

Analysis The Effectiveness of E-Court System at The Religious Court of Bangil Based on Simple Principles Quickly and Low Cost

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Abstract

A system can be declared successful if its application in the field has achieved predetermined objectives. The Supreme Court as the highest agency in the judicial sphere has issued a system to register cases and trials in court electronically, one of which is the Bangil Religious Court. The purpose of the study was to determine the application of the e-court system in the examination of cases at the Bangil Religious Court and to determine the effectiveness of the e-court system at the Bangil Religious Court. Research methods used by researchers are sociological empirical research methods that describe the actual environmental conditions of society supported by data and facts obtained by conducting interviews and observations. The results showed that: 1) The examination of cases at the Bangil Religious Court has not fully implemented the examination of cases using the e-court system because one of the agendas for examining cases in the trial, namely the agenda of evidence, is still carried out manually. 2) Effectiveness of e-court system implementation The Bangil Religious Court cannot run effectively because 4 factors of legal effectiveness cannot be met, namely Law Enforcement Factors there are obstacles experienced by judges in the verification process in the e-court system, Facilities and Infrastructure Factors related to network system constraints from the center and facilities that are less attractive to the community, Community Factors that do not understand technological developments, Cultural Factors The difficulty of transitioning people's way of life from conventional to electronic. The factor that is fulfilled is Law Enforcement Factors evidenced by the issuance of PERMA Number 1 of 2019. Suggestion that the Supreme Court improve network repair and maintenance on the e-court system to avoid system errors at certain times and often conduct socialization related to e-court renewal.

Keywords: *Effectiveness; E-Court System; Religious Court.*

Abstrak

Sebuah sistem dapat dinyatakan berhasil jika pada penerapannya dilapangan telah mencapai tujuan yang ditentukan sebelumnya. Mahkamah Agung sebagai instansi tertinggi dilingkup peradilan telah mengeluarkan sebuah sistem guna melakukan pendaftaran perkara dan persidangan dipengadilan secara elektronik, salah satunya Pengadilan Agama Bangil. Tujuan Penelitian untuk mengetahui penerapan sistem *e-court* pada pemeriksaan perkara di Pengadilan Agama Bangil dan mengetahui efektifitas sistem *e-court* di Pengadilan Agama Bangil. Metode Penelitian yang digunakan oleh peneliti adalah metode penelitian empiris sosiologis yang mendeskripsikan kondisi lingkungan masyarakat pada sesungguhnya dengan didukung oleh data dan fakta yang diperoleh dengan melakukan wawancara dan observasi. Hasil Penelitian

menunjukkan bahwa: 1)Pemeriksaan perkara pada Pengadilan Agama Bangil belum sepenuhnya menerapkan pemeriksaan perkara menggunakan sistem *e-court* disebabkan salah satu agenda pemeriksaan perkara dalam persidangan yakni agenda pembuktian masih dilakukan secara manual. 2)Efektifitas penerapan sistem *e-court* pada Pengadilan Agama Bangil tidak bisa berjalan efektif disebabkan 4 faktor efektifitas hukum tidak dapat terpenuhi yaitu Faktor Penegak Hukum adanya hambatan yang dialami oleh hakim dalam proses verifikasi pada sistem *e-court*, Faktor Sarana dan Prasana terkait kendala sistem jaringan dari pusat serta fasilitas yang kurang diminati oleh masyarakat, Faktor Masyarakat yang tidak paham dengan perkembangan teknologi, Faktor Kebudayaan sulitnya peralihan cara hidup masyarakat dari konvensional menjadi elektronik. Adapun Faktor yang terpenuhi yakni Faktor Penegak Hukum dibuktikan dikeluarkannya PERMA Nomor 1 Tahun 2019. Saran agar Mahkamah Agung meningkatkan perbaikan dan pemeliharaan jaringan pada sistem *e-court* untuk menghindari sistem yang eror disaat tertentu dan sering melakukan sosialisasi terkait pembaharuan *e-court*.

Keywords: Efektifitas; Sistem e-court; Pengadilan Agama.



