



The implementation of the principle of *contante justitie* at Makassar Religious High Court in the information technology era

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ABSTRACT

The principle of *Contante Justitie* is one of the principles that inspire the application of justice in the modern period. The philosophy of *Contante Justitie*, often known as the rapid administration of justice, emphasizes swift, uncomplicated, and cost-effective judicial proceedings. It is a fundamental legal theory that is the foundation for applying procedural law in Indonesia, particularly in the criminal justice system. This research aims to explore the existence of the principle of *contante justitie* the process of implementation of the principle of *contante justitie*, and the implementation of the principle of *contante justitie* at the Makassar Religious High Court in the information technology Era to achieve the welfare and justice for the seeking justice community. This study employs field research conducted at the Makassar Religious High Court. Data triangulation, including observation, interviews, and documentation, was used to collect and validate data. The data analysis technique spans several years, beginning with data reduction, presentation, and verification. The result shows that At the Makassar Religious High Court, the principle of *contante justitie* is implemented through electronic court procedures. The implementation of the principle of *contante justitie* in electronically submitted cases, according to numerous indicators, better meets the criteria of *contante justitie* than conventionally filed cases. Implementing the principle of *contante justitie* at the Makassar Religious High Court contributes to realizing welfare and justice for the community since the procedural justice aspect satisfies the welfare and justice principles.

Keywords: The principle of *content justitie*; Religious High Court; information technology era

1. INTRODUCTION

One principle that inspires the course of justice in the modern era is the principle of *contante justitie*.¹ This postulate requires law enforcement and justice to be carried out swiftly (speedy trial). Law Number 48 of 2009 concerning Judicial Power has adopted the principle of *contante justitie*, stated explicitly in Article 2 Paragraph (4). Article 2 Paragraph (4) of Law Number 48 of 2009 serves as a legal norm and is considered the general principles or guidelines for positive law (the applicable law). This means that all law enforcement and justice within the practical realm must be oriented towards these legal principles.

One of the Supreme Court's missions is to accomplish modern justice by maximizing information technology. The Supreme Court and the subordinate courts hold significant obligations as the executors of judicial power. These obligations are outlined in Article 2, paragraph (4), which states:² "The judicial process is conducted with simplicity, speed, and low cost." The Supreme Court published Supreme Court Regulation Number 3 of 2018 about Case Administration in the Electronic Court or e-Court to achieve the principle of *contante justitie*.

Electronic court proceedings are a cutting-edge innovation pioneered by the Supreme Court and implemented in both trial and appellate courts. The direct adoption of electronic litigation has stimulated the performance of judicial personnel, including judges, to achieve simplified, expedited, and cost-effective justice for seekers of justice. The establishment of Supreme Court Regulation Number 3 of 2018, subsequently amended by Supreme Court Regulation Number 1 of 2019, signifies a significant milestone in the realm of judiciary. However, current electronic court proceedings (e-court) practices provide an initial hypothesis that the implementation of electronic litigation is not comprehensive but rather partial. In other words, electronic litigation has not been fully implemented (Full Implemented Electronic Litigation).³ It is not an overstatement to assert that the electronic court system remains partially implemented

¹ The principle of *contanti justitie* comes from Dutch, meaning justice is given directly; see Majalah Dandapala Mahkamah Agung, Edisi XXVIII/No.1/2022, hlm. 92

² The term "simplicity" refers to the efficient and effective examination and resolution of cases. The term "low-cost" refers to the public's ability to finance legal fees. On the other hand, the concepts of simplicity, swiftness, and affordability in case examination and resolution within the judiciary do not ignore the need for thoroughness and precision in seeking truth and justice. For more information, please see Article 2 Clause 4 of Law No. 48 of 2009 on the Judiciary.

³ The full e-court is the implementation of Electronic Justice throughout all phases of Procedural Law and Case Administration inside the Judiciary system

(partial e-Court).⁴ Specifically, electronic litigation has yet to encompass all stages of the court process.

In this study, the researcher aims to investigate the implementation of electronic court (e-Court) proceedings in the jurisdiction of the Makassar Religious High Court and its impact on implementing the principle of *contante justitie* in resolving cases. The current implementation of electronic court proceedings requires further examination and analysis. Additionally, the enhancement of judicial capacity as the primary subject of the court needs to be taken into consideration.

