located on Jl. North Ahmad Yani Number 198 Malang. The legal area of the Malang District Court initially covered the areas of Kepanjen, Malang City and Batu. In 2000 the Kepanjen District Court was established (Keppres No. 34/2000), its jurisdiction covers all sub-districts in Malang Regency. Based on Presidential Decree No. 35 of

¹¹ Muhammad Adiguna Bimasakti, "DISCOURSE OF ELECTRONIC JUDICIARY REGARDING EXECUTION OF COURT DECISIONS IN THE ADMINISTRATIVE JUDICIARY BODY," *Jurnal Hukum Peratun* 5, no. 1 (February 2022): 19–38, <https://doi.org/10.25216/peratun.512022.19-38>.

¹² Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligencia Media, 2021).

2002, the Malang District Court, which originally covered the entire district of Malang, became only the entire sub-district of Malang City and Batu Administrative City.

The Malang District Court is domiciled in the city of Malang, having its address at Jalan Ahmad Yani Utara 198 Malang Telephone 0341-491254, Fax 0341-495171, Postal Code 65126. Malang District Court made a vision and mission. Malang District Court Vision The Realization of the Great Malang District Court. Malang District Court Mission as follows:

- a. Maintaining the independence of the Malang District Court
- b. Providing fair legal services to justice seekers
- c. Improving the quality of leadership in the Malang District Court
- d. Increase credibility and transparency in the Malang District Court

2. Implementation of E-Court in Civil Cases to realize the Simple, Fast and Low Cost Principle in the Malang District Court

a. Account Registration Procedure and Case Registration via E-court

The first step in examining civil cases through e-court is by registering an account for users. There are 2 types of user accounts in this e-court, namely registered users or advocates and other users, namely non-advocates consisting of: Individuals, Prosecutors as State Attorneys, Ministries and Institutions (BUMN, BUMD, Government Business Entities) in accordance with Article 5 Paragraph 1 PERMA No.1 of 2019 namely electronic case administration services can be used by Registered Users and Other Users.

1) Advocate Registered User Account Registration and Individual User

The mandatory requirement for registering on the e-court application is to have an account.¹³ The first account registration is done through the Supreme Court e-court website at <https://ecourt.mahkamahagung.go.id> by entering the user's full name, active user email, user password.

2) Login

To use the e-court application, you must login and enter your e-mail and password that we have created.

3) Complete data on registered users or other user

Advocate data must also be equipped with Advocate documents according to the requirements set out in PERMA No. 1 of 2019 Article 5 paragraph (2), namely: Identity Card (KTP), Membership Card (KTA) and Minutes of the Oath of Advocates by the High Court. As for other users, the requirements are regulated in Article 5 paragraph (3) of PERMA No.1 of 2019: Employee Identity Card, membership card, power of attorney and or letter from the ministry, institution/business entity for parties representing the ministry/institution and business entity, Identity cards, passports and other identities for individuals.

b. Account Registration Procedure and Case Registration via E-court

¹³ Khotib Iqbal Hidayat, Aris Priyadi, and Elly Kristiani Purwendah, "Kajian Kritis Terhadap Dualisme Pengadilan Elektronik (E-Court) Dan Konvensional," *Batulis Civil Law Review* 1, no. 1 (October 2020): 14, <https://doi.org/10.47268/ballrev.v1i1.421>.

After the advocate user or other user has been registered and verified or can login on the website <https://ecourt.mahkamahagung.go.id>. Based on research, according to Ibu Nabila, she stated that case registration at the Malang District Court has been running effectively, users who experience problems will also be assisted in the process. cell phone.¹⁴ Registration of legal counsel through this e-court is done by uploading the case file in pdf format and then users can preview it after the upload process is complete. Power of Attorney is required for registered Users or advocates if not using advocates (Other Users) then this Power of Attorney is not required.

1) Fill in the data of the parties

The data included is the data of the plaintiff and the defendant in which there are provinces, districts, and sub-districts that can be selected.

