



## Implementation of electronic civil case settlement in Karanganyar district court

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### Abstract

Courts in Indonesia adhere to the principle of Containe Justice or the principle of simple, fast and low cost justice. The electronic court (e-Court) system service is regulated in Supreme Court Regulation Number 3 Year 2018 which was later revoked and refined with Supreme Court Regulation Number 1 Year 2019. Based on this, this research aims to find out how the effectiveness of e-Court in the settlement of civil cases and to find out the obstacles experienced by Karanganyar District Court in implementing e-Court. The research conducted by the author uses the type of field research (field study). The approach used is juridical-normative, where law is conceptualised as what is written in legislation or law as a benchmark for human behaviour. The method of data collection was by means of literature and interviews.

It is concluded that the implementation of e-Court in Karanganyar District Court, the e-Court has fulfilled the indicators and from the scope of e-Court has been running well in Karanganyar District Court so that it can be said to be effective. And for the obstacles experienced by the Karanganyar District Court in implementing e-Court, namely other users who are clueless, network disruptions to operate e-Court are weak, there are interruptions when making payment of fees, lack of direct socialisation, and system improvement problems, slowly these obstacles have been overcome.

**Keywords:** E-Court, Implementation, PERMA

### Introduction

When initially launched, there were only three types of new electronic functions, namely: to register lawsuits online (e-Filing), to submit summons/notifications for hearings electronically (e-Summons), and to pay court fees electronically (e-Payment). After a year of running, Supreme Court through Chief Justice of Supreme Court, E-Litigation on e-court was launched at Jakarta Supreme Court building on August 19 2019, coinciding with the 74th anniversary of Supreme Court, which is regulated in Republic of Indonesia Supreme Court Regulation (hereinafter referred to as PERMA) Number 1 of 2019 concerning Electronic Case and Trial Administration in court (Jazil Rifqi., 2020)

This electronic case settlement is based on PERMA Number 1 of 2019 concerning Electronic Case and Trial Administration in court. With the existence of PERMA Number 1 of 2019, there are at least three new things regulated in PERMA, namely: the addition of electronic trial menus and functions (e-litigation), the addition of e-court desk and the use of electronic signatures (digital signatures). The principle of simplicity, speed and low costs is the basis of judicial process in Indonesia. The existence of this principle certainly requires that case examinations and judicial processes be carried out quickly, without convoluted processes, and at low costs or could be borne by legal subject. This principle is very important because it aims to ensure legal objectives, that is justice, benefit and legal certainty. The principles of simple, fast, and low costs underlie the implementation of cases at first level, appellate-level court, and Supreme Court, where implementation in judicial process begins from the time parties register the case in court until the execution of the decision. (Sari, 2019).

Existence of electronic hearings was determined by Supreme Court through PERMA Number 1 of 2019 to facilitate the procedural process through e-Filing applications (online case registration), e-payment (electronic payment of litigation fees), e-summons (electronic court summons), and e-litigations (electronic trials).

### Material and Methods

Reformation carried out by Supreme Court to improve administrative services are proven by the launch of Electronic Court (E-Court) system service to fulfill the principles of simple, fast and low-cost justice. (Khoiril Majid *et al.*, 2019) Which is regulated in PERMA Number 3 of 2018 concerning Electronic Administration in Courts which was later revoked and refined by PERMA Number 1 of 2019 concerning Electronic Case and Trial Administration in court. Therefore not only case registration can be done electronically but trials can also be done electronically. (Retnaningsih *et al.*, 2020).

Definition of e-Court is a court instrument as a form of service to the public for online case registration (e-Filing), online payment of fees (e-Payment), online summoning of parties (e-Summons) and trials conducted online (e-Litigation). (E-Court, 2023)

1. Simple, fast and low cost principle.
2. Electronic Implementation at Karanganyar District Court in Civil Cases Settlement
3. Electronics Effectiveness of at Karanganyar District Court in Civil Cases Settlement
  - a. Online Case Registration (e-Filing)
  - b. Online fee down payment (e-Payment)
  - c. Electronic Summons (e-Summons)
  - d. Electronic trial (e-Litigation)

Definition of simple, fast and low cost principle according to Law Number 48 of 2009 concerning Judicial Power, what is meant by simple is that the examination and resolution of cases is carried out in an efficient and effective manner that is not complicated. What is meant by fast is that the resolution of the case in a short time does not protracted. Meanwhile, low costs are case fee that can be afforded by community. (Article 2, paragraph (4)).

