

IMPLEMENTATION OF SIMPLE, FAST AND LOW-COST PRINCIPLES IN E-SUMMONS WITH THE E-COURT SYSTEM

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Abstract

Courts are expected to provide various advantages, namely speed, consistency, accuracy, and reliability. The judiciary in Indonesia adheres to a simple, fast, and low-cost trial. The reality in Indonesia is that case resolution is long-winded, expensive, and inefficient. The existence of technological developments brings benefits, especially in the world of justice where the judicial system that was originally based on conventional has shifted to an electronic-based justice system from then a new problem arose. E-Summon, which should make it easier to call parties, does not apply to people who are not familiar with technology. E-Summon is considered ineffective because the e-court system sometimes has errors and is considered long-winded because justice seekers who are not yet technologically savvy are required to have an email, be able to operate it, and must be ready if they get a call. This study examines how to optimize the E-Summons feature in realizing a simple, fast, and inexpensive E-Summons system. settlement of civil cases. The results show that the implementation of E-Summons has not been able to run optimally. The not yet optimal implementation of E-Summons is caused by the legal culture of the community that has not been able to accommodate the implementation of E-Summons. The legal culture of the people who are not used to operating e-mail and the lack of openness of technological insight which is the main capital in the implementation of E-Summons, the implementation of E-Summons has not run optimally.

Keywords: *E-court; Simple Fast and Low Cost; E-Summons*

1. Introduction

The judiciary in Indonesia adheres to a court that is simple, fast, and low cost (content justice) as regulated in Law Number 48 of 2009 concerning Judicial Power. The purpose of this simple, fast, and low cost is that the judicial process is not complicated, the program is clear, easy to understand and the cost is affordable for even lower level justice seekers.¹ Courts are expected to provide various advantages, namely speed, consistency, precision, and reliability, this is considering that several typical problems become a habit in the court system, namely slow, difficult case handling. accessed to the point of integrity of the apparatus in it, and all of these things besides being a scourge in various courts are also a problem that afflicts the Supreme Court.²

¹ P. J. Hairi, "Antara Prinsip Peradilan Sederhana, Cepat Dan Berbiaya Ringan Dan Gagasan Pembatasan Perkara Kasasi," *Jurnal Negara Hukum* 2, no. 1 (2011): 151–78.

² Muhammad Iqbal and Moh. Sutoro, "Efektifitas Sistem Administrasi E-Court Dalam Upaya Mendukung Proses Administrasi Cepat, Sederhana, Dan Biaya Ringan Di Pengadilan," *Jurnal Hukum* 8, no. 2 (2019): 302–15.

The reality in Indonesia is that there is a long-winded, expensive, and inefficient case settlement.³ The duration of lawsuits should be resolved in a maximum of 5 months according to SEMA No. 4 of 2014 but according to the Ungaran District Court's annual report there are cases that are resolved in more than 5 months. In 2019 there were 15 cases,⁴ in 2020 there were 10 cases,⁵ in 2021 there were 9 cases.⁶ Therefore, the renewal of civil procedural law in Indonesia is a condition sine qua non to create legal certainty and a sense of justice.⁷ Reform of procedural law that is more visionary and responsive from both philosophical, juridical and sociological reviews so that current legal development problems (actual) get the proper place.⁸ According to the author, the form of renewal through PERMA is the legal basis and reference for court officials regarding the speed of processing with the use of technology.

In 2018 the Supreme Court deems it necessary to immediately make regulations that respond to these current conditions by issuing RI Supreme Court Regulation Number 3 of 2018 concerning Case Administration in Courts Electronically, which then in 2019 issued RI Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trials in Courts Electronically. This was followed by the issuance of the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: 129/KMA/SK/VIII/2019 dated August 13, 2019, concerning Technical Instructions for the Administration of Cases and Trials at the Court of Appeal, Cassation, and Electronic Review.

These regulations have regulated and provided changes to the procedural law, which was originally conventional procedural law which was now turned into a more modern procedural law on an electronic basis.⁹ The author agrees that the use of technology is a renewal of the procedural process. Bhatt and Velicogna stated that the rapidly developing changes in the development of technology and communication, one of which was the judiciary.¹⁰

³ Dian Latifiani and Mitha Ratnasari, "The Small Claim Court To Realize the Fast and Simple Principle in Civil Disputes Resolution," *South East Asia Journal of Contemporary Business, Economics and Law* 18, no. 4 (2019).