2) Upload the lawsuit file

After filling in the data of the parties or litigating parties, the next stage of case registration is in accordance with Article 8 PERMA No.1 of 2019 namely registration of cases by registered users and other users can be done electronically through the court information system.¹⁵ Then in Article 9 paragraph (1) PERMA No. 1 of 2019 the Plaintiff submits a lawsuit through the court information system and paragraph (2) The lawsuit as referred to in paragraph (1) must be accompanied by documentary evidence in the form of an electronic document.

3) E-SKUM (Electronic-power of attorney to pay)

e-SKUM is an electronic power of attorney used to pay court fees.¹⁶ This feature is also used by the whole community, and justice seekers to see the amount of down payment for court fees. Based on research according to Mrs. Aini, SKUM in case registration in this e-court will automatically appear and be calculated based on any cost components that have been determined and configured by the Court, the radius fee is also determined by the head of the court. The summons fee in the e-court is intended for the defendant only, the Plaintiff is summoned via e-mail or e-summons.¹⁷

4) E-Payment (Payment)

After receiving the down-payment estimate, the next step is to get a virtual account as payment for the down-payment fee. In accordance with PERMA No.1 of 2019 Article 13, namely electronic case registration is processed by the court clerk to the next stage after being declared complete through the verification process. Based on the results of the research, according to Ibu Putri, with the existence of E-Payment, the case payment process becomes easier through the

¹⁴ Interview with Mrs. Nabila, E-court Officer, On July 22, 2022 at 08.00

¹⁵ Hasanuddin Muhammad, "EFEKTIFITAS DAN EFISIENSI PENYELESAIAN SENGKETA EKONOMI SYARIAH DI PERADILAN AGAMA," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 7, no. 1 (June 2020): 35, <https://doi.org/10.29300/mzn.v7i1.3192>.

¹⁶ Siska Naomi Panggabean, "REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES IN ELECTRONICS JUSTICE SYSTEM (E-COURT)," *Jurnal Hukum Dan Peradilan* 10, no. 1 (April 2021): 1, <https://doi.org/10.25216/jhp.10.1.2021.1-30>.

¹⁷ Interview with Mrs. Aini, Malang District Court E-Court Officer, On July 22, 2022 at 08.00

existence of m-banking, so payments can be made at that time without having to go through an atm or to a bank.

5) Get Case Number

The court that is intended to register the case will receive a notification that the payment has been made and then proceed with the Court registering the case at the SIPP (Case Tracking Information System) which will automatically notify information that the case registration via e-court was successful or not. By getting a case number, the case registration stage is complete and the next stage is waiting for the summons of the parties.

6) Summons of the parties (E-summons)

In a manual summons or trial, the parties are usually summoned by sending a summons to the address of the plaintiff or the defendant, but if the proceedings are conducted via e-court, the call or notification is delivered to the plaintiff who registered electronically and the defendant or other party who has stated his consent to be summoned electronically in accordance with Article 15 paragraph (1) of PERMA No.1 of 2019. Based on Article 16 of PERMA No.1 of 2019 the substitute bailiff sends a court summons to the electronic domicile of the litigants through the court information system

An electronic call is a valid and proper call, as long as the call is sent to the electronic domicile within the time limit determined by law referring to Article 18 PERMA No.1 of 2019. So the summons of the parties is addressed through the electronic domicile or email of the plaintiff and the defendant who approves this electronic call is a legal and proper summons.

7) E-litigation (Electronic trial)

If both parties agree to conduct the proceedings electronically, then the first stage of the trial, namely mediation, is ordered by both parties to be present in court on a predetermined date after which it will continue in an electronic trial. However, before the electronic trial was carried out in accordance with Article 19 of PERMA No.1 of 2019 it was stated that the judge or presiding judge gave an explanation of the rights and obligations related to the electronic trial at the first trial for the smooth running of the electronic trial.