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A. INTRODUCTION

The development of technology and information in today's digital era is a major change in human behavior. Entering the industrial revolution 4.0 which is a call for Indonesian people to be able to follow or develop through the sophistication of technology or information.¹ The era of the industrial revolution 4.0 has made humans dependent on technology that can help human life in everyday life.^{2,3,4}

Likewise, Government agencies in Indonesia have begun to follow the development of information technology, most Government agencies in Indonesia have begun to implement electronic-based systems in terms of administration, financial management, employee and employee recruitment registration, performance assessment systems also follow current technological developments. Not apart from that, the scope of law in Indonesia also follows the pace of technological development which is currently increasing.⁵ This can be seen in terms of

¹ Ferlyawan Isnanda Nuh, Herwastoeti Herwastoeti, and Dwi Ratna Indri Hapsari, "Implementation of E-Court in Civil Life Settlement to Realize Simple Principles Quickly and Low Costs (Study in Malang District Court Class 1a)," *Indonesia Law Reform Journal* 2, no. 3 (December 9, 2022): 367–81, <https://doi.org/10.22219/ILREJ.V2I3.23264>.

² 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/simbollika.v4i1.1474>.

³ Zubairi Zubairi, Nurdin Nurdin, and Rahmat Solihin, "Islamic Education in the Industrial Revolution 4.0," *Scaffolding: Jurnal Pendidikan Islam Dan Multikulturalisme* 4, no. 3 (2022): 359–71, <https://doi.org/10.37680/scaffolding.v4i3.2118>.

⁴ Suardi Suardi et al., "Model of Strengthening Students' Intelligent Character in Facing Changes in Society in the Industrial Revolution Era," *AL-ISHLAH: Jurnal Pendidikan* 14, no. 2 (May 2022): 1419–30, <https://doi.org/10.35445/alishlah.v14i2.1061>.

⁵ I Gede Mahendra Juliana Adiputra, Ida Ayu Putu Widiati, and Ni Made Puspasutari Ujianti, "Penyelesaian Perkara Pelanggaran Hak Atas Merek," *Jurnal Preferensi Hukum* 1, no. 2 (September 2020): 67–71, <https://doi.org/10.22225/jph.1.2.2343.67-71>.

managing the administrative registration of legal cases and the implementation of procedural law in every public court in Indonesia starting to use electronic systems.^{6,7,8}

The accumulation of many cases⁹ at every level of the judiciary makes the government think of finding solutions to reduce the accumulation of cases a little by creating an innovation related to the system starting from the registration, case tracking, trial. The highest institution in the judiciary, namely the Supreme Court, precisely in 2018 issued and authorized an application system regarding electronic case registration and trial administration. As time goes by, the e-court system has developed in terms of adding features and improving services.

This is in line with Law No. 48 of 2009 concerning Judicial Power in Article 2 Paragraph (4) which states that "The judiciary shall be conducted in a simple, quickly and low cost" This is also useful in solving the obstacles in the judicial process so far which have been hampered due to the backlog of previous cases as a manifestation of the creation of the e-court system at that time.

As stated in Regulation Number 3 of 2006, religious courts as the first level to examine, decide and resolve cases for people of Islamic faith are given duties and authorities in the following fields marriage, inheritance, testament, grants, waqaf, zakat, infaq, shadaqoh, syariah economics.^{10,11,12}

The Religious Court of Bangil as one of the courts implementing the e-court system in fact many people still choose to register civil cases conventionally rather than electronically. First, in the electronic registration user (e-filing) there are 2 options, namely Registered Users and Other Users. The second option, namely Other Users (Incidental Users), is intended for the general public who wish to register without using a Legal Representative. The thing that is a little troublesome in case registration for other users is the grace period, for other users if they want to re-lawyer must activate by coming to the local court because the access restrictions applied in the trial process are only 14 (fourteen) days from the reading of the decision.¹³

Then Second, in the Summons / Case Notification section (e-summons) it is said that the summons of the parties is carried out electronically, but after being examined by researchers at the research location that the Defendant is still called manually. In this section it is also explained that for the mechanism of summoning the parties, especially for the Defendant, it is

⁶ Susanto Susanto, Muhamad Iqbal, and Wawan Supriyatna, "Menciptakan Sistem Peradilan Efisien Dengan Sistem E-Court Pada Pengadilan Negeri Dan Pengadilan Agama Se-Tangerang Raya," *JCH (Jurnal Cendekia Hukum)* 6, no. 1 (September 30, 2020): 104, <https://doi.org/10.33760/jch.v6i1.287>.

