PROPHETIC LAW REVIEW
Volume 1, Issuer 1, December 2019

EXPANDING ACCESS TO JUSTICE THROUGH E-COURT IN INDONESIA

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Citation Guide:
Kukuh Santiadi, 'Expanding Access To Justice Through E-Court In Indonesia' [2019] 1 (1) Prophetic Law Review 75.

Received:
28 January 2019
Accepted:
3 May 2019
Published:
2 December 2019

DOI:
10.20885/PLR.vol1.iss1.art5

Abstract

Indonesia's Supreme Court (MA) has started a new initiative by applying modern technology to the justice system through e-court. This new measure is a sign that the court responds the development in information technology while improving the quality of legal administration which has long been considered complicated by those seeking justice. This article raises a problem related to the implementation of the e-court system. This article uses a normative approach by obtaining data from various reports and books to be analyzed further and presented descriptively. It tries to explore whether the implementation of e-court has an impact on the efficiency of the administration of legal proceedings as well as an increase in transparency in the process of seeking justice and encouraging professional, transparent, accountable,
effective and efficient justice administration.

Keywords: *Access to justice, e-court, modern court*

A. Introduction

The rapid progress of Information Technology that has eased human workloads (including judicial duties) is not without side effects that adversely affect humans/society/the country at large. Uncontrolled information will lead to confusing information pollution that inundates us with useless data.[2]

The fast pace of information technology development ultimately requires judicial bodies in various countries including Indonesia to increase adoption of information technology. Previously, case administration in the courts was carried out manually, making a long, winding process and resulting high costs. Harnessing information technology aims to speed up, simplify, and reduce the cost of case administration. Thus,

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[2] Nina Winangsih Syam, *Komunikasi Peradaban* (PT Remaja Rosdakarya 2014) 56

judicial trends in various parts of the world have also started to develop an integrated judiciary (i-Judiciary).

Anne Wallace in her article entitled "E-Justice: An Australian Perspective" identifies several breakthroughs made by Australian courts, such as the use of Case Management, Judgment Publication and Distribution, Litigation Support, Evidence Presentation, Electronic Courtrooms, Knowledge Management, Video-Conferencing, Transcripts, Electronic Filing, Electronic Search, and E-court systems. What is worth emulating from the Australian court is the launching of a website, http://www.austlii.org., which has become the most popular free provider of legal material and information in Australia for primary public legal information such as laws and court decisions, as well as secondary sources such as journals and legal studies. The High Court of Australia has published on the website official decisions of the court from 1903 until the latest court decisions. Also provided are Special Leave Dispositions (since 2008), trial transcripts (since 1994), and High Court Bulletins (since 1996).[3]

The trend of utilizing information technology to ease judicial tasks is currently growing rapidly through electronic justice (e-court). This use of technology is mandated by Law Number 11 Year 2008 as amended by Law Number 19 Year 2016 concerning Amendment to Law Number 11 Year 2008 concerning Information and Electronic Transactions, which mandate that the government support the development of information technology in its legal infrastructure and its arrangements to enable the utilization of secure information technology to prevent its misuse by paying attention to the religious and socio-cultural values of the Indonesians.

Transparency of information in the justice system is one of the matters to highlight since it relates to the right to a fair trial.[4] Convoluted bureaucratic procedures have the potential to make people reluctant to fight for their rights through formal institutions of law. Research reveals many extortion practices carried out by court officials in Indonesia in providing judicial services to the public.

The Ombudsman Report of the Republic of Indonesia revealed that in the three years from 2014-2016, the District Court was the judicial institution with the highest number of

[3] Marco Fabri, 'The Italian Style of E-Justice in Comparative Perspective' in Agusti Cerrillo i Martinez and Pere Fabra i Abat (eds), *E-Justice: Using Information Communication Technologies in the Court System* (Hershey 2009) 104

