



Integration of Law and Information Technology in Access to Justice Fulfillment Efforts For Justice Seekers

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Abstract.

As a judicial institution that has a vision of "guarding the upholding of the constitution through a modern and trusted judiciary" the task of the Constitutional Court, does not stop at just deciding constitutional cases, but also implements the implementation of integrating law and information technology in providing easy access for the public to reach justice (access to court and justice), including conducting remote hearings through Video Conference throughout Indonesian. The Constitutional Court is determined to create a modern and trusted judiciary by providing modern, fast, free, and simple case services. Modern in the sense that the process of handling cases of the Constitutional Court is held with the support of adequate equipment, technology, affirmation, and legal systems. Then quickly, in the sense of accuracy and management of the time needed for the examination of the case. Free means that proceedings in the Constitutional Court as well as to obtain documents and information, are completely free of charge. While simple, it means that the procedure for filing and examining cases is not long-winded so as to close the opportunity for corrupt practices. The presence of legal integration and ICT information technology has a significant contribution in encouraging the acceleration of the judicial process in the judiciary towards the modernization era so that it becomes more effective and efficient. The framework for ICT development papers in the Constitutional Court is to build a judicial institution that has a case management system in the Constitutional Court that is fast, precise, and transparent..

Keywords: Case Tracking System, Access to Justice, Constitutional Court

INTRODUCTION

Law Number 24 of 2003 concerning the Constitutional Court as last amended by Law Number 7 of 2020 concerning the Constitutional Court has affirmed the need for the Constitutional Court to carry out its institutional duties properly, clean from various fraudulent practices, and be responsible. The Constitutional Court Law also mandates that the Constitutional Court publish periodic reports publicly to the public on various matters related to the implementation of its main duties and functions as a judicial institution.[1]

Based on these reasons, the Constitutional Court positions the governance of the judiciary as part of efforts to fulfill the constitutional rights of citizens (to fulfill of citizens constitutional rights). The governance of the judiciary is an integral unit that is inseparable from the process of the Constitutional Court in examining, adjudicating, and deciding constitutional cases.

Along with the increasing demand for effective, efficient, transparent, and accountable judicial governance, the Constitutional Court continues to innovate in various matters. One of the efforts made in upholding justice is the optimal use of information, communication, and technology (ICT).[2] Today, ICT has become a major driving force for modern organizations. In order to realize the vision of the Constitutional Court, "overseeing the upholding of the constitution through a modern and reliable judiciary" and at the same time making it easier for the public to reach and get justice (access to court and access to justice), the Constitutional Court is required to be able to provide the widest accessibility of services and be presented simply and quickly possible with high certainty and accuracy.[3]

In addition to focusing on the development of ICT in the judicial administration system and general administration, the development of ICT quality also needs to be linked to the application of integrity, clean, and trust worth in the Constitutional Court. The use of technological innovation in the Constitutional Court is a necessity in supporting an integrated judicial system and practice[3], but modern information technology alone is not enough, so it needs to be supported by information media in the Constitutional Court that can provide complete information to justice-seeking parties and the public in general. This is very necessary to provide openness, convenience, and opportunity to the public to assess the performance of the Constitutional Court.

This paper discusses "Legal Analysis of the Implementation of Information Technology and Media in the Constitutional Court" by looking at the aspects of the implementation of technology and information media in the Constitutional Court. Some important information will be discussed in this paper, which begins with a discussion of the constitutional court in Indonesia, including the history, institutions, and authority of the Constitutional Court. Then, this paper will also provide evaluations and recommendations for the development of technology and information media in the Constitutional Court in a continuous, sustainable, integrated, and interconnected manner.

Problem

How to implement a case tracing system and information media to improve access to justice in the Constitutional Court?

Discussion

Information is like blood flow in the human body. The smoother the flow of blood flowing in the human body is an indicator that the body is in a healthy condition and there are no blockages and problems with the heart and blood vessels. Blood flow in the human body oversees transporting and circulating food juice and other minerals needed by the human body so that it can support the function of human organs. Similarly, information is given the task of transporting digital data needed by business process aspects of life.

Digital data can be transported by information must have requirements in digital format that has internationally standardized technological rules. Digital data transported by information must always be formulated so that the information produced has fulfilled the value of usefulness and ease of access in business process aspects of life.[4] Thus, information containing digital data has been constructed to provide certainty, usefulness, accuracy, and ease of access for human life. Information Digitalization currently is a necessity that has affected aspects of life both social, economic, cultural, political, legal and including state governance.

