



Effectiveness of Using E-Court In Religious Court Proceedings in South Jakarta

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Abstract— E-Court is a tool in court that functions as a service to the public in terms of registering cases through online platforms, calculating estimated court costs digitally as well as online payments, online summons and trials. The South Jakarta Religious Court started using the e-court since 2018, when the Supreme Court Regulation (PERMA) No. 3 of 2018 appeared regarding Electronic Administration of Cases in Courts. As time went on, the e-court process began to develop when the Supreme Court Regulation (PERMA) No. 1 of 2019 concerning Administration of Cases and Trials in Courts appeared electronically. The benefits for all parties for e-court users are that all parties will be helped by saving costs and time in the process. The deficiencies that occur are network problems in the e-court application. The type of research used in this writing is qualitative research which produces descriptive analytical data, supported by premier and secondary data sources then data collection techniques by means of observation, interviews and documentation. The results of this study indicate that the process of using e-court in proceedings at the South Jakarta Religious Court includes several stages starting from online case registration, online down-payment of fees, online summons, and online trials. There are several obstacles and opportunities that occur in the process of using e-court in proceedings at the South Jakarta Religious Court. Opportunities that occur are that all parties can benefit more such as saving energy, saving time, and saving costs. The obstacle that occurs is the lack of knowledge for previous advocates regarding existing technology from e-courts at this time. As for its effectiveness in using e-court in proceedings at the Religious Courts, it cannot be said to be fully effective because there are still several obstacles in the process..

Keywords: E-Court, Effectiveness, Implementation

I. INTRODUCTION

During the COVID pandemic, a number of challenges arose in the legal sphere related to the presence of parties involved in the case settlement process. As a result, the application of electronic media in handling cases through the e-court system has begun to be considered. During a pandemic

situation, courts are faced with the task of completing procedures and developing technicalities within the e-court framework.

It is undeniable that legal developments, as well as laws regarding the management of issues and settlements in court, especially in the face of the COVID pandemic at that time, began to attract attention to the implementation of an electronic procedural system. The presence of Supreme Court Regulation (PERMA) Number 1 of 2019 is an innovative step as well as a form of commitment by the Supreme Court of the Republic of Indonesia to bring about changes in the Indonesian justice system (Justice Reform), which integrates the role of information technology (IT) with legal procedures (IT for Judiciary). . Previously, case administration was done directly. However, with the issuance of this PERMA, the conventional administrative approach has gradually shifted to an electronic administration approach or better known as E-Court.

The term E-Court consists of two words, namely electronics and court. In the context of language, according to the Big Indonesian Dictionary, "electronic" refers to devices that are formed based on electronic principles, as well as goods or things that use tools based on electronic principles. However, the English term "court" first appeared in Germanic languages and was adopted in early medieval England. In Indonesian, "court" can be interpreted as a court, court, or trial court. The term "E-Court" refers to a tool used to provide services to parties involved in legal proceedings online, including case registration, prepayment, subpoena, and litigation. All of these stages are carried out through an online platform. The E-Court application is an application platform that is used starting from the case registration step until the judge's decision is taken, and this application is connected to the Case Tracing Information System (SIPP). [1]

The aim of implementing E-Court is to modernize case management and legal steps, in response to challenges that occur in the court system. In addition, the aim is to stimulate the development of more transparent, effective and efficient procedures. E-Court is also expected to be able to implement simple, fast and affordable judicial principles. If properly implemented, this will make it easier for people to seek justice. The South Jakarta Religious Court started using the e-court since 2018, when the Supreme Court Regulation (PERMA) No. 3 of 2018 appeared regarding Electronic Administration of Cases in Courts. At first, this was not yet developed because it was still the beginning of the experiment so not everything could be done electronically in the process. As time went on, the e-court process began to develop when the Supreme Court Regulation (PERMA) No. 1 of 2019 concerning Administration of Cases and Trials in Courts appeared electronically. Supreme Court Regulation (PERMA) Number 1 of 2019 are several things that complement the Supreme Court Regulation (PERMA) Number 3 of 2018. [2]

So with the emergence of Supreme Court Regulation (PERMA) Number 1 of 2019 the electronic proceedings at the South Jakarta Religious Court have started to run well, gradually developing. Even for now, attorneys who are housed in the South Jakarta Religious Court are required to proceed electronically.