⁷ Dian Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)," *Journal of Indonesian Legal Studies* 6, no. 1 (May 2021): 157–84, <https://doi.org/10.15294/jils.v6i1.44450>.

⁸ Susanto Susanto, "E-COURT AS THE PREVENTION EFFORTS AGAINST THE INDONESIA JUDICIAL CORRUPTION," *Yustisia Jurnal Hukum* 9, no. 1 (May 2020): 116, <https://doi.org/10.20961/yustisia.v9i1.41127>.

⁹ Nur Putri Hidayah and Galih Wasis Wicaksono, "Legal Knowledge Management System on Family Law for Society," *Jurnal Hukum Novelty* 11, no. 1 (February 28, 2020): 68–85, <http://intelektual.org/index.php/Novelty/article/view/15614>.

¹⁰ Website Pengadilan Agama Bangil. Tugas dan Fungsi PA Bangil. <https://pa-bangil.go.id>

¹¹ Ibnu Elmi As Pelu and Ahmad Dakhoir, "Marital Property within the Marriage Law: A Debate on Legal Position and Actual Applications," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (November 11, 2021): 287–316, <https://doi.org/10.14421/AJIS.2021.592.287-316>.

¹² Isdian Anggraeny, "Legal Review Of Selling Land Of Inheritance Without Approval Of All Heirs," *Legality : Jurnal Ilmiah Hukum* 28, no. 1 (April 2020): 107–20, <https://doi.org/10.22219/ljih.v28i1.11817>.

¹³ Website Pengadilan Agama Negara. Syarat serta Ketentuan Penggunaan Aplikasi E-Court (pa-negara.go.id)

necessary to obtain prior approval to agree / not to be summoned electronically for the Defendant. Then Third, Electronic Trial (e-litigation) in which it is explained that the trial program is held online starting from uploading documents such as replications, duplicates, conclusions or answers uploaded electronically.

What the researcher found in the pre-research in this research location is that the e-court system trial is still carried out offline or directly with the presence of the Plaintiff's and Defendant's attorneys. This shows a reduction in the purpose of the e-court system itself because the e-court system itself was created to provide effectiveness in this electronic trial after passing the transition period after the Covid 19 Pandemic.

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.¹⁴ 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, society, and literature studies as supporting data.¹⁵

C. RESULTS AND DISCUSSIONS

1. Has case examination in The Religious Court at Bangil class I-A already implemented the e-court system

The examination of cases in The Religious Court of Bangil has not fully implemented the e-court system because there is one agenda of case examination that is still carried out manually. The stages of case examination in the Religious Court based on the implementation of the e-court system will be described as follows :

a. Mediation Agenda

The mediation agenda at The Religious Court of Bangil is carried out in the same way as in the Court in general. Mediation is held with the aim of seeking peace between the two parties to the dispute¹⁶. The summons to the Plaintiff was made electronically through electronic domicile while the summons to the Defendant was made for the first time manually. If in the end an amicable agreement is not reached, the Judge Mediator will make a report on the results of the mediation and will explain to the disputing parties as stated in Article 20 paragraph 1 PERMA No.1 of 2019 which provides an option for the disputing parties to conduct the trial electronically or conventionally.

b. Court calendar Agenda

¹⁴ Kornelius Benuf and Muhammad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

¹⁵ Abdulkadir Muhammad. *Hukum Dan Penelitian Hukum*. (Bandung: Citra Aditya, 2004). Hal. 112

¹⁶ Sri Turatmiah et al., "Does Judge Has Ex Officio Rights In Determining Mut'ah and Iddah?," *Sriwijaya Law Review* 3, no. 2 (July 31, 2019): 187–98, <https://doi.org/10.28946/SLREV.VOL3.ISS2.249.PP187-198>.

