



MIZAN: JOURNAL OF ISLAMIC LAW

P-ISSN: 2598-974X. E-ISSN: 2598-6252

Vol. 8 No. 1 (2024), pp. 77-89

<https://www.jurnalfai-uikabogor.org/index.php/mizan/index>

Effectiveness of Case Registration Services via the E-Court Application in Resolving Cases at the Cibinong Religious Court¹

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Abstract:

Electronic Court is an innovative application of the Supreme Court as a form of service to the community with the aim of implementing justice principles that are simple, fast, and low cost. The aim of this research is to determine the effectiveness of case registration services through the e-court application in resolving cases at the Cibinong Religious Court. The research method used in this writing is qualitative research using empirical juridical methods. Supreme Court Regulation Number 7 of 2022 is the latest regulation which is the basis for the application of e-court to the wider community. The results of this research show that the registration service via e-Court at the Cibinong Religious Court is running effectively as seen by the development of Supreme Court Regulations and the increase in case registration via e-Court for registered users and incidental users by 676 cases or an increase of 28% between 2021 and 2022. Dissemination of information regarding e-court must be intensively carried out to the public so that parties seeking justice can resolve cases simply, quickly, and at low cost.

Keywords: Effectiveness, E-court, Cibinong Religious Court

A. INTRODUCTION

Indonesia is a country that upholds the upholding of law and justice, therefore the 1945 constitution of the Republic of Indonesia in Article 1 paragraph (3) states that the State of Indonesia is a State of Law. The rule of law in question means that all actions of state administrators and citizens must be in accordance with applicable regulations or laws. (Rais, 2022)

In carrying out law enforcement, the judiciary plays a very important role in upholding the law in Indonesia. Since the enactment of Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power (as a replacement for Law Number 35 of 1999 concerning Amendments to the previous Law Number 14 of 1970), as stipulated in

¹ Manuscript received date: April 20, 2024. Revised: May 22, 2024. Approved for Publication: June 30, 2024.

Article 18 which reads: Judicial power is exercised by a Court The Supreme Court and the judicial bodies subordinate to it in the general court, religious court, military court, state administrative court, and by a Constitutional Court.(Situmeang, 2022)

Based on the considerations in Supreme Court Regulation Number 3 of 2018 concerning the Electronic Administration of Cases in Court in order to realize the principles of simplicity, speed, and low costs in justice, it is necessary to carry out reforms in overcoming obstacles to the process of administering justice, which according to the demands and developments of the times requires that there be case administration services in court effectively and efficiently so it is deemed necessary to implement administrative services in court electronically.(Sari, 2019)

One example of the development of Civil Procedure Law through Supreme Court Regulations is Supreme Court Regulation Number 3 of 2018 concerning the Electronic Administration of Cases in Court. E-court is a series of processes for receiving claims or requests, answers, replicas, duplicates, and conclusions, managing, submitting, and storing case documents using electronic systems that apply in each judicial environment.(Retnaningsih et al., 2020)

The development of regulations regarding e-Court is moving in a positive direction and the benefits can be felt by the wider community. Changes in regulations regarding other users result in ease of e-Court access that can be enjoyed by the wider community, this is regulated in article 1 paragraph 5 of Supreme Court Regulation number 7 of 2022 which reads: Other Users are legal subjects other than Registered Users who meet the requirements to use SIP with rights and obligations regulated by the Supreme Court.(Mahkamah Agung RI, 2022: 4)

From the results of the 2020 Population Census held by the Central Statistics Agency (BPS), Bogor Regency has a population of 5,427,068. This makes Bogor Regency the district with the largest population in West Java Province, even in Indonesia.(Badan Pusat Statistik, 2020)

Based on the 2023 Annual Report data, the Cibinong Religious Court has received 9679 cases, consisting of 7349 lawsuit cases, 2330 petition cases, and 0 simple lawsuit cases. Where there are 2410 cases registered via e-court consisting of 2049 lawsuit cases and 361 petition cases. (Pengadilan Agama Cibinong, 2023)

From the above background, the author wants to study and examine more deeply the effectiveness of registration services through the e-court application in resolving cases at the Cibinong religious court. Where the principles of justice that are simple, fast, and low-cost can be felt by the whole community.

B. METHODE

This research is empirical juridical research with a descriptive qualitative approach. Empirical juridical research is legal research regarding the establishment or implementation of normative legal provisions directly in each particular legal event that occurs in real life in society. Data was collected in this research by means of observation, interviews with sources directly related to registration services, and case resolution through the e-Court application. Another data collection is tracing documents containing regulations that are used as the basis for e-court registration services at the Cibinong Religious Court. This research was carried out for 2 months from April to May 2024 at the Cibinong Religious Court.

