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Optimization of E-Litigation in the Settlement of Divorce Cases at the Bangkinang District Court

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Abstract

The presence of E-Litigation, a Supreme Court innovation to merge procedural law with technology, reflects Indonesian judicial administration in the digitalization era. The existence of E-Litigation as a practical application of the principle of simplicity, speed, and cheap cost is not yet optimal. The Supreme Court Regulation Number 1 of 2019 on Electronic Court Case Administration regulates e-litigation proceedings. Improvements have been made to the legislation. Based on the foregoing, it is judged necessary and urgent to investigate optimizing e-litigation in the settlement of divorce cases at the Bangkinang District Court. The study sought to explain the effectiveness of e-litigation in resolving divorce

cases at the Bangkinang District Court. Sociological legal research is an empirical study that seeks to uncover theories about the incidence of law in society. The data was gathered through interviews with judges Syofia Nisra, Ersin, and Aulia Fhatma Whidhola. Not only are the rules for e-litigation processes being reviewed, but so are the hurdles to e-litigation settlement of divorce cases at the Bangkinang District Court. This study is likely to make a significant contribution to legal innovation in the subject of civil procedure law. The settlement of divorce cases through e-litigation will alter the practice of litigating in court. The notion of complicating divorce is analogous to an emergency door on an airplane that should not be utilized unless necessary to overcome a problem. E-litigation processes at the Bangkinang Court have not gone smoothly because the parties do not comprehend and lack suitable electronic gadgets, even though the Court already possesses all of the necessary equipment and facilities.

KEYWORDS *District Court, Divorce, E-Litigation, Optimization*

I. Introduction

The holding of a remote online trial or teleconference amid the global COVID-19 pandemic is the most appropriate form of breakthrough and must continue to be refined by the Supreme Court because the delay in legal reform in Indonesia (*expired law*) will violate the fulfillment of the guarantee of the legal rights of every individual who is dealing with the law. The Supreme Court has carried out a form of public accountability to provide fast, simple, and accurate services without delaying or hindering the public's access to justice. For the Supreme Court, Justice Delayed, Justice Denied, which means "*Delayed Justice, Same as No Justice*".

The application of technology in the sphere of justice is essential.[1] The application of e-litigation has been proven to provide convenience in conducting the judicial process, by the mandate of Article 4 Paragraph 2 of Law Number 48 the Year 2009 concerning the Principal Powers of the Judiciary where the judiciary must be carried out in a simple, fast, and low-cost manner. E- litigation can also reduce the density of the number of visitors at the Bangkinang District Court service office, as generally the Courts located in the Regency Capital experience conditions that are almost every day filled with litigants. The implementation of e-litigation can also have a positive effect on the course of the trial because, with the shift of justice seekers conducting trials only by uploading the necessary documents according to the agenda set out in the court calendar which can be done anywhere, the number of visitors is reduced so that the court atmosphere becomes conducive, safe, and orderly.

The problem in this research is the virtual mediation process in the settlement of divorce cases at the Bangkinang Religious Court. The purpose of this study is the existence of a fast, simple, and low-cost judicial principle, speeding up the process of proceedings in religious courts. Following Regulation of the Supreme Court No. 1 of 2019 concerning the Administration of Cases in Courts Electronically, in this pandemic situation, it is very necessary to proceed quickly without ignoring the health protocol.

The research method used is sociological legal research, which is an empirical study to find theories regarding the process of occurrence and the process of working law in society[2] based on applicable laws and regulations relating to online trials at the Bangkinang District Court. The technique of collecting data is by holding direct questions and answers to

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[1] Dian Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)," *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 157–84, https://doi.org/10.15294/jils.v6i1.44450.

[2] Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2013).

respondents, namely the Bangkinang District Court judge, who is directly involved in this virtual event. There were interviews with judges Syofia Nisra, Esrin, and Aulia Fhatma Widhola.

II. E-Litigation at Bangkinang District Court

The Bangkinang District Court continues to strive to improve services by making changes and continuing to innovate, so to provide better services and make it easier for justice seekers, the District Court develops innovations both from the Supreme Court of the Republic of Indonesia or the results of its innovations, such as e- court, traffic ticket information website, and virtual WhatsApp as well as innovations developed by the Bangkinang District Court itself such as the Mext SIPP and Mint SIPP applications. Both of these applications are Android-based applications that can be accessed mobile using a smartphone. The Mint SIPP application is intended for internal users of the Bangkinang District Court, such as judges, clerks, substitute clerks, and bailiffs. Meanwhile, the Mext SIPP application is aimed at external users, namely prosecutors, advocates, and litigants. With this application, users can access trial schedule information, case information, determinations, and decisions. There is the SIGAPP application, namely the use of an application by the applicant, where the application and documents are submitted first online. It will then be processed and the applicant can then take the determination while providing complete original documents.

