

Implementation of the e-Litigation System in Civil Cases in the COVID-19 Pandemic Situation

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Abstracts

This study aims to determine the implementation of the e-litigation system in civil cases in the COVID-19 pandemic situation at the Gorontalo Religious Court. The method used in this study is empirical research using a descriptive qualitative research approach and descriptive data analysis techniques. The results of this study show that the implementation of the e-litigation system in civil cases in the COVID-19 pandemic situation at the Gorontalo Religious Court, in general, has not been implemented optimally. This is illustrated by the percentage of cases heard through e-litigation which only reached 0.25% (9 cases) of a total of 3,484 disputes received by the Gorontalo Religious Court from 2019 to 2021. Moreover, even though certain efforts so that e-litigation can be better utilized by the justice-seeking community have been carried out by the Gorontalo Religious Court, these efforts still need to be improved considering that generally cases heard through e-litigation are cases accompanied by lawyers. In addition, government support for facilities and infrastructure that support the implementation of e-litigation is very important.

Keywords

COVID-19; e-Court; e-Litigation; Civil Cases; Online Trial

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INTRODUCTION

The absolute requirement for state sovereignty is the existence of a society that complies with the constitution and its government.¹ Because in essence, the constitution is a conception of the state which is the basis and limitation of the constellation of the state administration system.² Therefore, in the implementation policy that is fundamental in determining the direction of the state's goals which is a value, it must be implemented for the sake of achieving supremacy and legal justice.³

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution) states that the state of Indonesia is a state of law (*rechtsstaat*),⁴ meaning that Indonesia as a country of law is a country regulated by law, all actions of the government and its citizens must be based on applicable law because the law is used as a guideline to regulate the life of society, nation, and state in all aspects of life.⁵ Indonesia as a country of law is unshakable even considering the history of Indonesia, it has experienced a constitutional test when the 1945 Constitution was amended into the Constitution of the Republic of Indonesia in 1949.⁶ As a country of law, fulfilling legal norms is impossible without thinking deeply about real events in society, which are to be regulated by these legal norms.⁷

Since the COVID-19 pandemic began to spread around the world in early 2020, many countries in the world have imposed social/physical distancing and even lockdowns (regional quarantine). Unlike other countries in the world, Indonesia and the United States are among the countries that do not impose lockdowns. However, as with countries that have imposed lockdowns, it does not mean that the COVID-19 pandemic has not had an impact on the world of legal practice in Indonesia and the United States. This situation is supported by the policies of the two countries which, although they do not impose lockdowns, Indonesia and the United States still enforce social distancing in their countries. As a consequence, the judiciary cannot be carried out as it should (under normal circumstances) following applicable regulations. To implement social distancing, court institutions can't hold hearings following previously regulated standards, because they can

¹ Mellisa Towadi et al., "An Indication of China's Policy Towards Uighurs and Its Implications by International Law Aspects," *Jambura Law Review* 3, no. 1 (2021): 55–71, <https://doi.org/10.33756/jlr.v3i1.7730>.

² Ahmad Ahmad and Novendri M. Nggilu, "Denyut Nadi Amendemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution," *Jurnal Konstitusi* 16, no. 4 (January 28, 2020): 785, <https://doi.org/10.31078/jk1646>.

³ Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum," *Jambura Law Review* 1, no. 1 (January 30, 2019): 68–93, <https://doi.org/10.33756/jalrev.v1i1.1988>.

⁴ Zahermann Armandz Muabezi, "Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat)," *Jurnal Hukum Dan Peradilan* 6, no. 3 (November 30, 2017): 421–46, <https://doi.org/10.25216/jhp.6.3.2017.421-446>.

⁵ N. Wardaningsih, *Hukum dan Peradilan* (Semarang: Alprin, 2020), 3.

⁶ Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal* 5, no. 2 (September 23, 2020): 109–21, <https://doi.org/10.32801/lamlaj.v5i2.150>.

