

# Effectiveness of E-Court in Handling Civil Cases in Class IA Religious Court of Ternate

**Arief Budiono**

Universitas Muhammadiyah Surakarta  
ab368@ums.ac.id

**Yahya Yunus**

Universitas Khairun Ternate

**Jamal Hi Arsad**

Universitas Khairun Ternate

**Hardina**

Universitas Khairun Ternate

**Tomas Mateo Ramon**

Universitat Internacional de Catalunya, Barcelona

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## Corresponding Author:

Arief Budiono  
ab368@ums.ac.id

## ABSTRACT

E-Court is a court instrument made by the Indonesian Supreme Court which provides services to society in the forms of online registration, payment, summoning, and courts based on the Supreme Court Decision No. 1 of 2019. Objective: The problems of this research are: (1) How is the effectiveness of the e-Court application in the procedural processes in the Class I A Religious Court of Ternate and (2) What are the obstacles that influence the application of e-Court in the Class I A Religious Court of Ternate. Method: This was empirical research which used the statute approach and the case approach. In this research, researchers used the live case study approach which was applied to a legal phenomenon with an ongoing process. Results: showed that the e-Court implementation is effective. Its application is already according to the goal of Article 2 clause (4) of Law No. 48 of 2009 on Judicial Power. The e-Court provides a simpler, quicker, and cheaper form of civil case resolution. The obstacles in e-Court include a lack of human resources, inadequate internet facilities, and social culture. An improvement of the network and socialization on the e-Court implementation under the jurisdiction of the Class I A Religious Court of Ternate are needed. Function: This paper provides information on the effectiveness of the e-Court application. Novelty: This paper provides novelty as no previous research has studied the effectiveness of the e-Court application in the procedural processes in the Class I A Religious Court of Ternate.

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Keywords: Effectiveness, E-Court, Civil Cases, Religious Court, Ternate.

### **ABSTRAK**

E-Court adalah instrumen pengadilan yang dibuat oleh Mahkamah Agung RI yang memberikan pelayanan kepada masyarakat berupa pendaftaran, pembayaran, pemanggilan, dan persidangan secara online berdasarkan Perma No. 1 Tahun 2019. Tujuan: Permasalahan dari penelitian ini adalah: (1) Bagaimana efektivitas penerapan e-Court dalam proses beracara di Pengadilan Agama Kelas I A Kota Ternate dan (2) Apa saja kendala yang mempengaruhi penerapan e-Court di Pengadilan Agama Kelas I A Kota Ternate. Metode: Penelitian ini merupakan penelitian empiris yang menggunakan pendekatan perundang-undangan dan pendekatan kasus. Dalam penelitian ini, peneliti menggunakan pendekatan studi kasus langsung yang diterapkan pada suatu fenomena hukum dengan proses yang sedang berlangsung. Hasil: menunjukkan bahwa penerapan e-Court sudah efektif. Penerapannya sudah sesuai dengan tujuan Pasal 2 ayat (4) UU No. 48 Tahun 2009 tentang Kekuasaan Kehakiman. E-Court memberikan bentuk penyelesaian perkara perdata yang lebih sederhana, cepat, dan murah. Hambatan dalam e-Court antara lain kurangnya sumber daya manusia, fasilitas internet yang belum memadai, dan budaya masyarakat. Perlu adanya peningkatan jaringan dan sosialisasi mengenai penerapan e-Court di wilayah hukum Pengadilan Agama Ternate Kelas I A. Fungsi: Penelitian ini memberikan informasi tentang efektivitas penerapan e-Court. Kebaruan: Tulisan ini memberikan kebaruan karena belum ada penelitian sebelumnya yang mengkaji tentang efektivitas penerapan e-Court dalam proses beracara di Pengadilan Agama Kelas I A Kota Ternate.

Katakunci: Efektivitas, E-Court, Perkara Perdata, Pengadilan Agama, Ternate

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### **INTRODUCTION**

The industrial revolution era 4.0 was marked by the massive use of the internet network. The implication of the Industrial Revolution 4.0 encouraged shifts in human life from what was formerly conventional to become more modern. In this case, the changes influenced almost all aspects of human life, including the social, economic, and cultural aspects. All parts of human life are now connected to the internet network. The influence of technologies also impacts the governmental service system, including in the approach to providing services to society.

If the Indonesian government utilizes the development of technologies to provide services, its process will become more effective. E-Court is one of the instruments in court which provides services to society in the forms of online registration, online payment, online summoning, and online courts. Therefore, the e-court application is one of the things that is hoped to improve services and their functions in receiving the registration of online cases, where society will save time and cost when filing a case.

The e-Court application represents an implementation of information technologies, wherein the government is compelled to identify and capitalize on emerging opportunities amidst the advent of new technologies. Consequently, an internet-based application designated as the “e-Court” was developed. The e-Court application may be used to register a variety of civil cases, including those pertaining to civil lawsuits, civil objections, simple civil lawsuits, and civil appeals.

