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PADANG ADVOCATES' PERCEPTION TOWARD THE IMPLEMENTATION OF E-COURT POLICY AS EFFICIENCY EFFORT IN LAW ENFORCEMENT

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Abstract

The Disruption Era requires everything to be easy, fast-paced, and efficient. This kind of reality grows on simple, fast, and low-cost principles that underlie the process of court proceedings in Indonesia. The existence of this principle certainly requires that the examination of cases in the judicial process to be carried out in a fast time, without convoluted process, and only require a small fee that can be borne by the justice seeker community (yustisia belen). Therefore, the Supreme Court Policy that applies the electronic court application (E-Court) is a necessity in the world community today. This research tries to find out how the Padang advocates' perceptions of the implementation of E-Court in court are related to the efficiency of law enforcement efforts in the city of Padang. This type of research is "sociolegal research", carried out with field studies and supported by document studies. This type of research is intended to express advocates' perceptions about the application of E-Court. Field research methods are used by collecting data from public society (advocates and justice seekers). The technique of collecting data is through observation, questionnaires, and interviews. Before being analyzed, the collected data was tested by the data triangulation technique. A total of 20 Advocates and 4 justice seekers were used as respondents along with two resource persons. The results showed that as many as 5 or 25% of respondents did not have an E-Court account, 8 people or 40% had never used it, 50% had used an E-Court using a peer account. Only 4 people or 20% mentioned that the implementation of E-Court in the Padang District Court had not yet seen efficiency.

While 16 people or 80% of other respondents stated that the implementation of E-Court in the court was very efficient, especially facilitating case registration; letter of call is also clear and saves money; Costs incurred following the standard costs; correspondence becomes easier. So the application of E-Court is a policy that can encourage efficiency in law enforcement efforts. This research recommends that the E-Court Application be made simpler so that the efficiency of law enforcement efforts as an implementation with the principle of simple, fast, and low cost in justice can be fulfilled.

INTRODUCTION

Background

As stated in the Article 28D paragraph (1) on the 1945 Constitution from the Republic of Indonesia, every person has the right of recognition, guarantee, protection, and legal certainty that is just and equal before the law. This is a consequence that Indonesia is a state of law (Article 1 paragraph (3) of the 1945 Constitution). In many works of literature, this principle is known as equality before the law. Critically, this principle is not related to justice substantially.

Hans Kelsen even said that this principle had little to do with equality anymore. On the principle of equality before the law, the law must be applied as intended to be applied. The principle of legality or legitimacy is inherent in every legal order, regardless of whether this order is fair or not. Kelsen (1973): “This principle has scarcely anything to do with equality any longer. It merely statesthat the law should be applied as is meant to be applied. It is the principle of legality or legitimacy which is by nature inherent in every legal order, regardless of whether this order is just or unjust.” (as cited in Miguel, AR, 1997: 372)

For Kelsen (1966), the principle of legality is logical, unethical, and the fulfillment of legality is only “truth from a logical point of view and has nothing to do with justice”. To fix Kelsen's theses precisely, it is worth reminding ourselves that for him the principle of legality was in its nature simply logical, not ethical, and so fulfillment of legality is only "correctness from a logical point of view and has nothing to do with justice" (as cited in Miguel, AR, 1997). Luckily, in the Indonesian constitutional norms, it is stated that the recognition, guarantee, protection, and legal certainty for everyone that is “fair" and equal treatment before the law

As a state of law that provides guarantees and equal status for all citizens in law and justice, the right to legal assistance is a human right for everyone affected by legal problems. The right to legal assistance is a form of access to justice for citizens who are dealing with legal issues.

Article 4 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power states that the courts’ trial must be according to the law without discriminating against people. Fulfillment of justice relating to the right of legal assistance in the judicial process is usually carried out by those who work as advocates. At this point, the role of the advocate is significant in defending and protecting the rights of fundamental freedoms from justice seekers.

Advocates play an important role in realizing simple, quick, and low-cost justice, as well as effective and efficient justice. The important role of the advocate profession in a country cannot be separated from the economic, political, and cultural development that develops in the society of the country concerned.

The development of society has experienced significant changes. This significant development was also marked by the development of science and technology, particularly information technology (computers and telecommunications). The development changes very fast that it causes many shocks (disruption). Everything changes quickly, disruption innovation has changed things. This condition is referred to by many experts as the Industrial Revolution 4.0.

The era of globalization comes unexpectedly, thus making issues such as democratization, corruption, and human rights in law enforcement become the (main) priority for every nation to be considered. Because if they do not respond and implement these issues, the nation will get separated from the world. In the implementation of this big issue in the global era, it is directly related to the development and utilization of science and technology, including IT (Maseleno et al., 2019).

With the development of information technology (computers and telecommunications) that occur. It has resulted in changes in all sectors of public life, not least in the field of law enforcement agencies. In the modern justice system, law enforcement must respond to the development of information technology, especially the modern rule of law (which is already advanced and developed), the justice system directly or indirectly responds to a social interaction (justice seekers) with law enforcement that is more effective and efficient compared to the previous situation.

