

**COMPARATIVE STUDY THE IMPLEMENTATION OF E-LITIGATION
BETWEEN RELIGIOUS COURT AND STATE COURT IN MALANG
FOR REALIZING SIMPLE, FAST, AND LOW-COST TRIAL**

THESIS

**By:
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SIN 19210099**



**DEPARTMENT OF ISLAMIC FAMILY LAW
FACULTY OF SHARIA
MAULANA MALIK IBRAHIM MALANG STATE ISLAMIC
UNIVERSITY**

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2023

STATEMENT OF THE AUTHENTICITY

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In the name of Allah

With consciousness and responsibility toward the development of since the writer declares that thesis entitled:

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APPROVAL SHEET

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**COMPARATIVE STUDY THE IMPLEMENTATION OF E-LITIGATION
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FOR REALIZING SIMPLE, FAST, AND LOW-COST TRIAL**

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MOTTO

إِنَّ مَعَ الْعُسْرِ يُسْرًا ﴿٦﴾

sesungguhnya sesudah kesulitan itu ada kemudahan.

Indeed, after difficulty, there is ease.

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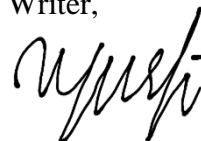
moral and material support to the author so that the author can complete this thesis.

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May Allah reward all their good deeds with better than what they give. The author realizes that this thesis is still far from perfection in terms of language, content, and analysis, so criticism and suggestions from readers of a constructive nature are highly expected by the author for the perfection of this thesis.

Malang, June 16th 2023

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Arina Yustika Fitri
SIN 19210099

LITERACY GUIDELINES

In writing scientific papers, the use of foreign terms is often unavoidable. According to the General Guidelines for Indonesian Spelling, foreign words are written (printed) in italics. In the context of Arabic, there are special transliteration guidelines that apply internationally. The following table presents the transliteration guidelines as a reference for writing scientific papers.

A. CONSONANTS

The list of Arabic letters and their transliteration into Latin letters can be seen on the following page:

Arab	Indonesia	Arab	Indonesia
ا	‘	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	ه	h
ش	sh	ء	‘
ص	ṣ	ي	y
ض	ḍ		

Hamzah (ء) at the beginning of a word follows its vowel without any sign. If

hamzah (ء) is located in the middle or at the end, it is written with a sign (‘).

B. VOCAL

Arabic vowels, like Indonesian vowels, consist of single vowels or monophthongs and double vowels or diphthongs.

Single Arabic vowels whose symbols are signs or harakat are transliterated as follows:

Arab letters	Name	Latin letters	Name
أَ	Fatḥah	A	A
إِ	Kasrah	I	I
أُ	Ḍammah	U	U

Arabic double vowels whose symbols are a combination of harakat and letters transliterated in the form of a combination of letters, namely:

sign	Name	Latin letters	Name
أَيَّ	Fatḥah and ya	Ai	A and I
أَوَّ	Fatḥah and wau	Iu	A and U

examples:

كَيْفَ : *kaifa*

هَوَّلَ : *hauḷa*

C. MADDAH

Maddah or long vowels whose symbols are letters and letters, transliterated in the form of letters and signs, namely:

Harakat and letters	Name	Letters and sign	Name
أَـ	Fatḥah and alif or ya	ā	a and line above
إِـ	Kasrah and ya	ī	i and line above
أُـ	Ḍammah and wau	ū	u and line above

Examples:

مَاتَ : *māta*

رَمَى : *ramā*

قِيلَ : *qīla*

يَمُوتُ : *yamūtu*

D. TA MARBŪṬAH

There are two transliterations for *ta marbūṭah*, namely: *ta marbūṭah* which is alive or received *fathah*, *kasrah*, and *ḍammah*, the transliteration is [t]. Whereas *ta marbūṭah* that dies or gets a sukun, the transliteration is [h].

If the word ending in *ta marbūṭah* is followed by a word that uses the article *al-* and the two words are read separately, then the *ta marbūṭah* is transliterated with *ha* (h). Examples:

رَوْضَةُ الْأَطْفَالِ : *raudah al-atfāl*

الْمَدِينَةُ الْفَضِيلَةُ : *al-madīnah al-fāḍilah*

الْحِكْمَةُ : *al-ḥikmah*

E. SYADDAH (TASYDĪD)

Syaddah or *tasydīd* which in the Arabic writing system is symbolized by a sign *tasydīd* (◌◌), in this transliteration is symbolized by a repetition of letters (double consonants) which is given a sign *syaddah*. examples:

رَبَّنَا : *rabbānā*

نَجِّنَا : *najjainā*

الْحَقُّ : *al-ḥaqq*

الْحَجُّ : *al-ḥajj*

نُعِمَّ : *nu''ima*

عَدُوُّ : *'aduwwu*

If letters *ى* has *tasydīd* at the end of a word and preceded by a letter with the letter *kasrah* (◌ِ), then it is transliterated as if it were a letter. *maddah* (ī). examples:

عَلِيّ : 'Alī (bukan 'Aliyy atau 'Aly)

عَرَبِيّ : 'Arabī (bukan 'Arabiyy atau 'Araby)

F. ARTICLE

The article of faith in the Arabic writing system is symbolized by the letter ال (*alif lam ma'arifah*). In this transliteration guideline, the article of faith is transliterated as usual, al-, both when it is followed by a *shamsiah* letter and a *qamariah* letter. The article does not follow the sound of the letter directly following it. The article is written separately from the word that follows it and is connected with a horizontal line (-). For example:

الشَّمْسُ : *al-syamsu* (bukan *asy-syamsu*)

الزَّلْزَلَةُ : *al-zalزالah* (bukan *az-zalزالah*)

الفَلْسَفَةُ : *al-falsafah*

الْبِلَادُ : *al-bilādu*

G. HAMZAH

The rule of transliterating hamzah letters into apostrophes (') only applies to hamzahs located in the middle and end of words. However, if the hamzah is located at the beginning of the word, it is not symbolized, because in Arabic writing it is an alif. For example:

تَأْمُرُونَ : *ta'murūnu*

النَّوْءُ : *al-nau'*

شَيْءٌ : *syai'un*

أُمِرْتُ : *umirtu*

H. WRITING ARABIC WORDS COMMONLY USED IN INDONESIAN LANGUAGE

Arabic words, terms or sentences that are transliterated are words, terms or sentences that have not been standardized in Indonesian. Words, terms or sentences that are already common and part of the Indonesian language treasury, or are often written in Indonesian writing, are no longer written according to the above transliteration method. For example, the words Quran (from al-Qur'ān), sunnah, hadith, special and general. However, when these words are part of a series of Arabic texts, they must be transliterated as a whole.

Example:

Fī zilāl al-Qur'ān

Al-Sunnah qabl al-tadwīn

Al-'Ibārāt Fī 'Umūm al-Lafz lā bi khuṣūṣ al-sabab

I. LAFẒ AL-JALĀLAH (الله)

The word "Allah" preceded by particles such as jarr and other letters or as muḍāf ilaih (nominal phrase), is transliterated without the letter hamzah.

Example:

دِينُ اللَّهِ : *dīnullāh*

As for the *ta marbūṭah* at the end of a word that is based on lafẓ al-jalālah, it is transliterated with the letter [t]. Example:

هُمُ فِي رَحْمَةِ اللَّهِ : *hum fī raḥmatillāh*

J. CAPITAL LETTERS

Although the Arabic writing system does not recognize capital letters (All Caps), in transliteration the letters are subject to the provisions on the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the initial letter of proper names (person, place, month) and the first letter at the beginning of a sentence. When a proper name is preceded by the article (al-), the initial letter of the proper name is written in capital letters, not the initial letter of the article. If it is located at the beginning of a sentence, then the letter A of the article is capitalized (Al-). The same provision also applies to the initial letter of the title of the reference preceded by the article al-, both when it is written in the text and in the reference notes (CK, DP, CDK, and DR). Example:

Wa mā Muḥammadun illā rasūl

Inna awwala baitin wuḍi ‘a linnāsi lallaẓī bi Bakkata mubārakan

Syahru Ramaḍān al-laẓī unzila fīh al-Qur’ān

Naṣīr al-Dīn al-Ṭūs

Abū Naṣr al-Farābī

Al-Gazālī

Al-Munqiz min al-Ḍalāl

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ABSTRAK

Arina Yustika Fitri, 19210099, 2023. Perbandingan Penerapan E-litigasi Antara Pengadilan Agama dan Pengadilan Negeri di Malang dalam Mewujudkan Peradilan Sederhana, Cepat, dan Biaya Ringan. Skripsi. Progran Studi Hukum Keluarga Islam. Fakultas Syariah. Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Erik Sabti Rahmawati, M.A, M. Ag

Kata kunci: perbandingan, e-litigasi, peradilan sederhana, cepat, dan biaya ringan

Dalam mewujudkan ketentuan Pasal 2 ayat (4) Undang- Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman. Mahkamah Agung sebagai badan peradilan tertinggi di Indonesia mengeluarkan Peraturan Mahkamah agung Nomor 7 Tahun 2022 tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. Hadirnya E-Court dan e-litigasi menjadi inovasi dalam mewujudkan peradilan elektronik di Indonesia yang bertujuan agar lembaga peradilan dapat menyelesaikan perkara secara sederhana, cepat, dan biaya ringan. Pengadilan Agama Malang dan Pengadilan Negeri Malang menjadi badan peradilan di Malang yang telah menerapkan e-litigasi. Namun, dalam penerapannya terdapat perbedaan yang signifikan dilihat dari jumlah perkara yang masuk dengan perkara yang mencapai tahapan e-litigasi.

Penelitian ini berfokus pada dua rumusan masalah. Pertama, bagaimana penerapan e-litigasi di Pengadilan Agama dan Pengadilan Negeri Malang. Kedua, bagaimana persamaan dan perbedaan penerapan e-litigasi di Pengadilan Agama dan Pengadilan Negeri Malang dalam mewujudkan peradilan sederhana, cepat, dan biaya ringan. Metode penelitian yang digunakan dalam penelitian ini merupakan metode penelitian yuridis empiris dengan menggunakan pendekatan kualitatif.

Penelitian ini menyimpulkan bahwa penerapan e-litigasi di Pengadilan Agama Malang dan Pengadilan Negeri Malang telah berjalan sesuai dengan regulasi yang berlaku mulai dari tahapan mediasi hingga pembacaan putusan. Namun, ada beberapa aspek yang belum berjalan secara baik. Hal ini dikarenakan masih adanya penyesuaian antara badan peradilan, regulasi terbaru, dan website e-court. Perbandingan antara Pengadilan Agama Malang dan Pengadilan Negeri Malang dalam mewujudkan peradilan sederhana, cepat, dan biaya ringan dilihat dari aspek regulasi lanjutan, pelayanan, dan inovasi setiap lembaga peradilan. Pengadilan Negeri memiliki regulasi lanjutan dan beberapa inovasi yang menjadikannya lebih siap dalam proses persidangan elektronik

ABSTRACT

Arina Yustika Fitri, 19210099, 2023. Comparative Study the Implementation Of E-Litigation Between Religious Court and State Court in Malang for Realizing Simple, Fast, And Low-Cost Trial. Thesis. Islamic Family Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang. Supervisor: Erik Shabti Rahmawati, M.A, M. Ag

Keywords: comparison, e-litigation, simple, fast, and low-cost trial

In realizing the provisions of Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power. The Supreme Court, as the highest judicial body in Indonesia, issued Supreme Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Court Proceedings Electronically. The presence of E-Court and e-litigation is an innovation in realizing electronic justice in Indonesia, which aims to enable judicial institutions to resolve cases simply, quickly, and at low cost. Malang Religious Court and Malang State Court are judicial bodies in Malang that have implemented e-litigation. However, in its application, a significant difference is seen from the number of incoming cases with cases that reach the e-litigation stage.

This research focuses on two problem formulations. First, how is the application of e-litigation in the Religious Court and Malang State Court. Second, how are the similarities and differences in the application of e-litigation in the Religious Courts and the State Court of Malang in realizing simple, fast, and low-cost trial. The research method used in this research is an empirical juridical research method using a qualitative approach.

This research concluded that the implementation of e-litigation in the Malang Religious Court and Malang State Court has been running in accordance with applicable regulations starting from the mediation stage to the reading of the decision. However, there are some aspects that have not run well. This is because there are still adjustments between the judicial bodies, the latest regulations, and the e-court website. The comparison between the Religious Court of Malang and the State Court of Malang in realizing simple, fast, and low-cost trial is seen from the aspects of advanced regulations, services, and innovations of each judicial institution. The State Court has further regulations and several innovations that make it more prepared in the electronic trial process.

الملخص

أرينا يوستيكا فيتري، ١٩٢١٠٠٩٩ ، ٢٠٢٣. مقارنة بين تطبيق التقاضي الإلكتروني بين المحاكم الدينية ومحاكم المقاطعات في مالانج في تحقيق محاكمات بسيطة وسريعة ومنخفضة التكلفة. أطروحة. برنامج دراسة قانون الأسرة الإسلامي. كلية الشريعة. الجامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانج. المستشار: أريك سبت رحماواتي، الماجستير في الآداب، الماجستير في العلوم الدينية .

كلمات أساسية: المقارنة ، التقاضي الإلكتروني ، العدالة البسيطة ، السرعة ، التكلفة المنخفضة

باعتبارها هيئة قضائية أعلى في إندونيسيا ، أصدرت المحكمة العليا لائحة المحكمة العليا رقم ٧ لعام ٢٠٢٢ بشأن التعديلات على لائحة المحكمة العليا رقم ١ لعام ٢٠١٩ بشأن الإدارة الإلكترونية للقضايا والمحاكمات في المحاكم تحقيقاً لأحكام المادة الثانية فقرة (٤) من القانون رقم ٤٨ لسنة ٢٠٠٩ بشأن السلطة القضائية. يعد وجود المحكمة الإلكترونية والتقاضي الإلكتروني ابتكاراً في تحقيق العدالة الإلكترونية في إندونيسيا والذي يهدف إلى جعل المؤسسات القضائية قادرة على حل القضايا ببساطة وسرعة وتكلفة منخفضة. محكمة مالانج الدينية ومحكمة مقاطعة مالانج هما الهيئتان القضائيتان في مالانج اللتان نفذتا التقاضي الإلكتروني. ومع ذلك ، في الممارسة العملية ، هناك اختلاف كبير من حيث عدد القضايا التي تم رفعها مع تلك التي وصلت إلى مرحلة التقاضي الإلكتروني.