Based on research results described by the author, application of e-Court at Karanganyar District Court in resolving civil cases has been running since the issuance of PERMA Number 3 of 2018 concerning electronic administration of cases in court which was later revoked and refined with PERMA Number 1 of 2019 concerning Electronic Case and Trial Administration in court.

The author analyzes that Karanganyar District Court has implemented e-Court since the issuance of PERMA No. 3 of 2018, with the existence of PERMA, the scope of e-Court is only limited to case administration such as e-Filing, e-Skum, e-Payment and e-Summon. However PERMA Number 3 of 2018 was later replaced by PERMA Number 1 of 2019 which refined PERMA Number 3 of 2018 specifically relates to online trials. With the enactment of PERMA Number 1 of 2019, the scope of e-Court is not only limited to case administration but also concerns electronic judicial proceedings or what is known as e-Litigation. Based on Article 1 number 7, Electronic Trial is a series of processes for examining cases by a court which is carried out with the support of information and communication technology.

The urgency for Supreme Court to issue PERMA Number 3 of 2018 is due to developments in the era of Revolution 4.0 where there has been a leap in progress towards technology, all matters are resolved more quickly and practically via internet, in dealing with this requires more effective and efficient administration and trial services in court. Furthermore, when the Chief Justice of Supreme Court visited Industrial Relations Court in the city of Mecca, the judicial practice there had used electronics from case registration to the reading of decisions and the court no longer used paper. Therefore, Supreme Court issued PERMA Number 3 of 2018 which was later refined with PERMA Number 1 of 2019. (Suadi, 2019, pp. 57-58).

Based on research result described by the author, the effectiveness of e-Court at Karanganyar District Court in settlement of civil cases to realize the justice principles of simple, fast and low-cost has been implemented effectively in all services starting from e-Filing until e-Litigation. Based on this, the author analyzes that indicators of legal effectiveness according to Soerjono Soekanto are determined by 5 (five) factors, namely: (Soekanto, 2014, p. 8).

### 1. Legal Factors

Law referred to is a written law or regulation that is generally applicable and made by the government. In this research, the basis for the existence of e-Court is PERMA Number 3 of 2018 which was later revoked and replaced with PERMA Number 1 of 2019. With the existence of this PERMA, juridically, it is in accordance with Law Number 48 of 2009 concerning judicial power, sociologically appropriate with community needs, and philosophically in accordance with the principle of *containe justice* or the principle of simple, fast and low-cost justice.

The legal factors are fulfilled by the existence of this PERMA, because apart from being binding for Supreme Court and judicial bodies under it, including Karanganyar District Court, it also binds other people as long as they deals with Supreme Court.

### 2. Law Enforcement Factors

Law enforcers on the one hand apply legislation and on the other hand exercise discretion in certain circumstances. (Soekanto, 2014, p. 28) Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcement officers. The mentality of Civil law enforcers at the Karanganyar District Court, namely judges and legal advisors, is good and able to apply e-Court well, that can be proven from the results of interviews conducted by researcher.

Therefore the law enforcement factor has been fulfilled, because law enforcement factors from Karanganyar District Court, such as judges and lawyers, have implemented PERMA in case settlement, starting from online case registration (e-Filing), online payment of down payment (e-Payment). ), electronic summons (e-Summons) and electronic trial (e-Litigation).

### 3. Facility factors that support law enforcement.

Supporting facilities include software and hardware. According to Soerjono Soekanto, law enforcers cannot work properly if they are not equipped with proportional vehicles and communication equipment.

Based on the results of this research, researcher concluded that Karanganyar District Court's facilities and infrastructure support law enforcement in implementing e-Court.