[4] Wim Voermans, '*Judicial Transparency Furthering Public Accountability for New Judiciaries'* (2007) 3 (1) *Utrecht Law Review* < https://www.utrechtlawreview.org/articles/abstract/10.18352/ulr.42/ > accessed 4 April 2019

complaints. There were 394 complaints related to maladministration, especially the postponement of protracted cases with 215 complaints, 117 complaints for lack of competence in carrying out judicial tasks, and as many as 115 complaints about procedural irregularities.[5]

The blueprint for judicial reform for 2010-2035 has determined that one of the ideal indicators of justice is a modern judiciary based on integrated information technology. The term "integrated" arises from the problem that during the preparation of the blueprint, namely prior to 2010, the Supreme Court had realized that there was no comprehensive or integrated information technology infrastructure.[6]

As a comparison, Australia has already implemented online dispute resolution,[7] where litigants can resolve their disputes online. Likewise, in 1999, the United States launched Public Access to Electronic Records (PACER), a Case Management and Electronic Case Files (CM/ECF) system, and various uses of information technology to support judicial tasks. Through the use of e-court, the Supreme Court of the Republic of Indonesia is now more closely aligned with the United States Supreme Court, the Supreme Court of the United Kingdom, and the Supreme Court of Singapore, E-Sharia in Malaysia, PACER in the United States, E-Filing in Singapore and India, the Electronic legal service in Canada and e-Case administration in Australia.

The Indonesian Supreme Court through Supreme Court Regulation No. 3 of 2018 concerning Case Administration in the Electronic Court, has begun to use information technology to help improve judicial performance. This is in line with the Supreme Court's vision to become a Modern Judiciary based on an Integrated Information Technology. The use of e-court is a major leap forward in the overall efforts of the Supreme Court in making administrative changes in the court. This is an attempt to overcome the three obstacles that the judicial institutions often face, namely the slow handling of cases, the difficulty of accessing court information, and the integrity of court officials.

[5] Supreme Court of the Republic of Indonesia, 'Aparatur Peradilan Harus Melayani Dengan Sepenuh Hati' (28 August 2017) <https://mahkamahagung.go.id/id/berita/2688/kma-aparatur-peradilan-harus-melayani-dengan-sepenuh-hati> accessed 5 April 2019

[6] Supreme Court of the Republic of Indonesia, 'Cetak Biru Pembaharuan Peradilan 2010-2035' (October 2010) < https://www.mahkamahagung.go.id/media/198 > accessed 8 April 2019

[7] .Supreme Court of the Republic of Indonesia, 'Di Family Court Australia, Ini yang Dipelajari Inovator Pengadilan' (6 December 2016) < https://badilag.mahkamahagung.go.id/seputar-ditjen-badilag/seputar-ditjen-badilag/di-family-court-of-australia-ini-yang-dipelajari-para-inovator-pengadilan > accessed 4 April 2019

This article examines the impact of using e-court for court proceedings and access to justice for those seeking justice before Indonesian courts.

B. Research Method

Research for this article followed a normative approach in analyzing the application of e-court in the Supreme Court judiciary and its impact on court proceedings and access to justice. The data were obtained from literature studies and searches of various official reports of the Supreme Court, journals, and other supporting literature for further analysis and descriptive presentation.

C. Discussion and Result

The issue of justice has long been a subject of study among religious philosophers, politicians, thinkers, and jurists. Justice is the basic ideal of independence for every nation. In essence, justice has long been a problem in human life because it is one of the primary necessities of human life. since the beginning of Greek philosophy, the theme of justice has been a central theme. Discussions about justice have broad dimensions, ranging from ethical, philosophical, legal, to social justice.

The maintenance of justice principles is one of the characteristics of the rule of law. Justice is a basic human right that is in line with the principle of equality before the law. Everyone has the right to redress for any violations of their rights, while the state has an obligation to ensure the fulfillment of these rights. The accumulation of these rights confirms that justice rests on respect and assurance of human rights fulfilment. There is a need to place the concept of access to justice as an affirmative action based on a human rights perspective with the aim of avoiding discrimination, but as a form of temporary 'assistance' for the poor and marginalized until they are able to gain access to justice.