The collected data is then analyzed. The author reduces the data obtained, namely by carrying out the process of selecting the data used, concentrating the research focus, and transforming rough data that appears in the field into notes that will be used in writing. After that, the reduced data is published in the research report so that the data that has been collected can be easily understood and analyzed according to the desired objectives. Next, the author carries out data inference, namely verifying or assessing the truth of the theoretical basis with data facts found in the field using the data triangulation method.

C. RESULTS AND DISCUSSION

1. Case Registration Services Via E-Court Application at the Cibinong Religious Court

Based on the considerations in Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Court, the Supreme Court launched the E-court Application which aims to apply the principles of justice that are simple, fast and low cost.

The presence of this electronic proceedings system makes it easy for justice seekers to use the E-court application which consists of registration (e-filling), payment (e-payment), summons (e-summons), and trial (e-litigation). This e-Court system can provide convenience in positive ways. (Roni Pebrianto, Ikhwan, 2021)

Users of the e-Court application are divided into registered users (advocates) and incidental users (other users). Between registered users and incidental users who have the same features, there are only differences in e-Court account registration and the number of cases that can be registered at one time. Registered users (advocates) can register an account from anywhere, while incidental users must come to court and then to the e-Court desk to create an account. Furthermore, there are differences in the

number of cases registered. Registered users can register up to five cases, while incidental users can only register one case. (Rahmat, 2024).

Stages of case registration services via the e-court application at the Cibinong Religious Court apply the 2019 e-Court guidebook published by (Mahkamah Agung RI, 2019), as follows:

a.E-Court Account Registration

Based on the Decree of the Chairman of the Supreme Court of the Republic of Indonesia No. 129/KMA/SK/VIII/2019 stages that must be passed for Registered Users to get an online account via the e-Court Application.(Mahkamah Agung RI, 2019: 6) with the following stages:

- a). Access the e-Court Application using a browser (web browser) via a computer, tablet or smartphone device;
- b).Register by filling in your full name, e-mail address and desired password;
- c).Activate the account on the registered e-mail address as well as approve it as an electronic domicile;
- d).Login to the application; And
- e).Complete attorney data.

For incidental Users (Other Users), you can register an account by going to the e-Court desk at the Court by bringing :

- a).E-mail
- b).Active Account Number
- c).Active Mobile Number
- d).Scan KTP/SIM/Passport

b.Case Registration Services Via E-Court Application

After successfully registering an account, users can access the application to register cases by means of :

- a).Login to the e-Court application can be done on the Login button on the first page of the e-Court.
- b).Complete Advocate data for registered users
- c).Register the case

c.Payment of case registration fees via the E-Court application

The litigant party must pay the court fees by obtaining an estimate of the down payment of the case fees in electronic form so that they can proceed in court, with the following stages:

- a).Electronic SKUM (e-SKUM)
- b).Payment (e-Payment)
- c).Get Case Number

2. Effectiveness of Case Registration Services via the E-Court Application at the Cibinong Religious Court

The effectiveness of case registration services via the e-Court application at the Cibinong Religious Court is directly proportional to the regulations set by the Supreme Court because the Cibinong Religious Court implements these regulations in case registration services via e-Court.

The development of registration services via e-Court is increasingly effective as seen from developments in regulations and the increase in registration via e-Court every year. In the e-Court feature from 2018-2022, e-Court can only register petitions and lawsuits. After the stipulation of Supreme Court Regulation Number 7 of 2022 regarding the e-court application features, it was increased so that through e-court you can register free of charge, objections (*verzet*), objections, and appeals. In the 2018-2022 case court costs, the costs of summoning the defendant/respondent via direct bailiff, after the stipulation of Supreme Court Regulation Number 7 of 2022, where the summons for the defendant/respondent to the case can be done via electronic domicile and if the respondent or respondent does not have an electronic domicile then the summons will be via registered mail involving PT Pos Indonesia as the letter delivery service provider. (Rahmat, 2024)

In its development, case registration services via e-Court have weaknesses which are resolved one by one so that they can become advantages that are beneficial to the wider community, as follows:

a.e-Court User Parties

Based on Supreme Court Regulation Number 3 of 2018, use of the e-court service system can only be done by advocates or legal advisors who have received validation from the Supreme Court of the Republic of Indonesia..(Atikah, 2018)