In resolving cases, the principle of *contante justitie* must be interpreted as the highest value. This principle must be transformed into a system that can give simplicity, speed, and cost-effectiveness in resolving cases. The principle of *contante justitie* is a systematic endeavor to construct a judicial system that secures the administration of law and justice. Fastly resolving cases in the judiciary will strengthen the courts' credibility and increase justice seekers' trust in the judicial.

2. METHODS

As a scholarly endeavor, this research is conducted using a juridical-empirical approach, which examines the effectiveness of law within society. This study is field research where the researchers critically identify legal events within society and assess their relevance to relevant legislation.⁵

The research employed is qualitative with a field research design. Field research is positioned to confirm implementing the principle of *contante justitie* in the Makassar Religious High Court in the Information Technology Era. This qualitative research aims to describe the events or phenomena of online court proceedings in the Makassar Religious High Court jurisdiction. This research aims to establish relevance associatively, causally, and reciprocally with the legal goal theory proposed by Lawrence M. Friedman and Soerjono Soekanto.⁶ This approach emphasizes the need for the researchers to thoroughly understand the ongoing social context.⁷ The research location refers to the

⁴ The Partial e-Court system is primarily implemented for all procedural and administrative aspects of cases, excluding the Preparatory Examination, Filing of Claims and Answers, Presentation of Evidence, and Reading of Judgments, as discussed in Sudarsono's article "The Implementation of Electronic Court in the State Administrative Judiciary Environment" published in the Journal of Legal Studies, Volume 1, Issue 1, February 2018, page 73.

⁵ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, 22nd ed. (Bandung: Mandar Maju, 2008), 135.

⁶ Husnaini Usman and Purnomo Setiyadi, *Metode Penelitian Sosial* (Jakarta: Bumi Aksara, 2003), 5.

⁷ Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013), 3–4.

place where the research is conducted.⁸ This study is conducted in the Makassar Religious High Court's jurisdiction, an appellate court covering the South Sulawesi Province. The focus of this research is specifically on the implementation of the principle of *contante justitie*, encompassing cases from 2020 to 2022. The reason for starting the research in 2020 is due to the effective application and implementation of the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2019 concerning Electronic Court Proceedings, following its socialization by the Supreme Court.

The data source in this qualitative research, particularly field research, was selected purposively. Qualitative research is closely related to contextual factors. The purpose of sampling, in this case, is to gather as much information as possible from various sources rather than focusing on differences that can be generalized. The aim is to specify the uniqueness within the contextual framework. Primary data refers to information obtained directly by the researchers from individuals directly involved in this research. On the other hand, secondary data is where the researchers obtain information indirectly related to the research variables, including secondary legal materials such as books, journals, news, reports, and various documentation related to this research. The data collection technique employed was data triangulation, which involved observation, interviews, and documentation. The data analysis technique used by the researchers spanned several years and followed a sequential process, including data reduction, presentation, and verification. Data validity was tested through triangulation. It is essential for researchers and readers of the research to ensure that the data obtained and processed are reliable. Sugiyono (2016) explains that in qualitative research, there are four indicators of data validity: credibility, transferability, reliability, and objectivity. These indicators were identified through validity testing, involving triangulation of sources, triangulation of time, and triangulation of methods.

3. RESULTS AND DISCUSSION

***Contante Justitie* Principle**

The principle of *Contante Justitie*, also known as speedy administration of justice, often referred to as the principle of fast, simple, and affordable judicial proceedings, is one of the legal principles that serves as the basis for implementing procedural law in Indonesia. This principle is subsequently implemented in the criminal justice system in Indonesia.⁹ The term "simple" implies that the judiciary operates straightforwardly,

⁸ Salim HS dan Erlies Nurbani, Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi, cet. II (Jakarta: Rajawali Pers, 2013), h. 25.

