
REALIZING THE PRINCIPLE OF SIMPLE, FAST, AND LOW COST IN THE EXAMINATION OF CIVIL DISPUTES WITH THE E-COURT APPLICATION MODEL

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ABSTRACT

The influence of technological developments on the case examination process is in line with the industrial revolution which requires the application of technology-based performance, which is used in administering cases and implementing procedural law. The online system is a breakthrough in the administration of justice. The formulation of the problem is how to apply e-court in the examination of cases in the Court, and how the application of the principle of simple, fast, and light costs is connected with e-court in the Court. The purpose of this study is to find out how the application of e-court in the examination of cases in the Court, as well as to find out how the application of the principle of simple, fast, and light costs when connected with e-court in the Court. The method used is empirical juridical. The results of the study, the application of e-court in case examination, namely for online case registration, obtaining online case cost estimates, online payments, electronic summons, and electronic trials. E-court can be accessed by registered users and other users. E-court as a case administration management system is very helpful for the mechanism of proceedings in court because it simplifies and speeds up the stages of registration and examination in court, in addition to the registration, summons, and submission of hearing documents are carried out electronically to save costs. The implementation of e-court to realize the principle of simple, fast, and low cost, in this case, is used as an instrument that facilitates the administration of cases before trial, during trial hearings, and after trial through sending copies of judgments/determinations to litigants.

INTRODUCTION

It is known that in the classification of law according to its function, it is divided into two, namely material law and formal law. In the civil sphere, the classification of material law is civil law, while formal law is civil procedural law. The existence of this civil procedural law as a formal law of material civil law plays a role in enforcing material civil law and providing protection to legal subjects if there are rights of legal subjects are violated or reduced, as well as preventing the emergence of vigilantism in solving a legal problem. (Marzuki, 2011).

In its application, civil procedural law is guided by several laws and regulations,

jurisprudence, customs, and doctrines. (Mertokusumo, 2009). Indonesia is a country that upholds the law. The 1945 Constitution of the Republic of Indonesia confirms that the Republic of Indonesia is a state based on law. As a state of law, Indonesia always upholds human rights. It always guarantees that every citizen has the same position in the law. (Angstadt & Schink, 2023).

The existence of norms in the legislation is certainly inseparable from the basic values of the law which form the basis for the formation of a legal regulation called legal principles. Where procedural law, especially civil procedural law, is guided by several legal principles, one of which is the principle of the judicial trilogy, known as the Simple, Fast, and Light Cost Principle. Normatively, the principles of fast, simple, and low cost are regulated in Article 2 paragraph (4) of Law No. 48 of 2009 concerning Judicial Power. (Sari, 2019).

The court in carrying out the judicial process certainly uses the rule of law as a reference. In addition to the rule of law, for the judicial process to be carried out properly, it must pay attention to legal principles. Legal principles are the basic rules that underlie legal rules and the basis for implementing the law. General legal principles are basic norms that are elaborated from positive law and which legal science does not ascribe to more general rules. So general legal principles are the deposition of positive law in a society. (Simbolon & SH, 2022).

The development of information technology certainly affects the process of examining cases in the Supreme Court because it is in line with the industrial revolution which requires implementing technology-based performance, so that if previously case administration was carried out manually which took a long time and high costs, information technology has accelerated, simplified and reduced the cost of case administration within the Supreme Court. (Kwaky-Nuako et al., 2023).

The utilization of information technology for judicial tasks is currently growing rapidly towards Electronic Courts (e-Courts), where information technology is used in case administration and implementation of procedural law. The online system is a breakthrough in the administration of justice, the administration of cases in court electronically is a series of processes of receiving lawsuits/applications, answers, replications, duplicates, and conclusions where the management, delivery, and storage of civil, religious, and military administrative/state administrative case documents are carried out with an electronic system that has been applied in each court environment (Siti Rokhayah, 2022).

Along with the development of technology, efforts to provide services for justice seekers can now utilize internet-based applications, namely e-court, this can certainly help the implementation of the legal process to be faster and more efficient so that it is no longer waiting for the examined party to be present at the court session if the person concerned is out of town.

