

Research Article

Innovation and Bureaucratic Reform in Indonesia's Judiciary

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Abstract.

Bureaucratic reform is a major change in paradigm and governance that aims to create a professional government bureaucracy with adaptive characteristics and integrity, free from corruption, collusion, and nepotism, capable of serving the public with accountability, and upholding the organization's basic values and the code of ethics for state apparatus behavior. Bureaucratic reform is related to efforts to create innovation. Along with the birth of the bureaucratic reform policy, innovation was also born. Bureaucratic reform is based on Presidential Regulation of the Republic of Indonesia Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025, which mandates that a bureaucratic reform road map be prepared every 5 years in each Ministry/State/Government Agency. To implement the mandate of bureaucratic reform, the Supreme Court, as the State institution holding the highest judicial power, launched an innovation in case registration and trial electronically, namely the e-Court (electronic Court) application by utilizing the sophistication of technology, information, and internet networks. E-Court can be interpreted as an application used to process lawsuit or petition registration, electronic case payments, and electronic trial calls. Although there are still obstacles in the implementation of the e-Court system, its presence as the latest innovation from the Supreme Court in the framework of bureaucratic reform is very appropriate because it makes the implementation of the e-Court system more efficient. Bureaucratic reform is very appropriate because it makes the judiciary accessible to all levels of society.

Keywords: innovation, bureaucratic reform, e-court

1. Introduction

Bureaucratic reform is one of the government's efforts to achieve good governance and carry out fundamental reforms and changes to the government administration system, especially regarding institutional (organizational) aspects, management and human resources of the government apparatus.(1) Through bureaucratic reform, reform is carried out on the government administration system where bureaucratic reform not only makes the government administration system effective and efficient but also bureaucratic reform becomes the backbone in changes in the life of the nation and state. Bureaucratic reform is a major change in the paradigm and governance of government to create a

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professional government bureaucracy with adaptive characteristics, integrity, free from corruption, collusion and nepotism, capable of serving the public in an accountable manner, and upholding the basic values of the organization and the code of conduct of the apparatus country.

Bureaucratic reform is based on Presidential Regulation of the Republic of Indonesia Number 81 of 2010 concerning the Grand Design of 2010-2025 Bureaucratic Reform (2). Article 4 paragraph (1) states that the operational implementation of the grand design of bureaucratic reform for 2010-2025 will be set forth in the Bureaucratic Reform Road Map which is stipulated every 5 (five) years by the State Minister for Administrative Reform and Bureaucratic Reform. Based on this article, the Minister of State for Administrative Reform and Bureaucratic Reform issues a Road Map for Bureaucratic Reform every 5 (five) years until the implementation of bureaucratic reform is completed in 2025.

Following up on the above, the Supreme Court as a state institution issues a Renewal Blueprint Book. Judiciary Year 2010-2035 and Road Map of Bureaucratic Reform of the Supreme Court as a guideline for the implementation of bureaucratic reform in the Supreme Court and the judicial institutions under it. In the 2010-2035

Judicial Renewal Blueprint Book, it is stated that the Supreme Court (MA) as one of the peaks of judicial power as well as the highest state judiciary has a strategic position and role in the field of judicial power because it not only oversees 4 (four) courts but also management in administrative, personnel and financial as well as facilities and infrastructure. The "one roof" policy provides responsibilities and challenges because IPs are required to demonstrate their ability to create professional, effective, efficient, transparent and accountable institutional organizations.