Regulatory developments continue, Supreme Court Regulation Number 1 of 2019 opens up broad avenues for every level of society. Online case registration in e-court can be used by Advocates (Registered Users) and other Users. Registered users must, after registering and obtaining an account, go through the Advocate validation mechanism by the High Court where the Advocate is sworn in, while registration of Individuals or Legal Entities (Other Users) can directly register at the local Court. Other Users are legal subjects other than advocates who meet the requirements to use the court information system with rights and obligations regulated by the Supreme Court including, among others: State Attorneys, Government Legal Bureau/TNI/POLRI, Republic of Indonesia Prosecutor's Office, Directors/Managers or appointed employees legal entity (in-house launjen), incidental powers determined by law.(Berutu, 2020)

Supreme Court Regulation Number 1 of 2019 has been updated with Supreme Court Regulation Number 7 of 2022. There are several updates to the contents of Article

1 paragraph 5 regarding electronic case administration services that can be used by other than registered users, but can also be used by other users. Other users are legal subjects other than registered users who are eligible to use SIP (Court Information System) with rights and obligations regulated by the Supreme Court (Diansah & Anajeng Esri Edhi Mahanan, 2023)

b. Cases that can be registered via e-Court

Based on Supreme Court Regulation Number 3 of 2018, online case registration in the e-court application is currently only open for the type of registration for lawsuit cases and will continue to develop, so it cannot accommodate the needs of justice enforcement as a whole. (Atikah, 2018)

The Supreme Court responded to these weaknesses with an update in the form of Supreme Court Regulation Article 14 Paragraph 2 Number 1 of 2019. Registration as referred to in paragraph 1 includes a statement of legal remedies for appeal, cassation, judicial review, payment of required fees and submission of related electronic documents. However, due to the absence of prodeo litigation, it is not in accordance with Article 5 paragraph (1) and Article 6 paragraph (1) of Perma Number 1 of 2019 which states that other users (non-advocates) such as individuals, government, legal entities and incidental proxies can use administration and trial services on e-court services. This means that because the people who receive freebies include individuals, the people who receive freebies also have rights and should be able to use e-Court. (Akmal, 2022)

However, with changes to Supreme Court Regulation Number 7 of 2022, registered users and other users can use free case services by uploading application documents and economic disability documents as stated in Article 12 Paragraph (2). (Nisa Dewi Asmar, Darmini Roza, 2023)

The development of supreme court regulations is moving in a positive direction and always resolves weaknesses in the regulations so that case registration services can run effectively in the judicial environment, one of which is the Cibinong Religious Court.

c. Court fee

Electronic Case Administration in Court in the event that case registration is carried out electronically, payment of down payment of case fees to the bank via electronic payment channels. The period for repayment of down payment of case fees has been determined by the system. Any errors, delays and additional costs arising from differences in the bank used by a registered user and an official Court account are the responsibility of the e-Court service user. (Amelia et al., 2022)

The development of e-Court is based on article 10 paragraph 2 of Supreme Court Regulation Number 1 of 2019, where through e-Court you can add and refund court fees deposits electronically. When registering a case, users will immediately receive a SKUM (Power of Attorney to Pay) which is calculated (generated process) electronically. In the

generating process, it will be calculated based on any cost components that have been determined and configured by the Court, and the amount of the radius cost which is also determined by the Chief Justice so that the estimated down-payment costs have been calculated in such a way and produce an electronic SKUM or e-SKUM.(Retnaningsih et al., 2020)

There is a significant change in Article 12 Paragraph 2 of Supreme Court Regulation Number 7 of 2022 where registration via the e-Court application can use the court fee exemption (prodeo) service. And the development of regulations relating to summoning defendants/respondents via e-Court based on Perma Number 7 of 2022 and Decree of the Chief Justice of the Supreme Court Number 363/KMA/SK/XII/2022, summons to court and notification of decisions will no longer be carried out by bailiffs. but via registered mail via PT. Pos Indonesia (Persero).(Dewantoro, 2023)

The research results show that the registration service via the e-Court application is effective at the Cibinong Religious Court compared to direct registration at the court based on Article 2 paragraph 4 of Law Number 48 of 2009 concerning Judicial Power which states that trials are carried out simply, quickly and at a cost. light.(Undang-Undang RI, 2009: 3) as follows:

d.Simple

Simple principles have the meaning of procedural law that is easy to understand and not complicated. In court law, the fewer formalities, the better. On the other hand, if there are too many formalities, it will be difficult to understand and will take a long time.(Asikin, 2018)

Simple case registration means that registration is carried out in an effective and efficient manner, that is, registration can be done easily because filing can be done online. The party who is filing a claim for rights, in this case, does not need to come and queue at the court, but by simply accessing the e-court website, you can do it. register cases and get SKUM online.(Sari, 2019)

The development of Supreme Court Regulations clearly makes registration via e-Court easier for litigants because it can be done simply. Technically, the e-court registration process can be done completely online for advocates, but other users must first register an account with the court and then it can be done completely online.