3. Manual or Conventional Case Registration Procedure

Following are the procedures or stages of case registration that do not go through e-court but are carried out manually or conventionally, namely the litigants or justice seekers must register their cases directly by coming to court

- a. The litigants come to the District Court with a lawsuit or application.
- b. The litigants appear before and submit a letter of claim or application to the Court Officer, 4 (four) copies. For the lawsuit, a number of Defendants are added.
- c. The Court Officer (can) provide an explanation that is deemed necessary with regard to the case being submitted and assesses the down-payment of the court fee which is then written in a Power of Attorney to Pay (SKUM). The amount of down payment

for the case fee is estimated to be sufficient to settle the case, based on Article 182 paragraph (1) of the HIR.

- d. The Court Officer returns the lawsuit or application to the litigant accompanied by a Power of Attorney to Pay (SKUM) in 3 (three) copies.
- e. The litigant submits to the cash holder (KASIR) the claim or application and a Power of Attorney to Pay (SKUM).
- f. The cash holder submits the original Power of Attorney to Pay (SKUM) to the litigant as the basis for depositing the down payment of court fees to the bank.
- g. The litigant comes to the bank service counter and fills in the down payment slip for court fees. Filling in the data in the bank slip is in accordance with the Power of Attorney to Pay (SKUM), such as the serial number, and the amount of the deposit fee. Then the litigant submits a bank slip that has been filled in and deposits the amount stated in the bank slip.
- h. After the litigant receives a validated bank slip from the bank service officer, the litigant shows the bank slip and submits a Power of Attorney to Pay (SKUM) to the cash holder.
- i. The cash holder after examining the bank slip then submits it back to the litigants. The cash holder then signs off in full in the Power of Attorney to Pay (SKUM) and returns it to the original litigant and the first copy of the Power of Attorney to Pay (SKUM) as well as the relevant lawsuit or application.
- j. The litigant submits to the officer who takes care of the lawsuit or application as much as the number of defendants plus 2 (two) copies and the first copy of the Power of Attorney to Pay (SKUM).
- k. The officer registers/records the lawsuit or application in the relevant register and assigns a register number to the lawsuit or application which is taken from the registration number provided by the cash holder.
- l. The officer returns 1 (one) copy of the lawsuit or application that has been given a registration number to the litigant.
- m. Registration Completed The parties/litigants will be summoned by the bailiff/substitute bailiff to appear before the trial after the determination of the composition of the panel of judges (PMH) and the day of the trial of the case examination or the determination of the trial day (PHS) have been determined.

4. Trial of Civil Cases Electronically or E-Court

From the e-court trial process, namely by e-litigation when compared to the civil procedural law process in general, there is no significant difference, it's just that the implementation process does not have to come to court or it can be done electronically. Therefore, the trial process will reduce the cost of disputes, because the process of showing

evidence until the decision is read out is done electronically.¹⁸ In accordance with article 20 paragraph (1) of PERMA No.1 of 2019 namely the electronic trial is carried out with the approval of the plaintiff and the defendant after the mediation is unsuccessful.¹⁹ This means that the electronic trial cannot run by itself without the consent of the litigants.²⁰ Article 21 paragraph (1) The judge/chairman judge determines the trial schedule for the answer, replica, duplicate, so in general the electronic trial does not change the existing civil procedure law.

