

**THE IMPLEMENTATION OF SUPREME COURT REGULATION
NUMBER 1 OF 2019 ON ELECTRONIC ADMINISTRATION AND
TRIALS AT THE NGANJUK RELIGIOUS COURT**

THESIS

BY:

MUHAMMAD ZULFA F

NIM: 18210109



ISLAMIC FAMILY LAW DEPARTMENT

SHARIA FACULTY

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM

MALANG

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STATEMENT OF THE AUTHENTICITY OF THESIS

With a conscious sense of responsibility for scientific development, the author states that the thesis with the title:

THE IMPLEMENTATION OF SUPREME COURT REGULATION NUMBER 1 OF 2019 ON ELECTRONIC ADMINISTRATION AND TRIALS AT THE NGANJUK RELIGIOUS COURT

Thesis is a scientific work that is compiled by itself, not a duplicate or transfer of other people's scientific work, unless the references are stated correctly. If at any time it is proven that someone else has composed it, there are duplicates, or the work of another person has been transferred, either in part or in full, then the thesis and bachelor's degree that I have obtained are therefore null and void.

Malang, 2 Desember 2022

Writer,



Muhammad Zulfa F.

NIM. 18210109

CONSENT PAGE

Muhammad Zulfa F NIM 18210109 Thesis examiner board, Islamic Family Law
Study Program, Faculty of Syari'ah, State Islamic University of Maulana Malik
Ibrahim Malang, with the title:

**THE IMPLEMENTATION OF SUPREME COURT REGULATION
NUMBER 1 OF 2019 ON ELECTRONIC ADMINISTRATION AND
TRIALS AT THE NGANJUK RELIGIOUS COURT**

Then the supervisor declares that the thesis has met the scientific requirements to
be submitted and tested at the Board of Examiners.

Malang, 2 Desember 2022

Knowing

head of the study program

Islamic family law

Handwritten signature of Erik Sabti Rahmawati in blue ink, with a small '2' at the bottom right.

Erik Sabti Rahmawati, MA, M.Ag

NIP.197511082009012003

Supervisor

Handwritten signature of Dr. Sudirman in blue ink.

Dr. Sudirman, M.A.

NIP: 197708222005011003

LEGITIMATION SHEET


The Assembly Board of Thesis Examiners of Muhammad Zulfa F (SIN 18210109), student of Islamic Family Law Department, Sharia Faculty of The State Islamic University Maulana Malik Ibrahim of Malang entitled:

THE IMPLEMENTATION OF SUPREME COURT REGULATION NUMBER 1 OF 2019 ON ELECTRONIC ADMINISTRATION AND TRIALS AT THE NGANJUK RELIGIOUS COURT

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Board of Examiners:

1. R. Cecep Lukman Yasin, M.H
NIP: 197312141998031001



Chairman

2. Dr. Sudirman, M.A.
NIP: 197708222005011003



Secretary

3. Jamilah, MA.
NIP: 197901242009012007



Main Examiners

Malang, 19 Desember 2022



Dean,

Dr. Sudirman, MA
NIP 197708222005011003

MOTTO

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا
بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

*“Indeed, Allah commands you to convey a message to those entitled to receive it,
and when you establish laws among people, you determine them reasonably.
Indeed, Allah is the best who teaches you. Indeed, Allah is All-Hearing, All-
Seeing”¹ (Q.S. An-Nisa’ (4): 58)*

¹ Departemen Agama RI, Al-Quran dan Terjemahnya, Juz 4, (Jakarta: Yayasan Penyelenggara Penerjemah/Penafsir Al-Quran, 2009), 146

FOREWORD

Alhamdulillahirabbil'Alamin, all praise be to Allah SWT, with all His mercy and guidance, the writing of the thesis with the title "The Implementation of Supreme Court Regulation Number 1 of 2019 on Electronic Administration and Courts at the Nganjuk Religious Court" can be completed. Shalawat and greetings are always conveyed to our King, the Prophet Muhammad SAW, who has brought the dark realm to become the bright world it is today. Hopefully, in the afterlife, we will be among those who get intercession from Him. Amen, amen, amen, yes, Robbal'alamin.

With all humility, the process of writing this thesis would not have been completed without the blessing of Allah SWT, as well as the help, direction, and guidance that has been given. Therefore the author expresses his deepest gratitude to the following:

1. Prof. Dr. Zainuddin, MA, as Chancellor of the State Islamic University of Maulana Malik Ibrahim Malang.
2. Dr. Sudirman, MA, as the Dean of the Syari'ah Faculty of Maulana Malik Ibrahim State Islamic University Malang, as well as the thesis supervisor.
3. Erik Sabti Rahmawati, MA, as the Head of the Islamic Family Law Study Program at the State Islamic University of Maulana Malik Ibrahim Malang.
4. Dr. H. M Fauzan Zenrif, M.Ag., is the guardian lecturer who always gives advice and motivation to the writer.

5. All Lecturers of the Faculty of Sharia, State Islamic University of Maulana Malik Ibrahim Malang, who have guided and imparted their knowledge to the author.
 6. Mr. Ugan Gandaika, SH, MH as the Judge of the Nganjuk Religious Court. The author would like to thank you very much for providing guidance, advice, and motivation to the author so that he can finish this thesis soon.
 7. Mr. KH. Masduki Zain, as caretaker of the Darul Hikmah Umar Islamic boarding school, the author thanks him for guiding and motivating the writer while in Kediri.
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 9. Friends of the Islamic Family Law Department class of 2018, thank you for the enthusiasm, support, prayer, and motivation that has been given
- May Allah SWT bestow His reward upon all of you and make us a people of faith and noble character, Amin. With this, the author also expects criticism and suggestions for the author's thesis.

Malang, 2 Desember 2022

Writer,



Muhammad Zulfa F.

NIM. 18210109

TRANSLITERATION GUIDELINES

Transliteration is the transfer of writing in Arabic script into Indonesian (Latin) writing. Included in this category are the Arabic names of Arab nations. In contrast, the Arabic names of non-Arabic countries are written according to the spelling of the national language or according to what is written in the book, which is the reference. Writing book titles in footnotes and bibliography is still guided by this transliteration provision. There are many choices and requirements for transliteration guidelines that can be used in writing scientific papers, both with international and national standards or special conditions used by certain publishers. The transliteration used by the Sharia Faculty of UIN Maulana Malik Ibrahim Malang uses EYD plus, which is a transliteration based on the Joint Decree of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia, dated January 22, 1998, No. 158/1987 and 0543. b/U/1987, as stated in the Arabic Transliteration Guide (A Guide Arabic Transliteration), INIS Fellow 1992.²

A. Consonant

a) = Not added ض = etc

² Tim Penyusun, *Pedoman Penulisan Karya Tulis Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang*, (Malang: Fakultas Syariah UIN Malang, 2015), 73-75.

| | | | |
|---|------|---|------------------------------|
| ب | = b | ط | = th |
| ت | = t | ظ | = dh |
| ث | = ts | ع | = '(facing comma to the top) |
| ج | = j | غ | = gh |
| ح | = h | ف | = f |
| خ | = k | ق | = q |
| د | = D | ك | = k |
| ذ | = Dz | ل | = l |
| ر | = R | م | = m |
| ز | = Z | ن | = n |
| س | = S | و | = w |
| ش | = Sy | ه | = h |
| ص | = Sh | ي | = y |

Hamzah (ء) which is often symbolized by an alif, if it is located at the beginning of a word then the transliteration follows the vowel, it is not symbolized, but if it is located in the middle or at the end of a word, then it is

symbolized by a comma above ('), reversed by a comma (') to replace the symbol “ع”

B. Vowels, Long and Diphthongs

Every written Arabic in the Latin form of vowel fathah is written with "a", kasrah with "i", dhommah with "u", while each reading is written in the following way:

| | | | | | | |
|-----------------|---|---|-------------|-----|--------|------|
| Vocals (a) Long | = | Â | For example | قال | Become | Qâla |
| Vocals (i) Long | = | Î | For example | قيل | Become | Qîla |
| Vocal (u) Long | = | Û | For example | دون | Become | Dûna |

Specifically for reading ya' nisbat, it cannot be replaced with “î”, but still written with “iy” so that it can describe the ya' nisbat at the end. Likewise for the sound of diphthongs, wawu and ya' after fathah written with "aw" and "ay", as in the example below:

| | | | | | | |
|----------------|---|---|-------------|-----|-----------|---------|
| Diphthong (aw) | = | و | For example | قول | to become | qawlun |
| Diphthong (v.) | = | ي | For example | خير | to be | Khayrun |

C. Ta'marbûthah (ة)

Ta' marbuthah is transliterated with "t" if it is in the middle of a sentence, but if ta' marbuthah is at the end of the sentence, then it is transliterated using "h" as an example ائشسات بيذست becomes alrisalat al-mudarrisah, or if it is in the

middle of a sentence consisting of *mudhaf* and *mudhaf ilayh*, it can be transliterated using “t” which is connected with the next sentence, for example اهيرو becomes *fi rahmatillah*.

D. Article and Lafdh al-jalâlah

The article in the form of "al" (ال) is written in lower case, unless it is located at the beginning of the sentence, while "al" in the *lafadh jalâlah* which is located in the middle of the sentence it leans on (*idhafah*) is omitted. Consider the following examples:

Al-Imam al-Nawawi said...

Al-Bukhâriy in his *Muqaddimah* book explains...

Masyâ' Allâh kâna wa mâ lam yasya' lam yakun.

Billâhi „azza wa jalla.

E. Indonesianized Arabic names and words

On the principle of transliteration, every word originating from Arabic must be written using the transliteration system. Except, if the word is an Arabic name but comes from an Indonesian or an Arabic language that has been Indonesianized, then it does not need to be written using the transliteration system. Like the following example:

"...Abdurrahman Wahid, former fourth President of the Republic of Indonesia, and Amin Rais, former Chairman of the People's Consultative

Assembly at the same time, have agreed to eradicate nepotism, collusion and corruption from the face of Indonesia's earth, one way is through intensifying prayers in various government offices, however"

Pay attention to the writing of the names "Abdurrahman Wahid," "Amin Rais," and the word "salat," which are written using the Indonesian writing rules which have been adapted to the writing of his name. Even though these words come from Arabic, they are in the form of Indonesian names and are Indonesianized. Therefore they are not written in the way "Abd al-Rahmân Wahîd," "Amîn Raîs," and "shalât."

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ABSTRAK

Zulfa F, Muhammad, 18210109, 2022. Implementasi Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi dan Persidangan Secara Elektronik di Pengadilan Agama Nganjuk (Studi di Pengadilan Agama Nganjuk). Skripsi. Program Studi Hukum Keluarga Islam, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

Pembimbing: Dr. Sudirman, MA.

Kata Kunci: Implementasi, Peraturan, Elektronik

Pengadilan merupakan tempat masyarakat bisa mengajukan permohonan keadilan. Sebagai penegak hukum sudah seharusnya jika pelayanan yang diberikan haruslah maksimal. Oleh karena itu keluarlah Peraturan Mahkamah Agung Nomor 1 Tahun 2019 yang mengatur mengenai proses pendaftaran perkara sampai proses penyampaian salinan putusan yang dapat dilakukan secara elektronik. Dalam penelitian ini terdapat dua rumusan masalah yaitu: 1.) Bagaimana Implementasi Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang administrasi dan persidangan secara elektronik di Pengadilan Agama Nganjuk? 2.) Bagaimana efektivitas Peraturan Mahkamah Agung Nomor 1 tahun 2019 tentang administrasi dan persidangan secara elektronik di Pengadilan Agama Nganjuk?.

Penelitian ini menggunakan metode jenis penelitian yuridis empiris dan pendekatan yuridis sosiologis. Kemudian cara memperoleh data dilapangan melalui wawancara dan dokumentasi. Sedangkan dalam proses pengolahan data menggunakan teknik edit, klasifikasi, analisis, dan kesimpulan.

Adapun Implementasi Peraturan Mahkamah Agung Nomor 1 Tahun 2019 di Pengadilan Agama Nganjuk sebagian besar sudah terlaksana seperti proses pendaftaran, pemanggilan, jawab menjawab hingga penyampaian putusan sudah bisa dilakukan secara elektronik namun pada proses pembuktian tetap dilakukan secara offline. Berdasarkan analisis data yang diperoleh peneliti menunjukkan bahwa Efektivitas Persidangan secara elektronik di Pengadilan Agama Nganjuk kurang efektif, karena dari lima faktor yang digunakan untuk mengukur sebuah efektivitas hukum hanya dua faktor yang terpenuhi yakni faktor hukum dan sarana, sedangkan ketiga faktor yang tidak terpenuhi adalah faktor penegak hukum, masyarakat dan budaya. Kurangnya efektivitas ini disebabkan karena kurangnya sosialisasi dari penegak hukum, tidak tersedianya sinyal internet hingga masyarakat yang tidak terbiasa dan gagap teknologi.

ABSTRACT

Zulfa F, Muhammad, 18210109, 2022. The Implementation of Supreme Court Regulation No. 1 of 2019 on Electronic Administration and Trial at the Nganjuk Religious Court. Thesis. Islamic Family Law Study Program, Faculty sharia, University Islam Country Maulana Malik Abraham Malang.

Advisor: Dr. Sudirman, M.A.

Key words: Regulation, Electronics, Implementation

A court is a place where people can apply for justice. As a law enforcer, it should be if the services provided must be maximal. Therefore, PERMA No. 1 of 2019 was issued, which regulates the process of registering cases until the process of submitting a copy of the decision, which can be done electronically. In this study, there are two formulations of the problem: 1.) How is the Implementation of PERMA Number 1 of 2019 regarding administration and electronic trials at the Nganjuk Religious Court? 2.) What is the effectiveness is PERMA Number 1 of 2019 concerning electronic administration and trials at the Nganjuk Religious Court?

This research uses the method of empirical juridical research and a sociological juridical approach. Then how to obtain data in the field through interviews and documentation. While in the data processing using editing techniques, classification, analysis, and conclusions.

As for the implementation of PERMA Number 1 of 2019 at the Nganjuk Religious Court, most of it has been carried out, such as the registration process, summons, answering and answering until the delivery of a decision can be carried out electronically, but the verification process is still carried out offline. Based on the analysis of the data obtained by the researcher, it shows that the effectiveness of electronic trials at the Nganjuk Religious Court is less effective because of the five factors used to measure legal effectiveness; only two factors are met, namely legal factors and facilities. In comparison, the three factors that are not satisfied are enforcement factors. Law, society, and culture. This lack of effectiveness is due to the lack of outreach from law enforcement and the unavailability of internet signals to the people who are not used to it and are technology illiterate.

نبذة مختصرة

زلفى ف ، محمد ، 18210109 ، 2022. التنفيذ اللائحة المحكمة العليا رقم 1 لسنة 2019 بشأن الإدارة والمحاكمة _ _ الإلكترونية في محكمة نجانجوك الدينية (دراسة في محكمة نجانجوك الدينية) فرضية. برنامج دراسة قانون الأسرة الإسلامي ، الكلية الشريعة جامعة دين الاسلام دولة مولانا مالك ابراهيم فقير .

المستشار : د. سوديرمان ، ماجستير

يقول مفتاح : التنفيذ ، اللائحة ، إلكتروني

المحكمة مكان يمكن للناس فيه طلب العدالة. من المناسب أن الخدمات المقدمة يجب أن تكون قصوى. لذلك صدر لائحة المحكمة العليا رقم 1 لسنة 2019 والتي تنظم عملية تسجيل القضايا لحين عملية تقديم نسخة من القرار والتي يمكن إجراؤها إلكترونياً

في هذه الدراسة ، هناك صيغتان للمشكلة ، وهما: 1. كيف يتم تنفيذ لائحة المحكمة العليا رقم 1 لسنة 2019 بشأن الإدارة والمحاكمات الإلكترونية في محكمة نجانجوك الدينية؟ 2. ما مدى فعالية لائحة المحكمة العليا رقم 1 لعام 2019 بشأن الإدارة الإلكترونية والمحاكمات في محكمة نجانجوك الدينية؟ يستخدم هذا البحث منهج البحث القانوني التجريبي والمنهج القانوني الاجتماعي. ثم كيفية الحصول على البيانات في الميدان من خلال المقابلات والتوثيق. أثناء معالجة البيانات باستخدام تقنيات التحرير والتصنيف والتحليل والاستنتاجات.