For the sake of realizing great justice, the Bangkinang District Court has the motto SMART (Simple, Serving, Accountable, Responsive, Transparent). To provide a sense of comfort for those seeking justice, the Bangkinang District Court provides various facilities that can be used, namely a lactation room, library, children's waiting room, detention room, mediation room, and various facilities for the disabled.

The Bangkinang District Court has made efforts to create inclusive court services, namely services that touch all levels of society, including people with disabilities and the vulnerable, not just public facilities, but trials involving people with disabilities and vulnerable people will be carried out differently, namely trials that are friendly to people with disabilities and vulnerable people.

Various facilities to support people with disabilities or vulnerable people, such as special parking lots, special guideways for people with disabilities (guiding blocks and warning blocks) to court buildings and rooms, ramps, priority queue numbers, special waiting chairs, special priority counters, disabled toilets, and standard books services in Braille format and assistive devices in the form of wheelchairs and canes for those who need them as well as translators for the deaf. This was fulfilled by the Bangkinang District Court to provide equality for all justice seekers.

Law enforcement will not function successfully if the legal culture is not supported by the people participating in the system, no matter how well the legal structures are organized to carry out the laws and regulations that have been formed, or how high the quality of legal substance is.[3]

Bangkinang District Court will continue to strive to improve services and promote justice ideals in order to consistently deliver the best possible service to justice seekers. The values of simplicity, rapidity, and low cost in the examination and resolution of matters in court do not trump the importance of finding truth and justice.[4] Bangkinang District Court is

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[3] Dewi Rahmaningsih Nugroho and Suteki Suteki, "Membangun Budaya Hukum Persidangan Virtual (Studi Perkembangan Sidang Tindak Pidana via Telekonferensi)," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 291–304, https://doi.org/10.14710/jphi.v2i3.291-304.

[4] M. Beni Kurniawan, "Implementation of Electronic Trial (E-Litigation) on the Civil Cases in Indonesia Court As a Legal Renewal of Civil Procedural Law," *Jurnal Hukum Dan Peradilan* 9, no. 1 (2020): 43, https://doi.org/10.25216/jhp.9.1.2020.43-70.

ready to create a work environment free of corruption, collusion, and nepotism.

a) Definition of Trial

According to the Big Indonesian Dictionary, the trial comes from the basic word "*sidang*" which means a meeting to discuss something; or meeting. In Article 1 of the Constitutional Court Regulation Number 19 of 2009, it is stated that "trials are hearings conducted by the court, both panel and plenary sessions, to examine, try and decide on petitions submitted to the Constitutional Court."[5] From the explanation above, it can be concluded that a trial is a meeting attended by several parties to resolve problems by examining, adjudicating, and deciding cases in court to reach an agreement.

b) Examination Stages in the Trial

According to Yahya Harahap, the resolution of a case before the court is not seen from the final result of the decision handed down, but the correctness and fairness of a case resolution must be assessed from the beginning of the examination process. Whether the examination process is from start to finish, the court provides services by procedural law provisions or not.[6] One of the legal industry's digitalizations is the development of e-litigation applications, which allow participants to attend face-to-face sessions online.[7]

To defend rights that are violated by others, we must not take the law into our own hands (*eigenrechting*). To defend the rights that have been violated; to defend material civil law, a letter of complaint is made to the district court and addressed to the Chairman of the Bangkinang District Court. Then, the lawsuit letter is registered at the

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5 Mahkamah Konstitusi, "Peraturan Mahkamah Konstitusi Nomor 19 Tahun 2009 Tentang Tata Tertib Persidangan," 2009.

6 M. Yahya Harahap, *Hukum Acara Perdata : Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2007).

7 Widowati, "Hambatan Dalam Implementasi Asas Sederhana, Cepat Dan Biaya Ringan," *Jurnal Fakultas Hukum Universitas Tulungagung* 7, no. 1 (2021): 94–114.

court clerk's office and registered, after being numbered, the letter is given to the head of the court for determination by the panel of judges. After the panel of judges has been appointed, the parties are summoned to appear in court by the bailiff.

