



The Implementation of Contantia Justitia in Religious Courts During the COVID-19 Pandemic

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Abstract:

This study aims to examine the Implementation of E-Court during the COVID-19 Pandemic as a Support for the Contante Justitie Principle in the Religious Courts. This type of research is empirical legal research, which uses a qualitative approach method, with Primary Data sources obtained directly. The results showed that the implementation of the Electronic Justice System (E-Court) during the Covid-19 Pandemic at the Gorontalo Class 1A Religious Court was comprehensively in accordance with the principles of Contantia Justitia or simple, fast and low cost justice, because it had been implemented from the time of receipt and registration of cases to the reading of case decisions carried out electronically using online applications that had been officially developed by the Supreme Court such as e-Filling (case registration), e-Payment (case fee), e-Summons (Summons of Parties), e-Litigation (trial), e-Copy (Copy of Decision), and e-Sign (Signature), and supported by online communication channel applications such as zoom cloud meeting, google meet, email, and even telephone lines.

Keywords: *Contant Justitie; Covid-19; E-Court; Gorontalo; Implementation.*

How to cite (Chicago Manual Style):

Putra, Muhammad Yusuf, Fenty U. Puluhalawa, and Nur Mohamad Kasim. 2023. "The Implementation of Contantia Justitia in Religious Courts During the COVID-19 Pandemic". *Damhil Law Journal* 3 (2) 114-128

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Introduction

In principle, the practice of administering justice in Indonesia departs from the principle of contented Justitia or the principle of a simple, speedy and low-cost trial. In particular, the principle of speedy justice is a universal principle and has been adhered to by all courts in the world. The universality of this principle can be seen in the adage that justice delayed is justice denied, meaning that being late in giving justice is also another form of injustice. This adage was born since a century BC and is always referred to by world leaders. it is aimed at efforts to improve the court



administration system that is fast and efficient. It is an obligation if you want to eliminate the feeling of injustice because the court process is carried out very slowly. This is because most of the public or justice seekers really want a fast case handler that guarantees justice, legal certainty and of course very efficient. In agreement with the principles contained in Article 2 paragraph (4) concerning the Judicial Powers Act, the International Consortium for Court Excellence (ICCE) states that the administration of justice must be carried out effectively and efficiently. (Usrin 2018).

The COVID-19 outbreak that has hit Indonesia has had a very worrying impact, not only on the socio-economic sector, but also on all sectors, including the judicial system in Indonesia. The government's policy in dealing with this pandemic is by imposing Large-Scale Social Restrictions (PSBB) as stipulated in Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions, this policy is one of the efforts to reduce the spread of Covid-19. This is a big challenge for the administration of justice, especially for justice seekers who need legal certainty, because if the trial continues, there is a risk of being affected by the Covid-19 virus, whereas if the trial is postponed, it will result in losses for the community of justice seekers (justiciable). As their status and fate had yet to be decided. (Pangestu 2008).

So one of the various perceptions of the litigants seems to have really sparked the interest of researchers so that research can be carried out on this issue, moreover this term has also become a suggestion from several judges to raise this issue and dynamics. be a trigger for researchers to be able to put it in a form of scientific research and constructed by applying several theories that are considered relevant to analyze and examine in detail how the application of the electronic justice system (E-Court) during the Covid-19 pandemic as an effort to support the Contant principle Justice in the Religious Courts of Gorontalo City and what factors impede the process and the sustainability of the system itself (Wangol 2016).

Method

This type of research is empirical law, which uses a qualitative approach method, with Primary Data sources obtained directly from the main source, namely several respondents from among Judges, Class 1A Gorontalo City PA Employees, advocates and several people who have litigated, and strengthened with Secondary Data, in the form of theoretical studies relevant to the context of the problem (Agusta,



n.d.).

Discussion

The Class 1A Gorontalo Religious Court has carried out various preventive anticipatory steps. By promoting the principle of "salus populi suprema lex esto" (safety of the people is the highest law), by applying the policies issued by the Supreme Court as a large institution that oversees the court institutions under it, while these policies are related to the handling of the Covid-19 outbreak , including:

1. *SEMA RI* No 1 of 2020 concerning Guidelines for Implementing Duties During the Period to Prevent the Spread of the Corona Virus Disease 2019 (Covid-19) within the Supreme Court of the Republic of Indonesia and the Judiciary Bodies under it. This *SEMA* was later amended several times according to conditions and situations, through *SEMA* Number 2 of 2020, *SEMA* Number 3 of 2020, *SEMA* Number 4 of 2020 and *SEMA* Number 5 of 2020.
2. Circular issued by the Secretary of the Supreme Court of the Republic of Indonesia Number 10 of 2020 concerning Adjustments to the Work System of Judges and Judicial Apparatuses in an Effort to Prevent the Spread of Covid-19 at the Supreme Court of the Republic of Indonesia and the Judiciary Bodies under it (Saleh 2013).