تركز هذه الدراسة على صيغتين لمشكلتين. أولاً ، كيف يتم تطبيق التقاضي الإلكتروني في المحاكم الدينية ومحكمة مقاطعة مالانج. ثانياً ، ما هي أوجه التشابه والاختلاف في تطبيق التقاضي الإلكتروني في المحاكم الدينية ومحكمة مقاطعة مالانج في إجراء محاكمات بسيطة وسريعة ومنخفضة التكلفة. إن منهج البحث المستخدم في هذه الدراسة هو أسلوب بحث تجريبي فقهي باستخدام منهج نوعي.

خلصت هذه الدراسة إلى أن تنفيذ التقاضي الإلكتروني في محكمة مالانج الدينية ومحكمة مقاطعة مالانج وفقاً للوائح المعمول بها بدءاً من مرحلة الوساطة وحتى قراءة الحكم. ومع ذلك ، هناك العديد من الجوانب التي لم تسر على ما يرام هذا لأنه لا تزال هناك تعديلات بين القضاء وأحدث اللوائح الحكومية وموقع المحكمة الإلكترونية. يُنظر إلى المقارنة بين محكمة مالانج الدينية ومحكمة

مقاطعة مالانج في تحقيق محاكمة بسيطة وسريعة ومنخفضة التكلفة من جوانب التنظيم والخدمة والابتكار المتقدمين في كل مؤسسة قضائية. المحاكم العامة لديها أنظمة متقدمة والعديد من الابتكارات التي تجعلها أكثر استعدادًا لإجراءات المحكمة الإلكترونية.

CHAPTER I

INTRODUCTION

A. Research Background

The development of education and technology today has expanded almost every human activity, including the presence of various innovations that aim to facilitate human behavior. This development has an impact, one of which is in the field of law and justice. The Supreme Court, in facing the industrial era 4.0 in the blueprint book for judicial reform 2010-2035, states that policies are needed in a comprehensive and integrated technology and information management system to realize the ease and speed of the process of carrying out judicial duties and functions¹.

The Supreme Court is the highest judicial body within the scope of the judicial bodies under it, namely the General Courts, Military Courts, Religious Courts, and State Administrative Courts. In the principles of the exercise of judicial power, as stated in Article 2 paragraph 4 of Law No. 48 of 2009 on Judicial Power, it is stated that the judiciary shall be conducted in a simple, fast, and low cost.

In realizing a simple, fast, and low-cost trial, the Supreme Court issued Supreme Court Regulation Number 3 of 2018 concerning Case Administration in courts Electronically, which was further revoked by Supreme Court Regulation Number 1 of 2019 and amended by Supreme Court Regulation

¹ Mahkamah Agung Republik Indonesia, "Cetak Biru Pembaharuan Pengadilan 2010-2035," *Mahkamah Agung Republik Indonesia*, 2010, 107, <https://www.mahkamahagung.go.id/media/198.11>

Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Courts Electronically. E-Court and e-litigation are innovations in realizing electronic justice in Indonesia, which aims to enable judicial institutions to resolve cases simply, fast, and at low cost². The E-Court system consists of several sub-systems, namely online case registration or E-Filing, online fee payment or E-Payment, electronic summons or E-Summons, and online trial or E-Litigation³.

Supreme Court Circular Letter No. 2 of 2014 stipulates that the maximum time for examining cases at the first level is five months. With a large number of incoming cases and if not supported by an appropriate case settlement system, it will cause a buildup of cases. So that the existence of E-Litigation can accelerate the case settlement process, and the court principles stated in the Judicial Power Law in the form of simple, fast, and low-cost principles can be fulfilled.

Through Decree of the Chief Justice of the Supreme Court Number: 363/KMA/SK/XII/2022 concerning technical guidelines for case administration technical guidelines for administration and trial of civil, religious civil, and state administrative cases in courts electronically. This decree explains that only civil cases can be resolved electronically.

E-Litigation is one of the major changes in the judiciary in Indonesia.

E-Litigation is a series of processes for examining and adjudicating cases by

² J Julianto, R S Shahrullah, and ..., "Efektivitas Implementasi Kebijakan E-Litigasi Di Pengadilan Negeri Dan Pengadilan Agama Kota Batam, Indonesia," *Jurnal Media* ..., 2021, <https://ejournal2.undiksha.ac.id/index.php/JMPPPKn/article/view/224>.

³ Mahkamah Agung Republik Indonesia, "Booklet E-Litigasi 2" (Jakarta, n.d.). 1

the court carried out using information and communication technology. Article 4 of Supreme Court Regulation No. 7 of 2022 explains that proceedings conducted electronically apply to all trial processes starting from the submission of lawsuits/applications, objections, rebuttals, oppositions, interventions and their amendments, answers, replications, duplicates, proofs, conclusions, and pronouncement of decisions and appeals⁴. Since the issuance of Supreme Court Regulation No. 1 of 2019, the E-Litigation system has been applied in all areas of Religious Courts, General Courts, and State Administrative Courts in Indonesia. It can be seen from the e-Court map service on the Supreme Court E-Court website service that religious judicial bodies, general judicial bodies, and state administrative, judicial bodies have been active in implementing E-Court and E-litigation.

The Malang Religious Court Class 1 A is a Religious Court that has implemented electronic justice or E-Litigation. Every day Malang Religious Court handles various civil cases. Since applying the E-court, Malang Religious Court has received 1466 lawsuit cases, one simple lawsuit case, and 218 petition cases. Of these cases, only 60 cases reached the e-Litigation stage. Judging from the number of incoming cases and cases that made it to the e-litigation stage, only 0.03% of cases reached the e-litigation stage. This also happened at the Malang State Court. Every day the Malang State Court receives and tries civil and criminal cases. Since the application of the e-Court, Malang

⁴Pasal 4 Peraturan Mahkamah Agung Nomor 7 Tahun 2022 Tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

State Court has received 1128 lawsuit cases, 145 simple lawsuit cases, 82 rebuttal cases, and 2972 petition cases, with 201 cases continuing at the e-litigation stage. Judging from the number of incoming cases and cases that made it to the e-litigation stage, only 0.04% of cases reached the e-litigation stage. The difference in the percentage of cases examined through e-litigation in Religious Courts and State Courts is the basis for comparing e-litigation in two judicial institutions, namely in Religious Court and the Malang State Court.

Based on the information and problems described above, the author is interested in examining the comparison of the application of e-litigation in realizing a simple, fast, and low-cost trial in the Religious Courts and the State Court of Malang. To find out the comparison of the application of e-litigation between Religious Courts and State Courts so that it can become knowledge for litigants regarding online trials or e-litigation.

B. Statement Of Problem

From the above background, the author formulates the problems that will be studied in this study as follows:

1. How is e-litigation implemented in the Religious Courts and State Courts in Malang?
2. What are the similarities and differences in the implementation of e-litigation between Religious Courts and State Courts in Malang for realizing simple, fast, and low-cost trial?

C. Objectives Of Research

Departing from the formulation of the problem above, the purpose of this study is to find out:

1. To analyze the implementation of e-litigation in the Religious Court and State Court in Malang.
2. To analyze the similarities and differences in the implementation of e-litigation between Religious Courts and State Courts in Malang in realizing simple, fast, and low-cost trial.

D. Benefits Of Research

In carrying out research in addition to finding answers to problems in the research that has been carried out, researchers hope that this research can contribute to various parties, both theoretically and practically. In this research, benefits can be taken, among others:

1. Theoretically
 - a) Enriching the *Khazanah* of thought and contributing thoughts to scholarship related to the application and comparison of e-litigation in the Religious Court and the State Court in Malang.
 - b) To add greater insight into recognizing and understanding civil procedural law, management of religious courts and State courts, especially in electronic trials.

- c) The research results obtained are expected to contribute scientific thinking to the Sharia faculty of the Islamic Family Law Study Program at Maulana Malik Ibrahim State University Malang.

2. Practically

- a) For the Community to provide information about e-Litigation and its application in the Religious Courts and State Courts, especially in the Religious Courts and State Courts of Malang.
- b) The author adds insight into knowledge about the application and comparison of e-Litigation in Religious Courts and State Courts and deepen civil procedural law and civil procedural law to understand the legal process in court.
- c) For students, it is hoped that it can become a discourse in discussing and also adding insight into e-litigation in the Religious Courts and State Courts.

E. Operational Definitions

In order to avoid different interpretations with the main intention of the researcher regarding the title " Comparative Study The Implementation Of E-Litigation Between Religious Court And State Court In Malang For Realizing Simple, Fast, And Low-Cost Trial." Then it is necessary to explain some of the main words that become research variables as follows:

1. **E-Litigation:** a series of processes for examining and adjudicating cases by the Court which are carried out with the support of information and communication technology. E-litigation in this study is a stage of

the trial that is carried out electronically, from the reading of the lawsuit to the verdict.

2. **Religious Court:** a court authorized to examine, hear, decide, and settle cases between people of the Muslim religion⁵.
3. **State Court:** a court authorized to examine, hear, and decide criminal and civil cases⁶.

F. Structure Of Discussion

The writing systematics serves as an overview for the author in revealing the success of his research. The following are the writing systematics in this research, among others:

Chapter I: This chapter explains the introduction to the study, which consists of the background, which is the part that explains for the author the causes and reasons that arise in interest in the theme of Comparative Study The Implementation Of E-Litigation Between Religious Court And State Court In Malang For Realizing Simple, Fast, And Low-Cost Trial. Not only that, this chapter explains the formulation of problems or things that will be the benchmark in this research by the author. There are two problem formulations, namely; first, How is e-litigation implemented in the Religious Courts and State Courts in Malang and second, What are the similarities and differences in the implementation of e-litigation between Religious Courts and State Courts in Malang for realizing simple, fast, and low-cost trial. And this chapter also

⁵ Pasal 5 Ayat 3 Undang- Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman

⁶ Pasal 5 Ayat 2 Undang- Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman

explains the objectives and benefits of the research conducted by the author, both theoretical and practical benefits.

Chapter II: this chapter explains previous research conducted by other researchers in reviewing the literature they conducted, which is related to the research conducted by the author, both objects and themes.

Chapter III: this chapter contains research methods by the author, in several important things, namely first, regarding the type of research, namely empirical juridical research. Second, the research approach uses a qualitative approach. Third, the research location is the Religious Court and the State Court in Malang. Fourth, the types and sources of data used are primary and secondary data. Fifth, data collection methods, including interviews and documentation by the author. Sixth, data processing methods are in the form of editing, classifying, verifying, analyzing, and concluding.

Chapter IV: this chapter explains the discussion in the research regarding the implementation of e-litigation in the Religious Court and the Malang State Court. As well as a comparative study the implementation of e-litigation in Religious Court and State Court In Malang For Realizing Simple, Fast, And Low Cost Trial.

Chapter V: this chapter is the last chapter in this study which consists of conclusions and suggestions. The conclusion is a general explanation of the answer to the problem formulation raised by the author in several descriptions. The suggestion is a solution or input by the author for the parties involved in writing this research.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

Previous research is the research of someone who first has the same theme or object by the author, as for its function, namely being a reference for the author so that there are no mistakes or the same object in a study. In addition, another function of previous research is to add insight for the author in the research to be studied. In this study, the authors used five previous studies that have similarities and differences with this study. The following are previous studies that will be presented below, as follows:

First, Aldi Ardianto's thesis, the Islamic University of Indonesia Yogyakarta, 2021, entitled "The Application of E-Litigation in Resolving Divorce Cases at the Bantul Religious Court in 2019-2020". This research discusses the application of e-litigation in resolving special divorce cases at the Bantul Religious Court in 2019-2020⁷.

The similarity of this previous research is the theme raised in the research on E-Litigation, and the type of research used is field / empirical research with a qualitative approach. The most important difference in this research is the object of research. The previous research object was at the Bantul Religious Court. Meanwhile, in this study, the object of research is the Religious Court and the Malang State Court. Another difference is that the

⁷ Aldi Ardianto, "Penerapan E-Litigasi Dalam Menyelesaikan Perkara Perceraian Di Pengadilan Agama Bantul Pada Tahun 2019-2022" (Universitas Islam Indonesia, 2021).

previous study discusses the application of E-Litigation in divorce cases, while this study discusses the comparative study of the implementation of E-Litigation between the Religious Court and the Malang State Court.

Second, Muiyasaroh Farhaniyah Huda's thesis, Maulana Malik Ibrahim State Islamic University Malang, 2021, entitled "Implementation of E-Litigation Civil Case Handling at Bangil State Court in Review of George C Edward III's Policy Implementation Theory". This study discusses the implementation of the handling of civil cases by e-litigation at the Bangil State Court using the implementation theory of George C Edward III⁸.

The similarity of this previous research is the theme raised in research on E-Litigation, and the type of research used is field / empirical research. The most important difference in this research is the object of research. The previous research object was at the Bangil State Court. Meanwhile, in this study, the object of research is the Religious Court and the Malang State Court. Another difference is the research approach in previous studies used a sociological juridical approach, while this study uses a qualitative approach. In addition, the discussion in the previous study discussed the implementation of E-litigation in Bangil State Court using George C Edward III's implementation theory, while this study discusses the comparative study of the implementation of e-litigation between Religious Court and Malang State Court.