Procedural processes through e-Court have previously existed even before Covid-19. To provide a simple, quick, and affordable justice, the Supreme Court and its ranks used information technologies to serve the public whilst saving time, cost, and energy. To fulfill the ever-growing needs of society, the e-Court application was launched by the Republic of Indonesia’s Supreme Court on March 29<sup>th</sup>, 2018. It is a justice institution instrument in the form of services that eases justice seekers in paying the administrative fees of a case and receiving electronic summoning (Rifqi, 2020).

The resolution of cases through the e-Court was based on the Decision of the Supreme Court No. 1 of 2019 on the Electronic Case and Trial Administration in Court. Three new things were regulated in this Decision, namely: *First*, the addition of menus and the electronic function of trials (e-Litigation). *Second*, the addition of e-Court tables. *Third*, the usage of digital signatures. With these changes in the justice system, the authors suggest that it will be interesting to undergo an analysis of their level of effectiveness. The author will analyze how far the effectiveness of undergoing procedures through the e-Court is.

*Effective* means the achievement of the justice principles of simplicity, quickness, and affordability. Law No. 48 of 2009 Article 2 clause 4 determines that the court helps justice seekers and strives to resolve all obstacles and hindrances to achieve a simple, quick, and affordable justice. The existence of the e-Court was determined by the Supreme Court through its Decision No. 1 of 2019 may ease the procedural process through the applications of e-Filing

(the online filing of a case), e-Payment (the electronic payment of case fees), e-Summons (the electronic trial summoning), and e-Litigations (electronic trials) (Nur & Fakhrur, 2019).

There are generally two reasons why the Religious Court is important to analyze. *First*, the existence of the Religious Court can be a parable to the Islamic Court. *Second*, because of its strategic position, the Religious Court is demanded to keep on undergoing dialectics with societal development (Asnawi, 2016). Therefore, the electronic case administration services are hoped to bring ease to justice seekers. The application was developed by the Supreme Court of the Republic of Indonesia with the objective of addressing three primary challenges encountered by individuals and entities involved in legal proceedings: delays, limited accessibility, and concerns regarding integrity.

The use of information technologies may decrease the time required to handle cases, decrease the parties' intensity in coming to court, prevent society from lacking information and knowledge on courts, as well as canalize the interaction methods between the parties and the court apparatuses. The Supreme Court's primary objective is the establishment of an exemplary Indonesian justice institution. This vision is manifested in the form of an information technology-based modern justice system that serves society, as it is understood that justice is a case-handling process. The court is vested with the absolute authority to examine, determine, and provide a solution to the cases filed before it.

In accordance with Article 8 of the Decision of the Supreme Court No. 1 of 2019, e-Court registration may be conducted electronically via the Court Information System. It is noteworthy that the rapid advancement of technology is not universally accessible. It is evident that the registration process necessitates the utilization of electronic facilities and a certain degree of technological awareness. Consequently, a comprehensive understanding of the registration process in the field is essential for the effective implementation of the e-Court. Furthermore, it is essential to understand the factors that contribute to the efficacy of the e-Court's implementation.

Among the most dominating authorities of the Religious Court is the marriage sector, namely cases related to marriage. The Religious Court has applicable authorities on marriage according to the Sharia, including resolving inheritance disputes, wills, and grants, up to the issues of the Sharia economy. In this case, the researchers will compare the application of the practice in the field with offline procedures from the perspective of legal effectiveness. Departing from the introduction and research identification described above, the problems of

this research are: (1) How is the effectiveness of the e-Court application as determined by the Decision of the Supreme Court No. 1 of 2019 in the procedural processes in the Class I A Religious Court of Ternate and (2) What are the obstacles that influence the application of e-Court in the Class I A Religious Court of Ternate, Indonesia.

## LITERATURE REVIEW

### *A general review on legal effectiveness*

The English word “effective” means successful or something that is carried out well. A dictionary of popular terms defines effectiveness as the determination of use, useful results, or supporting purposes. Effectiveness is a principal element in reaching the goal or objective determined in every organization, activity, or program. It is deemed effective if the goal or target is achieved as determined (Bernard, 1992).

Effectiveness means successful or appropriate. Something deemed effective if the goal or aim has previously been found. This was according to the opinion of H. Emerson, who stated that “Effectiveness is a measurement, in the sense of the achievement of a previously determined goal” (Hasibuan, 2005). According to the Indonesian Dictionary (*Kamus Besar Bahasa Indonesia*), effectiveness means the success of an action measured by the achievement of that action’s goal. Handayaniingrat opined that effectiveness is a measurement, in the sense that it is the achievement of a previously determined target or objective.