⁹ Achmad Ali, Azas-azas Hukum Pembuktian Perdata (Jakarta: Ghalia Indonesia, 2006), h. 118

avoiding unnecessary complexities and formalities.¹⁰ It does not require cumbersome bureaucracy, and the legal process is clear and easily understood by the public. The term "fast" signifies that the judicial process is conducted within a specific timeframe, with a precise and clearly defined duration for its resolution.¹¹ The principle of speed means that the administration of justice is expeditious and does not unnecessarily prolong the proceedings.¹² The term "affordable" indicates that the costs involved are reasonable and commensurate with the case at hand, ensuring they are manageable for those seeking justice. The calculation of case expenses is logical, realistic, and transparent and eliminates any additional costs beyond the interests of the seekers of justice.¹³

According to Article 4, Paragraph (2) of Law Number 48 of 2009 on Judicial Authority, it is stated that "The courts assist seekers of justice and strive to overcome all obstacles and hindrances to achieve simple, fast, and affordable justice." The explanation of this article further clarifies that "The term 'simple' refers to the efficient and effective examination and resolution of cases. The term 'affordable' means that the case costs are accessible to the public. However, the principles of simplicity, speed, and affordability in examining and resolving court cases do not overlook the need for accuracy and diligence in seeking truth and justice."

The concept of simple, fast, and cost-effective justice in Islam, as recorded in the *Risalah al-Qada* of Umar ibn Khattab, is as follows:

"It is narrated by Abu al-Awwam Al-Bashri, who said: Umar ibn Khattab wrote a letter (decision) to Abu Musa al-As'ari: Verily, dispensing justice is an established obligation and a mandatory practice to be followed. Understand, when a case is presented to you, for the statement of truth holds no significance if it cannot be executed."¹⁴

There are several legal principles or theories related to or relevant to the principle of Contante Justitie, namely:

¹⁰ A. Mukti Arto, Penemuan Hukum Islam Demi Mewujudkan Keadilan; Penerapan Penemuan Hukum, Ultra Petita dan Ex Officio Hakim Secara Profesional, h. 298.

¹¹ A. Mukti Arto, Penemuan Hukum Islam Demi Mewujudkan Keadilan; Penerapan Penemuan Hukum, Ultra Petita dan Ex Officio Hakim Secara Profesional, h. 298.

¹² Bahrussam Yunus, dkk, Teknik Pemeriksaan Perkara Gugatan Waris Bagi Hakim Perdilan Agama, edisi revisi (Yogyakarta: UII Press, 2016), h. 35.

¹³ A. Mukti Arto, Penemuan Hukum Islam Demi Mewujudkan Keadilan; Penerapan Penemuan Hukum, Ultra Petita dan Ex Officio Hakim Secara Profesional, h. 298.

¹⁴ Wahbah al-Zuhaili, Al-Fiqh al-Islami wa Adillatuhu (Damaskus: Dar al-Fikr, 1989), h. 500. Lihat juga Ahmad Z. Anam, Tadarus Risalah Al-Qadha' Umar ibn Khattab (Kajian Asas Peradilan Perdata Islam), 2015, hlm. 2.

1. *Justice delay is justice denied* Principle

The principle of "justice delayed is justice denied" implies that delayed justice is another form of injustice.¹⁵ This expression is an old maxim in the legal world. From this understanding arises the maxim "Justice and efficiency go hand in hand," meaning that justice and efficiency must always go hand in hand. Inefficient and ineffective administration of justice results from obstacles to obtaining justice itself.¹⁶ This maxim is closely related to the backlog of cases in the courts. Harsh criticism is always directed at the Supreme Court for the high number of pending cases. Justice seekers wait for justice for years, wait for certainty.

In such a situation, it is only reasonable for the Supreme Court to issue a policy stating that cases at the first instance must be decided within a maximum of 5 (five) months. At the appellate level, cases should be decided within a maximum of 3 (three) months.¹⁷ This policy sets a maximum limit for case resolution. The system helps reduce the time it takes to settle cases in court. The system is also supported by improvements in the information technology sector, such as the "one-day publish"

2. Justice for all Principle

In order to ensure accessibility to justice for all members of society, the principle of justice for all exists. Justice for all signifies that every individual should experience justice. One way to achieve this is by providing legal assistance to those seeking justice in the community. This can be observed through the State's commitment to providing legal services to those seeking justice, particularly the financially disadvantaged. Individuals who are financially incapable are entitled to free legal services. The available services encompass fee exemption, proceedings conducted outside the courthouse, and legal aid posts. This policy offers a glimmer of hope to impoverished individuals, addressing financial barriers that hinder their access to justice.