⁸ Muiyasaroh Farhaniyah Huda, "Implementasi Penanganan Perkara Perdata Secara E-Litigasi Pada Pengadilan Negeri Bangil Tinjauan Teori Implementasi Kebijakan George C Edward III" (Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2021).

Third, Nur Alfadhilah Ruslan, Alauddin State Islamic University Makassar, 2021, entitled "The Effectiveness of Electronic Proceedings in Settling Divorce Cases at the Parepare Religious Court." This research discusses the effectiveness of electronic lawyering in resolving divorce cases, specifically in the Parepare Religious Court⁹.

The similarity of this previous research is that the type of research used is field / empirical research. The most important difference in this research is the object of research. The previous research object was at the Parepare Religious Court. Meanwhile, in this study, the object of research is the Religious Court and the Malang State Court. In addition, the discussion in previous studies discussed the effectiveness of electronic lawyering in settlement of divorce cases in the Pare-Pare Religious Court, while this study discusses the comparative study of the implementation of e-litigation between the Religious Court and Malang State Court. Another difference is that the previous study focused on the settlement of divorce cases, while this study did not focus on divorce cases.

Fourth, Zakiatul Munawwaroh's thesis, Sunan Ampel State Islamic University, 2019, entitled "*Maşlahah Mursalah* Analysis of the Application of E-Litigation Applications in Divorce Cases". This research discusses the application of E-litigation in divorce cases which is analyzed by *Maşlahah Mursalah*. The analysis obtained from this research is that E-Litigation is

⁹ Nur Afadhilah Ruslan, "Efektivitas Beracara Secara Elektronik Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Parepare" (Universitas Islam Negeri Alaudin Makassar, 2021).

included in the *Maslahah al-hajiyyat* category or secondary needs. With the existence of e-litigation, litigants can save costs, time, and energy¹⁰.

The similarity of this previous research is the theme raised in research on E-Litigation. The most important difference in this research is the type of research. Previous research used normative research, while this research uses empirical research. In addition, the discussion in the previous study discussed the *Maṣlahah Mursalah* analysis of the application of the E-litigation application in divorce cases, while this study discusses the comparative study of the implementation of e-litigation between Religious Court and Malang State Court. Another difference is that the previous study focused on divorce cases, while this study did not focus on divorce cases.

Fifth, Ferry Ichsan Anwari's thesis, Sultan Syarif Kasim State Islamic University, 2022, entitled "E-Litigation at the Pekanbaru Religious Court in Resolving Household Conflicts Viewed from the Perspective of *Maṣlahah Mursalah*." This study discusses the application of e-litigation in resolving household conflicts that make the Pekanbaru Religious Court the object of research in this study using the *Maṣlahah Mursalah* perspective. E-litigation in the *Maslahah* perspective in this study is considered a very useful innovation for resolving household conflicts.¹¹

¹⁰ Zakiatul Munawaroh, "Analisis Masalah Mursalah Terhadap Penerapan Aplikasi E- Litigasi Dalam Perkara Perceraian" (Universitas Islam Negeri Sunan Ampel, 2019).

¹¹ Ferry Ichsan Anwari, "E-Litigasi Di Pengadilan Agama Pekanbaru Dalam Menyelesaikan Konflik Rumah Tangga Ditinjau Dari Perspektif Masalah Mursalah" (Universitas Islam Negeri Sultan Syarif Kamil, 2022).

The similarity of this previous research is the theme raised in research on E-Litigation. Besides that, another similarity is the type of research used is field / empirical research. The most important difference in this research is the object of research. The previous research object was the Pekanbaru Religious Court. Meanwhile, in this study, the object of research is the Religious Court and the Malang State Court. In addition, the discussion in previous research discussed E-litigation in the Pekanbaru Religious Court in resolving household conflicts in terms of the *Maṣlahah Mursalah* perspective, while this study discusses the comparative study of the implementation of e-litigation between Religious Court and Malang State Court. Another difference is that in previous studies using the *Maṣlahah Mursalah* perspective, while in this study it does not use a perspective.

Table of Similarities and Differences between previous research and the author's research:

Table 2.1
Similarities and Differences of Previous Research

No.	Author/title / University/ year	Similarities	Differences
1	Aldi Ardianto / Application of E-Litigation in resolving divorce cases at the Bantul Religious Court in 2019-2020 / Universitas Islam Indonesia Yogyakarta / 2021	The theme raised in the research on E-Litigation, the use of the type of research used is field / empirical research.	The object of research is different. The previous research object of research is found in the Bantul Religious Court. Meanwhile, in this study, the object of research was the Religious Court and the Malang State Court.

			<p>Previous research focused on divorce cases, while this study compared the application of e-litigation in religious courts and State courts.</p>
2	<p>Muyasaroh Farhaniyah Huda / Implementation of E-Litigation Civil Case Handling at Bangil State Court Review of George C Edward III Policy Implementation Theory / State Islamic University of Maulana Malik Ibrahim Malang / 2021</p>	<p>The theme raised in the research on E-Litigation, the use of the type of research used is field / empirical research.</p>	<p>A different object of research, the previous research object research, was found in the Bangil State Court. Meanwhile, in this study, the object of research was the Religious Court and the Malang State Court.</p> <p>Previous research focused on civil cases, whereas this study compared the application of e-litigation in religious courts and State courts. The approach to previous research uses a sociological juridical approach, while this study uses a qualitative approach,</p> <p>Previous research used the implementation theory of George C Edward III, while this study did not use the theory of implementation.</p>

3	Nur Alfadhilah Ruslan / Effectiveness of Electronic Procedures in Settlement of Divorce Cases at the Parepare Religious Court / State Islamic University Alauddin Makassar / 2021	The theme raised in the research on E-Litigation, as well as the type of research used, is field / empirical research.	A different object of study, the previous research object of research, was found in the Parepare Religious Court. Meanwhile, in this study, the object of research was the Religious Court and the Malang State Court. Previous research focused on divorce cases, while this study compared the application of e-litigation in religious courts and State courts.
4	Zakiatul Munawwaroh / <i>Maşlahah Mursalah</i> Analysis of the Application of E-Litigation Applications in Divorce Cases / Sunan Ampel State Islamic University/2019	The theme raised in the research on E-Litigation.	Previous research used normative research, while this study used empirical research. Previous research focused on the analysis of E-litigation problems in divorce cases, while in this study compared the application of e-litigation in religious courts and State courts.
5	Ferry Ichsan Anwari / E-Litigation at the Pekanbaru Religious Court in Resolving Household Conflicts Viewed from the Perspective of <i>Maşlahah Mursalah</i> / State Islamic University	The theme raised in research on E-Litigation, as well as the type of research used, is field / empirical research.	The object of research is different. The previous research object of research is found in the Pekanbaru Religious Court. Meanwhile, in this

	Sultan Syarif Kasim/2022		<p>study, the object of research was the Religious Court and the Malang State Court.</p> <p>Previous research focused on resolving domestic conflicts with E-litigation from the perspective of <i>Maṣlahah Mursalah</i>, while this study compared the application of e-litigation in religious courts and State courts.</p>
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From the research table above, it can be concluded that this research has differences from previous studies, although it has the same theme and has been discussed in previous studies. The difference between this research and several previous studies is in the focus of the research. This research focuses on the comparative study of the implementation of e-litigation between religious courts and state courts in Malang, while several previous studies only discussed e-litigation in religious courts or State courts using several approaches that were not used in this study. Therefore, this research is written with the theme Comparative Study of The Implementation Of E-Litigation Between Religious Court And State Court In Malang For Realizing Simple, Fast, And Low-Cost Trial.

B. Theoretical Framework

1. E-Litigation

a. Definition of E-Litigation

E-litigation is a trial conducted electronically which refers to Supreme Court Regulation Number 7 of 2022. In Supreme Court Regulation Number 7 of 2022, in Article 1, paragraph 7, it is explained that an electronic trial is a series of processes for examining and adjudicating cases by the court, which is carried out with the support of information and communication technology¹².

The Supreme Court, as the highest judicial institution in Indonesia, continues to innovate in the rapid development of the times¹³. This is done in order to achieve the principle of a simple, fast, and low-cost trial for justice seekers. The main basis for the implementation of e-litigation, as stated in article 2 of Supreme Court Regulation Number 1 of 2019 that the existence of e-litigation in the courts supports the realization of an orderly handling of cases that is professional, transparent, accountable, effective, efficient, and modern.

¹² Pasal 1 Ayat 7 Peraturan Mahkamah Agung Nomor 7 Tahun 2022 Tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

¹³ Aco Nur and Amam Fakhrur, *Hukum Acara Elektronik Di Pengadilan Agama*, ed. Sugiri PERMANa, Revisi (Surabaya: Pustaka Saga, 2021).2

b. Legal Basis Of E-Litigation

The following are the legal basis and considerations for conducting electronic proceedings (E-Litigation), including:

- 1) Reglement op de Burgerlijke Rechtvordering (RV)
- 2) Reglement Tot Rgeling an Het Rechtswezen In De Gewesten Buiten Java En Madura (RBG)
- 3) Het herziene Indonesisch Reglement (HR).
- 4) Law Number 14 of 1985 concerning the Supreme Court.
- 5) Law Number 2 of 1986 concerning the General Judiciary.
- 6) Law Number 5 of 1986 concerning State Administrative Courts.
- 7) Law Number 7 of 1989 concerning Religious Justice.
- 8) Law Number 31 of 1997 concerning Military Justice.
- 9) Law Number 14 of 2002 concerning Tax Courts
- 10) Law Number 18 of 2003 concerning Advocates.
- 11) Law Number 11 of 2008 concerning Electronic Information and Transactions.
- 12) Law Number 14 of 2008 concerning Public Information Disclosure.
- 13) Law Number 25 of 2009 concerning Public Services.
- 14) Law Number 48 of 2009 concerning Judicial Power.
- 15) Presidential Regulation No. 13 of 2005 concerning the Secretariat of the Supreme Court.
- 16) Presidential Regulation Number 14 of 2005 concerning the Registrar of the Supreme Court.
- 17) Presidential Regulation Number 95 of 2018 concerning Electronic-Based Government Systems.
- 18) Supreme Court Regulation Number 7 of 2015 concerning the Organization and Work Procedures of the Registrar and Judicial Secretariat.

c. E-Litigation in Supreme Court Regulation Number 7 of 2022.

E-Litigation or electronic trial is regulated in Chapter V, which consists of 10 articles, namely articles 19 to 28 of Supreme Court Rules Number 1 of 2019. However, several articles have been

updated with Supreme Court Rules Number 7 of 2022. This chapter describes the procedures for electronic proceedings and the rights and obligations of the parties to participate in electronic proceedings. This is the basis for the parties to be able to participate in the trial in a good and orderly manner. There are several provisions related to the conduct of electronic proceedings, namely: Legal subjects in electronic trials, electronic domicile, administration of electronic receipt of cases, electronic payment and summons, and electronic trials.

In the introductory book of legal science by R. Soeroso, it is explained that the subject of law is something that, according to law, has rights and obligations. So that it can be classified that there are two legal subjects in legal science, namely humans and legal entities¹⁴. This is different from the legal subjects in the provisions of Supreme Court Rules Number 7 of 2022. In the regulation, it is explained in article 5 that electronic case administration services can be used by registered users and other users¹⁵. The registered user is an advocate with a membership card and already has the minutes of the oath of advocate and curator or administrator. Meanwhile, other users are the general public who already have an e-court account and will file a lawsuit/petition.

¹⁴ R Soeroso, *Pengantar Ilmu Hukum* (Jakarta: Sinar Grafika, 2018).228

¹⁵ Pasal 5 Ayat 1 Peraturan Mahkamah Agung Nomor 7 Tahun 2022 Tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

An electronic domicile, as mentioned in Article 6 of Supreme Court Rules Number 1 of 2019, is a domicile used by registered users or other users in using case and trial administration services electronically¹⁶. An electronic domicile can be an electronic mail address that has been selected by a registered user or another user.

The administration of electronic registration of cases begins with the registration of cases which can be done through a call information system by submitting a lawsuit and attaching proof of mail in electronic form. Furthermore, the litigant is required to pay the *panjar* fee in accordance with the citation electronically. E-court users can apply for a case fee waiver or *prodeo*. Case registration will be processed by the registrar if it has been declared complete through the verification process.

Electronic calls were made to the plaintiffs, defendants who had been listed as electronic domiciles, defendants who had agreed, and parties whose proceedings had been conducted electronically. If the defendant has been summoned and is not present, then the subsequent summons is made by recorded letters. Parties residing abroad and have known electronic domicile are carried out electronically. Parties who do not have an electronic domicile will

¹⁶ Pasal 6 Ayat 2 Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

be called by registered mail. An electronic call is a valid and appropriate call if the call is sent within the grace period of the parties' summons.

The trial is electronically conducted from the reading of the lawsuit to the verdict, where each stage of the trial is carried out electronically. Electronic trials may be conducted for any electronically registered case. In the event that the defendant does not agree to conduct an electronic hearing, the defendant is required to submit a soft copy of each file to be heard to the registrar in accordance with the hearing schedule that has been set out to be uploaded on the SIP. For defendants who have been duly summoned and are not present, the trial will proceed electronically and will be decided on a vertex basis. The presence of a third party in the trial can be done by submitting an application electronically.

Furthermore, the presiding judge will set an electronic trial schedule on the court calendar for the next hearing schedule until the reading of the judgment. At the next scheduled hearing, the reading of the suit/pleadings, answers, replies, duplications, proofs, conclusions, and readings of the judgment. The parties are required to submit electronic documents in accordance with the established hearing schedule, which will then be examined by the judge and forwarded to the other parties. For defendants who do not consent to

the electronic trial, the hearing file will be obtained from the bailiff who has downloaded the hearing file on that day.

At the evidentiary hearing, the parties are asked to submit electronic evidence, at the examination of witnesses/experts is carried out by means of audio-visual communication media that has been provided by the Court's infrastructure. In article 25 of Supreme Court Regulation Number 1 of 2019, it is stated that the evidentiary trial is carried out in accordance with the applicable procedural law. Post-trial, the parties presented conclusions to the proceedings that had been passed.