The existence of the principles of simplicity, speed, and low cost certainly requires that the examination of cases in the judicial process be carried out in a fast time, without convoluted processes, and at a low cost or can be borne by the parties. However, it is common knowledge that litigating in court has weaknesses, namely that the process takes a long time, there are winning and losing parties, and often costs a lot of money (Artadi & Putra, 2010).

The examination of court cases cannot be separated from the procedures that have been

determined in the laws and regulations, which are the main guidelines for judges in adjudicating the cases submitted, one of which is the principle of simple, fast, and low-cost justice which has been regulated in Law No. 48 of 2009 concerning Judicial Power which is a reference for all judges within the Supreme Court. Judges are obliged to implement to provide justice and save time for the parties who settle cases. The application of principles of simple, fast, and low-cost justice are applied in all court environments within the Supreme Court. This includes the District Court which is also one of the court institutions granted absolute authority and relative authority in certain areas.

The utilization of technology in the administrative process in the Court is the reason for the issuance of Supreme Court Regulation (PERMA) Number 7 of 2022 Amendment to Supreme Court Regulation (PERMA) Number 1 of 2019, this Supreme Court Regulation is also the foundation of the implementation of the e-Court Application in the Indonesian Judiciary, so that the Court is authorized to accept case registration, receive payment of case fees, summon the parties and allow electronic trials.

Substantially, the Supreme Court Regulation does not delete the applicable norms but rather adds or improves them. In addition to regulating electronic lawyering, the existence of Supreme Court Regulation No. 3 of 2018 and Supreme Court Regulation (PERMA) No. 7 of 2022 Amendment to Supreme Court Regulation (PERMA) No. 1 of 2019 authorizes Bailiffs / Substitute Bailiffs in the Court to deliver online release (summons/notices), as well as notification of decisions/decrees and electronic delivery of copies of decisions/decrees, this is further enhanced by cooperation in sending registered mail documents between the Supreme Court and PT Pos Indonesia (Persero). In addition, the regulation has overcome obstacles to the implementation of justice in Indonesia, where administratively parties located outside the jurisdiction of the relevant district court can apply for online case registration using the e-Court system. In addition to facilitating the court administration process, the existence of e-Court is certainly in line with the industrial revolution that demands technology-based performance.

The court's obligation to apply this principle in the implementation of its main tasks is intended to fulfill the expectations of justice seekers, who always want the implementation of simple, fast, and low-cost justice. However, the implementation of the principle of simple, speedy, and low-cost justice in the use of e-court still experiences several obstacles in its implementation, both from internal and external users themselves.

METHOD RESEARCH

The research method used is empirical juridical research. Empirical juridical research is a legal research method that uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. Empirical research is also used to observe the results of human behavior in the form of physical relics and archives (Mukti Fajar & Achmad, 2010).

RESULTS AND DISCUSSION

The role of legal reform in development is to ensure that changes occur in an orderly manner and accordance with the state of society at that time. To ensure orderliness in making changes, legislation or court decisions/government regulations are made so that they are carried

out in an orderly manner. Because both change and order are the goals of a developing society, here the law becomes a tool that cannot be ignored. In this case, the law is said to be a means of renewal in society.

The utilization of technology in the administrative process at the Court is in line with the issuance of Supreme Court Regulation (PERMA) Number 7 of 2022 Amendment to Supreme Court Regulation (PERMA) Number 1 of 2019, this Supreme Court Regulation is also the foundation of the implementation of the e-court application, so that the Court is authorized to accept registration and payment of case fees, summon the parties and allow electronic trials.

The civil case settlement procedure is designed to assist the justice-seeking public and reduce the accumulation of cases in the Court, especially in the Supreme Court, e-court is a major effort to make administrative changes in the Court. The Supreme Court's e-court system allows plaintiffs to electronically file civil, religious civil, and state administrative cases throughout Indonesia without the need to visit the courthouse in person. Payment of court fees has also become more streamlined, 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 of payment partners owned by the court (M. Hatta Ali, 2019).

Advocates who register cases through e-courts claim that they feel very facilitated since the existence of e-courts because Advocates can now litigate in many places without having to be present in person, and of course, this cuts travel costs. Case payments can also be made from any bank through any channel, regardless of the court's payment partner.

