

The Impact of Digitalization with the Delivery of Judicial using E-Court

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Abstract. The development of technology, information, and communication has brought changes in the administration of the justice system. With the principle of simple, fast, and low-cost justice, a technological development system was formed and applied to justice in Indonesia with e-court. E-court is a judicial system with an electronic basis used by judicial bodies under the Supreme Court. So, it can be found that implementing e-court can realize the principles of simple, fast, and low-cost justice because of the several features included in the e-court system, namely making it easier to register cases, pay, summon, and conduct trials online. However, there are still many obstacles in implementing e-courts due to difficulty of access, lack of infrastructure, and lack of human resources in operating technological developments.

Keywords: E-Court, Justice, Technology.

1 Introduction

With the development of technology, information, and communication have become a major influence in various aspects of human life, one of which is from a legal perspective.[1] This influence in law can be proven by the existence of an idea issued by the Supreme Court to form a judicial system with an electronic basis, namely the e-court system where this technological development is used in the process of conducting cases as an effort to keep up with current developments and apply procedural law in proceedings. The judicial process, which was originally conducted by using conventional methods, then underwent developments so that it was carried out online. The initial problem is that carrying out a case in court will take a long time, and the costs are expensive and can be overcome by implementing the e-court system. The e-court system is a form of service that provides services on an electronic basis for users who are registered as parties in a lawsuit.[2] The existence of this e-court system will lead to the vision of the highest judiciary in Indonesia, namely the Supreme Court, forming an embodiment of a modernized judiciary by building an integrated information technology base. So, with digitalization, cases can now be carried out using an electronic basis, with the administrative stages and judicial processes being carried out online.[3]

Before the existence of e-court, the judicial process was carried out conventionally by making it mandatory for parties involved in a case to come directly to court so this could cause various

obstacles. With the implementation of e-court, it is hoped that it can overcome the obstacles that occurred previously. Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power, it is stated that justice must be carried out simply, quickly, and with low costs. This means that justice should be held and implemented with high effectiveness and efficiency. The rules related to e-court were then formed in a policy, namely Supreme Court Regulation Number 1 of 2019 concerning the Electronic Administration of Cases and Trials in Court. This PERMA was formed to carry out its function as a legal umbrella for the implementation of the e-court system which is expected to have the benefit of creating an effective and efficient judicial process as an embodiment of implementing the vision of the Supreme Court and implementing the principles of simple, fast and low-cost justice. online justice is the impact of technological advances, The online court is expected to generate large profits. Therefore, to realize it requires a basis that the judiciary is carried out with a simple procedure and low-cost.[2]

It can be interpreted that online-based justice is an attempt to create a simple system with low funding so this is considered applicable because it is by the principles of administering justice in Indonesia. E-court is usually referred to as administration or justice on an electronic basis as a new system formed by the Supreme Court in response to technological developments in the justice system. E-court is a system that assists in simplifying the trial process on an electronic basis where organizing and carrying out trials is carried out on an online basis. The scope of this es-court system is registering cases online (e-filing), paying down payment (e-payment), summoning the parties to the dispute (e-summons), and conducting trials online (e-litigation).[4] With the ease of registering cases online, it is hoped that it will provide convenience for people who are seeking a sense of justice by easily registering their cases, both petitions and lawsuits so that they do not need to appear directly in front of the court. Apart from that, the payment process in this case can also be done online with a virtual account feature which can be paid via conventional banks or even via mbanking. If a summons is made to the disputing party, it can also be done online using existing features to shorten the time required. Online hearings can also make it easier for all parties who are unable to attend. So that the positive impact of implementing this e-court system can be felt by the community regarding its effectiveness and efficiency which meets the needs of the community in resolving their disputes in court so that benefits, justice, and legal certainty will be fulfilled.[5]