Next is the reading of the judgment pronounced by the presiding judge electronically by being signed manually by a panel of judges and clerks of the hearing. In this case, the purpose of the pronouncement is the delivery/upload of a copy of the decision electronically through the court's information system, and the copy of the judgment already has legal force and legal consequences and has fulfilled the principle of the hearing being open to the public, for defendants who do not agree to the hearing electronically submitted by Registered Mail.

2. Simple, Fast, and Low-Cost Principles

Law Number 48 of 2009 concerning Judicial Power article 2 paragraph (4) states that justice is carried out simply, quickly, and at a low

cost¹⁷. This is one of the principles of the judicial system in Indonesia. In the explanation of this paragraph, it is stated that what is meant by simple is the examination and settlement of cases that are carried out in an efficient and also effective way. So that the settlement of cases is not convoluted and easy to understand, and the simpler the court will be, the better it will be in guaranteeing legal certainty¹⁸.

The word low cost in this article has the meaning of the cost of the case that is appropriate and easily accessible to the public¹⁹. To ensure the number of case costs, the Supreme Court issued Supreme Court Rules No. 3 of 2012 concerning the cost of the case settlement process and its management to the Supreme Court and the judicial bodies under it. Specifically, in the court of first instance, the cost of *panjar* is regulated and determined by the chief justice of the court of first instance²⁰. However, the arrangements regarding *panjar* fees have been set by the chief justice of the religious court. However, for some seekers of justice, the cost of *panjar* cannot be said to be cheap because the amount of *panjar* costs are calculated from the radius of residence of the plaintiff with the court.

The principle of expeditiousness relates to the period of proceedings of the hearing of the case from the first trial to the submission of a copy of the judgment to the parties. In order to realize the speedy judicial process,

¹⁷ Pasal 2 Ayat 4 Undang- Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman

¹⁸ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia* (Yogyakarta: Liberty, 2002).36

¹⁹ Zainal Asikin, *Hukum Acara Perdata Di Indonesia* (Jakarta: Perdana Media, 2015). 14

²⁰ Pasal 2 Ayat 3 Peraturan Mahkamah Agung Nomor 3 Tahun 2012 Tentang Biaya Proses Penyelesaian Perkara Dan Pengelolaannya Pada Mahkamah Agung Dan Badan Peradilan Yang Berada Di Bawahnya

the Supreme Court issued Circular No. 2 of 2014 concerning the settlement of cases in the courts of first instance and the appellate level in 4 judicial environments. This circular discusses the length of time for resolving cases, namely in first-degree cases no later than five months. On appeal no later than three months²¹. In its implementation, many cases are processed over a long time and are not simple. One of the causes is the accumulation of cases in court²².

The existence of this simple, fast, and low-cost principle cannot override the accuracy and accuracy of judges in examining and seeking the truth in a case²³. The presence of e-court and e-litigation in the judicial system in Indonesia can help justice seekers to facilitate dealing with the court so as to provide smoothness in case of settlement as a manifestation of the application of the principles of simple, fast, and low cost²⁴. And the presence of e-litigation is the right step in realizing the enforcement of justice that is not protracted and realizing the development of the times in the 4.0 era, which prioritizes the use of technology in every aspect of life²⁵.

²¹ Surat Edaran Mahkamah Agung Nomor 2 Tahun 2014 Tentang Penyelesaian Perkara Di Pengadilan Tingkat Pertama Dan Tingkat Banding Pada 4 (Empat) Lingkungan Peradilan

²² Lisfer Berutu, "Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan Dengan e-Court," *IlmiahDunia Hukum* 5 (2020): 41–53.

²³ E Hadrian and L Hakim, *Hukum Acara Perdata Di Indonesia: PERMASalahan Eksekusi Dan Mediasi* (Sleman: Penerbit Deepublish, 2020).10

²⁴ Amran Suadi, *Pembaruan Hukum Acara Perdata Di Indonesia Menakar Beracara Di Pengadilan Secara Elektronik*, 2nd ed. (Jakarta: Kencana, 2020).86

²⁵ Dian Ratu Ayu Uswatun hasanah and Madiha Dzakiyyah Chairunnisa, "LITIGATION TRANSFORMATION IN LAW ENFORCEMENT EFFORT IN INDONESIA DURING THE COVID-19 PANDEMIC" 1, no. 1 (2021): 16–21.

CHAPTER III

RESEARCH METHOD

The research method is a technique or method used by researchers to obtain answers to problems from a study. So that with the research method, the truth can be obtained in research based on scientific thinking²⁶. In the process of collecting accurate, complete, and objective data. In preparing this proposal, the author uses the following research:

A. Type Of Research

This research uses a type of research in the form of empirical juridical research, known as field research. Empirical juridical research is legal research on the enactment and study of the operation of law in the midst of community life²⁷. According to Soerjono Soekanto and Sri Mamuji, empirical or sociological legal research is legal research conducted using primary data²⁸. It can be understood that empirical research is research that uses primary data to examine and analyze the operation of law in society.

B. Research Approach

The approach used in this research is a qualitative approach, namely by describing the facts about the application of e-litigation in the Religious Court and Malang State Court. So this research requires the author to be more thorough and understand the theory of e-litigation and its application in detail in the legal process until the reading of the decision so that it can find out the

²⁶ Juliansyah Noor, *Metode Penelitian: Skripsi, Tesis, Disertasi, Dan Karya Ilmiah* (Jakarta: Kencana, 2017). 22

²⁷ Ishaq, *Metode Penelitian Hukum*, 2nd ed. (Bandung: Alfabeta, CV, 2020).70

²⁸ Ishaq.71

application of e-litigation in the Religious Court and Malang State Court and its comparison.

C. Research Location

The location of this research is at the Malang Religious Court and the Malang State Court. Malang Religious Court Class I A. Located at Jl. Raden Panji Suroso No. 1, Polowijen, Blimbing sub-State, Malang City, East Java. Malang State Court Class I A. Located at Jl. A. Yani. No. 198, Purwodadi, Kec. Blimbing, Malang City. This research location was chosen because it has implemented e-litigation, in addition to the two judicial institutions being in the same jurisdiction, making it easier for the author to conduct research.

D. Data Source

Data sources in empirical research consist of two types, namely primary data sources and secondary data sources. First, the primary data used in this research is the main data obtained through interviews with parties or informants related to the object of research²⁹. The sample determination in this study used the snowball method. Determination of informants using this method with the help of key-informants, from this help will develop other informants in accordance with the core of this research³⁰. The advantage of this method is that the author will obtain precise and accurate information from informants who have an understanding of the theme of this research.

²⁹ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: PT. Raja Grafindo Cipta, 2003). 31

³⁰ Ishaq, *Metode Penelitian Hukum*.115

Second, secondary data is data from second sources or data that can be indirectly in the form of legislation, books, and journals that discuss e-litigation. In this case, the author uses secondary data in the form of regulations regarding e-litigation, e-litigation booklets, books that discuss e-litigation, and journals that discuss e-litigation.

E. Data Collection Method

Data collection is a tool used to collect primary and secondary data. The data collection techniques in this study include:

1. Interview

Interviewing is a method that is carried out by means of a conversation with a specific purpose. The conversation in the interview was conducted by two interviewers, namely the interviewer and the source. This method can be carried out in various methods and forms. In this study, the authors used a structured and open interview form. Interviews with this model make it easier for the interviewer to get data according to the research conducted. In addition, the source in this method knows if he is being interviewed³¹. In this case, the author conducts interviews with several related parties, namely:

Table 3.1
Informant Data

No	Name	Position
1	Drs. H. Irwandi, M. H	Judge of Malang Religious Court
2	Arief Karyadi, S. H, M. Hum	Judge of Malang State Court

³¹ Lexy Moleong J, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2005).
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3	Supriadi, S. H	E-Court Officers of Malang Religious Court
4	Nabil Ichlasul Fikri	E-Court Officers Malang State Court

2. Documentation

Documentation is carried out by collecting the necessary data in the study. In this study, documentation was carried out in order to obtain appropriate data related to the research. Court documents and photos with resource persons.

F. Data Processing Methods

1. Editing

In the data inspection stage, the author collects primary and sequence data to check and improve the quality of the data and dispel doubts about the data. In the process of checking, the data must maintain the originality of the data obtained³². The data inspection stage is also carried out to check the completeness of the data results obtained in the field. The author will re-examine the obtained data accurately to correct errors in the data check.

2. Classifying

At this stage, it aims to collect data – data both primary data and secondary data, which are then grouped according to the type and needs to answer the formulation of the problem in this study.

³² Nazir, *Metode Penelitian*, ed. Risman Sikumbang, 10th ed. (Bogor: Penerbit Ghaliai Indonesia, 2010), 304

3. Verifying

Data verification is a stage that aims to prove the truth of data that has been obtained. In this stage, the author seeks to verify the results of interviews with judges and staff of the Religious Court and Malang State Court in order to obtain accurate and valid data.

4. Analyzing

The analysis in this study aims to solve problems in research that show the typical or tendency of the object being analyzed. At this stage, the author seeks to detail the data so that it can provide information and is easy to read³³. The analysis method used in this study is in the form of a fixed comparison method or grounded research. The process of analyzing this method includes data reduction, categorization, sintensization, and working hypotheses³⁴. With this analysis will, be found similarities and differences between the two research variables.

5. Concluding

This stage is the last stage in the study. Conclusions must be made accordingly based on the formulation of the problem that the author has determined by collecting data and answers so that this research can be understood easily³⁵.

³³Nazir., 315

³⁴ Moleong J, *Metodologi Penelitian Kualitatif*.288

³⁵ Nazir, *Metode Penelitian.*, 331

CHAPTER IV

RESEARCH RESULTS AND DISCUSSION

A. Overview Of The Research Location

1. Overview Of Malang Religious Court

a. Profile And History Of Malang Religious Court

Malang Religious Court is the first level religious court in Malang. Based on Article 49 of Law No. 3/2006, religious courts have the main task of examining, decoding, and resolving cases between people of the Islamic faith in the fields of marriage, inheritance, wills, grants, *waqf*, *zakat*, *infaq*, sadaqah, and sharia economy³⁶. Meanwhile, religious courts have several functions, namely the judicial function, the guidance function, the supervisory function, the advisory function, and the administrative function.

The Malang Religious Court has two jurisdictions: Malang City and Batu City. In Malang City, the Malang Religious Court has six sub-States under its jurisdiction: Sukun sub-State with 11 villages, Klojen sub-State with 11 villages, Blimbing sub-State with 11 villages, Lowokwaru sub-State with 12 villages, Kedung Kandang sub-State with 11 villages. In Batu City, all villages in Batu City are included in the jurisdiction of the Malang Religious Court.

³⁶ Pasal 49 Undang- Undang Nomor 3 Tahun 2006 Tentang Perubahan Atas Undang- Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama

The history of the Malang Religious Court began before the colonial period, with the *surambi* court located west of the Malang city square. However, the establishment of the Malang Religious Court cannot be known in which year the Malang Religious Court was established. During the period of independence until now, the Malang Religious Court has experienced four changes in location, at first the Malang Religious Court was located on Jl, Merdeka Barat No. 3, then moved to the house of the chairman of the Malang Religious Court in Klojen Ledok Malang, then the Malang Religious Court had its own office located on Jl, Bantara Gg sub-State No. 1, then the Religious court moved to Jl. Candi Kidal No. 1 and until now, the Malang Religious Court is located on Jl. R. Panji Suroso No. 1 Malang and the old building are used as the official residence of the Chairman of the Religious Court. In its development, the Malang Religious Court was split into two courts, namely the Malang Regency Religious Court located in Kepanjen and the Malang City Religious Court located in Blimbing³⁷.

b. Vision and Mission of the Religious Court of Malang

Malang Religious Court, as a judicial institution under the auspices of the Supreme Court, has a vision and mission. The vision of the Malang Religious Court is as follows:

"The realization of the Supreme Religious Court of Malang."

³⁷ "Sejarah – Pengadilan Agama Kota Malang Kelas 1A," accessed March 26, 2023, <https://pa-malangkota.go.id/sejarah/>.

This vision is in line with the vision of the Indonesian Supreme Court as the highest judicial institution in Indonesia. Creating an independent, structured, competent, effective, equitable, and modern judiciary can create a great judiciary.

To achieve its vision, the Malang Religious Court has four missions, namely:

- 1) Maintain the independence of the Malang Religious Court.
- 2) Provide equitable legal services to justice seekers.
- 3) Improve the quality of leadership of the Religious Court.
- 4) Improve the credibility and transparency of the Religious Court of Malang³⁸.

c. Organizational Structure of the Religious Court of Malang

The human resources owned by the Malang Religious Court totaled 60 people with details of 1 chairman, one vice chairman, ten judges, and one clerk with 31 clerical staff, including young clerks, substitute clerks, and bailiffs. The secretary is one person with 15 secretarial staff.

Table 4.1
Organizational Structure of the Religious Court of Malang

Chairman	: Drs. H. Misbah, M.H.I
Vice-chairman	: Muslich, S.Ag., M.H.
Judges	: Dr. Dra. Hj. Masnukha, M.H. Drs. Lukman Hadi, S.H., M.H. Drs. Wanjofrizal Drs. H. Mulyani, M.H. Drs. H. Irwandi, M.H. Drs. H. Usman Ismail K, S.H., M.H. Drs. H. Achmad Suyuti, M.H. Dra. Hj. Sriyani, M.H.

³⁸ “Visi Dan Misi – Pengadilan Agama Kota Malang Kelas 1A,” accessed March 26, 2023, <https://pa-malangkota.go.id/visi-dan-misi/>.

