

Implementation of the E-Court System in Resolving Cases in the Religious Courts

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Abstract: The breakthrough system called the e-Court system is one of the Supreme Court's innovations in facing challenges related to the development of human life as regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court. This system was created to bridge Indonesia's geographical constraints, make the justice system more in line with existing principles, and trigger an increase in public trust in law enforcement and justice carried out by judicial institutions as well as realizing justice that is based on simplicity, speed and low costs. This research uses an empirical juridical approach with data analyzed qualitatively and the research specifications are analytical descriptive. The research results show that the implementation of Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in several Religious Courts has largely been carried out effectively, the existence of e-Court has had a big impact on the progress of the justice system in Indonesia as well as realizing justice that is based on simple, fast and low cost. However, several features such as electronic summons (e-Summons) and electronic trials (e-Litigation) have not been fully implemented because there is still debate regarding legal principles. However, with the existence of this e-Court system, the judicial process is increasingly developing, so that it becomes a modern court that makes maximum use of digital information technology.

Keywords: E-court, law enforcement, electronic trials

1. Introduction

As the development of Information Technology is now increasingly advanced. The development of Information Technology in Indonesia has a very positive impact, as well as making it easier to get information anytime and anywhere. All that by connecting a computer or smartphone to the internet network then everything is easily accessed without limits. The development of Information Technology has entered all aspects of people's lives (Untari et al., 2019). Of course, technology makes everything easier, including work that becomes more effective and efficient. The government as the main provider of public services is required to follow these developments, including judicial institutions (Nugroho, 2015). In this case, public service innovation in the field of justice is realized through the application of e-Court applications, one of which is at the Pati Religious Court to facilitate the parties in seeking justice in the court institution.

After the Supreme Court issued Supreme Court Regulation (PERMA) Number 1 of 2019 on electronic court administration on March 29, 2018, it was done to fulfill the judicial principles of simplicity, speed, and low cost. Several years ago, the Supreme Court's Case Administration Information System (SIAP) and Case Tracking Information System (SIPP) in the courts of first instance were able to improve performance in case settlement and boost transparency, so that the implementation can be said to be successful (Rozikin, 2019). Seeing this, the Supreme Court again launched the Case Tracking Information System (SIPP) at the appellate level and is expected to get the same successful outcome in improving performance and following the achievements of the first level courts (Wicaksono & Rahman, 2022).

Other systems that have also been built by the Supreme Court have shown positive trends in the community. Based on this, the Supreme Court made a big leap and an Electronic Court system (hereinafter referred to as the e-Court system) was born which is expected to facilitate justice seekers in the process of litigation in the Court. The e-Court system is one of the innovations of the Supreme Court in facing the challenges faced related to the development of human life that connects its needs to everything that smells of technology (Simon, 2019). The system was previously regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2018 concerning Case Administration in Court Electronically, which was later revoked and replaced by the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Case Administration and Trial in Court Electronically (hereinafter referred to

as Perma Number 1 of 2019). The amendment was made in order to optimize services to the public in the process of case settlement in the Indonesian Courts.

Judge of Sukadana Religious Court, Satria (2020) argues that the implementation of the e-Court system itself is an added value in litigating in the Court, considering that problems related to the certainty of trial time, affordability, and integrity of the court apparatus and users can be resolved. As stated by Kurniawan (2020), other problems are feared to occur related to the security of the system provided by the Supreme Court in the use of e-Court and the level of proficiency of technical officers to prevent system problems, so that documents will still be delivered. The challenge for the Supreme Court is to provide infrastructure in terms of a qualified and stable internet network, as well as protection from external threats such as hackers and computer viruses so that all Courts can implement the system optimally (Sugiyono & Shera, 2020). Apart from these potential problems, the presence of this electronic trial makes justice accessible to all levels of society and inspires the principles of the implementation of judicial power, namely simple, fast and low cost justice.

