

Effectiveness of E-Court in Improving Service Quality at Serang Religious Courts

1st Anton Aulawi
*Pancasila and Citizenship Education
 Study Program
 Banten Jaya University
 Serang, Banten, Indonesia
 antonaulawi@unbaja.ac.id*

2nd Muhamad Asmawi
*Pancasila and Citizenship Education
 Study Program
 Banten Jaya University
 Serang, Banten, Indonesia*

Abstract—This study aims to determine the effectiveness of e-court in improving the quality of service in the Serang Religious Court. In this study the authors used a qualitative methodology, with observations and interviews with relevant officials in the Serang Religious Court and a number of advocates who are members of the Indonesian Advocates Association. The technique used to test the objectivity and validity of the data in this study is triangulation. The use of e-court in the Serang Religious Court aims to encourage increased efficiency and effectiveness in the settlement of cases, one of which is indicated by the reduction in pending cases to improve the quality of public services. In fact the use of e-court still emphasizes the effort of electronic recording only, it has not been optimized to improve the quality of public services and the performance of the judiciary. E-court has a positive impact on people as a means to register cases realizing an electronic court as a form of modern court that applies the principles of fast, simple and low-cost, but currently the e-court service system can only be done for advocates who have obtained validation from the Supreme Court of the Republic of Indonesia.

Keywords: *effectiveness, e-Court, improving service quality*

I. INTRODUCTION

Information technology has made it easier to improve the quality of access to electronic-based service systems from various aspects of life, including in court. The Supreme Court of the Republic of Indonesia as the highest judicial institution in Indonesia has provided the latest innovation by issuing an electronic court service system called the electronic court (e-court).

At present (recently) the implementation of public services is still a condition that is not in accordance with the needs and changes in society. This can be caused by being unprepared to respond to the transformation of values that have broad dimensions and the impact of various complex development problems.

To be ready to accept the transformation of values, online services have also penetrated the Indonesian judiciary under the Supreme Court of the Republic of Indonesia, based on the Republic of Indonesia Supreme Court Regulation (PERMA) Number 3 of 2018 concerning Administration in the Electronic Court on March 29, 2018 and officially promulgated on April 4, 2018, is something that is done to meet the principle of justice that is simple, fast, and low cost and of course in order to improve the quality and effectiveness of justice services for customer satisfaction. The online-based service is called an e-court application as a

tool provided to assist the community in the case registration process in court.

The administration of Indonesian justice is based on the principle of simple, fast and low cost. This principle, especially the principle of speedy justice, is a universal principle shared by all justice in the world. The universality of this principle can be seen from the adage of justice delayed is justice denied which was born since a century BC and is always referred to by world leaders.[1]

Although the principle of speedy justice is a universal principle, the problem of the slow handling of cases is an issue that is experienced by all justice organizations throughout the world. This was stated by Dory Reiling in Technology for Justice: How Information Technology Can Support Judicial Reform. Reiling said that there were three problems that were most often complained to the judiciary, namely: the slow handling of cases (delay), difficult to access (access), and the integrity of the apparatus.[2]

International Consortium for Court Excellence (ICCE) states that the administration of justice must be carried out effectively and efficiently. International Framework for Court Excellence which is a guideline prepared by ICCE, confirms that effective and efficient justice is one indicator for a court excellence. This is in its implementation strongly influenced by various factors including means court supporters including information technology.[3]

E-Court is a court instrument as a form of service to the community in terms of online case registration, online payment, sending litigation documents and online summons. With the e-court application the court institution is expected to be able to improve services in its function of accepting online case registrations where the people will save time and money when registering cases. The e-court application menu is: case registration (e-filing), payment of Case down payment (e-payment), notifications, summons of litigation (e-summons), and online document litigation (e-litigation).[4]

e-Court is a service for registered users to register cases online, get an estimated online down payment case, online payments, online relas (litigation call), and online litigation. This e-court regulates begin from users administration services court, registration of case administration, summons of parties litigation, issuance of copy of decisions, and administrative governance, payment of case fees which are

all done electronically / online when submitting a petition/lawsuit case in each court environment.