The implementation of e-court in the examination of civil cases in the Court itself has been carried out since 2018, namely since the launch of e-court until now, coupled with the COVID-19 pandemic which requires minimizing the association so that everything is diverted through e-court. The implementation of e-court in the Court has so far run smoothly, but in its implementation, there are still obstacles that are experienced both from outside and from within, some of the obstacles that are often encountered when examining civil cases using e-court in court, namely:

Internal Court Factors

- a. The network system, where the network in each region is not equally adequate so courts in areas that lack access to a good network system still find it difficult to access e-courts.
- b. The need for increased optimization to avoid viruses and hacking from outside parties.

Court External Factors

- a. Human resources are still lacking, where there are still many parties, whether defendants or plaintiffs, who do not understand and are not technologically literate, so it takes more time to provide direction in conducting case settlements through e-court.
- b. The unstable internet network caused the document upload system in the e-court application system to be problematic several times and the blame was placed on the plaintiff who was deemed not to have entered legal documents. As a result, there was a delay in the trial, where the initial intention of the e-court was to make the trial faster, instead, it became untimely.
- c. Discipline of justice seekers, sometimes because they are conducting trials electronically and only have to upload their answer files by the trial schedule, many of them forget the trial schedule and are late in uploading the files, in which case the party must come to the Court to request additional time to upload the files.

- d. Currently the Court requires case registrants, especially civil cases, to use e-court to conduct electronic trials so that when registering through PTSP (One Stop Integrated Service), they will be directed to the e-court admin at the Court to conduct electronic trials. However, if some parties/defendants do not agree to conduct the trial electronically, the trial will be conducted in a hybrid manner where the electronic trial will be assisted by the substitute clerk in the trial to make the answer/reply/duplicate in writing in the form of word and PDF and uploaded to the e-court system.

In addition, because this court requires electronic court proceedings, if a party, be it the defendant or plaintiff, is elderly and not technologically literate, the court will advise them to bring along their children/grandchildren to represent them and give them guidance on how to settle cases electronically through the e-court. Or if the plaintiff's or defendant's relatives are not technologically literate, the plaintiff or defendant can come to the Court's POSBAKUM (Legal Aid Post) to be assisted in the process, from registering the case to uploading the files in the e-litigation stage and until the verdict is issued.

Advocates feel that e-courts are very helpful in the implementation of lawyering to be more efficient because when they cannot attend the Court, they can still conduct a trial electronically to answer questions wherever they are so that the trial is not delayed because one of the parties cannot attend the trial. The e-court system also relieves justice seekers because the summons fee will be relatively cheaper than the usual court fees and the cost of traveling back and forth to the Court will be reduced because the trial is conducted electronically, except during the evidentiary stage because the parties are required to come to the Court with the original evidence file.

The validity of cases registered through e-court is normatively correct because it has a legal basis, namely the existence of Supreme Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, although in carrying out its practice there are sometimes still experiencing some obstacles. E-court is a demand for the changing times and as a form of modern justice, Supreme Court Regulation Number 7 of 2022 concerning Case Administration and Trial in Court Electronically has an update from Supreme Court Regulation Number 1 of 2019, one of which is that justice seekers are required to carry out trials electronically or commonly called e-litigation.

The principle of simplicity, speed, and low cost is a principle that becomes a reference in the implementation of the judicial process, both civil and criminal. As explained above, this principle has the consequence that court procedures are carried out effectively, and efficiently, are not complicated, do not take a long time, and the costs of cases that must be paid by the parties can be borne by the litigants. Broadly speaking, the judiciary is seen as starting from the regulation, institutions, and procedural procedures, so in this case, the procedural procedures in court also cannot be seen as starting only when the judge examines the case until the verdict is handed down, but must be seen from the time the lawsuit is registered in the registry of the court concerned until the decision is carried out either voluntarily or by force.

Based on the consideration in Supreme Court Regulation No. 3 of 2018 on Electronic Court Administration to realize the principles of simplicity, speed, and low cost in the judiciary, it is necessary to make reforms to overcome obstacles in the process of administering justice,

which by the demands and developments of the times requires effective and efficient court administration services so that it is deemed necessary to implement electronic court administration services. Based on the provisions of this Supreme Court Regulation, an e-court system is created as a court instrument as a form of service to the community in terms of registration (Indonesia, 2019).