This opinion is supported by Perma Number 1 of 2019 which states that the relevant Supreme Court Regulation is intended as a legal basis for the implementation of electronic case administration and trials in court to support the realization of orderly case handling that is professional, transparent, accountable, effective, efficient and modern, precisely written in Article 2. Based on the explanation above, the legal problem that arises is how the e-Court system has been implemented in law enforcement in the Religious Courts based on Supreme Court Regulation Number 1 of 2019 concerning Electronic Case Administration and Court Proceedings. This research is conducted in order to provide further illustration to the public regarding the implementation that has been carried out, as well as to find the main problems that arise in the implementation of the system implementation so that it can suggest strategic improvements and build the Indonesian judicial system in a better direction.

2. Methodology

The method of approach taken is empirical juridical, which examines what the legal provisions are like and what happens in real life in the community. The method of data analysis is qualitative with research specifications carried out in descriptive analysis, which is carried out by making a description, description or painting systematically, factually and accurately about the facts, characteristics and relationships between the phenomena studied (Cooper et al., 2018). Literature study is used to describe primary legal materials, secondary legal materials, and tertiary legal materials, accompanied by data collection in the field. This research is included in empirical research because it wants to know how the application has been carried out related to the e-Court system that has just been launched when enforcing the law in the Religious Courts.

3. Results and Discussion

3.1 E-Court Arrangement and Law Enforcement Overview

E-court is a court instrument as a form of service to the public in terms of online case registration, online payment, sending trial documents (replication, duplicates, conclusions, answers) and summoning legal subjects online. The E-Court application has four service tools, namely e-feeling which is a case registration that is carried out after being registered as a registered user and can choose the relevant court that has e-court services, all files in the registration are sent online through the e-court application, then e-payment which is an application that plays a role in the payment of case fees to the Court Virtual Account (virtual account) (Yoesuf et al., 2023). Furthermore, e-Summons is an electronic/online summoning or notification service (delivered via electronic domicile or e-mail) with the consent of the parties. And the last feature is e-litigation which is an electronic trial in which the service of sending and receiving digital case files (PDF/scan) online, such as Replik, Duplik, Conclusion and Answer. All relevant files are also sent through the e-court application.

In utilizing the sophistication of technology in the form of internet networks, the e-Court system was created as a form of service to the community in terms of accommodating the online case settlement process. The e-Court application provides convenience in registering cases up to the summoning process which is greatly shortened in duration, namely sent using e-mail or electronic domicile as a means of summoning (Pratiwi et al., 2020). These efforts are expected to improve services by accepting online case registration where the public will save time and money when litigating.

The Supreme Court has issued a regulation on electronic court case administration through Supreme Court Regulation No. 3/2018 on Electronic Court Case Administration. Perma No. 3/2018 itself regulates the users of case registration, payment of fees, and summoning of parties, all of which are done electronically. Users who can use e-Court when Perma Number 3 Year 2018 is enacted are only registered users. Registered users are advocates who have been verified at the High Court. Perma No. 3/2018 did not yet regulate electronic trials. The improvement of electronic trial services was carried out after seeing the results of the previous implementation which can be said to be quite successful and close to achieving the judicial process which is based on simple, fast and low cost (Ahmed et al., 2021).

The Supreme Court then issued Supreme Court Regulation No. 1 of 2019 dated August 9, 2019 on Electronic Case Administration and Court Proceedings. As a result of the issuance of the new regulation, the Supreme Court made a breakthrough in the e-Court application by adding an e-Litigation menu. The e-Court system was first inaugurated in 2018 by the Supreme Court. This inauguration is expected to bring administrative changes in the court by summarizing

the process and saving the costs required so as to encourage the growth of case management modernization in the judiciary.

There are still many infrastructure facilities that must be fulfilled to be able to implement the e-Court application, so the initial stage of e-Court implementation is carried out in stages in several pilot Religious Courts in Indonesia. Several parties are affected by changes in the case handling process due to the implementation of the use of electronic case files (e-Court File), starting from the courts of first instance, officers in the General Bureau, Directorate of Administration and Management, Junior Registrar, Substitute Registrar and Supreme Court Judges. Adaptation to an information technology-based work system must be done immediately, such as adapting to technological devices, work culture, and resource readiness. In order to make real changes related to e-Litigation users and the e-Court system, Supreme Court Circular Letter Number 4 of 2019 concerning Obligation to Register Civil Cases using E-Court was issued on June 10, 2019. After being tested in several pilot courts, on December 27, 2019 the Supreme Court officially launched E-Litigation and it was effectively implemented in all courts in Indonesia starting January 2, 2020.