Prior to the 1970s, most definitions of access to justice referred to the model of access to state courts obtained through legal assistance.[8] Initially, access to justice only emphasized efforts to provide legal assistance to the poor, then it developed into the unification of the interests of those who play a role in providing access to justice for the poor. The parties consisted of various related state institutions such as the attorney

[8] As an example, Mauro Cappelletti and Garth stated that the basic purpose of the legal system is the legal system that can be accessed by the public to defend their rights and/or resolve disputes under general supervision of the state. First, the legal system must be accessible to everyone. Second, the legal system must lead to fair outcomes, both for individuals and for society.

general's office, court, ombudsman, relevant public service ministries and community institutions that all play a role in community empowerment.

However, over time, this began to change gradually along with the increasing variety of recovery mechanisms in modern countries. The concept of access to justice has been progressively expanded to include other forms of 'justice.' This is understandable because an injustice is often closely related to other injustices. Besides being important to unravel the existing relationships among various forms of injustice experienced by those who seek justice, it is also important to see which injustices can be resolved through recovery procedures.

The concept of access to justice focuses on two basic objectives of a legal system, namely: 1) the legal system should be accessible to all people from various populations; and 2) the legal system should be able to produce laws and decisions interpreting and applying laws that are fair to all parties, both individually and as groups. The priority from this conceptualization are measured to achieve social justice for citizens from all walks of life.[9]

Access to justice is a scientific area of study, developed from the discourse and research of a number of agencies and experts on legal issues in Indonesia. As for how the subject of access to justice fits within the larger framework of the rule of law, it is well known that the concept itself is still in a debatable position over its definition as a rule of law or *rechtstaat*. This paper will address this debated issue, but it is very important to understand that the theoretical framework of access to justice is nothing but the umbrella of the rule of law discourse.[10]

1. Transforming the Indonesian Justice System Through e-court to Realize the Principles of Simple, Efficient, and Affordable Justice

After the issuance of Supreme Court Regulation Number 3 of 2018, concerning Case Administration in Electronic Courts, the Director General of the Military Courts and State Administrator of the Supreme Court of the Republic of Indonesia have followed up by issuing a Decree of the Director General of Military Courts and the Administrator of the Supreme Court of the Republic of Indonesia Number 307/Djmt/Kep/5/2018 concerning

[9] Ministry of National Development Planning of the Republic of Indonesia, S*trategi Nasional Akses pada Keadilan 2016-2019* (BAPPENAS RI 2009) ix

[10] The Jacqueline Veil report states quite clearly the discourse supported by the World Bank and UNDP projects. *See*, Jacqueline Vel, 'Policy Research on Access to Justice in Indonesia: A Review of World Bank and UNDP Reports' (2009) http://media.leidenuniv.nl/legacy/review-of-reports-jacqueline-vel.pdf, accessed 14 September 2013

Guidelines for Implementing Supreme Court Regulation Number 3 of 2018 concerning Case Administration in the Electronic Court.

The Indonesian Supreme Court has targeted all courts in Indonesia to immediately implement an electronic court system, or e-court. As a pilot project, the Indonesian Supreme Court appointed 32 Courts of general, religious and State Administrative courts (TUN) to carry out trials of e-court implementation. The pilot courts include Central Jakarta District Court, North Jakarta District Court, South Jakarta District Court, East Jakarta District Court, West Jakarta District Court, Tangerang District Court, Bekasi District Court, Bandung District Court, Karawang District Court, Surabaya District Court, Sidoarjo District Court, Medan District Court, Makassar District Court, Semarang District Court, Surakarta State Court, Palembang State Court, Metro State Court. Meanwhile, the religious court includes Religious Court of Central Jakarta, Religious Court of North Jakarta, Religious Court of South Jakarta, Religious Court of East Jakarta, Religious Court of West Jakarta, Religious Court of Depok, Religious Court of Surabaya, Religious Court of Denpasar, Religious Court of Medan. The pilot of State Administrative Court includes State Administrative Court of Jakarta, State Administrative Court of Bandung, State Administrative Court of Serang, State Administrative Court of Denpasar, State Administrative Court of Makassar, and State Administrative Court of Tanjung Pinang.