The substance of *SEMA* number 1 of 2020 states that judges and judicial officials can carry out official duties by working from home and this includes how to carry out trial administration which then uses the E-Court application such as other official duties, coordination, meetings, and conduct of the trial. *SEMA* number 1 of 2020 states that Judges and judicial apparatus can carry out official duties by working from home and this includes how to carry out trial administration which then uses the E-Court application, such as other official duties, coordination, meetings, and conduct of the trial. Apart from that, in the class 1 Gorontalo religious court itself, in this context, it really sees and considers how the rules selectively apply to the implementation of *BK* through the distribution of justice so that the work system can be carried out in an accountable manner while still looking at the type of work carried out by employees, the types of cases involving being handled, maps of



the spread of covid-19 issued by the central government and the regional government of Gorontalo, considerations regarding the health conditions of judges and judicial officials that must be shown through a doctor's certificate, the domicile of the employees of the Gorontalo Religious Court, and what is the health status and condition of the family Judges or judicial apparatus (with the status of people under monitoring, patients under supervision, suspected/suspected, and confirmed/confirmed infected with Covid-19); Pregnant women; Mothers who have just given birth or are breastfeeding; Judges and judicial officials who use public transportation to go to their offices, especially in the Gorontalo region and other areas where based on superiors' assessments or the results of health reports have a high risk of exposure to Covid-19; Travel time for judges and judicial apparatus to the office; Travel history of judges and judicial apparatus abroad in the last 14 calendar days; History of interactions with patients with confirmed Covid-19 in the last 14 calendar days; Effectiveness of the implementation of tasks and work unit services (Sidharta and Brugguink 1999).

Implementation of the Electronic Court System (E-Court) During the Covid-19 Pandemic as an Effort to Support the Content Justitia Principle at the Class 1A Gorontalo Religious Court

As for the Implementation of the Electronic Court System (E-Court) During the Covid-19 Pandemic in Class 1A Gorontalo Religious Courts as the results of the analysis, tracing and observation of researchers can be described as follows:

- 1) Process of Admission and Registration of Cases, E-Courto system during the Pandemic period at the Courts of Gorontalo Religion Class 1A.

For registered users or other users who have activated their account through the E-court table provided by the officer, they can register directly about their case by going through the following stages: The first stage, the user is allowed to choose the competent court, then the user can upload a special power of attorney, after that using an online registration number, keep in mind that the number in question is not a case number, then the user can input the data of the litigants, the user uploads or uploads documents related to the application/lawsuit , as well as letters related to principal approval in order to be able to carry out judicial proceedings



online or electronically. The user will then be informed about how much the estimated cost of the case must be resolved administratively and finally the user can make payments for the case through the nearest ATM or through the e-banking network electronically.

Each case that has been registered electronically will then be verified by the junior clerk of course this is after the parties to the case have made or carried out the payment of court fees in accordance with a predetermined estimated fee. Later after that the case will get a registration number automatically and then the case number will be integrated or synchronized with the case numbers of the litigants through the E-court.

As for the cases that have been registered, all of them will be stored directly in the system that has been provided, be it cases that are registered directly or electronically through the E-court application. In this case, based on regulation number 1 of 2019 letter from the Director General of the Religious Courts concerning how to apply the administration of case registers and issues related to case finance electronically in the Religious Courts, that these cases have been stored automatically and of course have the same power as manually registered matters. (Zamroni 2019).

2) The Process of Calling the Parties, the E-Court system during the Pandemic at the Gorontalo Religious Court Class 1A.

At this stage of the summoning process, according to the author himself, the pattern of summons is divided into two areas of jurisdiction, the first is a summons within the jurisdiction, while the second is a summons outside the jurisdiction. Here's the explanation:

- a) Summons within the jurisdiction In accordance with the directions and orders of the Chairman of the Assembly, the bailiff or surrogate bailiff can electronically summon the parties to a class 1A case at the Gorontalo religious court. This summons is made electronically which is delivered to the plaintiffs who have registered their case and the defendant or other party which of course both parties have agreed to be summoned electronically beforehand based on the agreement that



was built when registering the case. This summons is then sent through the E-court application in the electronic domicile of the parties to be summoned. (Turuki, Junus, and Sarson 2023).