In the first trial after the mediation fails, and all litigants are present, the Panel of Judges will ask the parties whether they agree or disagree if the case examination process is continued electronically or e-court. If the defendant does not give his consent if the trial is conducted electronically, then the next case examination process cannot be carried out electronically. The following is an electronic presentation of the trial:

a. Live trial for the first time

At the inaugural trial or the first time the litigating parties have received a summons/notification to the electronic domicile of the parties through the court information system, the initial trial in this e-court is carried out offline, namely the parties come to court, the parties come on the day and the date that has been set. The first trial for cases using attorneys or advocates, the panel of judges asked to submit the original lawsuit and original power of attorney to match the data and also determine the implementation of mediation. Based on the interview research with Mr. Rudi, although this e-court is electronic based, in its first implementation there are still things that must be done directly or come to court at the time of the first trial after receiving a summons determined by the day, hour and date in the e-court application.

b. Initial trial with Mediation agenda

The parties attend the court to mediate which is carried out by the mediator judge to reconcile the two parties as stipulated in Perma No.1 of 2016 concerning mediation procedures in court. The completion of the first trial, it will be continued with mediation, the following are the results of the author's interview with the judge: "If the mediation is successful, then the Plaintiff withdraws the lawsuit/application, the judge makes a decision, if it is not successful, the Panel of Judges determines the Court Calendar which contains the date and agenda starting from the answer. jinawab, replica, duplicate, proof, conclusion, until the reading of the verdict. After the mediation trial was declared unsuccessful, the Panel of Judges offered electronic approval of the trial to the Defendant. If he agrees then the trial will be conducted electronically

¹⁸ Rita Defriza Rita and Ardina Khoirun Nisa, "PERKEMBANGAN PENGGUNAAN ALAT BUKTI PADA PERKARA PERDATA DIMASA PANDEMI COVID-19 DI PENGADILAN AGAMA PANYABUNGAN," *El-Ahli : Jurnal Hukum Keluarga Islam* 3, no. 1 (July 2022): 53–65, <https://doi.org/10.56874/el-ahli.v3i1.746>.

¹⁹ Pagar Pagar, Ansari Ansari, and Adenita Sahfitri, "Efektivitas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Electronic Litigation Di Era Pandemi Covid-19 Dalam Konsep Maslahah Mursalah," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 10, no. 01 (July 2022): 315, <https://doi.org/10.30868/am.v10i01.2437>.

²⁰ Dewi Asimah, "ELECTRONIC LITIGATION AS A MEAN OF EFFORT TO MODERNIZED LITIGATION IN THE NEW NORMAL ERA," *Jurnal Hukum Peratun* 4, no. 1 (March 2022): 31–44, <https://doi.org/10.25216/peratun.412021.31-44>.

c. Trials electronically and also arranges a Court Calendar

An electronic trial or e-litigation can be carried out with the consent of the parties who have carried out the mediation process and have not been reconciled referring to Article 20 paragraph (1) of PERMA No.1 of 2019. When mediation is not successful, the trial is continued by asking the main parties. When the parties agree, the panel of judges prepares a court calendar in accordance with PERMA No.1 of 2019 article 21 paragraph (1) "The chief judge/judge establishes an electronic trial schedule for the submission of answers, replica and duplicate. The trial schedule is communicated to the parties through the court information system.

d. The trial is in the stage of answering, answering, replicating and duplicating.

The trial via electronic or e-litigation does not need to be attended by the parties. The panel of judges continued to conduct the trial and the substitute clerk recorded and made an official report without the presence of the parties but carried out using e-litigation. The chairman of the assembly opens the e-court and opens the case number. The parties must have uploaded the documents before the deadline specified in accordance with PERMA No.1 of 2019 Article 22 paragraph (1) letter a, namely the parties are required to submit electronic documents no later than the day and time of the session according to the set schedule. Documents uploaded in PDF or doc/rtf format are recommended which can be edited. The parties who do not send documents in accordance with the trial that have been determined, without a valid reason according to law are considered not to have exercised their rights, but if accompanied by valid reasons according to law, the trial can be postponed.

e. Electronic evidence trial

The parties are required to upload a stamped proof document. The evidence document is examined before the court on the day and date that has been determined through the court information system. At the evidentiary hearing the parties attend the trial offline or come to court by matching the original evidence of the letter with the one that has been uploaded to the e-court. The examination of evidence of letters or witnesses is not only carried out in the courtroom which is attended by the parties with witness evidence, it is also carried out by remote communication or direct teleconference using the infrastructure in the Court in accordance with Article 24 paragraphs (1) and (2) of PERMA No.1 of 2019 in terms agreed by the parties, the trial of evidence with witnesses can be carried out remotely through visual communication media that allows all parties to participate in the trial.