أما بالنسبة لتنفيذ لائحة المحكمة العليا رقم 1 لسنة 2019 في محكمة نجانجوك الدينية ، فقد تم تنفيذ معظمها ، مثل عملية التسجيل والاستدعاء والرد والرد حتى يتم تسليم القرار إلكترونياً ، ولكن لا تزال عملية التحقق تتم في وضع عدم الاتصال. بناءً على تحليل البيانات التي حصل عليها الباحث ، تبين أن فعالية المحاكمات الإلكترونية في محكمة نجانجوك الدينية لم تكن فعالة بعد ، لأن العوامل الخمسة لقياس الفعالية القانونية لم تتحقق. لأن الناس في اختصاص محكمة نجانجوك الدينية يفضلون عمومًا المحاكمات اليدوية على المحاكمات الإلكترونية. بالإضافة إلى ذلك ، فإن حالة المجتمع لم تخلق ثقافة قانونية إلكترونية يمكنها دعم تنفيذ التجارب الإلكترونية

CHAPTER I

INTRODUCTION

A. Background

The 1945 Constitution and Pancasila are the basis for the State of Indonesia. Everyone wants justice everywhere. Legal institutions are essential to achieve these objectives and to provide social fairness for all persons. Law Number 13 of 1965 regarding Courts Within the General Courts and the Supreme Court was passed. The Supreme Court's authority is addressed in this regulation. The Supreme Court is the highest in the legal system and oversees the Administration of justice in all courts. The Supreme Court then has the authority to give warnings, reprimands, and instructions using rules or circular letters as necessary to uphold justice and the state's interests. To revive Law Number 3 of 2006 and Law Number 7 of 1989, Law Number 50 of 2009 established the Religious Tribunals as courts of the first instance.

People can look for justice in Court. It ought to be if the Court serves the community as much as it can. As society becomes more sophisticated, courts must be able to keep up with advanced technology. Work can be done more quickly, effectively, and efficiently with technology. The community is thus highly terrified by this.

The Court must offer the most excellent service possible to the public while upholding the values of simplicity, efficiency, and affordability in its duties and obligations. Therefore, the Court always works to make it as easy, quick, and affordable as possible for the public to submit requests or file lawsuits. To assist

the people in the legal process and keep up with the times, the Supreme Court published Regulation Number 3 of 2018 About the Administration of Cases in Courts Electronically, which was stipulated in Jakarta on March 29, 2018. facilitating access to justice for those seeking it as well as for court staff.

The electronic case administration services start with service users, registration, subpoenas, and issuing copies of decisions and are based on PERMA Number 3 of 2018. The purpose of this legislation is to make it simpler for members of the public to file legal claims. However, the Supreme Court agreed to PERMA Number 1 of 2019 About the Electronic Administration of Cases and Trials in Courts on August 6, 2019. The provisions of PERMA Number 3 of 2018 need to be revised, especially those of electronic trial procedures, as explained in PERMA Number 1 of 2019.

The Nganjuk Religious Court was chosen as the research site because it is one of the courts that has adopted PERMA No. 1 of 2019 in the form of e-court and e-litigation. The public can send application and lawsuit files, as well as answers, duplicates of documents, conclusions, and relapses, electronically using the e-court application. The Nganjuk Religious Court is one of the courts that has actively promoted e-court services through banners and online media. It offers after mediation to support the Implementation of the PERMA Number 1 since it first facilitated e-court services in 2018. The Nganjuk Religious Court is one of the courts that has done this. A unique courtroom with electronic court technology was also prepared by the Nganjuk Religious Court in 2019 so that it can be directly connected to other courts outside of Java.

PERMA Number 1 of 2019 is highly relevant to Indonesia's geographical circumstances as a maritime nation with the primary problem of access to justice. It is envisaged that the release of PERMA Number 1 of 2019 would mark the start of a revolution in court case administration. The electronic trial procedure will undoubtedly be hampered by poor internet. Thus the effectiveness of PERMA 1 of 2019 will be evaluated using the Soerjono Soekarto-initiated theory of effectiveness law to measure the efficacy of this regulation for the people as a whole.

Legal effectiveness is the ability to create or give birth to the conditions or situations desired by law. A legal product is said to be effective if it has been carried out or implemented in practice, such as the Supreme Court Regulation Number 1 of 2019 as one of the legal products it will be said to be effective if it has been implemented in practice. According to Soerjono Soekarno, whether legal products are effective or not is determined by five factors, the first is the legal factor itself (law), the second is law enforcement factors, namely the parties that form or apply the law, the third is the means or facilities that support the application of the law, the fourth is community factors, namely the environment where the rule applies or is applied, the five cultural factors, namely as a result of creativity, work and taste based on initiative. These five factors are interrelated with each other because they are the essence of law enforcement and are a measure of the effectiveness of law enforcement.

The researcher is interested in collecting study materials linked to the Nganjuk Regulation Court's Implementation of PERMA Number 1 of 2019

regarding electronic case administration and trials, as may be inferred from the previous description. Researcher1 describes how PERMA Number 1 of 2019 was implemented at the Nganjuk Religious Court in this study. Researcher also evaluate PERMA Number 1 of 2019's effectiveness using Soerjono Soekarno's theory of legal effectiveness.

B. Formulation of the problem

Based on the existing problems, namely regarding the Implementation of PERMA No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court, the researcher wants to emphasize the research problem with the following problem formulation:

- 1 How is the Implementation of Supreme Court Regulation No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court?
- 2 What is the effectiveness of Supreme Court Regulation No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court?

C. Research purposes

From the background and formulation of the problems that the authors have described, the authors postulate the following research objectives:

- 1 To describe the Implementation of Suprime Court regulation No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court.
- 2 To analize the effectiveness of Supreme Court Regulation No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court.

D. Benefits of research

The benefits of this research are divided into two, namely theoretical benefits and practical benefits:

1. Theoretical Benefits

Theoretically, it is hoped that this research can contribute to thinking in the academic sphere and raise public awareness in the field of law as well as increase knowledge and insight regarding the Implementation and effectiveness of PERMA No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court.

2. Practical Benefits

- a. For future researchers: It is hoped that this can be a reference material for future researchers with research themes similar to this study.
- b. For Legal Observers: Increase knowledge of the use of information technology regarding the Implementation of PERMA No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court.
- c. Nganjuk Religious Court: It is hoped that this can become material for evaluation in providing digital-based services in case administration so that it can improve services for people who seek justice.
- d. For the public: Can find out how to proceed at the Nganjuk Religious Court by electronic means. Through this research it is hoped that it can provide an overview of the proceedings at the Nganjuk Religious

Court electronically and sophistication of technology can be put to good use.

E. Operational definition

1. Implementation is Application, Application is an activity in carrying out a theory, method and other things for the benefit of a group or groups that have been arranged previously.³ The purpose of this research is the application of a regulation within an institution, in this case the researcher discusses the application of PERMA No. 1 of 2019 concerning Administration and electronic trials at the Nganjuk Religious Court.
2. Electronic Case Administration is a series of procedural processes in Court which includes case registration including claims, requests, objections, rebuttals, resistances, interventions, receipts, payments, delivery of subpoenas, notifications, answers, replicas, duplications, conclusions, receipt of legal remedies, processing, delivery, and electronic storage of case documents, each of which applies in the court environment.⁴
3. Electronic trial is a series of processes of examining and adjudicating cases by courts carried out with the support of technology. This electronic trial is conducted with the agreement of the parties in a case after the mediation process is declared unsuccessful.
4. The Religious Court is the court of first instance which has the duty and authority to examine, decide and resolve cases at the first level between

³ Peter Salim dan Yenni Salim, *Kamus Bahasa Indonesia Kontemporer*, (Jakarta: Modern English Pers, 2002), 15.

⁴ Peraturan Mahkamah Agung Nomor tentang Administrasi perkara dan persidangan di pengadilan secara elektronik, pasal 1 angka 6.

people who are Muslim in the field of marriage, inheritance, wills and grants made under Islamic law, as well as endowments and almsgiving, as stipulated has been regulated in article 49 of Law Number 50 of 2009 concerning Religious Courts.⁵

F. Organization of Study

To facilitate preparation and understanding in research, the researcher makes a systematic discussion as follows:

CHAPTER I Introduction, explains the background of the title and themes raised by researchers in this study, then the formulation of the problem, research objectives, research benefits, operational definitions, and writing systematics.

CHAPTER II This chapter describes the study of previous research whose research themes have a relationship with the research to be examined, then the researcher will provide an explanation of the Supreme Court Regulations, especially the Supreme Court Regulations governing Electronic Administration and Trials and the next point explains issues surrounding case administration in Court which includes registration of cases, summons of parties, and matters relating to proceedings in court.

CHAPTER III This chapter contains the research methods that will be used by researchers in completing this research, including types of research,

⁵ Mahkamah Agung Republik Indonesia, "Tugas Pokok dan Fungsi Pengadilan Agama", <https://pacimahi.go.id/tentang-pengadilan/kekuasaan-dan-ruang-lingkup-pengadilan-agama> (diakses pada tanggal 25 Agustus 2022, pukul 15.10).

research approaches, research locations, types and sources of data, data collection methods, and data processing methods.

CHAPTER IV This chapter will describe and explain exposure and analysis based on data obtained by researchers in the field. Starting from an explanation of the location of the research site, then describing the Implementation of PERMA Number 1 of 2019 concerning Electronic Administration of Cases and Courts at the Nganjuk Religious Court and analyzing the effectiveness of Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Courts at the Nganjuk Religious Court.

CHAPTER V This section contains the conclusions from all the discussion of the results of the research that has been carried out in the previous chapters. In addition, this chapter also contains suggestions from researchers to the Supreme Court, the Administration of the Supreme Court and to further researchers

CHAPTER II

LITERATURE REVIEW

A. Previous Research

Previous research consists of reviews containing links to research that has been done before by others, either in the form of theses, books, or journals. This aims to prove the originality of a study; here are some studies with the same survey and the differences between this research and previous studies:

- 1 Thesis entitled "The Implementation of Supreme Court Regulation Number 3 of 2018 on Electronic Administration of Cases in Courts". This study uses empirical juridical research with a qualitative research approach. The legal materials used are primary and secondary, where data collection uses interview and documentation techniques. This study aims to describe the implementation of PERMA No. 3 of 2018 at the Surabaya Religious Court and a simple, quick, and low-cost review of PERMA No. 3 of 2018. In this study, it is explained that the implementation of PERMA No. 3 of 2018 has been implemented, but there are still some of the series in this regulation that is not yet perfect and not yet implemented, the part that is not perfect is the template for judicial confiscations in electronic summons which still does not exist, and the amount that has not been

implemented is the absence of electronic registration of case requests and delivery of electronic copies of decisions.⁶

- 2 Thesis titled "A Review of the Principles of Simple, Fast, and Low Cost Trials Against Trials (Application of Witness Data) in Class 1A Bojonegoro Religious Court". This research uses empirical juridical research with an administrative, juridical research approach. The types of data used are primary, secondary, and tertiary, in which data collection use interview, observation, and documentation techniques. This study aims to explain the position of witness judges who are late to appear at trial and to describe a review of the principles of simple, fast, and low-cost justice for the use of trial (Witness Data Application) in the Class 1A Bojonegoro Religious Court. In this study who explained that implementing the Sidasi application has advantages and disadvantages, including it is simple if there is incorrect data. Still, this application needs help logging in, which has to go through robot verification which sometimes requires a long process. In addition, not all of the languages used are Indonesian.⁷
- 3 Thesis with the title "Implementation of E-Court during the Covid 19 Pandemic at the Jombang Religious Court". This research uses empirical juridical research with a sociological juridical approach. The types of data used are primary data and secondary data, which are collected using

⁶ Nurkholis, Implementasi Peraturan Mahkamah Agung Nomor 3 Tahun 2018 Tentang Administrasi Perkara di Pengadilan Agama Secara Elektronik (Studi di Pengadilan Agama Surabaya), Skripsi, (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang: 2017).

⁷ Muhammad, Tinjauan Asas Peradilan Sederhana, Cepat, dan Biaya Ringan Terhadap Sidasi (Aplikasi Data Saksi) di Pengadilan Agama Kelas 1A Bojonegoro (Studi di Pengadilan Agama Bojonegoro), Skripsi, (Malang: Universitas Islam Maulana Malik Ibrahim Malang : 2022).

interview and documentation techniques. This study aims to describe the implementation of e-Court during the Pandemic and describe the simple, fast, and low-cost principles of the e-Court system in the Jombang Religious Court. In this study, it was explained that there were still several obstacles to its implementation, including that many people still needed help understanding the procedures for proceedings using e-Court. Besides that, the number of judges in the Jombang Religious Court was still limited, so it was not possible to hold two trials, namely manual trials and electronic trials.⁸

- 4 Thesis with the title "Implementation of E-Court and Innovative Services of the Directorate General of Badilag Against Compliance with the Principles of Simple, Fast and Low Cost." This research uses a type of empirical juridical research with a qualitative research approach. The data sources used are primary data sources and secondary data sources, which are collected using interview and documentation techniques. This study aims to explain the implementation of e-court and innovative services for the Directorate General of Badilag from the perspective of employees at the Padang Religious Court. This study demonstrated that the performance of this application was equipped with competent human resources, e-court corner tables, computer equipment, and an internet network owned by Cinox Indonesia. Teleconference and e-signature. The number of cases

⁸ Muhammad Amin Afdhilah, Implementasi E-Court pada masa Pandemi Covid 19 di Pengadilan Agama Jombang (Studi di Pengadilan Agama Jombang), Skripsi, (Malang : Universitas Islam Negeri Maulana Malik Ibrahim Malang) : 2021.

registered through the e-court has increased administratively every year but has yet to reach the litigation stage.⁹

Table 1
Research Similarities and Differences

| No. | Name | Title | Equality | Difference |
|-----|-----------|---|---|--|
| 1. | Nurkholis | Implementation of Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Courts. | This type of research uses the type of Juridical Empirical research and data collection techniques using interviews and documentation techniques. | The theme of the discussion in this study discusses the Implementation of Supreme Court Regulations Number 3 of 2018 concerning the Administration of Cases in Courts Electronically and the research location is in Surabaya. |
| 2. | Mohammed | Overview of the Principles of Simple, Fast, and Low- Cost Trials Against Trials (Application of Witness Data) at the Class 1A Bojonegoro Religious Court. | This type of research uses the type of Juridical Empirical research and data collection techniques using interviews and documentation techniques. | The theme of the discussion in the research is about a Review of the Principles of Simple, Fast, and Low Cost Trials for Trials (Application of Witness Data) and the location of the research is in the Class 1A Bojonegoro Religious Court |
| 3. | Muhammad | Implementation of E- | This type of | The theme of the |

⁹ Yola Zulyenni, Penerapan E-Court dan Layanan Inovatif Ditjen Badilag Terhadap Kesesuaian Asas Sederhana, Cepat dan Biaya Ringan (Studi di Pengadilan Agama Padang), Skripsi, (Malang: Universitas Maulana Malik Ibrahim Malang) : 2021

| | | | | |
|----|---------------|--|---|--|
| | Amin Afdhilah | Court during the Covid 19 Pandemic at the Jombang Religious Court. | research uses a juridical-empirical type of research with a sociological-juridical approach and data collection techniques using interviews and documentation techniques. | discussion in the research was regarding the Implementation of E-Court during the Covid 19 Pandemic and the research location was at the Jombang Religious Court. |
| 4. | Yola Zulyenni | Implementation of E-Court and Innovative Services of the Directorate General of Badilag for Compliance with the Principles of Simple, Fast and Low Cost. | This type of research uses the type of Juridical Empirical research and data collection techniques using interviews and documentation techniques. | The theme of the discussion in the research on the Application of E-Court and Innovative Services of the Directorate General of Religious Affairs and Religious Affairs for Compliance with the Principles of Simple, Fast and Low Cost and the location of the research is at the Padang Religious Court. |

B. Theoretical Framework

There are several theories in this study that will be explained as a reference to the existing problems, namely:

1 Supreme Court Rules

a. Definition of the Supreme Court

A body that exercises judicial power, the Supreme Court is the highest state court of all Judiciary environments, which, in carrying out its duties, is independent of government influence and other influences and exercises supreme oversight over the actions of different courts.¹⁰

Article 88 of the Criminal Procedure Code emphasizes that the Supreme Court can hear all criminal cases for which cassation is requested. Meanwhile, the examination for cassation is regulated in detail in Articles 244 to 258. The Criminal Procedure Code.¹¹

It is stated in Article 11, paragraph (1) and paragraph (4) of Law Number 4 of 2004, Article 2, and Article 32 of Law Number 14 of 1985. The Supreme Court has the following functions and duties:

First, the function of the Judiciary, as the state court of the highest level, the Supreme Court, is the Court of cassation, whose duty is to foster uniformity in the Application of law through cassation decisions and judicial review to ensure that all rules and regulations throughout the territory of the Republic of Indonesia are applied in a fair, proper and correct manner. In addition to its duties as a court of cassation, the Supreme Court has the authority to examine and decide at the first and final levels all disputes regarding the jurisdiction to adjudicate.