In his book, “The Transformation of Public Service/*Transformasi Pelayanan Publik*”, Agung Kurniawan wrote, “Effectiveness is the ability to undergo tasks, functions (activity operations of programs or missions) in an organization or the like without pressure or strain in its execution” (Kurniawan, 2005). Anthony and Govindarajan (2005) stated that effectiveness is determined by the relationship between the output yielded by a responsible center and its goal. This was in line with the opinion of Mahmudi in his book “Performance Management of the Public Sector”, who stated that effectiveness is the relationship between the output and the objective. The greater the contribution of an output towards the achievement of a goal, the more effective an organization, program, or activity is” (Mahmudi, 2005).

### *A general review on e-court*

*E-Court* is a service for registered users to electronically register cases. They can obtain the estimated down payment fee of the case, pay it, and obtain information on the summoning that is carried out online through an electronic network. The services in the e-Court application

are e-Filing (online filing of a case), e-Payment (electronic payment of case down payment fees), and e-Summons (electronic trial summoning). E-Court already has a legal protection stipulated in the Regulation of the Indonesian Supreme Court No. 3 of 2018 on the Electronic Case Administration in Court (Henceforth, this document shall be referred to as the Supreme Court Regulation 3 of 2018). From this regulation, it was known that this application was made based on several considerations. Among them, it was based on Article 2 clause (4) of Law No. 48 of 2009 on Judicial Power (the Law on Judicial Power). It states that “The court helps justice seekers and strives to resolve all obstacles and hindrances to achieve a simple, quick, and affordable justice”.

Since 2018, the e-Court of the Religious Court has resolved some cases, most of which were divorce cases. The e-Court system brings benefits to various parties, including those facing a case and those handling that case. Concerning this, the e-Court manages case administrative services, registration, summons of the concerning parties, the issuing of decision copies, as well as administrative management. The payment of all cases is carried out electronically/online. Apart from that, the demands of society for more effective and efficient case administrative services in court become the background to the formation of the e-Court.

## **RESEARCH METHOD**

The research location was the place where researchers conducted the research. In the research location, the researchers observed the phenomenon or the reality in the field concerning the studied object to obtain accurate research data. This research was conducted in the Class I A Religious Court of Ternate, located at Makugawene Street, Kayu Merah Sub-District, South Ternate District, Ternate, North Maluku Province, Indonesia (Ternate Religious Court).

This was empirical research which used the statute approach and the case approach. In this research, researchers used the live case study approach which was applied to a legal phenomenon with an ongoing process. Therefore, the researchers conducted direct observation or research in the field to obtain accurate truth in the process of perfecting this research. Thus, the aim and the use of this study were basically to find a resolution to the research problem (Sunggono, 2016).

The techniques of data collection employed by the researchers in this study included literary study and field study. The researchers conducted some interviews. The data collected

comprised two types, namely the primary data and the secondary data. The former were obtained through field studies, while the latter were sourced from literary studies.

The inventorying results of the field studies were analyzed to obtain a conclusion, which was then analyzed using the integrative and conceptual analysis methods which tend to be directed to find, identify, process, and analyze legal materials to understand their meaning, significance, and relevance. Then, the obtained data were systematically arranged after they were selected based on the issue and after their accordance with applicable regulations were considered. Then, the authors conducted a theoretical discussion that was combined with the facts in the field to produce a conclusion.

## **RESULTS & DISCUSSION**

### **The effectiveness of the e-court application as determined by the Supreme Court Decision No. 1 of 2019 in the procedural processes in the Class I A Religious Court of Ternate**

Policies of the Supreme Court of the Republic of Indonesia guide the Judicial Bodies under it, especially the Ternate Class I A Religious Court, to improve its services. It was since the implementation of accreditation for every judicial environment was launched. Thus, every court is demanded to increase their performance in the public service sector in a measured and transparent manner. The Class I A Religious Court of Ternate has started to improve to become a Supreme Indonesian Justice Institution (Class I A Religious Court of Ternate City, 2022). The Class I A Religious Court of Ternate is one of the executors of the judicial power in the environment of the Religious Court which has the main job to receive, examine, and make a decision on cases submitted to it according to Law No. 3 of 2006 on the Amendment of Law No. 7 of 1989 on the Religious Court and Law No. 50 of 2009 on the Second Amendment of Law No. 7 of 1989 on the Religious Court.

As an institution that has existed for so long, based on the Decision of the Republic of Indonesia's Ministry of Religion No. 5 of 1958 (Mahkamah Agung Republik Indonesia Pengadilan Negeri Ternate Kelas IA, 2011) Class I A Religious Court of Ternate is hoped to answer the needs of society in seeking justice amid the rapidly developing era. Therefore, the Religious Court must answer the challenges of the era, especially from the aspect of law enforcement and must be harmonious with social development, discourses on modernity, as well as the development of science and technologies (Asni, 2016). The accelerated evolution of information technologies has facilitated the optimization of human work processes. Ultimately,

the accelerated pace of technological advancement necessitated the integration of information technology within the judicial systems of numerous countries, including Indonesia. Previously, the administration of cases in court was conducted manually. The process was lengthy and the financial outlay was relatively modest. But now, the use of information technologies aims to accelerate, ease, and cut the cost of case administration (Asni, 2016).