⁷ Hariyanto Hariyanto, "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 1 (June 7, 2018): 53–63, <https://doi.org/10.24090/volkgeist.v1i1.1731>.

cause crowds, which causes the risk of spreading the COVID-19 virus to be even higher. This causes court institutions to rely on technology to support the continuity of legal services to justice seekers. The maximum use of the e-court system that has been running since the issuance of Supreme Court Regulation Number 1 of 2019 on Electronic Case Administration and Trials in Courts (Perma No. 1 of 2019) has become a solution for court institutions under the Supreme Court to continue to provide legal services even though justice seekers are not present in court in person. The use of e-court ultimately boils down to the importance of implementing virtual courts that are held online without the need to present the parties in the courtroom.⁸

The e-court in question is e-litigation which is a supporting application to be used in the flow of trial implementation that is carried out electronically. With the existence of e-litigation, several processes such as sending trial documents in the form of replicas, duplicates, answers, and conclusions can be carried out online. Some of the Judicial institutions that use the e-litigation system in their trials are the District Court, the Religious Court, and the State Administrative Court.⁹ e-Litigation is a manifestation of the development of information and communication technology digitalization as well as social media that faces the public to a new reality, namely the mortal world that is seen from the screen of devices/gadgets but synchronized with real life.¹⁰

According to Article 1 number 7 of Perma No. 1 of 2019, e-litigation or electronic trial is a series of processes of examining and adjudicating cases by the Court which is carried out with the support of information and communication technology.¹¹ In other words, e-litigation is a series of event hearings that can be accessed by the parties through a laptop or independent computer device online.¹² However, not all trial proceedings are carried out online. The first hearing is still held in court except in the case of replicas, duplicates, responses, and conclusions. All of this can be done online or by sending responses electronically. The answer from the defendant must be accompanied by evidence in the form of letters, or electronic documents. Furthermore, based on Article 25 of Perma No. 1 of 2019, the evidentiary trial is still carried out following the applicable procedural law. This means that the evidentiary trial is no longer carried out through an electronic trial (e-litigation) but follows the applicable procedural law in the sense that the examination of

⁸ Anggita Doramia Lumbanraja, "Perkembangan Regulasi Dan Pelaksanaan Persidangan Online Di Indonesia Dan Amerika Serikat Selama Pandemi Covid-19," *CREPIDO* 2, no. 1 (May 26, 2020): 46–58, <https://doi.org/10.14710/crepido.2.1.46-58>.

⁹ R. R. D. Anggraeni, "Wabah Pandemi Covid-19, Urgensi Pelaksanaan Sidang Secara Elektronik," *ADALAH: Buletin Hukum & Keadilan* 4, no. 1 (2020): 7–12, <https://doi.org/10.15408/adalah.v4i1.15264>.

¹⁰ Mohamad Rusdiyanto U. Puluhalawa and Riski Husain, "Body Shaming Through Social Media As a Digital Crime In The Era of Disruption," *Jambura Law Review* 3, no. 1 (January 28, 2021): 112–23, <https://doi.org/10.33756/jlr.v3i1.7200>.

¹¹ Muhamad Edo Khoirul Majid, Naura Hafiza Ainayyah, and Naila Amrina, "Optimalisasi Sistem Layanan Pengadilan Berbasis Elektronik Guna Menjamin Keterbukaan Informasi Menuju Peradilan Yang Modern," *Jurnal Legislatif* 3, no. 1 (2019): 97–115, <https://doi.org/10.20956/jl.v3i1.10209>.

¹² See More in Republik Indonesia, "Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik" (2019).

the case with the evidentiary agenda is carried out offline (face-to-face) directly in front of the trial.¹³

Perma No. 1 of 2019 was issued to meet the demands of the times that require more effective and efficient case administration and trial services in the courts. In addition, based on Article 2 paragraph (4) of Law No. 28 of 2009 concerning Judicial Power (Law No. 28 of 2009) states that the judiciary is carried out simply, quickly, and at a low cost. Therefore, it is necessary to carry out administrative and trial reforms to overcome obstacles and obstacles in the judicial implementation process.