Secretary
 Secretariat
 Clerk
 Registrar

Hj. Yurita Heldayanti, S.Ag, M.H.
 Nur Amin, S.Ag., M.H.
 : H. Khoirudin, S.H., M.H.
 : Alifah Ratnawati, S.H., M.H.
 Siswanto
 Dewi Yolanda Arifin, A.Md.
 Setu Udoyono, S.H.
 Wiyono
 Minto Yuwono
 Sumanto
 Lucky Andika Rachman, S.H.
 Dewi Khusna, S.Ag., M.H.
 Faiqotul Himmah, S.H.
 Muhammad Irfan, S.H.
 Lia Rosa Fauziah Kilihu, S.H.
 Dani Widian Pradana, A.Md.
 Marissa Meiliasari, S.Ip.
 Asri Wijayanti, S.Kom.
 : Drs. H. Dulloh, S.H., M.H.
 : Drs. A. Dardiri, S.H., M.H.
 Dimas Andika, A.Md.
 Yoshelsa Wardhana, S.H.
 Revi Sabilia Erningpraja, S.H.
 Zulfa Zahara Intiyaz, S.H.
 Nurul Hikmah, A.Md
 Siti Damayanti Fitriana, A.Md
 Subkhiyatur Rodiyah, S.E.
 Kholifah, S.H.
 Wr. Rido Hakim, S.H.
 Homsiyah, S.H., M.H.
 Mas'ud, S.H.I.
 Risa Pahlevi
 Mochamad Dedy K, S.H., M.H.
 Akh. Hadi Hidayat, S.H.
 Supriadi, S.H.
 Mei Reva Wijaya
 Agus Azzam Aulia, S.H., M.H.
 Dra. Tridayaning Suprihatin, M.H.
 Nur Cahyaningsih, S.H., M.H.
 Mohamad Khoirudin, S.H.
 Ery Handini, S.H., M.H.
 Hatta Purnamaraya, S.I.Kom., S.H.
 Yunita Eka Widyasari, S.H., M.H.
 Muti'atulillah, S.H., M.H.
 Ismail, S.H.
 Mochamad Reza, S.H.

Samino, S.Kom.
Abdul Hamid Ridho
Yuli Nurwadatul, A. Md
Hamsia Mitan, S.E.

2. Overview of the State Court of Malang

a. Profile and History of the State Court of Malang

Malang State Court is a public judicial body of the first level in Malang city. Based on Article 50 of Law Number 2 of 1986 concerning public courts, the State court is tasked and authorized to examine, decide and resolve criminal and civil cases at the first instance³⁹. Malang State Court is located at Jl. Ahmad Yani Utara No. 198 Malang. Malang State Court has two areas of jurisdiction, namely Malang City area and Batu City area. In Malang city area, Malang State Court has five sub-States of jurisdiction, namely Klojen sub-State with 11 villages, Blimbing sub-State with 11 villages, Kedungkandang sub-State with 12 villages, Lowokwaru sub-State with 12 villages, and Sukun sub-State with 11 villages. In Batu city, the State Court of Malang has three sub-States with jurisdiction: Batu sub-State with eight villages, Bumiaji sub-State with nine villages, and Junrejo sub-State with seven villages.

Initially, the Malang State Court was located on Jl. Cipto Number 1 Malang coincided with a housing complex for Dutch officials. When viewed from the architecture of the building, it can be said that the Malang State Court has existed since the Dutch era. Besides that, this is

³⁹ Pasal 50 Undang- Undang Nomor 2 Tahun 1986 Tentang Peradilan Umum

also indicated by the discovery of Dutch documents indicating the year 1800. However, this does not mean the Malang State Court has existed since that year. There was a regional division in its development, along with the passage of time and the increase in all aspects ranging from population to tourism in Malang. This regional division had an impact on the jurisdiction of the Malang State Court⁴⁰.

b. Vision and Mission of the State Court of Malang

Like other judicial institutions, the Malang State Court has a vision: "The realization of a Supreme State Court."

This vision is in line with the vision of the Indonesian Supreme Court as the highest judicial institution in Indonesia. Creating an independent, structured, competent, effective, equitable, and modern judiciary can create a great judiciary.

In realizing this vision, the Malang State Court has 13 missions, namely:

- 1) Maintain the independence of the Malang State Court.
- 2) Provide equitable legal services to justice seekers.
- 3) Improve the quality of leadership in the State Court of Malang.
- 4) Improve credibility and transparency in the State Court of Malang.
- 5) The quality policy of Malang State Court.
- 6) Provide quality services for justice seekers and the community with sincerity.
- 7) Provide satisfaction for the justice-seeking community.
- 8) Improving services promptly.
- 9) Fulfilling requirements and regulations related to the activities of the Malang State Court.
- 10) Improve the professionalism of court officials.

⁴⁰ "Sejarah Pengadilan - Pengadilan Negeri Malang," accessed April 17, 2023, <https://pn-malang.go.id/tentang-pengadilan/sejarah-pengadilan/>.

- 11) Provide facilities and infrastructure that are comfortable and facilitate the justice-seeking community.
- 12) Understand the problems of justice seekers and provide appropriate solutions.
- 13) Conduct regular and continuous evaluation of the quality management system and its implementation⁴¹.

c. Organizational Structure of the State Court of Malang

The human resources owned by the Malang State Court total 94 people, with details of 1 chairman and one vice chairman. Fourteen judges, one clerk with 15 clerical staff, one secretary with 12 secretarial staff, 16 substitute clerks, ten bailiffs, and 23 non-Supreme Court Regulation employees.

Table 4.2
Organizational Structure of the State Court of Malang

Chairman	: Judi Prasetya, S.H, M.H.
vice chairman	: I Gusti Ayu Susilawati, S.H., M.H.
Clerk	: Rudy Hartono, S.H., M.H.
Secretary	: Indri Daryastuti, S.E., S.H.
Judges	: Brelly Yuniar Dien Wardi H, S.H., M.H. I Gusti Ayu Susilawati, S.H., M.H. Judi Prasetya, S.H., M.H. Hj. Satyawati Yun Irianti, S.H. M.Hum. Mohamad Indarto, S.H., M.Hum. Harlina Rayes, S.H., M.Hum. Guntur Kurniawan, S.H. Arief Karyadi, S.H., M.Hum. Silvya Terry, S.H. Soegiarti, S.H., M.H. Natalia Maharani, S.H, M.Hum Safruddin, S.H., M.H. Muhammad Nuzulul Kusindiardi, S.H. Yuli Atmaningsih, S.H., M.Hum.
Registrar	:Mohan Ayusta Wijaya, S.H. Kurnia Anggriandini, S. H Noeroel Tri Wardani

⁴¹ “Visi Misi Pengadilan - Pengadilan Negeri Malang,” accessed April 17, 2023, <https://pn-malang.go.id/tentang-pengadilan/visi-misi/>.

	I Nyoman Suanda, S.E., S.H.
	Ida Purwanti, S.H.
	Ahmad Wiranto, S.H.
	Nurul Ma'rifah, S.H.
	Elis Khulaeli Yanti, S.Si
	Adijati, S.H.
	Danny Kurniawan Pambudi, S.H.
	Prio Setio Utomo, S.H.
	Febrian Dysavitri, A.Md.A.B.
	Mohamad Aliyanto, S.H., M.H.
	Ary Lancana Puspita, S.H.
	Hari Darmawan, S.H.
Secretariat	: Ana Ernaning Wulan, S.H., M.H.
	Sindy Widhia Restikha, S.Ap.
	Bargieta Sepuhgara, S.Kom
	Gita Permana Santoso, S.Kom.
	Teguh Santoso, S.Kom.
	Dwi Anggar Putri Wicaksono, S.E.
	Manuel Flavio, S.H.
	Hernawati, S.H.
	Natalia Proborini, S.E.
	Eddy Hermanto
	Bambang Subroto
	Desna Yudhi Rahayu, A.Md
Substitute clerk	: Eka Rita Purnamasari, S. H.
	Ririn Ambarwati, S. H.,M.Hum.
	Anang Widodo, S.H., M.H.
	Bambang Rudiawan, S.H.
	Widyatmoko, S.H.
	Rosni, S. H.
	Tri Handini Sulistyowati, S.H.
	Anny Mardiyah, S. E. S. H.
	Eni Hidayati, S. H.
	Slamet Ridwan, S.E., S.H., M.Hum.
	Uis Duanita, S.H., M.Hum
	Wahyuni Mertaatmadja, S.E., S.H., M.Hum
	Mohammad Nasir Jauhari, S.H.
	Eko Wahono, S.H.
	Sulistyoningsih, S.H.
	Aria Cahaya Sari, S.H.
Bailiff	: Manuel Flavio, S.H.
	I Nyoman Suanda, S.E., S.H.
	Prio Setio Utomo, S.H.
	Ida Purwanti, S.H.
	Adijati, S.H.
	Hernawati, S.H.

Hari Darmawan, S.H.
 Gita Permana Santoso, S.Kom.
 Danny Kurniawan Pambudi, S.H.
 Elis Khulaeli Yanti, S.Si
 Non-Supreme Court Regulation employees : Tri Andini Caca Sari
 Munadi
 Eldorado Fajaricon
 Novita Fitria Susetyo
 Rima Oktavia Qoirotul Lutfiah
 Nabil Ichlasul Fikri
 Moch Rizky Kurniawan
 Dany Firmanzah
 Frederico Flavio
 Devy Endah Fitriani
 Navida Azizah
 Shelly Citra Kusuma
 Andhyka Saputra Efendi, S.H.
 Nur Salim
 Mochamad Irawan
 Sodik
 Muhammad Fauzi
 Ahmad Farz Asyari, S.H.
 Udi Iswoyo
 Ranti Rizqi Wahyudya
 Adhitya Yanuar Ramadan
 Deby Nofariana
 Moh Ali Shodiqin

B. Data Exposure

1. Implementation of E-Litigation in Religious Courts and State Courts in Malang

The following authors will present the results of the interviews that the authors conducted related to the application of e-litigation in religious courts and State courts in Malang. In this case, the author conducted interviews with Mr. Drs. H. Irwandi, M. H as judge of the Religious Court of Malang, Mr. Supriadi, S. H as e-court officer of the Religious Court of Malang, Mr. Arief Karyadi, S. H, M. Hum as judge of the State Court of Malang, and Mr. Nabil Ichlasul Fikri

as e-court officer of the State Court of Malang. From the interviews that have been conducted, several opinions have been obtained, which the author will describe in 2 parts, namely:

Implementation of e-litigation at the Malang Religious Court. In its application, e-litigation in the Malang Religious Court has begun to be implemented since Supreme Court Regulation No. 1 of 2019, as explained by Mr. Drs. H. Irwandi, M. H⁴². In the Malang Religious Court, for cases that E-litigation has heard, namely lawsuit cases and applications. The following is an explanation from Mr. Drs. H. Irwandi, M. H and Mr. Supriadi, S. H as E-Court officers:

*“for cases that have been heard by e-litigation, mostly lawsuits and petitions.”*⁴³

The stages of the E-litigation trial at the Malang Religious Court are divided into several stages, namely:

First the mediation stage. At the mediation stage, as stated in article 20, paragraph 2 of Supreme Court Regulation No. 7 of 2022 that the e-litigation trial begins since mediation is declared a failure, except in cases that do not require mediation, as regulated in statutory provisions. The following is the explanation of Mr. Drs. H. Irwandi, M. H as a judge regarding the application of the trial in the mediation stage:

“So at the first stage, all parties are present, both the plaintiff and the defendant or their attorney if represented by a legal representative. If one of the

⁴² Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

⁴³ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

parties is not present, it will be called again to conduct mediation. After the mediation is conducted and the mediation is declared unsuccessful, it will proceed to the examination of the case.⁴⁴

Second, the case examination stage. At this stage, the judge will examine the lawsuit that was registered and ask about the willingness of the parties to conduct e-litigation, as explained by Mr. Drs. H. Irwandi, M. H:

"after the failure of mediation, the judge will examine the lawsuit or petition filed and ask the availability of the parties to conduct e-litigation. If the parties agree to conduct e-litigation, the next trial will be conducted through e-litigation, and a court calendar will be made. However, if the defendant does not agree to conduct e-litigation, the trial will continue manually. If the defendant does not agree to e-litigation, the trial will proceed with e-litigation as in Supreme Court Regulation No. 7 of 2022, but in its application, it is still not running perfectly.⁴⁵

Further explanation from Supriadi, S. H as e-court officer:

"If the defendant is absent, the case will still be heard electronically. All volunteer cases must be e-litigated. However, in practice, 5% are still e-litigated because there are still adjustments between procedural law and regulations⁴⁶."

Third the answering stage. At this stage, the parties will upload files at each hearing that has been scheduled in the court calendar. As explained by Mr.

Drs. H. Irwandi, M. H:

"After the parties agree to conduct e-litigation and a court calendar has been made, then at the next hearing, namely the answer, replication, and duplicates, the parties do not need to be present at the court, only upload the court file according to the schedule in the court calendar. For the party defendant who does not agree to conduct e-litigation as in Supreme Court

⁴⁴ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

⁴⁵ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

⁴⁶ Supriadi, S. H, wawancara, (Malang, 7 Februari 2023)

Regulation No. 7 of 2022, the defendant can come to ptsp to upload to the web to be read by the plaintiff⁴⁷.”

Further explanation from Supriadi, S. H as e-court officer:

“defendant who disagrees can submit the data to ptsp, and pp who will upload it to the web for the plaintiff to read, then the plaintiff's file will be sent to the defendant by post⁴⁸.”

Fourth the evidentiary stage. The parties are asked to appear in court with written and unwritten witnesses at this stage. At the previous hearing, the judge ordered the parties to appear in court and bring witnesses, so the judge's order can be said to be a summons for the parties. as explained by Mr. Drs. H. Irwandi, M. H:

“Furthermore, at the evidentiary stage, the parties are summoned to appear in court for written evidence that has been attached and uploaded during the initial registration on the e-court web in the form of legalized written evidence. Furthermore, the evidence will be verified by the panel of judges and checked against the original data. Witnesses at the hearing will be questioned and asked for their testimony⁴⁹.”