According to the Supreme Court Report, the existence of e-court has brought significant progress to performance in handling cases. In 2017, the Supreme Court and subordinate courts received a caseload of around 5.5 million cases. In 2018, the Supreme Court and subordinate courts received a caseload of around 6.4 cases. The increase in caseload in 2018 was apparently in line with an increase in case decision productivity of 14.21% after the implementation of e-court. Furthermore, in 2019, the caseload received by the Supreme Court was around 6.7 million. Furthermore, productivity in deciding cases in 2019 also increased by 0.24%. This new performance in case resolution indicates that e-court is a factor in realizing the effectiveness of the administration of the justice system. However, after 4 years of application, the synergy of law enforcement components in actualizing e-court needs to be studied. This is motivated by the fact that the application of e-courts has not been optimal, starting from gaps in the legal substance of e-courts to the fulfilment of infrastructure which is still problematic.[6] E-Court is a court facility that provides services to the public using electronic justice. E-Court is an electronic-based system that provides case registration services, receiving estimates of case down payment fees, and payments, summoning each party, and carrying out trials both in uploading documents and files in the replica, duplicate, and conclusion or answer stages with its implementation online.[7] With the existence of this e-court system, it is hoped that problems

related to the time and costs required to prosecute cases in court can be resolved and the service system can also be improved in its function of accepting case registrations online.

Before carrying out the trial stages, it is necessary to create an account to enter the e-court with procedures including:

1. Access e-court on the Supreme Court website
2. Fill in the data including full name, e-mail, and password in the columns provided.
3. Activate the account on the registered e-mail address
4. Log in to the application
5. Complete the data requirements for advocates
6. After being verified by the court, you then receive notification via e-mail that the account is active and can proceed to the case registration stage and so on.

The scope of implementing the e-court system is:

1. Register the case online (e-filing)

One of the reasons for holding online or electronic case registration in the eCourt system is to make it easier for people to register. Currently, online case registration is only open for petitions, lawsuits, objections, and simple lawsuits. Online case registration can be done at the General Courts, Religious Courts (PA), and State Administrative Courts (PTUN). The following are the benefits that can be obtained from registering cases online via the e-Court application:

- a. Save time and costs in the case registration process.
- b. Payment of down payment fees can be made in multi-channels or from various payment methods and banks.
- c. Documents that have been registered or submitted are properly archived and can be accessed from various locations and media.
- d. Faster Data Retrieval Process.

2. Pay the down payment online (e-payment)

After registering the case online, Registered Users will immediately get the SKUM which is generated electronically by the e-Court application. In the generating process, it will be calculated based on whatever cost components have been determined and configured by the Court, and the Radius Cost Amount which is also determined by the Head of the Court so that the calculation of the estimated down payment costs has been calculated in such a way and produces an electronic SKUM or e-SKUM. Registered Users will receive a Payment Number (Virtual Account) as a virtual account for payment of Court Fee Fees after receiving the Estimated Court Fee or eSKUM.

3. Calling parties online (e-summons)

For Registered Users who register via e-Court, the summons will be made electronically and sent to the Registered User's electronic domicile address. Meanwhile, for the Defendant, the first summons was made manually. Then, when the Defendant appears at the first trial, the Judge will ask the Defendant for approval whether he agrees to be summoned electronically or not. If you agree, the Defendant will be summoned electronically according to the electronic domicile provided and if you don't agree, the summons will be made manually as usual.

4. Carrying out online trials (e-litigation)

One of the differences between Perma Number 3 of 2018 and Perma Number 1 of 2019 is that electronic proceedings in Perma Number 3 of 2018 do not reach the trial stage, they can only be carried out at the administration stage. Meanwhile, the e-Court Application which has been regulated in Perma Number 1 of 2019, can also hold trials electronically so that trial documents such as Replicas, Duplicates, Conclusions, and/or Answers can be sent electronically which can be accessed by the Court and the parties.

Indonesia is a legal country that provides law as something that regulates all aspects of life in Indonesia. E-court is a system that has been integrated with the court by applicable legal regulations. The legal basis for implementing the e-Court system in Indonesia includes:

1. Republic of Indonesia Supreme Court Regulation (PERMA) Number 1 of 2019 about Electronic Administration of Cases and Trials in Court.
2. Republic of Indonesia Supreme Court Regulation (PERMA) Number 3 of 2018 concerning Electronic Administration of Cases in Court.
3. Decree of the Chairman of the Supreme Court (SK KMA) Number 122/KMA/SK/VII/2018 concerning Guidelines for Governance of Registered Users of the Court Information System.
4. Decree of the Director General of the Religious Courts (Dirjen Badilag) Number 1294/DjA/HK.00.6/SK/05/2018 concerning Instructions for Implementing Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Court.
5. Decree of the Secretary of the Supreme Court of the Republic of Indonesia Number 305/SEK/SK/VII/2018 concerning the Appointment of a Pilot Court to Implement Electronic Case Administration Trials in Court.
6. Law Number 48 of 2009 regarding Judicial Power.[8]

The parties responsible for implementing e-Court include:

1. Chief Justice

The Chief Justice has a very important role in making electronic justice a success as stated in PERMA Number 1 of 2019. The Chief Justice must prepare e-Court desk facilities that are integrated into the PTSP (One Stop Integrated Service) desk. Apart from that, the person who has the authority to appoint a team or officer capable of handling e-Court services is the Chief Justice through his Decree.