Second, the supervisory function, the Supreme Court carries out supreme supervision of the proceedings of courts in all judicial environments with the aim

¹⁰ Visca J Saija, "Peraturan Mahkamah Agung dan Peraturan Mahkamah Konstitusi menurut jenis Peraturan Perundang-Undangan di Indonesia" *Jurnal Sasi* Vol 20 No. 2(2014), 9.

¹¹ Di dalam Pasal 88 Kitab undang-undang Hukum Acara Pidana ditegaskan bahwa Mahkamah Agung berwenang mengadili semua perkara pidana yang dimintakan kasasi. Sedangkan Pemeriksaan untuk kasasi diatur secara rinci di dalam Pasal 244 sampai dengan Pasal 258. Kitab undang-undang Hukum Acara Pidana.

that trials conducted by the courts are carried out thoroughly and reasonably guided by the principles of simple, speedy and low-cost trials, without reducing the freedom of judges in examining and deciding cases (Article 4 and Article 11 of Law Number 4 of 2004 concerning judicial power).

The Supreme Court also supervises the work of the courts and the behavior of judges, and the actions of Court officials in carrying out their duties related to the implementation of the primary responsibilities of the Judiciary, namely in examining, adjudicating, and resolving every case submitted to him and requesting information about matters - matters relating to judicial techniques and giving warnings, reprimands and instructions as needed without reducing the freedom of judges (Article 32 of the Supreme Court Act No. 14 of 1985) for legal advisers and notaries as long as it is related to justice.

Third, the regulatory function, the Supreme Court can further regulate matters needed for the smooth running of justice if there are matters that need to be sufficiently held in the law of the Supreme Court.

Fourth, in the Advisory Function, the supreme Court provides advice or considerations in law to other State High institutions.

Fifth, Administrative function. The judicial bodies (general courts, religious courts, military courts, and state administrative courts) are organizationally, administratively, and financially under the authority of the Supreme Court.

Sixth, other functions. In addition to the primary duties of receiving, examining, adjudicating, and settling every case submitted to him. The Supreme Court may be entrusted with other responsibilities and powers based on laws.¹²

b. PERMA

Legislative acts and executive acts are a form of written law. Not only limited to the legislative and administrative institutions, but the law implementing agency (Judiciary) is also given its authority to set its own rules, but with limitations which can only be internal, such as the Supreme Court with its PERMA. The regulation function is the authority of the Supreme Court, which is based on the law of Article 79 Law Number 14 of 1985 jo. Number 5 of 2004 jo. Law Number 3 of 2009 concerning the Supreme Court.

Law must keep up with the times, and PERMA is no exception. For this reason, PERMA exists as an alternative to solving the legal vacuum or impasse of procedural law; of course, the formation of PERMA must be accompanied by the provision of utilization for the law enforcers themselves. By not eliminating other law enforcement principles, namely justice and legal certainty.¹³

The Supreme Court issued 14 PERMAs in 2016; this achievement was the most significant number compared to previous years and even doubled compared to 2015.

¹² Visca J Saija, "Peraturan Mahkamah Agung dan Peraturan Mahkamah Konstitusi menurut jenis Peraturan Perundang-Undangan di Indonesia" Jurnal Sasi Vol 20 No. 2(2014), 9.

¹³ Anissa, "Analisis Hukum e-Litigasi Jo. PERMA Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara elektronik dihubungkan dengan Undang-Undang Nomor 7 Tahun 1989 Jo. Undang-Undang Nomor 3 Tahun 2006 Jo. Undang-Undang Nomor 50 Tahun 2009 Tentang Pengadilan Agama." Jurnal Negara dan Keadilan Vol 9 Nomor 2 (2020), 180.

In that year, the Supreme Court only issued seven permits. In 2014, 2013, and 2012 there were 5, 3, and 6 PERMA. If it is sorted again until 1999, the number of PERMA issuances is minimal. Data on the website of the Supreme Court Legal Documentation and Information Network (JDIH) is between 1-4 PERMA.

The position of PERMA is regulated in Article 79 of Law Number 14 of 1985 concerning the Supreme Court (UU MA). Based on the law, PERMA has a role to fill the legal vacuum for material that has yet to be regulated in the law. The Supreme Court, as a judicial institution, is given an attributive authority to form a regulation. This authority is limited in the administration of justice.¹⁴

The legal breakthrough through the formation of PERMA to break the deadlock or vacuum of procedural law, apart from having a lawful basis, also provides benefits for law enforcement. However, the legal breakthrough made by the Supreme Court also has a vital record.

First, the provisions in PERMA are substantial material. Its position is to overcome the shortcomings of the law. The authority to form Perma is attribution authority. Institutionally attached reference to MA. PERMA, which has the scope to regulate procedural law, shows that the Supreme Court and its judicial institutions are one of the implementations of these regulations. Formers and implementers of rules are the same institutions. Meanwhile, the Supreme Court

¹⁴ Nur Solikin, "Mencermati pembentukan peraturan Mahkamah Agung (PERMA)." *Jurnal RechtsVinding* (2017), 1-2.

also has the authority to review the government. The Supreme Court also holds control over the laws formed.

Second, the legal breakthrough carried out through this PERMA also needs to be seen from the side of a legal vacuum or law regulating a particular matter. The legal vacuum occurs because there is no law-forming product that governs it. If the condition of this legal necessity collides quickly, the choice of settlement through PERMA can be considered adequate. It is understandable because forming a law takes a longer time. However, if the problem of legal vacuum has been going on long enough, it is necessary to question the role of legislators in capturing this situation. On the other hand, the role of legislators must also be more active in capturing legal vacuums in the administration of justice.¹⁵

c. PERMA Number 1 of 2019

Initially, the e-court application was carried out based on PERMA Number 3 of 2018 concerning Electronic Case Administration. This e-court application is expected to be able to improve services in its function of receiving case registrations online so that people will save time and money when registering cases. E-court in Indonesia is the foundation for the first implementation of an electronic-based justice system in Indonesia. Then the Supreme Court established 17 District Courts as pilot courts based on the Decree of the Secretary of the Supreme Court of the Republic of Indonesia Number 305/SEK/SK/VII/2018

¹⁵ Nur Solikin, "Mencermati pembentukan peraturan Mahkamah Agung (PERMA)." *Jurnal RechtsVinding* (2017), 5.

concerning the Appointment of Courts for Pilot Implementation of Trial Case Administration in Courts Electronically. The seventeen District Courts are Central Jakarta District Court, West Jakarta District Court, East Jakarta District Court, South Jakarta District Court, North Jakarta District Court, Tangerang District Court, Bekasi District Court, Bandung District Court, Karawang District Court, District Court Surabaya, Sidoarjo District Court, Medan District Court, Makassar District Court, Semarang District Court, Surakarta District Court, Palembang District Court, and Metro District Court.

Because there has been no real change in the implementation of e-court as expected since the publication of PERMA Number 3 of 2018, it is necessary to accelerate the increase in the utilization of e-court services so that a simple, fast, and low-cost judicial process can be achieved through the implementation of case administration in Court in an effective manner. Electronic. The Supreme Court also issued SEMA Number 4 of 2019 Concerning the Obligation to Register Civil Cases via e-court on June 10, 2019, which requires all Class 1A District Courts and all District Courts in the Banten High Court, Jakarta High Court, Bandung High Court, High Court Semarang, Yogyakarta High Court, and Surabaya High Court are required to use e-court.

On August 19, 2019, PERMA Number 1 of 2019 was issued concerning the Electronic Administration of Cases and Trials in Courts, based on Article 38, which states that PERMA Number 1 of 2019 revokes and declares PERMA Number 3 of 2018 no longer valid. However, Article 37 states that the implementing regulations of PERMA Number 3 of 2018 remain valid as long as

they do not conflict with the provisions in PERMA Number 1 of 2019. This is in line with the Decree of the chairman of the Supreme Court of the Republic of Indonesia Number 129/KMA/SK/VIII/2019 concerning Technical Instructions for Case Administration and Trial at the Electronic Court in part three decided that when this decision comes into effect, all implementing regulations from PERMA Number 3 of 2018 are declared to remain valid as long as they do not conflict with this decision. Furthermore, in the second part, the conclusion of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 122/KMA/SK/VII/2018 concerning Registered Users is revoked and declared invalid.

PERMA Number 1 of 2019 has increased the scope of e-court with e-litigation. Initially, the content in PERMA Number 3 of 2018 only consisted of (1) e-filing, (2) e-payment, (3) Document delivery trial electronically, (4) e-summons with PERMA Number 1 of 2019 to (1) e-filing, (2) e-payment (3) Delivery of trial documents electronically (4) e-summons and (5) e - litigation.

The scope of electronic case registration has become more comprehensive with the existence of PERMA Number 1 of 2019 because it also includes objections, rebuttals, resistance, intervention, and even acceptance of registration of legal remedies, which can also do with this electronic registration system.¹⁶

¹⁶ Sonyendah Retnaningsih, Distiani Latifah Soroinda Nasution, Rouli Anita Valentina, Kelly Mantovani, "Pelaksanaan *e-court* menurut PERMA Nomor 3 Tahun 2018 Tentang Administrasi Perkara di Pengadilan Secara Elektronik dan *e-Litigation* Menurut PERMANomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik (Studi Pengadilan Negeri di Indonesia)," *Jurnal Hukum dan Pembangunan Vol 50 No. 1* (2020), 132.

2 Administration of Religious Courts

Case administration is a series of activities in settling cases to organize case data documents starting from case registration, trial, and submission of legal remedies to implementation of the decision.¹⁷ Whereas the Religious Courts are one of the perpetrators of judicial power for justice seekers who are Muslim in some instances (Article 2 of Law No. 3 of 2006 and Law No. 50 of 2009).¹⁸

The Religious Courts are judicial institutions that carry out the settlement of cases for justice seekers who stick to simple, fast, and low-cost services. For the service function to be maximized, it needs to be supported by an excellent case administration system, accountability, Effectiveness, and transparency. Thus the type of court administration is divided into 2, namely:

- a. Case administration (registrar's office): claims, requests and law.
- b. Secretarial administration: general, personnel and finance.

The administration referred to in this discussion is an implementation process carried out by administrators regularly and regulated to carry out planning, implementation, and supervision to achieve the main objectives that have been determined.

The clerk's office handles administrative matters of a judicial nature. In carrying out the task, he is assisted by a deputy clerk and several young clerks who constitute the whole process of regular administration in planning, executing,

¹⁷ Kamus Hukum Online Indonesia-Indonesia Law Dictionary Arti Istilah Hukum“, dalam <http://kamushukum.web.id/arti-kata/administrasiperkara/> diakses 8 November 2022 Pukul 17:58

¹⁸ Tuti herawati, *peradilan di Indonesia* (Sanabil: Mataram, 2015). h 59.

and supervising the management of cases which are part of the Court's duties. (Article 26 of Law No. 7 of 1989 concerning Religious Courts).

The procedure for administering cases at the Religious Courts is through several tables, namely the first, second, and third. The meaning of the table is a group of technical implementations that must be passed by a case in the Religious Courts, from acceptance to completion of the case.

The series of main tasks require case administration which is the duty of the clerk's office, namely case reception activities, trial preparation activities, trial cases activities, and decision implementation activities.¹⁹

In proceedings at the Religious Courts, before a person or their attorney submits a request or lawsuit, they first register or register the case. The term acceptance of case files is also known in documenting the case. Reception of these files is done with a table system, namely Table I to Table III., which can explain the duties and authorities of each table as follows.²⁰

TABLE I:

- a. Receive requests, lawsuits, appeals, cassation requests, requests for reconsideration, and requests for execution.
- b. A petition for resistance, a verse against a verse decision, is not registered as a new case..
- c. The 3rd party's petition for resistance (derden verzet) is registered as a new case in the lawsuit.

¹⁹ Musthafa, *Kepaniteraan Peradilan Agama*, (Jakarta: Kencana, 2005). h.51.-52

²⁰ Pedoman Pelaksanaan Tugas dan Administrasi Pengadilan Buku II, edisi Revisicetakan ke-2, Proyek Pembinaan Tehnis Yustisial Mahkamah Agung RI 1997. h. 40.

- d. Determining the amount of down payment for case fees as outlined in triplicate SKUM;
- e. Submit a letter of request, lawsuit, appeal, cassation, request for PK and request for execution complete with SKUM to the person concerned in order to pay the down payment for the case listed in the SKUM to the Religious Court Cash Holder.
- f. CASH
- g. Cash is part of the First Table.
- h. The cash holder receives and records the down payment for the court fee as stated in the SKUM in the financial journal of the case concerned.
- i. Recording down payment of cases in journals, specifically for patients of the first degree (lawsuits and applications), the case's serial number must be the same as the page number of the journal book.

TABLE II:

- a. Registering cases are entered into the civil case master register book by the case number listed on the SKUM/Claim Letter/Application.
- b. Registration of cases is carried out after the down payment of court fees is paid to the cash holder; the case number in the register is the same as the case number in the journal book.

TABLE III:

- a. Prepare and submit a copy of the Court's decision if there is a request from the parties.

- b. Receiving and giving receipts for appeal memorandums, counter appeal memorandums, cassation memorandums, counter cassation memorandums of response/response to reasons for PK.

3 Administration of Cases in Courts Electronically

Electronic case administration is a series of procedural processes in Court that are carried out using online or electronic systems, such as registering claims or requests, responding to lawsuits, replicating, duplicating conclusions, and submitting copies of decisions.²¹

a. Electronic Case Registration

PERMA No. 3 of 2018 explains that case registration at the Court can be done electronically through the Court Information System at the Court, Still, before registering a case, electronic users (Advocates) must first register their accounts online through the e-Court Application. Following are the registration steps:

- 1) Advocates first access the e-Court Application via Google or a web browser using a computer, tablet, or smartphone.
- 2) Then three options will appear in the search for the e-Court Application; select the part in green that says "Registered User Registration." After that, click, and fill in the fields for the new name, email address, and password.
- 3) Open the email and will get an activation link.
- 4) After activating, advocates or registered users log in by clicking on the red section on the web browser page.

²¹ Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang *Administrasi Perkara di Pengadilan secara Elektronik*, Bab I Pasal 1 Ayat (5).

- 5) Fill in the fields in the Application.
- 6) Advocates get validation from the High Court, where they are sworn in.

When an Advocate registers his account, he must upload several documents into the e-Court Application, namely, KTP, KTA (valid Advocate Membership Card), and minutes of the advocate's oath by the High Court. Then the High Court verified the data and documents where he was sworn in. After being verified, registered users (Advocates) can only register electronically.²²

Registration of lawsuits or requests made online also uses the e-Court Application. Following are the procedures for registering cases online through the e-Court Application:

- 1) Go to the case registration section in the application.
- 2) Then the text "add lawsuit" will appear at the top of the column.
- 3) Click the add lawsuit section, and choose the court that is authorized to handle the case or cases to be registered.
- 4) Register a special power of attorney which has been stamped where the party has represented an attorney to register this case at the Court.
- 5) Paying PNPB from the registration of a special power of attorney.
- 6) Get an online registration number.
- 7) Fill in the parties' data which includes party status, name, address, telephone, email, province, district, sub-district.

²² Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab III, Pasal 6, 7.

- 8) Uploading data or documents of lawsuits/applications and principal approval letters for electronic proceedings.²³
- 9) Obtain a court case fee calculation (e-SKUM).
- 10) Pay down payment of the case to the court account.
- 11) Waiting for confirmation from the system.
- 12) The Junior Registrar of Lawsuits/Requests logs into the Application using the username and password provided by the SIPP Administrator.
- 13) See if anyone has registered a new case in the new registration menu.
- 14) The Junior Registrar of Lawsuits/Appeals selects the case classification, and verifies/does not verify cases that have just been registered.
- 15) The registrant (advocate) will receive a case number.²⁴

b. Call of the Parties Electronically

The Bailiff or Alternate bailiff will later summon the party who has filed a case at Court to attend the trial at Court. Substitute bailiffs or bailiffs gathering the parties aside from visiting the parties' homes directly can also be summoned electronically.²⁵ The following are the rules for calling the parties electronically:

²³ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab IV, Pasal 9.

