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Implementation of Supreme Court Regulation No 7 of 2022 concerning electronic case administration and court proceedings at The Denpasar District Court

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ABSTRACT

The implementation of electronic trials (e-Litigation) at the Denpasar District Court is a significant step forward in the modernization of the judicial system. This study aims to find out the implementation of the electronic trial and the obstacles encountered during its implementation. The research contributes by providing insights into the practical challenges of adopting electronic trials in a specific judicial context, potentially offering recommendations for overcoming these obstacles. The findings could be valuable for policymakers, legal practitioners, and other courts looking to optimize their own implementation of e-Court.

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INTRODUCTION

The trial process has evolved significantly with the integration of digital technology, beginning with online case registration, also known as e-Filing (Greenwood & Brinkema, 2015; Kalanauri, 2021; Kurniawan, 2020; Saman & Haider, 2013b, 2013a). This system allows parties to submit their cases digitally, reducing the need for physical presence and paperwork. Following e-Filing, the process continues with online payment (e-Payment), which streamlines the financial transactions related to court fees and other legal costs (Angin et al., 2023; Hidayat, 2024; Nwabachili et al., 2024; Rattan & Rattan, 2023; Santiadi, 2019). The exchange of trial documents, such as replicas, duplicates, conclusions, and answers, is also handled electronically, ensuring that all parties receive and can review the necessary documents in a timely manner. Additionally, online summons (e-Summons) notify the involved parties of trial dates and requirements through digital channels, further simplifying the procedural aspects of litigation.

One of the most significant advancements in this digital transformation is the introduction of electronic trials, commonly referred to as e-Litigation. E-Litigation has revolutionized the way trials are conducted by allowing judges, advocates, and clerks to perform their duties more efficiently (Al-Naimat et al., 2021; Faghfirli, 2023; Grendstad et al., 2020; Mukhtar & Lailam, 2023; Rosadi et al., 2020). This system minimizes the logistical challenges of traditional court proceedings, such as the need for physical attendance, which often results in delays. By facilitating easier access to trial documents and enabling remote participation, e-Litigation enhances the overall efficiency of the judicial process.

Moreover, e-Litigation does not only benefit legal professionals but also provides significant advantages to those seeking justice, such as plaintiffs, defendants, applicants, and respondents (Alam et al., 2024; Lumbantoruan et al., 2021; Rofi'ah & Angkasa, 2024; Rosida et al., 2022; Yusuf, 2023). The convenience of participating in trials remotely means that parties involved in a case can save time and resources, making the legal process more accessible (Bandes & Feigenson, 2020; Bannon & Keith, 2021; Legg, 2021; Sourdin et al., 2020; Turner, 2020). This system is particularly beneficial for individuals who might face challenges in attending court physically due to distance, financial constraints, or other personal circumstances. The ability to conduct trials simply, quickly, and at a lower cost aligns with the broader goal of making justice more accessible to all.

The implementation of Supreme Court Regulation Number 7 of 2022 concerning Case Administration and Trials in Courts Electronically underscores the commitment to these principles. This regulation was introduced with the specific aim of simplifying the litigation process and making it more affordable. By formalizing the procedures for e-Litigation, the regulation ensures that the legal process is not only more accessible but also adheres to the principles of simplicity, speed, and cost-effectiveness. The regulation thus plays a crucial role in ensuring that justice is not only served but also done so in a manner that is equitable for all parties involved.

In theory, the adoption of e-Litigation should significantly reduce the high costs traditionally associated with legal cases. By minimizing the need for physical court appearances, reducing the volume of paperwork, and streamlining the overall process, e-Litigation offers a more economical approach to justice. This reduction in cost, coupled with the increased efficiency and accessibility of the trial process, represents a significant step forward in the modernization of the judicial system. Ultimately, e-Litigation serves to uphold the principle that justice should be accessible, efficient, and affordable for everyone.

Based on the background, this study aims to find out the electronic trial at the Denpasar District Court and the obstacles experienced in its implementation. The research contribution based on the sentence is the examination of how electronic trials (e-Litigation) are implemented at the Denpasar District Court, along with identifying the specific obstacles encountered during this process. This study contributes by providing insights into the practical challenges of adopting e-Litigation in a specific judicial context, potentially offering recommendations for overcoming these obstacles to improve the effectiveness of electronic trials. The findings could be valuable for policymakers, legal practitioners, and other courts looking to optimize their own implementation of e-Litigation.