Judging from the aspect of the benefits of the digital information technology system that has affected all aspects of human life, this has been in line with the aspect of the expediency of building a legal system. Law also has a goal that must be able to provide solutions for certainty, expediency, and justice for aspects of human life with the ultimate goal of achieving human happiness and welfare. Law has also influenced aspects of life both social, economic, cultural, political, legal and including state governance (Jeremy Bentham).[5]

Information technology and law are two very different scientific fields, but both aim to improve human welfare. Law goes hand in hand with the growth of social life, whereas information technology exists when the human need for a better life is so important. Thus, laws are needed to control the use of information technology in every facet of human life. Conversely, information technology is needed to help achieve the proper application of the law, due to the limitations of humans themselves in collecting and processing so much information.

Digital information technology continues to grow so rapidly, penetrating other fields and when the Covid 19 pandemic conditions have hit the world, information technology and digitalization have penetrated all aspects of life ranging from households, education, offices, to judicial institutions. The application of digital systems and technologies must of course be accompanied by the rule of law within the framework of control in its application.

In general, in Indonesia legislation regarding the application and use of digital information technology has been regulated in Law Number 19 of 2016 concerning Information Technology which in general has regulated the application of digital information technology systems in aspects of Indonesian people's lives. Of course, the enactment of the ITE Law must continue to be followed by technical rules in every aspect of life, including technical rules for the application of digital information technology systems in judicial institutions.

About the application of digital information technology systems in the judiciary, in general, the information technology system based on legal objectives must be able to adopt how the public easily gets access to judicial institutions. These conveniences include in terms of:

1. Getting a decision that has been decided is important for the parties who will litigate to be used to start making a lawsuit application related to the strategy of making an application by studying the decision on the same case that will be set forth in the application.
2. Apply which can be done digitally online. The ease of registering a case application online must be interpreted as being able to be done from any location and at any time.
3. Obtain digital documents of judicial administration starting from receipt of applications, registration of applications, summons of hearing, resubmission of amended applications, submission of documents of evidence etc. relating to the application which will be submitted in the trial to the digital addresses of the parties.
4. obtain digital documents between litigants on the Constitutional Court website to avoid buying and selling documents.
5. Get access to attend and follow the trial online from anywhere and get a recording of the hearing.
6. Get access to get a decision on his application digitally received at the digital address of the parties.

The Constitutional Court as a state institution born in the Reformation Era, seeks to answer the dreams and hopes of justice-seeking communities. Therefore, the Constitutional Court positions itself as a guardian institution of the constitution and democracy that can be a fulcrum of hope as a protector of the constitutional rights of citizens.

The Constitutional Court cuts through bureaucratic red tape and makes proceedings costless. The first breakthrough made by the Constitutional Court was that with all the limitations it had, the Constitutional Court dared to make targets in serving the litigation process. The target of litigation process services is made in a litigation process flow and is set as a standard procedure for litigation services to the justice-seeking community.

As a judicial institution that has a vision of "guarding the upholding of the constitution through a modern and trusted judiciary" the task of the Constitutional Court, does not stop at just deciding constitutional cases, but also provides easy access for the public to reach justice (access to court and justice), including conducting remote hearings through Video Conference throughout Indonesia.[6]

The Constitutional Court is determined to create a modern and trusted judiciary by providing modern, fast, free, and simple case services. Modern in the sense that the case handling process is carried out with the support of adequate equipment and systems. Then quickly, in the sense of accuracy and management of the time needed for the examination of the case. Free means that proceedings in the Constitutional Court as well as to obtain documents and information, are completely free of charge. While simple, it means that the procedure for filing and examining cases is not long-winded to close the opportunity for corrupt practices.

The presence of ICT has a significant role in encouraging the pace of acceleration of the judicial process in the judiciary towards the modernization era so that it becomes more effective and efficient. Starting from internal applications that make it easier for employees to access their work tools electronically, to external applications that provide access to the public to monitor a case, from the time the case is registered to the verdict, it is a tangible manifestation of the Constitutional Court to always apply modern and trusted principles in the context of implementing constitutional court activities.[7]

Information technology is currently the backbone of all activities carried out by the Constitutional Court, not only in the trial system or Justice Administration System (JAS) but also the General Administration System (GAS), which includes case consultations, case requests, online case registration, trial schedules, trials, evidence, trial minutes, verdicts, information services and trial documentation so that it can have an impact on the ease of public access to a modern and reliable Constitutional Court judiciary.

The application system in the Registrar and General Secretariat of the Constitutional Court will continue to be developed so that it can provide administrative information for judicial administration and general administration, information services, and documentation of judicial administration and general administration. This development is carried out so that the Constitutional Court and the Justice Seeking Community can have easy access and increase public trust in the Constitutional Court.