Apart from the Decree regarding the appointment of e-Court officers, the Chief Justice must also prepare a Decree regarding e-Court case costs. These cost components include:

- a. Registration fee
- b. PNPB power of attorney, and summons of the Plaintiff and Defendant
- c. Office stationery
- d. Costs of duplicating lawsuits for Defendants
- e. Defendant Summons x5 (mediation x2 and court summons x3) specifically for divorce cases x6)
- f. Duty stamp
- g. Editorial

The e-Court court costs decree does not include court summons costs for the Plaintiff, this is different from the Decree regarding retainer costs for other cases. The cost of this summons will be reduced if the Defendant then states his wish to litigate electronically.

2. Registrar

The Registrar has full responsibility for the process of cases submitted via eCourt. Whether or not the service at the e-Court desk runs smoothly, both during case registration and during the trial, is the responsibility of the Registrar. The clerk must be able to ensure that a copy of the decision handed down by the judge has also been sent to the registered electronic domiciles of the parties. Apart from that, the Registrar is also responsible for archiving cases, after the decision of the case has permanent legal force.

3. Junior Registrar of Claims and Petitions

The Junior Registrar of Claims and Petitions plays a role in recording and recording cases in Court information. This Junior Registrar is responsible for providing certainty regarding e-Court documents that will be tried. In the first stage, by his duties and responsibilities, the Junior Registrar is responsible for printing out all documents as part of the trial, both lawsuit files and application files.

4. Judge

The role of Judges in e-Court is very visible because e-Court which is based on PERMA Number 1 of 2019 has advantages from a trial point of view which is the Judge's area of authority. Judges can access e-court with the same username and password as accessing SIPP. After the case party submits an efilling lawsuit, pays the e-payment deposit, and an e-summon summons is made, the next process for the trial is carried out as usual. The role of judges in implementing e-court includes:

- a. As Chair of the Tribunal, you must know about the matters that fall under your authority after being determined by the Chair of the Court. This can be seen from the SIPP information system, that the person concerned receives case distribution in the form of e-Court.
- b. After receiving the case in the SIPP or physically, the Chair of the Assembly will input data on the Determination of Hearing Days in the SIPP as a means of ordering the Bailiff to summon the parties to the case.
- c. At the trial stage, the Chair of the Panel must explain to the litigants about the e-Court trial process.
- d. At the trial stage after Mediasa, the Chair of the Panel will emphasize the explanation regarding the e-Court examination of cases, with the hope that the Defendant/Respondent can also carry out the e-Court trial process.
- e. If the Defendant/Respondent states his willingness to carry out the trial process using e-Court, the Chair of the Panel is obliged to create a court calendar as a basis for determining the process and stages of the trial until the case is decided.
- f. The Chair of the Assembly is obliged to accept the documents received (answers, replicas, duplicates, evidence, conclusions) by accessing the menu and clicking on the menu available in the application. Then, the Chairman of the Assembly forwards the document to the other parties.
- g. The Chair of the Assembly is obliged to read out the decision and upload the decision to the available information system.

5. Substitute Registrar

The Substitute Registrar whose duty is to accompany the judge is obliged to record all activities at the trial electronically as outlined in the Minutes of Session. The Substitute Registrar must control communication and document traffic at the answer-answer trial as well as the evidence and conclusion stages. All documents that have been received by the Panel of Judges (via the e-court system), then the Substitute Registrar prints out the documents and puts them together in the case file. Likewise the decision, after the Chair of the Assembly reads the decision and uploads the decision to the information system.[9]

So, in this journal, we will discuss the obstacles in implementing the current e-court system as a form of realizing the vision of the Supreme Court and also as a form of realizing the principles of simple, fast justice and low cost.

2 Research Method

The research method that will be used in writing this journal is the legal research method with an empirical juridical approach. The juridical approach is an approach that will examine the elements of *das sollen* or norms by discussing the problems in this research using legal materials in the form of laws and regulations that are still in force in Indonesia. An empirical approach is an approach that will examine the reality or factual circumstances as *das sein* by examining what happens as a result of implementing a legal system.