²⁴ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab V, Pasal 13, 16.

²⁵ Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang *Administrasi Perkara di Pengadilan secara Elektronik*, Bab IV Pasal 11.

- 1) The registered user (proxy of the Plaintiff) is summoned electronically by the bailiff because he is deemed to have agreed to an electronic case when he entered the case registration.
- 2) The defendant on the first call was made manually or by visiting the address directly by the bailiff or substitute bailiff.
- 3) The second summons and so on to the defendant can be carried out electronically, if:
 - a) The defendant attended the first hearing.
 - b) The defendant accepted an offer from the judge to proceed electronically in the next trial.
 - c) Fill out the consent form electronically and use your electronic domicile through the e-Court application.
 - d) The defendant receives a notification that his electronic domicile has been registered within two days or 2x24 hours after the trial is over.
 - e) The defendant submitted a principal approval letter that he agreed to litigate electronically.

Registered Users must submit original documents on the first trial day. These documents are the power of attorney, lawsuit, and principal approval letter for proceedings in Court electronically.²⁶

The bailiff/substitute bailiff receives an order from the Chief Justice to summon or send subpoenas to the parties electronically via the e-Court

²⁶ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab VII, Pasal 19.

Application. The following is how the bailiff/substitute bailiff sends summons to the parties:

- 1) Bailiff / Substitute bailiff Log in to the e-Court Application using the username and password provided by the SIPP Administrator.
- 2) Check the trial schedule in advance.
- 3) Upload a call release letter that has been officially signed and stamped into the Application.
- 4) The bailiff/substitute bailiff sends a summons to the parties, both the plaintiff and the defendant who accept that the proceedings will be carried out electronically.²⁷

c. Summons to Parties Outside the Legal Area of Courts Electronically.

Summons to parties who are domiciled outside the jurisdiction of the Court can be made by directly sending a summons release letter electronically to the party through the e-Court Application without having to be given to the competent Court because electronic domicile is not limited by jurisdiction.²⁸

d. Answers, Replicas, Duplicates, and Conclusions Electronically

The series of proceedings electronically in Court is limited to registration, summons, and down payment of case fees and the trial process. Responding to

²⁷ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab VII, Pasal 20.

²⁸ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab VII, Pasal 22.

lawsuits, Replicas, Duplicates, and Conclusions can be done electronically through the e-Court Application without having to come to Court. Who must take the following steps for registered users:

- 1) Registered Users log into the application with their username and password or password.
- 2) It uploads documents as Answers to lawsuits, replies, Duplicates, and Conclusions sequentially according to the order in which the trial was conducted. The day of uploading and sending by each party is no later than one day before the specified day, and if it has not been sent within that day, it will be deemed not responding or empty.
- 3) The e-Court application will send documents that have been uploaded by each party to the parties, both the plaintiff and the defendant via electronic domicile.
- 4) In sending the document, it is also accompanied by the schedule of the trial that will be held next.
- 5) In the e-Court application, a notification will appear that the document has been sent to the intended electronic domicile.²⁹

4 Legal Effectiveness Theory

Based on KBBI (Big Indonesian Dictionary), Effectiveness has the same meaning as Effectiveness which means a state of influence, efficacy, and success

²⁹ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab VIII, Pasal 25.

regarding efforts and actions regarding enacting laws and regulations.³⁰ The Effectiveness of law according to language can be interpreted by the success and enactment of the law's implementation. According to Hans Kelsen, when we talk about legal Effectiveness, we indirectly also talk about legal validity.³¹ Legal validity are norms or regulations that are binding on legal subjects, so that a person must obey the law that is ordered.

The purpose of law is to provide peace by realizing justice and certainty in society as a whole without certain exceptions. The contents of a law are rules or regulations that are made either when events occur in the present or in the future.³²

According to Soerjono Soekarto there are 5 factors that determine whether a law is effective or not, namely:

a. Own Legal Factors

The function of law is for justice, peace, and expediency; in its Application, sometimes conflicts occur both in terms of fairness and legal certainty. The criterion for effective law is when society makes law a guideline that what must obey to produce justice and harmony in the community.

The nature of legal certainty is real, while the nature of justice is abstract or cannot be generalized. So that when judges decide cases based solely on statutory regulations, sometimes in one situation and condition, the

³⁰ Big Indonesian Dictionary (Jakarta: Language Center, 2008), 274

³¹ Sabian Usman, *Dasar-Dasar Sosiologi*, (Yogyakarta: Pusat Belajar, 2009), 12

³² Soerjono Soekanto, *Beberapa Pemasalahan Hukum Dalam Kerangka Pembangunan di Indonesia*. (Jakarta: PT. Raja Grafindo Persada, 2008), 11

value of justice has yet to be achieved. So when encountering topics related to the law, it is better to prioritize justice because more is needed for cases related to law to look at only one point of view, namely the written law, but also at the rules or norms that apply in society.

b. Law Enforcement Factors

This factor includes parties who formulate and stipulate laws, namely law enforcement officials who can provide justice and benefit according to their duties. The law enforcement apparatus is divided into two elements: law enforcement institutions and their devices, such as the police, prosecutors, Judiciary, and legal advisers.

Law enforcement officials work according to their authority, including receiving reports, investigating, prosecuting, proving, deciding, and imposing sanctions. Law enforcement officials, in carrying out their duties, cannot act arbitrarily because law enforcement officials work according to the professional code of ethics they have.³³

In its implementation, law enforcement officials have problems that arise from the law enforcers themselves, namely:

- 1) Limited social interaction
- 2) Lack of enthusiasm in welcoming the future making it difficult to make projections or programs
- 3) Easily satisfied with an achievement
- 4) Lack of innovative power in law enforcers

³³ Juhaya S.Praja, *Teori Huku dan Aplikasinya*, (Bandung: Pustaka Setia, 2011), 27.

5) Lack of aspirations within

However, the problems that arise in law enforcement can be minimized. According to Soerjono Soekarno, several efforts can make to overcome these problems, such as providing education or training, getting used to being open, always accepting change, developing potential, and always sticking to your convictions without putting aside the rights and obligations of others.³⁴

c. Facilities Factor (Facilities)

Supporting facilities can be interpreted as a means used by law enforcers to achieve their goals. If supporting facilities are difficult to realize, it will hamper the law enforcement process.

Legal certainty and speed of resolving cases depend on the realization of supporting facilities by their functions. According to Soerjono Soekarno, the factor of facilities in law enforcement is very influential because it is only possible for law enforcement to run smoothly with supporting facilities and infrastructure. Supporting facilities or infrastructure include, among others, educated and skilled human resources, suitable organizational forms, adequate equipment, and sufficient finance to facilitate the community. In addition, good facilities must also be supported by law enforcers with high integrity.

d. Community Factors

³⁴ Salman Luthan, "Penegakan Hukum Dalam Konteks Sosiologis" *Jurnal hukum*, Vol IV, No 7 (1997): 57-58.

The community factor is essential in law enforcement because the community's response to the law differs. The law enforcement process comes from people who want peace, tranquility, and justice in their community.

The difference in people's views on a law arises from where the community lives and resides, so the principle of harmony needs to be put forward so that people have the same idea of the law. For example, some people live where the law is well enforced, and the law enforcement apparatus also has high integrity, so those living in that area will have a favorable view of the law. Conversely, if the law enforcement apparatus works appropriately, the value of the law in the site will be considered substantial by the people living there.

From the explanation above, the community criteria that assist in the Effectiveness of the law are people who obey and understand the law and the importance of legal awareness both for the community itself and the interests of the state.

e. Cultural Factors

According to Lawrence M. Friedman, the law is a subsystem of structure and culture. The system is a container or order that comes from formal legal institutions. Cultural factors are almost the same as societal factors but are distinguished because, in cultural factors, the emphasis is on cultural values such as spiritual, material, or non-material. So if, according to culture, it is considered good, then it will be embraced by the community, and what is considered flawed will be avoided by society.

Culture is a system that includes values that underlie applicable law. These values are pairs of values that reflect two circumstances that must adjust. According to Soerjono Soekarno, the teams of values that play a role in law are:

- 1) The value of peace and the value of order
- 2) Physical value and spiritual value
- 3) Perpetuity value and novelty value

With the values and culture of the local community, it is hoped to establish a reciprocal relationship between customary law and positive law in Indonesia.³⁵

³⁵ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT. Raja Grafindo Persada, 2008), 37-38.

CHAPTER III

RESEARCH METHOD

A. Types of research

The type of Research used in this study is Empirical Juridical Research. Empirical Juridical Research is legal Research about enacting a law in society.³⁶ Research in this case will conduct interviews at research locations to observe how Research, in this case, will conduct interviews at research locations to observe how the implementation of electronic justice administration services at the Nganjuk Religious Court. To obtain primary data, the Research interviewed court employees or staff who knew about implementing electronic case administration at the Nganjuk Religious Court.

Judging from its nature, this Research is included in descriptive analysis. Namely, Research that aims to describe in a coherent and non-overlapping manner a phenomenon that exists in society.³⁷ Then, in this study, researchers will explain how the Implementation of PERMA Number 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court and its effectiveness.

B. Research Approach

This study uses a sociological juridical research approach; sociological juridical Research identifies and conceptualizes law as a functional and concrete institution in real life.³⁸ This study uses a sociological juridical research approach; sociological juridical Research identifies and conceptualizes law as a functional

³⁶ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008), 135.

³⁷ Sanapiah Faisal, *Format-Format Penelitian Sosial* (Jakarta: PT.Raja Grafindo Persada, 2005), 20.

³⁸ Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: UI Press, 1986), 51.

and concrete institution in real life. This Research emphasizes Research that aims to gain empirical knowledge of the law by going directly to the field, namely knowing how to implement PERMA No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court and how effective PERMA No. 1 of 2019 regarding Administration and electronic trials at the Nganjuk Religious Court. From the data obtained, the data produced by this sociological-juridical approach corresponds to empirical reality in detail, depth, and thoroughly.

C. Research sites

The place where Research is done to gather data is called the research location—the Nganjuk Religious Court, which is situated at Jl. Gatot Subroto, Ringin Anom, Ringinanom, Kec. Nganjuk, Nganjuk Regency, East Java 64419, is where this Research is being conducted. The Nganjuk Religious Court provided the setting for the researchers' study because this court had adopted PERMA 1 of 2019 on Case Administration and Trials electronically in the trial process through e-court and e-litigation. Additionally, the total number of e-court cases at the Nganjuk Religious Court in 2022 up until September 3, 2022, included 343 patients. The lack of human resources in Nganjuk Regency caused only 2 of the 342 e-court-registered cases to go to e-litigation.

D. Data Types and Sources

1. Primary data

Primary data sources are data directly obtained through interviews. So that the data obtained comes from the first source in the field related to the problem

being studied.³⁹ The researcher conducted interviews with the parties directly involved in implementing PERMA no 1 of 2019, including judges, advocates, and judicial staff who are responsible for serving e-court and e-litigation administration. The data obtained is the result of interviews regarding the implementation of PERMA No. 1 of 2019 and the obstacles and benefits received for the Nganjuk Religious Court, the community, and attorneys.

2. Secondary Data

To support primary data, it is necessary to have secondary data, namely data obtained through literature relevant to the research topic. Such as procedural law literature, SIPP, court websites, books that contain electronic trial process mechanisms, and some information that supports the author in this study.⁴⁰

E. Data Collection Methods

1. Interview

The interview is a technique of collecting data by communicating or asking questions to informants to obtain the required data information. The type of interview used in this study was a semi-structured interview asking several questions to the informant that was flexible but not far from the purpose of the discussion that had been designed.⁴¹

The researcher interviewed informants related to this Research, namely judges, e-litigation officers, e-court officers, and attorneys as users. Researchers make judges informants because judges have experienced the process of e-

³⁹ Amiruddin dan H. Zaina Asikin, *Pengantar Metode Hukum* (Jakarta: PT. Raja Grafindo Persada, 2006), 30.

⁴⁰ Amiruddin dan H. Zaina Asikin, *Pengantar Metode Hukum*, 82.

⁴¹ Hamid Patilima, *Metode Penelitian Kualitatif*, (Bandung: Alfabeta, 2005), 75.

litigation in the Nganjuk Religious Court, and judges know more about the effectiveness and shortcomings of e-litigation than the manual procedural system. Then the researcher will also conduct interviews with administrative staff because the administrative staff is the first to receive e-court registration and know better the shortcomings of e-court in the justice system. In addition, the researcher will also conduct interviews with advocates as parties who the Supreme Court gives special authority in operating e-court because lawyers are parties who upload lawsuits, pay down payments at banks, and print decisions in digital form.

Table 2
Resource Data

| No. | Name | Information |
|-----|--------------------------------|---|
| 1. | Ugan Gandaika, SH, MH | Judge |
| 2. | Drs. HM Iskandar Eko Putro, MH | Judge |
| 3. | Fathul Mubin, S.HI. | Head of IT and reporting |
| 4. | Bima Fristianto, SH, MH | Staff officers at the Nganjuk Religious Court |
| 5. | Buku Sandi Irawan | Lawyer |
| 6. | Muhammad Choirun Nafik | Lawyer |
| 7. | Amiruddin | litigation parties |

2. Documentation

Documentation is data collection from notes, transcripts, newspapers, books, magazines, and photos of activities.⁴² In this study, the results of the documentation were in the form of e-court and e-litigation guidelines and

⁴² Amiruddin, Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: PT Raja Grafindo Persada, 2004), 68.

mechanisms, photos of interviews with informants, photos of e-court and e-litigation supporting facilities, and other documentation related to this Research.

F. Data Management Methods

In this study, the data management methods used by researchers are:

1. Edit

Editing, in this case, is an effort to tidy up the informant's answers, examine the informant's responses, and readjust one solution to another. In this process, the researcher re-examined the data obtained through interviews and documentation; the data will be re-examined and reduce data that is not by the research theme, namely the implementation of PERMA No. 1 of 2019 on Administration and electronic trials at the Nganjuk Religious Court Class as well as the effectiveness of PERMA No. 1 of 2019 on Administration and electronic trials at the Nganjuk Class Religious Court. This process is essential because the data that has been collected is sometimes overlooked and out of the research topic.

2. Classification

The interview data and documentation will be classified into sections to form a series. This grouping is useful for researchers in facilitating data analysis to make it more efficient. In this classification process, the researcher divides the data into two parts; the first is data related to the implementation of PERMA No. 1 of 2019 electronic Administration and trials, and the second is data associated with the effectiveness of PERMA No. 1 of 2019 on Administration and tests. Electronically at the Nganjuk Religious Court.

3. Verification

This verification stage is the stage to prove the correctness of the data, namely, the researcher will re-check the correctness of the data obtained. This stage is done by re-matching the voice recording with the interview results at the Nganjuk Religious Court.

4. Analysis

At this stage the data will be processed by simplifying the data into a written form that is easy to understand. This stage is a means for researchers to interpret the data that has been obtained. The data will then be processed in such a way that it can answer the formulation of the problem. So that data from interviews and documentation can be interpreted scientifically and academically.

5. Conclusion

The final data processing process is concluding to obtain answers to this Research. This process completes the four previous data processing processes: editing, classification, verification, and analysis. This conclusion answers the problem formulation that what determined at the beginning of the study.

CHAPTER IV

RESEARCH RESULTS AND DISCUSSION

A. Overview of Research Locations

The Nganjuk Religious Court is tasked with administering justice to uphold law and justice based on Pancasila as one of the executors of judicial power for Muslims seeking justice, with the primary tasks of receiving, examining, adjudicating, and resolving every case submitted to him and other tasks assigned based on regulations legislation. The Nganjuk Religious Court is situated in Kauman Village, Nganjuk District, and Nganjuk Regency on Jalan Gatot Subroto.

