







RESEARCH ARTICLE

**RECONSTRUCTION OF E-COURT LEGAL
CULTURE IN CIVIL LAW ENFORCEMENT**

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ABSTRACT

This article attempts to explore corrective justice and its significant role in private law. There are many justice perspective on private law, but corrective justice is part of the view that have significant role in the work of private law. Breaking the private property right charges someone to take responsibility. To what extent private law rules responsibility of the someone. Corrective justice can be measurement to take responsibility. Corrective justice can be traced back to Aristotle's ideas of justice and Kant's ideas of rights. Hans Kelsen sharply criticized the concept of corrective justice for only proposing

formal ideas without touching anything substantial. Apart from this criticism, corrective justice remains very important in private law studies because it provides solutions between two private actors in which one benefits from the losses experienced by the other. So far, the dispute settlement mechanism in private law gives the winning party a full share, while the loser does not receive any share at all. Corrective justice offers a quantitative measure that balances what the defendant is deducting and what is added to the claimant's loss. The application of this principle encourages the creation of equal punishment between the disputed parties.

Keywords: *Corrective Justice, Private Law, Dispute Settlement*

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INTRODUCTION

THE RELATIONSHIP between law and society can be seen from the adage *ubi societas ibi ius*.¹ Law responds to demands and moves toward its ultimate goal. Responsiveness and progressivity gave birth to an entity called law enforcement. Law enforcement is not a new term in legal science exponents. Muladi explained that law enforcement is an effort to enforce legal norms and the values contained therein.² Philosophically, law enforcement aims to realize what the law will achieve, which is nothing but justice.

In the constitutional system, there is a division of power, one of which is judicial or judicial power. Referring to Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is explained that this power is the administrator of the judiciary to enforce law and justice. Thus, judicial power has a vital role in law enforcement in Indonesia. One of the perpetrators is the Supreme Court and the judicial bodies under it as stated in Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.³

The complexity of the development of the era of legal standing is faced with the readiness to continue to strengthen its pillars of justice. The existence of law enforcement is not without direction and purpose, the world revolution has brought progress to the legal system in Indonesia. E-Court is one of them.⁴ Is a court instrument a

¹ MOCHTAR KUSUMAATMADJA, *KONSEP-KONSEP HUKUM DALAM PEMBANGUNAN* (2006).

² MULADI, *HAK ASASI MANUSIA, POLITIK, DAN SISTEM PERADILAN PIDANA* (2002).

³ 1945 Constitution of the Republic of Indonesia.

⁴ Dian Latifiani Ahmad Habib Al Fikry, M Riyan Afandi, *National Law Development through Civil Procedure Law Reform as a Manifestation of Stae Goals during the Covid-19 Pandemic*, 5 *LEX SCIENTIA LAW REVIEW*. 55 (2021). See also Zuhri Ma'ruf & Lita Tyesta Addy Listya Wardhani, *Omnibus Law and Conflicting Norms and Their*

form of community service (the Petitioner or Plaintiff) in terms of case registration, payment, summons, and online trials? The existence of the e-court is in line with the principles of fast, simple, and low-cost justice.⁵The reduction of problems related to the inefficiency of the court process, the slow handling of cases, and the difficulty of accessing the courts are the high hopes of the Supreme Court of the Republic of Indonesia by implementing e-court.⁶

Reviving the legal system theory presented by Lawrence Friedman that the determinant of the effectiveness of law enforcement lies in the legal system which consists of 3 sub-systems namely legal structure, legal substance, and legal culture.⁷E-Court with its impressive purpose in its implementation experiences problems. Efficiency is something that has not been achieved properly because it is faced with the reality of different people's backgrounds. Lack of familiarity with the use of technology is the biggest factor that creates a problem hole that must be immediately closed.

The above case occurs in several villages in Semarang Regency. The results of the author's pre-research for 5 weeks in 2020, there were 5 cases with the Petitioner or Plaintiff who did not understand about e-court starting from the requirements, case registration, to the procedures for its implementation.

Relevance to Business Ease in Indonesia, 6 JOURNAL OF PRIVATE AND COMMERCIAL LAW 100-113 (2022).

⁵ Panji Purnama, *Penerapan E-Court Perkara Pidana sebagai Salah Satu Upaya Terwujudnya Integrated Judiciary dalam Sistem Peradilan Pidana di Indonesia*, 10 RECHTVINDING 103 (2021).

⁶ Sahira Jati Pratiwi, *The Application of E-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems*, 2 INDONESIAN JOURNAL OF ADVOCACY LEGAL SERVICES 43 (2020).

⁷ Sudjana, *Sistem Hukum Menurut Lawrence Friedman Terhadap Efektivitas Perlindungan Desain Tata Letak Sirkuit Terpadu Berdasarkan Undang-Undang Nomor 32 Tahun 2000*, 2 AL AMWAL 82 (2019).

Ignoring the disparity between technology and the legal culture will further distance the achievement of the goal of just law. The big thing that is not allowed to happen is the collapse of the law enforcement building caused by the limited knowledge of the community about technology and e-court. Not without reason, this can happen considering the implications of the legal culture has taken away his civil rights quickly and precisely. The legal consequence is that the case is dismissed and the implementation of the fast, simple, and low-cost principle in court does not materialize. Therefore, it is necessary to reconstruct the legal culture of the community regarding the administration of cases and trials in courts electronically as an optimization of law enforcement in Indonesia.

Based on this background, the authors formulate the following problems: (i) how is the legal culture of rural communities which deals with civil cases regarding case administration and trial in court electronically? and (ii) how to reconstruct the legal culture of rural communities regarding case administration and court trials electronically?

