



DIGITAL RESOLUTION ON JUDICIAL LAW: IMPLEMENTATION OF E-COURT SYSTEM IN PEMALANG RELIGIOUS COURT

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Abstract

This study reviews the implementation of the e-Court system in 2020-2021 at the *Pemalang Religious Court*, besides also evaluating the application of the e-Court system based on Lawrence M. Friedman's legal system theory. The method applied in this study is a qualitative method of looking at social phenomena which collects and analyzes data in the form of interviews, documents, reports, laws and regulations and books to understand these phenomena. The results showed that there were 745 e-Court cases filed at the Pemalang Religious Court in 2020-2021 out of a total of 5,122 cases in total. In 2021 until March there were 312 e-Court cases filed. However, only about 8 cases of this number reached the trial stage. With regard to the analysis of the legal system of the implementation of the e-Court system by referring to Lawrence M. Friedman's theory, the legal structure governing the implementation of the e-Court system is considered successful in carrying out its functions during the trial process, despite experiencing obstacles related to registered users who have not been fully able to operate the e-Court system, while from the substance of the law, the regulations governing the e-Court tends to have shortcomings. When viewed from the perspective of legal culture, the knowledge of the people of Pemalang Regency about the judicial process through e-Court is still very limited.

Keywords: *E-Court, Pemalang Religious Court, Legal System*

A. Introduction

The rapid transformation of information technology has changed the way humans live their lives in various sectors, including in Indonesia, and this has resulted in changes in legal action, while accompanied by the making of regulations as applicable law. As the highest institution in Indonesia's judicial system, the Supreme Court continues to be committed to providing

fast, simple, and affordable services to those seeking justice. This effort includes providing digital case administration and conducting trials electronically through the e-Court system, as described in Supreme Court Regulation Number 1 of 2019 concerning



Electronic Administration of Cases and Trials in Court.¹

Such as the Pemalang Religious Court, which acts as a judicial institution in the jurisdiction of religious courts to handle civil cases of Muslim individuals in the Pemalang area, has also presented and implemented case management services and the course of hearings digitally through the *e-Court system*.

Pemalang Religious Court is included in the second group in terms of the number of significant cases in 2020 in the jurisdiction of Pekalongan, with a total of 5,122 cases.² Pemalang Religious Court began implementing the *e-Court* system after socialization in September 2018, with electronic case administration starting in

January 2020, and electronic trials in March 2020.³ Although around 6,548⁴ cases were filed between 2020 and March 2021, only 1,057 cases implemented the e-Court system *and only 8 cases reached the e-litigation stage*. Interestingly, *e-Court* users mostly come from outside the jurisdiction of the Pemalang Religious Court⁵, indicating that the implementation of electronic cases there is still limited, with the majority of users coming from outside the region.

The results of interactions with Judges and Employees at the Pemalang Religious Court show the factors that have an impact on the *e-Court system*. Obstacles involve internet connection problems that often experience interference and are slow.⁶ In addition, until now, the Pemalang Religious

¹ Amran Suadi, *Civil Procedure Law Reform in Indonesia*, Prenadamedia, Jakarta, 2019, pp. 52-53.

² <https://www.pta-semarang.go.id>. Retrieved July 2, 2021.

³ <https://www.pa-pemalang.go.id>. Retrieved 13 April 2021.

⁴ <https://www.pa.pemalang.go.id>. Retrieved January 12, 2021.

⁵ Interview with M.A.S (Lawyer) in Pemalang Regency, April 15, 2021.

⁶ Interview with K (Pemalang Religious Court Judge), dated March 22, 2021.



Court has not presented a payment option through banks that have been registered at the One-Stop Integrated Service (PTSP) counter for the e-Court system, *and the implementation of the e-Court system is still in its early stages, requiring other alternatives to facilitate its use. Other challenges include the disagreement of the Defendant and Plaintiff to proceed with the case electronically, in addition to the incomprehension of users and parties involved in litigation about the use of the e-Court system, there are several positive aspects that support, such as the obligation for registered users (Advocates) in Pemalang Regency to have an e-Court account, and Pemalang Religious Court employees have comprehensive knowledge of e-Court applications.*⁷

Therefore, the author intends to examine in more depth the implementation of *e-Court* in Pemalang Religious Court by referring to Lawrence M. Friedman's theory of legal system, which includes legal structure, legal substance, and legal culture.

B. Problem Statement

Based on the above background, the following research questions can be formulated:

1. What is the process of implementing the *e-Court system* at the Pemalang Religious Court?
2. How is the assessment of the implementation of the *e-Court system* in the Pemalang Religious Court in Lawrence M. Friedman's theory?

C. Research Objectives

The purpose of this study is to gain an understanding of the implementation process

⁷ Interview with H (e-Court Desk Officer of Pemalang Religious Court), dated March 22, 2021.



of the *e-Court system* in the Pematang
Religious Court and evaluate its
implementation based on Lawrence M.
Friedman's theory.