⁴ PN Ungaran, "Laporan Pelaksanaan Kegiatan Tahun 2019 Pengadilan Negeri Ungaran," 2019.

⁵ PN Ungaran, "Laporan Kegiatan Tahun 2020," 2020, <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf>.

⁶ PN Ungaran, "Laporan Pelaksanaan Kegiatan Tahun 2021," 2021.

⁷ H. Amran Suadi, *Pembaruan Hukum Acara Perdata Di Indonesia* (Jakarta: Kencana, 2019).

⁸ Bambang Sutiyoso, *Reformasi Keadilan Dan Penegakan Hukum Di Indonesia* (Yogyakarta: UII Press, 2010).

⁹ Luthfi Kalbu Adi and Yusuf Saefudin, "Modernisasi Layanan Dan Administrasi Peradilan Di Pengadilan Negeri Purwokerto : Permasalahan Dan Upaya Perbaikannya," in *Prosiding Integritas*, 2020, 53–64.

¹⁰ Wan Satirah Wan Mohd Saman and Abrar Haider, "E-Court: Technology Diffusion in Court Management," in *Proceedings of the Nineteenth Americas Conference on Information Systems*, vol. 2, 2013, 1–10.

These technological developments certainly bring benefits, especially in the world of justice where the judicial system that was originally based on conventional switching to an electronic-based justice system will make a major contribution to the state and society seeking justice.¹¹

Such reform of the procedural law or Electronic Judiciary in Indonesia has begun to be realized in 2018, this is marked by the issuance of the Supreme Court of the Republic of Indonesia Number 3 of 2018 concerning the Administration of Cases in Courts Electronically or what we often call the E-Court System. E-Court is a court instrument as a form of service to justice seekers (applicants/plaintiffs) in terms of online case registration (E-filing), electronic down-payment estimates (e-SKUM), online payments (E-payments), online summons (E-summons), and online trial (E-Litigation).¹² The advantages of using e-court are lower costs, time-saving, fast data retrieval process, varied payment methods, well-archived documents.¹³

With the existence of this E-Court, it is hoped that it will be able to bring a better atmosphere of justice in Indonesia.¹⁴ In practice the use of e court is not optimal because the litigants are not familiar with technology. Especially in the E-Summons feature or online summons.¹⁵ Following Perma No. 3 of 2018¹⁶ that Summons whose registration is carried out using an E-Court, summons to Registered Users are carried out electronically sent to the registered user's electronic domicile address.¹⁷ The E-summons feature or online calling itself demands that the parties be aware of the technology. Technological awareness in question is that the parties to the litigation are required to have an email (electronic domicile address) that has been registered in the E-Court application as stipulated in Perma No.1 of 2019.¹⁸ In addition to being required to have an email, the litigating parties are required to be able to operate a device that supports the operation of the email itself because later the court summons will be sent to the emails of the litigants whose value is equivalent to calls using call relass. From here a new problem arises. E-Summons, which should provide convenience in calling parties, do not apply to people who are less aware of the technology. E-

¹¹ Wan Saman and Abrar Haider, "Electronic Court Records Management: A Case Study," *Journal of E-Government Studies and Best Practices* 2012 (2012): 1–11, doi:10.5171/2012.925115.

¹² Supreme Court of the Republic of Indonesia, *Buku Panduan E Court* (Jakarta: Mahkamah Agung, 2019).

¹³ Dian Latifiani, "Human Attitude and Technology: Analyzing A Legal Culture On Electronic Court System in Indonesia (Case of Religious Court)," *Jurnal of Indonesian Legal Studies* 6, no. 1 (2021): 157–84.

¹⁴ Joko Sriwidodo, "Perkembangan Regulasi Dan Urgensi E-Litigasi Di Era Pandemi Corona Virus Disease-19 Joko," *Kertha Patrika* 43, no. 2 (2021): 197–209, doi:10.35817/jpu.v3i2.12535.

¹⁵ The author's pre-research for 5 weeks in 2020 at the Ungaran District Court showed that the plaintiff did not understand electronic calls, did not have email, did not receive electronic calls via email.

¹⁶ Supreme Court of the Republic of Indonesia, "Peraturan Mahkamah Agung Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik" (Jakarta: Mahkamah Agung, 2018).

¹⁷ Supreme Court of the Republic of Indonesia, *Buku Panduan E Court*.

¹⁸ Supreme Court of the Republic of Indonesia, "Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik" (Jakarta: Mahkamah Agung, 2019).