The Principle of *Contante Justitie* in the Judiciary in Information Technology Era

Policy Implementation of the Principle of *Contante Justitie* in Case Resolving in Courts

Based on the mandate of Article 2, Paragraph (4) of the Judiciary Power Law, the implementation of the principle of *contante justitie* is applied at various levels of the judiciary. The courts of first instance, appellate courts, and cassation courts must apply

¹⁵Accessed at <https://alumni.unair.ac.id/site/article/read/422/terlambat-beri-keadilan-adalah-ketidakadilan-.html>. 10 th November 2022.

¹⁶Accessed at <https://mahkamahagung.go.id/id/berita/2688/kma- Aparatur-peradilan-harus-melayani-dengan-sepenuh-hati>. pada tanggal 9th November 2022.

¹⁷ Circular Letter of the Supreme Court of the Republic of Indonesia Number 2 of 2014

the principles of simplicity, expediency, and cost-effectiveness in resolving cases. This implies that the implementation of the principle of *contante justitie* is carried out throughout the judicial process, from the parties filing their cases in court to the examination stage and the execution of judgments. This means that the principle of *contante justitie* is not evaluated solely during the examination of the case by the judge. The electronic administration of pre-trial and post-trial proceedings is also crucial. Using information technology in case resolution is of utmost importance to support this significant agenda. The evolving era must accompany the Supreme Court's policies leveraging information technology to realize a simple, efficient, cost-effective judiciary.

The principle of constant justice, the Supreme Court has issued several policy packages, including:

1. Chief Justice Decree No. 026/KMA/SK/II/2012 on Judicial Service Standards;
2. Supreme Court Circular No. 2 of 2014 on Case Settlement in First Instance and Appellate Courts in 4 (four) Judicial Environments;
3. Supreme Court Regulation No. 3 of 2018 on Electronic Court Administration, as amended by Supreme Court Regulation No. 1 of 2019 and further amended by Supreme Court Regulation No. 7 of 2022

Technology development has resulted in a demand for courts to implement electronic-based trial administration, commonly known as e-Court. The existence of e-Court, established by the Supreme Court through Regulation No. 3 of 2018 on Electronic Case Administration in Courts, was further reinforced by Regulation 7 of 2022, which amends Supreme Court Regulation No. 1 of 2019 on Case Administration and Trial Proceedings in Courts Electronically. These regulations represent an effort by the judicial institution to achieve the principles of simplicity, expediency, and cost-effectiveness.¹⁸

The principle of simplicity, speed, and cost-effectiveness, or the principle of *contante justitie*, has long been advocated in the Supreme Court and subordinate courts. Implementing the principle of *contante justitie* seems to have found its way in the information technology era. With the rapid development of information technology, the Supreme Court has established a case resolution system through e-court or e-litigation. Initially, case handling in the court proceeded at a very slow pace. An indicator demonstrating the seriousness of the case backlog issue (delay) for the Supreme Court was the high number of pending cases at the end of 2004-2007.¹⁹

¹⁸ Hj. Munawwarah, (61), Religious Court Judge. Makassar, Interview, Makassar, 3rd March 2023.

¹⁹ Asep Nursobah, Pemanfaatan Teknologi Informasi Untuk Mendorong Percepatan Penyelesaian Perkara di Mahkamah Agung, tt, h. 325.

From 2004 to 2007, the number of pending cases in the Supreme Court remained above 50% of the total caseload. In 2004, there were 20,314 pending cases, accounting for 76.50% of the total caseload of 26,555 cases. In 2005, the number of pending cases was 15,975, representing 57.50% of the total caseload of 27,782 cases. In 2006, there were 12,025 pending cases, which accounted for 50.53% of the total caseload of 23,800 cases. In 2007, the number of pending cases was 10,827, constituting 50.26% of the total caseload of 21,541 cases.²⁰

The number of pending cases fluctuated after 2007, showing a decreasing trend. Although still above 30%, the percentage of pending cases during the period from 2007 to 2013 never reached 50%. In fact, in 2014, the number of pending cases reached its lowest point, with 4,425 cases, accounting for 23.38% of the total caseload of 18,926 cases.²¹

The data above indicates that the performance of case resolution in the Supreme Court needs to be enhanced. An appropriate strategy, namely, information technology, should be employed to improve case resolution performance. Utilizing information technology in case resolution is expected to minimize the backlog of cases in the Supreme Court.