The presence of e-litigation is an affirmation that even though it is part of the affected by the COVID-19 pandemic, the fulfillment of citizens' rights to be able to resolve disputes in judicial institutions must continue. Of course, this situation is a form of the state's obligation to try to fulfill the rights of every citizen.¹⁴ For this reason, through this article, the implementation of e-litigation in the COVID-19 pandemic situation at the Gorontalo Religious Court is to be described, but specifically only for civil cases/cases.

METHOD

The type of research used in this article is the type of empirical research. Empirical research is legal research that obtains data from primary data or data obtained directly from the community.¹⁵ Furthermore, this article uses a descriptive qualitative research approach and uses descriptive data analysis techniques.

DISCUSSION AND ANALYSIS

e-Litigation System Policy in the COVID-19 Pandemic Situation

The COVID-19 pandemic has greatly affected all aspects of life in Indonesia, one of which is the Indonesian justice system. Therefore, the government recommends that most activities related to law enforcement be carried out at home. This situation ultimately encourages the reform of the judicial system in Indonesia. The reform in question is related to the application of information technology in the judicial sector. The application of information technology can strive to achieve the efficiency of the judicial system and encourage its development into a modern judiciary, as well as in preventing the spread of COVID-19.¹⁶

The presence of e-litigation is one of the steps and strategies carried out by the court for one purpose, namely to carry out fast-based, low-cost, and simple trials, as the reason

¹³ M. Beni Kurniawan, "Implementation of Electronic Trial (e-Litigation) on the Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law," *Jurnal Hukum Dan Peradilan* 9, no. 1 (April 3, 2020): 43–70, <https://doi.org/10.25216/jhp.9.1.2020.43-70>.

¹⁴ Julius Mandjo and Mohamad Taufik Zulfikar Sarson, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations," *Jambura Law Review* 3, no. 2 (July 30, 2021): 365–77, <https://doi.org/10.33756/jlr.v3i2.9424>.

¹⁵ Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum: Normatif & Empiris*, Cet. 3 (Yogyakarta: Pustaka Pelajar, 2015), 154.

¹⁶ Gracia, Majolica Fae Ocarina, and Ronaldo Sanjaya, "Eksistensi E-Court untuk Mewujudkan Efisiensi dan Efektivitas pada Sistem Peradilan Indonesia Di Tengah Covid-19," *Jurnal Syntax Transformation* 2, no. 04 (April 23, 2021): 496–507, <https://doi.org/10.46799/jst.v2i4.253>.

for the presence of Supreme Court Regulation Number 3 of 2018 concerning Administration in Electronic Courts (Perma No. 3 of 2018) which was later revoked and perfected with Perma No. 1 of 2019. The change emphasizes three main things, namely first, the judicial process is simple, fast, and low-cost is a process that must be realized. Second, the development of the current era requires services in the Court to be more effective and efficient. Of course, this situation must be realized, one of which is at the Religious Court. Moreover, the Religious Court is a court with a fairly high case compared to other courts. Third, it is a refinement of the electronic system arrangement that has been used concerning court trials.¹⁷

The principle of simple, fast, and low-cost justice has been regulated in Law Number 48 of 2009 concerning Judicial Power which replaces Law Number 35 of 1999 concerning Amendments to Law Number 14 of 1970. In this provision, Article 4 paragraph (2) states that the judiciary assists justice seekers and tries to overcome all obstacles and obstacles to be able to achieve simple, fast, and low-cost justice.¹⁸ The presence of e-litigation as one of the steps to realize the principle of simple, fast, and low-cost justice is also inseparable from the fact that so far, the process of resolving cases in court tends to have many stages that must be carried out directly in court, resulting in the handling of a case not running simply. Of course, the simple meaning is a process that is not complicated, clear, straightforward, interpretable, easy to understand, easy to do, easy to apply, systematic, concrete both from the perspective of justice seekers and from the perspective of law enforcers who have very diverse levels of qualifications, both in the field of educational potential owned, social, economic, cultural and other conditions.¹⁹

The principle of simple, fast, and low cost is a court principle that if applied will provide comfort for people who seek justice.²⁰ As stipulated, everyone has the right to fair legal recognition, guarantee, protection, and certainty as well as equal treatment before the law.²¹ Legal protection is something that must be realized because efforts to integrate various needs in society can only be realized if each person gets his rights and carries out his obligations. Through legal protection, it is possible that conflicts between people's rights and obligations can be avoided.