The idea of information technology usage to ease the tasks of justice institutions has currently experienced a speedy development through e-Court. Moreover, Law No. 11 of 2008 which was Amended into Law No. 19 of 2016 on Electronic Information and Transaction has mandated the government to support the development of information technologies through legal infrastructure and its regulations. This is to create a safe use of information technologies to prevent abuse by considering the religious and socio-cultural values of Indonesians. Therefore, information transparency in court is one of the things that is often highlighted as it concerns the rights of a just court.

Through the Regulation of the Supreme Court No. 3 of 2018 on Electronic Case Administration in Court, the Indonesian Supreme Court has started to use information technologies to aid and improve the performance of the justice system. This was in line with the Supreme Court's vision as a modern justice institution based on integrated information technologies. The application of the e-Court was a great leap from the overall great efforts of the Supreme Court in undergoing administrative changes in court. It was an effort to resolve the three obstacles that are often faced by justice institutions, namely the slow handling of cases, the difficulty in accessing court information, and the court apparatus's lack of integrity (Hidayat, 2020). In the current era, technological developments cannot be hindered. Society, especially millennials, currently prefers undergoing transactions using electronic methods as they provide various advantages and bring ease.

Technological developments are used as a facility by the Supreme Court as a state high institution in becoming the last fort of law enforcement. Fortunately, the use of electronic applications was supported by the government. Thus, it issued the law on e-Court as one of the forms of the implementation of an Electronic-Based Governmental System, which was regulated in the Presidential Decree No. 95 of 2018 on the Electronic-Based Governmental System (The Government of the Republic of Indonesia, 2018). With the governmental support of the electronic system, it becomes easier to apply the electronic system in the Religious Court to organize electronic-based trials.



The use of e-Court is linked to the categorization of information technology usage in court based on its objective, namely giving direct support to court judges and staff, supporting the court in interacting with various parties, as well as supporting the court management (Iqbal, Susanto, & Sutoro, 2019). To introduce the electronic court system, the e-Court Socialization by the Supreme Court was massively and intensely promoted in various legal areas of Religious Courts all over Indonesia, including Ternate.

The researchers then sought further information on when and how the e-Court was applied through an interview with the Public Relations/Judge of Class I A Religious Court of Ternate, Ismail Warnangan, S.H., M.H. He said:

“The e-Court was applied in 2019 and it has only recently been applied in the Ternate Religious Court (I. Warnangan, personal communication, June 22<sup>nd</sup>, 2023).”

The results of the interview showed that the e-Court was applied starting in 2019. The e-Court is a service for registered users which allows them to undergo electronic case registration; obtain an estimate of the case down payment fee; pay the fees; and obtain information on electronic and online summons. E-Court is one of the implementations of the Electronic Based Governmental System, as illustrated in the Regulation of the Supreme Court No. 1 of 2019 on Electronic Case Administration and Trials in Court (the Supreme Court Regulation No. 1 of 2019).

The Supreme Court Regulation No. 1 of 2019 introduced the term Court Information System, which is an information system provided by the Supreme Court to provide services to each justice seeker. It consists of electronic administration, case handling, and trials. E-Court is basically an effort of the court to provide ease of access for society and justice seekers. Apart from that, it makes the court more transparent, effective, and efficient. Concerning the application of e-Court, the following terms are known in the electronic courts:

#### *E-filing (online case registration in court)*

E-Filing or the online filing of cases is carried out after a person is registered as a user or after he has made an account in the e-Court application. Then, this user can choose either a District Court, a Religious Court, or a State Administrative Court that actively provides e-Court services. All registration documents are electronically sent through the e-Court application of the Republic of Indonesia's Supreme Court (Gracia, Fae, & Sanjaya, 2021). The data required by applicants in registering in the e-Filing application include name, address, phone number,

email (of both the plaintiff and the defendant), as well as the legal attorney of the plaintiff and the defendant (if applicable); additional documents from the legal attorney (in the forms of member ID, oath-taking minutes, ID Card); as well as registration documents (in the forms of the Power of Attorney, Lawsuit Letter, and Initial Evidence of a Lawsuit).

The filled data are then uploaded to the e-Court website of the Supreme Court as an archive of the e-Court case in the Class I A Religious Court of Ternate.

*E-skum (estimate of down payment fee)*

When undergoing an online filing of a case through e-Court, applicants will obtain an estimate of the down payment fee (e-SKUM) and the payment account number (virtual account) that can be paid through available electronic multi-channels.

*E-payment (online payment of case down payment fee)*

The e-Payment application can be used to undergo payment on a case down payment fee determined by the e-SKUM application as a follow-up of the electronic registration. The payment will be uploaded to the [ecourt.mahkamahagung.go.id](http://ecourt.mahkamahagung.go.id) website by showing the received data, online registration number, payment number, case down payment fee, payment status, payment date, payment time, as well as SKUM that can be seen in that website.