The writing of this article uses an empirical juridical method by examining what legal provisions apply and occur in society.⁸ The author uses qualitative data analysis with descriptive analysis specifications by making systematic, factual, and accurate descriptions of the facts, nature, and relationships between the phenomena studied.⁹ The literature study used is primary, secondary, and tertiary legal materials accompanied by data collection in the field (District Courts and Religious Courts in Semarang Regency Indonesia).

⁸ BAMBANG WALUYO, *PENELITIAN HUKUM DALAM PRAKTEK* (2002).

⁹ MOHAMMAD NAZIR, *METODE PENELITIAN* (1983).

ENFORCEMENT OF JUSTICE IN INDONESIA: A DEVELOPMENT IN THE DIGITAL ERA

To talk about law is to talk about human relations. To talk about human relations is to talk about justice. This discussion is inherent in the theory put forward by Satjipto Rahardjo that the law is for humans, not the other way around. The logical consequence is that the implementation of the law must be able to provide benefits to humans.¹⁰ Law enforcers must place and provide justice for humans because it is the basic thing needed in the legal concretization process.

According to Satjipto Rahardjo, law enforcement is a series of processes to describe quite abstract values, ideals, and ideals which are the objectives of the law.¹¹ The essence of law enforcement is justice. Several factors affect the effectiveness of law enforcement, namely:

1. The legal factors themselves such as laws and regulations;
2. Law enforcement factors, namely those who form and apply the law;
3. Factors of legal facilities or facilities;
4. Community factors, namely the environment in which the law applies and is applied; and
5. Cultural factors are the result of work, creativity, and taste based on the human initiative in social life.¹²

¹⁰ Elly Kristen Purwendah, *Konsep Keadilan Ekologi dan Keadilan Sosial dalam Sistem Hukum Indonesia Antara Idealisme dan Realitas*, 5 KOMUNIKASI HUKUM 140 (2019).

¹¹ SATJIPTO RAHARDJO, *PENEGAKAN HUKUM SUATU TINJAUAN SOSIOLOGIS* (2009).

¹² SOERJONO SOEKANTO, *FAKTOR-FAKTOR YANG MEMPENGARUHI PENEGAKAN HUKUM* (2014).

The context of the concretization of legal objectives is faced with the development of the world that brings major changes to the multidimensional life. It is a digital era that demands knowledge-intensive humans, especially those related to technology. The existence of a one-point meeting between technology, law, and society creates progress in law enforcement in Indonesia. The judiciary's achievements toward digitalization are in line with the 2010-2035 Judicial Reform Blueprint.¹³ The development of judicial administration in Indonesia in this digital era began with the existence of a Case Tracking Information System in 2014, the holding of a quality assurance accreditation program in 2016, and the development of One-Stop Services and E-Court in 2018, and E-Litigation in 2019.¹⁴

Aspects of legal substance, the enactment of the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning the Administration of Cases and Trials in Electronic Courts, apart from showing good regulations, has also become a new chapter in the responsive and progressive legal world in today's digital era. The quo regulations also answer the demands of the community which requires fast, simple, and low-cost services.¹⁵ The quo regulations become the legal basis for the implementation of case administration in courts electronically to create a professional, transparent, accountable, and modern case administration

¹³ Supreme Court of the Republic of Indonesia, *Cetak Biru Pembaharuan Peradilan 2010-2035* (2010).

¹⁴ Vivi Lutfia, *Optimalisasi Penegakan Hukum terhadap Penyelenggaraan Peradilan Melalui E-Court dalam Mewujudkan Keadilan bagi Masyarakat di Era Digitalisasi*, 6 LEX RENAISSAN (2021).

¹⁵ Wahyu Nugroho, *Rekonstruksi Teori Hukum Pembangunan ke dalam Pembentukan Perundang-Undangan Lingkungan Hidup dan Sumber Daya Alam Pasca Reformasi dalam Bangunan Negara Hukum*, 14 LEGISLASI INDONESIA 370 (2017).

order.¹⁶The quo regulations are in response to the demands of the times that require more effective and efficient case administration services and court proceedings.¹⁷How not, the implementation of this e-court in terms of calling the parties and sending trial files as well as case administration is carried out through an electronic system that has been determined without having to appear in court.¹⁸

The existence of a quo regulations will overcome obstacles and obstacles in the judicial process¹⁹and realize the principle of a simple, fast, and low-cost trial as described in Article 2 paragraph (4) of the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.²⁰The quo regulation has the advantage that it is possible to send files that are not only limited to the lawsuit files but also response letters in the form of replicas, duplicates, conclusions, and even the judge's decision document.²¹

Aspects of law enforcement and facilities or facilities in implementing the quo regulations can be seen in the district courts, religious courts or Syariah courts, military courts, and state administrative courts in Indonesia that have implemented e-court. However, some aspects become the estuary of law enforcement that

¹⁶ Dewa Gde Rudy, *Keabsahan Alat Bukti Surat dalam Hukum Acara Perdata Melalui Persidangan secara Elektronik*, 9 JURNAL PENDIDIKAN KEWARGANEGARAAN UNDIKSHA 167–174 (2021).

¹⁷ Vania Shafira Yuniar, *The Court Role in Providing E-Court System Education to Community: Post-Enactment of Supreme Court Regulation Number 1 of 2019*, 8 ILMU HUKUM 36 (2021).

¹⁸ Ocarina, *Eksistensi E-Court untuk Mewujudkan Efisiensi dan Efektivitas pada Sistem Peradilan Indonesia di Tengah Covid-19*, 2 SYNTAX TRANSFORM. 496–507 (2021).

¹⁹ RR Dewi Anggraeni, *Wabah Pandemi Covid-19, Urgensi Pelaksanaan Sidang secara Elektronik*, 2 AL ADALAH (2020).

²⁰ Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.