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So with the emergence of Supreme Court Regulation (PERMA) Number 1 of 2019 the electronic proceedings at the South Jakarta Religious Court have started to run well, gradually developing. Even for now, attorneys who are housed in the South Jakarta Religious Court are required to proceed electronically. In addition to legal counsel, it is also recommended to carry out electronic proceedings with the assistance of the South Jakarta Religious Court.

2. RESEARCH METHODOLOGY

With a focus on research issues, the approach used in this study is a qualitative method which is descriptive in nature and leans more towards an analysis of the transition to an era of online-based justice.

The method used in this research is an empirical method in the field of law, namely a method that takes into account the realities that exist in field practice. This approach can also be referred to as a sociological approach, which involves direct observation in the field. The aim of this research is to directly describe the situation in the field in order to understand the problems that arise, then to be analyzed by relating them to the applicable laws and regulations and relevant legal theories.

3. FINDING

3.1. History of the Court

The South Jakarta Religious Court was established based on Decree Number 69 of 1963 from the Minister of Religion of the Republic of Indonesia. Initially, the DKI Jakarta area only had three Religious Court offices known as branch offices, namely:

- a. North Jakarta Religious Court branch office
- b. Central Jakarta Religious Court Office
- c. Jakarta Raya Special Religious Court as the Parent.

All of the aforementioned Religious Courts fall under the jurisdiction of the Surakarta branch of the High Islamic Court. Furthermore, based on the Decree of the Minister of Religion Number 71 on December 16, 1976, the branch of the Bandung High Islamic Court was established. All Religious Courts located in West Java Province, including the Religious Courts in the capital city of Jakarta Raya, are within the jurisdiction of the High Islamic Court of Bandung Branch. Subsequently, the term "High Islamic Court" developed into "High Religious Court" (PTA).

The realization of the transfer of the Surakarta High Religious Court to Jakarta finally occurred on October 30, 1987, based on the Decree of the Minister of Religion of the Republic of Indonesia Number 61 of 1985. As a result of this transfer, the jurisdiction of the Religious Courts in the DKI Jakarta Region automatically became the jurisdiction of the High Religious Court Jakarta.

With the establishment of the South Jakarta Religious Court office, it is a response to the dynamics of the development of Jakarta society. In 1967, this branch was part of the Greater Jakarta Special Religious Court which was domiciled on Jalan Otista Raya, East Jakarta.

At the end of April 2010, the new building for the South Jakarta Religious Court was inaugurated by the Chief Justice of the Republic of Indonesia. Then, in early May 2010, a thanksgiving event was held and the start of office operations in the new building.

Since moving to a new building that is impressive and represents a good image, the South Jakarta Religious Court has initiated improvements in various aspects, both in providing services to justice

seekers and in enhancing increasingly advanced Information Technology.[4] This is also accompanied by the use of applications that support their main tasks, such as the SIADPA (Religious Court Case Administration Information System) application which has been implemented.

3.2. Main Duties and Functions of the Court

Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that the Religious Courts are part of the judicial system which is under the Supreme Court together with other courts in the realm of General Courts, State Administrative Courts, and Military Courts. This refers to a judicial body that has the authority in the judicial system to provide legal and justice enforcement in certain cases involving individuals who adhere to the Islamic religion. [3]

The South Jakarta Religious Court, as the First Level Court, has the duty and authority to examine, pass judgments, and settle cases at the initial level involving individuals who are Muslim. The scope of this case includes matters such as marriage, inheritance, wills, grants, endowments, zakat, infaq, sadaqah, as well as economic aspects that are in accordance with sharia principles. This is in accordance with the provisions stipulated in article 49 of Law Number 3 of 2006 which amends Law Number 7 of 1989 concerning the Religious Courts.