Summons are considered ineffective because the e-court system sometimes has errors¹⁹ and is considered long-winded because justice seekers who are not aware of technology are required to have an email, be able to operate it, and must be ready if they get a summons.

Another problem is when the court summons via e-mail is not recognized due to late checking of e-mail by the plaintiff, which results in not knowing the schedule for the first hearing, which results in the lawsuit being declared void. The lawsuit was declared null and void by the judge meaning the plaintiff's right to settle the case in court was lost. Another problem that arises is how for parties who do not have strings (gadgets), especially for the lower middle class (poor). Knowledge of technology and the ability to have infrastructure that supports the E-Summons process does not necessarily guarantee one hundred percent of the E-Summons process can run smoothly because other obstacles can also be caused by external factors such as inadequate internet networks and the E-Summons system that sometimes occurs experienced a disturbance so that it cannot send a summons to the parties who will be on trial.²⁰

The parties experienced problems in the E-summons process such as a lack of understanding of electronic summons (email), not having email, and there were even parties who did not receive the email summons which resulted in the lawsuit filed in this case being dismissed by the Panel of Judges.

Based on the above background, it is certainly important to conduct an in-depth study of the implementation of E-Summons in the E-Court system and how to optimize the E-Summons features in realizing a simple, fast, and low-cost principles in civil case settlements.

2. Method

This research uses empirical juridical which examines the applicable legal provisions and what happens in the reality of justice seekers.²¹ This study looks at the legal facts of justice seekers in the settlement of civil cases in the Ungaran district court, Central Java province in the implementation of E-Summons with the E-Court system. Primary data was obtained by semi structured interviewing justice seekers/lawyers and representatives of the Ungaran District Court.

¹⁹ Dian Latifiani, *Buku Monograf Budaya Hukum E-Court Masyarakat Desa* (Semarang: Badan Penerbit Fakultas Hukum Universitas Negeri Semarang, 2020).

²⁰ Widowati, "Hambatan Dalam Implementasi Asas Sederhana, Cepat Dan Biaya Ringan," *Jurnal Hukum - Yustitiabelen* 7, no. 1 (2021): 94–114.

²¹ Suharsini Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek* (Jakarta: Rineka Cipta, 2012).

Secondary data was obtained from documents, journals, books.²² Interview is a process of interaction and communication. The interview used is a focused interview using a list of questions.²³ The research data collected is processed and analyzed using qualitative analysis techniques with the stages: (1) Data reduction, (2) Data display, (3) Conclusion and verification.²⁴

3. Results and Discussion

Every case that uses an E-Court is of course in the implementation of calling the parties using an electronic call (E-Summons). As for the comparison used here, the author describes the number of cases that have been entered, especially civil cases from 2019 to 2021, and the number of cases that use E-Court in 2019-2021. In 2019, there were 316 registered civil cases and the number of registers with e-court was 108 cases (34.2%).

In 2019, based on the Circular of the Directorate General of Badilum of the Supreme Court of the Republic of Indonesia Number 4 of 2019 concerning the Obligation of Registration of Civil Cases through E-Court, the Ungaran District Court took a policy starting October 1, 2019, all registration of civil cases must go through the E-Court. In 2020 the number of civil cases entered (registered) with an e-court of 302 cases. And in 2021 (January-April) there are 87 cases.

The summons which was originally carried out only, such as the parties only need to wait for the release of the summons to be delivered by the court bailiff to the parties (passive) is now switching to the parties having to always pay attention to the release of summons sent to the electronic domicile address (email) by the court bailiff. (active). According to Tri Winarni, SH as the bailiff of the Ungaran District Court, the unfamiliarity of the public and advocates in using email in court summons certainly affects the success of the implementation of a summons (E-Summons).²⁵

In addition to the public's lack of understanding of the application of E-Summons, the unfamiliarity of the parties, both the public and advocates²⁶ in checking this email, will result in

²² Dian Latifiani, "Civil Rights Conservation of Female Correctional Facility Inmates in Semarang," *Advances in Social Science, Education and Humanities Research* 192, No. Icils (2018): 194–97, doi:10.2991/icils-18.2018.37.

