

THE EFFECTIVENESS OF ELECTRONIC TRIALS IN THE JURISDICTION OF THE DISTRICT COURT SEMARAPURA CLASS II BASED ON SUPREME COURT REGULATION NUMBER 7 OF 2022

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Abstract

Electronic trials, also known as e-trials, represent a significant innovation in the judicial process by integrating technology into court proceedings. These trials utilize digital platforms to manage and conduct various aspects of the trial process, including the submission of evidence, witness testimonies, and legal arguments. However, the adoption of electronic trials also presents challenges that must be carefully considered. This study aims to determine the effectiveness of electronic trial in the jurisdiction of the Semarapura District Court Class II based on Perma Number 7 of 2022, and the obstacles experienced in its implementation. The research contributes to a deeper understanding of the challenges that courts may face in adopting such systems, thereby offering critical information that could inform future improvements and policy adjustments.

Keywords: Electronic Trial, implementation obstacles, District Court

INTRODUCTION

Electronic trials, also known as e-trials, represent a significant innovation in the judicial process by integrating technology into court proceedings (Al-Enizi & Ghandour, 2023; Allsop, 2019; Bergquist, 2021; Evers & Ryan, 2016; Greenop et al., 2021; Jackson, 2010). These trials utilize digital platforms to manage and conduct various aspects of the trial process, including the submission of evidence, witness testimonies, and legal arguments. The primary advantage of e-trials lies in their ability to streamline judicial procedures, making the legal process more efficient and accessible (McKay, 2021; Zulaeha, 2023). By reducing the need for physical presence in courtrooms, electronic trials can minimize logistical challenges, such as travel time and costs for all parties involved (Diamond et al., 2010; Eagly, 2015; Legg & Song, 2021; Prescott, 2017; Susskind & Susskind, 2023). Additionally, e-trials can enhance the management of court records and evidence through digital documentation, which reduces the risk of lost or misplaced files and ensures that all relevant information is readily available during proceedings (Emery et al., 2019).

However, the adoption of electronic trials also presents challenges that must be carefully considered. Concerns about data security and privacy are paramount, as the handling of sensitive legal information in digital formats increases the risk of cyberattacks and unauthorized access (Babazadeh, 2018; Dawood et al., 2023; Habibzadeh et al., 2019; Nguyen, 2023; Reetz et al., 2017). Moreover, there is a need to ensure that all parties have equal access to the necessary technology and digital literacy to participate fully in e-trials, preventing any disparities that could affect the fairness of the proceedings. The transition to electronic trials also requires significant investments in technology infrastructure and training for legal professionals to adapt to this new mode of operation (Chishti et al., 2020; Guo, 2021; Legg, 2021; Putra, 2020; Saputra et al., 2023). As the legal system continues to evolve with technological advancements, the balance between the benefits and challenges of e-trials will be critical in determining their long-term success and sustainability.

Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trials in Courts Electronically and has been amended by Supreme Court Regulation of the Republic of Indonesia Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trials in Courts Electronically hereinafter referred to as Perma Number 7 of 2022. Perma Number 7 of 2022 regulates trial procedures that are carried out electronically, including the process of summoning and notifying the parties. The most attention-grabbing thing after the issuance of Perma Number 7 of 2022 is regarding the procedures for summoning and notifying the parties. The process of summoning and notifying the parties was previously carried out by the Bailiff or Substitute Bailiff, but after the enactment of Perma Number 7 of 2022, the process of summoning and notifying the parties was carried out through a registered letter sent through the post office.

By looking at the above background, the problem formulation can be taken as follows: first, the effectiveness of electronic trials in the jurisdiction of the Semarang District Court Class II based on Perma Number 7 of 2022, and second, obstacles to the implementation of electronic trials in the jurisdiction of the Semarang District Court Class II based on Perma Number 7 of 2022.

This study aims to determine the effectiveness of electronic trials in the jurisdiction of the Semarang District Court Class II based on Perma Number 7 of 2022, and the obstacles experienced in its implementation. The research contribution of this study lies in its evaluation of the effectiveness of electronic trials within the specific jurisdiction of the Semarang District Court Class II, guided by Perma Number 7 of 2022. By assessing how well electronic trials function in this context, the study provides valuable insights into the practical application and outcomes of recent legal reforms aimed at integrating technology into the judicial process. Additionally, by identifying the obstacles encountered during the implementation of e-trials, the research contributes to a deeper understanding of the challenges that courts may face in adopting such systems, thereby offering critical information that could inform future improvements and policy adjustments in the broader legal system.

RESEARCH METHOD

The research in the context of writing this thesis is normative research supported by empirical (field) legal research. Normative law research finds the truth based on the logic of legal science from its normative side. The empirical approach is research based on practice that occurs in the field, especially in the Semarang Class II District Court. Johnny Ibrahim argues that normative legal research is a form of scientific research aimed at finding the truth based on legal scientific logic reviewed from the normative part, or in the form of legal discovery efforts that are tailored to a particular case (Ibrahim, 2007).

RESULT AND DISCUSSION

The Effectiveness of Electronic Trials in the Jurisdiction of the Semarang District Court Class II Based on Perma Number 7 of 2022

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.