Based on Serang Religious Court records and files, there were 2,472 cases in 2019. A total of 504 were divorce cases claims by men and 1,968 divorce cases claims by women. Based on data files, 2,310 ended in divorce. From that data, most divorce suits were caused by quarrels, as many as 917 cases. In addition, there were 778 cases of economic problems, up to 49 cases of domestic violence, polygamy by husbands who were proven to have had an affair. Compared to 2018, which is 2,310 divorce cases, according to him, it has increased by around 5 percent or 99 cases in 2019. And the most divorces occur in the District of Serang compared to the City of Serang.[5]



Figure 1. Statistics on Case Handling 2019 in the Serang Religious Court[5]

The jurisdiction of the Serang District Court consists of Serang District and Serang City, the area with the farthest distance / radius is Pulo Panjang Village, Pulo Ampel Regency, where the distance is approximately 40 kilo meters from the Serang Religious Court. Not to mention that for example there is a format and substance of a lawsuit error, it will take days just to take care of the registration of the case, this is certainly a waste of time. So with the e-court payment of the down-payment case is even cheaper, because the electronic summons is not paid or free. Can be compared with the cost of a manual call using the radius system, for example the farthest call litigation (relaas) in the Serang Religious Court, the cost is around Rp. 250,000 for Pulo Ampel Subdistrict for one call litigation (relaas), this fee/cost is certainly very burdensome for justice seekers who are economically weak/poor.

Does the difficulty of the people especially those who domicile far from the Serang Religious Court located in Serang City get a solution with e-court services, making it easier for those who register cases in the Serang Religious Court, based on this background researchers are interested in researching about e-court under the title *Effectiveness e-Court in Improving Service Quality at Serang Religious Courts*.

II. METHOD

The location of research at the Serang Religious Court, K.H. Abdul Hadi street No.29, Cipare, Serang Regency, Serang City, Banten Province. In this study the authors used a qualitative methodology with collection techniques to obtain data relevant to the problem under study, carried out

using interview, observation, and documentation techniques, with the intention of being able to collect, compile, the results of interviews with the Chair of the Religious Court, Registrar, Section Administration / Administration and IT Section of the Serang Religious Court regarding the Effectiveness of E-Court in Improving Service Quality in Serang Religious Courts. Researchers also conducted interviews with 5 advocates or lawyers as e-court users to find out community satisfaction with the use of e-court as a service from the Serang Religious Court.

Qualitative research methods according to Sugiono[6] are research methods based on the philosophy of postpositivism, used to examine natural conditions of objects, (as opposed to experiments) where researchers are as key instruments, data collection techniques are carried out triangulation (combined), data analysis is inductive.

The documentation intended in this study aims to obtain good data in the form of the number of cases entered into the Serang Religious Court, especially cases that are registered online through the e-Court in Serang Religious Court.

The technique used to test the objectivity and validity of the data in this study is triangulation. Moleong[7] argues that triangulation is a data validity checking technique that utilizes something else. Beyond that, the data needs checking or as a comparison of that data. Triangulation conducted in this study is triangulation utilizing sources and triangulation methods.

Data analysis in this study, according to Sugiono, was carried out through three activities that occurred simultaneously, namely data reduction, data presentation, and drawing conclusions or verification.[8]

III. RESULTS AND DISCUSSION

From this research, the results show that the effectiveness indicator of service quality in the Serang Religious Court is a service quality standard that is in accordance with the principles of justice, namely quick, simple (easy) and low cost court/litigation and the administration of case administration in the court electronically to support the establishment of a professional case administration, transparent, accountable, effective, efficient, and modern in accordance with the vision of the Serang Religious Court, which refers to the Modern Religious Court in 2020.

Court services are activities or a series of activities in the context of meeting the needs of services for the people, especially justice seekers, which are provided by the Supreme Court and the lower judicial bodies based on the laws and regulations and the principles of public service. Court Service Standards consist of case and non-case services. Court service standards also mandate the establishment of service standards for smaller work units to suit individual characteristics, such as geographical conditions and case characteristics.[9]

In general, service standards in court include; court administration services, legal aid services, complaint services and information request services. Specifically, each court (General Courts, Religious Courts, State Administrative Courts and Military Courts) also has service standards in accordance with their respective duties and functions.[9]

Information technology-based public services are now used as a practical solution. Technology-based services are an innovation that continues to evolve to serve the needs of the people, especially the need for information. No exception in court, almost all courts are working hard to be able to build a technology-based case information system.

There are at least four applications that are carried by the Supreme Court in the e-court system, namely registration of cases (e-filing), payment of cash down payments (e-payment) and notifications, electronic court summons (e-summons) and electronic litigation (e-litigation). Through the case registration application (e-filing), for example, lawyers or the general public who are already registered, can register lawsuits/petition with online/electronically without having to go to court, elect an authorized court, register a special power of attorney, pay a Non-Tax State Revenue, uploading lawsuits/petition documents can be done electronically/online. Even to save time, document litigation can be sent electronically (online) without the need for a litigation, if the parties of litigation agree to use this application.

Basically, the purpose of launching the e-court application is the implementation of a quick, simple (easy) litigation and low cost, so with the e-court application, it can answer the judicial principle, also in the effort to administer the case administration in court electronically to support the realization of orderly case administration professional, transparent, accountable, effective, efficient and modern.

This study aims to determine how e-court implementation is, the extent to which e-court effectiveness is in improving service quality at the Serang Religious Court.