- b) Summons outside jurisdiction At the stage of summons that is outside the jurisdiction area of the Gorontalo religious court class 1A, based on information from the head of the Gorontalo religious court himself stated that they would ask for the assistance of delegates for summons to the chairman of the court in the domicile area where the parties to the case live. Summoned. This request for assistance can be made through the delegation menu which is already available in the Gorontalo religion class 1A by using a case tracing information system application. Likewise with electronic sales such as summoning parties who are in the jurisdiction area as above can also be conveyed to parties who have domiciled in an area outside the jurisdiction of the Gorontalo religious court as the authority to adjudicate cases. Summons submitted to the parties by looking at or considering where the parties' electronic domiciles are and also said summons will be copied to the court where the parties are located by utilizing the E-court application. (Akmal 2011).
- 3) Implementation of Mediation, the E-Court system during the Pandemic period at the Class 1A Gorontalo Religious Court.

Mediation is one of the stages that must be passed for parties who are litigating at the Gorontalo class 1A religious court, generally mediation is carried out by way of face-to-face meetings between the plaintiff and the defendant or vice versa in the court mediation room that has been provided or can so it is carried out outside the court in accordance with the place as agreed by the parties, especially for vigilante mediators and court employees, however, as time goes by, the speed of updating technology and the transformation of digitalization in the millennial era of mediation can also be carried out remotely, of course by using or using communication channels paid audio-visual which then allows the litigants to hear each other face to face and then see each other and between the two parties can



also participate directly in the remote meeting, this is what is then called online mediation or legally electronically this problem is considered the same as direct presence.(Adonara 2015).

- 4) Trial Process, E-Court system during the Pandemic at the Class 1A Gorontalo Religious Court.

When the Covid 19 pandemic outbreak attacked Gorontalo Province in early 2020 yesterday, all trial processes that were conducted at the Gorontalo Class 1A Religious Courts were carried out as intensively as possible through trials with electronic/online methods or mechanisms, this departed from the provisions of *Perma* Number 1 of 2019. Endeavor This was attempted by the Gorontalo Religious Court through a policy from the head of the court himself based on the results of a meeting that was held suddenly to anticipate an even more massive spread of the pandemic virus. Therefore, from the beginning of the trial until the end of the trial or reading of the decision, the parties no longer need to come to the office of the religious court because all stages of the trial have tried to be carried out online or electronically. Therefore, even at the trial stage, which still really requires the presence of the parties to the case directly, as much as possible so that it can be held virtually or online. However, if the trial must be conducted in an offline courtroom, it is very important to implement health protocols for handling Covid 19 strictly.

- 1) The trial stages of peace efforts
 - 2) The session of the stages of answering answers
 - 3) Third party intervention
 - 4) The trial stages of the conclusion
 - 5) Divorce trial (Mustapa, Abdussamad, and Towadi 2022)
- 5) Proving Cases, the E-Court system during the Pandemic at the Gorontalo Religious Court Class 1A

Trials at the evidentiary stage at the Gorontalo Religious Court for cases that have been tried in an e-litigation manner will be held. What are the

provisions of the current procedural law, this refers to the provisions of *Perma* number 1 of 2019, how are the parties to the litigation required to Upload document evidence that has been given a stamp duty into the e-court application for further the panel of judges will check the authenticity of the document evidence before the hearing on the date and day determined by the Chief Justice through the case tracking information system.(Atikah 2018)

6) Reading of the Verdict, the E-Court system during the Pandemic at the Class 1A Gorontalo Religious Court

The stages of reading the verdict at the Gorontalo Class 1A religious court during the pandemic were conveyed and pronounced by the magistrate via electronics in an open trial in general. Pronunciation of the decision/determination through the e-Court application on the public internet network, legally, has fulfilled the principle of an open trial public in accordance with regulations. The reading of the decision/determination is deemed to have been carried out legally by uploading a copy of the electronic decision/determination in Pdf format into the e-Court application, then the copy is examined by the panel of judges examining the case and electronically signed by the clerk using a digital signature. In accordance with the provisions of laws and regulations regarding information and electronic transactions. The reading of such decision/stipulation is deemed to have been attended by the parties. In the future, according to the author, it is necessary to realize that all decisions of the Religious Courts are made in the form of electronic documents signed by the panel of judges using a digital signature. For cases that are tried in e-Litigation, the decision is read out by inputting it into the e-Court application, as mentioned above. Whereas for cases that are tried in the presence of the parties in the virtual courtroom of the Religious Courts, the decision is read out as usual by the chairman of the assembly in the courtroom (Butarbutar 2010).