D. Research Methods

This paper uses a type of empirical
research with a qualitative approach. This
approach is used to analyze social
phenomena related to the use of the *e-Court*
system in the Pematang Religious Court. To
support this research, primary data is in the
form of direct interviews with related parties
and secondary data derived from various
sources such as books, reports, and journals
related to the research topic.

E. Research Results and Discussion

1. Implementation of *e-Court System* in Pematang Religious Court

The Pematang Religious Court
began the implementation of cases
digitally on September 20, 2018, as a
follow-up to Supreme Court Regulation
Number 3 of 2018 concerning Electronic
Administration of Cases in Court. Initial

socialization is carried out by judges and
employees in the main courtroom.
However, the electronic trial that was
actually conducted through the *e-Court*
system occurred on March 23, 2020 in the
divorce case, with the plaintiff represented
by advocate Eko Kusworo Nugroho, S.H.
Sigit Prakoso, S.H. and attended by Drs.
Karyadi as the chairman of the panel
handling the case.

The Pematang Religious Court
recorded 1057 cases in the application of
the e-Court from 2020 to 2021 in March,
consisting of 997 lawsuits and 60
applications, then about 8 cases reached
the trial stage.

The obstacles in implementing the
e-Court system in the Pematang Religious
Court are:

- a. According to Employees and
Judges, the obstacle in using the
electronic court system at the
Pematang Religious Court is the
imperfection of the system which
often experiences interference and
has problems with slow
connections.
- b. Have not arranged the cashier
service at the service counter to



make payments through banks registered in the e-Court system at the Pematang Rejang Religious Court.⁸

- c. Lack of information provided to the public and users regarding the *e-Court system*.

Aspects of Ease in implementing the *e-Court* system in Pematang Rejang Religious Court:

- a. Lawyers who become Registered Users are required to register an account on the *e-Court system*.
- b. Employees are familiar with the instructions for using the *e-Court system*.

2. Implementation of the *e-Court system* in Pematang Rejang Religious Court based on Lawrence M. Friedman's theoretical concept

According to Lawrence M. Friedman, in an effort to create an efficient legal system, attention is needed to the following components:

- a. Legal Structure: This section, it is important not to neglect two elements, namely legal facilities and

infrastructure, which include complete facilities to facilitate the tasks of law enforcement and law enforcement officers or law enforcers. The Pematang Rejang Religious Court does not yet have adequate connectivity, both in the case registration process and in the implementation of electronic trials. While law officers who implement the *e-Court* system at the Pematang Rejang Religious Court still need to improve their experience in handling cases electronically and registered users (Advocates), they still have difficulty operating the system properly.⁹

- b. legal substance, with reforms in material law, formal law and implementing law. In this context, the legal substance of the *e-Court* system has been regulated through Supreme Court Regulation of the Republic of Indonesia Number 3 of 2018 concerning Electronic Administration of Cases in Court,

⁸ Interview with S (Lawyer in Pematang Rejang), April 19, 2021.

⁹ Interview with K (Judge at Pematang Rejang Religious Court) dated May 1, 2021.



then continued with the issuance of Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials as an improvement to the previous regulation. Supreme Court Regulation Number 1 of 2019 as a complement to the previous Supreme Court Regulation, in its content, namely article 1 paragraph 3, does not fully explain electronic residence because it only states that electronic residence is an electronic address that has been verified, without including a telephone number such as Supreme Court Regulation Number 3 of 2018. Then in article 27 it is stated *that "Trials conducted electronically carried out through the Court Information System on the public internet network have legally fulfilled the principles and provisions for the public in accordance with laws and regulations"*, the researcher feels that the use of the phrase "trial is open to the public" is not appropriate, because some special processes, such as the examination

of divorce cases in religious civil proceedings are carried out by closed. In the process of reconciling the parties that occurs in *e-litigation*, it only involves sending documents from the parties to the judge according to a predetermined schedule, without any direct mediation efforts between the parties during the trial process. So it can be said that some articles in Supreme Court Regulation Number 1 of 2019 still have bias, lack of firmness and are incomplete which can raise doubts for those who implement them.

- c. Legal culture, including renewal in the moral aspects of perpetrators and legal education related to public services. In the trial of religious officials in Pematang Rejang Regency, almost all processes still use manual methods, this can be seen from data from 2020 to 2021 in March, there are only 8 cases that have reached the stage through *e-litigation*. This indicates a lack of public understanding about the process of



conducting events using electronics due to the absence of socialization.

F. Conclusion

In 2020 the Pemalang Religious Court introduced the *e-Court* system for the first time. In that year there were 745 cases filed and an increase in the following year, but only 8 cases reached the electronic trial stage. In the context of Lawrence M. Friedman's legal system theory, the first aspect that needs to be considered in the implementation of the *e-Court* system at the Pemalang Religious Court is the legal structure as the organizer of this system can carry out its duties properly during the event, but some registered users still face difficulties in operating this system. In terms of legal substance, this regulation is still incomplete and in the aspect of legal culture, public knowledge about the proceedings in the Court is still limited.

Suggestion

It is recommended to the next researcher to carry out development in this study, especially in reviewing the system *e-Court* in review of Islamic law.

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