The Supreme Court E-court system aims to streamline court functions, including case administrators, case administration registration, summonses of parties, provision of copies of court decisions, administrative governance, and payment of court fees All of these functions which are all done electronically/online when filing applications/lawsuits in civil cases, religious cases, and state administrative fora as apply to each court, without the need to come to the courthouse.

The process for case-related payments has also is envisioned to become more convenient because the e-payment system allows payments to be made from any bank with any electronic payment channel, such as internet banking, sms banking, and ATM transfers through partners of the relevant court. This e-payment system is directly targeting illegal “levies,” from court personnel that have been pervasive. The practice of illegal levies on court cases has certainly burdened the public while litigating in court, especially low-income parties.

Electronic e-summonses also simplify the process and reduces costs, by allowing service or process directly to electronic domiciles, also eliminating the need for delegation

procedures in the event that the parties reside in different jurisdictions. Again, this allows the costs to be kept to a minimum. The 2018 MA Annual Report mentions that in 2018 as many as 907 cases had been submitted to the e-court with details of 445 registered cases using e-court in courts of general justice, 422 cases in religious court, and 20 cases in the State Administrative Court (TUN).[11]

The use of information technology also accelerates the legal process. During 2018, 17,638 cases were successfully resolved by the Supreme Court. The Supreme Court Annual Report states that during 2018 the number of cases submitted to the Supreme Court was 18,544, consisting of 17,156 cases in 2018 and the remaining cases totaling 1,388 cases in 2017.[12] Regarding the period of case resolution, during the course of 2018, 96.33 percent of cases were successfully resolved on time. Throughout 2018, the Supreme Court processed cases on average within 1-3 months of 16,911 from 17,638 cases (96.33%). Only 3.67% of cases were resolved after three months had passed since filing. This achievement exceeded the Supreme Court's own target of 75% on time case processing.[13]

Looking back to 2017, before the use of e-court, it is clear that the number of registered cases increased by 10.65%, the cost of case administration increased by 3.82%, the number of cases decided increased by 7.07%, while the number of remaining cases decreased by 34.73 %. In contrast, it is apparent that the number of the remaining cases of the 2018 is also the smallest number in the history of the Supreme Court. Referring to the remaining cases in 2012 which amounted to 10,112 cases, until 2018 the Supreme Court was able to reduce the remaining cases to 9,206 cases or 91.04%. The comparison shows the ratio of Supreme Court productivity in deciding a case in 2018 that rose to 95.11%, or equal to an increase of 2.89% as compared to the ratio of case resolution productivity in 2017 at 92.23%. When compared with the target set at 70%, the achievement exceeded the target by 25.11%.[14]

By the end of 2018, the Supreme Court had announced that the number of registered e-court users up until December was 11,224, while the number of cases registered using the e-court application up to December was recorded as many as 389 cases in general

[11] Supreme Court of the Republic of Indonesia, *Laporan Tahunan* (Mahkamah Agung RI 2018) 213
[12] Ibid
[13] Ibid
[14] Ibid

justice, 289 cases in religious courts, and 17 cases in state administrative courts, making the total number of registered e-court cases to 695 cases.[15]

Despite the success correlated with the launch of the e-court, this e-court system still has some drawbacks both in terms of technical and substantive obstacles. The most serious problem is inadequate internet network access in many areas of Indonesia. According to data from the National Development Agency, throughout Indonesia there are around 25,000 villages that have no internet access, most of which are located in Kalimantan, Sulawesi, Nusa Tenggara, and Papua. These villages are mostly underdeveloped, close to borders, and located at the outer edges of the Indonesian archipelago (3T). This is a government challenge to build an internet network to reach these areas. On the other hand, problems also arise from the inequality of technological knowledge of court employees and the mindset of the internal or external parties of the court to take the initiative and be willing to make routine changes from the *status quo* to more modern ways of doing things.