²³ Agus Bustanuddin dalam Dian Latifiani, Implementasi Syarat Berpoligami Menurut UU No. 1 Tahun 1974 (Studi Di Kota Semarang, *Masalah-Masalah Hukum Jilid 42 No. 4 Oktober 2013:549-556*, Doi: 10.14710/mmh.42.4.2013.549-556)

²⁴ Lexy Moleong dalam Dian Latifiani, Implementasi Syarat Berpoligami Menurut UU No. 1 Tahun 1974 (Studi Di Kota Semarang, *Masalah-Masalah Hukum Jilid 42 No. 4 Oktober 2013:549-556*, Doi: 10.14710/mmh.42.4.2013.549-556)

²⁵ Interview with Tri Winarni, S.H. as bailiff of the Ungaran District Court on February 22, 2021.

²⁶ Dian Latifiani et al., "Advocate as Law Enforcer in the Implementation of E-Court," *International Journal of Innovation, Creativity and Change* 11, no. 4 (2020): 439–49, https://www.ijcc.net/images/voll1iss4/11436_Latifiani_2020_E_R.pdf.

not knowing the summons of the parties so that in some cases the parties do not attend the hearing on the appointed day so that the case submitted has to be decided, because the parties were not present at the trial (Kurniawan Ashari)²⁷ as the Civil Junior Registrar. His lack of understanding of E-Summons and lack of mastery in using this email was felt by Yusuf Hartantyo²⁸ (a seeker for justice) and advocates of the Uni Lestari at the Ungaran District Court Legal Aid Post.²⁹

The use of technology in the judiciary is necessary.³⁰ Thus, understanding technology, understanding E-Summons, and people's habits in using e-mail are very important. Understanding of technology is important considering that in the implementation of E-Court from registration to trial the media used are mostly electronic media so understanding of this technology is the main capital in realizing electronic-based courts (E-Court).³¹

The transformation of the summons of the parties in the judicial process is expected to be able to bring a new breath in the justice system in Indonesia towards a positive direction and is expected to be able to realize a simple, fast, and low-cost trial. In the implementation of justice in Indonesia, which must be done simply, quickly, and at a low cost, this is following Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power.³² What is meant simply is that the examination and settlement of cases are carried out effectively and efficiently.³³ While what is meant by low costs are court costs that can be reached by justice seekers. However, it is still explained that the principle of simplicity, speed, and low cost in the examination and settlement of cases in court does not rule out accuracy and precision in seeking truth and justice.³⁴ From the formulation of the legislation, it can be explained what is meant with a simple, fast, and low cost this is a judicial process that is not complicated, the program is clear, easy to understand

²⁷ Interview with Kurniawan Ashari, S.T., S.H., M.Hum. as Junior Civil Registrar

²⁸ Interview with Yusuf Hartantyo who is one of the parties in a case conducted at the Ungaran District Court on February 23, 2021.

²⁹ Interview with Lestari as one of the advocates at the Ungaran District Court Posbakum.

³⁰ Latifiani, "Human Attitude and Technology: Analyzing A Legal Culture On Electronic Court System in Indonesia (Case of Religious Court)."

³¹ Angreani Triana and Taun, "Efektivitas Implementasi E-Court Sebagai Perwujudan Peradilan Cepat, Sederhana Dan Biaya Ringan Di Pengadilan Negeri Karawang," *Jurnal Kertha Semaya* 9, no. 7 (2021).

³² Syahrul Sajidin, "Urgensi Penyederhanaan Agenda Sidang Pada Hukum Acara Perdata Di Indonesia," *Adhaper: Jurnal Hukum Acara Perdata* 4, no. 2 (2018): 21–41.

³³ Maya Hildawati Ilham, "Kajian Atas Asas Peradilan Cepat, Sederhana, Dan Biaya Ringan Terhadap Pemenuhan Hak Pencari Keadilan (Studi Putusan Mahkamah Agung Nomor 246 K/Pid/2017)," *Jurnal Verstek* 7, no. 3 (2017): 212–19.

³⁴ M Beni Kurniawan, "Implementation of EElectronic Trial (E-Litigation) on the Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law," *Hukum Dan Peradilan* 9, no. 1 (2020): 43–70, doi:10.25216/JHP.9.1.2020.43-70.

and the cost is affordable for even lower level justice seekers.³⁵ From this, it can be seen that the implementation of justice which should be carried out in a simple, fast, and low-cost manner will later provide comfort for justice seekers because basically everyone has the right to recognition, guarantees, protection, and fair legal certainty and equal treatment before the law.