²¹ Retnaningsih, *Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 tentang Administrasi dan Persidangan di Pengadilan secara Elektronik (Studi di Pengadilan N, 50 HUKUM DAN PEMBANGUNAN 124–144 (2020).*

cannot be abandoned, namely society and its culture. Both will also determine the effectiveness of law enforcement implemented through e-court. It is still problematic when other users as referred to in Article 1 point 5 of the quo rule do not resolve cases through e-court. Therefore, it is necessary to reconstruct the legal culture of the community so that they can take justice in law enforcement through e-court.

I. COMMUNITY LEGAL CULTURE IN E-COURT IMPLEMENTATION: REFLECTION OF LAW ENFORCEMENT PROBLEMS THAT MUST BE SOLVED

Knowledge of law as a system provides an understanding that is in line with Lawrence Friedman's great theory, namely the legal system. According to him, the legal system consists of a legal structure, legal substance, and legal culture.²² The realization of justice in law enforcement is based on the success of one of the factors in it, namely legal culture.²³ This argument is strengthened by the similarity of opinion between Soerjono Soekanto and Friedman.

Interestingly more deeply, Friedman provides a view of legal culture as a determining component of the workings of the legal system which in this case is in the form of views, ways of thinking and acting²⁴, as well as people's habits that influence social forces

²² Sudjana, *supra* note 7.

²³ Anajeng Esri Edhi Mahanani, *Rekonstruksi Budaya Hukum Berdimensi Pancasila dalam Upaya Penegakan Hukum di Indonesia*, 22 YUSTIKA MEDIA HUKUM DAN KEADILAN 9 (2019).

²⁴ Jo Carrillo, *Links and Choices: Popular Legal Culture in the Work of Lawrence M. Friedman*, 17 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 1, (2007)

according to certain development directions.²⁵Friedman describes legal culture as ideas, attitudes, and opinions about the law in depth that:²⁶

1. Be a determinant of behavior to accept or reject the law;
2. Differences in the legal culture of the community will lead to interpretation and understanding of legal norms;
3. The law in carrying out its functions deals with the values or behavior patterns of the community to allow discrepancies between *das sollen* and *das sein* as well as differences between law in book and law in action to emerge; and
4. External legal culture and internal legal culture. External legal culture is the legal culture of society in general, such as how the attitudes and knowledge of the community toward certain legal provisions. The internal legal culture is the legal culture of the community whose duties are related to the law such as judges, prosecutors, and police.

The difference in public perception of the provisions of the legislation will result in differences between certain community groups and others in terms of law enforcement. This means that legal cultural pluralism will result in the emergence of pluralism in law enforcement.

Society is an entity that is inherent in legal culture. This discussion focuses on the village community, which is a small community with various characteristics of economic activity.²⁷The differences between rural and urban communities can be seen in their lifestyle, outlook on life, community institutions, leadership, social

²⁵ Ika Darmika, *Budaya Hukum (Legal Culture) dan Pengaruhnya Terhadap Penegakan Hukum di Indonesia*, 2 HUK. TORA 430 (2016).

²⁶ Lawrence Friedman, *What is a Legal System in American Law* (1984).

²⁷ Agusniar Rizka Luthfia, *Menilik Urgensi Desa di Era Otonomi Daerah*, IV JOURNAL OF RURAL DEVELOPMENT 136 (2013).

structures and processes, livelihoods, and behavior patterns. There is something unavoidable in the life of rural communities, namely the shift from agriculture to the service sector and trade is a viable phenomenon.²⁸

In social life, legal cases are often found between one individual and another, which is the background for the existence of law enforcement. The failure to resolve cases in the realm of deliberation requires that they be resolved through a judicial body, one of which is through a trial at the Court.²⁹ The process of resolving cases through judges (courts) aims to restore the rights of someone who has been harmed or disturbed, to restore the atmosphere to its original state that everyone must comply with legal (civil) regulations so that these regulations run as they should.³⁰

Existence Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning the Administration of Cases and Trials in Courts Electronically provides an opportunity for users other than registered users to settle cases using the E-Court.

The civil court process begins with the existence of a lawsuit or application. The party who has an interest is obliged to file a lawsuit.³¹ The stages of case registration via e-court are: (a) choosing a court, (b) getting an online registration number, (c) power of attorney registration, (d) filling in party data, (e) uploading the lawsuit file, (f)

²⁸ Angkasawati, *Masyarakat Desa*, 8 PUBLICIANA 1 (2015).

²⁹ Dian Latifiani, *PEMERIKSAAN PERKARA PERDATA SECARA PRODEO*, 6 FAK. HUK. UNIV. WAHID HASYIM 40–54 (2012).

³⁰ Dian Latifiani, *Permasalahan Pelaksanaan Putusan Hakim*, 1 JURNAL HUKUM ACARA PERDATA ADHAPER (2015)

³¹ Antonius Sidik Maryono Sanyoto, *Proses Penyelesaian Sengketa Perdata di Pengadilan Negeri dalam Kaitannya dengan Transaksi yang Menggunakan Internet*, 8 DINAMIKA HUKUM 113 (2013).

electronic SKUM (e) -SKUM), (g) e-payment, (h) get a case number, (i) get an electronic call, and (j) an electronic trial.³²

E-Court is a Court instrument that provides public services from case registration to online trial implementation³³, Of course, it is closely related to the electronic case administration process. In this case, the public (applicant or plaintiff) must include conditions in the case in the form of identity cards, application letters, lawsuits, and power of attorney if using power of attorney must be made electronically in the form of pdf, word, or other soft files. Not only that, the public (applicant or plaintiff) must also save the file into a compact disk or flash disk so that it can be registered later. The public (applicant or plaintiff) is required to have an e-court account that is connected to an electronic mail (email) which will later be notified of the trial and the progress of the case via that email and must have a gadget that supports accessing email.