The settlement of cases using e-court procedures is none other than to implement one of the most important principles in the process of examining civil disputes, namely the principles of simplicity, speed, and low cost, which when clearly described can be interpreted as follows:

- a. Simple is the examination and settlement of cases carried out efficiently and effectively with clear, easy-to-understand, understandable, and uncomplicated or uncomplicated procedures. The number of formalities and stages that must be taken and are difficult to understand will lead to various interpretations and different opinions, so that it will not guarantee diversity or legal certainty which in turn will cause reluctance or anxiety to act before the court. The simplicity of procedure and the simplicity of formulation of procedural law rules will facilitate the course of the judicial process.
- b. A speedy trial is concerned with the course of justice with a measure of the time or period of the trial. This relates to the simplicity of the procedure or trial process, if the procedure is too complicated it will take longer.
- c. Low cost is the lowest possible cost of the case so that it can be affordable by the justice-seeking community. However, the examination and resolution of cases do not sacrifice accuracy and the search for truth and justice (Amriani, 2012). Low cost means the lowest possible cost so that it can be affordable by the justice-seeking community.

The scope of e-court application consists of several types of administrative services, namely:

- a. E-filing (online case registration), online case registration in the e-court application is currently open for lawsuits, simple lawsuits, applications, consignment, appeal or rebuttal cases and in the future will continue to be developed possibly for arbitration annulment. (Indonesia, 2019). because in principle, referring to the provisions of Article 3 of the Supreme Court Regulation No. 3/2018 the electronic case administration arrangements in the regulation apply to types of civil cases, religious civil cases, military administrative cases, and state administrative cases. Based on the provisions of Article 4 of Perma No. 3 Year 2018, it is stated that electronic case administration services can be used by advocates and registered individuals, where prospective registered users first register through the court information system to then obtain/ have an account on the e-court application.
- b. E-SKUM (online payment of case fees), i.e. the process of litigating in civil cases is in principle subject to fees where at the time of filing a lawsuit a case fee is charged to the plaintiff.
- c. E-summons (online summons of the parties), the stage after the lawsuit is registered and gets a case register number, the Chairman of the District Court decides to appoint a panel of judges to examine the trial, and the head of the Panel of Judges will determine the day of the first hearing which must be attended by both the plaintiff and the defendant, for which the plaintiff and defendant will be summoned. The existence of the e-summons application means that summons to registered users can be made electronically by the bailiff/substitute

- bailiff to the electronic domicile address of the registered user, but for the defendant, the first summons is carried out manually, and when the defendant is present at the first trial, he/she will be asked for approval whether he/she agrees to be summoned electronically or not. If the respondent agrees, the respondent will be summoned electronically by the domicile provided, otherwise, the summons will be carried out manually (Indonesia, 2019).
- d. Online delivery of trial documents in the e-court application also supports the delivery of trial documents such as Replik, Duplik, Conclusion, and/or Answer electronically which can be accessed by the Court and the parties. The existence of this mechanism certainly facilitates the examination process in court, because it will further streamline the case examination time.

If we look at the existence of e-court as a case administration management system with several applications it provides, of course, it is very helpful for the mechanism of litigation in court, especially in civil cases because it simplifies and accelerates the stages of registration and examination in court. It can be seen that the party filing a claim of right in this case does not need to come and queue at the court but by only accessing the e-court website can already register a case and get SKUM online. a case.

Of course, the existence of this system can cut procedures and time so that it can help the court to realize justice based on the principles of simple, fast, and low cost. In addition, the existence of an electronic-based administration system will maintain judicial accountability and transparency where court officials will be minimized to meet with litigants to prevent potential criminal acts involving unscrupulous court officials.