The use of information technology in the modern justice system is one of the characteristics of modern justice. To realize a modern justice system in Indonesia, the Supreme Court has an important role to play in creating a modern justice system based on information technology. The use of this technology is carried out to facilitate and improve the quality of law enforcement to encourage the realization of a simple, fast, low cost, effective, and efficient justice system which has been considered to be very complex andcomplicated. Compare this to the discussion of legal theory and social changes, as Max Weber, made an important contribution to the rational aspect of the development of legal institutions, especially in Western societies. According to Max Weber, the development of material law and procedural law follows certain stages of development, ranging from simple forms based on charisma to the most advanced stage where the law is systematically arranged and is carried out by people who have received education and training in the field of law. The stages of legal development put forward by Max Weber are more than the forms of legal aspirations, and highlight which social forces influence the formation of law at the stages concerned. (Soekanto, S., 1999, p. 90)

From this circumstance, to realize that the justice process is simple, quick, and low cost as well as more effective and efficient, Mahkamah Agung Republik Indonesia (MARI) as the top manager holder of judicial

authority has issued a Supreme Court Regulation No. 3 of 2018 on Case Administration in Court by using E- Court that provides the legal basis for the implementation of E-Court and Supreme Court Regulation No. 1 of 2019 regarding Case Administration and Trial in Electronic Courts (E-Litigation) has increased the scope of the previous PERMA, namely e-Filing (Online Case Registration in the Court), e-Payment (Online Case Fee Down Payment), e-Summons (Summoning Parties online), and E-Litigation (Electronic Trial).

The presence of PERMA E-Court and PERMA E-Litigation is a big step forward for the Supreme Court and the judicial body. This PERMA became the initial milestone in the revolution in the case administration in court. The E-Court application is an innovation as well as a commitment for the Supreme Court in realizing Reform in the Indonesian Judiciary (justice reform) that synergizes the role of Information Technology to realize the achievement of a simple, fast, and low-cost court as regulated in Law No. 48 of 2009 about Judicial Power. Decision of the Director-General of the Courts Supreme Court Decree No. 271/DJU/SK/PS01/2018 concerning the Implementation Guidelines for Supreme Court Regulation No. 3 of 2018 about Electronic Case Administration in Courts. Article 1 paragraph 4, the e-Court application is an application used to process lawsuits/requests, payment of court fees electronically, make court summons and notice electronically and other case application services stipulated by the Supreme Court of the Republic of Indonesia, integrated e-court applications and not integral with SIPP.

With this PERMA, the justice seeker society can carry out a series of processes for receiving lawsuits/requests/objections/ban/resistance/intervention, receipt of payments, delivery of summons/notification, answers, replicas, duplicates, conclusions, acceptance of legal efforts, as well as management, acceptance, and storage of civil/religious civil/military administrative/state administrative documents by using electronic systems that are applicable in each court environment. Article 1 point 6 PERMA No. 1 of 2019 concerning the Administration of Cases and Trials in Courts Electronically. (PERMA, 2019), and all of this is done online, including intervention efforts. The E-Court application will ease access for justice seekers.

Judicial reform by utilizing information technology in principle must be able to provide benefits or be effective for the community in addition to achieving justice. The application of information technology to case administration in court has had a direct impact on the practice of lawyers in Indonesia as the main actor in providing legal services. History records that advocates became pioneers in providing legal assistance to the community. Providing legal assistance is an obligation for the advocate profession. Article 1 point 1 of Law No.18 of 2003 concerning Advocates states that advocates are people who work in providing legal services, both inside and outside the court, who meet the requirements based on the provisions of the law. Furthermore, Article 1 point 2 of Law No. 18 of 2003 concerning Advocates states that legal services are services provided by Advocates in the form of providing consultations, legal assistance, exercising power,

representing, assisting, defending, and carrying out other legal actions for the legal interests of clients. Based on Law No. 18 of 2003 concerning Advocates, they have legitimacy and guarantees to advocates to provide legal assistance. Therefore, it is not uncommon for an advocate to provide legal assistance and proceed in court proceedings.

Rules regarding the requirements and procedures for providing legal services are further regulated by law. In using PERMA E-Court and PERMA E-Litigation services in court, one of the users in electronic case services is advocate, besides the registered individuals. Advocates are required to have an official account by registering in the E-Court system so that their existence is recognized formally. However, advocates who do not have an E-Court account will be hindered when defending clients in several courts, this is following Article 6 paragraph 2 of the PERMA E-Court: The Supreme Court has the right to refuse registration of unverified registered users.