*E-summons (the online summoning of parties)*

Articles 11 and 12 of the Supreme Court Regulation No. 3 of 2018 state that the summons for parties facing a legal case to participate in trials can be electronically announced. The electronic summons is carried out on the plaintiff who underwent online registration and who has written evidence. In the meantime, the initial summons is issued by the court to the defendant via the court confiscator. The summons may be conducted electronically, provided that a written agreement is in place indicating the defendant's consent to be summoned in this manner. In addition, the legal counsel must have a written agreement from the principal to engage in electronic procedures.

The trial summons will be delivered to the electronic domicile of users. It will contain the case number, the trial date, as well as the trial hours. In common cases, an additional fee is imposed in the summons. Meanwhile, in the e-Court, no additional fee is imposed. The comparison of prices between the e-Court trials and normal trials is 1 by 5. This means that if the fee of a normal case is IDR 1 million, the e-Court case is only around IDR 200,000 and it

depends on the radius (distance) between the plaintiff and the Class I A Religious Court of Ternate.

#### *E-litigation (online trials)*

E-Litigation is a system where the administrative process in trials can electronically be carried out. This encompasses the electronic exchange of trial documents, namely answer, replica, duplicate, and conclusion. The electronic trials refer to the Supreme Court Regulation No. 1 of 2019. E-Litigation is a part of E-Court. The implementation of online trials is urgent to answer the demand for a simpler, quicker, and cheaper trial process. The online trials can be analogized as an online business transaction (e-commerce) that does not require physical contact. But it is enough to carry it out online.

Even though the e-Court was established in 2019, e-Litigation was only applied in 2020. According to Judge Rahmatullah in an interview with the writers:

“E-Litigation was only applied in 2020. E-Court existed before it (Rahmatullah, personal communication, June 22<sup>nd</sup>, 2023).”

E-Litigation is a part of e-Court. It is just that e-Litigation is an administrative process. The electronic administration of a case is a set of processes on the acceptance of lawsuits or pleas, answer, replica, duplicate, and conclusion. It includes the management, delivery, and archiving of case documents using an electronic system that is applicable in each justice environment. The Regulation of Supreme Court No. 3 of 2018 on the Electronic Case Administration in Court demonstrates the Supreme Court's commitment to addressing societal demands for justice administration reforms related to the modernization of the court system. Furthermore, it represents a reform of procedural law that employs the use of information to facilitate the processes for those who support rights permits, including lawsuits or other forms of assistance that are presented to the court. In order to utilize the e-Court, certain steps must be completed in order to register. After being registered, further steps are needed to obtain the case number. These stages are explained below (Religious Court of Ternate City, 2021):

#### *Account registration of registered users*

Before undergoing registration, the obligatory requirement is to have an account in the e-Court application. To register for the e-Court, one can visit the Supreme Court's e-court website at <https://ecourt.mahkamahagung.go.id> and click on the Registered User Registration. To register, a person must enter a valid email address as the account activation will be sent to

the registered email that will become the electronic domicile address of the registered user. If the registration is successful, the registered user will obtain the user email and password that he has made and they can be used to log in to the e-Court application.

### *Login*

To log in to the e-Court application, a person can click on the login button on the first page of the e-Court website. After successfully logging in for the first time, the registered user must complete the advocate data. According to the Regulation of the Supreme Court No. 3 of 2018, Registered Users can currently only be carried out by Advocates. Registered users from individuals and legal entities will be regulated in the future. In completing the advocate data, advocate documents must be attached according to the regulations stipulated in the Regulation of the Supreme Court No. 3 of 2018. The required advocate documents are an ID Card, Minutes of Oath, and membership card. By completing the correct advocate data, the registration of the registered user account is complete. But to undergo procedures through the e-Court, there must be verification and validation from the Appeal-Level Court where that advocate pledged.

### *Case registration*

After a registered user is deemed as verified and validated as an advocate by the Appeal-Level Court where that Advocate made a pledge, next is case registration. The case registration through e-Court is carried out through the following steps:

#### **a. Choosing a Court**

An advocate may undergo procedures in Courts that have opened the e-Court services. In this case, not all courts in Indonesia simultaneously provide e-Court services. This only applies to courts that are deemed as ready by each General Directory.

#### **b. Obtaining an Online Registration Number (Not a Case Number)**

In the initial phase, after choosing a court, the registered user will obtain an online registration number and a barcode, but it is not a case number. After understanding and approving the terms and conditions in the online registration through e-Court, click the Registration Button.

#### **c. Advocate Registration**

Power of Attorney registration is part of the stage where an advocate or a registered user must upload a Power of Attorney before continuing to file a case. Other registration requirements in the procedures such as Minutes of Oath, ID Card, and membership card no longer need to be submitted as they will always be attached in every case registration.

Documents such as Minutes of Oath, ID Card, and membership card have been registered when applying for the registered user account.