3 Result and Discussion

3.1 Implementation of Justice in the Era of Technology, Information and Communication Development in Indonesia

In English, *Peradilan* is called judiciary, and in Dutch, it is called *rechtspraak*, which means every matter related to the state's duties in upholding law and justice.[10] it is called *rechtspraak*, which means every matter related to the state's duties in upholding law and justice. So the court is not the only forum that administers justice. The definition of justice as communicated by *Sjachran Basah*, is everything related to the task of deciding cases by applying the law, finding the law in *concreto* maintaining and ensuring compliance with material law, using procedural methods established by formal law.

In the Indonesian dictionary, *rectitude* is everything related to cases in court. In *Muhammad Daud Ali's* view, justice is a process of providing justice in an institution.[11] In *Subekti and Tjitrosoedibjo's* view, justice is everything related to the state's duty to uphold law and justice. The use of the term judiciary (*rechtspraak* or judiciary) refers to the process of providing justice to uphold the law (*het rechtspreken*), while the court is addressed to the body or institution that provides justice.

In the Arabic dictionary, it is called *qadha* which means to determine, decide, resolve, reconcile. *Qadha* according to the term is the resolution of disputes between two disputing people, where the settlement is resolved according to the provisions (laws) of Allah and the Messenger. Meanwhile, a court is a body or organization established by the state to manage or adjudicate legal disputes.

The General Court is a judicial environment under the Supreme Court which exercises judicial power for people seeking justice in general. General justice includes:

1. District Court

Domiciled in the district/city capital, with the legal area covering the district/city area. Other special courts specialize, for example: Industrial Relations Court (PHI), Corruption Crime Court (Tipikor), Economic Court, Tax Court, Road Traffic Court, and Children's Court.

2. High Court

Domiciled in the provincial capital, with the legal area covering the Province. Judicial institutions in Indonesia are divided into:

- a. The Supreme Court is the highest judicial institution in Indonesia; and
- b. Under the Supreme Court there are 4 judicial institutions. According to the fields handled, these fields are:
 - 1) General Court, consisting of District Court and High Court;
 - 2) Religious Courts;
 - 3) Military Justice; and
 - 4) Administrative Justice.

The District Court is a court that examines and decides criminal and civil cases daily. The district court is located in the district/city regional capital. The legal area also covers the district/city area. The district court's task is to examine, decide, and settle criminal and civil cases at the first instance and can provide information, considerations, and legal advice to government agencies in the region if requested. The high court is a court at the appellate level to examine cases and crimes that have been decided by the district court. The seat of the high court is in the provincial area. The high court has the following duties and authorities:

1. Try criminal and civil cases at the appeal level;
2. Adjudicate at the first and final level disputes over the authority to adjudicate between state courts in their jurisdiction; and
3. Provide information, considerations, and advice regarding law to government agencies in the region if requested.

In achieving justice in Indonesia in the era of technological development, information and communication have developed with the Blueprint for Judicial Reform 2010-2035. This is an effort by the Supreme Court to sharpen direction and steps in achieving the goal of renewing the judiciary. This aims to regain the trust of the community by introducing a more structured and measurable justice system. The Supreme Court also said that the problems faced in administering justice were that the process of carrying out cases took a long time, a lack of human resources, and a lack of trust from the public.

In facing the era of technological, information, and communication developments, the Supreme Court has Prepared the direction of modernization of the judiciary in the form of revitalization and transparency of the reporting system and providing comprehensive legal services. In its implementation, the dynamics of judicial digitalization can be seen with the existence of the Case Tracking Information System (SIPP) in 2014, the Quality Assurance Accreditation (APM) program in 2016, developing One-Stop Integrated Services (PTSP) and E-Court in 2018 and presenting e-litigation services in 2019. Apart from adapting to current developments, digitalization aims to realize the principles of administering justice. In studying the administration of justice in the era of digitalization, the parameters used are the principles of administering justice and policies related to E-Court.[12]

The judiciary in Indonesia applies simple principles. Under Law Number 48 of 2009, simple is a way of examining and resolving cases carried out effectively and efficiently. In Sutiarmo's view, the simple principle can be interpreted as examining and resolving cases that need to be done as clearly as possible so that they can be easier to understand and not be complicated.[13] Before the implementation of the e-court system, the trial process often faced delays due to the short trial agenda.[14] With an e-court system that provides sophisticated features, delays or delays in stages in the trial process can be minimized. Existing features include services for registering cases online, paying down payment fees for online cases, summoning parties, and conducting online trials. So that the parties do not need to come directly to court to carry out administrative proceedings from the judiciary.