At the appointed hearing, the parties come to appear and the judge will reconcile the parties. If the peace is successful, a peace deed is made which has permanent legal force. The process of examining civil cases before a court is carried out through stages in civil procedural law after the judge first tries and fails to reconcile the parties to the dispute. The inspection stages are as follows:[8]

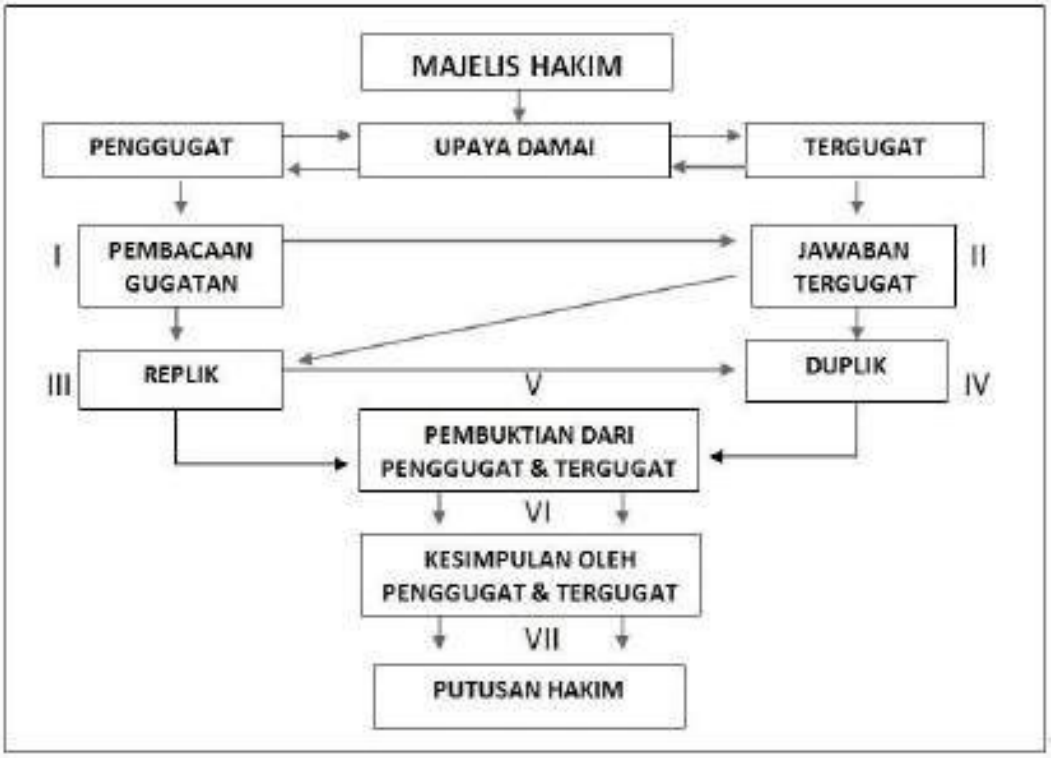

FIGURE 1 Civil Case Examination Stage

Information:

I. At the peace effort hearing, the judge, plaintiff, and defendant make

[8] Mukti Arto, *Praktek Perkara Perdata : Pada Pengadilan Agama* (Yogyakarta: Pustaka Pelajar, 2011).

peace efforts. In this case, the judge must be active and serious about reconciling the two parties (plaintiff and defendant). If these efforts are unsuccessful, the trial will proceed to the lawsuit reading stage.

II. At the stage of reading the lawsuit, the defendant has the right to check again whether all the material submitted (the arguments for the lawsuit and petitum) is correct and complete or not because the reference in the examination is what is stated in the lawsuit letter and the examination must not go outside the scope contained in the lawsuit letter.

III. At the answer stage, the judge gives the defendant the right and opportunity to defend, refute, or express what has been conveyed or what is being claimed by the plaintiff.

IV. Then at the replik stage, the plaintiff can strengthen and reaffirm what has been submitted or what is his claim regarding the objections or denials put forward by the defendant at the answer stage.

V. At the duplik stage, the defendant can reiterate the plaintiff's objection or denial. The replica and duplicate stages can occur repeatedly until the judge deems this to be sufficient, then proceed to the evidentiary stage.