Fifth the conclusion stage, panel deliberation, and decision. At this stage, the trial is again conducted electronically so that the parties do not need to be present in court. The decision from the electronic trial, as in Supreme Court Regulation No. 7 of 2022, is signed with a manual signature by the panel of judges and substitute clerks and is considered a decision that has legal validity and legal consequences, as explained by Mr. Drs. H. Irwandi, M. H.:

⁴⁷ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

⁴⁸ Supriadi, S. H, wawancara, (Malang, 7 Februari 2023)

⁴⁹ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

“After the evidence returns to the e-court, the next stage is the conclusion and deliberation of the panel. Until the verdict, the parties do not need to come to court. The verdict will be uploaded on the e-court website, which can then be downloaded on their respective accounts. When the verdict is read by uploading a copy of the verdict in SIP and the electronic copy of the verdict has legal force and effect⁵⁰.”

The Malang Religious Court, in implementing e-litigation, has experienced several obstacles, including a lack of understanding of e-litigation for justice seekers, the adaptation of law enforcers to new regulations, and applications are not ready to follow the rules in the latest regulations. This is as described by Mr. Supriadi, S.H:

“More to the community. In terms of law enforcers still adapting, and people who are literate, the application is not ready to follow and update following Supreme Court Regulation No. 7 year 2022⁵¹.”

Implementation of e-litigation in the Malang State Court. E-litigation in the Malang State Court has been carried out since the issuance of Supreme Court Regulation No. 1 of 2019. As explained by Mr. Arief Karyadi, S. H, M. Hum:

“In the unfortunate court, of course, it has been since 2019 because the rules have been set out in Supreme Court Regulation No. 1 2019. Since then, the trial has been carried out by e-litigation⁵².”

Furthermore, according to Nabil Ichlasul Fikri as an e-court officer:

⁵⁰ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

⁵¹ Supriadi, S. H, wawancara, (Malang, 7 Februari 2023)

⁵² Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

“In Malang State Court, it started in 2019 and will only be effective in 2021-2022 based on existing data⁵³.”

The Malang State Court, as a judicial body under the general judicial body, has further regulation from the existence of Supreme Court Regulation No. 1 of 2019, which contains an obligation for civil cases to conduct e-litigation trials. This was also explained by Mr. Arief Karyadi, S. H, M. Hum in an interview:

“There is a badilum letter about implementing the Supreme Court Regulation as a derivative rule. Related to the registration process, until the trial, you must use e-court. All courts in Indonesia must use e-court⁵⁴.”

Furthermore, according to Nabil Ichlasul Fikri as an e-court officer:

“There is a follow-up regulation regarding the Supreme Court Regulation, namely circular letter number 04 of 2019, concerning the obligation to register civil cases through e-court.⁵⁵”

As with the existence of these advanced regulations, in their application, all civil cases, both petitions, and lawsuits, are registered and heard electronically. The following explanation by Mr. Arief Karyadi, S. H, M. Hum:

“So, for now, the application is almost all petition and lawsuit cases, so the mechanism of each court is following Supreme Court Regulation No. 1 of 2019, which was amended to Supreme Court Regulation No. 7 of 2022, registration and trials are carried out electronically, especially in civil cases⁵⁶.”

The stages of electronic trial at the Malang State Court are divided into several stages, namely:

⁵³ Nabil Ichlasul Fikri, wawancara, (Malang, 18 Maret 2023)

⁵⁴ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

⁵⁵ Nabil Ichlasul Fikri, wawancara, (Malang, 18 Maret 2023)

⁵⁶ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

First the mediation stage. At this stage, after the parties are summoned and present at the trial, the judge will recommend mediation, and if mediation fails, the judge will then ask the parties about their readiness to conduct e-litigation. If the mediation results in an agreement, the judge will continue the trial manually because the judge needs further study of the agreement before it is later stipulated in the decision. As explained by Mr. Arief Karyadi, S. H, M. Hum in an interview:

“Then, if the plaintiff and defendant are present, the judge will recommend mediation and ask about the readiness of the parties to conduct e-litigation. If legal counsel accompanies the defendant, then it is an obligation for the trial to be continued by e-litigation. If party t agrees to e-litigation, then the next hearing will be conducted by e-litigation. However, suppose the result of the mediation is an agreement. In that case, the trial will proceed without e-litigation because the judge requires a review by the panel before it is determined in the decision to be questioned about the agreement⁵⁷.”

Second, the hearing to read out the lawsuit. At the hearing to read out the lawsuit, the parties must appear at the court to conduct the hearing to read out the lawsuit. As stated by Mr. Arief Karyadi, S. H, M. Hum:

“The first trial after mediation, the reading of the lawsuit will be done manually. Because there, the judge will emphasize whether the lawsuit is correct or not. Of course, if the lawsuit is related to the subject matter, it is not justified unless it is related to matters unrelated to the basis of the lawsuit, it is still justified. To accommodate the defendant's rights, the defendant will fill out a form regarding readiness for e-litigation⁵⁸.”

Third, the answering stage. This stage is carried out by e-litigation, starting from answers, replications, and duplicates. At this stage the parties are asked to

⁵⁷ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

⁵⁸ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

upload the trial file according to the schedule that has been listed on the court calendar, which the judge will then verify at a predetermined time. As explained by Mr. Arief Karyadi, S. H, M. Hum:

“Answers, replications, and duplicates will be conducted in e-litigation for the stages that usually require verification. The judge must verify the answer or replication within a predetermined time, meaning there is a time limit for the parties to upload. Because it provides certainty of the right for the other party to respond to the other party's response, this requires accuracy from the parties because once verified, it cannot be changed again⁵⁹.”

Fourth the evidentiary stage. At this stage, the trial was conducted manually. Namely the parties were asked to come to court with written evidence or witnesses. Written evidence that has been legalized and uploaded during registration is brought to be matched with the original evidence. The parties and witnesses had been summoned through an order at the previous hearing. As explained by Mr. Arief Karyadi, S. H, M. Hum:

“The next step is the evidentiary stage, which cannot be done electronically, even if the documents can be done. They must be present to prove the evidence brought. Before the proof, there is an order for the parties to attend the trial. However, some parties sometimes think that the evidentiary hearing is still carried out electronically, so they do not come. If this happens, the trial will still take place, then if the party does not attend the trial will be postponed to summon the parties again, but the call is no longer via relaas, just through the application. Both parties have attended the letter evidence that will be presented at the hearing will be matched with the original. After that, if the trial is postponed again, there will be a record at the trial. In the e-court it will also be noted that the next hearing is a witness⁶⁰.”

⁵⁹ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

⁶⁰ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

Fifth the conclusion stage, panel deliberation, and decision. At this stage, the trial will again be conducted electronically. After reading the decision, the decision will be uploaded in pdf format and signed electronically. So that the decision is considered valid and has legal consequences, as explained by Mr. Arief Karyadi, S. H, M. Hum:

“Then the conclusion will be made back to the investigation, so no longer present at the trial. After that, the decision will be uploaded in the system, and starting from the first to the end, if the form is the word for the parties, the decision must be in pdf form with an electronic signature⁶¹.”

The Malang State Court encountered several obstacles in implementing e-litigation: e-litigation application improvement, parties not being updated with technology, late uploads, and network constraints. This is as described by Mr. Arief Karyadi, S. H, M. Hum and Nabil Ichlasul Fikri:

“Obstacles related to maintenance from the center, sometimes the application cannot be used. Usually, maintenance is carried out on Saturday week or sudden application repairs. To overcome this, there is the direct direction from the leadership such as calling through WhatsApp⁶².”

Furthermore, according to Nabil Ichlasul Fikri an e-court officer at the Malang State Court:

“The parties are late in uploading. Every trial delay is here with the date, day, and time. Many of them either forgot to upload or had network problems. So if the upload is late, we ask the party to record the trial record and the reason for the late upload, and the panel will determine whether it is allowed or not.

⁶¹ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

⁶² Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

The panel may give additional time, postpone the hearing to the same agenda, or leave the party who uploaded late⁶³.”

2. Similarities and Differences in the Implementation of E-Litigation Between the Religious Courts and Malang State Court for Realizing Simple, Fast, and Low-Cost trial

In applying e-litigation in religious courts and State courts in Malang, there are some similarities and differences, so the number of cases and e-litigation enthusiasts in these two judicial institutions are different. The following are the results of interviews with Mr. Drs. H. Irwandi, M. H as judge of the Religious Court of Malang, Mr. Supriadi, S. H as e-court officer of the Religious Court of Malang, Mr. Arief Karyadi, S. H, M. Hum as judge of the State Court of Malang, and Mr. Nabil Ichlasul Fikri as e-court officer of the State Court of Malang.

The application of e-litigation in the Religious Court of Malang is very influential in applying one of the judicial principles, namely the principle of simplicity, speed, and low cost. Thus, e-litigation is more effective than conventional trials, as explained by Mr. Drs. H. Irwandi, M. H.:

“It has a huge impact. Because first, the case settlement process is faster. In terms of free summons, it is more practical and cheaper, so it can be said to be more effective than conventional trials. When viewed from the principle of light costs, cases tried with e-litigation can be cheaper by more than 50% of conventional fees. When viewed from the principle of simplicity, e-litigation trials can be very simple compared to conventional trials because one of them is that the parties do not need to be present at the trial, so the parties are only asked to upload the trial file according to the schedule in the court calendar⁶⁴.”

⁶³ Nabil Ichlasul Fikri, wawancara, (Malang, 18 Maret 2023)

⁶⁴ Drs. H. Irwandi, M. H, wawancara, (Malang, 7 Februari 2023)

Furthermore, according to Supriadi, S. H as an e-court officer of the Religious Court of Malang:

“ it very gives an impact. All summons are 0 rupiah, which usually costs 1 million. Summonses can be cut to 600.000. It can be simply that he does not need to come from anywhere at any time, fast, because e-courts do not recognize jurisdictions. What is usually postponed for one week can be postponed for only three or four days⁶⁵. ”

From the information above, it can be seen that the application of e-litigation in the Malang Religious Court is one form of realization of simple, fast, and low cost principles. In the process of increasing e-litigation enthusiasts, the Malang Religious Court has several innovations in the form of socialization, meetings, and legal counseling, as explained by Supriadi, S. H:

“Internally, there are often meetings for evaluation and common perception of regulations, for external socialization, but in various legal counseling, judges have conducted counseling on electronic trials⁶⁶. ”

The implementation of e-litigation in the Malang State Court is very influential for applying the principles of simplicity, speed, and low cost. So that with the existence of e-litigation in the Malang State Court and the obligation for civil cases to conduct e-court, the implementation of e-litigation can run more optimally. As explained by Mr. Arief Karyadi, S. H, M. Hum regarding the effect of e-litigation in the application of the principles of simplicity, speed, and low cost:

“It could very well be because of this. The circular letter from Badilum is one of the major ways this principle has succeeded. Costs are lower for plaintiffs,

⁶⁵ Supriadi, S. H, wawancara, (Malang, 7 Februari 2023)

⁶⁶ Supriadi, S. H, wawancara, (Malang, 7 Februari 2023)

especially for summonses, which can be up to no cost because they are directly summoned by e-mail. Electronic summonses remove jurisdictional boundaries. So far, if it is manual, it is done by delegation. Every bailiff who makes a summons in another area must make an introduction to the delegation. Regarding the simplicity of the process, the stages remain the same lawsuit - verdict but must be fulfilled. Simple here is the tendency to not need a prolonged trial process. The parties no longer need to come. Fast, yes, it is fast because electronic evidence has been recognized as valid evidence, and the summons no longer needs a long time, such as if the summons outside Java as in the hierarchy of 2 weeks, then this can be one week as it is, the postponement of the trial is one week unless there is a judge's policy. Because the summons that is considered valid and appropriate is three days before the trial⁶⁷."

Further explained by Nabil Ichlasul Fikri as an e-court officer at the Malang State Court:

"Quite an impact. The term is that if we use e-litigation properly, they don't need to come to court, it can be done from anywhere, and there is no need to queue for hearings at the court. If for costs, it is quite cheap because, for e-litigation, there is no summons fee, so that is enough to reduce the cost of fees. Simple is quite simple because they upload files⁶⁸."

As a judicial body, the Malang State Court strives always to improve its services and performance. In applying e-litigation to improve the principles of simplicity, speed, and low cost. The State Court of Malang has made several innovations, such as improving services at the e-court desk, e-litigation approval format, socialization, and legal counseling. As explained by Mr. Arief Karyadi, S. H, M. Hum:

"There is one, the innovation is limited to services. The e-court desk will open services for parties in general, so all can be asked for help through the e-court desk. There is no innovation that is connected to e-court because the e-court application from the center, even if there is one, must require permission⁶⁹."

⁶⁷ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

⁶⁸ Nabil Ichlasul Fikri, wawancara, (Malang, 18 Maret 2023)

⁶⁹ Arief Karyadi, S. H, M. Hum, wawancara, (Malang, 18 Maret 2023)

Further explained by Nabil Ichlasul Fikri as an e-court officer at the Malang State Court:

“If we have innovations in the form of e-litigation approval formats and socialization related to Supreme Court Regulation, last December there was legal counseling with legal advocates and entities⁷⁰.”

From the explanation of the data above, it can be concluded that e-litigation plays a very important role in realizing the principles of simplicity, speed, and low cost. This can be seen from the low cost of the trial process compared to conventional trials. The light cost of the e-litigation trial process is due to the free cost of summoning the parties, which in conventional trials, the cost of summoning parties is the highest cost. E-litigation in applying the principle of simplicity can be seen from the trial process, which is not complicated and can be done anywhere, in contrast to conventional trials, which require the parties to be present in court and cannot be done anywhere. The application of the principle of speed can be seen from the length of the trial process and trial delays. The e-litigation process can be completed in less than five months, while in conventional trials, the trial process can be completed up to more than five months. The length of the trial process is due to the time for trial delays. In e-litigation, the trial delay can be less than one week, while in conventional trials, the trial delay is as long as one week. From the information above, the author will summarize in a table comparing e-litigation and conventional trials with simple, fast, and low cost principles.