Apart from carrying out the core duties mentioned above, the South Jakarta Religious Court also has a role which includes the following:

- a) The function of adjudicating, which includes reception, examination, trial, and settlement of various cases that are within the scope of the authority of the Religious Courts at the initial level.
- b) The coaching function, which involves providing direction, guidance and advice to structural and functional officials who are under their hierarchy, both related to judicial technical aspects, administration of justice, as well as administrative matters such as general preparation, finance, human resource management, as well as development projects.
- c) Oversight Function, which involves carrying out supervision inherent in the implementation of the duties and performance of Judges, Registrars, Secretaries, Alternate Registrars, and substitute bailiffs or bailiffs under their auspices with the aim of ensuring that the justice system runs carefully and fairly. In addition, it also includes supervision of the implementation of general administration in the secretarial and development fields.
- d) Advice function, namely providing advice and guidance on Islamic law to government agencies in their jurisdiction if requested.
- e) Administrative functions, namely carrying out administrative tasks in court (including court administration) and general administration (such as staffing, finance, and equipment).

3.3. Implementation of E-Court in proceedings at the South Jakarta Religious Court

From observations at the South Jakarta Religious Court, the implementation of the e-court there begins with the registration of cases by registered users and other users through the court

information system. The plaintiff can file a lawsuit through the court platform, and the lawsuit must be accompanied by evidence in the form of electronic documents.[5]

In the case of proceedings, there are cases that usually use e-courts, as the results of an interview with Mr. Midun Ahmad Ilyas, S.H., M.H. who is an Advocate at the South Jakarta Religious Court, he said that since the Supreme Court Regulation No. 3 of 2018 was enacted, every case can be registered in an e-court manner including but not limited to the religious court, which is where we have to look at the jurisdiction of the religious court itself which where the court can try cases of Muslims regarding marriage, divorce, nisbab of marriage, inheritance, zakat, transfer of debts and so on which is within the authority of the religious court.[6]

As for cases that most often use e-court in proceedings, as is the result of an interview with Mr. Zuhdi De Alfarisy, S.H. who is an Advocate at the South Jakarta Religious Court, he said that for cases that most often use e-courts, namely most civil cases, both cases of default, cases of unlawful acts. At the first court level, it can be registered by e-court. In particular, it is also known as bankruptcy cases, petitions, there are also cancellations of arbitration. So it is growing more and more complex, but indeed for the religious court environment it returns again to the authority to decide and adjudicate cases of Muslims.

In the implementation of e-court in proceedings at the South Jakarta Religious Court, initially the case was registered in e-court, which means that the advocate had previously registered his e-mail and password on the Supreme Court website to create an e-court account electronically and would be verified based on the place where the attorney's oath was taken.[7]

Regarding the mechanism for carrying out trials in e-court, the first is that cases are registered in e-court. For example, joint property cases are registered, then filling in the parties' data such as: the name of the defendant, address, identity of the plaintiff, and the suspect. After that, the power of attorney and the lawsuit filing letter are uploaded by e-court.

After the process is carried out, a case registration fee will be issued, or what is commonly called e-SKUM, namely electronic receipts for payment. After payment is made, a case registration number will appear.

So after that the process for a new disposition will come out in approximately 2-3 days and a new case number will be obtained. After we get the case number, we will get the first trial schedule which will be notified to all parties.