¹⁷ Sonyendah Retnaningsih et al., "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan e-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Pengadilan Negeri Di Indonesia)," *Jurnal Hukum & Pembangunan* 50, no. 1 (April 30, 2020): 124–44, <http://dx.doi.org/10.21143/jhp.vol50.no1.2486>.

¹⁸ Republic of Indonesia, "Law Number 4 of 2004 Concerning Judicial Power" (2004).

¹⁹ M. Usrin, "Analisis Yuridis Asas Peradilan Sederhana Cepat Dan Biaya Ringan Dalam Sistem Peradilan Pidana," *Solusi* 16, no. 1 (2018): 60–65, <https://doi.org/10.36546/solusi.v16i1.96>.

²⁰ A principle is something that becomes the basis of thinking or opinion. Principles can also mean basic laws. A principle is a general postulate that is expressed in general terms without requiring specific ways of implementing it that are applied to a series of actions to be the right guide for that action. General law principles are the basic norms that are described from positive law and which are not considered by jurisprudence to derive from more general rules. Legal principles are the precipitation of positive laws in a society. Legal principles should not be considered concrete legal norms but should be seen as general foundations or guidelines for applicable law. See Tata Wijayanta, "Asas Kepastian Hukum, Keadilan Dan Kemanfaatan Dalam Kaitannya Dengan Putusan Kepailitan Pengadilan Niaga," *Jurnal Dinamika Hukum* 14, no. 2 (May 25, 2014): 216–26, <https://doi.org/10.20884/1.jdh.2014.14.2.291>.

²¹ E. Sundari, *Praktik Class Action Di Indonesia*, Cet. 5 (Yogyakarta: Cahaya Atma Pustaka, 2015), 3.

The implementation of Perma No. 1 of 2019 in the COVID-19 pandemic situation makes the Perma part of the regulations that provide equal rights for every citizen,²² the benefits of which are not conflicts in the life of society and the state.²³ This situation is crucial, especially in the COVID-19 pandemic situation. This policy is very important to take because it can be a strong legal umbrella for the government to protect people's rights.²⁴ However, for the record, the government as a holder of power and as a policymaker through regulations must prioritize its actions for the sake of justice,²⁵ because justice serves as a guideline to distinguish between fair and unfair actions themselves. Moreover, elements of justice can be contained in the substance of the regulations.

Regarding the trial process through e-litigation, as stipulated in Perma No. 1 of 2019, the trial process through e-litigation includes several stages, namely the initial trial process and the follow-up trial process

Initial Trial Process

At the first hearing, the chairman of the panel/judge explained the rights and obligations of the parties related to the trial electronically. Furthermore, the panel of judges offered the defendant/respondent to conduct proceedings electronically and provide an explanation of the rights and obligations of the parties related to the electronic trial for the smooth running of the electronic trial. However, if the defendant is represented by a legal representative (registered user), then consent to proceed electronically is not required because, with the presence of the defendant/respondent's legal representative, the case will automatically be examined by e-litigation.

If the defendant/respondent is not accompanied by a registered user (advocate) and clearly states that he has agreed and signed the consent form to proceed electronically, then the chairman of the panel will suspend the hearing to provide an opportunity for the defendant/respondent to create an account as another user at the e-court table. If the defendant/respondent does not agree, the trial cannot be continued electronically and the examination of the case will be continued with a manual or ordinary examination.