Although the e-court application was trialed gradually in 32 first-tier courts throughout Indonesia, the Director General of the General Judiciary Body through Circular Letter No. 4 of 2019 concerning Obligations to Register Civil Cases through e-court now requires 56 courts under the Supreme Court to implement e-court. This SEMA policy applies to all District Courts of Special Class 1A, Class 1A and all District Courts (PN) in the Banten High Court (PT) Territory, PT Jakarta, PT Bandung, PT Semarang, PT Yogyakarta and PT Surabaya. These 56 PN's in all PTs are required to use e-court since the issuance of this SEMA on June 10, 2019. Meanwhile, the policy implementation in the religious court (PA) includes, the Religious Courts of Central Jakarta, North Jakarta, South Jakarta, East Jakarta, West Jakarta, Depok, Surabaya, Denpasar, and Medan. The application of SEMA in State Administrative Courts (TUN) includes PTUN Jakarta, PTUN Bandung, PTUN Serang, PTUN Denpasar, PTUN Makassar, and PTUN Tanjung Pinang.

The Supreme Court (MA) has continued to develop e-court applications by creating an electronic trial menu (e-litigation). Then, on August 19, 2019, the Supreme Court issued Regulation Number 1 of 2019 concerning the Administration of cases and trials in the Electronic Courts and e-litigation Applications. Through Regulation Number 1 of 2019 and the application of e-court and e-litigation, all claims, payment of all costs,

[15] Supreme Court of the Republic of Indonesia, 'Era Baru Menuju Badan Peradilan yang Modern' (27 December 2018) < https://www.mahkamahagung.go.id/id/berita/3365/era-baru-menuju-badan-peradilan-yang-modern > accessed 3 April 2019

notifications and summons until the delivery of the decision are made electronically. Likewise, the examination of witnesses and experts in the trial can be done through teleconference. Technical directives from Regulation Number 1 of 2019 concerning the Administration of cases and trials in Electronic Courts and e-litigation Applications has also been issued through Decree of the Chief Justice of the Supreme Court Number 129 / KMA / VIII / 2019 Concerning Technical Guidelines for Case Administration and in Electronic Trials.

E-litigation is part of e-court development and has been applied to civil, religious civil, military administrative and state administrative cases since last year. The difference between e-court and e-litigation lies in the transition from a partial to comprehensive system. Unlike the e-court, which only transforms justice to digital network in case administration, the e-litigation encompasses the entire trial process. Thus, in this e-litigation, digitalization is not only done in terms of case payments or summon fees, but also in the exchange of documents, answers, verification, and even the submission of decisions on the of e-litigation application, which would be conducted periodically. As for trial, the Supreme Court has appointed 6 District Courts, 4 Religious Courts, and 3 State Administrative Courts to beta test this newly developed system.

2. Court Modernization and its Impact on Law Administration and Access to Justice

The use of technology for justice as stated by Dory Reiling is believed to prevent corrupt practices in the judicial environment. According to Reiling, openness to science and technology for the legal community is an inevitable part of the need for legal reform programs. The use of information technology will support and ensure proper administrative governance and judicial process. Dory Reiling divides the level of information technology utilization by the court into three levels, namely stand-alone functions of information technology, network of information technologies, and enterprise information technology and external communications.[16]

However, Dorry Reiling also reiterates that innovating also means the experimentation process of continuous testing, which would involve finding out what works well and what does not. The presence of the e-court is part of the court's efforts to foster a much better legal culture while providing easy access to justice and make the court more transparent, effective and efficient.

[16] Dory Reiling, *Teknologi Untuk Keadilan* (PT Alumni 2018) 130

This is one answer to address problems faced by the general population related to the convoluted judicial process, including delays, lack of access, and corruption. Thus, the application of technology is not only beneficial to society but also to government for a better performance that is cleaner, more accurate, and accountable. Through an efficient justice system, it is expected that the government can increase productivity and reduce the costs of disseminating important information. An effective justice system will simplify the winding procedures or bureaucracy to reduce costs and increase public access to information to reduce waste of time and money of the court administration. It will also increase transparency of the judicial process to be easily evaluated publicly, increase public trust in the justice system, and most importantly strengthen the legitimacy of judicial power.