At the stage of conducting the trial, starting from the summons until the trial was carried out online. Online summons (e-summons) is made and summoned via electronic mail (email) which is sent three days before the trial day. Therefore, the public (applicant or plaintiff) should always check email one week in advance. The online trial stage (e-litigation) is carried out online from witness examination, accountability, and verdict reading and is required to understand of technology to follow the trial.

The research data was obtained by in-depth interviews with officers of the One-Stop Integrated Service, Legal Aid Posts, Judges, Principals in the District Court, and the Religious Courts of Semarang

³² Mutiasari and Heru Suyanto, *Tinjauan Hukum E-Court di Masa Pandemi Covid-19 pada Pengadilan Agama Jakarta Selatan*, 8 ILMU HUKUM DAN HUMANIORA 1138 (2021).

³³ Safira Khofifatus and Endrik Safudin, *Efektivitas Penyelesaian Perkara secara E-Court di Pengadilan Agama Kabupaten Kediri*, 1 ANTOLOGI HUKUM 28 (2021).

Regency. Furthermore, the author will describe the legal culture of rural communities in Semarang Regency who have civil cases in the Religious Courts and District Courts of Semarang Regency, Indonesia.

A. Community Legal Culture on E-Filing

In terms of online case registration, registered users must register and get an account, and must go through the Advocate validation mechanism by the High Court where the Advocate is sworn in, while registration from Individuals or Legal Entities will be further regulated on services and a brief explanation of online case registration.³⁴ Advocates as registered users and justice seekers (non-advocates) as other registered users can hold proceedings in all courts that are already active in elections when they will register new cases.³⁵

The initial step for registering an e-court account must meet the requirements of the name, email, and password. Furthermore, the plaintiff or applicant is referred to as a registered applicant. Online case registration is carried out after being registered as a registered user by selecting the District Court, Religious Court, or State Administrative Court which is already actively conducting e-court services. All registration files are sent electronically through the Supreme Court of the Republic of Indonesia e-court application.

The advantages of registering cases online through the e-court application are:

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

³⁴ Annisa Dita Setiawan, *Implementasi Sistem E-Court dalam Penegakan Hukum di Pengadilan Negeri*, 2 POROS HUKUM PADJAJARAN 204 (2021).

³⁵ M Beni Kurniawan, *Implementation of EElectronic Trial (E-Litigation) on the Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law*, 9 HUKUM DAN PERADILAN 43–70 (2020).

2. Payment of upfront fees which can be made in multichannel channels or from various payment methods and banks;
3. Documents are archived properly and can be accessed from various locations and media; and
4. Faster data retrieval process.³⁶

Legal Culture Community on E-Filing (Case of Ambarawa Religious Court, Semarang Regency)

The District Court and Religious Court of Semarang Regency require Advocates to register using e-filing. If you do not use it, you won't be served. Those who do not use Advocates are directed and advised to register with e-filing. This policy makes those who do not use the services of an advocate do conventional registration, and some use e-filing. External legal culture describes the attitude of the general public and lawyers³⁷ about e-filing describes their legal awareness. Since the enactment of the Supreme Court Regulation Number 2019, registration at the Ambarawa Religious Court, Semarang Regency is presented in the following table:

TABLE 1. Number of Cases Enrolled in the Religious Courts Since Supreme Court Regulation Number 2019 Applicable

Year	Month	Number of Cases
2019	August	170
	September	140
	October	164
	November	140

³⁶ DIAN LATIFIANI, *TEKNIS PENGGUNAAN E-COURT (E-FILING, E-PAYMENT, E-SUMMONS, DAN E-LITIGASI)* (I ed. 2021). See also Nandang Sutrisno, Despan Heryansyah, Sahid Hadi, Christopher M. Cason, *The Regulation of Defendant's Religious Identity in Court Decisions*, 10 BESTUUR 85-104 (2022)

³⁷ Ralf Michaels, *Legal Culture*, *Duke Law Scholarship Repository*, 2011

Year	Month	Number of Cases
2020	December	110
	January	218
	February	157
	March	91
	April	73
	May	47
	June	204
	July	97
Total		1,611

Source: Religious Court of Ambarawa, available at https://sipp.pa-ambarawa.go.id/statistik_case processed July 15, 2020

Table 1 shows that for 12 months (August 2019 to July 2020) the number of case registrations (e-filing and conventional) was 1.611. Furthermore, the number of uses of e-filing at the Ambarawa Religious Court, Semarang Regency is presented in Table 2.

TABLE 2. Several Civil Case Registrations with E-Filing at the Ambarawa Religious Court Since the Enactment of the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019

No.	Type	Amount of Case
1	Registration (Paid)	284
2	Successful Case Number	281
3	Lawsuit Case	245
4	Application Case	36

Source: Supreme Court of Republic of Indonesia, available at https://ecourt.mahkamahagung.go.id/mapecourt_agama

Table 2 shows the number of cases registered for 12 months (August 2019 to July 2020) with e-filing and payment of 284. Cases that have been registered are 281 (claim cases and application cases).

The two tables (1 and 2) above show that the communities' legal culture regarding e-filing in Semarang Regency which gives power to advocates is 284 cases (17.6%) while those who register

conventionally are 1,330 (results from 1,611-284) cases (82, 4%). The number of registrations is conventionally larger than e-filing. This is because people who do not give power to advocates tend to feel technology stuttering about the e-court system, do not want to feel difficult about technology, and do not have an e-mail account. The files that must be prepared by the plaintiff or applicant include scan of identity card, scan of marriage certificate, scan of a signed lawsuit, active e-mail address, and active bank account name. The requirements for case registration with e-filing include registered account, uploaded scan of documents, register an account to become a party as a registered party, and upload documents such as introduction, photocopy of identity card, photocopy of marriage book, lawsuit, and proof of payment.