Furthermore, the chairman of the assembly will seek peace, if it is not successful, then the chairman of the assembly will direct both parties by ordering that the mediation be attended by the principal himself as mandated by the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2016 concerning mediation procedures in the Court by appointing a mediator. Furthermore, the chairman of the assembly postponed the trial for the mediation process. If the mediation is declared unsuccessful, the trial will resume at a follow-up hearing.

²² Fence M. Wantu and Abdul Hamid Tome, "Dynamics of Village Head Election Arrangements," *Jambura Law Review* 3, no. Special Issue (April 30, 2021): 96–116, <https://doi.org/10.33756/jlr.v3i0.8783>.

²³ Lusiana Tijow, "Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Perkawinan Yang Sah," *Jurnal Legalitas* 3, no. 2 (August 2, 2010): 79–70, <https://doi.org/10.33756/jelta.v3i2.677>.

²⁴ Lisnawaty Wadju Badu and Suwitno Yutye Imran, "Legal Protection Bonda and Bulango Language: In Reality and Prospect," *Jambura Law Review* 3, no. 1 (2021): 19–36, <https://doi.org/10.33756/jlr.v3i1.6947>.

²⁵ Sutrisno Sutrisno, Fenty Puluhalawa, and Lusiana Margareth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review* 3, no. 2 (2020): 184.

Advanced Trial Process

The follow-up trial process has several trial agendas, namely the court calendar (electronic trial agenda), electronic answers, interventions, local examinations, evidence, conclusions electronically, and finally, electronic verdicts/copies of judgments.

In the follow-up hearing, if the mediation efforts are unsuccessful or cannot be implemented, the panel of judges is obliged to set an electronic trial schedule (court calendar). Furthermore, the chairman of the panel will make and read the court calendar in front of the litigants which contains the date and agenda of the trial starting from the submission of answers, replicas, duplicates, proof, and conclusions to the reading of the verdict. If the parties have agreed, it will be stated in the form of a court calendar agreement signed by both parties to the case. In an electronic trial, the postponement of the trial can be done for approximately 2 (two) working days. For example, if Monday is the agenda for the reading of the lawsuit, then Wednesday the trial can be reopened for the agenda of the defendant's answer.

In court, the calendar will be set for the delivery of answers, replicas, and duplicates. After the trial event with a duplicate agenda is held, the schedule and the next trial event will be determined until the reading of the verdict.

The parties are obliged to comply with the agenda that has been determined, if it turns out that the litigant does not comply with the agenda of the trial according to the schedule and the trial procedure that has been determined without a valid reason, based on the judgment of the panel of judges, it is considered that they have not exercised their rights. Unless there is a valid reason, the trial is postponed once.

The parties are required to submit electronic documents no later than the day and hour of the session following the set schedule. After receiving and examining the electronic document (answer) from the defendant/respondent, then the chairman of the panel/judge verifies the document through the e-court account of the chairman of the panel. Further, the head of the assembly forwards the electronic documents to the opposing party, and so on for replicas and duplicates. All documents submitted through the court information system are mandatory in PDF and DOC form.

In a trial that has been found for the agenda of the answer hearing from the defendant, or a trial with a replica agenda from the plaintiff/applicant, or a trial with a duplicate agenda of the defendant/respondent, the chairman of the panel opens the trial and declares that the agenda of the day's hearing is the answer session from the defendant/respondent, or the replica trial from the plaintiff/applicant or a duplicate from the defendant/respondent. Because in the answer stage, the plaintiff and the defendant/respondent are not physically present, the panel of judges will open and read the documents that have been uploaded in the e-court application. In the trial, the answer answered that there was no peace effort from the panel of judges to the parties as in the manual trial.

When the trial is still ongoing, a third party can propose an intervention in the case being heard electronically and if the intervener does not agree to use the trial process electronically, then the request for intervention cannot be accepted and the chairman of the trial panel issues a determination for it. To defend the rights of interventionists who do not

use electronic trials, they can file a separate lawsuit that stands alone in the same religious court.