The judiciary in Indonesia applies the fast principle. According to Sutiarmo, speedy justice can be interpreted as carrying out justice by paying attention to the period or period. In this case, speedy justice can be interpreted as the process of resolving cases without requiring a long time and delays. The principle of speed is also related to distance, space, and time in carrying out court proceedings. In the era of digitalization, the principle of speedy justice is still a legal problem. With the e-court feature, you can cut the administrative chain and judicial process. This can improve the way cases are handled via e-court. The number of cases registered in e-court is around 47,000 cases. Then, in 2020 the number of cases registered via the E-Court feature at the first level was around 186 thousand cases, then at the appeal level (from August 2020), there were 294 cases.

The increase in case registration indicates that the public believes that E-Court has saved time in court proceedings. However, even though the application of E-Court is progressing, when compared with the number of cases received by the Supreme Court and lower courts, the existence of E-Court still needs to be optimized. In 2019, for example, the total caseload received by the Supreme Court and lower courts was around 6.7 million cases. Meanwhile, in 2020 the total caseload received by the Supreme Court and lower courts was around 3.9 million cases. Before the implementation of the e-court system, the trial process often faced delays due to the short trial agenda.[14] Justice is carried out with low funding. Low costs are the costs of carrying out cases for the community in seeking a sense of justice. In the era of digitalization, the issue of financing is a problem for someone who is looking for a sense of fairness that is closely related to the duration of taking out a case. So, the longer the case continues, the more potential there will be for the emergence of greater financing.

3.2 Implementation of the E-Court System in Realizing the Principles of Simple, Fast, and Low-Cost Justice

In Article 1 paragraph (3) of the 1945 Constitution, it is stated that: "Indonesia is a rule of law country". This provision can be interpreted to mean that in the administration of state government and national development, it must be based on law and must not deviate from established legal norms. Apart from that, there is legal certainty for citizens, in the life of society, nation, and state. Legal certainty is central to the ideals of a legal state. Legal certainty means that all applicable laws or regulations must be applied precisely and predictably. This means that when laws or regulations are passed it is to convey a certain purpose. Legal certainty is one of the relevant principles in a rule of law to protect individual citizens from state power. Based on this law, everyone must be able to regulate their behavior and actions according to the law in a definite way.

Legal rules, both written and unwritten, contain general rules that serve as guidelines for individuals to behave in society and serve as limits for society in burdening or taking action against individuals. The existence of such rules and the implementation of these rules give rise to legal certainty. So it can be concluded that normative legal certainty is when a regulation is made and promulgated with certainty because it regulates clearly and logically, so that it does not give rise to doubt (multiple interpretations), is logical, and has predictability. Legal certainty is a situation where human behaviour, whether individuals, groups, or organizations, is bound and within the corridors outlined by legal rules. The principle of legal certainty is needed in the creation of statutory regulations because legal certainty is the main principle of various principles of legal supremacy.

The law must provide a sense of certainty so that there must be certainty in the general rules that are binding in people's lives. Legal certainty is needed because laws in the form of laws or unwritten laws have the substance of general regulations that can be used as a basis for doing something in relations between communities so this can be used as a limitation for people in doing something to other people. The definition of legal certainty includes the existence of general rules to enable the public to gain knowledge of what actions are permitted or prohibited, and also a sense of legal security for the public from an arbitrary government due to the existence of general regulations so that the public can know what is can be done by the state for the community.[15] Legal certainty as one of the goals of law can be said to be part of efforts to realize justice. The valid form of legal certainty is the implementation or legal enforcement of an action regardless of who carries it out. With legal certainty, everyone can predict what they will experience if they take certain legal actions. Certainty is needed to realize the principle of equality before the law without discrimination.