### 4. Community Factors

Community factor referred is the public's awareness of complying with statutory regulations or in other words the degree of compliance, namely high, medium or low legal compliance. The degree of community compliance with the law is an indicator of the functioning of a law.

Apart from the opinions described above, the level of compliance of Karanganyar community with PERMA Number 1 of 2019 can also be proven by the level of use of e-Court to civil cases settlement, where all parties who register have registered their cases via e-Court (apart from parties who are abroad) because in the e-Court system there are no overseas addresses. The following is a summary of the registration of civil cases at Karanganyar District Court.

### 5. Cultural Factors

Culture basically includes values that underlie applicable laws, values which are abstract conceptions of what is considered good (that adopted) and what is considered bad (that avoided). Today's societal culture supports the existence of e-Courts, this is due to developments of technology that leads to 4.0, Nowadays electronic in life is a primary need, for example smartphones with its ease of technology make people aware of technology and not technologically ignorant.

The culture of our society is still an old culture, meaning that use of technology is still lacking, and people do not fully understand it. They have not been able to understand that registration is no longer like in the past, now using e-courts which can be done at home, but it has not yet taken root in society because it is new. To change this cultural

pattern, the role of the court is to provide guidance to people seeking justice that courts are no longer like in the past, case registration does not have to be registered by going to the court. After socialization, old culture was not immediately abandoned, but at least society could be directed in a new way and slowly the old culture can be unused.

Old culture must slowly be changed. The court helps justice seekers to change the old manual culture by assisting parties in registering by creating an account/email for justice seekers. With that court at the same time socialize that old manual culture is no longer used, because the demands of using applications.

Researchers conclude that old culture can slowly be changed, because some justice seekers give competent authority to advocates, where advocates are obliged to use e-Court. In addition to change old culture for other users beside registered users or advocates it can be done by providing services e-Court Corner to help other users register their cases via e-Court.

### Conclusion

Implementation of electronic civil case settlement can be seen from the implementation in scope e-Court at Karanganyar District Court to handle civil cases which has been implemented quite well. This data can be seen based on case data that carries out local examinations. Legal force of local examination is *Vrij bewijskracht* or free evidence assessment, everything is left entirely to the panel of judges. In working efficiently and being able to apply the principles of simplicity, speed and low cost. Justice and considering indicators of whether the law is effective or not as stated by Soerjono Soekanto has five indicators, namely legal elements (law contained in PERMA Number 1 of 2019 has fulfilled legal, sociological and philosophical requirements), law enforcement factors (judges and lawyers who implement e-courts), physical facilities and supporting facilities (software and hardware), community factors (society awareness of compliance with law) and cultural factors (related to habits of court employees and users who switch from manual to online mode) due to current development needs which require more efficient and effective justice system and if seen from the indicators of Lawrence M Friedman's effectiveness theory, there are 3 (three) factors, namely Substance (the content of regulatory standards contained in PERMA Number 1 of 2019 is effective because it fulfill legal, sociological and philosophical requirements), structure (including law enforcement institution, especially judges and advocates), culture (culture related to legal culture, the culture of law enforcement institution, judges and lawyers have shifted from manual operations to completely online operations due to necessity currently developing which requires more efficient and effective justice system. All indicators of legal effectiveness put forward by Soerjono Soekanto and Lawrence M Friedman are fulfilled, so it can be said that PERMA Number 1 of 2019 has been effective in civil cases settlement by applying the principles of justice simply, quickly and cheaply.

Obstacles faced by Karanganyar District Court in implementing e-courts are other users who do not understand technology, problems with weak internet networks to operate e-courts, disruptions in deposit payment deadlines, lack of socialization and direct problems with system improvements. Due to these obstacles, Karanganyar

District Court always tries to overcome these obstacles, such as dealing with other users who don't know anything about technology, there is already a solution for users without email, this is proven by the existence of e-Court Corner to help people create email and save folders, solution for weak network by increasing internet capacity, and solution for power outages problem by having a generator which is an aid that supports the electronic justice process. There is also a solution to payment problems by filing directly with the court.

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