#### **d. Filling the Data of the Parties**

The filling of parties' data is obligatory in the case registration. In filling the parties' data, the addresses of the related parties (the plaintiff and the defendant) must be submitted. They can choose the location of the Province, Regency/City, and District. By completing the address data, the case down payment fee can be estimated according to the radius of each court's area according to the stipulation of the Head of the Court.

#### **e. Uploading Lawsuit Documents**

The next stage is completing lawsuit documents that must be uploaded in the Uploading Documents stage. Lawsuit Documents and Principal Agreements are uploaded in the Uploading Documents stage.

#### **f. Electronic SKUM (e-SKUM)**

After completing the data registration and documents, Registered Users may obtain an estimate of the case down payment fee in the form of e-SKUM that is automatically generated by the system with the down payment fee. The component and radius are determined by the Head of the Court. If more funds are required, it will be billed to the user. Meanwhile, if the cost was less than the paid amount, the difference would be returned to the filer of the lawsuit.

#### **g. Payment (e-Payment)**

After obtaining the down payment fee or e-SKUM, a registered user will obtain a Virtual Account that can be used to pay the indicated fee. After undergoing payment, the status of the registration will automatically change.

Subsequently, the case registration stage is concluded. Subsequently, the registered user awaits verification and validation by the court in order to obtain a case number. Subsequently, the registered user will receive an email notification regarding the status of their registration, as well as an invoice detailing the requisite fee.

#### **h. Obtaining a Case Number**

The court will only obtain notification after the case registration is paid. Then, the court will register and validate it. It is continued by registering the case in the SIPP (*Sistem Informasi Penelusuran Perkara*/Case Tracking Information System) which is a case administration

management application in court. Thus, the user will automatically obtain a case number through the Case Tracking Information System which will automatically send information on the successful case registration through e-Court and Case Tracking Information System. If the court has completed verifying the registration and the case number has been obtained, the verification page will change. Then, the user must wait to be summoned by the court.

Based on the information from the Class I A Religious Court of Ternate, the application of the e-Court brings many benefits. According to Judge Rahmatullah in an interview with the writers:

“Effectiveness can be seen when entering the e-Litigation process. For instance, the evidence with the witness can be carried out in another court. If the witness needs to be brought, the cost is greater and if we talk about the data, it is already brought to the court. There are already many cases using the e-Court. On average, lawyers have used the e-Court. But for the e-Litigation, is still limited, as the concerned parties may choose to bring the case through electronic or manual methods. Whether the person facing a legal case wants to bring it manually or electronically, a declaration letter is made, stating whether or not he wants to bring his case online. This is because we cannot force a person to have his case managed. It depends on the concerned parties whether or not they want to use the e-Court. Here, everyone already has data for e-Court as well as the data for e-Litigation (I. Warnangan, personal communication, June 22<sup>nd</sup>, 2023).”

Seeing this condition, the researchers conclude that cases carried out in the Religious Court have already effectively been carried out, concerning the case uncovered by the implementation of the e-Court, it becomes easier to process and there is no need to wait for the witnesses or the concerning parties to directly come to the Class I A Religious Court of Ternate.

The researchers also obtained information from the Junior Registrar in Class I A Religious Court of Ternate, namely Mrs. Kartini Pandjab S.H., M.H. This data concerned the handling of e-court cases from 2019 to May 31<sup>st</sup>, 2023 for lawsuits and pleas as follows:

Source: K. Pandjab, personal communication, June 23<sup>rd</sup>, 2023.

The standard of effectiveness that is the aim of the legal procedures is based on Law No. 48 of 2009 on Judicial Power, where effective justice is carried out simply, quickly, and affordably. Such is the aim of legal procedures that can be found in the e-Court as an instrument. Article 5 of this law formulates that the court aids justice seekers and strives as hard as possible to resolve various obstacles and hindrances to achieve simple, quick, and affordable justice (Akhyar, 2019). The advantages of the e-Court are as follows:

First, simple. E-Court is much simpler as its process is not complicated. Technically, the e-Court process is carried out online from the registration up to e-Litigation. The concerned

parties only need to come during the mediation and evidence processes. This provides flexibility and ease to justice seekers.

Second, quick. Justice through e-Court also saves time. This is because according to interviews conducted by the researchers with some judicial assembly judges in the Kediri Regency Religious Court, in filing a case through the e-Court, the court calendar determined by the judicial assembly tends to be quicker than common cases. In normal cases, it may take 3 months. Meanwhile, in e-Court cases, only 1-1.5 months are needed. This was because the postponement for trials was shorter, thus less time was needed for the case.

Third, affordable. The cost needed in e-Court is also less than in normal cases. With this, courts become more friendly to society in terms of cost. The electronic summons is also simpler and is a win-win solution for the court and the parties facing a legal case. A case may also be filed easily through online facilities. As a result, the parties involved in the dispute are exempt from any costs associated with the delivery of the relevant materials. Consequently, those pursuing a just outcome spend less money and the process is more expeditious.