In the field the results obtained with the e-court, the parties litigation in the Serang Religious Court only need 4 to 6 times to litigation, it means that it is no different from implementation of the litigation in general/conventional without using e-court. For the use of e-court for payment of case fees, it can be done by application (e-payment), where the litigant will later receive an estimated case fee down payment (e-SKUM) accompanied by a virtual electronic payment channel account code, then make payment, and after get confirmation it will get a case number after being registered in the Case Search Information System.

The summons is no longer necessary by post or bailiff (process serve), the plaintiff/litigant will be summoned electronically (by e-mail), for the defendant to be called manually first, then for the next litigation process can be done electronically (by email) as long as the all parties. This application is also used to inform decisions electronically.

Among the people who benefit the most from the application are advocat/ lawyers, because in addition to facilitating case registration, the litigation schedule has been cut by almost half, so advocates are more focused on research handling cases that are being handled. The presence of this regulation Supreme Court of the Republic of Indonesia is also the answer for the justice seeker community (*justicia bellen*), which has been constrained by time, distance and cost. That is one of the deficiency of e-court, which is that the e-court service system can only be done for advocates / lawyers who have received validation from the Supreme Court of the Republic of Indonesia while the majority of people who

register their cases in the Serang Religious Court are ordinary people and not advocates so can use e-court. The fact is that the people of distric Serang who require e-court are ordinary people who cannot afford to pay a lawyer to help them in solving the legal their problems and people domicile far from the location of the Serang Religious Court, which is located in Serang City, but the problem is e-services court currently can only be accessed by advocat/ lawyers who can only get paid by rich people.

According to Dalih Efendy (Chair of the Serang Religious Court) the e-court at the Serang Religious Court has been launched since December 2018, but after 4 months of being inaugurated there were only 2 cases registered by advocates using e-court. Now according to Kiki Yuliantika since it was used in the Serang Religious Court in December 2018 until now 23 September 2019), the number of cases submitted by e-court has increased, and currently (the last two months), cases filed in e-court are around 10 up to 15 cases per month. Therefore, the hope of the Chairperson of the Serang Religious Court, after the socialization, it is expected that all lawyers to register, pay and receive subpoenas all use e-court. That according to the researcher is still far from expectations because the average community who registers their case in the Serang Religious Court is 400 per month. But this is reasonable because the one who can use e-court is an Advocate / Lawyer.

According to Buang Yusuf (Deputy Chairperson of the Serang Religious Court), he explained about the procedures for how an advocate registers as an e-court user who is directly verified in the Supreme Court server. If you have entered your personal identification data and as a membership of an advocate institution is equipped with an up load of identity card, Letter of Statement the High Court as a valid Advocate, identity card and e-mail address, it will be verified by the e-court system. If an advocate has been identified in the e-court, he can register a case in this application, and pay the court fee also through e court to the BRI Syariah bank that has cooperated with the Religious Court. Court fee payment system, the Supreme Court involving state banks. "Apart from the government banks, it cannot yet. Because it is still a transition period, it still needs time and can be developed in the future. So the e-court application facilities such as e-filling, e-payment, e-summons continue to be developed.

The e-court user policy stated in the Supreme Court Regulation No. 3 of 2018 the provisions of registered users, until now there has been a verified lawyer who is permitted to submit a case in an e-court, although in its development, there will be plans to improve features on user registrations other than advocates. The policy was approved by lawyers / advocates who are members of the Indonesian Advocates Association (PERADI) as the result of an interview with Mufti Rahman (12) (General Chairperson of PERADI Serang Branch).

Advocates who are often the legal counsel of justice seekers must first register and be registered in this e-court application system. However, it is only enough to register once by including the minutes of advocate oath. "One user name to be registered forever in four judicial environments throughout Indonesia,"

According to Buang Yusuf, the e-court is to facilitate the administration and justice services for justice seekers. Because, all this time to register cases every litigant or represented by advocates must come to court. "Now, from the office or home, electronic registration can be sent. This system is to create the principle of fast and low cost, "

According to Buang Yusuf, the payment of court fees was even more concise because it was connected to the e-payment system, which payments were made to court accounts at banks through available electronic payment channels. At present, electronic payments can be made through government banks namely Bank BTN, Bank BRI, Bank BNI 46, Bank BNI Syariah, Bank Mandiri, and Bank Mandiri Syariah. But in fact the implementation of e-court has not been effective because not all e-court services can be used by new users e filing and e summons can be used while e-payment is not fully used online because sometimes there are still users after the transfer still must show proof of transfer by coming to the Serang Religious Court, as conveyed by a resource person that the obstacle to the implementation of e-court is if there is a lawyer who fails to enter e-court because the data or court fees cannot be transferred, so the Serang Religious Court must be responsive in handling all complaints and problems faced by lawyers

Specifically for e-summons and e-litigation, according to Supreme Court Regulation No.3/2018, this procedure can only be taken if the parties agree to make an electronic call to anticipate gaps that might occur in the initial introduction of this application, "with e-court intensity justice seekers to meet the judiciary automatically reduced. This certainly minimizes the occurrence of extortion and corruption. "By doing so, it is hoped that the integrity of the court will be maintained."

