Constraints in the Implementation of E-Court in the Case Settlement Process (PMH) at the Sidoarjo District Court

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Abstract

The development of information technology affects the ease in all human activities, everything can be solved quickly and practically through technology. It does not only affect the social aspect, but also the legal aspect and brings changes in the process of implementing the law from conventional to digital/electronic. E-court is an instrument as a form of implementation of the use of information technology from the Supreme Court of the Republic of Indonesia which is implemented to help facilitate tasks in the judiciary where the implementation of technology and information is now used in case administration and court proceedings as stated in Perma No. 1 of 2019 concerning Electronic Case Administration and Trial in Court. E-Court applies within the scope of District Courts, Religious Courts, and State Administrative Courts with the types of cases namely Civil, Religious Civil Cases, State Administrative Cases, Military Administration. The implementation of E-Court is considered to help facilitate the process in court because E-Court itself is the latest breakthrough from the Supreme Court of the Republic of Indonesia which is aimed at realizing a more modern, effective and efficient judicial system. However, in practice the services in E-Court have not been fully implemented because there are obstacles in their implementation. This study is used to find out and analyze what are the obstacles in the application of e-court, especially in resolving the PMH case at the Sidoarjo District Court, then efforts to deal with the obstacles that arise from the application of e-court in the settlement of the PMH case. This type of research is a type of empirical juridical research that uses qualitative methods to obtain descriptive data, which data can be obtained through observation, literature study, and interviews.

Keyword: E-Court, PMH, Constraints, Sidoarjo District Court

I. Introduction

The development of Information Technology affects the case in all human activities, everything can be solved quickly and practically through this technology. Not only in the social aspect, but also in bringing about changes in the process of implementing the law. Initially, the court system in Indonesia processed a case that was submitted using a manual/offline system, namely by registering the case directly with the Registrar of the District Court. Then later the competent District Court will process the incoming dispute in accordance with the flow of case examination contained in the legislation.

However, with the times, there has been a revolution in changing the manual court system to an electronic court system or commonly referred to as E-Court. The idea of using information technology for judicial tasks is currently growing rapidly towards Electronic Courts (ecourt), where information technology is utilized in case administration and the implementation of procedural law. This is marked by the birth of

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various regulations and regulations that underlie this transformation as well as changes in several law enforcement patterns from conventional to digital/electronic.¹

In 2018, an idea was formed from the Judiciary Institution to implement a case digitization technology using the help of an application called E-Court or Electronic Court which aims to facilitate the parties who are litigating within the court in the process of resolving their cases. This idea was finally realized with the enactment of Supreme Court Regulation (PERMA) Number 3 of 2018 concerning Electronic Court Case Administration which was later no longer valid after Supreme Court Regulation (PERMA) Number 1 of 2019 concerning Electronic Case Administration and Trial in Court as a form of refinement to the previous perma.

E-Court is a service provided by the Supreme Court of the Republic of Indonesia that applies within the scope of District Courts, Religious Courts, and State Administrative Courts and Military Administrative Courts with the types of cases namely Civil, Religious Civil Cases, State Administrative Cases, Military Administration and is intended for registered users for Online Case Registration, Getting Online Case Cost Estimates, Online Payments, Summons made by electronic channels, and Courts conducted electronically.²

E-Court is currently being implemented in several courts, one of which is the General Court with the number of active e-litigation services (382 out of 382) and the number of active e-court services (382 out of 382). The existence of an electronic court or E-Court aims to provide convenience to justice seekers in terms of performance ranging from case registration, summons and also the conduct of the trial. In addition, this E-Court also affects the effectiveness and efficiency of the litigation settlement process, so that not much time is wasted and not a lot of costs are incurred during the case process because the litigating parties do not need to go directly to court but can be accessed remotely.

By carrying out the case settlement process through the E-Court, it is hoped that both the administrative process and the conduct of the trial can facilitate the parties in

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litigation, besides that it can create a simple court process that can realize the meaning of time efficiency so as to speed up the trial process and not cause a buildup of cases. and is expected to be able to realize low costs because the litigants do not need to go directly to court but can be accessed remotely and can be done in a flexible place.