The creation of the E-Summons features as an effort to realize a simple, fast, and low-cost trial is expected to bring justice that is acceptable to justice seekers.³⁶ In realizing this justice, the Supreme Court created a legal reform by presenting E-Summons to replace the summons for a trial that was originally done conventionally. The success of legal reform, especially the presence of E-Summons in the judicial mechanism to realize a simple, fast, and low-cost trial must be carried out effectively. Lawrence M. Friedman states that the effectiveness and success of law enforcement depend on three elements of the legal system, namely, (1) Legal Structure, (2) Legal Substance, and (3) Legal culture.³⁷ According to Friedman³⁸ Legal Structure “The structure of a system is its skeletal framework; ...the permanent shape, the institutional body of the system.” This means that the structure of a system is its framework; ...a permanent, institutional body of the system or it can be interpreted that the legal structure is a legal institution that supports the legal system itself which consists of legal forms, legal institutions, legal instruments, and their processes and performance. The implementation of E-Summons, can be seen in the effort to realize a simple, fast, and low-cost trial.³⁹ The Supreme Court as an institution of judicial power has designed an E-Court, especially in the case of electronic court summons which is then carried out by subordinate institutions such as high courts, district courts, and courts. religious courts quite well. This can be seen from the court's readiness in implementing E-Summons such as supporting infrastructure for E-Courts, performance in implementing E-Summons, and human resources (HR) that have supported the implementation of E-Summons properly. The facilities needed in the implementation of E-Summons must of course be supported by adequate facilities considering that

³⁵ Hairi, “Antara Prinsip Peradilan Sederhana, Cepat Dan Berbiaya Ringan Dan Gagasan Pembatasan Perkara Kasasi.”

³⁶ Vivi Lutfia, “Optimalisasi Penegakan Hukum Terhadap Penyelenggaraan Peradilan Melalui E-Court Dalam Mewujudkan Keadilan Bagi Masyarakat Di Era Digitalisasi,” *Jurnal Lex Renaissance* 6, no. 4 (2021): 677–91, doi:10.20885/jlr.vol6.iss4.art3.

³⁷ Lutfil Ansori, “Reformasi Penegakan Hukum Perspektif Hukum Progresif,” *Jurnal Yuridis* 4, no. 2 (2017): 148–63.

³⁸ Priyo Hutomo, “Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasayarakatan Militer,” *Jurnal Hukum Dan Perundang-Undangan* 1, no. 1 (2021): 46–68.

³⁹ Siti Amatil Ulfiah, Vena Lidya Khairunissa, and Dian Latifiani, “Urgensi Pelaksanaan E-Litigasi Dalam Persidangan Perkara Perdata Pada Masa Pandemi Covid-19,” *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum Dan Keadilan* 12, no. 2 (2021): 150–62.

calls made electronically require devices that can support the implementation of E-Summons.⁴⁰ In addition to various E-Summons supporting devices, several services provided to support the implementation of E-Summons are available as for the services provided to support the implementation of E-Summons that are already available such as the presence of PTSP (One-Stop Integrated Service), Website Information System for Case Investigation (SIPP), and E-Court Table/Corner. In addition to facilities and infrastructure, human resources (HR) are an important indicator in the implementation of E-Summons. As a public service agency, especially in the scope of the exercise of judicial power, Ungaran District Court officers certainly have an important role to support the ongoing E-Court program, especially in electronic summons (E-Summons). Although initially the presence of the E-Court, the performance of the successful implementation of E-Summons has not run optimally, several strategies have been carried out in optimizing the E-Summons, such as issuing the Circular Letter of the Directorate General of Badilum of the Supreme Court of the Republic of Indonesia Number 4 of 2019 concerning Obligations for Registration of Civil Cases through E-Court, then at the Ungaran District Court starting October 1, 2019, all civil case registrations must go through the E-Court.

Legal Substance is the content of the rules to carry out legal reforms that have been contained in a statutory regulation that aims to create justice and can be applied to justice seekers. Good legal material contains high moral values.⁴¹ According to Friedman,⁴² the substance of the law is "The substance is composed of substantive rules and also about how institutions should behave". This means that the substance of law consists of substantive rules and also how institutions should behave. The presence of the E-Court was initially based on the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2018 concerning the Administration of Cases in Courts Electronically which later in 2019 issued the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning the Administration of Cases and Trials in Electronic Courts.⁴³ This was followed by other regulations that accommodate the implementation of E-Court such as the issuance of the Decree of the Chief Justice of the Supreme Court (SK KMA) Number

⁴⁰ Susanto, Muhamad Iqbal, and Wawan Supriyatna, "Menciptakan Sistem Peradilan Efisien Dengan Sistem E-Court Pada Pengadilan Negeri Dan Pengadilan Agama Se-Tangerang Raya," *JCH (Jurnal Cendekia Hukum)* 6, no. 1 (2020): 104–16, doi:10.33760/jch.v6i1.287.