For hearings using e-court, it will be more administrative, such as the first trial, namely calling all parties to attend and after that a mediation process is carried out. If the mediation process fails, then the next process will be carried out by reading the lawsuit and the trial is still being held in the religious court. But if it has entered into the trial answering process, the parties usually carry out the trial using the e-court. Each plaintiff and defendant sent their answers via e-court. Then there is a rebuttal to the answer which is called a replica which is also submitted through the e-court. After that there is a process called duplik which is also carried out through e-court.[8]

After the replication and duplication processes are carried out, the next process is evidentiary which is attended by the plaintiffs, defendants, and other parties at the religious court directly to submit evidence, for this evidentiary process to be carried out directly at the religious court because basically to submit evidence it must be tried directly in front of the Panel of Judges and cannot be carried out using e-court.[9]

After the evidentiary trial process is complete, be it correspondence evidence or witness evidence, then enter the conclusion stage which is usually done using e-court. Each party sends its conclusions on the results of the trial using their respective e-courts. After that, it enters into the process of reading the decision, which at the beginning of the trial has chosen the procedural mechanism using the e-court, so it is likely that the decision or the final result of the trial will be read through the e-court according to the schedule determined by the Panel of Judges and all parties can see the results or the decision of the case through e-court.

3.4. Opportunities and Obstacles of E-Court in Proceedings at the South Jakarta Religious Court

As the results of an interview with Mr. Zuhdi De Alfarisy, S.H. who is an Advocate at the South Jakarta Religious Court, he said that in cases using e-courts there are opportunities and obstacles in the implementation process. The opportunity that all parties can get is the efficiency of the parties in terms of time and energy. In the proceedings using the e-court, all parties can access it anywhere, at any time according to the schedule determined by the Panel of Judges. This is because if we carry out the trial process using e-court we can send the things requested regarding the trial agenda at any time, because the process uses a delivery deadline so we can send documents or other things before the deadline determined by the Panel of Judges.

The obstacles in using the e-court are based on the results of interviews with Mr. Zuhdi De Alfarisy, S.H. who is an advocate at the South Jakarta Religious Court, he said that the obstacles he experienced while being an advocate were the network in the e-court itself. For example, when we have to send documents using e-court but when we want to send them there are problems from the e-court network itself, such as full servers so not all advocates can access them at the same time. [10]Even if by the time limit set by the Panel of Judges documents have not been sent from one of the parties or even all parties due to constraints on the e-court network itself, the trial is deemed not to have taken place and will be rescheduled by the Panel of Judges. So that with the constraints that there was time from the trial which should have been completed more quickly but due to problems from the e-court network itself, the trial schedule was pushed back to the verdict or the final outcome of the trial.[11]

3.5. Implementation of E-Court in proceedings at the South Jakarta Religious Court

As described above, the researcher identified that the first e-court was implemented based on Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases. Furthermore, there is an attempt to make improvements through Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases in Courts.

In its implementation, the e-court system includes several stages, including e-filing, e-payment, e-summons, and e-litigation. In e-filing, namely the online case registration process, it can be carried out after individuals register as registered users. To access this service, the choice of religious courts that have started e-court services can be selected. All documents required for the registration process are sent electronically through the e-court application managed by the Supreme Court of the Republic of Indonesia.[12]

This is in accordance with the analysis of the results of an interview with an Advocate who was at the South Jakarta Religious Court, which stated that for the initial stage of registering the case through e-court by attaching a power of attorney and a letter of claim.

Then, the next step was to enter the second stage. After the case registration process is complete, registered users will immediately receive an Advance Payment Letter (SKUM) which is displayed digitally through the e-court application. In this stage, all relevant costs have been calculated based on the components determined by the head of the court. Therefore, the calculation of the estimated down payment has been calculated carefully and resulted in an electronic form of SKUM.

Based on the results of an interview with an Advocate at the South Jakarta Religious Court, after the case registration is carried out, a case registration fee or what is commonly called e-SKUM will be issued, which is like an electronic receipt for payment of down payment. After that, the payment is made from the e-SKUM which is attached to the e-court, the case registration number will appear. After that, the disposition will only come out in about 2-3 days and only then will you get a case number.[13]

After obtaining the case number for the third stage, namely electronic summons (e-summons), it is explained that the summons or information notification to the parties is delivered via electronic channels to the e-mail addresses of the parties and can be viewed using the e-court application.