As is the case with the Sidoarjo District Court, where the Sidoarjo District Court is one of the District Courts that has implemented the Electronic Court system or E-Court as a form of application to PERMA Number 1 of 2019 concerning Case Administration and Electronic Court Trials. One of the cases processed through the E-Court system is civil cases regarding unlawful acts or commonly abbreviated as PMH. This PMH is one of the most registered cases or handled by the Sidoarjo District Court.

Basically, by carrying out the case settlement process through the E-Court, it is hoped that both the administrative process and the conduct of the trial can facilitate the parties in litigation, besides that it can create a simple court process that can realize the meaning of time efficiency so as to try to speed up the trial process in PMH cases. and does not cause a buildup of cases and is expected to realize low costs because the litigants do not need to go directly to court but can be accessed remotely and can be done in a flexible place.

However, in reality, the Sidoarjo District Court in terms of the settlement of PMH cases which were resolved using the e-court system was still not carried out optimally. This is based on the existence of obstacles that occur during the application of e-court in the settlement of cases of unlawful acts. Therefore, this article will explore the following problems, namely: how to implement e-court in the settlement of PMH cases at the Sidoarjo District Court, then what are the obstacles in implementing e-courts in resolving PMH cases at the Sidoarjo District Court and how to overcome these obstacles?

II. Method

The type of research used in this thesis proposal research is empirical juridical research, namely the type of sociological legal research and can be referred to as research carried out directly in the field. This research studies the applicable law and the reality that exists in the community. author uses a descriptive analytical research method, namely by studying and analyzing data that refers to primary data and secondary data to explain

the legal issues that are the object of research in this proposal. The descriptive research method is carried out using a qualitative/reality approach. The author uses data collection techniques with interviews, observations and literature studies and related literature which includes legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials.

III. Main Heading of the Analysis or Results

A. Scope of E-Court Based on Perma Number 1 of 2019 concerning Electronic Case Administration and Trial in Court

In accordance with PERMA No.1 of 2019 concerning Electronic Case Administration and Trial, online or electronic case administration services can be used by attorneys or registered individuals. E-Court is a form of implementation of the use of information technology that is applied to help facilitate tasks in the judicial environment. Used in the administration of cases and the conduct of trials in court.

The implementation of e-court in the judiciary, both the General Courts, Religious Courts and State Administrative Courts is a breakthrough and a major effort from the Supreme Court of the Republic of Indonesia in making a change in the administration of cases and the implementation of trials in courts in accordance with the Vision of the Supreme Court of the Republic of Indonesia. namely to become a Modern Judicial Body. E-Court itself has a goal, namely to overcome three obstacles that are often faced in the judiciary, namely the slow handling of cases, the difficulty of accessing information about the court, and related to the integrity of the court apparatus. Broadly speaking, the services in the E-Court system are divided into 4 (four) features, while these features include:

1. E-Filing (Online Case Registration in Court)

6 Sudarsono, 2019, Cet-1, Legal Issues Pada Peradilan Tata Usaha Negara Pasca Reformasi, Jakarta : Kencana, Hlm.184
E-Filing or online case registration is carried out after the person concerned is registered as a user or already has an account on the e-Court Application which selects the District Court, Religious Court, or State Administrative Court which actively organizes e-Court services. All registration documents are sent electronically through the e-Court application of the Supreme Court of the Republic of Indonesia (MARI). E-Filing can be used to register cases electronically in legal and/or civil cases, religion, military administration, or state administration. The results of the verified and procedurally accepted data will initiate a civil case. This application can also enter electronic documents for existing cases. E-Filing can also be used to upload files and download documents in the context of replicas, duplicates and conclusions, management, storage and storage of required civil/religious/military/state administration documents. In addition, Registered Users must pay attention to technical standards which include document format, size, typeface, size and/or other provisions that have been determined in uploading documents through the E-Court application.