1. Geographical location

The Nganjuk Religious Court area is precisely bordered by:

- To the north : bordering Bojonegoro Regency
- To the east : bordering Jombang Regency
- West : bordering with Madiun Regency
- To the south : bordering with Kediri Regency

Nganjuk Regency is located between 11105' to 112013' East Longitude and 7020' to 7059' South Latitude. The area of Nganjuk Regency is around ± 122,433 Km² or 122,433 Ha which consists of:

- Rice field land 43,052.5 Ha
- Dry land 32,373.6 Ha
- Forest land 47,007.0 Ha ⁴³

2. Vision and Mission of the Nganjuk Religious Court

The vision of the Nganjuk Religious Court refers to the vision of the Supreme Court of the Republic of Indonesia which is the highest state institution in the Indonesian Administrative System in holding Judicial Power, namely the Realization of the Supreme Religious Court.

Then to achieve this vision, the Nganjuk Religious Court sets out the following missions:

- a. Maintaining the Independence of the Nganjuk Religious Court.
- b. Providing equitable legal services to justice seekers.
- c. Improving the Quality of Leadership in the Nganjuk Religious Court.
- d. Improving Credibility and Transparency in the Nganjuk Religious Court.⁴⁴

3. Organizational Structure of the Nganjuk Religious Court

The organizational structure of the Nganjuk Religious Court consists of the Chairperson, Deputy Chairperson, 5 (five) Judges, Registrar, Secretary, Junior Registrar of Lawsuits, Junior Registrar of Applications, Junior Registrar of Law, 3 (three) Substitute Registrars, 3 (three) Substitute Bailiffs , Head of Sub-Division of Personnel Organization and Administration and Head of Sub-Division of

⁴³ Laporan Tahunan 2018 Pengadilan Agama Nganjuk, 4-5.

⁴⁴ Ditjenmiltum Mahkamah Agung RI, E-Court, *Era Baru Beracara di Pengadilan* <https://www.pt-bengkulu.go.id/berita/e-court-era-baruberacara-di-pengadilan> di akses pada tanggal 5 Oktober 2021. Pukul 10.28 WIB.

General Affairs and Finance, Information Technology and Reporting, Computer Administration, 5 (five) staff of the Nganjuk Religious Court.

B. Data Analysis and Exposure

In this chapter the researcher will describe all the data that has been obtained in the field such as data from interviews with informants. After the data is presented, the researcher will then analyze it using the theoretical studies in Chapter II, so that the formulation of the problems raised in this study will be answered in Chapter IV.

1. Implementation of PERMA Number 1 of 2019 on Electronic Administration and Trials at the Nganjuk Religious Court.

PERMA Number 1 of 2019 on Case Administration in Courts Electronically is a revision of PERMA Number 3 of 2018 concerning Administration of Cases in Courts Electronically. As for what is meant by electronic case administration here is a series of processes or stages of proceedings carried out in court starting from case receipt, registration, payment receipt, delivery of summons, answers, replic, duplic, conclusions, receipt of legal remedies, as well as management, delivery and storage case documents carried out through electronic media using an electronic system that applies in each court environment.⁴⁵

Regulations regarding proceedings with electronic media began to be enacted on March 29 2018 in Jakarta, namely in the form of PERMA Number 3 of

⁴⁵ Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara di Pengadilan Agama di Pengadilan Secara Elektronik Bab I pasal I ayat 6.

2018, this regulation was made to realize the principle of a simple, fast and low-cost trial by keeping up with increasingly sophisticated times so as to create a system effective and efficient court administration. Then on August 8 2019 the PERMA No. 1 of 2019 was issued concerning the Electronic Administration of Cases in Court as a complement to the previous regulation. This regulation contains regulations regarding the implementation of electronic trials. As for what is meant by electronic trials, namely a series of processes ranging from examining to adjudicating cases in court which are carried out by utilizing information and communication technology.⁴⁶

The regulation was refined with the aim of applying the principle of a simple, fast and low-cost trial as stated in Article 2 paragraph (4) of Law Number 48 of 2009 concerning judicial power. In addition, to keep up with the increasingly sophisticated times, it is hoped that with this regulation, the Courts in Indonesia can implement a more effective and efficient justice system by utilizing technological sophistication. So that the number of cases that enter the court can be processed more efficiently.

PERMA Number 3 of 2018 on Electronic Administration of Cases in Religious Courts began to be implemented in Indonesian courts in a gradual manner, there have been nine Religious Courts appointed by the Supreme Court as examples of other Religious courts to apply this regulation since the enactment of the regulation. Meanwhile, the Nganjuk Religious Court itself began implementing this regulation starting in December 2018.

⁴⁶ Peraturan Mahkamah Agung Nomor 1 tahun 2019 bab I Pasal 1 Ayat 7.

This is in accordance with what was said by Ugan Gandaika, SH, MH, as a judge at the Nganjuk Religious Court,⁴⁷

"Implementation of PERMA Number 1 of 2019 has been implemented since this PERMA took effect, so in terms of the application of the justice system, all courts from Sabang to Merauke have implemented this, this is a national program and this is also contested at the Supreme Court, the more cases electronically the better value, be it in an e-court only or even better in terms of e-litigation, the big goal is 1. We are welcoming the era of changing times that is now the age of technology and information, 2. Providing convenience for the public when yesterday was the pandemic season so it could be wrong an alternative to reduce the spread of the pandemic."

The answer from Ugan Gandaika, SH, MH above explained that since the enactment of regulations regarding electronic court proceedings, the Nganjuk Religious Court began implementing them in December 2018, and continued until these regulations were revised into PERMA Number 1 of 2019.

The Nganjuk Religious Court is the only Religious Court in Nganjuk Regency, as a small district in East Java, the number of cases that have entered the Nganjuk Religious Court is quite a lot. In 2022 from January to October the number of cases that were submitted reached 2,126 cases consisting of lawsuits and petition cases.⁴⁸ Therefore the application of Supreme Court Regulation number 1 of 2019 is expected to be able to apply the principle of a simple, fast and low-cost trial, and is also expected to assist in streamlining the handling of cases at the Nganjuk Religious Court.

In 2020 all countries in the world are faced with a virus called the Covid-19 virus, and Indonesia is no exception. With the spread of the Covid-19 virus

⁴⁷ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁴⁸ Sipp.Pa-Nganjuk.

very quickly, the Government then stipulated several provisions in an effort to prevent the spread of the virus by implementing several health protocols such as using masks, not crowding and implementing social distancing or keeping a distance and also calling for carrying out office activities through Work From Home (WFH). This of course also has an impact on community activities, including in the court environment, especially the Nganjuk religious court. The Supreme Court as the highest judicial institution in Indonesia made a decision issued through a Supreme Court circular letter Number 1 of 2020 concerning Guidelines for Carrying Out Duties During the Prevention Period for the Spread of the 2019 Corona Dissae Virus (Covid-19) within the Supreme Court of the Republic of Indonesia and the Judiciary bodies under it, which one of them is advocating the use of electronic media in carrying out the administration of case reception by using the e-court system and also conducting trials by utilizing the e-litigation system in accordance with the provisions contained in PERMA Number 1 of 2019 concerning Case Administration in Courts Electronically .⁴⁹

In response to this circular letter, the Nganjuk Religious Court did several things in an effort to participate in preventing the spread of the 2019 Corona Dissae Virus (Covid-19) as stated in the Circular of the Chief Justice of the Supreme Court Number 1 of 2020. The Nganjuk Religious Court in its efforts to introduce the public to the system proceedings in court which can be carried out using electronic media in the framework of preventing the spread of the Covid-19 Virus during a pandemic, one of which is by placing a poster on the front or a

⁴⁹ Surat Edaran Ketua Mahkamah Agung Nomor 1 Tahun 2020 nomor 1 poin a.

place to queue for case registration that is easily accessible so that people who want to register their case can see the poster. This is in accordance with what was explained by Bima Fristianto, SH, MH as a staff at the Nganjuk Religious Court.

*"Efforts from the Nganjuk Religious Court in response to the Circular from the Chief Justice of the Supreme Court, one of which is by placing posters in front that are easily accessible to the public, so that the community knows that the Nganjuk Religious Court has also implemented a procedural system using an electronic system, starting from registration to receipt of judgment"*⁵⁰

From the explanation above, the Nganjuk Religious Association stated that it was ready for its participation in implementing PERMA Number 1 of 2019 concerning Electronic Administration of Cases in Courts.

The PERMA Number 1 of 2019 contains the rules for court cases using electronic media. The litigation process is the same as the manual procedure, which starts from case registration, down payment, summons of the parties, answers, replicas, and duplicates to receiving the decision. Meanwhile, what distinguishes PERMA Number 1 of 2019 from PERMA Number 3 of 2018 lies in the conduct of trials. In the PERMA Number 1 of 2019, it is stated that trials can also be carried out through electronic media, namely by using e-litigation and also from the point of view of E-Court users, which are not only intended for registered users (advocates) but may also be used by other users.

The initial stage of the proceedings using the electronic system is to register the case in the One-Stop Integrated Services (PTSP) section, namely the E-court Table section. The plaintiff or his attorney generally carries out case

⁵⁰ Bima Fristianto, Wawancara (Nganjuk, 19 Oktober 2022)

registration by coming directly to the Court to register his case; in case registration for proceedings using electronic media, the case registration is carried out by the plaintiff now without using a legal representative or commonly referred to as another user, must come directly to the Court to register the case at the E-Court Desk, then get an account for the trial using the E-court application. However, if a Legal Counsel or an Advocate carries out the case registration and the Advocate has been registered, the case registration can be done online through the Registered User account.

PERMA Number 1 of 2019 concerning Electronic Administration of Cases in Court explains that two users may use case administration services in electronic courts, namely registered users or other users. Registered Users are Advocates who meet the requirements to use the court information system, while other Users are legal subjects other than advocates who meet the criteria to access the court information system, which includes prosecutors, government legal bureaus/TNI/POLRI, RI Attorney General's Office, and also individuals.⁵¹

This is what was said by Ugan Gandaika, SH, MH, as a Judge at the Nganjuk Religious Court,

*"For cases there are 2 users, if I'm not mistaken, 1. for advocates, 2. the general public who are users, at least 2 users, users and advocates, but if the advocate clearly has to be registered with him, already registered with the Court, so the method is easy, he has to Register first in the e-court application, address and possibly signature electronically, all electronically, then create an email address."*⁵²

⁵¹ Peraturan Mahkamah Agng Nomor 1 Tahun 2019 tentang administrasi perkara di Pengadilan secara elektronik bab 1 pasal 1.

⁵² Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

The answer from Ugan Gandaika above explains that there are two users of electronic case administration services, namely registered users and others. Apart from that, advocates who wish to hold proceedings using electronic service facilities must first register themselves to be called registered users.

Then Sandi Buku Irawan, as an Advocate, also explained,

"To have their own account in the e-court, advocates need to register themselves, all of them actually get it, like me peradi, in peradi it is announced in all regions, all the heads of all the heads are notified by the members please inform them to immediately register the e-cour, then The problem with the e-court is that there are those who register themselves, there are those who surrender to the office, there are in the office... surrender is complete, and the problem is that when we are busy in court we can't access it, those who access must pay an oath, must take a photo of a diploma like that, the stages there's a lot."⁵³

The steps that must be carried out by registered users (advocates) when they wish to register cases through electronic media by 129/KMA/SK/VIII/2019 are as follows:

- a. Accessing the E-court application through a web browser using a computer, tablet, or smartphone.
- b. Then register by filling in your full name, email address, and desired keywords.
- c. After that, registered users (advocates) can log into the E-court application.
- d. The next step is to complete the Advocate's data.⁵⁴

The data in question are:

⁵³ Sandi Buku Irawan, Wawancara (Nganjuk, 24 Oktober 2022)

⁵⁴ Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor 129/KMA/SK/VIII/2019.

- a. Identity card
- b. Advocate Membership Card
- c. Minutes of the Advocate's Oath by the High Court⁵⁵

Then after the High Court has verified the Advocate, he can register his case online through the E-court application. While the steps that other users must carry out to report their cases, they must have the following requirements:

- a. With being tied to an institution, other users can bring an identity card and a replacement KTP or passport.
- b. For or other Users who are Ministries and institutions or SOEs, they must have the following:
 - 1) Identity Card or Certificate of Substitute KTP
 - 2) Employee Card
 - 3) Power of Attorney/assignment
- c. For other Users who are Attorneys who serve as State Lawyers, they must have the following::
 - 1) Identity Card or Certificate of Substitute KTP
 - 2) Employee Card
 - 3) Power of Attorney and/or Letter of Assignment
- d. For other users who are legal entities, they must have the following:
 - 1) Identity Card or Certificate of Substitute KTP
 - 2) Decree as an Employee

⁵⁵ Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang administrasi perkara di pengadilan secara elektronik bab II Pasal 5.

- 3) Special Power of Attorney
- e. For other Users who are incidental power of attorney, they must have the following:
- 1) Identity Card or Certificate of Substitute KTP
 - 2) Special Power of Attorney
 - 3) Incidental permission from the Chief Justice

After these requirements are met, other Users can register at the E-court table at the PTSP service and get an account to access the E-Court application. The report is only valid for one case, except with the permission of the head of the Court.⁵⁶

After these requirements are met, and an account has been obtained, registered users and other users can access the E-Court application and log in using their accounts. After that, in the last section, an option will appear as Online Claim List; registered users and online users can choose this option and can then select which Court they will take place to register their case. Then the next steps for registered users or other users are:

- a. Choose the competent Court
- b. Uploading a special power of attorney
- c. Get registration number
- d. Enter party data

⁵⁶ Keputusan Ketua Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin B

- e. Uploading lawsuit/application documents and principal approval letter for electronic proceedings

The next step is that registered users or other users will get an estimated down payment based on e-SKUM, an automatic calculation from the E-Court application. Furthermore, registered users and other users pay down payment fees through e-SKUM, which is done online at a bank addressed to the Court's account. Prepayment fees are temporary case fees the plaintiff must pay so the Court can process the case he registers. If the down payment fee is not paid, the patient will be deemed non-existent, and the patient will not be processed in Court.⁵⁷

The down payment fee is determined based on the processing fee, which has been regulated in PERMA Number 3 of 2012 concerning the cost of the case settlement process and its management at the Supreme Court and judicial bodies under it, namely as follows:

- a. Registration fee
- b. PNPB power of attorney and summons of the plaintiff and the defendant
- c. office stationery
- d. Cost of doubling the lawsuit for the defendant
- e. Defendant summons
- f. Stamp

⁵⁷Yahya Harahap, *Hukum Acara Perdata*, 215.

g. Editor.⁵⁸

The most crucial thing in determining the amount of the down payment fee is in terms of transportation for summons and notification to the parties, where the farther the domicile of the party from the Court is, the greater the down payment fee that who must incur.⁵⁹

However, in proceeding in Court using electronic media, the down payment fee used to summon the parties to be paid later will be a little more economical, as explained by Bima Fristianto as staff of the Nganjuk Religious Court.

*"The size of the down payment differs from the radius, the farther it is the more expensive, because for the cost of the call, if a person is here who lists the person present in this city it will automatically be cheaper because the call will deliver it, but if those from Ngluyu, Jaticalen or outside the area call it expensive because to The cost is what makes the difference, what makes the difference, then is it cheaper, yes cheaper, because the plaintiff's summons doesn't need to be called, it can be done electronically so it can cut the down payment expenses."*⁶⁰

As added by Ugan Gandaika as a Judge at the Nganjuk Religious Court.

*"For the parties, of course it is cheaper because he is summoned electronically, by Email (electronic mail) he says Email in the PERMA, Email means the email address, so the call is through an email address. So from the plaintiff's side it is clearly advantageous to be summoned via Email."*⁶¹

From the explanation above, the down payment costs for cases incurred during the proceedings using electronic media are more economical because all

⁵⁸ Peraturan Mahkamah Agung Nomor 3 Tahun 2012 tentang biaya proses penyelesaian perkara dan pengelolaannya pada mahkamah agung dan badan peradilan yang berada dibawahnya pasal 5 ayat (1)

⁵⁹Yahya Harahap, *Hukum Acara Perdata*, 215.

⁶⁰ Bima Fristianto, Wawancara (Nganjuk, 19 Oktober 2022)

⁶¹ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

summons or notifications addressed to the plaintiff are not counted in the down payment. The plaintiff will receive a summons and information through the E-court application on their respective account, or it can also be sent via Email by the Court.