The stages of a conventional examination start with,

- a. The plaintiff comes to the Court with a lawsuit or petition.
- b. The plaintiff then appears before the First Desk Officer and submits a letter of claim or petition, at least two copies for the court, and an additional number of Defendants. The First Desk Officer may provide any explanations deemed necessary regarding the case and assess the court fee which is then written in the Power of Attorney to Pay (SKUM). The First Desk Officer then hands back the lawsuit or petition to the litigant along with the Power of Attorney to Pay (SKUM) in triplicate.
- c. The plaintiff then submits to the cashier (KASIR) the lawsuit or petition and the Power of Attorney to Pay (SKUM). The cashier then submits the original Letter of Authorization to Pay (SKUM) to the litigant as the basis for depositing the case fee to the bank.
- d. The plaintiff came to the bank and filled in the slip for depositing the court fee. The data on the bank slip is by the Letter of Authorization to Pay (SKUM), such as the serial number, and the amount of the deposit fee.
- e. After making the payment at the bank, and receiving a validated bank slip from the bank service officer, the plaintiff returns to Court to present the bank slip and submit the SKUM to the cash holder. The cash holder examines the bank slip and hands it back to the litigant. The cash holder then marks the SKUM as paid and hands back to the plaintiff the original and a copy of the SKUM as well as the relevant lawsuit or petition.
- f. The plaintiff submits to the Second Desk officer a lawsuit or petition as many as the number of defendants plus two copies and the first copy of the SKUM. The Second Desk Officer registers/records the lawsuit or petition in the relevant register and gives a register number

to the lawsuit or petition taken from the registration number given by the cashier. After that, the Second Desk Officer hands back one copy of the lawsuit or petition that has been given a registered number to the plaintiff.

- g. Then the parties will be summoned by the bailiff/substitute bailiff by sending a summons directly to the party concerned to appear at the trial after the composition of the Panel of Judges (PMH) and the day of the case examination hearing (PHS) is determined.

This is what initiated the transition from conventional justice to modern justice by utilizing technological advances, where the Supreme Court e-court system utilizes technology to make updates in regulating the course of the litigation process in the Court, starting from case administration service users, case administration registration, summoning the parties, issuing copies of decisions, and administrative governance, payment of case fees which are all done electronically when submitting applications/defenses for civil, religious, state administrative cases that apply in each judicial environment without the need to come directly to the Court. After registering a case at the intended Court and having made payment, the next step is to wait for verification, after verification, the next process is summoning, summoning in e-court is done with the e-summons system. This system simplifies the process and saves costs because the summons is made directly to the electronic domicile including eliminating the need for delegation procedures if the parties reside in different jurisdictions.

The advantage of using e-court is not only that it makes it easier to register cases, but it also makes it easier to pay for cases because plaintiffs only need to utilize the e-payment system that allows payments to be made from any bank, such as the use of internet banking, sms banking, ATM transfers of payment partners owned by the court. In addition, using e-courts can also streamline time and save costs because registration, payment, and file delivery only need to be done through electronic devices such as smartphones or computers/laptops. (Papagianneas & Junius, 2023).

The use of technology for justice in trials is believed to prevent corrupt practices in the judiciary. Openness to science and technology for the legal community is an absolute must. (Sundari, 2015). The use of information technology will support and ensure good governance of the administration and judicial process. The use of technology in the trial process is a hope to answer the classic problems in trials, namely complicated procedures, long time, and expensive costs. The use of technology is also useful for improving government performance to be cleaner, more accurate, and accountable as outlined in the concept of good governance. (Bintoro et al., 2021).

CONCLUSION

Based on the description of the research results and discussion in the previous chapter, the following conclusions and suggestions can be drawn The essence of the principle of simplicity, speed, and low cost in the civil justice process in Indonesia is an effective, efficient, and uncomplicated process, conducted in a short time, and the costs incurred can be borne by the litigants. This principle underlies the implementation of cases in the courts of first instance, appellate courts, and the Supreme Court. The existence of this principle in the implementation

of the judicial process begins to be implemented from the time the parties register their cases in court until the execution of the decision, not only when the judge examines the case.

The implementation of e-court to realize the principles of simplicity, speed, and low cost in this case is used as an instrument that facilitates case administration before the trial begins through the e-filing system (online case registration), e-SKUM (online case payment) and e-Summons (online summons), during the trial examination through the mechanism of sending trial documents online; and after the trial through sending copies of decisions/decisions to the parties.

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