Article 2 section (4) of Law Number 48 of 2009 concerning Judicial Power, it is emphasizes that administering justice in Indonesia must be based on the principles of simple, fast, and low-cost justice. Fast is a judicial process that does not take a long time. Simple means examining and resolving cases that are carried out effectively and efficiently. According to Amir Hamzah, the judicial process starts from the arrangements, institutions, and methods of conducting events by carrying out the stages of conducting a case in court, it cannot be said only from the beginning when the judge starts examining the case until deciding on a decision, but it starts from registering it.[6] In creating and implementing the principles of simple, fast, and low-cost justice, a breakthrough is needed in overcoming obstacles that occur in the procedural process. So with the rapid development and development of technology, administrative services in court cases will have the effectiveness and efficiency that is required in every court. So electronic case administration services emerged, namely in the procedural stages of carrying out court proceedings which were carried out online through a system called e-court.

In realizing the principles of simple, fast, and low-cost justice, the judicial process will include several features in the e-court system, including registering cases online, paying deposit fees online, summoning several parties online, and online trials as regulated in the Supreme Court Regulations. Number 1 of 2019 regarding Electronic Administration of Cases and Trials in Court to provide legal certainty to people who seek justice because the law is sometimes uncertain to be accepted by the public. Registering cases online has the advantage of being able to reduce the estimated time and costs involved in registering a case in court, and the amount of funding that can be paid through several payment methods, existing files can also be stored properly so that they can be accessed in all places and via several media, as well as mechanisms for return meetings can be recorded quickly. Cases that can be registered are petitions and lawsuits. So the interesting thing about implementing e-court is the existence of electronic

domiciles and virtual accounts. Emails that have been given recognition by the judiciary are emails that have been registered, verified, and validated by the system. The email used when registering the account must be a valid and active email because when activating the account, the email will appear and the electronic domicile will appear.

The power of attorney is registered by uploading it before registering the case. After that, fill in the data of the parties, which consists of the domicile or place of residence of both the plaintiff and the defendant. Then select the province, district, and subdistrict. So that once it is complete the down payment fee can be estimated according to the radius of each court area, as decided by the head of the court. At the stage of uploading the lawsuit file in the form of an electronic file or electronic document, the agreement of the parties must also be uploaded, to continue in the process of issuing the electronic scum. This e-sum is an electronic file which is an initial range of case costs calculated according to the number of parties and distance, as well as the costs of conducting an examination, adjudicating, and deciding the case.

Electronic files will be managed comprehensively and adhere to protocols for managing these files. If there is a violation committed by a registered user regarding the prerequisites and conditions for using electronic case administration services, the user will be given sanctions in the form of a warning or temporary and permanent termination of access rights by Article 7 of Supreme Court Regulation Number 1 of 2019 concerning Administration Electronic Cases and Trials in Court. After the uploading and uploading of electronic documents, registered users are given details of down payment fees in the form of e-skum which is generated automatically by the system. Furthermore, registered users will receive a virtual account to pay court fees. After making a payment, registered users wait for data validation from the court. Verification and validation of the data will be sent via electronic information which will later be sent via electronic domicile. After the court has finished validating the registration, the system will send an electronic notification to the registered user containing the verification date, payment status, completeness of files, and registration number. Having a case registration number indicates that the case registration stage has been completed, then wait for a summons from the court electronically. Registered users will be given information electronically and detailed amounts of down payment fees that must be paid.

Until now, there are still many courts that have not implemented e-courts and defended their existence in resolving cases conventionally because not all stages in examining cases are carried out online in the examination and proof stages. In Article 25 of the Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Electronic Trials, it is explained that the evidentiary procedure can be online with conditions agreed by the parties, and its implementation must be supported by facilities and infrastructure that can be said to be adequate. The existence of these two articles can harm the principle of legal certainty as described above. A definite law is a law that is consistent with all the rules that have been established. However, in practice, there are two rules governing the evidentiary process at trial. Thus, the consistency of Supreme Court Regulation Number 1 of 2019 concerning Administration and Electronic Trials is questionable. E-court also regulates electronic signatures, as explained in Article 26 of Supreme Court Regulation Number 1 of 2019 concerning Administration of Electronic Cases and Trials which explains that decisions or decisions are realized in the form of copies of electronic decisions or decisions that are signed electronically regarding information and electronic transactions.

3.3 Barriers to Implementing an E-Court System

In implementing the e-court system to realize the principles of justice in a simple, fast, and low-cost manner, obstacles are often encountered. There are inhibiting factors. These factors include that carrying out trials electronically is still relatively closed and not yet open to the public because only a few parties who own the case can participate in the proceedings. Another factor is that society is still less prepared to use technology and face the digitalization process. The development of technology, information, and communication has led to the widespread use of the internet today in various groups of society. However, many people today still do not know and use the developing technological systems and use the internet which is very crucial in the life of the country. One of them is that the implementation of e-court can make it easier to obtain legal services for people who are looking for a sense of justice.