The educational background of community in litigation using e-filing varies, namely graduating from elementary school or junior high school or high school or bachelor with private employees, laborers, and farmers. The age range for using e-filing starts from the age of 25 years to 80 years.

There are obstacles in registering with e-filing that the applicant or plaintiff encounters, including (i) technological stuttering; (ii) slow network; and (iii) not being familiar with information and communication technology.³⁸ Meanwhile, operators of e-courts also experience obstacles in registering with e-filing, namely: (i) Errors;³⁹ (ii) incomplete party documents; (iii) the parties do not have e-mail, and (iv) less familiar with the technology.⁴⁰

³⁸ Interview with One Stop Service Officer, Ambarawa Religious Court, Semarang Regency, (2020).

³⁹ Dian Latifiani, *Advocate as Law Enforcer in the Implementation of E-Court*, 11 INT. J. INNOV. CREAT. CHANG. 442 (2020).

⁴⁰ Interview with One Stop Service Officer, Ambarawa Religious Court, Semarang Regency, *supra* note 38.

The use of e-filing of 17.6% by advocates who are legal representatives of the principal party is motivated by the consideration that it is obligatory to use e-filing, fast, simple, easy and the domicile of the Plaintiff or Petitioner is far from the court area. Conventional registration is 82.4% (not using e-filing) because according to the principal, they do not have an e-mail account and feel technology stuttering. Although people use smartphones, their use is limited to social media, not e-court applications.

Legal Culture of Village Community on E-Filing (Case of Semarang Regency at Ungaran District Court, Semarang Regency)

The Ungaran District Court requires advocates to use e-filing in case registration. The legal basis is the Circular of the Directorate General of the General Judiciary Agency Number 04 of 2019 concerning the Obligation of Registration of Civil Cases through e-court. However, for people who do not use advocates, it is recommended to use e-filing and it is not mandatory. The number of cases entered at the Ungaran District Court; Semarang Regency is presented in Table 3.

TABLE 3. Number of Civil Cases Enrolled in the Ungaran District Court since the 2019 Supreme Court Regulation of the Republic of Indonesia took effect.

Year	Month	Number of cases
2019	August	31
	September	21
	October	31
	November	33
	December	31
2020	January	32
	February	35

Year	Month	Number of cases
	March	36
	April	12
	May	12
	June	27
	July	18
	Total	319

Source: District Court of Ungaran, available at <http://sipp.pn-ungaran.go.id/statistik> case processed on 15 July 2020

Table 3 shows the number of cases that have registered (e-filing and conventional) for 12 months (August 2019 to July 2020) total 319. Furthermore, the number of uses of e-filing at the Ungaran District Court, Semarang Regency is presented in Table 4.

TABLE 4. Number of Civil Case Registrations with E-Filing at the Ungaran District Court since the Enactment of the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019.

No.	Type	Total Cases
1.	Registration (Paid)	283
2.	Successful Case Number	283
3.	Lawsuit Case	133
4.	Application Case	125
5.	Simple Lawsuit Case	25

Source: Supreme Court of Reublic Indonesia, available at https://ecourt.mahkamahagung.go.id/mapecourt_umum

Table 4 shows the number of cases that have registered with e-filing for 12 months (August 2019 to July 2020) totaling 283 including cases: ordinary lawsuits, requests, simple lawsuits.

The two tables (3 and 4) show that the community legal culture who registered using e-filing was 283 cases (88.7%) while those who

used conventional methods or registered directly with the One-Stop Integrated Service officer were 36 cases (11.3%). The percentage of numbers that register with e-filing at the Ungaran District Court, Semarang Regency is greater than that at the Ambarawa Religious Court, Semarang Regency. This is because the number of civil cases entered in the Ungaran District Court of Semarang Regency is more than that of the Ambarawa Religious Court of Semarang Regency. After all, the absolute competence of the Ungaran District Court of Semarang Regency which is a general court is wider than the Ambarawa Religious Court which is a Religious Court.

The absolute competence of the general court according to Article 25 paragraph (2) is to examine, hear, decide and settle criminal and civil cases following the provisions of laws and regulations. Meanwhile, the absolute competence of the religious courts according to Article 25 paragraph (3) of Law Number 48 of 2009 concerning Judicial Powers is to examine, hear, decide and settle cases between people of the Islamic faith following statutory regulations. The types of civil cases in general courts are more varied, such as divorce lawsuits, default lawsuits, lawsuits against the law, and claims for debts and receivables. However, what dominates is divorce lawsuits with non-Muslim religious parties (Catholic Christians, Protestant Christians, Confucians, Buddhists, Hindus, Belief) which in their religious teachings are not allowed to divorce. Marriage is done only once and for good. Meanwhile, the Religious Courts, which are sourced from the material law of the Qur'an and Al-Hadith, allow a husband and wife to divorce when in a married relationship the rights of one party cannot be fulfilled, resulting in continuous bickering which causes marriages to be impermanent based on the One Godhead. Islamic religious teachings that allow divorce are a factor that affects the number of civil cases entered in the Religious Courts which is higher than in the District Courts. So there is a correlation

with the percentage of e-filing legal culture in the District Courts which is higher than in the Religious Courts.⁴¹

B. Community Legal Culture on E-Payment

By registering cases online via e-court, applicants will automatically get an estimated down payment (e-SKUM)⁴² and a payment number (virtual account) on an e-court account that can be paid through an available electronic channel (multichannel). After the registrant makes a payment according to the Estimated Downpayment Fee (e-SKUM), the Court provides the case number on the working day and hours, then the e-court application will provide a notification or notification that the case has been registered with the Court.⁴³

For the smooth operation of supporting the e-court program, the Supreme Court of the Republic of Indonesia cooperates with Government Banks in terms of the management of the payment of court fees. In this case, the bank that has been appointed provides a virtual account (payment number) as a means of payment to the Court where the case is registered.⁴⁴ When the user has received the virtual account number from the registered case, the notification will be sent to the previously registered email. Email notification that registration status, email bill, and amount of down payment to be paid.⁴⁵ After the

⁴¹ Mahkamah Agung Republik Indonesia, *E-Court Mahkamah Agung* (2019).