To carry out bureaucratic reform in order to create professional, effective, efficient, transparent and accountable institutional organizations, the Supreme Court issued Supreme Court Regulation No. 3 of 2018 concerning electronic case administration in court which was ratified on March 29 2018. Then on October 13 2018 the Chief Justice of the Republic of Indonesia, namely Prof. Dr. M. Hatta Ali SH, MH launched the Electronic Court application (e-Court) in Balikpapan and stated that with the launch of the e-Court it means that the Supreme Court has moved towards electronic justice which will fundamentally change the practice of serving cases in court and bring Indonesian justice one more step closer to the practice of justice in developed countries.(3)

The e-Court is an innovation by the Supreme Court as a follow-up to bureaucratic reform by utilizing the sophistication of technology, information and internet networks. Prior to the existence of the e-Court, people seeking justice had to come to court to register a case, pay a down payment for the case and attend the trial process until it was

finished (decision of the panel of judges) so that for people who live far from the court it would take a lot of time and money. After the e-Court, the public can register cases and pay down-payment fees online (4). Electronic courts (e-Court) can be interpreted as applications that are used to process lawsuits or requests, pay cases electronically, and make electronic court summons. guidebook e-Court, it is hoped that the e-Court be able to improve services in its function of receiving case registrations online, so that people will save time and money when registering cases. This is in accordance with Article 2 paragraph 4 of Law no. 48 of 2009 concerning Judicial Power which expressly states that "trials are carried out simply, quickly, and at low cost".

According to Mohammad Saleh (2016), the principle of simple, fast and low cost is the most basic principle of the implementation and administration of justice which leads to the principles and principles of effectiveness and efficiency. These three principles have been endeavored in such a way as to be implemented properly by the entire justice system in Indonesia, especially the civil justice system. In subsequent developments, the Supreme Court continues to innovate and reform the bureaucracy, namely by issuing PERMA Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Courts which refines PERMA Number 3 of 2018 so that currently not only case registration can be done online or known as e-Court but trials can also be conducted electronically, namely e-Litigation. The PERMA's considerations stated that the regulations regarding the administration of cases and trials in electronic courts were the Supreme Court's answer to the demands of the changing times which required more effective and efficient case administration services and trials in courts.

The success of bureaucratic reform is not in documentation, but must be able to be felt by the whole community (5). The success of the implementation of bureaucratic reform is not only in procedures or reports, but how the people served can feel the impact of changes for the better, that is the true meaning of the Mental Revolution in the field of the judicial apparatus. However, the change must remain measurable, it must always be able to plan the direction of the change itself. Every change must be followed so that we can direct these changes in a better direction in accordance with the national development priorities set out in the Nawa Cita. Bureaucracy in the judiciary is related to the service of registering cases and trials which takes a long time and costs a lot. The long time in registering cases occurs because of long queues when registering cases at court, while the long time in the trial process occurs because of queues for trials where many cases must be tried in one day, all of which of course require a large amount of money because trials are not it is only completed once and decided by the Panel of Judges but often requires several trial processes until it is decided by the Panel

of Judges. Therefore, the Supreme Court as the highest peak of judicial power seeks to innovate and reform the bureaucracy so that the registration of cases and trials can run effectively and efficiently. This effort was realized by launching the e-Court application (electronic court) (6).

Implementation of e-Court from the time it was launched until now has been running for approximately 3 (three) years. users e-Court (advocates) and other users (general public) as well as court officials still need adjustments to these innovations so that there are still obstacles in their implementation. obstacles include:

1. The internet network is sometimes unstable where e-Court or in court
2. Human resources/court employees who still do not understand e-Court.
3. Advocates and other users (community) who have not mastered e-Court.
4. There are advocates and other users (community) who consider the manual system to be more effective
5. facilities and infrastructure e-Court in court are still inadequate.

2. Theoretical Framework

2.1. Innovation

Innovation according to Law Number 18 of 2002 is defined as research, development or engineering activities aimed at developing the practical application of new scientific values and contexts, or new ways of applying existing science and technology to products or production processes. Innovation according to Ancok is the intentional introduction and application of new ideas, processes, products and procedures to units that implement them, which are designed to provide benefits for individuals, groups, organizations and the wider community. Meanwhile, according to Evert M. Rogers, innovation is an idea, notion, practice, or object that is realized and accepted as something new by a person or group for adoption. It can be concluded that the essence of innovation is a new way, new ideas or new procedures that provide benefits for individuals, groups, organizations and society at large.