⁴¹ Dian Latifiani and Raden Muhammad Arvy Ilyasa, "The Position of Moral Values in Law," *Diponegoro Law Review* 6, no. 1 (2021): 51–61, doi:10.14710/dilrev.6.1.2021.51-61.

⁴² Hutomo, "Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasarakatan Militer."

⁴³ Sonyendah Retnaningsih et al., "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik Dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik (Studi Di Peng)," *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 124–44, doi:10.21143/jhp.vol50.no1.2486.

122/KMA/SK/VII/2018 concerning Guidelines for the Governance of Registered Users of the Court Information System which was later updated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia. Number: 129/KMA/SK/VIII/2019 dated August 13, 2019, concerning Technical Instructions for Administration of Cases and Trials at the Court of Appeal, Cassation, and Electronic Review. In addition to the laws and regulations that have been issued by the Supreme Court to accommodate the implementation of E-Court, guidelines for the use of E-Court are also issued as guidelines for the implementation of E-Court.

According to Friedman⁴⁴ Legal Culture can be defined as ideas, expectations, and opinions about the law that: (1) A person's legal culture will determine the behavior of accepting or rejecting the law, (2) Differences in the legal culture of the perpetrators can lead to interpretation and understanding of legal norms (3) In carrying out its legal function, the law is always dealing with established values or patterns of behavior in seeking justice, so that a discrepancy can arise between what should be (*das sollen*) and what is in fact (*das sein*), there is a difference between law in the book and law in action. (4) External legal culture and internal legal culture.⁴⁵ Legal culture refers to general cultural habits, ways of doing opinions, thinking towards the social power of law, and in certain ways. In other words, whether the climate of social thought and social forces inevitably determines how the law is used, avoided, or used. Legal culture concerns the legal culture which is the attitude of humans (including the legal culture of law enforcement officers) towards the law and the legal system.⁴⁶ No matter how well the arrangement of the legal structure to carry out the rules of law that has been set and no matter how good the quality of the legal substance that is made without the support of a legal culture by the people involved in the system and seekers of justice, law enforcement will not run effectively.⁴⁷ Thus, legal culture becomes an important indicator in assessing a legal reform, especially in this case E-Summons in realizing a simple, fast, and low-cost trial whether or not it can provide a sense of justice for justice seekers. The presence of E-Summons in the judicial mechanism has brought a new transformation in the mechanism for a summons to a trial which was originally done conventionally but now has turned

⁴⁴ Hutomo, "Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasarakatan Militer."

⁴⁵ Zainah Ompu Jainah, "Membangun Budaya Hukum Masyarakat Penegak Hukum Dalam Pemberantasan Tidak Pidana Narkotika (Studi Tentang Lahirnya Badan Narkotika Nasional)," *Jurnal Keadilan Progresif* 2, no. 2 (2011): 123–36.

⁴⁶ Dewi Rahmaningsih Nugroho and Suteki Suteki, "Membangun Budaya Hukum Persidangan Virtual (Studi Perkembangan Sidang Tindak Pidana via Telekonferensi)," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 291–304, doi:10.14710/jphi.v2i3.291-304.

⁴⁷ Sudjana, "Sistem Hukum Menurut Lawrence Friedman Terhadap Efektivitas Perlindungan Desain Tata Letak Sirkuit Terpadu Berdasarkan Undang-Undang Nomor 32 Tahun 2000," *Al Amwal* 2, no. 1 (2019): 82.

into an electronic summons. These changes were made without reason, the rapid development of technology in this modern era requires the Supreme Court to issue innovative breakthroughs to answer the challenges of the times by presenting E-Court with one of its features, namely E-Summons.⁴⁸

In the reality that occurs in justice seekers, the Indonesian Supreme Court Regulation Number 1 of 2019 concerning the Administration of Cases and Trials in Courts Electronically or commonly called E-Court changes the legal culture of village justice seekers which was originally conventional to a legal culture that requires justice seekers to be proficient. using technology through administrative systems and electronic courts. These changes greatly impact justice seekers, especially in the case of electronic summons of the parties (E-Summons).⁴⁹

The reality of justice seekers finds it difficult to carry out or run E-Summons.⁵⁰ The difficulties experienced by justice seekers resulted in 1) the summons process did not run smoothly so that the summons that should have been conveyed to the parties were not well received by the parties, 2) the justice seekers did not know the schedule for the trial of the case, 3) the seeker justice cannot be present at the trial on the day that has been determined, 4) the case can be dismissed because the judge judges that the plaintiff and/or his proxies did not come on the day of the first trial that has been determined without a valid reason while the plaintiff has been properly and legally summoned, 5) justice seekers have to pay an additional case fee if they want the case to be filed and processed.