⁴² Muhammad Iqbal, *Efektifitas Sistem Administrasi E-Court dalam Upaya Mendukung Proses Administrasi Cepat, Sederhana, dan Biaya Ringan di Pengadilan*, 8 ILMU HUK. 306 (2019).

⁴³ Baiq Paridah, *Implementasi dan Dampak E-Court (Electronics Justice System) Terhadap Advokat dalam Proses Penyelesaian Perkara di Pengadilan Negeri Selong*, 2 JURIDICA 46 (2020).

⁴⁴ DIAN LATIFIANI, BUKU MONOGRAF BUDAYA HUKUM E-COURT MASYARAKAT DESA (2020).

⁴⁵ Indonesia, *supra* note 39.

payment is made automatically the status of the registration will change. For the case registration stage that has been completed, the next step is for registered users to wait for verification and validation carried out by the Court to obtain a case number.

The new court will get a notification or notification when the case registration has been paid for then the Court will verify and validate followed by registering the case in the Case Tracking Information System which is a case administration management application at the Court so that it will automatically get a case number and through the Case Tracing Information System it will automatically send information on successful case registration via e-court and the Case Tracing Information System. If the Court has finished verifying the registration and then gets a case number, the verification page will change to "*verified*".

Community Legal Culture on E-Payment (Case of Ambarawa Religious Court, Semarang Regency)

E-payment carried out by the Plaintiff or Petitioner at the Ambarawa Religious Court, Semarang Regency was carried out at a state bank, namely Bank Rakyat Indonesia. The Plaintiff or Applicant is given a virtual account number, then pays. The legal culture of compliance to pay down-payment cases is shown by the paid registration in table 2 which has been presented above, a total of 284 cases were paid and 281 have been validated by officers so that they have received a case number.

The down-payment estimate of court costs is based on the proximity of the domiciles of the plaintiffs and defendants to the location of the Religious Courts office. Compliance with the down-payment of fees determines the continuation of the next process, namely the issuance of a case number. The sooner you pay the down

payment of court fees, the quicker you will get the case number in the Case Tracing Information System. Methods of payment by the Plaintiffs or Petitioners through various methods which include: (i) m-banking; and (ii) automatic teller machines.

According to the author, registration and payment by e-court make it very easy for the registrant. This is because it does not require coming to the local court office,⁴⁶ making it faster and simpler. The obstacle that occurs in e-payment is when partner banks experience a system that is in error.

Community Legal Culture on E-Payment (Case of Ungaran District Court, Semarang Regency)

Table 4 above shows the legal culture of e-payment by the material parties of the Semarang Regency to comply with the down payment fees. The stages of material parties in using e-payment with the transfer method following the nominal stated on the e-payment by writing down the virtual account number of the court partner's bank account. Barriers experienced by material parties in using e-payments for those who do not have m-banking must go to the bank directly, so it takes longer. Legal culture (e-payment) contains values and attitudes⁴⁷ to comply with e court laws.

C. Community Legal Culture on E-Summon

The court summons and notification of the decision are delivered to the parties via electronic channels to the parties' email addresses and

⁴⁶ Rizky Zahrotul Wardah, *Penerapan E-Court di Pengadilan Agama Pasuruan*, 1 LAB. SYARIAH DAN HUKUM 334 (2020).

⁴⁷ Mateja Cehulic, *Prespectives of Legal Culture a Systematic Literature Review*, REVIJA ZA SOCIOLOGIJU, 262 (2021)

information on the summons can be viewed on the e-court application.⁴⁸

Legal Culture on E-Summon (Case of Ambarawa Religious Court, Semarang Regency)

The material party knows if a call has been made through a notification in an e-mail that can be accessed using a smartphone. In the summons, it is stated to attend the trial day on the date and time that has been determined. Material parties can come to court on that date because the e-summon summons is valid and proper. The legal culture of material parties that occurs at the Ambarawa Religious Court is not updating e-mails at any time. So that the material party does not know if an e-summon has been made by the Religious Court. As a result, the parties did not come to the court that had been determined.

Legal Culture on E-Summon (Case of Ungaran District Court, Semarang Regency)

Following Supreme Court Regulation Number 3 of 2018 that summons whose registration is carried out using *the court*, then summons to registered users shall be made electronically sent to the registered user's electronic domicile address. However, for the Defendant, the first summons was carried out manually and when the Defendant was present at the first trial an approval would be asked whether he agreed to be summoned electronically or not, if he agreed, the Defendant would be summoned electronically following the

⁴⁸ Zil Aidi, *Implementasi E-Court dalam Mewujudkan Penyelesaian Perkara Perdata yang Efektif dan Efisien*, 49 MASALAH-MASALAH HUKUM 81 (2020).

electronic domicile provided and if not agree to call is done manually as usual. The legal culture of e-summons at the Ungaran District Court is almost the same as at the Ambarawa Religious Court, namely not every time the party checks e-mail. So that they do not know when a summons has been made by the District Court.