2.2. Bureaucratic Reform

Government bureaucratic reform is interpreted as a major change in the paradigm of governance that leads to organizational (institutional) management, Human Resources (HR), services, and accountability. Reform according to Samin is a movement to change

the form and behavior of an order, because that order is no longer liked or does not suit the needs of the times either because it is inefficient, unclean or undemocratic. Government bureaucracy is a very vital element in determining the direction to achieve success in implementation country. Thoh's opinion Bureaucracy is government or community management in writing, planned neatly documented and carried out by educated and civilized people. With the rapid advancement of information and communication technology and increasingly fierce global competition, people are increasingly sensitive to the performance of government bureaucracy and are very concerned about improving their quality of life. The good or bad performance of the government bureaucracy will greatly determine the level of public trust in the government. Reform of the government bureaucracy is very urgent to do when it is associated with various changes in the context of the globalization era, including changes in the paradigm of power which was originally centralized in this reform era, bringing significant changes in the system and power relations to become democratic and distributed through the principle of decentralization.

2.3. E-Court

E-Court is a service that provides electronic case registration services, obtains an estimate of the down payment of court fees, payments and summons are made via electronic channels. The services available in the e-court application are e-filing (online case registration in court), e-payment (online down payment of case fees) and e-summons (online summoning of parties). E-Court has a legal basis contained in the Indonesian Supreme Court regulation No. 1 of 2019 concerning the administration of cases and trials in electronic courts (hereinafter referred to as PERMA No. 1 of 2019). This Supreme Court Regulation is the basis for the implementation of e-court applications in Indonesian courts, so that the judiciary has the authority to accept case registrations and receive payment of court fees electronically. The Supreme Court regulation does not remove the applicable norms, but adds to or perfects them. This regulation aims to improve the case administration system in order to increase the acceleration of case settlement, accountability, effectiveness and transparency. The importance of the case administration service system through the e-court is to reduce the intensity of the parties meeting with the judiciary apparatus so as to minimize the occurrence of illegal levies and corruption.

3. Methods

The type of research used in this paper is a type of literature review study. Literature review is an important part of any type of research. A literature review is a summary analysis of a body of research regarding a particular research problem by describing, evaluating and clarifying the knowledge that is already known in a subject area (Easterby-Smith, Thorpe, & Jackson, 2015) (7). This research takes sources from books, journals, and research that has been done. Reference to this theory can be used as a solid basis for understanding bureaucratic innovation and reform.

4. Results and Discussion

The e-court system launched by the Supreme Court in 2018 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. (8) The e-Court system is also one of the Supreme Court's steps to reform the bureaucracy within the judiciary. The objectives of this e-Court application according to the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 are: a) The e-Court application can save time and costs in the case registration process, b) The e-Court application can facilitate the payment of fees by various payment methods, c) The e-Court application can be accessed from various media and documents are safely archived, d) The e-Court application can process data quickly and accurately.

Initially, the e-Court application was implemented based on Supreme Court Regulation Number 3 of 2018 on Electronic Case Administration. Then on August 19, 2019 the Supreme Court issued Supreme Court Regulation Number 1 of 2019 on Electronic Case Administration and Court Proceedings which based on Article 38 states that Supreme Court Regulation Number 1 of 2019 revokes and declares invalid Supreme Court Regulation Number 3 of 2018. However, Article 37 states that the implementing regulations of PERMA Number 3 of 2018 are declared to remain in effect as long as they do not conflict with the provisions in PERMA Number 1 of 2019. Broadly speaking, the scope of this electronic court trial system can be divided into 5 (five), including:

1. E-Filing (Online Case Registration)

Online Case Registration in the e-Court application is open for registration of lawsuits, petitions, objections, and related to the submission and storage of documents of civil/religious civil/military administrative/state administrative cases by using electronic system applicable in each judicial environment. Registration of these cases is a type

of case that requires great effort to register and is not in accordance with the principle of ease of doing business. The obvious advantages of online case registration through the e-Court application are saving time and cost required to register a case, various payment methods and banks that have been connected to facilitate payment of fees, document access can be done from various locations and archived properly and faster data retrieval process (9).