If a local examination is required in a case, it is carried out following the applicable procedural law and the minutes of the local examination must be uploaded to the court information system (e-court). The function of local inspection regulated in Article 153 of the HIR (Herzien Inlandsch Reglement) is essentially as evidence even though it is not contained in Article 164 HIR/180 RBg (Rechtreglement voor de Buitengewesten) as evidence.²⁶

At the trial with an evidentiary agenda, it is carried out with the applicable procedural law. This means that even though the trial is electronic, the evidentiary event still refers to the applicable procedural law. On this evidentiary agenda, the parties are required to upload sealed letter evidence documents into the e-court system. Furthermore, the originals of the letters are shown in front of the manual session that has been determined.

The evidentiary trial with the examination of witness and/or expert witness testimony if the parties agree, can be carried out remotely through audio-visual communication media, so that all parties see and hear each other directly and participate in the trial. All costs arising from the implementation of the audio-visual communication process are charged to the plaintiff and/or to the defendant who wishes. Electronic hearings are conducted with courtroom infrastructure where witnesses and/or experts testify under oath, before judges and substitute clerks appointed by the chief justice of the local court.

After the examination of the evidentiary stage has been completed, then the chairman of the panel will make a re-agreement on the court calendar for the hearing to submit conclusions from each party electronically and at the same schedule the reading of the verdict. After the parties submit their conclusions electronically on a predetermined schedule in PDF format, then the chairman of the assembly through his e-court account will verify the conclusion document. After the document is verified by the chairman of the assembly, the document will automatically be sent to the e-court account of each party. However, if the electronic conclusion schedule has been determined and the parties do not upload the conclusion document on their e-court account, then the chairman of the panel considers that the parties do not fulfill their right to submit the conclusion and there is no rescheduling for it.

The decision/determination is pronounced by the chairman of the assembly electronically. Legally, it has been carried out by submitting electronic decisions/determinations in PDF format to the parties electronically. The pronouncement of the legal verdict is considered to have been carried out openly and attended by the parties. If the parties request a copy of the decision can be given in the printed or electronic form, it is subject to PNBP and stamps that can be paid electronically.

The decision/determination is stated in the oral form of an electronic decision/determination that has been affixed with an electronic signature according to the Laws and Regulations regarding information and electronic transactions. A copy of the decision/determination has valid legal force and consequences.

²⁶ Amran Suadi, *Pembaruan Hukum Acara Perdata Di Indonesia: Menakar Beracara Di Pengadilan Secara Elektronik*, Edisi Pertama (Jakarta: Kencana, 2019), 75.

Implementation of the e-Litigation System in Civil Cases in the COVID-19 Pandemic Situation at the Gorontalo Religious Court

Based on interviews conducted by researchers, the use of e-litigation at the Gorontalo Religious Court in the COVID-19 pandemic situation is illustrated as follows:²⁷

"The use of the e-litigation system from year to year has developed very rapidly in Indonesia. With various cases such as divorce lawsuits, divorce talaq, inheritance, and joint property. However, it is different from the Gorontalo Religious Court. Regarding the use of the e-litigation system during the COVID-19 pandemic from 2019 to 2021 at the Gorontalo Religious Court itself, it has not been optimal. There are various assumptions related to the assumption of e-litigation in society. Such as the weakness of e-litigation, namely the concern about technical problems such as the unstable internet network that has the potential to hinder the trial process, other assumptions related to the obstacles to the implementation of e-litigation which reveal that public knowledge that is still limited in accessing technology is also influential in public knowledge related to e-court and e-litigation."

As an initial idea, the implementation of the e-litigation system in civil cases in the COVID-19 pandemic situation can be seen through the following table:

Table 1. Civil Cases Heard by e-Litigation at the Gorontalo Religious Court

Year	Total Items	Registered via e-Court	Heard via e-Litigation	
			Lawsuit	Request
2019	1.216	Unbroken from a total of 169 Cases	1	-
2020	1.046	Unbroken from a total of 169 Cases	6	-
2021	1.222	Unbroken from a total of 169 Cases	2	-
Jumlah	3.484	169	9	-

