

Optimising and Digitalising the Technology-Based Electronic Justice in the 4.0 Era: A Judicial Reform

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Abstract

Judicial reform is an essential reference policy for state administrative courts to change its quality more effectively and efficiently. The state administrative court is one of the judicial environments under the supreme court that apply technology-based electronic justice in the 4.0 era. It makes it more informative, transparent, and accountable. Therefore, the current investigation is written to study the concept of technology-based electronic justice in optimising the utilisation of electronic justice in state organisational justice, Banda Aceh, Indonesia. This study is designed using qualitative research through normative juridical. The data was collected from legal literature studies, such as books, national or international journals and interviews with relevant parties, especially state administrative court in Banda Aceh. The result of this study is the implementation of the case search information system has marked a significant shift from the conventional judiciary to digitalisation. Optimisation efforts have been conducting in the online trial process through the equipment needed by the judiciary, selected as a pilot project using electronic justice. The trial has been accomplished by doing some training on improving human resources in the environment. As a result, it is expecting that e-Court and e-litigation applications would be more efficient.

Keywords

Optimisation, Digitalization, Technology-based Electronic Justice, Judicial Reform

1. Introduction

The blueprint of judicial reform year 2020-2035 issued by the Supreme Court of the Republic of Indonesia is a breakthrough and an essential reference policy on strong efforts that the state administrative judiciary wants to make in terms of changing the quality of the use of the court to be more effective and efficient. It is also an effort to support the provisions contained in Article 2 paragraph (4) of Law No. 48 of 2009 on the Power of Justice in realising a simple, fast, and light-cost judicial process in the face of the 4.0 era. (Yogyakarta, 2019). In addition to the rapid advancement

of technology and information, the influence of pandemic covid-19 occurred in early 2020. These advances have changed the way of thinking and activities, including the judicial environment opening the Case Tracking Information System (SIPP). The step of changing judicial actions from conventional to the digital era and the application of SIPP was used as the main forum for the realisation of electronic justice in Indonesia, hoping that e-Court and e-Litigation can run well maximally (Supreme Court of the Republic of Indonesia, 2018).

Digitalisation technology is beneficial in the modern judicial process, simple, fast, and trim. Under the mandate of Article 2 paragraph (4) of Law No. 48 of 2009 concerning the judiciary's power and strongly supports the implementation of the Public Service Law and the Public Information Disclosure Law. Therefore, an in-depth research is needed to optimise the utilisation of digitalisation of electronic trials, especially in the state administrative judiciary. (Supreme Court of the Republic of Indonesia, 2019). To answer all the needs and benefits of the judiciary in this era of digitalisation, the need for electronic justice (e-Court) is a very appropriate and much-needed solution in this 4.0 era. Because electronic justice is a judiciary whose activities conducted online can be anywhere and anytime origin in the region has an internet network. The electronic judicial process starts from registration, payment, submission of court documents, and up to the relevant parties. So it makes it easier and more time-saving and costs to be spent because this is following PERMA No. 3 of 2018 on The Administration of Cases in Electronic Justice.

1.1 Objectives

The state administrative court is one of the judicial environments under the supreme court that apply technology-based electronic justice in the 4.0 era. As a result, it makes it more informative, transparent, and accountable. Therefore, the current investigation is written to study the concept of technology-based electronic justice in optimising the utilisation of electronic justice in state organisational justice, Banda Aceh, Indonesia.

2. Materials and Methods

The method used in this study is normative juridical and supported by some empirical data that can be reached and comprehensive enough in determining the results of qualitative legal research. To obtain valid and accurate research data, conducted legal literature studies from various books, national journals, or international journals and dig as much information as possible from interviews with relevant parties, especially in the state administrative court in Banda Aceh (Santiadi, 2019). Normative research is often used to assist the development of legal studies useful for answering all legal issues, both legal matters outside the judiciary or within the courts. In this state administrative court environment, it is used to respond to legal issues. Therefore, it is necessary to use laws and regulations (statute approach) such as Law Number 48 of 2009 concerning Judicial Power, Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law No. number 51 of 2009 concerning the State Administrative Court and Law Number 30 of 2014 concerning Government administration (Agus Salim & Elfran Bima Muttaqin, 2020).