⁷⁰ Nabil Ichlasul Fikri, wawancara, (Malang, 18 Maret 2023)

Table 4.3
Comparison of e-litigation and conventional trials

No	Principle	E-Litigasi	Conventional Trials
1.	Simple	<ul style="list-style-type: none"> a. The trial process is straightforward. In the trial process, the parties must only upload case files from the answer stage to the decision. b. The trial process can be done from anywhere and everywhere. c. Court decisions can be downloaded from each party's account. 	<ul style="list-style-type: none"> a. The parties must appear in court at every stage of the proceedings.
2.	Fast	<ul style="list-style-type: none"> a. The trial can be conducted in less than five months. b. Trial delays can be less than one week if possible. c. Parties outside the jurisdiction are summoned electronically, thus speeding up the trial process. 	<ul style="list-style-type: none"> a. The length of the trial process can be more than five months. b. Trial delay of at least one week. c. Parties outside the jurisdiction must be summoned by delegation.
3.	Low-cost	<ul style="list-style-type: none"> a. There are no costs for summoning the plaintiff. b. More cost-effective, as it can be done from anywhere and everywhere. 	<ul style="list-style-type: none"> a. The cost of summoning the parties. b. The amount of transportation costs incurred by the parties to conduct the trial.

From the table above, it is known that e-litigation has a big impact on the realization of the principles of simplicity, speed, and low cost in various judicial

institutions in Indonesia. This can be seen from the ease, speed, and low cost for the parties to the trial.

C. Analysis

1. Implementation of E-Litigation in Religious Courts and State Courts in Malang

Electronic trial or e-litigation is a renewal in Indonesia's justice field. Electronic trials have been implemented since the issuance of Supreme Court Regulation No. 1 of 2019 concerning administration and electronic trials in the judiciary. So that in 2022 Supreme Court Regulation No. 1 of 2019 was updated with Supreme Court Regulation No. 7 of 2022. In Supreme Court Regulation No. 7 of 2022, it is stated that e-litigation is a series of processes for examining and adjudicating cases by the court, which are carried out with the support of information and communication technology. With the existence of e-litigation, it is expected to overcome obstacles and constraints in applying simple, fast, and low-cost principles.

E-litigation has been implemented in all judicial bodies in Indonesia, namely religious courts, state courts, and state administrative courts. Religious courts and State courts in Malang have been implementing e-litigation since 2019 and will stabilize in 2020-2022. In its implementation, cases that go through the e-litigation stage in the Religious Court of Malang are lawsuits, petitions, and simple lawsuits registered through e-court based on the explanation of Mr. Drs. H. Irwandi, M. H as a judge of the Religious Court of Malang. Meanwhile, in the State Court of Malang, as explained by Mr. Arief

Karyadi, S. H, M. Hum and Nabil Ichlasul Fikri that the implementation of cases that go through the e-litigation stage is all civil cases, this is because the State Court has a further regulation regarding Supreme Court Regulation No. 1 of 2019 in the form of Badilum Circular Letter Number 4 of 2019 concerning the obligation to register civil cases through e-court so that the application of e-litigation in the State Court can proceed more optimally.

Electronic trials can begin if the parties have agreed to conduct an electronic trial and have also conducted mediation and mediation has failed. This is as stated in Article 20, paragraph 2 of Supreme Court Regulation No. 7 of 2022, that electronic trials can be carried out if mediation has failed, except in cases that do not require mediation, as regulated in statutory provisions⁷¹. The e-litigation stages will be divided into five stages, namely, lawsuit reading session, answer session, evidentiary hearing, and decision reading.

The first hearing or hearing to read the lawsuit is conducted conventionally. So that the parties are asked to attend the court, at this first hearing, the parties will be asked to agree to conduct an electronic trial. This applies equally to the Religious Courts and State Courts in Malang. As explained by Mr. Drs. H. Irwandi, M. H as a judge at the Religious Court of Malang, and Mr. Arief Karyadi, S. H, M. Hum as a judge at the State Court of Malang, after mediation has failed, and the parties agree to e-litigation, the next trial will proceed with e-litigation and the judge will prepare a schedule for the next trial

⁷¹ Pasal 20 Ayat 2 Peraturan Mahkamah Agung Nomor 7 Tahun 2022 Tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

with a court calendar. Since the issuance of Supreme Court Regulation No. 7 of 2022, parties who do not agree to conduct e-litigation are asked to deliver the trial file to the court, which the court registry will then upload. However, its application in the Religious Courts and State Courts in Malang for parties unwilling to conduct e-litigation, the trial will continue manually. This is due to the adaptation process for judicial bodies with regulatory reforms and attention to justice seekers' rights.

The next trial was an answer and reply trial. After the mediation process has been carried out and declared a failure, the process of determining the trial through the court calendar and the process of summoning the parties. The trial will continue with the answering process. This trial consists of an answer, replication, and duplicates. This trial will be conducted by e-litigation if the parties have agreed to conduct an electronic trial. The process of the answering trial agenda has been described in Article 22, paragraphs (1) and (2) of Supreme Court Regulation No. 7 of 2022. The parties do not need to be present in court for the answer hearing. They only need to upload the hearing file in the e-court application. For parties unwilling to conduct e-litigation, the court file will be submitted to the court registrar to be uploaded in the e-court application. The file will then be verified by the panel of judges and forwarded to the opposing party.

It can be seen that the application of the process of answering, which includes answers, replications, and duplicates based on the results of interviews at the Malang Religious Court and Malang State Court, has been following established regulations. However, the application of the answer process for

parties who do not agree to conduct e-litigation is still in the process of adjustment between regulations and law enforcement agencies. This is one of the obstacles for the Religious Courts and the Malang State Court in implementing regulatory reform regarding e-litigation. In the answering process, the parties are asked to upload the trial file according to the days and hours specified in the court calendar. Parties who experience problems or are late when uploading the court file can confirm to the court and then the judge will determine whether the party is allowed to re-upload with additional time or the party loses their right to a trial. The court file will then be verified by the panel of judges and the file will be forwarded to the opposing party. At the verification stage, the file that has been verified cannot be amended unless there is a specific request from the parties to amend it to the court.

The next step in the trial process is the evidentiary hearing. Article 25 of Supreme Court Regulation No. 1 of 2019 states that the evidentiary hearing is conducted following the applicable procedural law⁷². However, at the registration stage, the parties must attach written evidence that has been legalized and uploaded in the e-court application. In the latest regulation, Supreme Court Regulation No. 7 of 2022 Article 24 paragraph (3), evidentiary proceedings with witness examination can be conducted through remote examination or visual communication media⁷³.

⁷² Pasal 25 Peraturan Mahkamah Agung Nomor 7 Tahun 2022 Tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

⁷³ Pasal 24 ayat 3 Peraturan Mahkamah Agung Nomor 7 Tahun 2022 Tentang Perubahan Atas Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik

In its implementation in the Malang Religious Court and Malang State Court regarding the stages of the evidentiary hearing, it has proceeded following existing regulations. Before the evidentiary hearing the parties are summoned by order of the panel of judges at the previous hearing. The parties present will bring the original file of written evidence that has been uploaded at the time of registration to be equalized with that which has been uploaded in the e-court application, in addition, the parties are asked to bring witnesses to be asked for information related to the subject matter. For parties or witnesses outside the court's reach and it is not possible to be present at the trial where the evidence can be conducted through video conference. The facilities and infrastructure for video conferencing have been met in the Religious Courts and State Courts. However, in practice, it has never been done. For objects of dispute in the form of land or buildings, it is necessary to conduct a local inspection, and this is not possible to do electronically, so judges and substitute clerks must inspect the object manually.

At this stage, the trial will again be conducted electronically so that the parties do not need to appear in court. Similar to the answer session, the conclusion session will follow the court calendar set. At this hearing, the parties are also asked to upload files regarding conclusions during the trial process which the panel of judges will then verify. This stage of the trial has been well implemented in the Malang Religious Court and Malang State Court.

Next is the process of reading the decision. The decision is delivered electronically by uploading a copy of the decision/decreed to the court

information system. Thus, uploading the decision in the court information system is considered open to the public and has legal force and effect. The electronic decision is delivered in pdf form, signed manually by the panel of judges and substitute clerks. In its implementation in the Malang Religious Court and Malang State Court, the stages of delivering decisions have run well and are following existing regulations.

The implementation of e-litigation in Malang Religious Court and Malang State Court has been running well. However, several trial stages are still in adjustment between the judicial body and the latest regulations. This is the basis for judicial bodies always to innovate and improve performance in every regulatory update so that the principles of justice can be implemented properly.

2. Similarities and Differences in the Implementation of E-Litigation between Religious Courts and State Courts in Malang for Realizing Simple, Fast, and Low-Cost Trial

Furthermore, researchers will compare the similarities and differences in applying e-litigation in the Malang Religious Court and Malang State Court concerning simplicity, speed, and low-cost principles. In this case, simple relates to examining and resolving cases that are not complicated, efficient, and effective. The principle of speed is related to the period of the trial process from the first hearing to the decision. The trial process is expected not to exceed five months, as stated in the Supreme Court circular letter No. 2 of 2014. Meanwhile, light costs in this principle relate to costs that are appropriate and easily accessible to justice seekers. This will be explained by the results of interviews

that the author has conducted with judges and e-court officers at the Malang Religious Court and Malang State Court.

In the realization of the principles of simplicity, speed, and low cost through e-litigation in the Religious Court of Malang and the State Court of Malang, there are several similarities and differences that the author found from the results of the interviews that have been conducted. Similarities in the application of e-litigation in the Malang Religious Court and Malang State Court can be seen from 3 aspects: regulations, trial stages, and facilities and infrastructure. As has been explained, the implementation of e-litigation is based on Supreme Court Regulation No. 7 of 2022, an update of Supreme Court Regulation No. 1 of 2019. This regulation is the main basis for judicial bodies under the auspices of the Supreme Court to conduct e-litigation. Thus, the Religious Courts and Malang State Court have the same regulatory basis in implementing e-litigation. With the same regulation, the stages in the implementation of the e-litigation trial in the Religious Court of Malang and the Malang State Court are also the same, namely starting from reading the lawsuit, answering, proof, conclusion, and reading the decision. In addition, the facilities and infrastructure owned by the Malang Religious Court and Malang State Court have met the existing standards.

Differences in the application of e-litigation in the Malang Religious Court and Malang State Court in realizing simple, fast, and low-cost trial. In this case, the author categorizes the differences in three aspects: continued regulation, services, and innovation of judicial institutions. The State Court,

under the auspices of the general judicial body, and the Religious Courts, under the auspices of the religious judicial body, are bound by the same regulation in applying e-litigation, namely Supreme Court Regulation No. 7 of 2022. However, the general judicial body, with the issuance of Circular Letter No. 04 of 2019 concerning the Obligation to Register Civil Cases Through E-Court, obliges all judicial bodies under the auspices of the general judicial body to oblige every justice seeker in the civil sector to register their cases through e-court. This circular letter aims to accelerate the increase in the utilization of the e-court system and achieve a simple, speedy, and low-cost judicial process.

Furthermore, from the results of interviews conducted by researchers, another difference relates to the e-court desk service. Basically, the function of the e-court desk in the Religious Court of Malang and the State Court of Malang is customer service for e-court issues. What distinguishes the e-court desk service in the State Religious Court of Malang and the State Religious Court of Malang is that in the State Court of Malang in addition to solving the parties' problems related to e-court, the e-court desk officer in the State Court of Malang also assists in making e-mail to the parties' accounts before litigating so that the parties in every stage of e-court in the State Court of Malang can be requested for assistance through the e-court desk.

In improving their performance, judicial bodies always innovate in every aspect of the court, one of which is increasing the number of e-litigation enthusiasts in each judicial institution. The form of innovation carried out by the Malang Religious Court and the Malang State Court is by holding legal

counseling, evaluation, and socialization. Innovations that differ between the Malang State Court and the Malang Religious Court in increasing e-litigation enthusiasts are the existence of binding follow-up rules from the general judicial body and a party consent form regarding electronic lawyering signed by the plaintiff and defendant.

From the author's analysis of the similarities and differences in applying e-litigation in the Malang Religious Court and the Malang State Court. Furthermore, the author will summarize it in a table of similarities and differences in applying e-litigation in the Malang Religious Court and Malang State Court in realizing simple, fast, and low-cost trial.

Table 4.4
Similarities in the implementation of e-litigation at the Malang Religious Court and Malang State Court in realizing simple, fast, and low-cost trial

NO	Aspects of similarity	Malang Religious Court	Malang State Court
1	Regulation	Supreme Court Regulation No. 7 of 2022	Supreme Court Regulation No. 7 of 2022
2	Trial steps	Mediation Reading of the lawsuit Answer and reply Evidence Conclusion Judgment	Mediation Reading of the lawsuit Answer and reply Evidence Conclusion Judgment
3	Facilities and infrastructure	E-court desk Electronic courtroom	E-court desk Electronic courtroom

Table 4.5
Differences in the implementation of e-litigation at the Malang Religious Court and Malang State Court in realizing simple, fast, and low-cost trial.

NO	Aspects of difference	Malang Religious Court	Malang State Court
1	Continued regulation	No continued regulations	Further regulation in the form of badilum circular letter No. 04 of 2019 concerning the obligation to register civil cases through e-court
2	Services	The e-court desk officer functions as e-court customer service	The e-court desk officer is a customer service and companion for the parties conducting e-court stages.
3	Innovation	a. Legal counseling b. Evaluation c. Socialization	a. Legal counseling b. Evaluation c. Socialization d. E-litigation approval form e. The existence of continued regulation from badilum

From the table above, it can be concluded that the application of e-litigation in the Religious Courts and State Courts in Malang has similarities and differences. These similarities include regulations, trial stages, and infrastructure owned by both judicial institutions. The differences between the two judicial institutions can be seen in terms of further regulations, services, and innovations. The existence of further regulations and several innovations owned by the Malang State Court makes it ready to realize further the principles of simple, fast, and low-cost trial.