Along with the development of digital technology, the transformation of the court to modern court that utilizes digital information technology to its full potential is a necessity. Dory Reiling's research found that there are three main problems faced by judicial institutions around the world, namely the slow handling of cases, the difficulty of public access, and judicial integrity.[17] Thus, the use of technology for justice is basically in line with the principle of informed dispute resolution. Just like in court, alternative dispute resolution is subject to the principle of fast and timely, low cost, and simpler ways.

A properly functioning justice system must give everyone the opportunity to raise objections for any violations of their rights. Legal information systems are created to inform the public of their rights, help them settle disputes, inform them about how to file case to court, or the way to settle the case amicably outside the Court. Therefore, the ability to disseminate legal information at an efficient cost through information technology, especially the internet, is seen as an important way to improve access to justice.

Article 2 paragraph (4) of Law Number 48 Year 2009 concerning Judicial Power states that the Judiciary shall conduct its business with a simple, fast, and low cost. Hence, the principle of justice enforcement that is simple, fast and at low cost should guide the Indonesian Judiciary System in carrying out its main duties and functions.

The application of the case administration in court electronically in accordance with Regulation Number 3 of 2018 is also in line with the General Principles of Good Justice.

[17] Dory Reiling, *Technology for Juctice: How Informaton Technology Can Support Judicial Reform* (Leiden University Press 2009) 17

The Principle of Justice is Openness to the Public. Hence, applying the case administration electronically allows not only the parties in charge to access and control the documents, but also the public at large.

Public demand for justice services is increasing along with the increasingly massive use of information technology and various regulations that open space for the public to access information and get excellent service from public institutions. In such conditions, the judicial apparatus must increasingly open themselves to change and adapt to current developments.

The Supreme Court in the 2010-2035 court reform blueprint has endeavored to improve the realization of the Supreme Indonesian Judiciary's constitutional mandate, which is oriented to excellent public service by providing equitable legal services to justice seekers. The judiciary must always improve public services and guarantee fair trial processes. Meanwhile, related to the principle of opportunity to defend oneself (*audi et alteram partem*) the application of e-court gives broad access to the Parties to submit their defense to provide more protection for the parties. Similar to the Accountability Principle, the application of electronic case administration will leave a digital footprint that is stored forever. This digital footprint will enable easier public control over the case documents and prevent lost or damaged files.

A transparent system applied by the court is also expected to gradually reduce the practice of extortion in the court, which was commonplace before. As is well known, the practice of extortion significantly affects the access to justice for the community. These corrupt practices arise because there are more costs that have to be incurred by justice seekers in court services due to the long and winding administrative process that involves many parties. Such practices previously gave birth to practices of brokering and other procedural deviations. The Ombudsman Report of the Republic of Indonesia, for example, said that in the 2014-2016 period, the District Court was the judicial institution with the highest number of complaints, with 394 complaints. These complaints were specifically related to maladministration, such as the protracted case delay of 215 complaints, incompetence performance in the justice system as many as 117 complaints, and procedural irregularities in as many as 115 complaints.[18] This result is almost in line with

[18] Supreme Court of the Republic of Indonesia, 'Aparatur Pengadilan Harus Malayani Sepenuh Hati' (28 August 2017) < https://mahkamahagung.go.id/id/berita/2688/kma-aparatur-peradilan-harus-melayani-dengan-sepenuh-hati > accessed 4 April 2019

that of the MaPPI FHUI research in 2017, revealing that corrupt practices in the judiciary also occur in the form of extortion.

One of the prerequisites for the establishment of a superior court is the transparency of the court to the public, especially those seeking justice. Transparency is the benchmark to determine whether a court institution has truly opened itself up to public scrutiny in all matters, including the judicial processes and mechanisms. Through the move to a more transparent court administration system, it is hoped that the judiciary institution as the main and foremost spearhead in law enforcement can avoid corrupt practices. A transparent law enforcement process can also encourage the level of community satisfaction over the performance of law enforcement officials, which in turn increases public trust in the judiciary.