Determination of the court calendar is carried out if the parties agree to conduct the trial electronically (e-litigation).^{17,18} The determination of the court calendar is carried out by the Panel of Judges which aims to schedule the stages of the case starting from the beginning of the process of reading the lawsuit until the reading of the decision or determination can be arranged neatly and coherently.

c. Lawsuit Reading Agenda

The Religious Court of Bangil in carrying out the agenda of reading the lawsuit is done electronically. By way of the litigants uploading the lawsuit case file through the user account in the e-court system.

In the process of uploading these files, there are often obstacles encountered. First, network system constraints that every time experienced a server down or server error every day from the center. Second, the parties were not careful in the process of preparing the contents of the lawsuit, which caused delays in the file upload process due to the parties asking for time to make changes to the contents of the lawsuit.

d. Answering Agenda

The Religious Court of Bangil in implementing the answer agenda is done electronically. By way of the litigants uploading the lawsuit case file through the user account in the e-court system.

In the process of uploading these files, there are often obstacles encountered. First, network system constraints that experience server down or server errors every day from the center. Secondly, the parties were not careful in the process of preparing the contents of the answer to the lawsuit which caused delays in the file uploading process due to the parties requesting time to make changes to the contents of the answer to the lawsuit.

e. Replicating Agenda

The Religious Court of Bangil in implementing the replicating agenda is done electronically. By way of the litigants uploading the lawsuit case file through the user account in the e-court system.

In the process of uploading these files, there are often obstacles encountered. First, network system constraints that experience server down or server errors every day from the center. Secondly, the parties were not careful in the process of preparing the contents of the lawsuit replication which caused delays in the file uploading process due to the parties requesting time to make changes to the contents of the case replication.

f. Duplicating Agenda

¹⁷ Aris Priyadi, "Implementasi Beracara Secara Elektronik (E-Court) Dalam Perkara Perdata," *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma* 23, no. 1 (2021): 91–99, <https://doi.org/10.51921/chk.v23i1.145>.

¹⁸ Ulfanora Ulfanora, Dian Amelia, and Harry Azhar Aziz, "Penerapan Persidangan Secara Elektronik Di Pengadilan Negeri Sumatera Barat," *Jurnal Hukum Bisnis Bonum Commune*, 2022, 84–97, <https://doi.org/10.30996/hukum%20bisnis%20bon.v5i1.5792>.

The Religious Court of Bangil in implementing the duplicates agenda is done electronically. By way of the litigants uploading the lawsuit case file through the user account in the e-court system.

In the process of uploading these files, there are often obstacles encountered. First, network system constraints that every time experienced server down or server errors every day from the center. Second, the parties were not careful in the process of preparing the contents of the duplicates, which caused delays in the file uploading process due to the parties requesting time to make changes to the contents of the duplicates.

g. Evidentiary Agenda

The evidentiary agenda in The Religious Court of Bangil is still done manually. This is due to the obstacles experienced by Judges in the process of verifying case evidence files and witnesses in the e-court system. This is not in accordance with article 4 paragraph 1 PERMA No.1 of 2019.

h. Conclusion Agenda

The Religious Court of Bangil in implementing the conclusion agenda is done electronically. By way of the litigants uploading the lawsuit case file through the user account in the e-court system.

In the process of uploading these files, there are often obstacles encountered. First, network system constraints that every time experienced server down or server errors every day from the center. Secondly, the parties were not careful in the process of preparing the contents of the case conclusion which caused delays in the file uploading process due to the parties requesting time to make changes to the contents of the case conclusion.

i. Judges' deliberation Agenda

The deliberation agenda of the Panel of Judges at The Religious Court of Bangil is carried out in the same way as the Court in general¹⁹. The Panel of Judges will discuss with the Member Judges to determine the attitude that will be decided in handling the case either rejecting or accepting the lawsuit based on the evidence and the case examination process that has taken place.

j. Decision Reading Agenda

The Religious Court of Bangil in carrying out the agenda of reading the decision is done electronically. The Judges will upload the decision file to the e-court system and the Case Tracking Information System (SIPP) website.