VI. At the evidentiary stage, the plaintiff is allowed to present evidence to support his claim. Likewise, the defendant can submit evidence to support his answer or rebuttal. Each party is given the right to evaluate the evidence presented by the opposing party.

VII. After that, proceed to the conclusion stage. The plaintiff and defendant submit their final opinion regarding the results of the examination after submitting evidence.

VIII. Next is the decision stage. At this stage, the judge expresses all his opinions on the case being handled and concludes it with a decision. This judge's decision brought the dispute to an end.

It is hoped that the presence of this online trial will make the faces of justice seekers conform to their wishes and cases will be decided by the rules and mandates of the law for court proceedings.

III. E-Litigation in the Settlement of Divorce Cases at the Bangkinang District Court

The term dispute resolution comes from the English translation, dispute resolution. Meanwhile, the definition of a dispute resolution pattern is a form or framework for ending a dispute or dispute that occurs between the parties. The dispute resolution theory was developed by several major figures in the world, namely Ralf Dahrendorf, Dean G. Pruitt, Jeffrey Z. Rubin, Simon Fisher, Laura Nader, and Harry F. Todd Jr. Dispute resolution theory was developed by Ralf Dahrendorf in 1958 oriented towards social structures and institutions. Ralf Dahrendorf believes that society has two faces, namely dispute and consensus.

Therefore, he believes that sociological theory should be divided into two parts, namely dispute theory which is a theory that analyzes interest disputes and the use of violence that binds society together in the face of that pressure, and consensus theory is a theory that examines the value of integration in society. [9] Simon Fisher, et al. put forward six theories that examine and analyze the causes of disputes, which include:

a. Public relations theory
b. Principled negotiation theory
c. Identity theory
d. The theory of intercultural misunderstanding
e. Dispute transformation theory

[9] Salim HS and Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi* (Jakarta: Rajawali Pers, 2016).

f. Theory of human needs [10]

Laura Nader and Harry F. Todd Jr. proposed seven ways of resolving disputes in society, including: [11]

a. Lumping it (leaving it alone), namely the party who feels unfair treatment fails in his efforts to emphasize his demands.
b. Avoidance, namely the party who feels disadvantaged, chooses to reduce relations with the party who harms him or to stop the relationship altogether.
c. Coercion, namely one party forcing a solution on another party. This is unilateral. These coercive actions or threats to use force generally reduce the chances of a peaceful resolution.
d. Negotiation, namely the two parties facing each other are the decision makers.
e. Mediation, namely a third party who helps both parties in a disagreement to find an agreement.
f. Arbitration, namely both parties to the dispute agree to request a third-party intermediary, an arbitrator, and from the start have agreed that they will accept the decision of the arbitrator.
g. Adjudication, namely a third party has the authority to intervene in problem-solving, regardless of the wishes of the parties to the dispute.

This theory is to understand e-litigation in resolving divorce cases at the Bangkinang District Court. A divorce suit can be filed by a wife who is carrying out a marriage or a husband who is carrying out a marriage according to his religion and beliefs.

By the provisions in Article 40 of the Marriage Law, procedures for divorce examinations are further specified in Articles 20 to Article 36 of

[10] Simon Fisher, *Mengelola Konflik: Keterampilan Dan Strategi Untuk Bertindak*, ed. Sri Nurani Kartikasari (Jakarta: The British Council, 2001).
[11] Laura Nader, ed., *The Disputing Process-Law in Ten Societies* (New York: Columbia University, 1978).

Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage.

Before e-litigation, the trial process was carried out conventionally. The parties to the lawsuit must come to court. It is not uncommon for implementation to experience various obstacles. E- litigation is expected to overcome obstacles to trials that were previously carried out manually. Juridically, Article 2 paragraph (4)of Law Number 48 of 2009 concerning Judicial Power states that justice is carried out simply, quickly, and at a low cost. This means that justice should be held and implemented effectively and efficiently. Regulations regarding e-litigation are further outlined in Supreme Court Regulation Number 1 of 2019 concerning the Electronic Administration of Cases and Trials in Court (Regulation of the Supreme Court No. 1 of 2019). In line with this, Menashe stated that online justice is the impact of technological advances, namely: "The online court is expected to generate large profits. Therefore, to realize it requires a basis that the judiciary is carried out with a simple procedure and low-cost."