PERMA E-Court provides administrative services electronically for three services, namely: first, e-filing (electronic case registration); second, e-payment (electronic case payments); and third, e-summons (electronic summons). Whereas PERMA E-Litigation adds one more service to the utilization of information technology in the justice system, namely E-Litigation (electronic trial). This PERMA E-Litigation complements the provisions contained in PERMA *E-Court* and is declared to remain valid as long as it does not conflict with the provisions in the provisions of PERMA E-Litigation

The development of law in Indonesia at this time is quite improved, along with population growth and social development. The development of law in Indonesia has caused various reactions from different points of view. This reaction is inseparable from various factors both within the law enforcement agency itself and outside influences, especially the policy PERMA E-Court and PERMA E-Litigation that has spawned much of a view (perception) from many circles, one of them is the lawyer. Although the E-Court policy is aimed at facilitating justice seekers (clients and advocates), the presence of E-Court still has diverse perceptions. Among the advocate professions, many welcomed the application of E-Court, because it was seen as making it easier to handle both civil cases in the District Court, the Religious Courts, and lawsuits or requests at the Administrative Court. There is still a small number who view the E-Court as not yet being implemented because not all regions have a good internet network system. Some view that E-Court is not suitable for the habits (system) of the performance from some advocates, and some others even view E-Court policy as wasteful.

Because advocates that accompany and/or represent justice seekers, consequently the advocate's perception of the E-Court adoption policy is important to be studied. There is a problem with the application of E-Court as a sustainable policy to fulfil the right to access justice. For this purpose, it is important to research advocates' perceptions in Padang on the E-Court implementation policy.

Formulation of the problem

Based on the above, the formulation of this research is: how is Padang advocates' perception of the implementation of E-Court policy in court? Is the implementation of E-Court can realize the effectiveness and efficiency of a court?

The objectives of the study are (a) to obtain information about advocates' perceptions in the Padang High Court of Justice on the implementation of E-Court, and (b) to gain deeper knowledge about the positive and negative impacts of E-Court implementation. The theoretical uses of this study are: (1) It can become a contribution to provide knowledge to advocates and the general public or justice seekers related to perceptions of advocates in the implementation of E-Court; (2) The results of this research are expected to be able to contribute thoughts in the context of the development of legal knowledge, especially in the implementation of E-Court in the future.

Research methods

This type of research is "sociolegal research", carried out with field studies and supported by document studies. This type of research is considered appropriate to express advocates' perceptions about the application of E-Court. Field research methods, by collecting data from the public (advocates and justice seekers). Data collection techniques with observation, questionnaires, and interviews. Before being analyzed, the data collected was tested using data triangulation techniques. A total of 20 lawyers, 4 justice seekers who were used as respondents and two resource persons. Determination of who is the research respondent is done by purposive sampling.

THEORETICAL FRAMEWORK

Perception contains a very broad understanding. Some experts have given various definitions of perception, although in principle they contain the same meaning. In Kamus Besar Bahasa Indonesia, Second Edition, Balai Pustaka, (Ministry of National Education, 2007: p. 863), **perception** is 1) direct (government) response to something; uptake; need to be researched - the public is against the government's reasons for raising fuel prices; 2) the process of someone knowing several things about the senses.

According to Purwodarminta (1990:759) which describes that perception is a response from absorption or a process of someone knowing several things through sensing. Besides that, in the dictionary of psychology, perception is interpreted as a process of observing a person towards the environment by using the senses that he has so that he becomes aware of everything in his environment.

Perception is subjective because it depends on the ability and the state of each individual. Everyone tends to see the same things in different ways. These differences can be influenced by many factors, including knowledge, experience, and point of view. Perception also intertwined with a person's perspective on a particular object in different ways by using the senses that are owned, then try to interpret it.

Advocate's perception of the policy of implementing E-Court as an effort to improve efficiency in law enforcement. Every perception always contains

subjectivity which may be fixed or incorrect, true or untrue. The advocate's perception of the E-Court implementation policy as an efficient effort in law enforcement is not a matter of right or wrong. The most important thing is how advocates' perception of the policy of implementing E-Court as an efficient effort in law enforcement.

Advocates as one of the chess enforcers who have the same legal position as other law enforcers have the responsibility to provide legal assistance to the community. Article 1 point 2 of Law No. 18 of 2003 concerning Advocates states that legal services are services provided by Advocates in the form of providing consultations, legal assistance, exercising power, representing, assisting, defending, and carrying out other legal actions for the legal interests of clients.

The advocates' perception of E-Court implementation policies as efficiency efforts in law enforcement affects the effectiveness of achieving goals in realizing effective and efficient justice. If the advocate's perceptions of the E-Court implementation policy are good, then this E-Court policy will be very useful in realizing a simple, fast, low-cost court, and the court will be effective and efficient.

A simple, fast, and low-cost trial is a mandate of the judicial power law. According to Drafting Team of Kamus Besar Bahasa Indonesia ((Ministry of National Education, 2007), The word "*simple*" means intermediate (in the sense of not high and not low). So, the term of simple means that the method is clear, easy to understand and not complicated and not trapped in the formalities that are not important in court. Because if trapped in a convoluted formality allows various interpretations. The important thing here is that the parties can express their wishes clearly, surely and the solution is done clearly with the application of flexible procedural law in the interests of the parties who want a simple event.

So a simple trial can only be realized if a case in court can be resolved easily, justice seekers must not deliberately make it difficult to prolong the trial process which will then harm either party or both parties by stalling the trial process.