Litigants can access the Case Tracking Information System (SIPP) website to view the contents of the case decision or case determination through the website without any time limit and can be accessed anywhere.

¹⁹ Anifah Sitompul, "Oleh Ahli Waris Tanpa Persetujuan Sebagian Ahli Waris (Studi Kasus Putusan Pengadilan Tinggi Agama Nomor 96 / PDT . G / 2014 / PTA MDN)," 2014, 1–15.

In this research journal, the above statement is supported by obtaining data on the acceptance of e-court cases at The Religious Court of Bangil to see how far the application of e-court is implemented in the litigating community in Bangil city.

NO	BULAN	JENIS PERKARA				DITERIMA	DICABUT	DIPUTUS		
		Cerai Talak	Cerai Gugat	Perwalian	P3HP/ Penetapan Ahli Waris			SECARA ELEKTRONIK	SECARA BIASA	JUMLAH
1	Januari	4	5	1	3	13	6	0	9	9
2	Februari	4	6	1	1	12	2	0	6	13
3	Maret	7	8	3	2	20	6	0	22	22
4	April	2	6	1	1	10	0	0	12	12
5	Mei	5	9	1	2	17	0	2	13	15
6	Juni	8	10	2	1	21	4	0	18	18
7	Juli	6	8	3	2	19	3	1	15	16
8	Agustus	4	6	1	2	13	1	0	12	12
9	September	5	6	2	1	15	1	1	14	15
10	Oktober	4	7	1	3	15	0	0	10	8
11	November	8	9	1	1	19	1	0	18	18
12	Desember	5	6	2	1	14	3	0	18	18

Figure 1. Data Table of Cases Received and Decided via E-Court

That the Bangil Religious Court accepts electronic case registration based on its authority as stipulated in Article 49 of Law Number 3 of 2006.

However, in fact, the most common types of cases accepted for e-court registration are only a few types of cases such as First, Divorce Cases related to Divorce and Plaintiff's Divorce. Second, guardianship petitions. Third, the Application for Determination of Heirs (P3HP). The rest of the community prefers to register several types of cases included in marriage cases, namely 1) Polygamy license; 2) Joint property; 3) Child custody; 4) Child validation; 5) Child origin; 6) Isbat nikah; 7) Marriage dispensation; 8) Wali adlol is registered conventionally.

Based on the data received every month, the total number of cases registered electronically was no more than 20 cases. Judging from the number of cases that are most registered by e-court, first, the Plaintiff's Divorce cases that are received reach 10 cases recorded every month. Second, divorce cases received reached approximately 8 cases recorded each month.

Third, guardianship cases received reached no more than 3 cases per month. Fourth, the case of P3HP application for Determination of Heirs received reaches no more than 3 cases recorded every month. From the existing data for the process of deciding cases electronically in 2022 The Religious Court of Bangil only decides as many as 4 cases a year.

Registered users are the subjects who most often register cases electronically at the Bangil Religious Court. This is not without reason registered users prefer to register cases electronically because of efficient registration that can be reached from anywhere, the legal process is also considered effective for advocates who have busy flying hours. The service

provided specifically for advocates proved to be good, with officers in the field offering options for advocates regarding the process of organizing trials..

NO.	BULAN	A. Perkawinan											B. Kewarisan	C. P3HP/ Penetapan Ahli Waris	DITERIMA	DIPUTUS
		Ijin Poligami	Cerai Talak	Cerai Gugat	Harta Bersama	Penguasaan Anak	Pengeshahan Anak	Perwalian	Asal-usul Anak	Isbat Nikah	Dispensasi Kawin	Wali Adlol				
1	Januari	0	107	256	0	1	0	2	0	3	38	1	0	15	424	241
2	Februari	0	47	117	0	0	0	7	4	2	23	0	1	5	206	219
3	Maret	0	69	139	0	0	0	5	1	6	30	0	2	7	262	236
4	April	0	25	55	0	0	0	0	1	1	16	2	0	6	109	186
5	Mei	1	57	154	1	1	0	6	1	2	33	1	1	5	263	151
6	Juni	1	77	188	1	0	0	6	4	3	74	1	2	3	364	331
7	Juli	0	51	134	0	0	0	3	1	1	28	1	1	5	226	281
8	Agustus	0	54	139	0	0	0	4	1	2	26	1	0	5	233	220
9	September	1	84	181	2	0	0	7	4	1	39	0	3	3	326	287
10	Oktober	0	50	116	0	0	5	4	1	0	67	0	3	7	255	249
11	November	1	50	127	1	0	0	6	4	0	43	1	0	11	245	265
12	Desember	0	45	106	0	1	0	4	2	1	44	0	1	5	211	245
JUMLAH		4	716	1712	5	3	5	54	24	22	461	8	14	77	3124	2911