There has been an increase in the public taking cases via e-court due to the ease of information obtained both through the Cibinong Religious Court website and the Supreme Court of the Republic of Indonesia. The registration service process until the decision is issued is simpler compared to direct registration. This is what causes the e-court registration rate to always increase every year. (Rahmat, 2024).

a.Fast

The meaning of fast is that the examination and resolution of the case is carried out quickly. E-Court registration takes less time than manual registration. It is not

surprising that one stage, such as registering a lawsuit, can take almost half a day just to queue and make photocopies of several files which are not enough, the amount of time and files involved is considered to be completely out of context with the principle of justice which should be fast.(Susanto et al., 2020)

for advocates who want to register a case, it can be done anytime and anywhere without having to come and queue at court and for incidental users it is only enough to create an account at court which can then be done online. Filing for case registration only requires uploading a softcopy of the required data so that Registration can be completed more quickly than direct registration.

In the registration process, when parties choose to file a case manually at the religious court, they will queue at the PTSP section and be served one by one. This is very time consuming, while the case registration process via e-court can be done at any time by registered users and other users only need to create an account at the Cibinong religious court. (Rahmat, 2024)

b.Low Cost

Low costs are of course intended so that the process of examining and resolving cases uses small costs so that it is light for the litigants. Payment of case down payment fees via e-Court is getting easier so that proceedings in court can be carried out by all levels of society. Article 1 Paragraph 3 of Supreme Court Regulation Number 7 of 2022, when summoning the parties by the judge via the bailiff, you can use Electronic Domicile so that the costs are lower compared to registering directly in court. Electronic Domicile is the electronic address and/or messaging services verified by the parties.(Mahkamah Agung RI, 2022: 4)

If the defendant or respondent does not have an electronic domicile, then the summons to the case can be sent via registered letter which will be sent via PT Pos Indonesia as stated in Article 15 Paragraph 2 of Supreme Court Regulation Number 7 of 2022. Summons to the defendants/respondents who do not have an electronic domicile can be done by registered letter. which involves PT Pos Indonesia as the letter delivery service provider.(Mahkamah Agung RI, 2022: 7)

The provisions of Article 12 paragraph 2 of Supreme Court Regulation Number 7 of 2022 Registered Users or Other Users can use the case fee waiver service. Registered users and other users can use free case services by uploading application documents and economic disability documents.(Nisa Dewi Asmar, Darmini Roza, 2023)

Table 1 Data on case registration via E-court in 2018-2023

No	Year of case registration	Application case	Lawsuit Case
1	2018	0	5
2	2019	2	179
3	2020	156	1117

4	2021	275	1434
5	2022	362	2023
6	2023	361	2049

Source: Interview with e-Court Officer at Cibinong Religious Court

Table 1 shows data on case registration via the e-Court application in 2018-2023, namely 1156 petition cases and 6807 lawsuit cases. There was an increase in court registration via e-Court by 676 cases or an increase of 28% between 2021 and 2022, researchers concluded that this was due to the stipulation of Supreme Court Regulation Number 7 of 2022. From the various descriptions above, registration services via the e-Court application are increasingly effective, which causes an increase in case registrations via the e-Court every year.

3. Obstacles in registering cases via the e-court application at the Cibinong Religious Court

There are several obstacles faced in registering via e-Court at the Cibinong Religious Court which affect the level of effectiveness of registering cases via e-Court.

a.Human Resources

E-court users are divided into two, namely: registered users (advocates) and incidental users (other users). The main obstacle lies in human resources, where registered users (advocates) are required to register via e-Court when registering cases in religious courts as stated in the Circular Letter of the Director General of the Religious Courts Agency. If registered users cannot register via e-Court, the case will be rejected by the court. Other users will be given assistance first, if this is not possible, they will be directed to register directly.(Rahmat, 2024)

The problem that occurs for registered users at the Cibinong Religious Court is the obligation to proceed using e-Court for advocates as stated in the Circular Letter of the Director General of the Religious Courts of the Supreme Court of the Republic of Indonesia Norm 069/DJA/H.02/I/2020 Concerning the Obligation to Litigate Electronically for Advocates . There are several advocates who are elderly and do not understand the development of information technology applied to judicial institutions, so this becomes an obstacle in registration services via e-Court because of this, advocates cannot continue to register cases.