2. **E-Payment (Downpayment of Case Fees Online)**

E-Payment is one of the features in the E-Court application which has a function for online case payments. After going through the e-Skum feature and getting the next virtual account number, namely the payment of the down-payment fee electronically, the amount of the down-payment fee has been determined in the E-Skum feature with the amount of the fee depending on the radius of each party's area. Payment of case down payment is made through the E-Payment feature. After that the Registered User can choose to use the bank of the partner that has been provided in court. Payments can be made through Mobile Banking, SMS Banking, Internet Banking, while for the smooth running of the E-Court program, Mahakam Agung partners with several banks which currently consist of BTN, BNI, BNI Syariah, and BRI Syariah.

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Dan dalam hal ini pengguna yang sudah terdaftar diharuskan membaca terlebih dahulu mengenai jumlah panjar biaya yang ditetapkan serta ketentuan pembayaran dari masing-masing bank termasuk biaya tambahan dan lain-lain. Karena segala dalam pengajuan gugatan dan hal-hal termasuk pembayarannya merupakan tanggung jawab pengguna terdaftar.

3. **E-Summons (Summons to the Parties online)**

E-Summons is one of the features contained in the E-Court application. This E-Summons is an online summons for the litigants in which the call or notification is sent to the electronic domicile of the party concerned (In this case, the verified domicile of the electronic mail).\(^9\) In accordance with PERMA No. 1 of 2019, that the summons to attend the hearing or the release of summons to the litigating parties can be submitted electronically. These e-Summons will later be sent by the bailiff/substitute bailiff on the orders of the judge to the plaintiff who has registered his case by E-Court and to the defendant who on the basis of agreement is willing to be summoned electronically.\(^10\)

4. **E-Litigation (Online Litigation)**

In accordance with PERMA No. 1 of 2019 concerning Electronic Case Administration and Trial, in article 22 it is stated that trials can be conducted online using the E-Court application. As is the case when a trial is conducted manually, electronically it is the same with the process and agenda, namely waiting for an electronic call to be released after the trial is running as it should, namely reading the lawsuit, answers, duplicates, and conclusions from the parties that are carried out electronically.

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\(^10\) Pasal 15 dan 16 Perma No.1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik
B. E-Court in the PMH Case Settlement Process at the Sidoarjo District Court

One of the cases that are served through the E-Court system at the Sidoarjo District Court is a civil case against the law or commonly abbreviated as PMH. This PMH found one of the most cases handled or handled by the Sidoarjo District Court.

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Tabel 1.

Laporan Perkara PMH, E-Court dan E-Litigasi Pengadilan Negeri Sidoarjo 2021

Sumber: Pengadilan Negeri Sidoarjo

In the table it can be seen that one of the cases using the E-Court system at the Sidoarjo District Court is the PMH Case. The number of PMH cases from January to September was recorded as 83 cases handled by the Sidoarjo District Court and all of them used the E-Court system. Of the number of PMH cases, there were 62 cases that were resolved by the manual trial system, 21 cases that were resolved by the electronic/E-Litigation system. So from the table it can be said that the PMH cases handled at the Sidoarjo District Court have all been carried out through the E-Court system and in terms of the trial, many still use manual or non-electronic methods.
Where basically by assisting the process of resolving cases through E-Court both in the administrative process and the implementation process can facilitate the parties who can litigate, besides creating a simple court process can realize the purpose of time efficiency so as to speed up the trial process in PMH cases and not cause problems. cases and is expected to be able to realize low costs because litigants do not need to go directly to court but can be accessed remotely and can be done in a flexible place.

However, in reality, the Sidoarjo District Court in terms of the settlement of PMH cases which were resolved using the e-court system was still not carried out optimally. Because the application of E-Court in PMH cases is still mostly in the administration of case registration, this is not the case with E-litigation which is still not comprehensive. While the scope of E-Court itself does not only cover case administration but also E-Litigation (In accordance with PERMA No.1 of 2019 concerning Electronic Case Administration and Trial). This is what the author wrote for research related to the application of E-Court in the settlement of PMH cases at the Sidoarjo District Court.