Figure 2. Table of Data on Conventional Cases Accepted and Decided

Analysis of the data shows that the number of cases received conventionally is much higher than those received through e-court.²⁰ Again, the most registered cases were related to divorce cases.

Researchers analyzed the data on the number of cases received and decided conventionally. There are several reasons why many people choose to register cases conventionally rather than electronically due to 2 (two) factors, namely the first, financial transparency factor. The purpose of the financial transparency factor here is that the community assumes that hiring legal counsel services is expensive and the details of the costs are unclear.

The second factor is the use of an e-court system that is not user friendly, which refers to the use of case registration and electronic trials that are not community friendly. People feel that registering cases electronically is considered more complicated, of course, because it is difficult for people to understand and keep up with technological developments in this modern era. It makes people lazy to switch from conventional to electronic.

2. The effectiveness of e-court system in The Religious Court at Bangil class I-A

In analyzing the effectiveness of the e-court system, researchers used the theory of legal effectiveness put forward by Soerdjono Soekanto who in his presentation explained "whether or not a law is effective is influenced by several elements contained therein". In the theory of legal effectiveness, there are several elements contained therein, namely Legal Factors, Law

²⁰ Keysha Salma Naylla and Efa Laela Fakhrian, "Implementasi Peraturan Mahkamah Agung No. 7 Tahun 2022 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik Dalam Hal E-Summons Di Pengadilan Agama Kota Bandung," *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 4 (2023): 1523–37, <https://doi.org/10.59141/comserva.v3i4.918>.

Enforcement Factors, Facilities and Infrastructure Factors, Community Factors, Cultural Factors.²¹

The effectiveness^{22,23,24} of e-court system in The Religious Court of Bangil is not effective to be applied. This is because there are 4 (four) factors of legal effectiveness that are not fulfilled in the elements and only 1 (one) factor that fulfills the elements.

First, Legal Factors, the issuance of Supreme Court Regulation Number 1 of 2019 is evidence that the legal factors for the effectiveness of the e-court system are already supportive to be implemented in The Religious Court of Bangil.

Second, Law Enforcement Factor, based on the results of interviews with Judges in The Religious Court of Bangil, it is suggested that the electronic trial in The Religious Court of Bangil has not been fully implemented in accordance with the e-court system. This is due to the obstacles experienced by Judges in the process of verifying evidence files and witnesses in the e-court system which causes the evidentiary agenda in The Religious Court of Bangil to still be carried out conventionally.

Third, Facilities and Infrastructure Factors, the author finds that the e-court system in The Religious Court of Bangil sometimes experiences server downs from the center that take several hours. This becomes an obstacle in the process of electronic case registration and trial.

However, the researcher found that for e-court case registration there is still a fee for summoning the Defendant. The reason behind it is that the fee will be used if there is a Defendant who does not agree to be summoned by e-court, but if the Defendant agrees to be summoned by e-court then the summoning fee will be returned to the Plaintiff. The realization of the principle of light cost was not found in the facts in the field that researchers have described above.