f. Trial conclusion stage

The parties submit their conclusions through documents via electronic means via e-court, then the panel of judges will verify documents for those who do not submit conclusions on the day, hour and date that have been determined, it is considered to have neglected their rights. The conclusion document will be submitted to the opposing party, and the panel of judges closes the trial and postpones the trial for the reading of the verdict.

g. The trial of reading the verdict electronically

With a decision or determination that can be accessed by the parties in PDF format spoken by the judge/chairman judge through the court information system electronically, it is considered to have been attended by the parties in accordance with Article 26 PERMA No.1 of 2019. Based on interview research with Mrs. Aini, the decision electronically, this is a decision or determination that is legal according to law, has legal consequences, so that it can be used directly according to its designation.

5. Manual or Conventional Civil Case Trials

The trial process for civil cases is manual or conventional, i.e. the litigants come directly to the court after receiving a summons or notification that has been stated in the Determination of Session Day (PHS) to conduct a trial at a predetermined time and day. The following is the trial process manually or conventionally:

- a. The trial is declared open and open to the public (except for the trial which is declared closed to the public);
- b. The parties (plaintiff and defendant) were ordered to enter the courtroom;
- c. The identity of the parties is checked (the power of attorney), as well as the minutes of the oath and the advocate's identity card from the advocate organization (if authorized to the Advocate);
- d. If both parties are complete then they are given the opportunity to settle the case amicably (through mediation);
- e. If an amicable agreement is not reached, the trial will continue with the reading of the lawsuit by the plaintiff/proxy
- f. If the peace is successful, it will be read out in court in the form of a peace deed.
- g. If there is no change in the agenda, then the answer from the defendant; (answers containing exceptions, rebuttals, or counterclaims)
- h. Replic from the plaintiff, the opportunity for the plaintiff/applicant to respond to the defendant's/respondent's answer, both orally and in writing.
- i. Duplicate from the defendant, the opportunity for the defendant/respondent to reply back to the response (replic) of the plaintiff/applicant, either orally or in writing.
- j. Evidence, At this stage both the Plaintiff/Applicant will be asked for evidence to strengthen the arguments of the lawsuit/application and the Defendant/Respondent will be asked for evidence to corroborate their rebuttal. Starting from the plaintiff in the form of evidence and witnesses, followed by the defendant in the form of evidence and witnesses
- k. If necessary, the Panel of Judges can carry out local examinations, especially in cases related to disputes over land or immovable property
- l. Conclusions from each party, the parties convey their final conclusions on the case being examined.

- m. Deliberation by the Panel of Judges, the Panel of Judges will deliberation to make decisions regarding the case being examined.
- n. Reading the Decision of the Panel of Judges, the Panel of Judges will read out the decision of the result of the deliberations of the Panel of Judges.
- o. The content of the decision of the Panel of Judges can be in the form of a lawsuit being granted (in whole or in part), a lawsuit being rejected, or a lawsuit not being accepted.

6. Effectiveness of E-Court According to the Principle of Simple, Fast, and Low Cost

a. Simple Principles

The implementation of simple principles in the application of e-court or electronically in court is encountered at the beginning of the case examination, namely at the time of case registration, which previously had to come to court with the existence of this e-court more efficiently and effectively by utilizing information technology through the internet. e-court feature, namely e-filing can be used without having to come to court. The down payment of court fees with the existence of e-Payment payments can be made more efficiently without going to an ATM or bank, payments can be made through m-banking or internet banking, at least this will make it easier for litigants when filing a case so they don't have to go back and forth from one counter to another. The summons of the parties were previously carried out manually, namely after the case process was registered in the Court and the Chair of the Assembly had determined the day of the trial, it was ordered to the bailiff or substitute bailiff to make a summons through a summons by submitting it officially and appropriately to the litigants at their respective residences. However, if the party uses a legal representative, the summons will be made through a legal representative, namely the attorney's office, with this e-court through the e-summons feature, this call can be made electronically through the parties' electronic domicile.