The direct impact of the implementation of the e-court can be seen from the results of a public satisfaction survey conducted by the Institute for Economic and Social Research, Education and Information (LP3ES) with the Supreme Court Supervisory Agency for the judiciary institutions in 60 work units of the judiciary (State Administrative Court, General Court, and Religious Courts) across 20 Provinces in Indonesia. The results of a survey conducted from January 21 to February 15, 2019 showed that overall the public satisfaction index for court institutions by 76% was in the "good" category. The results of the current public satisfaction study increased by 6.7% points in the period of five years (2014 - 2018).[19]

The implementation of an e-court system is also projected to foster a new legal culture among law enforcement officials and the public. Legal culture according to Friedman is "… the system-their beliefs, values, ideas, and expectations."[20] He further opined that "*without legal culture, the legal system is meet-as dead fish lying in a basket, not a living fish swimming in its sea*." Legal culture itself includes the habits, ways of thinking, and ways of acting both from law enforcement officials and from the community. Without legal culture, the legal system would lose its power while the quality of legal culture determines the quality of law enforcement. In renewing the legal culture

[19] Aida Mardatillah, 'Seberapa Puas Publik Terhadap Lembaga Peradilan? Ini Dia Hasilnya' (28 May 2019) < https://www.hukumonline.com/berita/baca/lt5cece6502ec2e/seberapa-puas-publik-terhadap-lembaga-peradilan-ini-dia-hasilnya > accessed 31 May 2019. This research was conducted in 20 provinces in Indonesia, among which are Aceh, South Sumatra, Yogyakarta, North Sulawesi, and Papua. Sampling was taken from 60 work units of court institutions, which include PTUN, PN, and PA using a mixed method of surveys, observations, and in-depth interviews. The survey was conducted by involving 720 respondents through face-to-face interviews and questionnaires.

[20] Lawrence M. Friedman, *Sistem Hukum Perspektif Ilmu Sosial*, (Nusamedia 2013) 7

through proper, ethical law enforcement, officials will propagate effective and efficient law enforcement. According to Friedman, one of the most important types of legal culture is the legal culture of legal professionals, the values, ideologies and principles of lawyers, judges and others who work in the legal system. The behavior and attitudes of these professionals are very influential on the pattern of disputes that are submitted to the system. Based on this aspect, the legal system is not merely seen as a vehicle, but also as the behavior of professionals that determines the development of the legal system.[21]

Nurturing a legal culture requires the involvement of all stakeholders, including law enforcement, the community, professional associations, legal education institutions, and community members. The improvement of the legal culture among law enforcement officials is expected to have an impact on increasing the credibility of the court and expanding public access to justice. This is consistent with what was stated by Stephan Golub, that a very important element in access to justice is the existence of formal legal institutions that should be trusted by the community as efficient, neutral, and professional institutions.[22] On the other hand, the openness of the institution will encourage community to participate in preventing irregularities or maladministration. Consequently, this will make the delivery of public services more accountable, transparent and enable the implementation of the rule of law. Through the application of e-court, it is hoped that public trust and access to court institutions and law enforcement officials, especially in the courts, will continue to increase.

D. Conclusion

The application of information technology is a measure to realize the principle of simple, fast, and low-cost justice as well as an attempt to encourage the development of management and administrative improvements towards modern justice. This is a big leap from the overall efforts of the Supreme Court to overcome the three obstacles that judicial institutions often face, namely the slow handling of cases, difficulty accessing court information, and the low integrity of the judicial apparatus, especially judges. The application of e-court is also a strategy to create a superior and transparent court in the judicial process and mechanism.

[21] Ibid 254-255. See also Setiawan Nur Heriyanto Dodik, 'Strengthening Indonesian Judges Understanding of the Refusal and Annulment Grounds of Foreign Arbitral Awards' (2015) *Acta Juridica Hungarica* 167, 176.

[22] Stephan Golub, *Beyond Rule of Law Orthodocy: The Legal Empowerment Alternative, "Rule of Law series, Democracy and Rule of Law Project,* Number 41, 2003

The implementation of e-court directly impacts the efficiency of the administration of justice as well as a form of transparency in the process of seeking justice and encouraging professional, transparent, accountable, effective and efficient law enforcement behavior. Judicial modernization will affect the resolution of the slow handling of cases as well as improving the integrity and professionalism of law enforcement officials. The application of e-court directly impacts the justice seekers since it enables them to easily access and control the ongoing process while making litigation cost savings.