Fourth, Community Factors, the public does not understand the electronic registration and trial process at The Religious Court of Bangil. The perspective of the public who think that the process of managing case files is convoluted and a waste of time has an impact on electronic registration and trials at The Religious Court of Bangil is less attractive to the litigant community.²⁵

The financial factor owned by the community, which is referred to here, is the perspective of the community who think that registering cases and e-court trials using advocate services requires a large amount of money. This is an obstacle for the community because the burden of financial factors owned by the community is insufficient to use the services of advocates and

²¹ Nurmiati Nurmiati, Sufirman Rahman, and Ahyuni Yunus, "Efektivitas Proses Pendaftaran Tanah Hak Milik," *Kalabbirang Law Journal* 2, no. 2 (July 2020): 101–12, <https://doi.org/10.35877/454RI.kalabbirang123>.

²² Juliana S N et al., "Effectiveness Of Law Enforcement Case By The Cartel Commission Honda And Yamaha Based On Justice Pancasila," *Jurnal Ius Constituendum* 5, no. 1 (May 13, 2020): 1–14, <https://doi.org/10.26623/JIC.V5I1.1980>.

²³ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *JURNAL USM LAW REVIEW* 5, no. 1 (April 14, 2022): 110–27, <https://doi.org/10.26623/JULR.V5I1.4965>.

²⁴ Nuh, Herwastoeti, and Hapsari, "Implementation of E-Court in Civil Life Settlement to Realize Simple Principles Quickly and Low Costs (Study in Malang District Court Class 1a)."

²⁵ Interview of Ibu Sulikha as a litigant community in PA Bangil (Bangil, January 24, 2022).

financial transparency according to the litigants who hire advocate services is felt to be unclear and not open. This is what makes the e-court system less attractive to the litigants.²⁶

The last, **Cultural Factors**, Culture itself is a habitual way of life that is carried out from generation to generation and passed down to generations. In the facts that exist in The Religious Court of Bangil, litigants in the city of Bangil are still difficult to make the transition from conventional systems to electronic systems. This is what makes electronic registration and trial less attractive because the culture of people who are comfortable and accustomed to conventional systems makes people lazy to switch to using e-court systems that have been designed using modern technology.

One of the elements in the theory of legal effectiveness that is fulfilled in the application of e-court system effectiveness in The Religious Court of Bangil is the Legal Factor. Legal factors are fulfilled based on the launch of Supreme Court Regulation Number 1 of 2019 which is evidence that the legal factors for the effectiveness of the e-court system are already supportive to be applied in Bangil Religious Court.

D. CONCLUSION

Case examination by The Religious Court at Bangil has not fully implemented case examination using e-court system. In the Summons of The Parties (E-Summons) which is still carried out manually by The Religious Court at Bangil, then the E-Litigation feature (Electronic Trial) as referred to in Article 4 paragraph 1 of PERMA No.1 of 2019, there is one of the case examination agendas in the trial, namely the Evidence agenda which is still carried out manually by The Religious Court at Bangil. For the E-Filing feature (registration of cases) has been carried out in accordance with the procedure with the applicable provisions in the e-court system, the E-Payment feature (electronic case payment) has been implemented using electronic-based payments. The effectiveness of e-court system implementation in The Religious Court at Bangil is not effective to be applied. There are 4 factors that do not fulfill the legal effectiveness of the e-court system in The Religious Court at Bangil First, Law Enforcement Factors the obstacles experienced by Judges for the evidentiary agenda. Second, the Facility and Infrastructure Factors, related the e-court system network which sometimes experiences server down from the center and the facilities provided by the Bangil Religious Court, especially for the electronic summoning feature, rarely interested by the litigants. Third, Community Factors who do not understand the use of the e-court system. Fourth, Cultural Factors, the difficulty the transition of people's way of life from conventional to electronic. 1 factor that is fulfilled, namely the Law Enforcement Factor is evidenced by the issuance of PERMA No.1 of 2019. Author suggest the Supreme Court as the pioneer that created the e-court system must monitoring and improve on the maintenance and repair of the e-court system so that it is always in a state of readiness to avoid frequent system damage in order to realize effective and efficient use. The Religious Court at Bangil also needs to improve on the human resources of its employees by routinely conducting evaluations every week and the public society is expected to learn the e-court system so that in the future it creates benefits and is

²⁶ Interview of Mrs. Fateha as a litigant community in PA Bangil (Bangil, January 24, 2022).

ready to follow the development of the judicial system in Indonesia which has begun to implement an electronic based system.

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