Before the issuance of Supreme Court Regulation No. 3 of 2018, which was replaced by Supreme Court Regulation No. 1 of 2019 and subsequently amended by Supreme Court Regulation No. 7 of 2022 on Case Administration and Electronic Case Proceedings, the case resolution process was still conducted manually. The handling of cases can be observed at the Makassar Religious High Court and Religious Court within the jurisdiction of the Makassar Religious High Court before the implementation of e-court or e-litigation. Case registration was carried out by personally visiting the PTSP department. Subsequently, when the case registration requirements were deemed complete by the registration officer, the case was inputted into the SIPP application. Then, the parties involved paid the case fees estimated by the cashier. After making the payment through the designated bank, the parties submitted the payment evidence to the cashier and awaited the summons for the proceedings.

The existence of the policy on the implementation *Contante Justitie* principle at the Makassar Religious High Court

²⁰Mahkamah Agung, Laporan Tahunan Mahkamah Agung Tahun 2014, (Jakarta: Mahkamah Agung), h. 78.

²¹Asep Nursobah, Pemanfaatan Teknologi Informasi Untuk Mendorong Percepatan Penyelesaian Perkara di Mahkamah Agung, h. 326. Lihat juga Sebastiaan Pompe, The Indonesian Supreme Court, a Study of Institutional Collapse (alih bahasa Noor Cholís), Jakarta: Lembaga Kajian dan Advokasi untuk Independensi Peradilan, 2014, h. 679.

The High Court of Religious Affairs in Makassar has a policy for implementing the principle of *contante justitie*. As part of the efforts to implement the principle of *contante justitie* within the jurisdiction of the High Court of Religious Affairs in Makassar, there are main tasks carried out by High Court Judges. As outlined by A. Mukti Arto, these tasks can be classified into three categories: judicial, structural, and conceptual.²² This is in line with the role of High Court Judges as the front guard of the Supreme Court. As the front guard of the Supreme Court, High Court Judges have primary duties and functions as case examiners, mentors and supervisors, and thinkers and agents of innovation. The three types of tasks performed by High Court Judges as the front guard of the Supreme Court can be referred to as the "Trilogy of the Main Duties and Functions of High Court Judges," consisting of three primary tasks and functions that are interconnected, interdependent, and mutually supportive. The trilogy of the primary duties and functions of High Court Judges are as follows: (1) High Court Judges as case examiners, (2) High Court Judges as mentors and supervisors, and (3) High Court Judges as thinkers and agents of innovation. Judicial tasks are related to the examination of appellate cases. Structural tasks are related to supervision and mentoring. Conceptual tasks are related to thinking and innovation.

Concerning the judicial duties carried out by Appellate Judges, it is essential to adhere to the provisions stipulated in the Circular Letter of the Supreme Court No. 2 of 2014.²³ The aforementioned Supreme Court prescribes that the resolution of cases at the appellate level must be concluded within 3 (three) months. However, this time limit does not apply to specific cases determined based on legal regulations. As mentioned earlier, the rule represents a judicial service standard that High Judges must uphold, adhere to, and implement when examining cases. These judicial duties constitute activities aimed at fulfilling the service needs of the general public, particularly those seeking justice, and are organized by the Supreme Court and its subordinate judicial bodies.

The role of Information technology in implementation *constata Justitie* at the Makassar Religious High Court

In the current era of modernization, nearly all aspects of work in the judiciary utilize information technology. The Makassar Religious High Court and the Religious Courts within the jurisdiction of the Makassar Religious High Court carry out case settlements with the assistance of information technology. Information technology in

²² A. Mukti Arto, *Trilogi Tugas Pokok Dan Fungsi Hakim Tinggi Dalam Lingkungan Peradilan Agama*, 2012, h. 6. Accessed at <https://pa-jakartautara.go.id/> on 27th March 2023.