This statement reflects that online justice is an effort to create a simple system with low costs. This is certainly in line with the principles of administering justice adopted by Indonesia. In the actualization of e-litigation, law enforcement becomes a fundamental component for applying e-litigation, especially to support the realization of the principles of administering justice. According to Lawrence M. Friedman, law enforcement consists of legal substance, legal structure, and legal culture. In this modern era, Marzuki added one component of law enforcement in the form of facilities and infrastructure (legal infrastructure).[12]

In studying the administration of justice in the era of digitalization, the parameters used are the principles of administering justice and

[12] Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1977).

policies related to e-litigation,[13] as follows:

a. The judiciary in Indonesia is carried out on simple principles. According to the explanation of Law No. 48 of 2009, what is meant by "simple" is that the examination and resolution of cases are carried out efficiently and effectively.
b. Justice is carried out at a low cost. Low costs are legal costs for justice seekers that do not burden the community. However, in this era of digitalization, the issue of costs is still an obstacle for justice seekers.
c. The judiciary in Indonesia is carried out on a "swift" principle. According to Sutiarso, speedy justice means that the implementation of justice must pay attention to the measure of time or period. In this case, Astarini said that speedy justice is interpreted as a process of resolving cases without procrastination or delay. The "fast" principle is also related to distance, space, and time in court proceedings.

Given some of the common issues that plague the judicial system, courts are expected to provide a variety of benefits, including speed, consistency, precision, and dependability.[14] Legal substance refers to the content of regulations implementing legal reforms contained in legislation aimed at creating justice and applied to justice seekers.[15]

The method of resolving cases through a judge's decision in court is indeed the main goal of resolving cases for the parties who come to court. Only a handful of people come to court to resolve disputes through peace. Peace is like a breeze when someone is in court. People who come to court usually think that the court is the place where the judge's

[13] Andi Kurniawan, "Prospek dan Tantangan Implementasi E-Court," *Majalah Peradilan Agama* (Jakarta, November 2018).

[14] Muhamad Iqbal, Susanto Susanto, and Moh Sutoro, "Efektifitas Sistem Administrasi E-Court Dalam Upaya Mendukung Proses Administrasi Cepat, Sederhana Dan Biaya Ringan Di Pengadilan," *Jurnal Ilmu Hukum* 8, no. 2 (2019): 302, https://doi.org/10.30652/jih.v8i2.7286.

[15] Dian Latifiani and Raden Muhammad Arvy Ilyasa, "The Position of Moral Values in Law," *Diponegoro Law Review* 6, no. 1 (2021): 51–61, https://doi.org/10.14710/dilrev.6.1.2021.51-61.

decision is made to win or lose a civil case.

Colonial legacy civil procedural law, *Reglement Tot Regeling van Het Rechtswezen In De Gewesten Tussen Java en Madura* (RBg)[16] or *Het Herziene Inlandsch Reglement* (HIR) always positions judges as people who resolve disputes, either by deciding cases or reconciling the disputing parties. The judge's obligation to offer peace is regulated in Article 154 RBg and Article 130 HIR which states:

a. If on the appointed day both parties are present, the court, through the mediation of the chairman of the session, will try to reconcile them.
b. If peace is achieved, a peace deed is drawn up where both parties implement the agreement. The deed of peace is valid and enforceable as an ordinary decision.
c. There cannot be an appeal against such a decision.
d. To reconcile the two parties, the assistance of an interpreter is required, so in that case, the following article regulations must be followed.

This way of thinking in colonial regulations means that judges always place peace as a formality in every civil case, even though it ultimately continues until the decision stage.

The litigation route is considered time-consuming and high-cost. In addition, litigation for judges has resulted in backlogs and caseloads, while for the parties it can affect their reputations. These reasons prompted the Supreme Court of the Republic of Indonesia to revive the method of peace e-litigation or dispute resolution which is a win-win solution and efficient in terms of time and costs, also known as mediation in court.

Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court makes mediation an effort to resolve cases

[16] K. Wantjik Saleh, *Hukum Acara Perdata Rbg/HIR* (Jakarta: Ghalia Indonesia, 1981).

that must be taken by parties in civil lawsuits in general court institutions and religious courts as if it were integrated into the litigation process itself. Simply because the judge determines the efforts to resolve the dispute, either using peace or by trial by the judge's decision which is condemnatory. Supreme Court Regulation Number 1 of 2016 regulates various provisions regarding mediation in court, starting from the type of case, good faith in the mediation process, location, selection of mediator, mediator certification, mediation stages, and peace agreement, to regulating mediation outside of court.