The steps that must be carried out by E-court users when making down payment payments are as follows:

- a. Obtain an estimated down payment fee (E-SKUM) and an electronic payment channel virtual account code.
- b. Make payments by the estimated down payment fee (E-SKUM).
- c. Waiting for automatic confirmation from the system, checking payments automatically or manually by filling out the form provided by the E-Court application.
- d. Get a case number after the case is registered in the SIPP.⁶²

The next step, after the registered user and other users has paid the case down payment electronically, the Court will see a notification of a new topic entered in the E-Court application, and the Court, through the One-Stop Integrated Services (PTSP) section, will examine the files submitted. Uploaded by the user to the application, when the files have been fulfilled and verified, the Court will select a classification and confirm that the case has been received. So after that, the patient will automatically get a case number from SIPP.

⁶² Keputusan Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin C nomor 5

After the file is verified and the case number is obtained, the Court, through the clerk, submits the file to the Chief Justice to determine a panel of judges to examine and adjudicate the case. After having studied the case files, the board of judges then deliberated and decided the time for the trial and ordered the parties' summons.

This is by the answer submitted by Ugan Gandaika as a Judge at the Nganjuk Religious Court,

"Administrative arrangements are the same as standard cases, from the list later, the most important thing is if the e-court first, it must be registered, approved by us, then he has paid the court fee, transfer too, of course, later he will get a number, so the flow registered, get a case number, pay because the principle is if there is no money there is no case when it is noted, that is as usual, PMH will appear, appoint the assembly hall, then PMH will later establish when the BHS hearing day is."⁶³

The next stage is summoning the pre-party; the officer authorized to call the parties is the bailiff/substitute bailiff.⁶⁴ The process of calling the parties can be done manually and electronically. Manual and electronic dialing is different. If the summons is done manually, then the bailiff or substitute bailiff immediately summons the Plaintiff and the Defendant at the address listed in the summons. Then if the warrant is made electronically, the contract for the Plaintiff is no longer made directly to the domicile address. Still, the summons is made online through the e-Court application. And summons to the Defendant is still done manually by visiting the address listed in the warrant.⁶⁵

⁶³ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁶⁴ Yahya Harahap, *Hukum Acara Perdata*, 219

⁶⁵ Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang administrasi perkara di pengadilan secara elektronik Bab IV Pasal 15

In calling the parties electronically, some rules govern this. The following are the rules for naming the parties electronically:

- a. The registered user (proxy of the Plaintiff) is summoned electronically by the bailiff.
- b. The Defendant on the first call was made manually.
- c. The second summons and so on to the Defendant can be carried out electronically, if:
 - 1) The defendant attended the first hearing.
 - 2) The defendant accepted an offer from the judge to proceed electronically.
 - 3) Fill out the electronic case approval form.
 - 4) The defendant is notified that his electronic domicile has been registered within two days or 2x24 hours after the trial.
 - 5) Defendant submitted a letter of principal approval.⁶⁶

From the explanation above, We can see that the bailiff still carries out the electronic summons process? This is in line with the answer given by Fathul Mubin, S.HI., as Head of IT Subdivision and Reporting of the Nganjuk Religious Court,

*"If an electronic call is still being called by the bailiff, but the call is electronic, so the login is logged into the bailiff's account, the electronic call is through the e-court application, which is connected to the registered user's email."*⁶⁷

⁶⁶ Keputusan Direktur Jenderal Badan Peradilan Agama Mahkamah Agung Republik Indonesia Nomor 1294/DjA/HK.00.6/SK/05/2018 tentang *Petunjuk Pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan secara Elektronik*, Bab VII, Pasal 19.

From the explanation above, we can see that the bailiff carried out the summons to the parties in the Nganjuk Religious Court. The bailiff enters the bailiff's account with the specified username and password and then makes a call to the parties.

In Article 5 RV, it is explained that if the bailiff/substitute attorney wants to summon the parties while the parties are outside the relative jurisdiction of the Court, then the summons of the parties is carried out by delegating the warrant to the bailiff or substitute court attorney who is in the jurisdiction of the relative domicile from that party.⁶⁸

The steps for calling the parties electronically are as follows:

- a. The bailiff/substitute bailiff logs into the E-Court application using the predetermined password and username.
- b. Before sending the summons, the bailiff/substitute bailiff confirms the trial schedule in advance.
- c. The bailiff/substitute bailiff calls the parties to hold a hearing at their respective electronic domiciles through the E-court application.⁶⁹

The next step in carrying out electronic proceedings is trial. This electronic trial is carried out with the agreement of the parties. The parties may conduct a trial without directly attending the hearing. The stages in electronic trials based on Supreme Court Decision Number 129/KMA/SK/VIII/2019 concerning Technical

⁶⁷ Fathul Mubin, Wawancara (Nganjuk, 24 Oktober 2022)

⁶⁸ Yahya Harahap, *Hukum Acara Perdata*, 219.

⁶⁹ Keputusan Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 tentang petunjuk teknis administrasi perkara dan persidangan di pengadilan secara elektronik poin E nomor 2.

Instructions for the implementation of electronic administration and trials are as follows:

a. Document inspection stage

Document examinations are carried out at the first trial, which both parties must attend. The parties will submit a power of attorney, the original letter of claim, and the agreement to proceed electronically. In this first trial, the panel of judges will also offer the Plaintiff the to conduct or conduct an event using electronic media.⁷⁰

This is by what was explained by Ugan Gandaika, as a judge at the Nganjuk Religious Court,

*"So when the trial will be held, the most important thing is that there must be a letter of approval to use the e-court by the principal, namely the legal representative, he agrees that he has not used the e-court. Want to use e-litigation" if he doesn't want to, it's like a typical case; register electronically, but the stages don't use e-litigation. E-litigation is based only on answers, answers, conclusions, and reading of decisions electronically, meaning that it is considered an electronic trial."*⁷¹

b. Preliminary Trial Stage

At the initial trial stage, the Panel of Judges will examine the documents of the parties, order mediation and offer the parties to carry out trials via electronic means.⁷²

⁷⁰ Keputusan Ketua Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin E nomor 5

⁷¹ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁷² Keputusan Ketua Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin E nomor 5.

This statement was also clarified by the idea of Ugan Gandaika, as the Judge of the Nganjuk Religious Court, when the researcher asked when who offered the e-litigation process to the parties,

"The judge's offer of e-litigation was during the trial, during the trial after mediation, so ideally there are two opinions, there are those who argue before mediation is offered, the second is after mediation because it has not yet entered the case, so after entering the main case after mediation is offered" Do you want the Defendant to use e-litigation?"⁷³

c. Advanced Trial Stage

At the subsequent trial stage, the session with the agenda of submitting answers from Defendant, after being verified what will forward to Plaintiff, then Plaintiff presents a duplicate, after being verified by the Panel of Judges, who will send it to Defendant, and so on. And all of these documents are uploaded to the Court Information System in pdf and RTF/doc formats.

At the trial stage, which is conducted electronically, the trial schedule has been determined from the start, so when the proceeding uses electronic media, the parties will know when to upload their files. Because in the procedural system using electronic media, there is no term postponement of trial due to one's absence which in this case is in the form of uploaded files, except for valid reasons, the parties must send the documents on the specified date.⁷⁴

This statement is also supported by the idea of Iskandar Eko Putro, as a judge at the Nganjuk Religious Court,

⁷³ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁷⁴ Keputusan Ketua Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin E nomor 5.

"Later, if it has been agreed to use e-litigation, a court calendar will be determined, the court calendar is like scheduling, when will the answer from the defendant come in, when will the replica, when will it be duplicated, then pause first, because it requires another trial in court for proof, proof is complete then conclusions can use e-litigation again until the judge's decision, that is if it is agreed, but if there is one other thing or something it can be rescheduled."⁷⁵

d. Proof Stage

In the Supreme Court Statement Letter Number 129/KMA/SK/VIII, it is stated that the procedures for electronic trials are as follows:

- 1) The parties Upload stamped document evidence into the court information system.
- 2) Trial evidence by examining witness statements can be carried out using audio-visual.
- 3) Plaintiff or Defendant bears all costs related to this evidentiary agenda.
- 4) Trials electronically are conducted using the facilities provided by the Court, with the agenda of examining witnesses' statements under oath before the judge and substitute clerks.

Examination of witnesses in this electronic trial continues to present witnesses; witnesses will be summoned to Court and then give their testimony under oath before the Judge and substitute clerk in the trial.⁷⁶

As stated by Ugan Gandaika, as a Judge at the Nganjuk Religious Court,

⁷⁵ Iskandar Eko Putro, Wawancara (Nganjuk, 19 Oktober 2022)

⁷⁶ Keputusan Ketua Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin E nomor 5.

*"For proof it still has to come at trial, online proof is still not there, even though now we can but now we have not referred to it, that we still need to show evidence that we must be present at trial, in accordance with PERMA it is the same as having to be present at trial, proving You can't witness that even though outside the area can be facilitated, but the provisions of the Supreme Court are still for trials, but for evidence it has to be in the courtroom."*⁷⁷

Trials electronically are carried out by uploading the required document files into the application, which will then be forwarded to the opponent so that the opposing party will also read them. As in the question and answer session, Plaintiff and Defendant can read the replica from Defendant, and vice versa, Plaintiff, can read the duplicate from Defendant.

As explained by Sandi Buku Irawan as an advocate whom researchers met at the Nganjuk Religious Court,

*"In the e-litigation that uploaded all the advocates, so you are the attorney for this brother, the time for an answer, that's right, the trial is that, we just send by email, 9 to 14 o'clock in the afternoon, we upload, pdf and word photos, enter our answer, already... we are waiting for the next notification later there will be more notifications.. so what's the name like this, it's already in the registration section, online lawsuit, this is the PN that was just finished yesterday, is this a civil case trial the agenda is presenting the principal, the first trial is present then the lawsuit is read, then after that the lawsuit is read immediately, then there is an agenda for the court documents uploaded, the Defendant's answers are uploaded, I uploaded Sandperadi86, I uploaded the document and then I will replace the Plaintiff's replica, there also collect it, postponed what date is the trial? here it says, May 31, 2022, 8 to 14 o'clock, then changing the duplicate I also submitted it again, sandiperadi87, a document like this."*⁷⁸

From the explanation above, it is known that advocates carry out all electronic trials by uploading files via email; the process of uploading answers and answers can be carried out from 9 to 2 pm more than that, the litigants are considered not to have exercised their rights, as the researcher asked. To Mr.

⁷⁷ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁷⁸ Sandi Buku Irawan, Wawancara (Nganjuk, 24 Oktober 2022)

Ugan Gandaika as the Judge of the Nganjuk Religious Court, if the registered user does not immediately send the file at the agreed time,

*"Yes, it is considered not using his rights, meaning he has passed the stages of his rights"*⁷⁹

e. Decision

After the agenda for the initial trial to the continuation, including the examination of witness statements, the following agenda is the delivery of decisions. Judges submit decisions and then convey findings through the court information system to the parties in pdf format. In the agenda for reading the decision, the parties do not need to be present in Court because when the parties have agreed to proceed with electronic media, they are considered present at the trial.⁸⁰

This is in line with what was conveyed by Ugan Gandaika as the Judge of the Nganjuk Religious Court,

*"Yes, so it was uploaded on the e-court application itself, the e-litigation application on the agreed day at nine o'clock. The decision will be taken there, it is assumed that all parties are present because the trial is held online, it is considered that all are present."*⁸¹

This statement is also supported by Muhammad Choirun Nafik, an advocate whom the author met at the Nganjuk Religious court,

⁷⁹ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁸⁰ Keputusan Ketua Mahkamah Agung Nomor 129/KMA/SK/VIII/2019 Poin E nomor 5.

⁸¹ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

*"After the decision comes out you have to pay first, the decision on payment of BNBB is a copy of the decision, 14,500, let's pay it at this bank, after paying the bank we can download it immediately, there is confirmation of payment, it's already paid.. the decision is pdf so I print it first before I give it to principal."*⁸²

In addition, Bima Fristianto, SH, MH also believes that e-litigation decisions are delivered electronically,

*"If the e-litigation case has been submitted electronically, by uploading it on the e-court application, the Defendant, Plaintiff, respondent, the applicant can download it, automatically. Automatically it can download, because it's a system, e-litigation trials are made electronically. for payment of any PNPB electronically."*⁸³

As explained above, it is known that the decisions are delivered electronically; advocates must pay BNBB for a copy of the decision 14,500 to download the judgment.

Then the researcher also asked about the benefits of electronic proceedings regulated in PERMA Number 1 of 2019 to Drs. HM Iskandar Eko Putro, MH as a Judge at the Nganjuk Religious Court. He said,

*"I think it is very useful, one of which is that processing the event is easier, with electronics for many cases like us of course it saves time, say for answering work, the process of concluding until a decision can be passed through e-litigation, the second benefit for society is of course the community can understand the many benefits that can be known by the community, the benefits of down payment to save costs due to electronic summons, can save time not going back and forth to court if he lives far away, for example sleeping with his opponent in Probolinggo where he can save more than every week he went back and forth, I think it is of great benefit to the community, if the religious courts are self-defeating, this is in the form of community service, our commitment to provide service wholeheartedly."*⁸⁴

⁸² Muhammad Choirun Nafik, Wawancara (Nganjuk, 22 Oktober 2022)

⁸³ Bima Fristianto, Wawancara (Nganjuk, 24 Oktober 2022)

⁸⁴ Iskandar Eko Putro, Wawancara (Nganjuk, 24 Oktober 2022)

Then the researcher also asked about the benefits of PERMA Number 1 of 2019 Sandi Buku Irwan, an advocate whom the writer met at the Nganjuk Religious Court,

*"It's very helpful, the cost problem is also lighter, for activities it's also easier to access."*⁸⁵

From the results of the data and explanation above, we can describe the implementation of PERMA Number 1 of 2019 concerning Administration and Electronic Trials at the Nganjuk Religious Court. The researcher will make a table to explain how these regulations are applied in the Nganjuk Religious Court.

Table 3

The Implementation of PERMA No. 1 of 2019 on Electronic Administration of Cases at the Nganjuk Religious Court.

| No. | CONTENT OF PERMA NUMBER 1 OF 2019 | IMPLEMENTED | NOT YET |
|-----|--|-------------|---------|
| 1. | Electronic registration of lawsuits | Already | - |
| 2. | Registration of application cases electronically | Already | - |
| 3. | Use of e-court services from other users | Already | - |
| 4. | Call the parties electronically | Already | - |
| 5. | Make payment of down payment through the bank | Already | - |
| 6. | Trial electronically by the plaintiff | Already | - |

⁸⁵ Sandi Buku Irawan, Wawancara (Nganjuk, 24 Oktober 2022)

| | | | |
|----|--|---------|---------|
| 7. | Trial electronically by both parties | Already | - |
| 8. | Electronic proof | - | Not yet |
| 9. | Submission of decisions and copies of decisions electronically | Already | - |

From the table, we can see that the implementation of the PERMA Number 1 of 2019 at the Nganjuk Religious Court has been carried out. Although there is one thing that has yet to be implemented, namely in the evidentiary section, this is because the Nganjuk Religious Court still refers to the provisions of the Supreme Court to continue to present evidence in the courtroom.

Since the implementation of PERMA Number 1 of 2019, the Nganjuk religious court has faced internal and external obstacles. Several things continue to be pursued to maximize event services using this electronic media. Until now, these obstacles can be minimized, although there are still some obstacles; until now, these obstacles can be overcome and minimized by all parties of the Nganjuk Religious Court.