²³ SEMA Nomor 2 Tahun 2014 Tentang Penyelesaian Perkara Di Pengadilan Tingkat Pertama Dan Tingkat Banding, h. 1-2.

case settlements at the High Religious Court facilitates ease and speed in resolving cases.²⁴

The Supreme Court, aiming to implement the policy of utilizing technology in case settlement, particularly in the Religious Courts within the jurisdiction of The Makassar Religious High Court, has created a simple, fast, and cost-effective judicial system. The existence of several case settlement applications implemented at The Makassar Religious High Court and its religious courts, such as the *Sistem Informasi Penelusuran Perkara (SIPP)*, the *SIPP Support Application (APS)*, and e-Court (electronic administration and proceedings), contribute to this System.²⁵

Sistem Informasi Penelusuran Perkara (SIPP)

Implementing the principle of equality before the law manifests in the form of the policy norms of the SIPP implementation. In other words, implementing the SIPP represents one of the steps the Supreme Court takes to ensure transparent, expeditious, simple, more efficient, and effective judicial performance. The Sistem Informasi Penelusuran Perkara (SIPP) is utilized by the judicial apparatus in the case administration process within the courts. Through the administration via SIPP, there is an impact on expediting the case administration. Additionally, both leaders and the public can directly monitor the progress of the cases.

With the implementation of the *Sistem Informasi Penelusuran Perkara (SIPP)* in the Makassar Religious High Court of Makassar and the Religious Courts within the jurisdiction of Makassar Religious High Court, the performance of judges and court officials can be monitored by the unit's leaders and directly observed by the public. Information regarding case registration, case fees, the composition of the judicial panel, case numbers, hearing case schedules, and verdict dates can be easily accessed by individuals with a vested interest in the court proceedings. Regardless of circumstances, individuals can readily, swiftly, and inexpensively obtain information anytime and anywhere. Therefore, SIPP serves the function of enhancing transparency, accountability, and the dissemination of court-related information.²⁶

1) Aplikasi Pendukung SIPP (APS)

The supporting application for *SIPP*, commonly referred to as *APS*, is a software utilized by the Makassar Religious High Court and the Religious Courts within the jurisdiction of the High Religious Court of Makassar. Its purpose is to aid in

²⁴ Irham Riad (43, The chairman of Maros Religious Court, Interview, Maros, 2nd March 2023.

²⁵ Muhammad Yunus, (64 tahun), Judge of Makassar Religious Court, Interview Makassar, 3th March 2023.

²⁶ Muh. Arief Ridha (43), The judge of Maros Religious Court, Interview, Maros, 2nd March 2023.

administering cases and creating verdicts within the *SIPP* application. This supporting application was developed to facilitate the seamless implementation of *SIPP*. *APS* plays a crucial role in monitoring, decision-making, and case reporting, as its database is integrated into the *SIPP* application. The existence of *APS* greatly assists in expediting case resolution.

2) E Court

The utilization of electronic court (e-Court) systems, currently known as e-litigation, in Makassar Religious High Court and the Religious Courts within the jurisdiction of the High Religious Court of Makassar, represents a simplification of case resolution procedures through the application of technology. This electronic means of resolving cases offers greater convenience and cost-effectiveness.

Several administrative steps are involved in registering a case and conducting electronic court hearings. These steps can be outlined as follows:²⁷

1. e- filling

Online case registration or e-filing can only be done by registered users. Before registering their cases online, lawyers and other users must become registered users in the electronic case administration application.

2. e-payment

Online payment of case fees or e-payment is done by transferring funds through an Automated Teller Machine (ATM) or a bank teller. Once registered users have paid the case fees and their payment has been verified by court officials, they will be assigned a case number. This case number proves that the parties have successfully registered their case with the court.

3. e-summons

After the case has been electronically registered and the case fees have been paid, resulting in the issuance of a case number, the Panel of Judges orders the electronic summons to be sent to the parties involved. Electronic summons are issued for the hearing, and the Panel of Judges will inquire about the parties' agreement to proceed with the case electronically. Summonses issued to parties outside the jurisdiction of the court can be conducted online, and the court that initiates the summons may provide an intermediary letter and a physical or manual summons. This is regulated under Article 15 of Supreme Court Regulation Number 1 of 2019, which states that:

²⁷See SK KMA Nomor 363/KMA/SK/XII 2022.

"If a summons is issued to a party residing outside the jurisdiction of the court, the summons may be sent electronically to the party, and a copy of the summons shall be submitted to the court in the jurisdiction where the party resides. E-litigation, or electronic litigation, refers to a series of processes for examining and adjudicating cases by the court, which are conducted with the support of information and communication technology."