To empower mediation in court, the Supreme Court ensures that mediation is a prerequisite before a civil lawsuit can be heard further. Efforts to empower mediation in court in Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures, include:

a. Mediation is not just a formality for resolving civil disputes, because if the mediation process fails due to the parties' bad faith, then the lawsuit cannot be continued.
b. The obligation of the parties to appear directly in court, while previously they could be attended by legal representatives who often took the initiative in not wanting peace.
c. The time for the mediation process has been reduced to 30 days, but there is an opportunity to extend the time in the process of reaching a peace agreement.
d. Freedom to choose judge mediators or certified non-judge mediators in court.

Empowering mediation is changing people's mindset in resolving cases. Every problem or matter involving civil relations should be resolved peacefully and by deliberation to reach a consensus as is the mandate of the Pancasila principle "*People led by wisdom in deliberation/ representation*". The community should put aside the habit of suing or going to court if mediation efforts have not been taken. According to the judicial system in Indonesia, the dispute resolution process adheres to the

principles of simplicity, speed, and low costs. This provision is regulated in Article 4 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power "The court assists justice seekers and tries to overcome all obstacles and obstacles to achieve simple, fast and low-cost justice." The meaning of the word 'simple' is that the examination and resolution of cases are carried out efficiently and effectively. What is meant by 'low costs' is case costs that can be borne by the people. In examining and resolving cases, do not sacrifice thoroughness in seeking truth and thoroughness. To achieve simple, fast, and low-cost justice, Law Number 48 of 2009 concerning Judicial Power provides the opportunity for disputing parties to resolve disputes through peaceful channels. These provisions can be found in Article 10 (2) which reads: "The provisions as intended in paragraph (1) do not preclude efforts to resolve civil cases peacefully." "*The court must not refuse to examine and decide on a case submitted on the pretext that the law is unclear or unclear, but is obliged to examine and decide on it.*" Meanwhile, paragraph (2) states: "*The provisions as intended in paragraph (1) do not preclude the possibility of efforts to resolve cases peacefully.*"

"Divorce can only be carried out before a court hearing after the court concerned has tried and failed to reconcile the two parties." Meanwhile, Article 82, paragraph (1) of Law No. 7 of 1989 Concerning Religious Courts states: "At the first hearing of the divorce lawsuit, the judge tries to reconcile the two parties." Judges do not only make peace efforts at the start of the trial but also during every case examination process.

The court tries to overcome all obstacles and obstacles to achieve simple, fast, and low-cost justice. Article 4 (2) Law 48 of 2009, namely

a. The demands of justice seekers and current developments require that case administration services in courts be based on information technology;
b. The Supreme Court can further regulate matters necessary for the smooth administration of justice;
c. Demand for ease of doing business surveys.

Registered users have the right to use electronic case administration services with all supporting features consisting of:[17]

a. Register cases electronically.
b. Make payments and add additional court fee deposits and receive refunds of the remaining court fee deposits electronically.
c. Using facilities for summons, notifications, sending answers, replik, duplik, and conclusions, managing, submitting, and storing case documents electronically.
d. Monitor the progress of registered cases
e. Receive a copy of the decision/ determination electronically.

Furthermore, e-court is a court facility for providing services to the public related to online case registration, electronic estimation of downpayment, online payment of downpayment, online summons, and online trials by uploading documents or trial files both in the replik, duplik, conclusion or answer.3 The existence of the e-Court application is expected to be able to improve services from registration to trial reduce costs and time for the public and make it easier to register cases during trials. The scope of the e-Court application is as follows:

a. Online Case Registration (e- Filing)

   One of the reasons for holding online/electronic case registration in the e-Court system is to make it easier for people to register. Online case registration is currently only open for petitions, lawsuits, objections, and simple lawsuits. This online case can be carried out at the General Court, Religious Court, and State Administrative Court. The benefits that can be obtained from registering cases online via the e-Court application are as follows:[18]

   1) Save time and costs in the case registration process.

[17] Mahkamah Agung Republik Indonesia, "Buku Panduan E-Court," *Mahkamah Agung Republik Indonesia*, 2019.
[18] Mahkamah Agung Republik Indonesia.