The decision of the Supreme Court of the Republic of Indonesia No 1144/KMA/SK/ 2011, It concerning Guidelines for Information Services in The Court, Decree No. 026/KMA/SK/II/2012: on Standards of Judicial Services with Special Purpose, Improving Public Service of the Court and Decision of the Chairman of the Supreme Court of The Republic of Indonesia No. 144/KMA/SK/VIII/2017 concerning Information Disclosure in the Court to Ensure Transparency and Accountability of Court Administrators. All the above regulations align with Law Number 25 of 2009 concerning Public Services and Law No. 14 of 2008 concerning Openness of Public Information (Irianto, 2017). Furthermore, using a conceptual approach to examine, identify and analyse existing legal concepts so that this research can later answer all legal issues, especially legal issues in the state administrative court environment (Kharlie & Cholil, 2020).

4. Results and Discussion

Optimisation efforts in digitising electronic trial services in the state administrative judiciary use technology and information facilities by applicable rules. So that the regulation of use is the firstborn, the justice is addressed and followed up by providing all the needs of facilities and infrastructure and training in improving the resources that exist in all judicial environments, which are still limited to civil cases, religion and state administration alone. However, for criminal cases still need a more profound study, MA formed a Working Group (Pooja) to design a working system of technology-based criminal court.

Some regulations created for the electronic judicial service process in Indonesia appear in several decrees of the Chief Justice of the Supreme Court, namely SK MA RI No. 1-144/KMA/SK/2011 on guidelines for Information Services in The Court, SK MA RI No. 026/KMA/SK/II/2012 on Judicial Service Standards to improve public service of the court, and Decree of the Chairman of the Supreme Court No.144/KMA/SK/VIII/2017 on information disclosure in the court that ensures transparency and accountability of Judicial Operators. Several Circulars of the Supreme Court

(SEMA) and Supreme Court regulations (PERMA) can maximise the use of technology to access justice for the public: about PERMA No. 2 the Year 2011 on procedures for resolving disputes Public information in court. PERMA No. 4 of 2015 on Guidelines for Conducting in the assessment of Elements of Abuse of Authority, PERMA No. 2 the Year 2016 on Guidelines for Proceedings in Disputes on The Determination of Development Sites for the Public Interest in TUN judiciary, PERMA No. 5 of 2017 on Procedures for Resolving Disputes of Election Process in tun Judiciary, PERMA No. 8 of 2017 on, guidelines for obtaining a decision on the acceptance of applications to get Decisions and, actions of government agencies or officials, and PERMA No. 1 of 2019 concerning Administrative proceedings in electronic courts. (Sari, Rahman, Iskandar, 2020).

There are two related SEMAs, namely SEMA No. 1 for the year 2020 on guidelines for implementing tasks during the Coved Spread Prevention Period in the MA environment and SEMA No. 2 for the year 2021 on guidelines for implementing schemes during the Coved 19 Spread Prevention Period in the MA environment. It is responsible for the judiciary. And SEMA No. 3 of 2018 on the Administration of Cases and Hearings in the Electronic Court is the first step in enacting electronic justice (e-Court) to give the broad public access to justice. All of the above rules can be used as a robust legal basis and legalised electronic justice in all courts under the MA throughout Indonesia. And in line with the purpose of the birth of electronic justice, namely: e-court applications in litigants expected to improve services in its function of accepting online case registration where justice-seekers will save time and costs when registering cases. In line with the benefits of litigants online through the e-Court application (i) save time and costs in the case registration process, (ii) payment of teaching fees that n multi-channel channels or various payment methods and banks. (iii) documents are well archived and accessible from various locations and media.

These objectives and benefits are achieved with a clear concept and administration supported by adequate facilities and infrastructure and Human Resources (HR). The importance of reviewing and analysing facts to improve and follow up the appropriate electronic judicial process implementation followed. All elements of the performance of the judicial process include the executives in the judicial environment, especially the state administrative judiciary, and the community and legal advisors who will assist the community in obtaining justice in the court.