References

Books

Fabri, Marco, 'The Italian Style of E-Justice in Comparative Perspective' in Agusti Cerrillo i Martinez and Pere Fabra i Abat (eds), *E-Justice: Using Information Communication Technologies in the Court System* (Hershey 2009)

Friedman, Lawrence M., *Sistem Hukum Perspektif Ilmu Sosial* (Nusamedia 2013)

Reiling, Dory, *Technology for Justice: How Information Technology Can Support Judicial Reform* (Leiden University Press 2009)

Reiling, Dory, *Teknologi Untuk Keadilan* (PT Alumni 2018)

Supreme Court of the Republic of Indonesia, *Laporan Tahunan* (Mahkamah Agung RI 2018)

Supreme Court of the Republic of Indonesia, *Cetak Biru Pembaharuan Peradilan 2010-2035* (Mahkamah Agung RI 2010)

Syam, Nina Winangsih, *Komunikasi Peradaban* (PT Remaja Rosdakarya 2014)

Journals

Dodik, Setiawan Nur Heriyanto, 'Strengthening Indonesian Judges Understanding of the Refusal and Annulment Grounds of Foreign Arbitral Awards' (2015) *Acta Juridica Hungarica* 167, 176

Golub, Stephan, 'Beyond Rule of Law Orthodocy: The Legal Empowerment Alternative' (2003) 41 *Rule of Law series*

Voermans, Wim, 'Judicial Transparency Furthering Public Accountability for New Judiciaries' (2007) 3 (1) *Utrecht Law Review* < https://www.utrechtlawreview.org/articles/abstract/10.18352/ulr.42/ > accessed 4 April 2019

Legislation

Supreme Court of the Republic of Indonesia Regulation No. 1 of 2019 on Administration of Cases and Trials in the Electronic Court

Supreme Court of the Republic of Indonesia Regulation No. 3 of 2018 on Case Administration in the Electronic Court

Decree of the Chief Justice of Supreme Court of the Republic of Indonesia No. 129/KMA/VIII/2019 on Technical Instructions for Case Administration and Electronic Trials

Decree of the Director General of Military Courts and Administrative Courts of the Republic of Indonesia No. 307/Djmt/Kep/5/2018 on Instructions for Implementing Regulations

Websites

Mardatillah, Aida, 'Seberapa Puas Publik Terhadap Lembaga Peradilan? Ini Dia Hasilnya' (28 May 2019) <https://www.hukumonline.com/berita/baca/lt5cece6502ec2e/seberapa-puas-publik-terhadap-lembaga-peradilan-ini-dia-hasilnya > accessed 31 May 2019

Supreme Court of the Republic of Indonesia, 'Era Baru Menuju Badan Peradilan yang Modern' (27 December 2018) < https://www.mahkamahagung.go.id/id/berita/3365/era-baru-menuju-badan-peradilan-yang-modern > accessed 3 April 2019

Supreme Court of the Republic of Indonesia, 'Aparatur Pengadilan Harus Malayani Sepenuh Hati' (28 August 2017) < https://mahkamahagung.go.id/id/berita/2688/kma-aparatur-peradilan-harus-melayani-dengan-sepenuh-hati > accessed 4 April 2019

Supreme Court of the Republic of Indonesia, 'Di Family Court Australia, Ini yang Dipelajari Inovator Pengadilan' (6 December 2016) < https://badilag.mahkamahagung.go.id/seputar-ditjen-badilag/seputar-ditjen-badilag/di-family-court-of-australia-ini-yang-dipelajari-para-inovator-pengadilan > accessed 4 April 2019

Supreme Court of the Republic of Indonesia, 'Cetak Biru Pembaharuan Peradilan 2010-2035' (October 2010) < https://www.mahkamahagung.go.id/media/198 > accessed 8 April 2019