The considerations for the launch of the e-Court and e-Litigation programs by the Supreme Court are: 1) the court shall endeavor to overcome all obstacles and hindrances to achieve the desired justice in accordance with Article 4(2) of Law 48 of 2009; 2) the demands of justice seekers and the times require that court administration services be based on information technology; 3) matters necessary for the smooth administration of justice may be further regulated by the Supreme Court; 4) the demands of the Ease of Doing Business Survey; 5) broadly speaking, the scope of this electronic court trial system can be divided into 4 (four), among others:

3.1.1 Online Case Registration (E-Filing)

Online Case Registration in the e-Court application is currently only open for the registration of lawsuit, objection, simple lawsuit, and petition cases. These are the types of cases registered in the General Courts, Religious Courts and Administrative Courts which require more effort to register, and this is one of the reasons for creating e-Court. The advantages of online case registration through the e-Court Application that can be obtained from this application are: 1) save time and money in the case registration process; 2) payment of fees that can be made in multi channel or from various payment methods and banks; 3) documents are well archived and can be accessed from various locations and media; and 4) faster data retrieval process.

Users who can use electronic case administration services are called Registered Users and Other Users. Electronic case administration services can be used by Registered Users and Other Users. In accordance with Article 5 paragraph (2) of Perma 1 Year 2019, the requirements to become a Registered User for advocates are an Identity Card; Advocate Membership Card; and Minutes of Advocate Oath by the High Court. Article 5 paragraph (3) of Perma 1 Year 2019 states that the requirements for other users are: 1) employee Identity Card / Member Identity Card / Power of Attorney and / or Letter of Assignment from the Ministry / Institution / Business Entity for parties representing the Ministry / Institution and business entity; 2) identity Card/Passport and other identities for individuals; 3) stipulation of the President of the Court for incidental lawyers due to family relations. Prospective Registered Users and Other Users registering through the Court Information System.

3.1.2 Online Fee Payment (E-Payment)

In registering a case, registered users will immediately get a SKUM which is generated electronically by the e-Court application. In the generating process, it will already be calculated based on any Cost Components that have been determined and configured by the Court, and the amount of Radius Fee that is also determined by the President of the Court so that the calculation of estimated fees has been calculated in such a way and produces an electronic SKUM or e-SKUM (Affandi, 2023). Registered Users after obtaining the Estimated Fee or e-SKUM will get a Payment Number (Virtual Account) as a virtual account for payment of the Case Fee.

3.1.3 Electronic Summons (E-Summons)

In accordance with Perma No.3 of 2018 that the summons whose registration is carried out using e-Court, then the summons to the Registered User is carried out electronically sent to the electronic domicile address of the registered user. However, for the defendant, the first summons is carried out manually and when the defendant is present at the first trial, he/she will be asked to agree whether he/she agrees to be summoned electronically or not, if he/she agrees, the defendant will be summoned electronically in accordance with the electronic domicile provided and if he/she does not agree, the summons will be carried out manually as usual.

3.1.4 Electronic Trial (E-Litigation)

The e-Court application also supports electronic trials so that trial documents such as Replic, Duplic, Conclusions and or Answers can be sent electronically which can be accessed by the Court and the parties. The E-Court system as a reform of the judicial system used to enforce the law, is expected to have 3 (three) elements of law enforcement, namely legal certainty, expediency, and justice. Law enforcement itself is an effort to realize the ideas of justice, legal certainty and social benefit into reality. In essence, law enforcement is the process of realizing the expected legal ideas and concepts, so that legal norms that actually guide legal relations in the life of society and the state can function optimally.