The legal cultural background of justice seekers is dominated by traditional culture which prioritizes traditional (conventional/old) methods compared to more modern methods. Village justice seekers prefer to maintain existing customs and traditions.⁵¹ Although some village justice seekers may be open to this modernization.⁵² Seeing this, we can see that legal culture is a major factor in realizing a simple, fast, and low-cost judicial system.

⁴⁸ Rahadi Wasi Bintoro, Antonius Sidik Maryono, and Lidang Sinta Mutiara, "Perbandingan E-Court Dan Sidang Konvensional Dalam Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan," in *Prosiding Seminar Nasional Pengembangan Sumber Daya Perdesaan Dan Kearifan Lokal Berkelanjutan X*, 2020, 340–46.

⁴⁹ Annisa Dita Setiawan, Artaji, and Sherly Ayuna Putri, "Impelementasi Sistem E-Court Dalam Penegakan Hukum Di Pengadilan Negeri," *Jurnal Poros Hukum Padjajaran* 2, no. 2 (2021): 198–217.

⁵⁰ Rakyu Swarnabumi R. Rosady Hayati and Mulida Hayati, "Sistem E-Court Dalam Pelaksanaan Peradilan Di Indonesia Pada Masa Pandemi Covid - 19," *Jurnal Ilmu Hukum Tambun Bungai* 6, no. 2 (2021): 125–43.

⁵¹ Khotib Iqbal Hidayat, Aris Priyadi, and Elly Kristiani Purwendah, "Kajian Kritis Terhadap Dualisme Pengadilan Elektronik (E-Court) Dan Konvensional," *Batulis Civil Law Review* 1, no. 1 (2020): 14–23, doi:10.47268/ballrev.v1i1.421.

⁵² Latifiani, *Buku Monograf Budaya Hukum E-Court Masyarakat Desa*.

Hans Kelsen stated that the presence of law is a social order that can be declared fair if it can regulate human actions satisfactorily so that they can find happiness in it.⁵³ Hans Kelsen's view is positivism, individual justice values can be known by legal rules that accommodate general values, but still, fulfill a sense of justice and happiness for each individual.⁵⁴ Thus, of course, E-Summons as an effort to realize a simple, fast, and low-cost trial is expected to accommodate the realization of a sense of justice and convenience for each individual. However, in reality, the presence of the E-Summons feature to realize a simple, fast, and low-cost trial has not run optimally.

Soerjono Soekanto stated that the success or failure of a legal reform includes several factors, namely (1) Legal Factors, (2) Law Enforcement Factors, (3) Legal Facilities or Facilities Factors, (4) Justice Seekers Factors, and (5) Cultural Factors.⁵⁵ Thus, the implementation of E-Summons to realize a simple, fast, and low-cost trial is measured from these factors.

Legal Factor, Perma No. 1 of 2019 concerning the Administration of Cases and Trials in Electronic Courts (E-Court) provides certainty in the context of carrying out legal reforms, especially in the current trial mechanism in Indonesia. One of the features of E-Summons as a transformation of court summons conducted electronically is expected to be able to bring benefits to justice seekers. The presence of E-Summons is intended to cut court costs which are relatively higher by conducting court summons electronically to reduce the costs required to make summons. Thus the costs required are relatively cheaper.

Law Enforcement Factor become one of the important factors in the implementation of E-Summons where law enforcement is the parties that form and apply the law (law enforcement). Law enforcers are expected to be able to provide certainty, justice, and proportional benefit of the law. Law enforcement human resources are one of the important factors in the implementation of E-Summons. To implement E-Summons properly, one of the visible efforts in maximizing the performance of law enforcement can be seen in the Ungaran District Court which provides socialization and training to court officials so that the performance of court officials in implementing E-Summons can run well.