Factors Inhibiting the Implementation of the Electronic Court System (E-Court) During the Covid-19 Pandemic in Class 1A Gorontalo PA



At the implementation level, the Electronic or E-court trial which was held at the Class 1A Gorontalo Religious Court during the pandemic encountered several obstacles or inhibiting factors including:

- 1) The spread of the Covid-19 virus itself has become an obstacle to the implementation of E-court trials which were held at the Gorontalo Class 1A Religious Court during the pandemic.

The increasing sense of panic and fear that haunted the people of Gorontalo in the early days of the pandemic became a problem that hindered the process of carrying out electronic trials at the Class 1A Gorontalo Religious Court, however recently this problem has gradually begun to be resolved over time, where the PA Gorontalo has tried to innovate -Solutive innovations such as by tightening health protocols to facilitate the implementation of E-Court.(Rifqi 2020).

- 2) Dissemination and promotion of the mechanisms and procedures for using the E-Court application by the Gorontalo Class 1A Religious Court which is not optimal.

Socialization and promotion are two very important entities in representing product offers so that they can be easily accommodated by consumers. So, in the context of this study the socialization and promotion of the mechanisms and procedures for using the E-Court application by the Class 1A Gorontalo Religious Court is very urgent, because it will indirectly support the successful implementation of electronic justice in the Court. The socialization and promotion of E-court by Religious court of Gorontalo Class 1A was carried out even before the pandemic took place, however, this activity had to be carried out frequently in line with the development and updating of the E-Court, however, this effort did not run optimally. The first reason was socialization and promotion. E-court for the time being is only limited to advocates in particular, not to the whole community in general, this is what later becomes an obstacle because most of the litigants are people who are 'minimum' with knowledge about applications and procedural procedures (Rays 2018).



- 2) Inadequate facilities and infrastructure to support the effective use of the E-Court application at the Class 1A Gorontalo Religious Court.

One of the problems that often occurs in E-Court hearings at PA Gorontalo is an unstable internet network, whether it's from the PA or even from the litigants. This has happened when an online trial was conducted and the cause was damage to a tower at one of the national providers and this made it impossible for this online trial to continue and was postponed until a predetermined time. In this online trial, from the positive side, this trial is faster and costs less. ("ANGKA KEJAHATAN DAN REAKSI SISTEM PERADILAN PIDANA DI MASA PANDEMI COVID-19 | Jurnal Hukum Pidana Dan Kriminologi" n.d.)

- 3) Inadequate technological and human resource stuttering, especially for those who have a dispute about the procedure for using the E-Court application at the Class 1A Gorontalo Religious Court.

Knowledge of the development of digital technology and information in this millennial era, can be said to be a necessity and even a necessity. It is not surprising then that individuals who are technologically illiterate can be categorized as having inadequate human resources. Even though times change very quickly, until finally there are a number of great potentials that make many people finally want to learn how to use technology. The big impact of the lack of public awareness of current technological developments actually has quite a bad effect. Therefore, it is possible that the main factor for the slow development of technology in an area can be caused by the lack of awareness of the people themselves. A number of problems in everyday life can now be overcome by utilizing aspects of technology. Unfortunately, there are some groups of people who so far have not really taken advantage of all the best aspects of technology. So that there are signs regarding the sizeable impact that people are currently feeling if they don't keep up with technological developments (Iqbal, Susanto, and Sutoro 2020).

- 4) Problems in the E-Litigation process which requires both parties to agree to settle cases using E-Court at the Class 1A Gorontalo Religious Court.