b. Quick Principle

The quick principle in question is that in the process of examining cases starting from case registration, trial, making minutes of decisions, making decisions and handing them over to the parties, it is carried out without being complicated, so the judge must be firm if there are indications of delaying the trial, because the Judge The panel of judges controls the course of the trial. So that the settlement of the case does not drag on for long. Proceeding in e-court becomes faster, for example the case registration process which previously required to come to court and queue for hours if done through e-court, case registration only takes 15-30 minutes to upload files and send via the e-court web, In the process of down payment of court fees that were previously paid at the bank, the registrant also does not need to go to court again to confirm the payment. Case registration and payment can only be done via e-payment in the e-court.

c. Low Cost Principle

In accordance with the Elucidation of Law No. 48 of 2009 concerning Judicial Power, what is meant by "light fees" are court fees that can be reached by the public. The author compares the down-payment of court fees electronically at the SIPP (Case Tracking Information System) Malang District Court, and the down-payment of manual court fees by identifying cases that do not include the Plaintiff's summons fee on the court fee menu at SIPP because what distinguishes manual and electronic proceedings is not the claimant's summons fee. Through electronic calling, the costs achieved will be cheaper and seem less troublesome and also the right solution for the litigants. The cost of summons or e-summons in this e-court is only charged on the first summons to the defendant, which is different from using ordinary courts or manual registration. The parties to the litigation will benefit from this e-court.²¹

D. CONCLUSION

1. Conclusion.

- a. The implementation of the e-court in the Malang District Court has been running since 2018 but runs in full or with a maximum in 2020, the e-court runs in the Malang District Court starting from case registration which is carried out by selecting the intended court, payment of cases that can be made online electronically without having to come to an ATM or bank, Summoning the parties to a decision made electronically, Trials conducted through electronic means except on the mediation agenda and also proof that the implementation must be done by coming to the Court, compared to the conventional or manual proceedings namely registration is done by coming to the court to PTSP, payments made by visiting an ATM or bank, calling the parties manually by sending to the addresses of the parties, trials conducted in court offline or offline. E-court is a breakthrough made by the Supreme Court to modernize the judicial process in Indonesia without eliminating aspects that existed in the previous judicial system, namely maximizing the existing potential with the support of increasingly advanced times, so that it is in line with the suitability of the principle of simple fast and low cost.
- b. The effectiveness of e-court in the settlement of civil cases according to the simple principle of fast and low cost, namely e-court in its application in the Court running at the time of case registration, payment of cases, summons of parties which can be done electronically, trials which can also be conducted electronically or online except during the mediation agenda and case evidence that must be carried out in court. The implementation is in accordance with the explanation in the simple principle, namely that the judiciary or trial is carried out efficiently and effectively, quickly in this principle it has meaning in resolving cases that are not complicated and also the principle of light costs is that the burden of costs can be incurred by justice seekers and can be achieved by the community.

²¹ Interview with Mrs. I Gusti Ayu as Deputy Chairperson of the Malang District Court Class 1A On June 24, 2022 at 09.15

2. Suggestions.

- a. Researchers hope that in the future the web system of the e-court will be improved because in its use it often experiences problems in the network, and also justice seekers must participate in utilizing case administration services efficiently and resolve cases effectively so that the objectives of the e-court can be achieved.
- b. For further researchers, it is expected to see the implementation and effectiveness of e-court in other District Courts so that they can see the differences and effectiveness of e-court implementation in courts and also add insight for readers or other researchers to become more diverse.

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