According to Bukido (2016), law enforcement is the activity of harmonizing relationship of values that are spelled out in stable rules and attitudes of action as a series of final stage value elaboration. Law enforcement also includes not only law enforcement but also peace maintenance. This is because in essence law enforcement is a process of adjustment

between values, circumstances and real patterns of behavior, which aims to achieve peace. Therefore, the main task of law enforcement is to achieve justice. Law enforcement in the state is carried out preventively and repressively. Preventing violations of the law by citizens and this task is generally given to executive and police bodies, and taking real action when prevention fails (Aji et al., 2020). supported and through various institutions which, when viewed from the organization, are separate from one another, but still within the framework of law enforcement, ranging from the Police, Prosecutors' Office, Courts, Advocates, to Correctional Institutions.

3.2 Implementation of the e-Court system to uphold the law in the Religious Courts

With the issuance of Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Electronic Court Proceedings, courts in Indonesia are trying to implement the system as much as possible. The Religious Courts in Central Java Province are no exception. Several Religious Courts in Central Java Province have started using the e-Court system in November 2018, while e-Litigation itself can be done as of September 2019 (Yuniar et al., 2021).

In the period 2018 to 2019, the use of the electronic case registration system in the Religious Courts in Central Java Province was quite low, but this is understandable considering that the initial legal basis governing the e-Court, namely Perma Number 3 of 2018, was only issued in April 2018, so that the application of the e-Court application in the Religious Courts has not been running effectively. Advocates throughout Indonesia were still being introduced to the e-Court system. However, in the period 2019 to 2020, registered users at the Religious Courts in Central Java Province increased rapidly. Some of the reasons underlying the increase in e-Court service users in the period 2019 to 2020 are the policy that every civil case in its case registration must use e-Court. One Stop Integrated Service (PTSP) officers and Legal Aid Post (Posbakum) officers are available at each Religious Court to direct parties who register their cases manually to register civil cases through the e-Court application. The socialization conducted also encourages the growth of e-Court usage. Several Religious Courts in Central Java Province have provided socialization to advocates and judicial officers on e-Court several times.

The socialization was useful to provide advocates with an understanding of the procedures for litigating in court, especially lawsuits using the e-Court application. Simulations were also conducted during the socialization, starting from the electronic registration stage to the payment stage, which was carried out to judicial officers in the Religious Court area. The socialization material was not only about e-Court but also its integration with the First Level Court Case Information Tracking System (SIPP) application. Socialization to judicial officers is expected to be ready to serve cases electronically through the e-Court application so that the implementation of e-Court becomes more effective and also encourages the use of the e-Court application. The significant increase in the use of e-Court was also influenced by the Covid-19 pandemic. After the outbreak of Covid-19 in Indonesia.

The Supreme Court of the Republic of Indonesia issued Circular Letter Number 5 of 2020 concerning Guidelines for the Implementation of Duties during the Prevention Period of the Spread of Corona Virus Disease 2019 (Covid-19) in the Environment of the Supreme Court of the Republic of Indonesia and the Judicial Bodies Under It which instructs the courts to adjust the work system based on the Circular Letter of the Minister of Administrative Reform and Bureaucratic Reform, where judges and judicial apparatus can carry out official duties by working at their homes / places of residence (work from home) (Sitompul, 2023). Working at home, in the circular, is considered as one of the activities of carrying out official duties. Duties include the implementation of activities that utilize the e-Court application and the features contained therein. Judges are allowed to postpone the examination of cases that are limited in time, even if they exceed the examination period limited by statutory provisions, provided that extraordinary circumstances occur and are stated in the Minutes of the Session (Refisyanti, 2021).

The use of the e-Court system can more or less reduce the queue of court users because e-Court can be accessed at any location that has access to the internet network. The application of e-Court also affects the Estimated Cost that must be paid. The existence of e-Summons in the e-Court application, the plaintiff is only summoned online through the e-Court application without having to summon to the residence of the plaintiff or his lawyer because it is done electronically while the defendant is summoned through POS. This certainly affects the cost of the case fee so that it can be cheaper and more efficient, which is in accordance with the judicial principles in Law Number 48 of 2009 concerning Judicial Power, one of which is justice at low cost. The Religious Courts still provide the opportunity for parties to convene manually or conventionally. Online trials with e-Court can only be implemented if both parties agree, but sometimes people still prefer to bring files and read files physically rather than electronically which then makes the parties not agree to litigate electronically.