METHOD

The research is normative supported by empirical (field) legal research. The empirical approach is research based on practice that occurs in the field, especially at the Denpasar District Court. In this study, the normative approach involves a thorough examination of existing legal frameworks related to electronic trials, particularly those outlined in Supreme Court Regulation Number 7 of 2022. By analyzing legal texts, court decisions, and other relevant legal documents, the research seeks to interpret and evaluate the legal provisions governing e-Litigation. This analysis is essential for understanding how these norms are intended to be implemented in judicial practice and identifying any gaps or inconsistencies within the legal system. The normative research, therefore, provides the foundation for understanding the legal context in which electronic trials are conducted, offering critical insights into the regulatory environment that shapes their execution at the Denpasar District Court.

RESULTS AND DISCUSSION

Implementation of Trial for One of the Parties Who Does Not Agree to Conduct an Electronic Trial at the Denpasar District Court

Wilbur Schramm in his book Muhammad Munir and Wahyu Ilahi defines media as information technology that can be used in teaching. Specifically, what is meant by media is physical tools that explain the content of messages or teachings such as books, movies, videos, tapes, slides, and so on (Arsyad, 2011). While electronics are tools made based on the principles of electronics. So, Electronic Media is all media tools that use electronic energy for users to access their content. So it can be concluded that Electronic Media is all information or data that is created, distributed and accessed using electronic form.

E-Litigation is a continuation of the e-Court that has been enforced since 2018 for Civil, Religious Civil, and State Administration cases. By adding one feature called e-Litigation. E-Litigation in short means a trial that is carried out electronically by carrying out a trial using a laptop or computer. This method was created to minimize the parties to come to the court office and also realize the principle of simplicity, speed, and low cost (Purwantini, 2021).

e-Court is a means for the Court to provide services to the public related to online case registration, electronic cost estimation, online fee payment, online summons and online trial by uploading documents or court files either in the Replica, Duplicate, Conclusion or Answer stage. The existence of the e-Court application is expected to be able to improve services from registration to trial and can reduce costs and costs for the community and make it easier when registering cases and during trials.

Supreme Court Regulation Number 7 of 2022 is an amendment to Supreme Court Regulation Number 1 of 2019 which contains Case Administration and Trials in Courts Electronically. However, not all regulations that were originally regulated in Supreme Court Regulation (PERMA) Number 1 of 2019 have changed in Supreme Court Regulation Number 7 of 2022, it's just that Supreme Court Regulation Number 7 of 2022 changes some of the provisions regulated in the previous PERMA, namely in PERMA Number 1 of 2019 concerning Case Administration and Trials in Courts Electronically. Supreme Court Regulation Number 7 of

2022 was issued and officially enforced on October 10, 2022. The issuance of PERMA Number 7 of 2022 is a form of improvement of the previous PERMA, namely PERMA Number 1 of 2019 concerning Case Administration and Trials in Courts Electronically. The goal is still the same, namely to realize and realize the principle of simple, fast, and low-cost justice.

One of the efforts made by the Denpasar District Court in implementing PERMA Number 7 of 2022 is by organizing socialization activities related to PERMA Number 7 of 2022 as a form of amendment to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trials in Courts Electronically. Usually this socialization is held by presenting several parties concerned in the course of the PERMA, namely, judges, junior clerks, substitute clerks, and several other invitees such as advocates from legal aid posts and other advocates. Regarding its implementation at the Denpasar District Court, the e-court has been carried out as optimally as possible to the stage of e-litigation, it's just that in the examination of the preparation and proof of letters and witnesses is still carried out manually (through ordinary trials) because it has not been accommodated regarding the understanding of evidence in the form of files between the original and photocopied and also related to the examination of witnesses or experts electronically through audio visual communication media provided by The court still cannot be implemented. From some of the statements above, the researcher sees that the implementation or implementation of the e-court system at the Denpasar District Court, namely case registration is carried out online, has indeed run effectively and efficiently, but electronic trials (e-litigation) are still very few compared to cases entered at the Singaraja District Court because the parties have not understood the e-court application system that makes electronic trials (e-litigation) not yet running effectively.