Concerning the summons, in normal cases, there is a summoning fee. Meanwhile, in e-Court, no summoning fees are required. There is a great difference between filing a case through normal means and that through e-Court. The disputing parties stand to gain considerably from this. In the online summoning process through e-Court, the fee for issuing a summons is levied only on the initial summons to the defendant. This differed from the process of filing a case through the offline method. In the context of procedural law, the summoning process is typically regarded as the costliest aspect of litigation. Consequently, the online summons represents a solution that can significantly reduce the costs associated with issuing summonses.

From some of the e-Court services above, the e-Court's existence in Class I A Religious Court of Ternate highly supports the procedural process in court as the e-court can cut the time and simplify the stages of procedural law while saving the cost of the courtly processes.

### ***Opportunities and challenges in applying the e-court in the Class I A Religious Court of Ternate***

The e-Court process in the Class I A Religious Court of Ternate is already quite good. Even so, its application is not free from obstacles, such as the inadequate use of technology. This obstacle still exists even though the use of technologies in the justice system is a breakthrough of the Supreme Court to achieve work transparency and accountability to bring

ease to public services (Berutu, 2020). The presence of the Supreme Court Regulation that changed the justice system provides benefits to the concerned parties in the forms of time and cost effectiveness and efficiency (Purwantini, 2021). Because of that, every justice institution, including the Class I A Religious Court of Ternate, keeps on striving to apply an electronic justice system based on the Supreme Court. Further, to identify other obstacles that hinder the effectiveness of the e-Court application in the Class I A Religious Court of Ternate, the authors found the following factors:

*The regulatory factor (the substance of e-court)*

The e-Court is regulated in the Supreme Court Regulation No. 3 of 2018 on the Electronic Case Administration in Court that was then revoked and substituted with the Supreme Court Regulation No. 1 of 2019 on the Electronic Case Administration and Trials in Court and the Decision of the Head of the Supreme Court No. 122/KMA/SK/VII/2018 on the Management Guidelines of Registered Users of the Court Information System that was then revoked and substituted with the Decision of the Head of the Supreme Court No. 129/KMA/SK/VIII/2019 on the Technical Guidelines of Electronic Case Administration and Trials in Court.

The authors describe three indicators related to the regulatory factor, namely:

- a. There are clear article-to-article regulations on the e-Court system that do not contradict other regulations.
- b. There are derivative regulations, including implementation guidelines or technical guidelines on the regulations of the e-Court system.
- c. Regulations on the e-Court system usage is not obligatory but they are a choice/an alternative for parties that want to file a case.

This was due to the stipulations of Article 20 of the Supreme Court Regulation No. 1 of 2019, which regulate that electronic trials are carried out so long as there is approval from the parties, namely the plaintiff and the defendant. This agreement is provided subsequent to the conclusion of the mediation process, wherein it was determined that the process was unsuccessful. Therefore, the electronic trial implementation is not imperative, but it is rather facultative. According to Jeremy Bentham in Rohaman (2020), in essence, all legal stipulations are imperative.

The imperative characteristic of law is not shown, but it is in the descriptive form. Therefore, a Supreme Court Regulation has an imperative characteristic in applying the



electronic justice system, it is just that it is carried out stage-by-stage. Apart from that, the parties regard the manual resolution of disputes as more effective than the e-Litigation method.

#### *The legal apparatus factor*

The legal apparatus in this case means lawmakers and the court apparatus. Lawmakers should yield optimum efforts to produce a clear, easily understandable, and applicable regulation. Court apparatus has a role in socializing and optimizing efforts in applying the law. Thus, they are expected to have adept human resources with high integrity.

In providing a comprehensive description, the writers describe three indicators related to the legal apparatus factor, namely:

- a. Court apparatuses have integrity in undergoing their tasks and obligations.
- b. In handling cases, court apparatuses must understand and master the usage of the e-Court system, and
- c. The court party must socialize the methods of usage, benefits, and goals of the e-Court system to the regional government and society.

The legal apparatus factor is highly influential in implementing the e-Court. Even though a legal regulation is perfect, if the legal apparatus is not responsive towards the existence of a legal renewal including the electronic examination of a case, the e-Court will not run well.

#### *The factor of supporting facilities (e-court facilities and infrastructure)*

The application of a regulation must be supported by adequate facilities, moreover amid the rampant technological usage. Society cannot actively participate without facilities and neither can the legal apparatus maximally carry out their tasks. There must be supporting facilities/devices in implementing the e-Court in court. Society must have these facilities/devices to access the e-Court and there must be information media such as websites, pamphlets, brochures, posters, and other media containing information on the e-Court system made by the court.

It can be said that the Internet is one of society's main needs. However, some communities still lack an understanding of technology. Moreover, the internet network is weak in several places. Such a situation becomes a challenge for the Supreme Court, especially the Class I A Religious Court of Ternate in the future application of the e-Court.