C. Obstacles to E-Court Implementation in PMH Cases at the Sidoarjo District Court

Based on PERMA No. 1 of 2019 E-Court is a service provided by the Supreme Court of the Republic of Indonesia which applies to District Courts, State Administrative Courts and Military Administrative Courts with the types of cases namely Civil, Religious Civil Cases, State Administrative Cases, Military Administration and aimed at for users who are already Registered for Online Case Registration, Obtaining Online Case Cost Estimates, Online Payments, Summons made by electronic channels, and also Courts conducted electronically.  

Basically E-Court is intended to facilitate the affairs of the court. In addition, the main goal is towards a modern and efficient judiciary by realizing the principles of an effective, fast and low cost judiciary. So that this makes the courts in Indonesia begin to implement the E-Court system as much as possible. However, in addition to efforts to maximize these services, there are no obstacles that can hinder the process of resolving cases using

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the E-Court system. One of the courts located in the Sidoarjo area, namely the State of Sidoarjo, did not feel the Court’s constraints.

The implementation of the E-Court which is applied in handling cases of unlawful acts (PMH) at the Sidoarjo District Court does not seem to be free from the obstacles that occur in the field. Broadly speaking, some of these obstacles include:

1. E-Court System

   The e-court system itself is currently very helpful in terms of affordability, difficulties in the case resolution process. However, sometimes one obstacle in implementing e-court at the Sidoarjo District Court is one of them related to the E-Court system. Where sometimes a system must have technical problems, whether the server is down or the server is experiencing an error and so it affects the inaccessibility of the e-court system for a while until the e-court system returns to work properly. So that this can affect time efficiency because they have to wait for the server to return to work as has been explained that the Supreme Court’s E-Court system is sometimes hampered by servers from the center.12

2. NetWork

   In addition, other obstacles found by researchers were felt by the users or advocates in the use of this e-court system. Namely related to the network or server. Which is stated by users or advocates that sometimes the network in each region is different and there are users or advocates who are in areas that can be said to have minimal networks so that it is feared that this will affect the difficulty of accessing this E-Court system and cause information lags in the process. seeking justice.

   Because again when justice seekers help to use the e-court system both in administration and litigation in the case settlement process, any information will be sent electronically to all13

3. E-Litigation

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13Wawancara Bapak Aris Darwin S.H Selaku Advokat Kantor Hukum Darwin Associate Dan Kuasa Hukum Perkara Pmh Pada Tangal 7 September 2021 Pukul 11.00 WIB Di Ruang Tunggu Pengadilan Negeri Sidoarjo.
E-Litigation or electronic is one of the features contained in the E-Court. The way E-Litigation works itself is by the parties sending and uploading their documents through the E-Court website page of the Supreme Court of the Republic of Indonesia. Until then the judge only needs to open the E-Court application to open the trial and from there the judge can download documents according to the trial agenda. After that the judge will provide notes and verify the document, then the judge will be deemed to have carried out a trial that is open to the public.

According to Mr. Imam Khanafi as Judge at the Sidoarjo District Court, that in the implementation of E-Litigation at the Sidoarjo District Court there are several cases that have not been carried out electronically due to several obstacles:

a) There are parties, both plaintiffs and defendants who prefer to use it manually because it is related to network constraints and human resources of the parties.

b) There are several stages in the trial that still use the manual system because it is considered more effective and more flexible than using electronics, for example the first trial, mediation, and the proof stage.

4. Human Resources

These human resource constraints are not only felt by justice seekers but also by law enforcers at the Sidoarjo District Court. What’s more, for advocates whose age can be said to be no longer young, this can be an obstacle that can hinder the case settlement process, considering that there are also many problems in the E-Court system, one of which is the server.14

One example of the obstacles related to this human resource is that the lack of understanding related to the technology has made some advocates who do not understand related to E-Court still have to come to the Sidoarjo District Court to ask for help from the E-Court staff at the Sidoarjo District Court when will register their case but do not understand about this E-Court system, actually this E-Court is intended to make it easier for justice seekers not to have to come directly to the district court.