D. Community Legal Culture on E-Litigation

After the user gets an electronic call, then an electronic trial is carried out. The judge offered e-litigation in advance at the first trial face-to-face. Both parties must agree to convene online. If Plaintiff is willing while Defendant is not willing, then the online trial cannot be carried out or it can still be carried out conventionally.⁴⁹ Although access to e-court is not limited in time, all activities are only recognized if the process occurs during conventional court working hours, if the activities are outside court working hours, it is counted as effective on the next working day.⁵⁰ The legal culture of modern justice through e-court has resulted in changes to the theory and practice of litigation, such as evidence.⁵¹ Riccio and Guedes argue that legal culture is intended to show the arrangements and difficulties in judicial practice when using video images as a means of proof. Procedural rules, judicial practices, and technological beliefs play interrelated and changing roles in the determination of judges' decisions⁵².

⁴⁹ Dedi Putra, *A Modern Judicial System in Indonesia: Legal Breakthrough of E-Court and Legal Proceeding*, 9 Huk. and the Judiciary. 293 (2020).

⁵⁰ Khotib Iqbal Hidayat, *Kajian Kritis Terhadap Dualisme Pengadilan Elektronik (E-Court) dan Konvensional*, 1 BATULIS CIVIL LAW 22 (2020).

⁵¹ K.J.M Smith, *Lawyers, Legislators and Theorist: Developments in English Criminal Jurisprudence*, Chapter 2 Legal Theory and Legal Culture, Oxford University Press, 1998

⁵² Carlo Pennisi, *Legal Culture and empirical research: Improving the socio-legal character of the sociology of law*, 12 ONATI SOCIO LEGAL SERIES 6, 1352, (2022)

In this trial, the Plaintiffs and Defendants have agreed to conduct an electronic trial by filling in the agreement so that the parties can do so following the e-summon that has been sent. In this re-litigation, the trial process is conducted electronically by the parties starting from the Answer, Replica, Duplication, and Conclusion events.⁵³The trial schedule has been integrated with the trial delay at SIPP. Documents are sent after there is a trial delay and closed according to the trial schedule. The control mechanism (receiving, checking, forwarding) of all documents uploaded by the parties is carried out by the panel of judges or judges, which means that when both parties send documents and as long as they have not been verified by the panel or judge, both parties cannot view and download the documents sent by the opposing party.⁵⁴

Legal Culture on E-Litigation (Case of Ambarawa Religious Court, Semarang Regency)

The legal culture of e-litigation for material parties at the Ambarawa Religious Court, Semarang Regency is still low. Because there is only 1 case that is being tried online. In this case, namely Case Number 273/Pdt.G/2020/PA. Amb, Defendant agreed to have an online meeting because it was simple so there was no need to go to the court office, but when the trial was conducted, it turned out that Defendant did not understand it. Even though in the minutes of the trial it was written that the trial was online. The trial continued conventionally until a decision was made because Defendant did not understand it. Material understanding of the stages of the trial process with e-litigation is still low, it still requires direction from the officer. The

⁵³ Lisfer Berutu, *Mewujudkan Peradilan Sederhana, Cepat, dan Biaya Ringan dengan E-Court*, 5 ILM. DUNIA HUK. 45 (2020).

⁵⁴ Indonesia, *supra* note 39.

factors causing the low e-litigation are because: (i) the material side is technologically sluggish; and (ii) material parties feel that the internet network in their area is inadequate.

Legal Culture on E-Litigation (Case of Ungaran District Court, Semarang Regency)

The legal culture of e-litigation at the Ungaran District Court has not been implemented at all. This is because there are no cases that have been tried online. Although the material party uses the services of an advocate, the advocate argues that the internet network is the main problem.

II. RECONSTRUCTION OF COMMUNITY LEGAL CULTURE CONCERNING ELECTRONIC CASE ADMINISTRATION & TRIALS IN COURT

Several important points that need to be taken to support civilizing and legal intelligence of the community, including the following:

1. Appropriate and effective methods that utilize the media and infrastructure as well as existing institutions in the community;
2. Socialization of legal materials is also something that needs to be done so that the public can know and understand the development of the latest laws and regulations;
3. Improving the professionalism of law enforcement officers and the bureaucracy; and
4. Conduct an integrated, planned, and fact-based legal culture program and pattern based on the facts of existing legal issues.

The existence of professional legal extension workers needs to be realized.⁵⁵

Some of the things mentioned above are in line with the development of national law in the aspect of legal culture according to Barda Nawawi, one of which is the development of legal awareness and law-abiding behavior. The solution that can be taken in this case is to make the law able to follow the values that live in society.⁵⁶

A. Reconstruction of Legal Culture by the Ambarawa Religious Court, Semarang Regency

The Ambarawa Religious Court, Semarang Regency, held an e-litigation once. This is due to several factors, namely:

1. Most do not know yet;
2. Information that has not been evenly distributed to the parties;
3. Many parties are technology stutterers; and
4. The parties are more accustomed to face-to-face hearings.

The factors mentioned above are obstacles to the implementation of e litigation. The legal culture of e-litigation needs to be constructed using several educational efforts, namely:

1. Through the e-court corner;
2. Continuous socialization; and
3. The parties explain registering and provide completeness of the files in the information section.

In the education process, there are obstacles, namely:

⁵⁵ Iman Pasu Marganda Hadiarto Purba, *Penguatan Budaya Hukum Masyarakat untuk Menghasilkan Kewarganegaraan Transformatif*, 14 CIVICS 151 (2017).

⁵⁶ Dian Latifiani, *Human Attitude and Technology: Analyzing A Legal Culture On Electronic Court System in Indonesia (Case of Religious court)*, 6 JILS (JOURNAL OF INDONESIAN LEGAL STUDIES) 157–184 (2021).

1. People rarely have smartphones, if they do not understand the features;
2. Not all understand information technology; and
3. There is no special budget for socialization.

The obstacles occur because:

1. The background of the village community who is not used to using technology and features on smartphones;
2. The party focuses on the problem at hand, and does not want to make it difficult for other techniques;
3. The parties do not understand information technology because only elementary school, junior high school, and high school graduates, most of whom are not familiar.