4. E- litigation

The existence of E-Court as a system aims to realize the principles of simplicity, speed, and cost-effectiveness within the judicial system in Indonesia.²⁸ Supreme Court Regulation Number 7 of 2022 regarding Amendments to Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration and Proceedings (e-litigation), issued by the Supreme Court of the Republic of Indonesia, is a response to the current legal procedure in Indonesia. The civil procedural law in Indonesia, which is still based on HIR (Het Herziene Indonesche Reglement) and RBg (Het Rechtsreglement Buitengewesten), is a colonial product that is approximately a century old, along with other legislation.²⁹ Both laws have consequences where the resolution of civil cases cannot be determined. Often, it takes months or even longer, setting a bad precedent for the judicial institution as it tends to be convoluted, closed, and costly.³⁰

The benefit of *contante Justitie*

The implementation of an electronic case administration and trial system in the Religious Courts within the jurisdiction of the Makassar Religious High Court, particularly in the Makassar Religious Court, Watampone Religious Court, Maros Religious Court, and Sungguminasa Religious Court, does not diminish the existing norms and procedural laws in the courts. Introducing this system merely provides convenience for the parties involved in litigation within the court. Based on the above explanation, several benefits can be derived from implementing electronic case administration (e-Court) in the court. Some of these benefits are:

1. Achieving a more efficient utilization of time, energy, and costs in the resolution of cases;
2. The advance payment of case expenses can be conveniently and expeditiously made;

²⁸ Lukman Pattawari (53 tahun), The Clerk of Watampone Religious Court, Interview, Bone, 7 March 2023.

²⁹ Sunarto, *Peran Aktif Hakim dalam Perkara Perdata*, (Jakarta: Kencana, 2014), h.19.

³⁰ M. Beni Kurniawan, *Implementation of Electronic Trial (E-litigation) on the Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law*, *Jurnal Hukum dan Peradilan*, Vol. 9, No. 1 (2020), h. 43.

3. The case documents are systematically archived and easily retrievable by the parties involved;
4. Data is stored effectively, facilitating its accessibility for examination, research, and supervision purposes.³¹

Implementing the electronic court system (e-Court) is one of the ways to achieve good governance. In the United Nations Development Programme (UNDP) policy document, further characteristics of good governance are mentioned as follows:

1. Following the principles of inclusivity, transparency, accountability, effectiveness, and fairness.
2. Ensuring the supremacy of the law.
3. Ensuring that political, social, and economic priorities are based on societal consensus, considering the interests of the most impoverished and vulnerable in decision-making processes concerning the allocation of development resources.³²

The implementation of electronic court proceedings not only transforms procedural law but also offers temporal advantages. It accelerates services, eliminates queues, and establishes a more organized court schedule. The administrative staff or IT personnel at the Sungguminasa District Court are also responsive to any issues lawyers face in the e-court system. The realization of the principle of *contante justitie* in Makassar information technology has become increasingly feasible due to the implementation of a new court system, namely the electronic court system. The innovation offered by technology has inspired policy-makers in the Supreme Court to adopt the e-Court system. The swift, simple, and cost-effective process provided by e-Court underscores its substantial benefits. Implementing the e-court system allows case resolution in the judiciary to be conducted in a simpler, faster, and more affordable manner. This demonstrates the commitment of the Supreme Court to reforming case resolution in the judicial system.

Despite the existence of e-Court in the Makassar Religious Court, Watampone Religious Court, Maros Religious Court, and Sungguminasa Religious Court, it has had an impact on the effectiveness of law enforcement, providing a greater sense of justice and benefiting justice seekers; however, its presence still needs to be improved. Nevertheless, the e-court or e-litigation system implemented by the Makassar High Religious Court and the Religious Courts within the Makassar Religious High Court jurisdiction still requires extensive socialization among the parties involved. Through the extensive socialization programs launched by the Supreme Court in 2018, continued in

³¹ Andi Hasan Mizwar, IT Personnel Makassar Religious Court, Interview, Makassar, 3 Maret 2023.