According to Drafting Team of Kamus Besar Bahasa Indonesia ((Ministry of National Education, 2007), The word "*fast*" means a short time; immediately, there are not many ins and outs (not many trinkets). Fast can be interpreted as something short does not require a long time or is interpreted as something that is done immediately that makes the tempo as a reference. The principle of speed in the court process here means that the settlement of the case takes not too long, this can be seen from the Supreme Court Regulation of the Republic of Indonesia (PERMA) No. 3 of 2018 concerning Administrative Case in Electronic Courts (PERMA E-Court) which provides a legal umbrella for implementation of the E-Court application and Supreme Court Regulation No. 1 of 2019 concerning Case Administration and Trials in Electronic Courts (PERMA E-Litigation*).*

This fast principle does not require that the court proceedings be carried out quickly without regard to the need for the settlement of a case whether it is resolved quickly making the decision issued by the judge lacking consideration. In this principle, the aim is for an examination process that

relatively does not take a long period to ofs according to the simplicity of the procedural law itself.

While the low cost, it means the money spent to make (establish, conduct, and so on) something, fees (administration: costs incurred for the handling of letters and so on), case costs such as witnesses summoning and stamp. (Ministry of National Education, 2007: p. 113). Whereas the word light here refers to the amount or the small amount that must be incurred by justice seekers in resolving their dispute before the court. In this principle, the emphasis is on the case costs that will be incurred by both parties on the case being undertaken such as administrative costs, court fees, witness summoning costs, stamp duty costs and other costs related to the judicial process. All payments in court must be used and given a receipt. The court must account for the money to the person concerned by recording it in the case financial journal so that the person can see it at any time.

Provisions that the judiciary is carried out with the principle of simple, fast and low cost must still be adhered to by reflecting the law on civil procedural law that contains rules and regulations that are far simpler. Judiciary, Supreme Court, General Events, Military Courts, Religious Courts, State Administrative Courts, and Work Organization and Administration, (Secretariat General of the Supreme Court - RI, 2003, p. 18). However, the meaning and purpose of the principle of justice are simple, fast and low cost, not just focusing on the speed and light cost elements, it does not mean that the examination of cases is carried out as it is origin, it must be carried out under the law of the event.

The principle of simple, fast, and low-cost justice is intended so that the settlement of cases in the court is carried out efficiently and effectively. With the length of time for the settlement of a case so that all parties consider the cost of the case to be very expensive, especially if it is associated with the length of the settlement of a case. The longer the settlement of a case, the higher the costs. Efficient and effective related to the accuracy of use, results or support goals.

According to KBBI (KBBI, 2008: 374), efficiency 1. is the accuracy of the way (effort, work) in running something (by not wasting time, effort, cost); usability; 2. the ability to carry out tasks properly and precisely (by not wasting time, effort, money); 3 digits of comparison between the work of a machine and the energy produced.

Efficiency according to Mulyadi is the accuracy of the way (effort, work) to run something without having to waste time, energy and costs (2007: p. 3). Meanwhile, according to SP Hasibuan (1984: 233) by quoting H. Emerson who said that "Efficiency is the best comparison between an input (input) and output (the result between profits with the sources used), as well as optimal results that are has been achieved with the use of limited resources. So you can say the relationship between what has been resolved." Mulyamah (1987: 3), efficiency is a measure in comparing input use plans with realized uses or other words of actual use.

From the description above, it can be seen that efficiency is a way of doing business in doing something well and precisely that can minimize in terms of time, energy and cost. Efficiency is associated with savings both in

terms of time, energy and cost. In the context of this research, efficiency relates to the policy of implementing E-Court or electronic-based courts aimed at making it easier (simpler and cheaper) for justice seekers to run a trial in court. The efficiency of the trial process in the Courts in Indonesia, in turn, relates to the principle of justice which is simple, fast and low cost as a mandate of the judicial power law.

RESULTS AND DISCUSSION

Until recently, the court is still trusted by the community as an institution to settle disputes. The existence of a court institution is an institution that functions to coordinate disputes that occur in justice seekers who believe in litigation. The purpose of the presence of PERMA E-Court and PERMA E-Litigationis to provide access to justice for citizens (access to justice) in saving time and costs to realize justice for citizens.

The main actors inevitably provide legal services. Advocates became a pioneer to provide legal assistance to the community. Advocates as providers of legal assistance or legal services to the public or clients who face legal problems whose existence is urgently needed are increasingly important, along with the increasing legal awareness of the community and the complexity of legal issues.

When a justice seeker uses an advocate, it is not free from the fees and fees that must be paid by the service recipient to the advocate. If the advocacy choice made is through a litigation process in court, then the client will incur costs. It is not surprising if in handling a case someone can pay a high cost. A fact that continues to this day. This reality will certainly have a bearing on the realization of a simple, fast and low-cost trial. If the entire process of obtaining justice must incur significant costs, it will indirectly close access to simple, quick and easy justice, and be effective and efficient for various parties.