Users who can use electronic case administration services are called Registered Users and Other Users. Article 5 paragraph (2) of PERMA 1 of 2019, states that 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. Meanwhile, Article 5 paragraph (3) of PERMA 1 of 2019 states that the requirements for other users are:

- a. Employee Identity Card / Member Identity Card / Power of Attorney and / or Letter of Assignment from Ministries / Institutions / Business Entities for parties representing Ministries / Institutions and business entities;

- b. Identity Card/Passport and other identity for individuals;

- c. 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.

2. E-Payment (Online Fee Payment)

E-Payment is the process of calculating the fee that will be calculated in accordance with the costs set by the Court including the amount of the radius fee determined by the President of the Court. The process will produce a Power of Attorney to Pay (SKUM) and will produce an E-SKUM to make E-Payment. It is stated in Article 12 of PERMA 1 of 2019 that Registered Users and Other Users make payment of the court fees in accordance with the estimated costs provided electronically.

3. Court documents

The provisions relating to trial documents have only just begun to be regulated in PERMA Number 1 of 2019. Electronic documents must be prepared in the trial process by the parties such as letter evidence in the defendant's answer and other documents.

4. E-Summon (Electronic Summons)

E-summons in cases registered using the E-court system are conducted electronically which will be sent to the verified electronic domicile address of the Users (e-mail) and can only be conducted when the Parties agree to electronic summons. This is mentioned in article 16 of PERMA 1 of 2019, namely based on the judge's order, the bailiff/substitute

bailiff sends a trial summons to the Electronic Domicile of the parties through the Court Information System.

5. E-Litigation (Electronic Trial)

The e-litigation feature completes the process of litigating in Court with an electronic system, and is also a breakthrough in PERMA Number 1 of 2019 when compared to the previous PERMA. Electronic trial is a series of processes of examining and adjudicating cases by the Court that is carried out with the support of information and communication technology. In the e-Court trial process, the initial stage is for the registered user to register the case online using the registered user's account by sending the registered user's required documents and lawsuit documents electronically. After that, the user pays the case fee through the specified account, which can be paid through m-banking or the bank. The user then waits for the court summons and hearing schedule, which is notified via e-mail .

Case registration through e-Court also affects the estimated court fee 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. This certainly affects the cost of case fees because the summons is done electronically so that case fees can be cheaper and more efficient, which is in accordance with the principles of justice in Law Number 48 of 2009 concerning Judicial Power, one of which is justice at low cost. In relation to the implementation of E-Summons, the first summons for the defendant must be done manually if there is no consent from the defendant. After the defendant agrees by filling out the electronic litigation consent form, then the summons can be made through the electronic domicile address or via e-mail.

In the first trial, the Plaintiff and Defendant are required to go through a mediation process first. If mediation is declared unsuccessful, then the Panel of Judges offers to conduct the trial electronically. This is because Article 20 of PERMA Number 1 of 2019 stipulates that electronic trials are carried out as long as there is consent from the parties, namely the plaintiff and the defendant. The consent is submitted after the mediation process is declared unsuccessful. If both parties agree, then the next trial for the agenda of the Answer to the Lawsuit, Replik, Duplik to the conclusion is carried out electronically, which is called e-litigation. The documents are received and examined by the Panel of Judges, then forwarded to the parties. The Substitute Registrar will record the trial process in the minutes of the electronic trial.

After the answering agenda is completed, the next agenda, namely proof in Court, cannot be done online because the plaintiff's and defendant's evidence must be shown

and sanctioned directly under oath. Thus, with the existence of e-Court, the process of filing complaints and trials can be done online without having to come to Court, but when the evidentiary process cannot be done online, it must be done directly because the evidence of the plaintiff or defendant must be shown in real-time and the witness must be sworn in first.