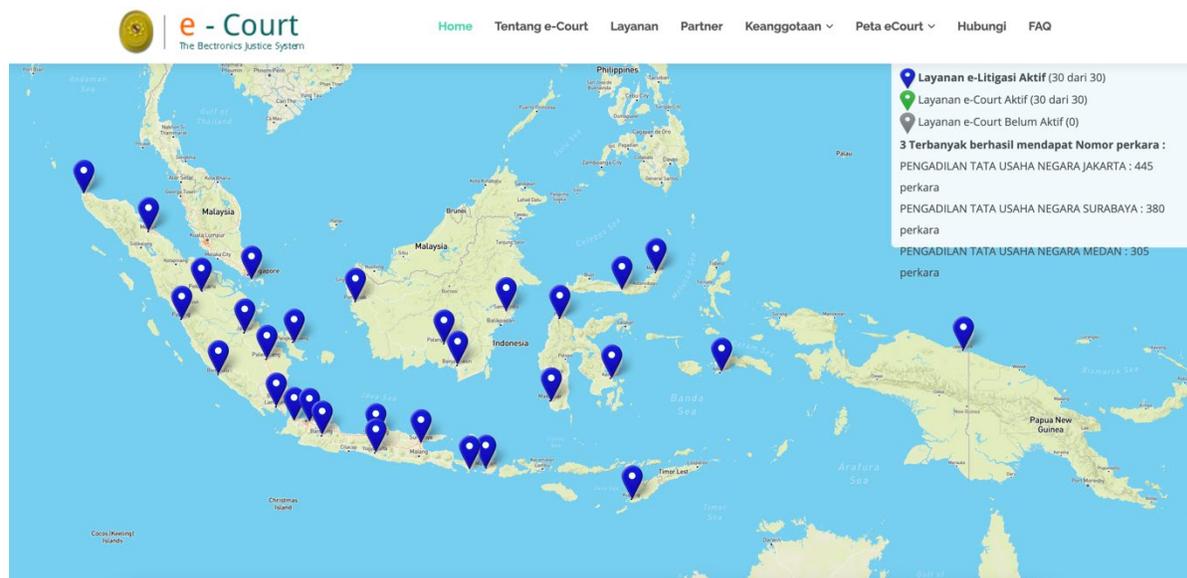


Figure 1. The Map of PTUN Readiness for Implementing E-Court in Indonesia

Its need for socialisation exists not only within the state administrative court but also within the community. All applications in the electronic implementation of justice now use SIPP as well as e-Court and e-litigation, which are the official digital applications of the Supreme Court for all courts under the Supreme Court. Information technology governance arrangements in the administrative process and case registration using e-Court have integrated various features, including e-Filing, e-Payment, e-Summons, e-Litigation, and SIPP (Yogyakarta, 2019). All elements of an ability to understand must recognise each other. Several factors influence the development of electronic justice, including (1) infrastructure, (2) court digital information system, (3) security, (4) court payment system (payment gateway), and (5) adequate human resources. If there are insufficient human resources, then all of this amounts to wishful thinking law. Sari and colleagues (2020). Improvements and regulations, as well as the simplification of judicial implementation, must be maintained and expanded. A simple term is always spoken and becomes an exciting

term that building something new will be very easy compared to maintaining it. All elements that play a role in optimising the development of electronic justice need to be kept in mind.



Figure 2. Roadmap of Technology-Based Electronic Justice

5. Conclusion

In conclusion, to optimise the process of digitising services in electronic trials in the state administrative court environment (TUN) based on all the explanations and exposures above, namely: To provide justice for the community, to be used as a whole. Optimisation of the digitisation process must be continuously improved and must apply in all courts in the judicial environment under the MA, not only in civil, religious and TUN cases that have done but must continue to expand to criminal cases; Utilisation of SIPP in the digital era is the first step in changing the conventional judicial system towards digital that has been supported by the e-Court system and e-litigation that has been used by TUN judiciary and needs to continue to make optimal efforts in its utilisation so far; Improvement of facilities and infrastructure has also been made which is directly supplied by the MA and sent to all regions in Indonesia which of course has been selected several justices who become Pilot Projects for the utilisation of the judiciary electronically, has also been conducted several times socialisation and training of human resources conference organisers as an effort to optimise their use, especially TUN judiciary in Banda Aceh; Research needs to perform to find concepts to maximise the use of digitalisation in electronic judicial services, especially in the TUN environment.

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