Source: Gorontalo Religious Court Clerkship, 2022

Based on the table above, of the 3,484 cases received by the Gorontalo Religious Court from 2019 to 2021, 169 cases were registered their cases through e-court, and 9 cases were heard through e-litigation. Of the many cases, many have been registered through e-court but only registered. Most of the cases registered online are because they are accompanied by their lawyers, while the defendants who are not accompanied by lawyers do not know what an online trial is or a trial held through e-litigation. Generally, they know that they only come to the trial when there is a trial agenda scheduled.²⁸

Based on what was conveyed by the PTSP section above, it can be seen that basically, the public has not understood e-litigation in detail. Generally, the public will completely leave their legal problems to lawyers, so that the details related to the judicial system are poorly understood by the public. The details of 9 (nine) cases heard through e-litigation at the Gorontalo Religious Court can be seen in the following table:

Table 2. Civil Cases Heard through e-litigation at the Gorontalo Religious Court

No.	Dispute Number	Dispute Clarification	Registration Date	Break Up Date	Types of Verdicts
1.	722.Pdt.G.2019.PA.Gtlo	Talak Divorce	29.11.2019	30.03.2020	Granted
2.	234.Pdt.G.2020.PA.Gtlo	Talak Divorce	27.05.2020	19.10.2020	Granted

²⁷ Fikri Hi. Asnawi, Registrar of the Gorontalo Religious Court, July 18, 2022.

²⁸ Dian Salilama, One Stop Integrated Services Gorontalo Religious Courts, July 20, 2022.

3.	86.Pdt.G.2020.PA.Gtlo	Talak Divorce	05.02.2020	04.03.2020	Granted
4.	71.Pdt.G.2021.PA.Gtlo	Talak Divorce	21.01.2021	11.05.2021	Granted
5.	152.Pdt.G.2020.PA.Gtlo	Divorce Lawsuit	12.03.2020	08.06.2020	Not Accepted
6.	126.Pdt.G.2020.PA.Gtlo	Divorce Lawsuit	29.02.2020	13.07.2020	Granted
7.	587.Pdt.G.2020.PA.Gtlo	Inheritance	06.11.2020	29.03.2021	Rejected
8.	632.Pdt.G.2020.PA.Gtlo	Inheritance	20.11.2020	22.04.2021	Rejected
9.	210.Pdt.G.2021.PA.Gtlo	Inheritance	17.03.2021	30.09.2021	Not Accepted

Source: *Gorontalo Religious Court, 2022*

Although the number of cases heard through e-litigation is only 0.25% (9 cases) of the total 3,484 disputes received by the Gorontalo Religious Court from 2019 to 2021, based on the table above, it can be seen that e-litigation at the Gorontalo Religious Court is not limited to divorce disputes, but is also held in disputes of material nature. This situation cannot be separated from the provisions contained in Perma No. 1 of 2019, precisely in Article 20. According to Sahrul Fahmi,²⁹ electronic trials for civil, religious, military, and state administrative cases are not mandatory but require the approval of the plaintiff and the defendant. Therefore, electronic trials cannot run on their own, or in other words, make trials through e-litigation appeals.

Another obstacle that causes the low number of cases heard through e-litigation is due to the lack of interest of certain advocates to register their cases through e-court. This is inseparable from the very minimal fee and patent if the case is registered through e-court. The very minimal cost tends to make the advocate suffer losses twice, namely when the client does not pay the fee agreement, the advocate will not get any more fees through the return of the remaining penalty (PSP) because the cost of the case registered through the e-court is patented.³⁰

Regarding the problem of the low number of cases heard through e-litigation, the Religious Court has made certain efforts so that e-litigation can be better utilized by the justice-seeking community, as conveyed by Sahrul Fahmi, as follows:³¹

"The Gorontalo Religious Court has made efforts to improve the capabilities and competencies of court apparatus human resources related to PERMA Number 1 of 2019 both through training, workshops, and DDTK, in addition to that to encourage parties to have their cases heard electronically, we held socialization of PERMA Number 1 of 2019 to Advocates in Gorontalo Province and made brochures and posted them through the www.pa-gorontalo.go.id website, and to make it easier for parties to register their cases through e-court, we also prepare facilities and infrastructure in the form of a set of computer tools called e-court Table Corners and 2 (two) employees as e-Court Ambassadors, who specifically assist parties in registering their cases through e-court. In addition, specifically for electronic trials, we have prepared facilities and infrastructure for special electronic courtrooms containing IT devices to facilitate the implementation of electronic trials as well as assistance in examining witnesses from other Religious Courts throughout Indonesia."