For the electronic decision hearing agenda, the pronouncement of the decision is carried out by the Judge / Chief Justice by delivering a copy of the decision (e-decision) to the parties through the court information system.

Article 13, paragraph 2 of the Judicial Power Law emphasizes that a Judge's decision is valid if it is pronounced in an open Court. In addition, article 26 of PERMA Number 1 of 2019 explains that the pronouncement of decisions electronically has legal legality because it is considered to be attended by the parties and in an open session. Therefore, the judge's decision delivered electronically has binding legal force on the parties.

The e-Court application, one of the superior products of the Supreme Court, makes it easier for justice seekers to get full service and realize the principles of fast, easy and low-cost justice and transparent and responsible work mechanisms. However, there are still obstacles in the implementation of e-Court, among others:

- a. Limited coverage of the Supreme Court server in e-Court registration because the Supreme Court server is located in Jakarta with limited coverage.
- b. Unstable internet network at the residence of e-Court users or at the Court.
- c. There are advocates, court officials and the public who still lack understanding in using e-Court.
- d. Advocates and other users (the public) consider the manual system more effective.
- e. The e-Court facilities and infrastructure in the Court are still inadequate.

The above obstacles are expected to be overcome so that the objectives of the implementation of the e-Court system can be achieved because an effective e-Court system can benefit the parties so that it can save time, costs, and energy.

So far, the Supreme Court e-Court application is centered on the Supreme Court server in Jakarta which has limited coverage, while the available server should be able to reach all courts spread throughout Indonesia. This is what can cause case registration through the e-Court application not always successful and takes a long time in the loading process. In the future, it is hoped that servers can be available in every jurisdiction of the High Court throughout Indonesia so that there will be no traffic spikes in data entry into the e-Court application.

The e-Court application is highly dependent on the internet network, therefore the Supreme Court must also provide a strong and stable internet network and protection from external threats such as hackers and computer viruses so that all Courts can implement the e-Court system optimally. In addition, there must also be a means to back up data securely to protect case data registered through the e-Court application.

Each Court needs to provide adequate facilities and infrastructure to support the implementation of e-Court such as the availability of a special room for advocates or other users who will register cases through e-Court such as computers and laptops as well as several IT officers who master e-Court and are specifically placed in the room to monitor the implementation of e-Court in Court, namely directing and assisting justice seekers using e-Court. In addition, it is also necessary to provide an internet network with a speed of 100 MBPS and an Uninterruptible Power Supply (UPS) to overcome electricity problems.

The Court needs to conduct massive socialization of the use of e-Court to both advocates and the public regarding the ease of using e-Court. Socialization of the use of e-Court can also be done through TV public service announcements, webinars or leaflets/booklets distributed to advocates or the justice-seeking public. In addition, regular technical training for court officials, including judges, clerks/substitute clerks and bailiffs, as well as staff should be conducted to monitor the implementation of the e-Court application.

The existence of advocates and the public who consider the manual system to be more effective is related to the thinking or culture of advocates and the public who are accustomed to registering cases manually by bringing files or documents that are submitted directly at the time of registration to the case registration officer at the Court and at the same time paying case fees at the payment counter available at the Court.

Despite the obstacles mentioned above, the e-Court system, the latest innovation from the Supreme Court in bureaucratic reform, is very appropriate because it makes justice accessible to all levels of society. Moreover, suppose the facilities and infrastructure, as well as capable and expert human resources to carry out the task, are already available. In that case, it will significantly facilitate the implementation of the principles of fast, simple and low-cost justice in courts throughout Indonesia.

5. Conclusion

The e-Court launched by the Supreme Court is an innovation to realize bureaucratic reform at the Supreme Court and the judiciary under it. The presence of the e-Court

can answer the needs of justice seekers for an effective and efficient justice system as well as a simple, fast and low-cost judicial process. The bureaucratic reform carried out by the Supreme Court and the judiciary under it is no longer just a demand from all elements of society in seeking justice, but is truly a necessity for the community and the apparatus of the institution concerned.

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