Related to the same thing that was conveyed during the interview regarding electronic summons, that is, if we have obtained the case number, we will immediately be informed of the schedule for the first trial to all parties concerned which will be determined by the Panel of Judges.

After getting the schedule for the first meeting, the next step is to enter the electronic trial (e-litigation) stage, which is one of the four features included in the main program of the Supreme Court of the Republic of Indonesia. It must also be emphasized that the electronic trial, which is based on the Supreme Court Decree Number 129/KMA/SK/VIII/2019, does not apply to all cases in court.[14]

The initial trial will still be held physically at the Religious Court, where the judge will ask the e-court users (especially the plaintiff) to submit three original documents, namely a power of attorney, a letter of claim, and a letter of principal approval. After that, in the first hearing when all parties are present mediation steps will be taken in accordance with the provisions of Supreme Court Regulation Number 1 of 2019 and this mediation will be carried out within a predetermined timeframe

3.6. The Effectiveness of Using E-Court in Procedures at the South Jakarta Religious Court

The success or failure of a rule of law in practice or a real situation can be identified when an individual states whether the rule of law achieves the stated goals. Usually, an assessment is made based on the extent to which the rule of law influences certain attitudes, actions or behaviors to achieve the desired goals. Legal effectiveness refers to the extent to which the law achieves the stated goals. One way to encourage people to comply with the rule of law is to set sanctions as a consequence. These sanctions can be negative or positive, serving as incentives to deter undesirable actions or encourage desirable ones.[15]

Based on the above, this is in line with what was conveyed by an Advocate at the South Jakarta Religious Court regarding the effectiveness of using e-court in proceedings. Which in its explanation is clearer than the hall above.[16] He said the effectiveness of the use of e-court was more or less the first time it was initiated by the covid pandemic, some were based on the principles of fast, simple and low-cost trials. In addition, e-courts cut costs, time and effort compared to manual trials so that it is more efficient. This is in line with the above that the effectiveness of a law can be seen from the success or failure of a thing to achieve the goals that have been planned.

Based on the opinion of another Advocate who was at the South Jakarta Religious Court, regarding the effectiveness of using e-court in proceedings, he said that an effectiveness can be said to be effective as long as the goal has been achieved and there are no more obstacles experienced. So if the goal has been achieved and there are no obstacles during the process, it can be said that the law has been said to be effective.[17]

4. CONCLUSION

The process of implementing the e-court in proceedings at the South Jakarta Religious Court has several stages from the beginning to the end of the trial process using the e-court. Starting from registering an e-court account for users, followed by registering a case, continuing to the first mediation trial which was held at the Religious Court, then there was an agenda for proving whether it was documentary evidence or witness evidence, then the answering process answering replications, duplications, conclusions, until the final result or decision is implemented using e-court from an ongoing trial. It can also be seen that trials using e-courts are not always carried out using e-courts, in the first trial mediation was carried out directly and the evidentiary agenda was carried out directly at the South Jakarta Religious Court in accordance with existing regulations. To carry out trials using an e-court was also determined during the first trial, trials using an e-court would proceed if the two parties of the plaintiff and the defendant both agreed to carry out the trial using an e-court.

Opportunities and obstacles to e-court in proceedings at the South Jakarta Religious Court, it can be concluded that all parties will get the same opportunities starting from a simple trial, saving time and money for all parties involved. In the existing obstacles occur due to several inhibiting factors such as the legal factor itself, the facility or facility factor, the community factor or human resources, and the local cultural factor. This hampered the course of the trial process both administratively and during the trial.

The effectiveness of using e-court in proceedings at the South Jakarta Religious Court, a law can be said to be effective if a law has achieved its goals with the efforts that have been made. However, in the use of e-court, some have been more efficient in their implementation, starting from saving time and costs for all parties in carrying out trials using e-court. In terms of administration, the e-court implementation process is more efficient than manual trials, but it still cannot be said to be effective when the trial process uses an e-court implementation because there are still many processes that impede the trial process.

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