²⁹ Sahrul Fahmi, Gorontalo Religious Court Judge, July 12, 2022.

³⁰ *Ibid.*

³¹ *Ibid.*

According to researchers, even though the number of cases organized through e-litigation is very small, e-litigation is still the answer for people who want to resolve cases faster, because they are not hindered by distance and time. With today's increasingly advanced technology, the distance between the court and the residence is not something to worry about. Again, however, the Supreme Court in general, as well as the Gorontalo Religious Court in particular, must still strive to implement this program more effectively. For this reason, wider socialization in the community is a must so that public knowledge of e-litigation can increase from before. These efforts were strengthened by the circumstances conveyed by the Advocates who had performed at the Gorontalo Religious Court, one of which was conveyed by Fahmi Saputra Al Idrus. According to him, relevant stakeholders do not provide full socialization to the community, even though the community as justice seekers must certainly know the use of e-litigation because e-litigation is one of the services so that the community can obtain justice itself. The full text of Fahmi Saputra Al Idrus conveyed as follows:³²

"The problem that arises when talking about e-litigation is the community because it is the community that seeks justice easily and appropriately. However, here we as law enforcers or it can be said from the top, namely the Supreme Court, do not socialize with these justice seekers themselves. In Supreme Court Regulation Number 3 of 2018 concerning the implementation of e-court, it is stipulated that those who can register cases online are only limited to registered users, namely lawyers/advocates who already have an account in the e-court application of the Supreme Court of the Republic of Indonesia. This is one of the Supreme Court's efforts to manage potential risks in the form of security risks and application integrity. In addition, it is also intended to manage the needs of education and socialization in the context of migration from manual systems to electronic systems. In this case, lawyers or advocates are considered and expected to be more prepared in responding and familiarizing themselves with the use of the e-Litigation system, as part of the management of a gradual change in the field of manual case management to an electronic system."

In addition to socialization, the use of e-litigation needs to consider government support for facilities and infrastructure that support the implementation of e-litigation itself. This situation is illustrated through a joint interview with Nur Matam, a party who has litigated through e-litigation. According to him, the implementation of the trial through e-litigation is not easy, because he as the litigant must have a smartphone with an Android operating system, even though he does not have this facility.³³ In addition to the constraints of facilities as conveyed by Nur Mata, infrastructure is also another obstacle in the implementation of e-litigation. According to Nurviyarti Thalib as a party who has also litigated through e-litigation at the Gorontalo Religious Court, the implementation of the trial through e-litigation is constrained because she lives in a village with an inadequate network condition, causing the trial process not to run well.³⁴

³² Fahmi Saputra Al Idrus, Advocate, July 20, 2022.

³³ Nur Matam, The Parties, July 18, 2022.

³⁴ Nurviyarti Thalib, The Parties, July 18, 2022.

CONCLUSION

The implementation of the e-litigation system in civil cases in the COVID-19 pandemic situation at the Gorontalo Religious Court in general has not been carried out optimally. This is illustrated by the percentage of cases heard through e-litigation which only reached 0.25% (9 cases) of a total of 3,484 disputes received by the Gorontalo Religious Court from 2019 to 2021. Moreover, even though certain efforts so that e-litigation can be better utilized by the justice-seeking community have been carried out by the Gorontalo Religious Court, these efforts still need to be improved considering that generally cases heard through e-litigation are cases accompanied by lawyers. In addition, government support for facilities and infrastructure that support the implementation of e-litigation is very important.

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