CHAPTER V

CLOSING

A. Conclusion

1. The implementation of electronic trials or e-litigation in the Malang Religious Court and Malang State Court has been running well and following existing procedures. Starting from the first trial process to the stage of reading the decision. Although, some things have not been implemented perfectly following Supreme Court Regulation No. 7 of 2022 concerning Amendments to Supreme Court Regulation No. 1 of 2019 concerning case administration and trials in court electronically. This is because it is still in the process of adjustment between the judiciary and the latest regulations.
2. Similarities and differences in applying e-litigation in the Malang Religious Court and Malang State Court in realizing simple, fast, and low-cost trials can be seen from several factors. Similarities in the application of e-litigation in the Malang Religious Court and Malang State Court include the same regulations used, namely Supreme Court Regulation No. 7 of 2022, the same trial stages, namely mediation, first trial, answer, replication, duplicates, proof, conclusion, and reading of the decision. Further similarities regarding facilities and infrastructure are in the form of electronic courtrooms and e-court desks. The differences in the implementation of e-litigation in the Religious Court of Malang and the State Court of Malang include the existence of a further regulation in the

form of circular No. 04 of 2019 concerning the Obligation to Register Civil Cases Through E-Court, while in the Religious Court, there is no further regulation. In addition, the e-court desk services provided between the State Court of Malang and the Religious Courts of Malang differ. The e-court desk in Malang State Court is not only a customer service for the litigants but also a companion for the parties in the case settlement process. Regarding innovation that distinguishes between the religious court and the State Court of Malang, there is an e-litigation consent form for litigants in the State Court of Malang.

B. Suggestion

1. The public or litigants can make more use of e-litigation to facilitate the trial process so that the principles of simple, fast, and low cost can be realized.
2. To further researchers who discuss the same theme to refine research on e-litigation, especially after the issuance of Supreme Court Regulation No. 7 of 2022.

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- Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik
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APPENDIXES



Interview with Mr. Supriadi, S. H as e-court officer of the Religious Court of Malang



Interview with Mr. Nabil Ichlasul Fikri as an e-court officer at the Malang State Court



Interview with Mr. Arief Karyadi, S. H, M. Hum as a judge of Malang State Court

Research Reply Letter



PENGADILAN AGAMA MALANG

Jl. R. Panji Suroso No. 1 Malang Telp. (0341) 491812 Fax. (0341) 473563
<http://www.pa-malangkota.go.id>, email: pamalangkota@gmail.com
 MALANG 65126

Nomor : W13-A2/5691/PB.01/11/2022
 Lamp. : 1 (satu) lembar
 Perihal : Permohonan Izin Penelitian

Yth. Wakil Dekan Bidang Akademik
 Fakultas Syariah
 Universitas Islam Negeri Maulana Malik Ibrahim Malang
 di Tempat

Assalamu'alaikum wr. wb.

Sehubungan dengan surat Saudara Nomor : B- 4924 /F.Sy.1/TL.01/09/2022 tertanggal 08 November 2022, perihal Permohonan Izin Penelitian berjudul **Perbandingan Penerapan E-Litigasi di Pengadilan Agama Dan Pengadilan Negeri Kota Malang Dalam Mewujudkan Peradilan Cepat , Sederhana, Dan Biaya Ringan**, disampaikan bahwa:

Nama : Arina Yustika Fitri
 NIM : 19210099
 Judul Penelitian : Perbandingan Penerapan E-Litigasi di Pengadilan Agama Dan Pengadilan Negeri Kota Malang Dalam Mewujudkan Peradilan Cepat , Sederhana, Dan Biaya Ringan

diberikan izin melakukan dengan ketentuan sebagai berikut :

1. Tidak mengganggu jalannya persidangan;
2. Tidak dibenarkan memeriksa/meneliti berkas-berkas perkara dan atau putusan Pengadilan Agama yang belum berkekuatan hukum tetap;
3. Tidak dibenarkan mencoret/menambah dan atau memberi tanda-tanda lain pada berkas, membawa berkas ke luar ruangan yang telah disediakan atau mengambil sendiri berkas-berkas arsip di tempat arsip;
4. Tidak dibenarkan menyalahgunakan kesempatan ini untuk tujuan lain atau tujuan tertentu yang dapat mendiskreditkan wibawa Badan Peradilan;
5. Berkaitan dengan adanya Pandemi Covid 19 dimohon untuk menerapkan *Social Distancing* dan protokol kesehatan di Pengadilan Agama Malang.

Demikian, atas perhatiannya diucapkan terima kasih.
Wassalamu'alaikum wr. wb.

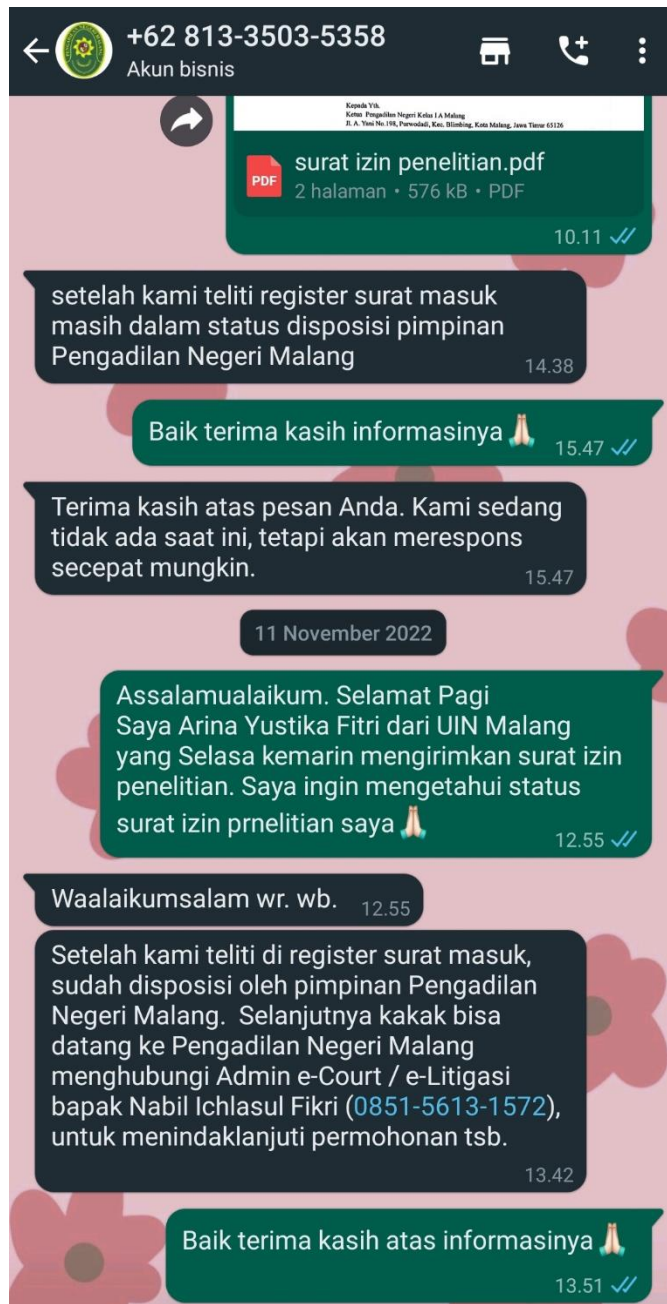
Malang, 08 November 2022

Ketua,



Drs. H. MISBAH, M.H.I.
 NIP. 19651203 199003 1 001

Research Reply Letter



Interview Guidelines At Pa And Pn Malang

1. Apakah PN/PA Malang telah menerapkan persidangan elektronik? Sejak kapan ?
2. Perkara apa saja yang telah disidangkan dengan elitgasi?
3. Apakah ada aturan yang mengikat penerapan e-court dan e-litigasi di PN/PA?
4. Bagaimana proses penerapan persidangan elektronik di PN/PA Malang?
5. Apakah sarana dan prasarana di PN/PA Malang telah cukup untuk melaksanakan sidang elektronik?
6. Bagaimana antusias para pihak berperkara baik pengacara ataupun masyarakat umum di PN/PA dalam pelaksanaan persidangan elektronik?
7. Apakah ada hambatan dalam penerapan persidangan elektronik PN/PA ?
8. Bagaimana PN/PA mengatasi hambatan tersebut?
9. Apa saja faktor penyebab minimnya peminat e-litigasi di PN/PA?
10. Bagaimana upaya PN/PA untuk meningkatkan peminat e-litigasi?
11. Apakah dengan adanya persidangan eletronik ini dapat mewujudkan salah satu asas peradilan yaitu asas sederhana, cepat, dan biaya ringan?
12. Bagaimana elitigasi bisa mewujudkan asas sederhana cepat dan biaya ringan?
13. Seberapa besar dampak persidangan elektronik dalam penerapan asas ini di PN/PA?
14. Bagaimana pandangan bapak/ibu mengenai perkara verstek yang disidangkan melalui e-litigasi.? Apakah pembaharuan ini menjadi salah satu upaya penerapan dan peningkatan asas sederhana, cepat, dan biaya ringan?
15. Apakah PN/PA memiliki inovasi khusus untuk mewujudkan asas sederhana, cepat, dan biaya ringan, melalui adanya e-litigasi?

E-Litigation Approval Form

PERSETUJUAN PARA PIHAK BERACARA SECARA ELEKTRONIK DI PENGADILAN NEGERI MALANG

Kami, masing-masing yang bertanda-tangan dibawah ini:

1. Nama Kuasa :
- Alamat email Kuasa :
- No. Tlp Kuasa :
- Nama Prinsipal :
- Alamat email Prinsipal :
- No Tlp Prinsipal :
- Tempat Tinggal :
- Pekerjaan :
- Selanjutnya disebut : **Penggugat/Pemohon sebagai Pengguna Terdaftar /**
Pengguna Lain perkara perdata / permohonan yang terdaftar pada Aplikasi e-
Court Sistem Informasi Pengadilan pada Pengadilan Negeri Malang
Nomor :

2. Nama Kuasa :
- Alamat email Kuasa :
- No. Tlp Kuasa :
- Nama Prinsipal :
- Alamat email Prinsipal :
- No Tlp Prinsipal :
- Tempat Tinggal :
- Pekerjaan :
- Selanjutnya disebut : **Tergugat/Termohon sebagai Pengguna Terdaftar /**
Pengguna Lain

Berdasarkan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2019, Tentang Administrasi Perkara di Pengadilan secara Elektronik, para pihak tersebut di atas menyatakan :

1. Mengikuti Proses Acara Persidangan secara Elektronik (*e-litigasi*) meliputi Jawaban, Replik, Duplik, Kesimpulan dan Putusan atas persetujuan Penggugat dan Tergugat setelah proses mediasi dinyatakan tidak berhasil.
2. Melaksanakan sidang pembuktian sesuai dengan hukum acara yang berlaku.
3. Menerima panggilan sidang dan pemberitahuan putusan perkara perdata/permohonan secara elektronik.

Demikian surat persetujuan ini dibuat untuk beracara secara elektronik di Pengadilan Negeri Malang yang harus dipenuhi oleh para pihak di hadapan Panitera Pengadilan Negeri tersebut.

PENGGUGAT

TERGUGAT



KEMENTERIAN AGAMA REPUBLIK INDONESIA
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CONSULTATION PROOF

Name : Arina Yustika Fitri
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 Department : Islamic Family Law
 Supervisor : Erik Sabti Rahmawati, M.A, M. Ag
 Thesis Title : Comparative Study The Implementation Of E-Litigation Between Religious Court And District Court In Malang For Realizing Simple, Fast, And Low Cost Trial

No	Day/Date	Subject of Consultation	Signature
1	Tuesday / November 1, 2022	Consultation proposal	
2	Wednesday/ November 16, 2022	Proposal revision	
3	Friday/ November 18, 2022	Acc proposal	
4	Tuesday/ January 10, 2023	Consultation chapter I and II	
5	Tuesday/ January 31, 2023	Acc chapter I and II	
6	Friday/ February 10, 2023	Consultation chapter III	
7	Friday/ March 17, 2023	Acc chapter III	
8	Tuesday/ March 28, 2023	Consultation chapter IV, V, and abstract	
9	Thursday/ May 4, 2023	Acc chapter IV, V, and abstract	
10	Monday / May 15, 2023	Acc thesis	

Malang, June 16th 2023
 Acknowledged by,
 Head Department of Islamic Family Law

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 NIP. 197511082009012003

CURRICULUM VITAE



I. PERSONAL DATA

Name	Arina Yustika Fitri
Place and Date of Birth	Jayapura, December 12 th 2001
Gender	Perempuan
Religion	Islam
Marriage Status	Not married
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ID card address	Dsn. Talon RT/RW 02/03, Ds. Pakamban Laok, Kec. Pragaan, Kab. Sumenep, Madura, Jawa Timur
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II. FORMAL EDUCATION

Period (Year)	School / Agency / University	Major	Education Level
2006-2007	TK Pembangunan V Yapis	-	TK

2007-2008	SD Pembangunan V Yapis	-	SD/MI
2008-2013	SDN Pragaan Laok I	-	SD/MI
2013-2016	MtsN Tambakberas	-	SMP/MTs
2016-2019	MAN 3 Jombang	-	SMA/MAN
2019-2023	Maulana Malik Ibrahim Malang State Islamic University	HKI	Strata 1 (S1)

III. NON-FORMAL EDUCATION

Period (Year)	School / Agency / University
2013-2019	Pondok Pesantren Putri Al-Lathifiyyah 1
2019-2020	Ma'had Sunan Ampel Al-Aly

IV. ORGANIZATION EXPERIENCE

Period (Year)	Agency
2021-now	Mentor and member of talent management in ngajidirumah.aja