Settlement of these obstacles utilizing;

1. Personal education about the use and utilization of smartphones;
2. Continuous education and continuous socialization and simplifying the system; and
3. Provide directions on creating an e-mail account.

B. Reconstruction of Legal Culture of the Community in litigation by the Ungaran District Court, Semarang Regency

Lawrence M. Friedman argues legal culture is a network of values and attitudes relating to the law, which determines when and why and where people turn to law or government or turn⁵⁷. There have been no cases that have been conducted online trials since the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2019. This is because they are used to face-to-face trials. The process stages in the online trial begin with an electronic trial so that it can send trial

⁵⁷ Friedman, Lawrence, Legal Culture and Social Development, LAW & SOCIETY REVIEW, 1969

documents such as Answers, Replik, Duplications, and Conclusions electronically which can be accessed by the Court and the parties.

The courts educate the public about e-litigation by clearly explaining that using e-litigation is easier and saves time and money than manual trials. The obstacle encountered in the education process is that other users (community) do not have e-mail. Because other users don't know how to compose an e-mail. So that the settlement of obstacles by assisting in the process of making e-mail.

C. Reconstruction of the Legal Culture of the Community regarding the Administration of Cases and Trials in Courts Electronically

Model of the Reconstruction of the Legal Culture of Village Communities in Semarang Regency regarding Electronic Case Administration and Trial in Courts through efforts made by the court targeting advocates, non-advocates and village heads.

Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 is an attempt by the Supreme Court to reconstruct the trial culture from conventional to electronic. This Supreme Court regulation applies within the Supreme Court, then it is continued by each head of the Religious Court or District Court to oblige Advocates.

The Religious Court and the District Court require Advocates who will be litigating to use e-court. If you don't use e-court, you won't be served by the court. Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 is the law as social engineering, namely law as social engineering. It means the law is a tool to shape society. In this case the village community in Ungaran Regency. What was originally litigation manually, shifted slowly and surely to litigation electronically.

The author has a concept of educational efforts carried out in various ways. Not only one target, but there are targets for advocates, non-advocates, and village heads. This effort is intended so that cultural reconstruction can occur. The following is a program of efforts to reconstruct the legal culture of the village community in Ungaran Regency.

1) E-Court Socialization Educational Efforts with Advocates Target

Advocates are the spearhead of the law enforcement process. An advocate is a person whose profession is to provide legal services, both inside and outside the court, and who meets the requirements based on the provisions of Law Number 18 of 2003 concerning Advocates.⁵⁸ Advocates provide legal services, namely services provided by advocates in the form of providing legal consultation, legal assistance, exercising power of attorney, representing, accompanying, defending, and taking other legal actions for the client's legal interests. Clients according to the Law on Advocates are people, legal entities, or other institutions that receive legal services from Advocates.

Law Number 18 of 2003 concerning Advocates comprehensively regulates various important provisions surrounding the Advocate profession, while maintaining the principle of freedom and independence of Advocates, such as in the appointment, supervision, and prosecution as well as provisions for the development of a strong Advocate organization in the future. In addition, various principles are also regulated in the implementation of the duties of the advocate profession, especially in its role in upholding justice and the realization of the principles of the rule of law in general.

⁵⁸ UNDANG-UNDANG NOMOR 18 TAHUN 2003 TENTANG ADVOKAT, .

Registration of civil cases using the system by registered users. and advocates are registered users (Article 1 point 4 of the Regulation of the Supreme Court Number 1 of 2019).⁵⁹ So educational efforts to reconstruct advocates are very important. Advocates play an important role in the e-court process. Because advocates not only assist clients but also provide legal education to clients.⁶⁰ Advocates carry out their professions as enforcers of justice based on the law for the benefit of the community seeking justice⁶¹, especially in court.

2) Educational Media

Educational media in the form of pamphlets, MMT, bulletin boards, websites, and online applications are held targeting non-advocates or laypeople. This educational media is important for non-legal material parties because of the diverse educational backgrounds, namely elementary school, junior high school, high school, and not always a law degree.

3) Notification Letter on E-Court and Educational Media to District Heads

The Religious Courts and the District Courts provide information on administration and trial electronically. This is done because the village head can disseminate information about e-court to residents who will have civil cases so that justice seekers gain insight that e-court is faster, cheaper and less expensive. Justice seekers can prepare files and requirements in registering cases with e-court.

⁵⁹ PERATURAN MAHKAMAH AHUNG NOMOR 1 TAHUN 2019 TENTANG ADMINISTRASI PERKARA DAN PERSIDANGAN DI PENGADILAN SECARA ELEKTRONIK, .

⁶⁰ Zulfikli Hidayatullah, *Optimalisasi Peran Advokat dalam Penegakan Hukum Ekonomi Syariah di Wilayah Pengadilan Tinggi Agama Surabaya*, 1 JUSTISIA EKON. 2 (2017).

⁶¹ Rosdalina, *Peran Advokat terhadap Penegakan Hukum di Pengadilan Agama*, 6 POLIT. PROFETIK 112 (2015).

CONCLUSION

Legal culture is one indicator of the success of law enforcement. E-court-based court legal culture is not yet optimal. Seeking justice (non-advocates) tend to prefer conventional registration and trial over e-courts. The mastery factor in operating technology in the application of the e-court system is a major problem. Traditional cultural values are still rooted and inherent, especially for people (non advocates) to have conventional litigation. Reconstruction of legal culture is carried out by the Religious Courts and District Courts who have absolute competence in civil cases through educational efforts to justice seekers and non-advocates as well as synergizing with village heads to disseminate insights about e court.

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*We cannot expect people to
have respect for law and order
until we teach respect to those,
we have entrusted to enforce
those laws.*

Hunter S. Thompson
An American Journalist and Author

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