During the Covid-19 pandemic, e-litigation should have been put to good use by parties using e-court litigation. However, several litigants using e-court refused to conduct e-litigation and preferred to conduct hearings directly before the Court. E-litigation is carried out if both parties to the litigation agree to conduct the trial electronically and cannot be carried out if one of the litigation parties refuses to conduct the trial electronically, this makes the trial of the case to be carried out directly in court. In fact, with the issuance of the Supreme Court Circular Letter Number 1 Year 2020 concerning Guidelines for the Implementation of Tasks During the Period to Prevent the Spread of the Corona Virus Disease 2019 (Covid-19) within the Supreme Court and the Judiciary Bodies below it, one of the restrictions in conducting trials is "Justice seekers are advised to use e-litigation application for trials of civil, civil and religious cases and state administration." to reduce the spread of the COVID-19 virus. Even though trials in court are required to wear masks and maintain physical distancing, this does not rule out the possibility of the spread of Covid-19 in the environment. ("TEORI HUKUM SEBAGAI SARANA ALAT UNTUK MEMPERBAHARUI ATAU MEREKAYASA MASYARAKAT | Lathif | PALAR (Pakuan Law Review)" n.d.).

- 5) E-Court services at the Gorontalo Religious Court Class 1A which cannot be directly used by other users or parties who do not use advocate services.

The e-court service at the Gorontalo Religious Court class 1A cannot be directly used by other users or parties who do not use advocate services, these other users are required to activate their accounts first at the Religious Court e-court desk, thus requiring the other users to come to the Religious Court. After activating the account, then the other user can use the e-court service. In addition, the lack of information and socialization results in public ignorance about the procedures for applying the e-court, requiring these parties to seek information directly from the e-court table at the Gorontalo Religious Court class 1A, while there are regulations regarding *PSBB* (Large-Scale Social Restrictions) made by government, it becomes a dilemma for those who will seek justice in the Court (Rahmatullah 2017).



- 6) It is difficult to process payments through virtual bank accounts, while the E-court system at the Class 1A Gorontalo Religious Court works with different banks, so it is necessary to prepare multiple accounts for litigants.
- 7) Supreme Court server for e-court services, where the server can actually be accessed by all courts in Indonesia. Therefore, registration or registration of cases using the e-court application and uploading case files is sometimes not always successful or can take a long time to process and at the verification stage of the E-court system at the Gorontalo Religious Court Class 1A by the appellate court takes up to with 7 days and this is quite a long time. ("ANALISIS KETERBUKAAN INFORMASI PUBLIK DALAM KAJIAN TEORI HAK ASASI MANUSIA DAN EFEKTIVITAS HUKUM | PROGRESIF: Jurnal Hukum" n.d.).
- 8) Obstacles in terms of cultural factors, e-Court can certainly change the paradigm of society to be even more instant in matters of trial, especially in managing administration to carrying out trials at religious courts directly or face to face. Of course this can reduce the values in the trial. ("LEGALITAS PERSIDANGAN DARING DI MASA PANDEMI COVID – 19 DALAM PESPEKTIF HUKUM PIDANA | Jurnal Inovasi Penelitian" n.d.)

Conclusion

The implementation of the Electronic Justice System (E-Court) during the Covid-19 Pandemic at the Class 1A Gorontalo Religious Court was comprehensively in accordance with the Contante Justitie principle or simple justice, fast and low cost, because it is implemented from the process of receiving and registering cases to reading the verdict. cases are carried out electronically using an online application that has been officially developed by the Supreme Court such as e-Filling (case registration), e-Payment (cause down payment), e-Summons (Summons of Parties), e-Litigation (trial), e- Copy (Copy of Decision), and e-Sign (Signature), which are supported by paid communication channel applications such as zoom cloud meetings, google meet, e-mail, even telephone lines. The Factors Inhibiting the Implementation of the Electronic Justice System (E-Court) During the Covid-19 Pandemic in Class 1A Gorontalo PA, among others: 1) Spread of the Covid-19 Virus itself, 2)



Socialization and promotion of mechanisms and procedures for using E - Courts that are not optimal, 3) Facilities and infrastructure that are inadequate to support the effective use of E-Court, etc.

Recommendation

The following are some suggestions or recommendations for the implementation of e-court during the COVID-19 pandemic as a support for the principle of constant justice at the Gorontalo City Court Agency:

1. Strengthen the infrastructure and capacity of the Agency Court of Gorontalo City to implement e-court. This includes providing adequate computers and internet access for judges, court staff, and lawyers, as well as training on how to use the e-court system.
2. Promote the use of e-court to the public. This can be done through public awareness campaigns, as well as by making it easy for people to access the e-court system.
3. Make sure that the e-court system is accessible to all, regardless of their income or social status. This can be done by waiving fees for using the e-court system, and by providing assistance to people who need help using the system.
4. Ensure that the e-court system is secure and confidential. This is important to protect the privacy of the parties involved in a case, as well as to ensure the integrity of the judicial process.

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