The application of case administration in court electronically or the so-called e-court has had a direct impact on the practice of advocates in Indonesia. The convenience provided in the advanced technology system e-court service system becomes a necessity in the process of resolving cases in court with high mobility of the parties of litigation and legal advisers (advocates). Since it was launched on June 6, 2018, the Indonesian court system has not yet given satisfaction to all parties. This system is a reflection of the spirit of justice which is simple, fast, and low-cost, but the purpose seems not to be fully felt.[10]

The enactment of e-court certainly provides a change in a clean justice system for people who want justice and legal certainty.[11]

Through PERMA Number 3 of 2018 has constructed several legal concepts new formal that was not previously regulated in the source of civil procedural law. Regulation this is in addition to changing service practices adjudication of cases and trials in courts are becoming more modern, too encourage the realization of judicial integrity.[12]

IV. CONCLUSION

The Service Quality Standards at the Court are basically the principle of a quick, simple and low cost court, so with the application of e-court, the principle can be answered, also in the effort to administer case administration in court electronically to support the establishment of a professional,

transparent case administration. Accountable, effective, efficient and modern.

The advantages of e-court in improving the quality of service in the Serang Religious Court are:

- Quick and easy in registering cases, advocate/lawyer does not need to come to the court to register the case;
- Simple, because advocate/lawyer only enter data in the e-court application without having to bring documents to court;
- Low cost, because the fee for the litigant is free to the cost of the summons, so it is more economical than register case by conventional.

The lack of e-court in improving the quality of service in the Serang Religious Court is:

- The application is not yet effective because not all e court services can be used, only e-filing and e summons that can be used, while e-payment is not perfect, and e-litigation cannot be used yet
- At present the e-court service system can only be carried out/acces for lawyers/advocat who have received validation from the Supreme Court of the Republic of Indonesia, while the majority of people who register their cases in the Serang Religious Court are ordinary people and not advocates.

The use of e-court by the Serang Religious Court aims to improve the efficiency and effectiveness of case resolution, one of which is indicated by the reduction in pending/unfinished cases. However, it turns out that the use of e-court is still focused on electronic recording only. E-court has not been optimally optimized to improve service quality in the Serang Religious Court.

V. REFERENCES

- [1] Asep Nursobah, "Utilization of Information Technology to Boost Acceleration of Settlement Case in Supreme Court," *J. Law Justice*, vol. 4, pp. 323–334, 2015.
- [2] D. Reiling, *Technology for Justice: How Informaton Technology Can Support Judicial Reformtle*. Leiden: Leiden University Press, 2009.
- [3] I. C. for C. Excellence, "The International Framework for Court Excellence," 2, 2013.
- [4] S. C. of the R. of Indonesia, *e-Court Guidebook Online Registration Guide for Registered Users, Electronics Justice System of the Supreme Court of the Republic of Indonesia*. Jakarta: Supreme Court of the Republic of Indonesia, 2018.
- [5] S. R. Court, "Archives of Case Handling in 2009 in Serang Religious Court," 2019. [Online]. Available: pa-serang.go.id. [Accessed: 20-Sep-2019].
- [6] Sugiyono, *Quantitative, Qualitative and R&D Research Methods*. Bandung: CV.Alfabeta, 2017.
- [7] L. J. Moleong, *Qualitative Research Methodology*. Bandung: PT Remaja Rosdakarya Offset, 2017.
- [8] Sugiyono, *Mixed Research Methods*. Bandung: Alfabeta, 2016.
- [9] R. Mansyur, "Information Transparency in the Court in Order to Implement Certain Integrity Implementation and Legal," *J. Law Justice*, vol. 4, p. 3, 2016.
- [10] A. Prasetyo, "Polemic about the certificate of inauguration of Advocates to register at e-Court," *hukum online com*, 2018. [Online]. Available: <https://www.hukumonline.com/berita/baca/lt5b1f999282176/polemi-k-syarat-berita-acara-sumpah-di-e-court-ma>. [Accessed: 30-Sep-2019].
- [11] S. Makmur, "The Role of Advocates in the Law Enforcement of Economics in Indonesia," *Salam J. Philos. Leg. Cult.*, p. 46, 2014.
- [12] Ifah Atur Kurniati, "Restore the Image of Justice through E-Court," in *PROSIDING COMNEWS*, 2019.