The existence of an electronic procedural system, of course, in addition to providing certain benefits, has drawbacks that need to be anticipated and solutions found as evaluation materials, including the deficiencies in the e-court presented by Ugan Gandaika, SH, MH as the Judge of the Nganjuk Religious Court,

"There are many obstacles, 1. The name of technology is very dependent on the name of the signal, when the signal is good, it's good, when the signal is not good, of course it will hinder of course the process of e-court and e-litigation itself, not good, often... in the lawsuit that was uploaded turned out to be bad, the results of

the upload were not good, so it was hampered, 2. Very often the user's lawyer did not upload the electronic agreement statement, that was also hampered, it was because of ignorance, so actually if he was summoned electronically it was not appropriate, because If you refer to this, if you want to be summoned electronically, apart from uploading a lawsuit and a power of attorney, he must also upload a letter of approval from the principal. All three must be available. What often isn't there is a letter of approval from the principal. there is no upload yet. 3. because maybe the Defendant felt he had lost or something, he didn't come again, finally he was called electronically using email, it should have been completed but because he used email because whether the advocad could use email or not, there was experience being called many times via email apparently not responded, so we have to finish the case rather long,"⁸⁶

As explained above, it is known that technology is very dependent on signals, sometimes some parties have a terrible network, so the upload results are not good, besides that Mr. Ugan Gandaika also explained that many Advocates do not include a letter of principal approval to use electronic services so that this is not worthy of a trial. Lastly, he also explained that there are parties who already feel defeated, so they don't want to attend this trial is very time-consuming, but this is also a separate evaluation for the Religious Courts to overcome this by going through the stages of the process as suggested by Drs Eko Budiono, SH, MH as chairman of the Nganjuk Religious court,

""Yesterday there was input from the leadership that the stages must be passed, so that the next stage can be decided quickly. That's the main factor because calling electronically doesn't cost anything, meaning it doesn't cost anything, sometimes it's also slow, it's the time, it can be uploaded until 9 o'clock in the afternoon, so more than that time it won't be uploaded, those are the obstacles using e-courts."⁸⁷

Bima Fristianto, SH, MH, as administrative staff at the Nganjuk Religious Court, has also experienced problems with operating e-courts, he said,

⁸⁶ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

⁸⁷ Ugan Gandaika, Wawancara (Nganjuk, 19 Oktober 2022)

*"In uploading documents, the name of the system is sometimes uploaded. We can't download it automatically, we can't register the case. opponent, if the opposing party doesn't accept it, it can be made an exception, it can't be read, what about us, we got it from the application, if it's manual, we can immediately oh this can't be read, it can be replaced, like that, but there's still more or less."*⁸⁸

From the explanation above, one can see that every application must have drawbacks, as was the case with Mr. Bima Fristianto, where sometimes documents can be uploaded by plaintiffs but cannot be downloaded by the staff of the Nganjuk Religious Court, there are also documents which who can download, but the records are not perfect. So it can be excluded.

Advocates have also experienced other obstacles; in this case, the researcher conducted interviews with Sandi Buku Irwan, an advocate whom the researcher met at the Nganjuk Religious Court,

"In my opinion the e-court application is too complicated, for example we want a lawsuit, we have to take a pdf photo it's too complicated there, then we have to transfer the bank sometimes the bank for each Court is not the same, like here BRI, then the bank in the PN is muamalah or What's that, then in Madiun Islamic Religious Education it's different, what's the difference in Islamic Mandiri Syariah, in Ngawi it's different again, so it's not the same, it's not the same bank, if people are smart it doesn't matter, but people who are very busy, let's say they have a lot of things, I'm sure it's too complicated , if it's not a word, it's like that or not, yo word yo pdf, it's too complicated to register... On the other hand there are a lot of cases, there are divorce cases, there are lawsuits, there are lots of people, not one by one, so I think it's too complicated."

From the information above, we can see that many lawyers are constrained when paying down payments because each Court's bank access is different; this is, of course, very inconvenient for advocates who handle many cases in other courts. Apart from that, Sandi Buku Irwan also added,

⁸⁸ Bima Fristianto, Wawancara (Nganjuk, 24 Oktober 2022)

*"I once had a problem; the money went to the bank, it was a problem, sometimes it won't come back, if we don't take care of it again at the bank, if we're in Madiun, come to the bank, we can't wait to come to the bank "sir, I'm from e - court this date, how come it didn't come in, oh yes, sir, confirmation has returned to my account," one week later, it's there."*⁸⁹

Bank transfers are often a separate obstacle for advocates because they involve external parties; the problem needs to be addressed by the Supreme Court regarding obstacles and efforts to minimize mistakes causing losses for the parties who want litigation, for the last one Sandi Buku Irwan also added that,

*"It turns out that one of the respective courts has not the same nominal, like this; in this court, the nominal payment is 770,000, paying 770,000 after entering if there isn't... plus 250 rupiahs, the admin or what I don't know, can only enter, if no, it doesn't go in, it's weird like that, it's complicated there, what I've experienced, registering 1,100,000 is 1,100,000 and doesn't pay that much, don't understand that there, "plus 250 uncles", why uncle? "The admin of the bank maybe uncle," so that's where it gets complicated, every time a lawsuit is in a photo, pdf, word, if the word is enough, you know, maybe that's it.."*⁹⁰

From Sandi's explanation, one can understand that paying down payments by bank transfer is often a problem that every Adcocad experiences; this certainly requires follow-up to minimize similar issues.

Table 4

Constraints and efforts were made in implementing PERMA Number 1 of 2019 at the Nganjuk Religious Court

| No. | The constrained party | Constraint | Effort |
|-----|-------------------------------|---|--|
| 1. | Nganjuk Religious Court Judge | a. A lousy signal makes the uploaded lawsuit not suitable; the results of the | a. Judges always reprimand advocates who do not bring an |

⁸⁹ Sandi Buku Irawan, Wawancara (Nganjuk, 24 Oktober 2022)

⁹⁰ Sandi Buku Irawan, Wawancara (Nganjuk, 24 Oktober 2022)

| | | | |
|----|-------------------------------|--|---|
| | | <p>upload could be better.</p> <ul style="list-style-type: none"> b. A lousy signal means that lawsuits or answers are not uploaded because who can only upload them from 9 to 9 pm. c. Lawyers for users often do not upload an electronic consent statement from the principal d. The Defendant did not come again; the summons was made many times because he was summoned electronically, which cost nothing. | <p>electronic consent form because it is not feasible.</p> <ul style="list-style-type: none"> b. For defendants who don't attend immediately after being summoned electronically, the solution is to skip the stages so that the following steps can be decided quickly. |
| 2. | Nganjuk Religious Court staff | <ul style="list-style-type: none"> a. The lawsuit is uploaded but cannot be downloaded, so it cannot be entered into the cash register. b. We can download the lawsuit, but the results could be better, it is not legible, so the opposing party only accepts it once it is dismissed. | - |
| 3. | Advocat | <ul style="list-style-type: none"> a. You have to transfer to a bank; often, every Court has a different bank, making it inconvenient for advocates who have many cases. b. Often bank transfers are troubling, so the Advocate needs to arrange for the bank | <ul style="list-style-type: none"> a. The bank transfers for each Court should be the same. b. The files that need to be uploaded in the e-court application should only be pdf, no need |

| | | | |
|--|--|---|------------------|
| | | to get the money back. c. Because of the electronic system, some people take advantage of it by requiring them to add 250 rupiahs so that the case can be processed. d. Must take pictures in pdf and word format. Not one of them. | for pdf and word |
|--|--|---|------------------|

Judging from the e-court case data, at the Nganjuk Religious Court, case registration through e-court tends to be stable at around 40, but this is the best compared to the number of cases that have reached e-litigation. The following is a table of case report data entered through e-court and e-litigation at the Nganjuk Religious Court.⁹¹

Table 5

Number of E-Court Cases received by the Nganjuk Religious Court in 2022

| No. | Month | Enter | Disconnected |
|-----|-----------|-------|--------------|
| 1. | January | 40 | 28 |
| 2. | February | 50 | 38 |
| 3. | March | 37 | 58 |
| 4. | April | 29 | 25 |
| 5. | May | 34 | 31 |
| 6. | June | 44 | 44 |
| 7. | July | 42 | 36 |
| 8. | August | 63 | 46 |
| 9. | September | 40 | 64 |

⁹¹ Rekapitulasi Penerimaan dan Penanganan Perkara e-Court pada Pengadilan Agama Nganjuk Tahun 2022

Table 6

**The number of cases that reached e-litigation at the Nganjuk Religious Court
in 2022**

| No. | Month | Enter | Disconnected |
|-----|-----------|-------|--------------|
| 1. | January | - | - |
| 2. | February | - | - |
| 3. | March | - | - |
| 4. | April | - | - |
| 5. | May | - | - |
| 6. | June | - | - |
| 7. | July | 1 | 1 |
| 8. | August | 1 | 1 |
| 9. | September | 1 | - |

There is a difference in numbers between the number of e-court users and e-litigation because advocates often register their cases through e-court but the parties do not agree that the issue will be resolved through e-litigation; this is because, in general cases at the Nganjuk Religious Court have something to do with such as divorce and child custody, so that the parties feel that something is lacking when the parties do not meet face to face, the lack of e-litigation rates is also due to the initial goal of all Religious Court Judges being to reconcile, as Sandi Buku conveyed. Irawan was an advocate who explained the reasons for the minimal number of e-litigations in each Religious Court.

"It's not that law enforcement officials at the Religious Courts aren't maximal yet, here the intention of the Religious Courts is to reconcile. I want the majlis to invite both of them, if I have hired a lawyer and an attorney there will be no

*problem, maybe they don't want to reconcile, but for the others, they want to reconcile."*⁹²

The table shows that the number of E-Court cases that enter the Nganjuk Religious Court each month stays relatively high and tends to be stable, namely around 40 each month. However, despite this, the number of cases registered manually is still more significant, and the public is more interested.

2. The Effectiveness of PERMA Number 1 of 2019 in Review of Effectiveness Theory According to Soejono Soekanto

Researchers conducted in-depth interviews with the Nganjuk Religious Court community and used several criteria to assess the effectiveness of a law. The description is as follows:

a. Legal Aspects

legal foundation for electronic trials, as stated in PERMA No. 1 of 2019, which is a renewal of PERMA No. 3 of 2008 concerning the Administration of Electronic Trials, is what is meant by the legal factors mentioned in this study.

Legally speaking, PERMA No. 1 of 2019 has been effective because of how far-reaching and cutting-edge contemporary advances are. Various elements promoted the effectiveness of PERMA No. 1 year 2019 from legal factors during the current of globalization, which has been labeled as 4.0, or the period of the industrial revolution where everything was so technologically advanced:

- 1) The fundamentals are easy, quick, and affordable.

⁹² Sandi Buku Irawan, Wawancara (Nganjuk, 24 Oktober 2022)

The judicial system in Indonesia needs to be updated, namely by implementing the e-court system, by Article 2 Paragraph 4 of Law Number 48 of 2009 Concerning Judicial Power, which states that the judiciary must fulfill the principles of being simple, fast, and low cost. With the implementation of e-court, the judicial process becomes simple, where court proceedings only require an internet connection and formalities before the court so that it can also suppress the spread of Covid-19. The simple principle in the judicial process is that the trial process must be carried out clearly, and simply enough so that it can cause a buildup of cases and adapt to current judicial conditions. The trial process in an e-court is only completed by sending files or documents through the website or the e-court system so that the trial is completed on time because the witness was present at the venue. The trial process in an e-court is only achieved by sending files or documents through the website or the e-court system. The e-court system can also lower expenses since it can uphold the principle of simplicity and speed, preventing delays and high costs associated with trials.⁹³

2) The usefulness principle

Using e-court in the justice system is more useful in urban communities with modern community lifestyles because every right or claim is filed by litigants and uses attorneys in the judicial process. E-court can save time instead of using a manual system, speeding up case settlement, and can be done simultaneously because all e-court activities take place online.

⁹³ Iskandar Eko Putro, Wawancara (Nganjuk, 19 Oktober 2022)

3) Case management is easier and more transparent.

E-court, according to Bima Arianto, is a component of the court's attempts to facilitate access to justice for the general public and those seeking it, as well as to improve the effectiveness, efficiency, and transparency of the judicial system.⁹⁴

E-court-based case management is quicker since it is more straightforward and transparent because one must enter just some of the required data. Justice seekers receive the justice they seek because they are not required to pay additional fees; instead, the parties must pay court fees in line with the amounts specified in the virtual account number.

4) Documents are effectively archived and available from a variety of gadgets and media.

The documents will be appropriately archived when a legal proceeding is conducted using the e-court system. Contrarily, if a case is resolved through traditional justice, there is still a chance of flaws in the records due to human or malicious error. Additionally, as they rely on the internet, the location and media in the e-court document storage can be accessed whenever and wherever.

5) Limiting the COVID-19 outbreak

Due to online-based legal procedures, e-courts can limit the transmission of the Covid-19 virus. This contrasts offline judicial procedures, which might result in a concentration of people in one location. The schedule and agenda in the

⁹⁴ Ugan Gandaika , wawancara (Nganjuk, 19 October 2022)

e-court are more predictable because this web-based e-court supports work that one may complete from home or while working from home (WFH). Second, all documents, including copies, duplicates, and findings, can be provided to the parties directly by email without them having to appear physically in court. Third, who can digitally sign any written evidence or document.⁹⁵ Fourth, telephone depositions of witnesses and specialists are sufficient to ensure that their absence will not cause the trial to be postponed. Fifth, the parties do not necessarily have to be present during the decision-reading procedure. Additionally, copies of decisions provided electronically are equally valid and recognized by the law as physical copies.

b. Law Enforcement Factors

This study's law enforcement component is meant for everyone interacting with these laws, including agencies and people looking for justice. To achieve the modernization of Indonesia's electronic-based court, law enforcement is specified by judges who have more responsibility for their position, as well as the role of judges in executing electronic trials at the Nganjuk Religious Court (e-Litigation).

According to legal considerations, law enforcement is ineffective, and several indicators make the execution of PERMA No. 1 of 2019 less than ideal:

1) Program understanding

When installing this E-court, it is essential to consider how well the court operator will comprehend the software because they are already familiar with this

⁹⁵ Sandi Buku Irawan , Nganjuk (Nganjuk, 24 October 2022)

E-court application. The community and certain court personnel are unaware of this disease, nevertheless. Some are aware of this E-existence, the court, but many are unaware of it. Because there are still some persons in the field who need to become more familiar with this E-court application, improvement is required for it to be effective. The neighborhood acknowledges that they are still waiting to hear from the court about this e-court. Some individuals only know that they can manage case requests at their neighborhood court, but the general public is unaware of an application that can be accessed independently at home using only a smartphone and an internet connection.⁹⁶

Because only some stakeholders are informed of how to use this E-court, it is clear from the program understanding indicators above that there is still a need to understand the E-court program. Who discovered that the community needed help comprehending this program or the methods for utilizing it independently at home. The district did not need to call for assistance from the court, so there must be an upgrade.

2) Target Exactness

Although the general public is the intended audience for this E-court, it is still primarily used by laypeople, and many still need access. E-court ought to be able to benefit the neighborhood and cut wasteful expenses.

Because of the availability of this application, persons are no longer required to appear in court for administrative tasks. so that those who wish to

⁹⁶ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Cet XIII, 60

provide administrative services will be more cost, time, and effort effective. However, it was discovered during its introduction that people kept going to the court office since they were unaware that this program existed. The individuals who had already arrived would be instructed to use their smartphones to individually access the E-court service.

The community is still unfamiliar with and confused of how to use the E-court application. Of course, this is related to the level of socialization that the community has received; however, the government's initial socialization research shows that this level of socialization is lacking because only verbal announcements were made to the community, and no banners, posters, or written appeals that are displayed in the court and are intended to inform the public about the existence of the E-court application were found.

From the interviews that the researchers conducted, it can be said that from the aspect of the accuracy of the target, the E-court program was not on target. For some people who get and understand how to use the E-court, it really helps the community and reduces moral and material losses because with this application people don't need to go to court. But there are still many people who are unfamiliar with the use of this application. This is of course related to the lack of socialization carried out by the court so far.⁹⁷

3) Being on time

⁹⁷ Fauzi Yusuf Hasibuan, *Strategi Penegakan Hukum*, (Jakarta: Fauzie & Partners, 2002), 39-40.

The time it takes to process a case request via the E-court varies greatly depending on who makes the request, how many people make the request, how good the signal quality is, and how dependent the central server is. If there are no issues and the information provided is complete, who can typically finish processing applications through the e-court application in a single day. Depending on the seriousness of the case, a full E-court settlement may take up to 6 months to complete. Similarly, a manual payment may take six months or longer to complete depending on the complexity of the case filed.⁹⁸

Thus, the amount of time required for completion when using an e-court varies considerably depending on the volume of requests received and the signal strength.