2) Payment of down payment fees can be made in multichannel channels or from various payment methods and banks.
3) Documents that have been registered or submitted are properly archived and can be accessed from various locations and media.
4) Faster data retrieval process.

b. Online fee down payment (e-Payment)

After registering the case online, registered users will immediately get the SKUM which is generated electronically by the e- Court application. In the generating process, it will be calculated based on whatever cost components have been determined and configured by the court, and the amount of the radius cost which is also determined by the Chairman of the Court so that the calculation of the estimated down payment costs has been calculated in such a way and produces an electronic SKUM or e-SKUM. Registered users will get a payment number (Virtual Account) as a virtual account for payment of down payment fees after receiving the down payment estimate or e-SKUM.

c. Electronic Summons (e-Summons)

For registered users who register via e-Court, the summons is made electronically and sent to the registered user's electronic domicile address. This is as explained in Supreme Court Regulation No. 3 of 2018. Meanwhile, for the defendant, the first summons was made manually. Then, when the defendant appears at the first trial, the judge will ask the defendant for approval whether they agree to be summoned electronically or not. If you agree, the defendant will be summoned electronically according to the electronic domicile provided and if you don't agree, the summons will be made manually as usual.

d. Electronic Trial (e-Litigation)

One of the differences between Supreme Court Regulation Number 3 of 2018 and Supreme Court Regulation Number 1 of 2019 is

> that electronic proceedings in Supreme Court Regulation Number 3 of 2018 do not reach the trial stage, they can only be carried out at the administrative stage. Meanwhile, the e-Court application which is regulated in Supreme Court Regulation Number 1 of 2019 can also conduct trials electronically so that trial documents such as replicas, duplicates, conclusions, and/or answers can be sent electronically which can be accessed by the court and the parties. E-litigation begins with the filing of a claim, in which all parties involved in a specific case must be enrolled in the e-litigation system. This includes litigants who use advocates or present witnesses. They must also register legal representatives or advocates in the system.[19]

In the further context, Indonesia is a country of law, so all aspects of national and state life must be under the auspices of law. E-Court as a system that is integrated with the court cannot be separated from the laws that have been regulated and established. The legal basis for the existence of e-Court is:

a. Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court.
b. Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2018 concerning Electronic Administration of Cases in Court.
c. Decree of the Chairman of the Supreme Court Number 122/KMA/SK/VII/2018 concerning Guidelines for Governance of Registered Users of the Court Information System.
d. Decree of the Director General of the Religious Courts Agency Number 1294/DjA/HK.00.6/SK/05/2018 concerning Instructions

[19] Dian Latifiani et al., "Advocate as Law Enforcer in the Implementation of E-Court," *International Journal of Innovation, Creativity and Change* 11, no. 4 (2020): 439–49.

for Implementing Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Court.

e. Decree of the Secretary of the Supreme Court of the Republic of Indonesia Number 305/SEK/SK/VII/2018 concerning the Appointment of a Pilot Court for Implementing Case Administration Trials in Courts Electronically. [20]

This electronic trial is very necessary to avoid crowds during the pandemic because activities are carried out online. The use of information technology can reduce the time for handling cases, reduce the intensity of the parties coming to court canalize the way the parties interact with the court apparatus, and prevent the public from lack of information and knowledge about the court.[21]

The application of e-litigation is also modernization in the field of litigation, namely by applying information technology to explore the courtroom which has benefits including[22]:

a. Eliminating is the removal of unnecessary processes
b. Simplifying is the simplification of existing processes
c. Integrating is the merging of processes into a process flow
d. Automating is a change from manual processes to automatic ones by using a computer.

IV. Conclusion

The online proceedings that are applied at the Bangkinang District Court are electronic courts that are expected to achieve the goal of administering

[20] Pengadilan Agama Barabai, "Dasar Hukum E-Court," 2020.

[21] A. S. Pudjoharsoyo, "Arah Kebijakan Teknis Pemberlakuan Pengadilan Elektronik (Kebutuhan Sarana Dan Prasarana Serta Sumber Daya Manusia)," 2019.

[22] Mahkamah Agung Republik Indonesia, "Keputusan Bersama Ketua Mahkamah Agung Republik Indonesia Dan Ketua Komisi Yudisial Republik Indonesia Tentang Kode Etik Dan Pedoman Perilaku Hakim," Pub. L. No. 047/KMA/SKB/IV/2009, 1 (2009).

justice which is of course by the principles of justice which are simple, fast, and low cost. E-litigation offers various kinds of facilities by the principles of fast, simple, and low-cost justice. The speed with which case settlement from the beginning to the decision can be made electronically, simply when many things can be done via e-mail/paperless and low costs will reduce the cost of accommodation to the Court.

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