The Supreme Court's policy of issuing electronic-based judicial arrangements (E-Court) is the answer to this problem. The electronic application of case administration in courts has had a direct impact on advocates. Many positive aspects include making it easier for lawyers to file lawsuits, payments, and correspondence wherever advocates are. Advocates, however, are required to have an official account by registering in the E-Court system so that their existence is formally recognized and registered. Article 1 point 4 of the Supreme Court Regulation No. 1 of 2019 concerning the Administration of Cases and Trials in Electronic Courts, registered use is an advocate who qualifies as a user of a court information system with rights and obligations regulated by the Supreme Court. (MARI, 2019). Article 1 point 5 states that other users are legal subjects other than lawyers who fulfill the requirements to use the court information system with rights and obligations regulated by the Supreme Court, including among others State Attorney, Government/TNI/POLRI Legal Bureau, Indonesian Attorney General, Directors/Management or employees appointed by a legal entity (in-house lawyer), incidental attorney determined by law (mari, 2009).

Under this provision electronic case administration services can be used by registered lawyers and individuals. This means that this service can be

used by individuals other than advocates, provided that it is registered. This application can be used to register cases electronically in a lawsuit and/or petition, religion, military administration, or state administration. This application can also be used to register a lawsuit and/or application as well as entering electronic documents which, if later verified and procedurally accepted, will start a civil case or enter electronic documents on existing cases. This application can also be used to upload and download (upload) documents in the opening argument, closing argument, and conclusion, management, storage, and document storage civil matters/religious/military administrative/clerical state.

This policy can be called a big leap, the Supreme Court of the Republic of Indonesia in the context of administrative reform and trials in court. The big leap taken by the Indonesian Supreme Court was the use of information technology in managing electronic administration and trials. To realize this big leap, the Supreme Court of the Republic of Indonesia issued two regulations: First, Republic of Indonesia Supreme Court Regulation No. 3 of 2018 concerning Electronic Case Administration in Courts; Second, Republic of Indonesia Supreme Court Regulation No. 1 of 2019 concerning the Administration of Cases and Trials in Courts Electronically. Through these two regulations, the Indonesian Supreme Court held the E-Court which consists of four clusters, namely: first E-Filling (electronic case registration); second, E-Payment (electronic case payments); third, E-Summons (electronic summons); and fourth, E-Litigation(electronic trial).

PERMA No. 3 of 2018 provides electronic administration services for three clusters, namely: first,E-Filling (electronic case registration); second, E-Payment (electronic case payment); and third, E-Summon (electronic court summons). While PERMA No. 1 of 2019 added another cluster of information technology utilization in the world of justice, namely E-Litigation(electronic trial). This PERMA No. 1 of 2019 complements the provisions contained in PERMA No. 3 of 2018 and is declared to remain valid as long as it does not conflict with the provisions in the PERMA No. 1 of 2019.

The application of E-Court which includes 4 services is none other than the purpose of utilizing information technology in court. According to S. Pudjoharsoyo (2019), there are four technological benefits to the court, namely: first, eliminating processes that are not important (eliminating); second, simplification of existing processes (simplifying); third, the incorporation of processes into a process flow (integrating); and fourth, changes in the manual process to be automated by utilizing computers (automating).

E-Courtis a court instrument as a form of service to the community in terms of online case registration (e-filing), estimated electronic fee advance (e-SKUM), online fee down payment (e-payment), online party summons (e-summons), and online trials (E-Litigation). Judicial environments that provide E-Courts are District Courts, Religious Courts/Sharia Courts, Military Courts, and State Administrative Courts.

Letter of Secretary of the Supreme Court No. 305/SEK/SK/VII/2018 has appointed 32 courts within the general, religious, and TUN courts to carry

out trials of the implementation of E-Court for the initial stage. For example, in the general court environment appoints Central Jakarta District Court, North Jakarta District Court, South Jakarta District Court, East Jakarta District Court, West Jakarta District Court, Tangerang District Court, Bekasi District Court, Bandung District Court, Karawang District Court, Surabaya District Court, Sidoarjo District Court, Medan District Court, Makassar District Court, PN Semarang, PN Surakarta, Palembang PN, Metro Metro. While in the religious court environment includes, Central Jakarta PA, North Jakarta PA, South Jakarta PA, East Jakarta PA, West Jakarta PA, Depok PA, Surabaya PA, Denpasar PA, Medan PA. For the judicial environment, TUN includes Jakarta PTUN, Bandung PTUN, Serang PTUN, Denpasar PTUN, Makassar PTUN, and Tanjung Pinang PTUN. (Hukum Online, 2020)

The issuance of PERMA E-Court is hoped to summarize the trial procedure because several stages of civil proceedings can be transferred through the electronic system. The summons of the parties, the sending of duplicate documents, and the payment of court fees are facilitated by a sophisticated system. The breakthrough made by the Supreme Court has supported the principle of fast, simple and low cost in the justice system.