In general, the implementation of e-Court in Religious Courts in Central Java Province has been able to contribute in realizing efficiency and effectiveness in the judiciary. An effective e-Court system can benefit the parties so that it can save time, money, and energy. Facilities and infrastructure to support the implementation of e-Court are also adequate such as the availability of computers, laptops, internet networks, and Uninterruptible Power Supply (UPS) to overcome electricity problems. Every case registered through e-Court and approved using e-Summon and e-Litigation will provide cheaper costs and minimize physical meetings. The summons of the parties will be made by email correspondence without the need to wait for the arrival of the bailiff to send the summons as stipulated in the HIR. Notification of court schedule will be done through verified electronic domicile. The use of the e-Court system is in accordance with Article 2 paragraph (4) of Law Number 48 Year 2009 which explains that justice is conducted simply, quickly, and at low cost.

Despite all the benefits gained from the use of e-Court system in all judicial circles, there are still two debates among legal practitioners, namely related to the summoning of the parties through electronic mail and the access to the court which does not appear to be open to the public. These summonses are related to the legal and proper summons procedures stipulated in the HIR/RBg. A valid and proper summons is a summons that is delivered in the form of a written summons, through a legal summoning method, and delivered within a certain time and grace period. Such provisions are regulated in Article 390 paragraph (1) HIR, Article 2 paragraph (3) Rv, Article 121 paragraph (1) HIR. According to Article 122 HIR, having been properly summoned means that the person concerned has been summoned by summoning according to the law, where the summons is carried out by the bailiff by making minutes of the summoning of the parties made to the person concerned or his legal representative, with due regard to the grace period, except in very necessary cases, it must not be less than three working days. Summons made electronically can be said to be an official, valid, and proper summons based on Article 18 of Perma Number 1 of 2019 which stipulates that electronic summons/notices are valid and proper if they have been sent to the electronic domicile within the time period specified by law. Thus, summons carried out by electronic bailiffs still refer to the provisions in the HIR, including regarding the summons period, which cannot be less than 3 (three) working days.

The next debate is on the implementation of electronic trials (E-Litigation) which can be said to be relatively closed and unlike conventional trials which can be directly witnessed by the public. Although when opening the trial the panel of judges said that the trial was open to the public, it still seemed that it was not given to the public and was exclusive to the litigants. The opening of access to the trial process aims to allow the public to participate in overseeing the course of the trial, listening to and scrutinizing the legal facts presented in the trial (Fitri, 2023). Whether the trial is open to the public or not will affect the strength of the decision. Article 26 of Supreme Court Regulation No. 1 of 2019 states that the decision/decreed pronounced by the judge/chief judge electronically has been legally implemented by delivering a copy of the electronic decision/decreed to the parties through the court information system and is considered to have been attended by the parties conducted in an open session for the public.

The Supreme Court should consider providing socialization on how to follow and observe the proceedings electronically without having to come to court. Harahap et al. (2022) said that there should be no dark and whispering trials. Harahap et al. (2022) opinion is intended to ensure that there is no difference between the substance of the decision pronounced by the judge and what is stated in the text of the decision and a copy of the decision. Public hearings are open to the public so that all proceedings can be clearly known and understood by the public.

4. Conclusion

Implementation of e-Court System in Religious Courts in Central Java Province has been implemented effectively and efficiently. The use of e-Summon and e-Litigation which both features can only be used if agreed by the litigant, but the officers at the Religious Courts in Central Java Province are ready to direct justice seekers to use the e-Court system. The contradiction of legal practitioners' understanding related to legal and proper summons and the principle of trial open to the public, when looking at the e-Court arrangement that has been legalized, can be considered not contradictory to the HIR. The implementation of e-Court has provided convenience for justice seekers including judicial officers, thus creating judicial efficiency and effectiveness.

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Conflict of Interest

The authors declare no conflicts of interest.

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