14 Ibid.
Another example is when the parties in a case, whether the plaintiff or the defendant, prefer to use a manual or conventional trial by coming directly to the Sidoarjo District Court because there is a stigma or mindset that electronics are deemed less effective and efficient, and manual or manual trials. Conventional technology is easier than having to deal with a system that is considered complicated.

D. Efforts to Overcome Obstacles to E-Court Implementation in PMH Cases at the Sidoarjo District Court

Regarding the obstacles that arise from the implementation of e-court in the process of resolving cases against the law (PMH), of course the law enforcers of the Surabaya District Court make efforts to minimize these obstacles in the following ways:

1. System Obstacles

The first obstacle in implementing the e-court is related to the system of the e-court itself. When talking about a system or technology, sometimes it is commonplace for system errors to occur, the Sidoarjo District Court in overcoming these obstacles is by making several efforts, for example synergizing with IT staff at the Sidoarjo District Court in order to minimize or assist when the e-mail system has problems. In addition, the efforts made by the Sidoarjo District Court are by way of the Court submitting the problem to the Supreme Court for the budget for repairs and upgrading server capacity in stages annually.

2. NetWork Obstacles

Server or network constraints are obstacles that rarely occur in the use of systems related to technology or electronics. In the implementation of E-Court which is also a server or network is an obstacle that occurs considering each region has a different network and signal strength. Thus the efforts that can be made by seekers and law enforcement are by ensuring the readiness of electronic or other devices in a structured and earlier manner before the case settlement process in order to support the implementation of the e-court itself, as well as establishing good communication between the seeker, justice with the parties so that no justice seeker feels left out of information.

3. E-Litigation Obstacles
In overcoming electronic problems which in several stages of the trial are still considered more efficient if carried out manually, namely being able to improve facilities to support the interests of implementing this E-Litigation and preparing all needs related to the implementation of this E-Litigation as well as preparing all needs related to the implementation More mature litigation.

4. Human Resources Obstacles

Efforts are being made to overcome problems related to human resources, namely by upgrading human resources themselves both from the Sidoarjo District Court, advocates and the community, more specifically this effort is carried out by providing socialization by the district court on a regular basis socialization both internal socialization and socialization externally regarding and procedures for using e-courts so that slowly users can understand more about e-courts.

IV. Conclusion

E-Court is intended to facilitate the affairs of the court. In addition, the main goal is towards a modern, effective and efficient judiciary by realizing the principles of a simple, fast and low cost judiciary. So this makes the courts in Indonesia begin to implement the E-Court system. However, it is undeniable that there are obstacles that can hinder the process of resolving cases using the E-Court system. These obstacles are no exception also felt by one of the courts located in the Sidoarjo area, namely the Sidoarjo District Court, the obstacles faced by the Sidoarjo District Court include the e-court server which sometimes crashes and cannot be accessed, which e-litigation exists. several stages of the trial which are more effective when done manually, human resources, namely related to the fact that there are still users who are technologically stuttering, as well as network constraints where each region has different signal strengths making it difficult to access the e-court. In addition, in dealing with these obstacles, the Sidoarjo District Court made various efforts to overcome them.

Acknowledgments

The author would like to thank the author’s parents and family, who have given the author support and encouragement in writing this journal. To Mr. Dr. H. Sutrisno, S.H., M.Hum as the author’s supervisor, who always guides and provides input in writing this
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journal as well as all employees of the Sidoarjo District Court who have helped the author in conducting this research. As well as to the lecturers, staff of TU UPN ‘Veteran’ East Java and all my friends who have helped the author to complete the writing of this journal.

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Journal Article:


World Wide Web:


Others:
Interview with Mr. Drs. H. Imam Khanafi Ridhwan S.H., M.H as Judge of the Sidoarjo District Court on September 27, 2021 at 13.00 WIB in the Sidoarjo District Court Meeting Room.

Interview with Mr. Aris Darwin S.H as an Advocate for Darwin Associate Law Office and Legal Counsel for PMH Cases on September 7, 2021 at 11.00 WIB in the Sidoarjo District Court Waiting Room.