Online Case Registration (e-Filing)

In the online case registration Lawsuit File, lawsuit documents can be uploaded at the file upload stage. In this section the Padang City Advocate who made the Respondents mention the efficiency was great. As many as 16 people from 20 respondents felt this. And all lawyers who already have an account and carry out E-Court mention the case registration online through the E-Court application with the view: (a) saving time and money in the case registration process; (b) payment of down payment costs which can be made in multi-channel channels or from various payment methods and banks; (c) documents are well-archived and can be accessed from various locations and media; (d) faster re-checking or retrieval of data.

Upon completing the registration data and documents, registered users will receive an estimated fee in the case fee in the form of Electronic SKUM (e-SKUM) generated automatically by the system with a down payment component and a radius determined by the Chief Justice. If the registration is manually passed by a relatively long road, then through E-Court, case registration can be done online, so that people can save time and money when registering a case.

Payment of Online Advance Fee (e-Payment)

In the case registration, registered users will immediately get SKUM electronically by the E-Court application. E-SKUM is a power of attorney to pay for the estimated advance costs generated electronically through the E-Court application.(MARI, 2018). In the process, it will already be calculated based on what Cost Components have been determined and configured by the Court, and Radius Cost Amounts that are also determined by the Chief of the Court so that the calculation of the estimated advance costs has been calculated in such a way and results in electronic SKUM or e-SKUM.

According Buku Panduan E-SKUM & ATR, e-SKUM is an electronic application that calculates court fees for justice seekers themselves in court. After ascertaining how much the court fee has to be paid, then it can immediately register and directly pay the case fee through several media including through EDC (Electronic Data Capture) at the information desk, ATM (Automatic Teller Machine) and cash deposits at banks that partner with the court.(MARI, 2018). Registered Users after receiving an Estimated Advance or e-SKUM will get a Payment Number (Virtual Account) as a virtual account for payment of Case Advance Fees.

The results of the study, in this section, one of the Advocates even mentioned that they felt very helped, because so far the excess money (paid in advance), there was a feeling of being reluctant to be taken (the change).

Electronic Summoning (e-Summons)

Following PERMA No. 3 of 2018 that Summons for registration is carried out using E-Court, summons to Registered Users are carried out electronically and sent to the registered user's electronic domicile address. Electronic Calls are summons documents that are automatically generated by the E-Court application and sent electronically by the court to the parties. (MARI, 2018). However, for the defendant, the first summon is carried out manually and when the defendant is present at the first trial, approval will be sought whether to agree to be summoned electronically or not, if agreed, then the defendant will be summoned electronically according to the electronic domicile given and if you do not agree, the summons will be carried out manually as usual. In contrast to dialing manually by not using E-Court. The summons was made by the bailiff. Hereafter the case is registered, after the chairman of the panel determines the day of the hearing, it is then ordered to the Bailiff/substitute Bailiff to summon the parties to the court to attend the hearing on the appointed day and hour. Calls are delivered officially (official) and inappropriate (properly) to the parties involved in a case in court, to fulfill and carry out the matters requested and ordered by the judges.(Harahap, M.Y., 2008, p. 213.)

The E-Court application will facilitate the administration of civil cases. This electronic summoning can reduce the cost of the case and cut down the time of calls made by the Bailiff/substitute Bailiff. So that the principle of justice that is a low cost, fast, and simple can be fulfilled by this application. So that the administrative costs between the Defendant and Plaintiff are cheaper. The results showed that the electronic summoning section (e-summons) was felt to be very easy (efficient). Almost all advocates that use electronic supplies feel this. So calls and notifications are done electronically (e-summons). Being able to realize the implementation of the principle of simple, fast and low cost, the benefits are felt directly by the justice seekers community.

The application of electronic summons and notices in court indirectly aims to alleviate the heavy-duty of bailiffs that cannot be considered light. This is because the bailiff is the most responsible official to summon the litigants to appear before the court after an order from the judge.

Electronic Trials (E-Litigation)

Article 1 Point 7 Regulations of the Supreme Court of the Republic of Indonesia No. 1 of 2019 concerning Administrative Procedures and Trials in Courts Electronically. The electronic trial is a process of examining and adjudicating cases by a court conducted with information and communication technology documents (MARI, 2019). The E-Court application also supports electronic trials so that trial documents can be sent such as opening argument, closing argument, conclusions and/or answers electronically which can be accessed by the Court and the parties.

Carrying out summons is the duty of a bailiff as confirmed in Article 103 Paragraph (1) letter (a) of Law No. 7 of 1989 as amended by Law No. 3 of 2006 and the second amendment of Law No. 50 of 2009 concerning Religious Courts. If during the bailiff shall deliver summoning letter to the residence of the parties physically, then with the electronic call, bailiffs no longer need to bother to come directly to each residence of the parties to submit summoning letter.

However, with the enactment of the electronic notice, so long as the electronic notification is operationalized by the authorized bailiff and then sent electronically to the electronic domicile of the parties, the bailiff has been deemed to deliver notice of the contents of the decision without the need to come face to face directly at the residence of the parties in charge was not present when the verdict was read.