For incidental users (Other Users) there are obstacles in information technology knowledge which is not evenly distributed among all levels of society regarding registering cases via e-Court, so the role of e-Court officers is very important in providing direct education to the public. If this is still possible, they will be assisted in the registration process via e-Court, if this is not possible, the litigants can be transferred to register directly at the PTSP (One Stop Integrated Services) section of the Cibinong Religious Court.

b.Lack of Legal Certainty

In direct registration, the summons for the parties will go through the bailiff of the Cibinong Religious Court who understands the importance of the validity of the summons in court proceedings. In accordance with the rules for summons in e-Court cases, the Plaintiff will be summoned via e-mail address and the Defendant will be summoned by registered letter summons in collaboration with PT. Indonesian post.

The problem that occurs for the plaintiff/applicant is that not everyone is diligent in checking incoming e-mails, so there are several cases where there is a notification to send documents within the time limit determined by the e-Court application system but the party does not know that in the end they are declared not to have submitted the documents.(Arifin et al., 2024)

Summons costs for defendants/respondents via registered letter via post, the costs of which are in accordance with the costs of sending letters in general, which were previously delivered directly by the court bailiff, which costs more than letters by post.(Koto et al., 2024)

However, there are still obstacles in its implementation that must be corrected immediately. There needs to be emphasis and outreach so that the service provider (PT Pos Indonesia) complies with the cooperation agreement in court summons to litigants via Registered Letter. Because the validity of the summons and notification via registered letter has an impact on the proceedings in court if the defendant does not also appear in court, then based on the legal and proper relaas (summons), the judge examining the case can hand down a verstek decision on the case. To prevent this from happening again, good cooperation is needed between the courts and PT Pos Indonesia (Persero) in the form of socializing regulatory information, basic training on summons and notification of court, teaching basic civil procedural law regarding summons and notification of postal officers, and finally is monitoring and evaluation carried out regularly, consistently and measurably.(Dewantoro, 2023)

c. e-Court Application System Error

The public wants the courts to be able and always adapt to the pace of development of information technology. There is no other way to fulfill the public's desires except through renewal. The e-Court application is run automatically by a system that needs to be monitored periodically by officers. System errors that occur can cause delays in processing administrative case registration files. However, the ever-evolving nature of technology requires innovation. And innovation in this case is only born from people who understand technology. An application will become obsolete if it is not upgraded or updated. (Abd Muni, 2021)

The e-Court application is an application system whose data is centralized (not spread out), meaning that the application is located in the Data Center of the Supreme Court of the Republic of Indonesia which is integrated with the Case Tracking Information System Application (SIPP) at the Court of First Instance. Because the e-Court system will automatically be connected to the database in the Case Tracking Information System Application (SIPP) in each court (which has implemented e-Court). (Prameswariuin et al., 2020)

If an error occurs in the Supreme Court's e-Court system, all courts in Indonesia will be affected. So there is a need for regular e-Court server maintenance with the aim of minimizing errors in the e-Court application system.

There is a need for rapid updating of the e-Court application in accordance with newly established regulations so that these regulations can be implemented directly to the wider community. Every e-Court Application Update must include improvements, additions, and optimization of e-Court features and functions.

D. CONCLUSION

Based on the descriptions of the discussion above, the researcher can conclude that the case registration service via the e-court application at the Cibinong Religious Court is effective.

Registration services via the e-Court application at the Cibinong Religious Court meet the quality of public service. Stages of registration services via the e-Court application, namely: e-Court account registration, e-Court case registration, and payment of case registration fees via the e-Court application. After all stages of the registration service via the e-Court application have been completed, the parties can resolve the case using an electronic hearing.

The effectiveness of registration services via the e-Court application at the Cibinong Religious Court is increasingly effective due to the development of supreme court regulations which address the weaknesses of previous regulations regarding Parties using the e-Court, cases that can be registered via the e-Court, and case retainer fees. With this, registration via the e-court application is also more effective compared to direct registration at the Cibinong Religious Court which is based on the principles of simple, fast and low-cost justice. This is proven by the researchers' findings in the form of an increase in case registration via e-Court of 676 cases or an increase of 28% between 2021 and 2022 which was due to the stipulation of Supreme Court Regulation Number 7 of 2022.

There are three obstacles in registering cases via the e-Court application at the Cibinong Religious Court, namely: Human Resources who are not competent in technological developments, Lack of Legal Certainty in Summoning parties via e-Court which uses Electronic Domicile and Registered Letters and errors in the e-application

system -Court which causes delays in the case registration process due to the need to wait for updates from the Supreme Court.

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