According to Article 1 numbers 4 and 5 of PERMA Number 7 of 2022, subjects who can register cases (e-Filing) consist of registered users and other users. Registered users such as advocates, curators, or administrators who qualify as users of the Court Information System (SIP) with rights and obligations regulated by the Supreme Court. Meanwhile, other users refer to legal subjects other than registered users who are also eligible to use the Court Information System (SIP), with the rights and obligations regulated by the Supreme Court.

Before registering a case, the legal subject must first have an e-Court account. For registered users such as advocates, e-Court account verification is done by the local high court. For the jurisdiction of the Semarang District Court Class II, the verification of the e-Court accounts of the advocates is carried out by the Denpasar High Court. As for the creation of an e-Court account, another user in this case is the plaintiff's own principal, the creation and verification of the e-Court account is assisted by the corner officer of the Semarang District Court Class II e-Court. After the party who will file a lawsuit, both the plaintiff himself and his legal representative, has an e-Court account, then the parties can register their lawsuit through the e-Court. After the process of uploading the required documents is completed, the next stage of the e-Court user will get an e-SKUM containing details of the case fee and virtual account. Furthermore, the user must have made a payment process within 1 (one) time 24 (twenty-four) hours.

Furthermore, after the user makes the virtual account payment, the civil desk I will immediately carry out the verification process of the case registration process that has been carried out by the e-Court user. After the case registration is verified, the case will obtain a registration number. Then the next stage is to make the determination of the judge/panel of judges, the appointment of the substitute clerk, the determination of the bailiff, and the determination of the hearing date, for which a hearing will be summoned to the parties.

Based on data at the Semarang Class II District Court, in 2023 the number of registered lawsuits, applications, and simple lawsuits between the number of incoming cases

is equal to the number of e-Courts, meaning that for case registration, everything is done through e-Court. Based on the results of the researcher's interview with the civil desk I officer, that for cases registered at the Semarang District Court Class II, that all incoming civil cases have been registered through e-Court. "Both the advocate and the plaintiff's principal themselves who file a case at the Semarang District Court Class II, all registration is through e-Court".

Based on the results of the researcher's observations at the Semarang District Court Class II, for civil cases that are heard by the parties, the trial is carried out electronically. The electronic trial began during the Q&A event. When the mediation process does not succeed in reaching a peaceful agreement, the panel of judges will set a re-hearing date, then the parties will be called back to the agenda of the hearing to read the mediation report report. Before the reading of the lawsuit is carried out, the panel of judges will first prepare a court calendar containing a trial plan, where this court calendar is then agreed and approved by the parties. When the agenda for the lawsuit reading hearing is carried out, the panel of judges will ask the parties present to register their e-Court accounts in the e-Court corner, and attach electronic procedural approval from each principal. After starting to enter the answer agenda, the parties do not need to come to the Semarang District Court courtroom class II, but only need to upload the answer-answer document through their respective e-Court accounts. The menu for uploading answer-and-answer documents in the e-Court will appear after the substitute clerk postpones the trial according to the predetermined agenda

Obstacles to the Implementation of Electronic Trials in the Jurisdiction of the Semarang District Court Class II Based on Perma Number 7 of 2022

Soerjono Soekanto 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 (Soekanto, 2016). The effectiveness of the implementation of Supreme Court Regulation Number 7 of 2022 concerning Case Administration and Trials at the Semarang District Court begins with 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 Judicial Power Law, 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. There are several obstacles to the effectiveness of electronic trials at the Semarang District Court, including (a) The general public is still a layman in the e-Court, where there are still many people who do not understand electronic trials except advocates who already understand electronic trials. So to overcome this, based on observations in the field, every time the judge carries out a trial, he always reminds the implementation of this electronic trial by socializing it. (b) e-Court Network System Constraints, meaning that e-Court is an electronic-based information system that requires an internet network in its use. Every information technology system requires a maintenance process to fix every deficiency it has. The maintenance process is able to present better features than before. But sometimes the network becomes slow and difficult to access. (c) Summons/Notification Through Registered Mail Submitted Not in Accordance with the Provisions, meaning that according to Article 388 and Article 390 paragraph (1) of the HIR, the person who serves to make the summons is the bailiff. Only summonses made by bailiffs are considered legitimate and official. The authority of this bailiff, based on Article 121 paragraph (1) of the HIR, is obtained through the order of the chairman (panel of judges) which is stated in the determination of the hearing

date or the determination of the notification. According to Article 388 and Article 390 paragraph (1) of the HIR, the person whose function is to make a summons is the bailiff. Only summonses made by bailiffs are considered legitimate and official. The authority of this bailiff, based on Article 121 paragraph (1) of the HIR, is obtained through the order of the chairman (panel of judges) which is stated in the determination of the hearing date or the determination of the notification.

CONCLUSION

The Electronic Trial based on Perma Number 7 of 2022 has been successful in the Semarang District Court Class II, despite challenges such as poor public understanding, unstable networks, and non-compliance with provisions. Future research should focus on strategies to improve public awareness of electronic trials, investigate the impact of network stability on trial effectiveness, and assess potential technological solutions. Additionally, research should focus on refining the process of issuing summonses in electronic trials to ensure they consistently adhere to legal provisions, addressing a key obstacle in the current implementation. This would help improve the effectiveness of electronic trials in the Semarang District Court Class II.

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