In this electronic trial, the correspondence between the parties to the litigation are conducted electronically, for the trial agenda in the delivery of answers, opening argument, and closing argument conducted through SIPP. The trial schedule determined by the Chairperson of the Assembly through the SIPP is integrated with the E-Court so that the parties can know the schedule and agenda of the trial through the E-Court. The decision of the Chairperson of the Supreme Court of the Republic of Indonesia No. 129/KMA/SK/VIII/2019 Concerning Technical Instructions for Case Administration and Trials in Courts Electronically; See Indonesian Supreme Court, E-Court Guidebook (MARI,, 2019, p. 69)

The parties are obliged to submit the answer, replica, and duplicate documents, following the established trial schedule. Documents submitted by the parties must be in the formal PDF or RTF/Doc. The parties who do not send electronic documents following the established trial agenda, without a valid reason according to law, are deemed not exercising their rights, but if accompanied by a valid reason according to the law, the trial is adjourned once. Republic of Indonesia Supreme Court Regulation No. 1 of 2019 Concerning Electronic Case and Trial Administration in Courts (MARI, 2019).

After receiving electronic documents sent by the parties, the Panel of Judges examined the documents through the E-Court. Electronic documents that have not been verified by the Panel of Judges cannot be seen by the opposing party. After the Panel of Judges has finished examining the document, the Panel of Judges verifies the document through the menu available on the E-Court. Electronic documents will be sent to the opposing party along with the Panel of Judges closing and stipulating the

postponement of the trial. The Substitute Registrar is required to record all trial activities electronically on the Official Report of the Electronic Session.

The trial for the proof stage takes place following the applicable procedural law. The parties must upload stamped proof documents into the E-Court. According to The decision of the Chairperson of the Supreme Court of the Republic of Indonesia No. 129/KMA/SK/VIII/2019 Regarding Technical Instructions for Case and Trial Administration in the Electronic Court. The original document and evidence are examined before the hearing on the day and date determined by the Chairperson of the Assembly through the SIPP.

Trials for the examination of the evidence of witnesses/experts can be carried out from far at the request of the plaintiff or the defendant. The examination is carried out using the court infrastructure where the witness/expert examination is conducted. Witnesses/experts provide testimony under oath before a substitute judge and registrar appointed by the local Chief Justice. Trials to examine such witnesses/experts must be supported by audio-visual communication media that allow all parties to see and hear each other directly and participate in the trial. Costs incurred during such an examination process are borne by the plaintiff or the defendant who wishes.

The trial for the conclusion stage of the trial is conducted electronically. The parties when submitting conclusions in the form of electronic documents were made through the E-Court. After the Panel of Judges receives and examines the document, the Panel of Judges verifies the document through the menu available on the E-Court. A conclusion document will be sent to the opposing party when the Chair of the Assembly closes and sets a postponement for the reading of the verdict (MARI, 2019).

The reading of the decision/stipulation is deemed to have been carried out legally by submitting the decision/electronic determination to the parties via E-Court in Pdf format. The reading of such decisions/decisions is deemed to have been attended by the parties.

The hearing for verdict reading is conducted electronically. Decisions/verdicts are made by the judge electronically in a trial that is open to the public. The reading of the decision/verdict is made through an E-Court application on a public internet network, legally, it has fulfilled the principle of a trial open to the public following statutory provisions.Based on Republic of Indonesia Supreme Court Regulation No. 1 of 2019 Concerning Electronic Case and Trial Administration in Courts; Republic of Indonesia Supreme Court, Decision of the Chairperson of the Republic of Indonesia's Supreme Court No. 129/KMA/SK/VIII/2019 Regarding Technical Instructions for Case Administration and Trials in Courts Electronically. Electronic legal efforts. For parties who litigate electronically from the beginning, they may submit legal efforts electronically. Legal efforts are filed within a grace period following applicable regulations.

Based on the description above and the results of research on 20 Advocates or Power of Attorney in the City of Padang, both in the District Court, Religious Court, and the Padang Administrative Court, in general, almost 80% of respondents expressed satisfaction with the implementation of

E-Court. The results also find documents that as many as 5 people Advocate and the endorsee or 25% of the respondents do not have an account E-Court. This means that even though E-Court makes it easy, not all Advocates in Padang have E-Court accounts.

From the 15 lawyers who have accounts there are 8 advocates or 40% have never used it, 50% have implemented E-Court using peer accounts. This shows that the account owner has not fully utilized his account, in part still using the accounts of fellow advocates in one Power of Attorney.

There were 4 advocates or 20% said the implementation of E-Court in the Padang District Court had not yet seen efficiency. Two of the 4 advocates are included in the category of senior advocates (more than 5 ofs of trial). While 16 people advocate or 80% of respondents who said that the implementation of E-Court in court it is very efficient, especially facilitate the registration of the Case; Summoning is also clear and saves money. Being a relatively young advocate and has only been active between 2-4 of as an advocate.

From the research results, the obstacles found in the application of E-Court are not the same understanding in the advocate environment regarding the E-Court facilities; some advocates are still not accustomed to using IT media in carrying out their professional work; not all regions have good internet networks; and clients who refuse to use the electronic trial process.