4) Achieving objectives

The achievement of a program's goals can be used as a yardstick for the program's performance. The purpose of this e-court is to reduce access and cost-effectiveness for the people themselves, according to the explanation provided by the court as the program's operator. The study's findings indicate that this e-court application's goal has yet to be entirely attained. With this e-court, individuals no longer need to travel to the court to handle administrative matters; instead, they can do so at home using a smartphone. However, some individuals are still

⁹⁸ Bima Fristianto , wawancara (Nganjuk, 24 October 2022)

unaware of this application, and this community's ignorance undoubtedly affects asking individuals to utilize e-court services.⁹⁹

Even though processing this paperwork could already be done online, who discovered that some individuals visited the court right away to organize procedural documents due to their ignorance.¹⁰⁰

c. The factor of facilities

A supporting aspect of law enforcement is the facility factor. Facilities are the most crucial aspect of this electronic trial's implementation; if all proposals are adequate, we can be confident that law enforcement will function more efficiently regardless of whether or not the law is implemented. The PERMA No. 1 of 2019 governs all aspects of electronic court operations, including the regulation of electronic court support facilities.¹⁰¹

According to the study's findings, the Nganjuk Religious Court has effective facilities that meet the requirements for using electronic trials. This is because the court is backed by a space that can be converted into an electronic courtroom and offers amenities like:

- computer hardware
- Internet connection
- sound system

⁹⁹ Soerjono Soekanto, *Beberapa Pemasalahan Hukum Dalam Kerangka Pembangunan di Indonesia*. (Jakarta: PT. Raja Grafindo Persada, 2008), 11

¹⁰⁰ Ugan Gandaika, wawancara (Nganjuk, 19 October 2022)

¹⁰¹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Cet XIII, 60

- teleconference

When the plaintiff and defendant are in far jurisdictions, such as outside Java, teleconferences are highly helpful in overcoming distance restrictions, lowering the intensity of the parties traveling to the court office, and minimizing the interaction of the parties.¹⁰²

In particular, the Nganjuk Religious Court and the Nganjuk Regency government must consider the equitable distribution of internet connections while planning facilities and infrastructure. Many regions in the Nganjuk district, including hilly areas like Ngluyu, still lack a reliable network, which will significantly impact the efficacy of electronic trials. This difficulty is not without cause.

d. Social and cultural aspects

The goal of law enforcement is to bring about peace in society. Every individual or group is aware of the law. Societal legal compliance with the law shows how well the regulation works. On the other hand, culture essentially consists of the values that underlay relevant legislation, whose values are conceptualizations of what is good (so it is obeyed) and what is evil (so it is avoided). The applicable customary law is thus based on or derived from Indonesian culture.¹⁰³

¹⁰² Bima Fristianto , wawancara (Nganjuk, 24 October 2022)

¹⁰³ Ugan Gandaika , wawancara (Nganjuk, 19 October 2022)

According to the author's research, several elements render these social and cultural factors ineffectual, including:

1) Technology-wise Backward

Of course, public education levels also impact community restrictions on the use of technology, as a better comprehension of technology is correlated with higher education levels. Most of the litigants in the Nganjuk Religious Court are elementary school and junior high school graduates (SD and SLTP, respectively), and some have never been to school.

This is in line with Amiruddin's statement that the Nganjuk Religious Court litigants desired to pursue their cases separately. E-Court, as it is more affordable than manual litigation from a financial standpoint. However, they cannot litigate in court because they need to grasp computer technology (knock-on technology). They only completed elementary school (SD). Therefore they are compelled to choose lawsuits manually because doing so will undoubtedly cause them problems. e-Court.¹⁰⁴

2) Some areas of Nganjuk need internet access.

The usage of applications-Court is supported in a significant way by the internet. The court cannot be used if there is no internet access. It must be acknowledged that there are still parts of Nganjuk that are remote, challenging to access, and without the internet. As a result, they are unable to file a lawsuit.

¹⁰⁴ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Cet XIII, 60

Amiruddin said he genuinely wanted to file a complaint online because their location was distant from the Nganjuk Religious Court. It would save them the trouble of traveling there in person. They are forced to manually submit cases and travel to the Nganjuk Religious Court office every time there is a hearing because there is no internet access at home or in the village where they reside.

3) Lack of an email account

Sending letters online is possible with email. A PC or mobile device with an internet connection can be used as internet media. The parties to the lawsuit must both possess and be able to utilize email. Each case's process begins with registration and ends with sending a copy of the ruling via the online court application linked to the user's registered email. But since so many individuals need to own or understand how to use email, it is impossible to file a lawsuit in court.

4) Do not have an Android smartphone

People who register cases online with e-Court must also own Android smartphones. Litigants periodically check on open issues, such as trial dates and agendas, using Android smartphones with internet access. However, there are still litigants who lack an Android smartphone and cannot represent themselves in court.

5) Consider having a personal account.

People who want to file a lawsuit in court must have a personal account. Any fee transactions, such as the payment of the cash down cost and the return of

the remaining case down payment, are done through the personal account. Many plaintiffs, however, lack personal funds, making it impossible for them to participate in private court proceedings.

The researcher might conclude from the findings of the interviews mentioned above that the regulations governing e-litigation impact the level of effectiveness. Only two of the four criteria—the legal and facility factors—have been implemented successfully; the other two, the law enforcement and cultural community factors, are still not being applied successfully. A summary is provided in the table below.

Table 7

Table of indicators for electronic trial effectiveness

| Theory Effectivness Law | Effective | Not Effective |
|------------------------------------|------------------|----------------------|
| Factor Law | ✓ | |
| Law Enforcement Factors | | ✓ |
| Factor of facilities | ✓ | |
| Factor Public | | ✓ |
| Factor Culture | | ✓ |

Based on the analysis of the data obtained by the researcher, it shows that the effectiveness of electronic trials at the Nganjuk Religious Court is less effective because of the five factors used to measure legal effectiveness; only two

factors are met, namely legal factors and facilities. In comparison, the three factors that are not satisfied are enforcement factors. Law, society, and culture. This lack of effectiveness is due to the lack of outreach from law enforcement and the unavailability of internet signals to the people who are not used to it and are technology illiterate. But these three factors can increase effectiveness if law enforcement becomes more effective in providing outreach and facilitating the community in applying e-litigation. An e-litigation system is still an option, so the number of users is relatively small; if the e-litigation system becomes mandatory for all judiciary in Indonesia, the public will get used to and maximize the use of e-litigation.

CHAPTER V

CLOSING

A. Conclusion

The following may be concluded from the findings of the data presentation and analysis that what did to the PERMA Number 1 of 2019 about Electronic Administration and Trials at the Nganjuk Religious Court:

1. The Nganjuk Religious Court has primarily implemented PERMA 1 of 2019 concerning electronic administration and trials, beginning with the case registration stage, case down payment fees, summons to the parties, answering answers, duplicative replicative, and trial stage. However, what cannot be proven electronically at the trial's location. However, there will be a minor rise in cases filed electronically in 2022, which will accept more patients at the Nganjuk Court since more individuals are aware of the electronic media-based legal system. That happens due to the rising number of visitors seeking information about technological advancements. Although some people know the procedural system using electronic media, those who use it typically have little free time to attend court hearings frequently. Additionally, more cases are registered manually or come to the Nganjuk Religious Court directly than are cases received through the E-Court system. This is because not everyone is familiar with technological advancement.

2. The PERMA No. 1 of 2019 is not entirely functional when used in the Nganjuk Religious Court. The Nganjuk Religious Court has offered good service, supported by a variety of suitable facilities, such as courtroom 2, which is outfitted with electronic trial equipment, so it can be said that legal aspects and facilities are effective. Although there is still room for improvement in the PERMA law enforcement factor, the availability of e-court and e-litigation services should be easier for the public to access themselves. They do not need to hire an advocate to use electronic trial services, and the community factor is still unaccustomed to using electronic services, but legal factors and the community will improve along with the improvement in PERMA and the dynamics of society who are starting to switch. as a response to the advancement of modernity.

B. Suggestion

1. Supreme Court

It should be completed again regarding the rules in the PERMA Number 1 of 2019 concerning the Administration of Cases in Courts electronically, in particular regarding the rules that confirm attorneys to send letters of approval using electronically from the principal, besides that there is also a need for laws -rules that discuss the equalization of bank transfers to all courts, because the advocate primarily determines the number of e-court users, if the advocate has many cases while he has to transfer to different banks it is very obstructive causing the implementation of PERMA Number 1 to be not optimal 2019 year..

2. Further Research

It is hoped that future researchers who discuss the same theme will not only examine the Implementation of PERMA Number 1 of 2019 regarding the Electronic Administration of Cases in Courts but in more detail, by looking for differences between this Regulation and the Procedural Law, then also analyze the differences between e-litigation users in the Religious Courts and e-litigation users in the District Court.

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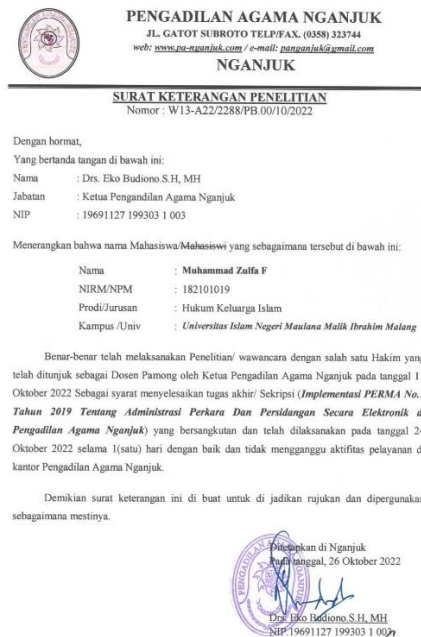
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Attachments

Appendix 1 Nganjuk Religious Court research acceptance letter



Appendix 2 Organizational structure of the Nganjuk Religious court



Appendix 3

Interview with a judge at the Nganjuk Religious Court



Appendix 4

Interview with Administrative staff of the Nganjuk Religious Court



Appendix 5
Interview with Advocat

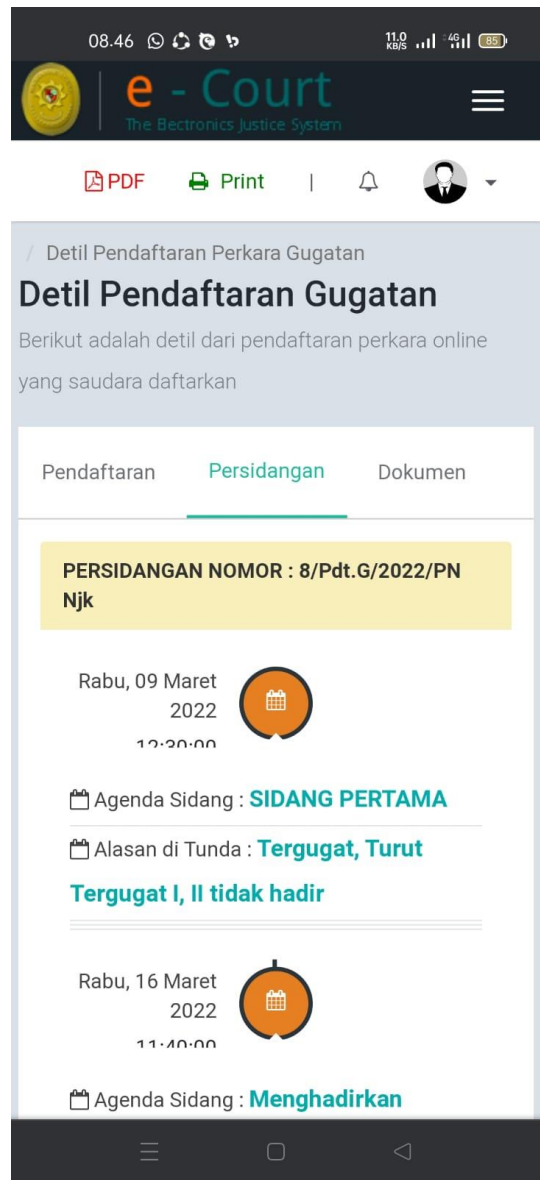
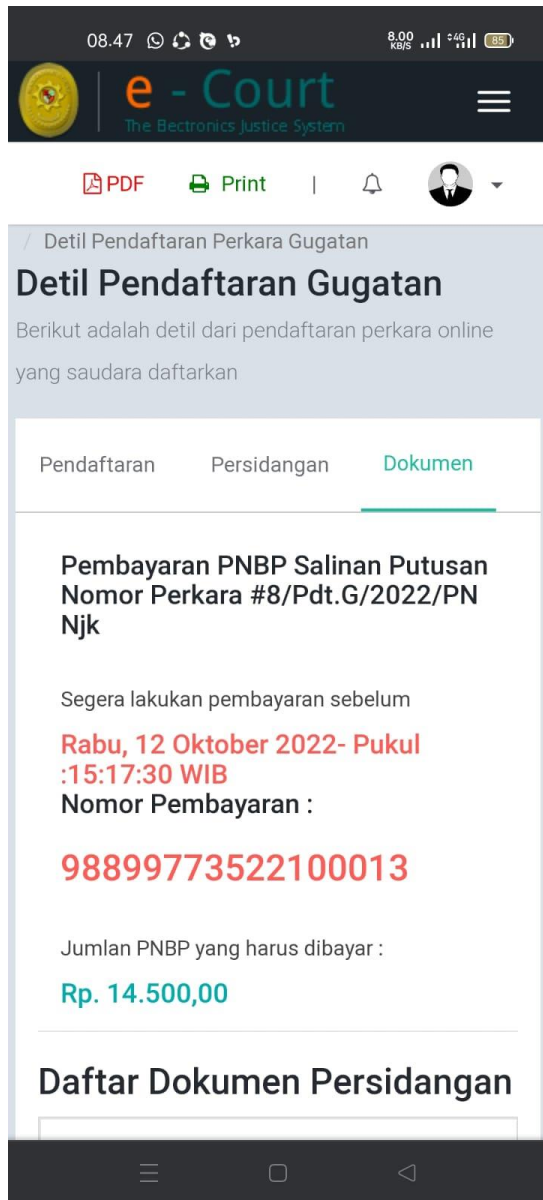


Appendix 6
PTSP and e-court table at the Nganjuk Religious Court



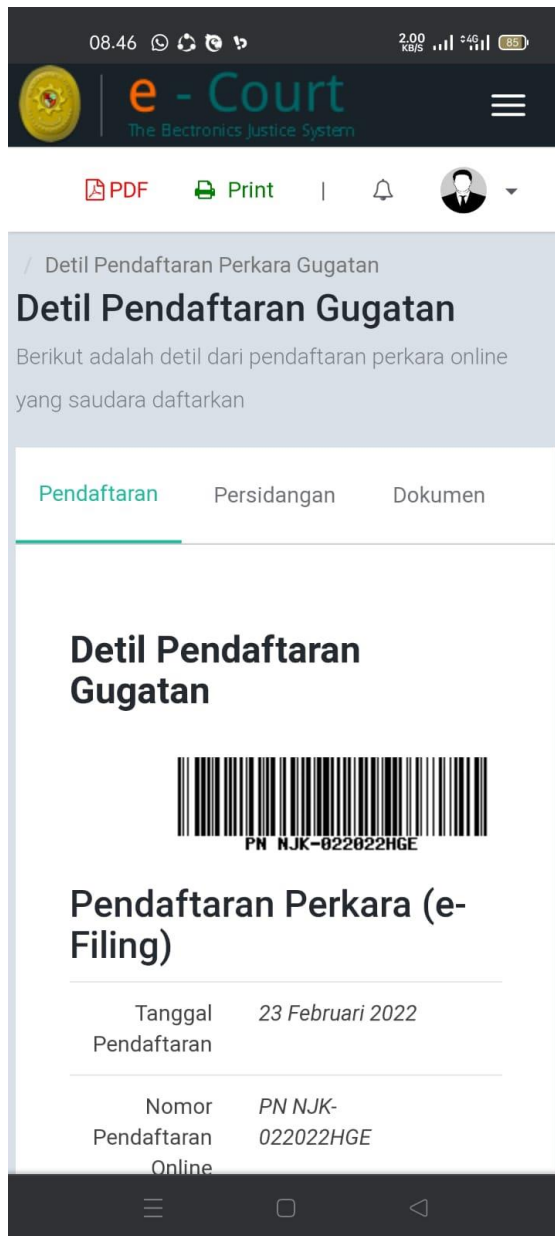
Appendix 7

e-court application



Appendix 8

E-court outreach



BIOGRAPHY

1. Name : Muhammad Zulfa F
2. NIM : 18210109
3. Address : Garu, Baron, Nganjuk
4. Place and date of birth : Nganjuk, 21 September 1997
5. E-mail : zulfafatkhur15@gmail.com
6. No. Tel : 6287762844005

School History

1. TK Garu III
2. MI Hayya Alal Falah
3. MTsN Tambak Beras Jombang
4. MA Muallimin Muallimat
5. UIN Maulana Malik Ibrahim Malang
6. PP Bumi Damai Al Muhibbin Jombang Tambak Beras
7. PP Darul Falah Pare Kediri
8. PP Darul Hikmah Umar Kediri