Reform is marked by the demand for good governance which requires accountability, transparency, and public participation in every process of public policy. Coupled with the modernization of information and communication technology provides flexibility for people to get the information they want easily and quickly. With this situation, the government is required to open to the public to provide information and policies that are needed and easily accessible from anywhere. Especially with the existence of Law Number 14 of 2008 concerning Public Information Openness, the government is mandated to disclose information related to government administration to the public.

According to Law Number 14 of 2008 concerning Public Information Openness, what is meant by public information is information generated, stored, managed, sent, and/or received by a public body related to the administration and administration of the state and/or the administration and operation of other public bodies in accordance with this Law as well as other information related to the public interest.[8]

With the mandate of Law Number 14 of 2008 concerning Public Information Openness, all government agencies, both central and local governments (Province and Regency / city) are required to provide information to the public through information dissemination media except for the type of information that is exempted by law. The provision of information by government public bodies is carried out by the Information and Documentation Management Officer. The Information and Documentation Management Officer is responsible for storing, documenting, providing, and/or servicing information.[9]

For public information disclosure to run properly, an Information Commission was formed. This Information Commission is also a follow-up implementation related to Law Number 14 of 2008 concerning Public Information Openness. This Commission is tasked with resolving public information disputes through mediation and/or non-litigation adjudication in addition to functioning to implement laws and regulations.[10]

Information disclosure provides opportunities for people to participate in various public policies. This condition can also encourage the creation of clean and good governance because the government and public bodies are required to provide complete information about what they do in an open, transparent and accountable manner.[11]

Freedom of information is expected to be a spirit of democratization that offers freedom as well as responsibility simultaneously. Freedom of information, on the one hand, should encourage public access to information at large. While on the other hand, freedom of information can also help provide a clear choice of steps for the government in making a policy strategically.[12]

No less important, the Constitutional Court also has a Media MK unit which has a function to disseminate information related to the Constitutional Court. Media MK was formed in the same year where the Constitutional Court collaborated with various universities to place video conference facilities in 2009. This is a continuation of the implementation of reforms marked by the demand for good governance which requires accountability, transparency, and public participation in every process of public policy. Coupled with the demands of modernization of information and communication technology provides flexibility for people to get the information they want easily and quickly.

The MK Media Unit has the function of documenting the activities of the Constitutional Court, both trial and non-trial, to then be included and managed, storage and use. All data stored by Media MK is fully accessible and requested by the public. Thus, no activity of the Constitutional Court is undocumented. The results of documentation carried out by the MK Media unit, then processed and used for news presented on the mkri.id website, are used for the needs of media crews, and meet the documentation needs of the Constitutional Court activities needed by other Ministries/Institutions.

The government with Law Number 14 of 2008 concerning Public Information Openness confirms that all Ministries/Institutions are obliged to disclose information related to government administration to the public.

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For the Constitutional Court, public information disclosure is a necessity that must be fulfilled by the Constitutional Court by providing all information available on the mkri.id website. So that all requests for documents and information can be obtained on the website of the Constitutional Court. The challenge is that there are still Public Information Disclosure provisions that regulate the role of Information and Documentation Management Officers in each Ministry/Institution to provide offline services to obtain information on Ministry/Agency documents. The Constitutional Court has explained that the issue of information and documents related to the Constitutional Court has been presented like a Padang restaurant so that anyone in the public can download and enjoy the presentation of information and documentation of the Constitutional Court on the mkri.id website.

Conclusion

As a judicial institution that has a vision of "guarding the upholding of the constitution through a modern and trusted judiciary" the task of the Constitutional Court does not stop at just deciding constitutional cases, but also provides easy access for the public to reach justice (access to court and justice)), including conducting remote sessions via Video Conference throughout Indonesia. This has been practiced in the Constitutional Court Judiciary by continuing to integrate law and information technology in every stage of handling constitutional cases.

The Constitutional Court, which has integrated law and information technology, is determined to create a modern and trusted judicial institution by providing modern, fast, free, and simple case services. Modern in the sense that the case handling process is carried out with the support of adequate equipment and systems. Then it is fast, in the sense of accuracy and management of the time needed for the examination of the case. Free means that proceedings in the Constitutional Court as well as to obtain documents and information, are completely free of charge. While simple, it means that the procedure for filing and examining cases is not long-winded to close the opportunity for corrupt practices.

The presence of ICT through the integration of law and information technology in the judiciary of the Constitutional Court has a significant contribution in

encouraging the pace of acceleration of the judicial process in the judiciary towards the modernization era so that it becomes more effective and efficient. The framework for ICT development papers in the Constitutional Court is to build a case management system in the Constitutional Court that is fast, precise, and transparent.

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