Through the *Balai Penyedia dan Pengelola Pembiayaan Telekomunikasi dan Informatika* (BP3TI/Telecommunication and Informatics Funding Provider and Manager Agency), the Ministry of Communication and Informatics keeps on striving to distribute

communication facilities to all parts of Indonesia. Not all areas in Indonesia have the chance to obtain cellular networks through telecommunication operators as well as Internet Service Providers (ISPs) and operator data center. This is because, from the business perspective, disadvantaged, frontier and outermost areas have marginal potential for telecommunication providers, especially in relatively isolated places.

### *The societal factor*

Society becomes the object and subject in the application of a regulation. The varying degrees of society's knowledge and understanding of regulations and technological usage also bring varying impacts to the application of a regulation. The higher the society's compliance, the higher the possibility for a regulation to be applied.

The societal understanding of the e-Court's application in the court, particularly in Class I A Religious Court of Ternate, undoubtedly exerts an influence on those seeking justice, who ultimately determine the party utilizing the e-Court facilities. Therefore, it is imperative that they undergo a process of socialization or receive an explanation of the advantages and ease of electronically resolving a case. A lack of comprehension of the e-Court will result in a reluctance on the part of society to utilize the electronic system, with a preference instead for the offline system.

Based on the description above, it can be concluded that the factors hindering the application of the electronic justice system in the Class I A Religious Court of Ternate encompass the legal system, namely legal structure, legal substance, and legal culture. These elements influence legal changes in society (Ali, 2002). The law functions as an instrument of change. Thus, obstacles in the human resources, facilities, and legal culture become the priority of the Religious Court to undergo progressive efforts to achieve the demands of the Supreme Court Regulation No. 1 of 2019.

On the contrary, there are two opportunities that allow the better implementation of the e-Court in the Class I A Religious Court of Ternate.

**First**, providing a good understanding of registered users and other users, including the inherent human resources of the Class I A Religious Court of Ternate through socializations via large banners that are posted in this religious court on the ease and practicality in resolving cases through the e-Court. Its practical steps are shown in brochures and a competent staff must be ready to explain the application of e-Court in detail.

**Second**, cooperating with the local government to undergo socialization. Concerning this point, the court may participate in local governmental programs to undergo legal socialization. But for the Religious Court, the central issue is how to undergo electronic dispute resolution in the Class I A Religious Court of Ternate. Its simplicity and advantages must be delivered to society.

**Third**, the strengthening of the internet network and its expansion. Electronic activities are inseparable from a strong network. A strong network will ease access to undergo online case registration. All corners of the Class I A Religious Court of Ternate's legal area must have a strong network. The network expansion needs to be requested by the local regional government for the sake of the Ternate people. If the network is strong and if it reaches all of the Class I A Religious Court of Ternate's legal area, electronic case registration (e-Filing) will be even quicker.

## CONCLUSION

Based on the research conducted on the effectiveness of the e-Court application determined by the Supreme Court Regulation No. 1 of 2019 on the procedural process in the Class I A Religious Court of Ternate as well as the obstacles and opportunities in implementing the e-Court in the Class I A Religious Court of Ternate, it is concluded that:

1. The implementation of the e-Court as determined by the Supreme Court Regulation No. 1 of 2019 on the procedural process in the Class I A Religious Court of Ternate is already effective. Its application is already according to the goal of Article 2 clause (4) of Law No. 48 of 2009 on Judicial Power. The e-Court system as a new breakthrough has become an effective dispute resolution system. It provides a quick reformation for the development of the information system as well as the procedural law. This is in line with the principles of justice, which desire a simple, quick, and affordable process. It is a good facility for society and legal practitioners. The ease of using the application in the e-Court system also becomes a benchmark of simplicity. The case resolution process is quicker than that of normal cases. Apart from that, it is more affordable. The factors that influence the effectiveness of the e-Court's application include the factor of e-Court's benefits, the factor of e-Court facilities, the factor of the development of the era, the factor of technical workers, as well as the factor of the legal subject.

2. Obstacles and opportunities in implementing the e-Court in the Class I A Religious Court of Ternate include several factors. E-Litigation is a courtly instrument where the dispute in court is resolved through an electronic system. It is a great potential to be developed. The e-Court system has been applied in Ternate Religious Court, with three features, namely e-Filling, e-Payment, e-Summons. Meanwhile, the e-Litigation has not effectively been applied. The obstacles that can be found in the application of the electronic justice system include human resources, inadequate internet facilities, and social culture. Therefore, there needs to be an improvement of the network as well as socialization on the implementation of the e-Court under the jurisdiction of the Class I A Religious Court of Ternate.

Based on the conclusions formulated above, the writers would like to suggest the following points:

1. The researcher hopes that the Class I A Religious Court of Ternate that is interested in using the e-Court system must prepare the facilities and infrastructure to maximize its application.
2. In implementing the e-Court, there must be stricter regulations on the advocates if they are already registered to access or use the e-Court so that there are no more piles of case documents that can inhibit the justice process. Apart from that, the regulation on legal sanctions must be imposed on the violating advocates.

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