In the previous regulation, namely PERMA Number 1 of 2019, it was stated that an electronic trial could only be held if it received approval from both parties, namely the plaintiff and the defendant. If the defendant does not agree and cannot be asked for approval because he is not present, then the electronic trial cannot be conducted. This provision was amended in PERMA Number 7 of 2022 in article 20 paragraph (1) which states that electronic trials can be carried out as long as the case has been registered electronically. In a sense, if the defendant does not agree to conduct an electronic trial, the panel of judges will still hold an electronic trial. Likewise, Article 20 paragraph (6) states that if the defendant has been legally and appropriately summoned but is not present, then the electronic trial will still be carried out and the case will be decided by verstek.

Obstacles in the Implementation of Electronic Trials at the Denpasar District Court

Soekanto (2016) said that the effectiveness of a law can be seen from five factors, namely the legal factor itself, law enforcement factors, facility factors, community factors, and the last is cultural factors. The effectiveness of the implementation of Supreme Court Regulation Number 7 of 2022 concerning Case Administration and Trials at the Denpasar District Court starts from the process of conducting trials which are carried out electronically or commonly called e-litigation, which is still relatively closed to the public, while in the regulation in Article 13 paragraph (2) of the Law on Judicial Power, it is explained that court decisions are said to be valid and have legal force if they are pronounced in a trial that open to the public. And also in Article 12 paragraph (3) of the Law on Judicial Power it is explained that if these provisions are not fulfilled, it will result in the decision becoming null and void. The parties concerned with the implementation of Supreme Court Regulation Number 7 of 2022 are like judges and advocates with all positions they have. This role and position is useful in seeing law enforcers in the theory of legal effectiveness and making it a reference in researching the effectiveness of the implementation of electronic trials. The facilities used to run PERMA Number 7 of 2022 are complete and adequate so that the PERMA can be carried out optimally properly. The Community Factor is the situation and condition of the community regarding whether or not the public is aware of the applied laws such as the Supreme Court Regulation Number 7 of 2022 concerning Case Administration and Trials in Courts Electronically. The implementation of this latest PERMA is actually an effort made by the Supreme Court to change the culture within the Denpasar District Court.

The Denpasar District Court in carrying out its duties certainly gets challenges or obstacles faced. The use of e-court at the Denpasar District Court has been running effectively. Obstacles to the Implementation of Supreme Court Regulation Number 3 of 2018 concerning Case Administration in Courts such as, the First Amendment to the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Case Administration and Trials in Court Electronically and the Second Amendment to the Supreme Court Regulation of the Republic of Indonesia Number 7 of 2022 concerning Case Administration and Trials in Court Electronically at the Denpasar District Court, are: 1. Obstacles to the trial process, where this obstacle is in the form of stabilization of the internet network, e-court applications that still have errors, there are also parties who do not have e-mail, so that the email address given uses someone else's email, there are still advocates who have not registered in the implementation of the e-court.2. obstacles outside the trial process in the form of Lack of Socialization Related to the Comprehensive Implementation of E-Court.

The Denpasar District Court has made various efforts to overcome the obstacles of e-court. Efforts to address the obstacles in the implementation of e-court as a case settlement system at the Singaraja District Court are by providing direct socialization to visitors to the Court, as well as information through the website and the internet, as well as technical assistance to e-court application users who still do not understand how to operate the e-court application. So that the implementation of the e-court has been carried out well, and its existence is ideal for realizing simple, fast, and low-cost justice in accordance with the e-court system.

CONCLUSION

The Denpasar District Court allows electronic trials for trials, even if the defendant disagrees. This is due to Article 20 paragraph (1), which states that if the case is registered electronically, the trial can still be held electronically. However, obstacles remain in both the court process and outside the courtroom. Future research could focus on analyzing the implementation of electronic trials in different district courts, particularly in cases where defendants do not agree. It could also examine the legal and ethical implications of conducting trials electronically without consent, as well as the effectiveness and fairness of such practices. Additionally, it could explore the specific obstacles inside and outside the courtroom, examining how these challenges impact the effectiveness of electronic trials and proposing solutions to overcome them.

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