CONCLUSION

In realizing the simple, fast, and low cost of judicial objectives through an effective and efficient court institution, the Supreme Court issued PERMA No. 3 of 2018 concerning the Administration of Cases in Electronic Courts (E-Court) which provided a legal umbrella for the implementation of E-Court applications and Supreme Court Regulation No. 1 of 2019 concerning Case Administration and Trials in Electronic Courts (E-Litigation). Both of these PERMA regulate e-Filing (Online Case Registration in Court), e-Payment (Online Payment of Advance Court Fees), e-Summons (Online Summoning of Parties), and E-Litigation(Electronic Trial). This is following the purpose of Article 2 Paragraph (4) of Law No. 48 of 2009 concerning Judicial Power.

Concerning these two PERMA research results show that as many as 5 or 25% of respondents do not have an E-Court account, 8 people or 40% have never used it, 50% have conducted an E-Court using a peer account. Only 4 people or 20% mentioned that the implementation of E-Court in the Padang District Court had not yet seen efficiency. While 16 people or 80% of other respondents stated that the implementation of the E-Court in the Court was very efficient, especially facilitating the registration of the Case; Calling is also clear and saves money; Costs incurred following the standard costs; correspondence easier. So the application of E-Court is a policy that can encourage efficiency in law enforcement efforts.

Even though PERMA No. 3 of 2018 and PERMA No. 1 of 2019 have tried to apply the courts electronically to provide services to the justice seekers community following the principle of simple, fast and low cost, but

there are some obstacles in applying the court electronically including understanding that is not the same in the advocate environment regarding e-court facilities; some advocates are still not accustomed to using IT media in carrying out their professional work; not all regions have good internet networks; and clients who refuse to use the electronic trial process. This research recommends that the E-Court Application be made simpler so that the efficiency of law enforcement efforts as an implementation with the principle of simple, fast, and low cost in justice can be met.

REFERENCES

Books

Hasibuan, Malayu S.P, 1984, *Manajemen Dasar, Pengertian dan Masalah*, Jakarta:Penerbit Gunung Agung

Ika Atikah. 2018. Implementasi E-Court dan Dampaknya Terhadap Advokat Dalam Proses Penyelesaian Perkara di Indonesia. Dalam *Proceeding – Open Society Conference 2018: Social and Political Challenges in Industrial 4. 0.*

Mulyadi. 2007. *Sistem Perencanaan dan Pengendalian Manajemen: Sistem Pelipatgandaan Kinerja Keuangan.* Jakarta: Salemba Empat

Mulyamah. 1987. *Manajemen Perubahan*, Jakarta: Yudistira

Pusat Bahasa. 2008. *Kamus Besar Bahasa Indonesia*, Jakarta: Pusat Bahasa Departemen Pendidikan Nasional Jakarta

Soerjono Soekanto. 1999 *Pokok -Pokok Sosiologi Hukum*, Jakarta, Rajagrafindo Persada,

Laws and Regulations

The 1945 Constitution of the Republic of Indonesia

Law No. 18 of 2003 concerning Advocates

Law no. 48 of 2009 concerning Judicial Power

Supreme Court Regulation (Mahkamah Agung Republik Indonesia [MARI]) No. 3 of 2018 concerning Electronic Case Administration in Courts

Supreme Court Regulation (MARI) No. 1 of 2019 dated 9 August 2019 concerning the Administration of Cases and Trials in Courts electronically.

Decree of the Director General of the Supreme Court of the Republic of Indonesia Supreme Court Number: 271/DJU/SK/PS01/2018 Regarding the Instructions for the Implementation of the Republic of Indonesia Supreme Court Regulation No. 3 of 2018 concerning Administrative Matters in Courts Electronically.

Decision of the Chairman of the Supreme Court of the Republic of Indonesia Number 129/KMA/SK/VIII/2019 Regarding Technical Instructions for Case and Electronic Trials in Courts

Journal and Other Scientific Resources

S. Pudjoharsoyo. 2019. *Arah Kebijakan Teknis Pemberlakuan Pengadilan Elektronik: Kebutuhan Sarana dan Prasarana Serta Sumber Daya Manusia.* Paper presented in Jakarta on August 13, 2019

Maseleno, A., Huda, M., Jasmi, K. A., Basiron, B., Mustari, I., Don, A. G., & bin Ahmad, R. (2019). Hau-Kashyap approach for student's level of expertise. *Egyptian Informatics Journal*, *20*(1), 27-32.

Alfonso Ruiz Miguel (1997). Equality before the Law and Precedent, *Ratio Juris*. Vol. 10 No. 4 December 1997 (p. 372).

https://www.hukumonline.com/berita/baca/lt5b4da2b0a0853/aplikasi-e-court-demi-peradilan-cepat-dan-biaya-ringan/,accessed on Wednesday, 12 February 2020.

Mahkamah Agung RI. 2019. *Buku Panduan E-Court*, Jakarta: Mahkamah Agung