Factors of Legal Facilities or Facilities. In its implementation, the facilities and infrastructure in the application of E-Summons cannot be separated from the facilities and

⁵³ Hans Kelsen, *General Theory of Law and State*, Diterjemahkan Oleh Rasisul Muttaqien (Bandung: Nusa Media, 2011).

⁵⁴ Ana Suheri, "Wujud Keadilan Dalam Masyarakat Di Tinjau Dari Perspektif Hukum Nasional," *Jurnal Morality* 4, no. 1 (2018): 60–68.

⁵⁵ Gamal Abdul Nasir, "Kekosongan Hukum & Percepatan Perkembangan Masyarakat," *Jurnal Hukum Replik* 5, no. 2 (2017): 172–83.

infrastructure available in court, but also the facilities and infrastructure owned by each party. Considering that the call is done electronically, of course, the facilities and infrastructure needed are the main capital in the implementation of E-Summons. However, in reality, not all parties can fulfill the necessary facilities in the implementation of E-Summons. This is inseparable from the economic background of the parties where the parties who have a good economic background can fulfill their facilities and infrastructure.

Justice Seeking Factor is a factor in the ongoing legal reform considering that justice seekers have various legal perceptions, whether or not the law is effective also depends on the willingness and legal awareness of justice seekers. The low awareness of justice seekers will complicate law enforcement, in the implementation of E-Summons awareness of justice seekers who do not understand technology, E-Summons, and who are not accustomed to justice seekers in operating e-mail certainly make efforts to reform the law in terms of the justice system, especially in the summons process. the trial for the parties (E-Summons) did not run effectively.

Cultural Factor has a very large function for humans and justice seekers, namely regulating so that humans can understand how they should act, act, and determine their attitude in the litigation process. The traditional culture of the majority of conservative justice seekers of course uses traditional methods compared to more modern methods because basically village justice seekers who are thick with traditional culture choose to maintain the habits and traditions that have prevailed so far.

The legal system as stated by Lawrence M. Friedman consists of legal structure, legal substance, legal culture.⁵⁶ Friedman stated that legal culture is more important. If a bad legal culture covers all components of society, then the substance formed will not be good, the legal structure born of society will also be bad, and worsen the already bad legal culture. Then like the turning of the wheel, this worsening legal culture gives birth to even worse legal substance and structure.⁵⁷ In the modern era that demands changes, especially in the law enforcement system, which shifts from conventional law enforcement to more modern law enforcement on an electronic and digital basis (legal structure). Advances in information technology in the judiciary have not

⁵⁶ Achmad Ali, *Menguak Teori Hukum (Legal Theory) Dan Teori Peradilan (Judicialprudence)* (Jakarta: Kencana, 2012).

⁵⁷ Anajeng Esri Edhi Mahanani, "Rekonstruksi Budaya Hukum Berdimensi Pancasila," *Jurnal Yustika* 22, no. 2 (2019): 1–10.

been followed by a legal culture of seeking justice.⁵⁸ The renewal of the legal culture of justice seekers has not been maximized. The judiciary is required to be adaptive, responsive, and innovative in responding to it.⁵⁹

In addition, law enforcers are also required to be accustomed to carrying out these reforms considering that law enforcers are the implementers of the legal regulations that have been made (legal substance).

4. Conclusion

The implementation of E-Summons has not been able to run optimally. The non-optimal implementation of E-Summons is caused by the legal culture of the community that has not been able to accommodate the implementation of E-Summons, this can occur considering the transformation of court summons from conventional in which the parties are more passive in the implementation of court summons into electronic which demand parties to be more active electronic court summons. The lack of intensity, awareness and ability of parties regarding technology as the main instrumen in the implementation of E-Summons brings out E-Summons not run optimally.

Acknowledgement

The researcher would like to thank Ungaran District Court, who have supported and assisted in providing data and information for the purpose of this research.

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⁵⁸ Faisal Luqman Hakim, "Simplifikasi Prosedur Beracara Dengan Pemanfaatan Teknologi Dalam Rancangan Undang-Undang Hukum Acara Perdata," *Adhaper: Jurnal Hukum Acara Perdata* 5, no. 1 (2019): 1–17, doi:10.36913/jhaper.v5i1.85.

⁵⁹ Ahmad Habib Al Fikry, Muhammad Riyan Afandi, and Dian Latifiani, "National Law Development through Civil Procedure Law Reform as a Manifestation of State Goals during the Covid-19 Pandemic," *Lex Scientia Law Review* 5, no. 2 (2021): 41–64, doi:10.15294/lesrev.v5i2.50483.

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