The lack of facilities and infrastructure, such as an unstable internet network for the implementation of electronic trials, is also one of the factors hindering the implementation of e-courts. Apart from that, there are network obstacles during peak hours so the Supreme Court server often experiences server downtime. It is not uncommon for the server to go down and the e-court cannot be accessed, therefore it is necessary to re-login repeatedly. Other things, such as the limited number of courtrooms that have teleconference devices, also hinder the trial process because the electronic trial process cannot run well. Apart from that, with several obstacles that occur in using the e-court system, the community, and government are required to understand and implement the e-court system as an embodiment of the regulations that have been established so that the community and government must obey and surrender to the applicable regulations.

The e-Court system at the court in segmentation creates efficiency in the process of electronic case administration services at the court to assist justice seekers in collecting case files that are considered important in the court process. Apart from that, the e-Court system in court, although there are still some obstacles in the e-Court process, overall the use of e-Court is quite satisfactory because people can quickly or easily register lawsuits outside the Court, unlike in the past where they had to register lawsuits in court. Courts, now you only need to open the e-Court application and you can immediately register. In terms of legal structure, the focus of the discussion that will be studied is institutions, law enforcement, and performance patterns. Institutionally, the parent for the implementation of E-Court is the Supreme Court which then applies to the courts below it. In this era of digitalization, the legal structure is still a matter of polemic.

Currently, facilities and infrastructure are a crucial aspect for optimizing E-Court because if they are not adequate it will have implications for not fulfilling social justice. The problem of fulfilling infrastructure can be seen from the absence of a document control system based on the SIPP application, the lack of access to case resolution in court, and the distance and reach of reaching judicial institutions. After the presence of the E-Court, the legal culture in litigation has certainly experienced a new transformation. Based on the data presented in the first subdiscussion, the use of E-Court has increased. This means that the public and law enforcers are getting used to living side by side with the E-Court. However, the legal culture for the implementation of E-Court must remain optimized considering that the number of cases received each year increases to millions. In terms of legal facilities and infrastructure, Ogus said this was related to the elements used for selection and adaptation efforts when considering regulation. According to John in Bwalya and Zulu, legal infrastructure is a series of processes, documents, and information systems such as the Internet that are useful for facilitating the

function of a particular legal system. In this article, the legal infrastructure that will be studied is the facilities and infrastructure in administering justice through E-Court.[16]

According to the author, the E-Court foundation contained in several regulations has several critical notes, first, Supreme Court Regulation Number 1 of 2019 does not fully accommodate the need for online trials. The lack of harmony in procedural procedures between Supreme Court Regulation Number 1 of 2019 and procedural law has caused polemics regarding the validity of the trial process. The presence of this regulation as a whole focuses on criminal cases only and does not address the issue of trials being open to the public. Second, the presence of SEMA Number 1 of 2020 is a positive attitude in adapting to life amid a pandemic. However, SEMA Number 1 of 2020 does not guarantee that it will apply continuously considering that the challenges of online justice are not only during the pandemic. Therefore, this is a normative juridical weakness in E-Court regulations.

4 Conclusion

The application of e-court in realizing the principles of simplicity, speed, and low costs can be implemented through several features contained in the e-court system, such as case registration, payment of down payment fees, summoning of parties, and the process of answering answers in court. However, several things have not been realized in this regulation, such as preparatory and evidentiary examinations which cannot be carried out via e-court and must be carried out conventionally as regulated in the procedural law. There is an electronic domicile as a legal domicile and a virtual account as an electronic account as well as an electronic signature which can only be done by the Registrar when taking a copy of the decision. This is to make it easier for the public to resolve their cases at the door of the court. The obstacles in implementing the e-court application are that electronic trials are still relatively closed because they can only be accessed by the parties, there is still a lack of facilities and infrastructure as well as human resources, and the public is not ready to use technology (e-court). So, the court is expected to complete all needs in the electronic trial process and others, both in terms of facilities and infrastructure, to realize perfection in the e-court system. Apart from that, the court is expected to carry out outreach or provide understanding to the public regarding the importance of the e-court system in realizing the judicial process by Supreme Court Regulation Number 1 of 2019 concerning Electronic Case and Trial Administration.

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