³²Sumarto Hetifa Sj, *Inovasi, Partisipasi Dan Good Governance*, Bandung: Yayasan Obor Indonesia, 2003, 1-2

2019, and revised in 2022, it is expected that the parties involved can utilize and provide constructive feedback for advancing the judiciary in Indonesia. The Supreme Court strives to improve and refine this system to provide excellent service to justice seekers. Therefore, the vision of the Supreme Court to achieve an esteemed judicial institution can be realized.³³

There are still several stages of the trial that the e-Court system has not accommodated. One of the stages not accommodated by the e-court is the technical procedures for examining seizure applications when a lawsuit is filed, filing amended claims, the evidentiary stage, and on-site inspections. The aforementioned stages still need to be conducted conventionally. Thus, the presence of the e-Court can only streamline certain stages. As a result, the e-Court has not yet fully achieved elite litigation. Furthermore, technical and non-technical disruptions further hinder the implementation of e-Court (electronic trials).

The implementation of the principle of constant justice in the Makassar Regional Court, amidst the advancement of information technology, aims to achieve the welfare and justice for society. It has fulfilled the principles of welfare and justice in terms of procedural justice. Although the formal measure of the success of implementing the principle of constant justice is the increasing number of electronically filed cases, the utilization of electronic court services has indeed shown an upward trend from 2020 to 2022. The essence of justice aims to provide the most significant possible benefit or happiness for society, the state, and the law itself, solely for true benefit, which is the happiness of most people. Consequently, the law should create an ideal society where the happiness of the majority is maximized (the greatest happiness of the most significant number of people). In terms of substantive justice, electronic court proceedings can expedite the judicial process and eliminate the need for justice seekers to appear in court physically.

4. CONCLUSIONS

The existence of the principle of *contante justice* in the Makassar Religious High Court in the information technology era has been carried out following applicable legislation. The regulation governing *contante justice* began with issuing the Supreme Court's Circular Letter Number 2 of 2014 Governing Case Settlement in the First Instance and Appellate Courts. Following that, regulations on electronic proceedings were enacted through Supreme Court Regulation Number 3 of 2018, revised by Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Proceedings in Electronic Courts. Supreme Court Regulation Number 7 of 2022 on Amendments to the

³³ Nursalam, Lawyer, Interview, Gowa, 6th March 2023.

Supreme Court Regulation Regarding Case Administration and Proceedings in Electronic Courts modified these restrictions further.

The fundamental process of constant justice at the Makassar Religious High Court in the information technology Era is carried out through electronic proceedings. Electronic justice is a judicial instrument that serves the community by enabling online case registration, electronic cost estimation deposit, online payment of cost deposit, online summons, online proceedings for sending court documents (responses, replies, rejoinders, conclusions), reading verdicts, delivering copies of verdicts, and archiving case files. Based on the above definition, each stage is always conducted online. Users of this service are expected to understand the nature of electronic justice, which is entirely online. Several indicators indicate the application of the principle of *contante justitie* between cases filed conventionally and those filed electronically. Electronic proceedings better fulfill the elements of *contante justitie* compared to conventional proceedings. The issuance of Supreme Court Regulation No. 3 of 2018, amended by Supreme Court Regulation No. 1 of 2019 concerning Case Administration and Proceedings in Electronic Courts, and further perfected by Supreme Court Regulation No. 7 of 2022 regarding Amendments to the Supreme Court Regulation on Case Administration and Proceedings in Electronic Courts, seems to be increasingly relevant to the implementation of the principle of *contante justitie* as regulated in the Supreme Court Circular Letter No. 2 of 2014 concerning Case Resolution at the Court of First Instance and the Court of Appeal in the Four Judicial Environments.

The implementation of the principle of *Contante Justitie* at the Makassar Religious High Court in the information technology era to achieve welfare and justice for society, in terms of procedural justice, has fulfilled the principles of welfare and justice. Although the formal measure of the success of implementing the principle of *Contante Justitie* is the increasing number of electronically filed cases, the utilization of electronic court services has indeed shown an upward trend from 2020 to 2022. The nature of justice aims to provide the maximum benefit or happiness for society, the state, and the law itself, solely for the true benefit, which is the happiness of the majority of the population. Consequently, the law must create an ideal society that maximizes the happiness of the majority (the greatest happiness of the most significant number of people). In terms of substantive justice, electronic proceedings can expedite the judicial process and eliminate the need for justice seekers to attend court physically.

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