



Advocates' Compliance and Challenges to the Implementation of e-Litigation in Divorce Cases at the Medan Religious Court Based on PERMA Number 1 of 2019

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Abstract: The implementation of e-Litigation regulated in Perma Number 1 of 2019 is a form of reform of the judicial system to improve efficiency, transparency, and accessibility of law in the digital era. Within this framework, the author determines the formulation of the problem to solve how compliance and obstacles and solutions in the implementation of e-Litigation in Divorce Cases at the Medan Religious Court Based on PERMA Number 1 of 2019, the purpose of this study is to Analyze advocate compliance with the implementation of e-Litigation according to PERMA Number 1 of 2019, Identify the challenges and obstacles of advocates in divorce cases through e-Litigation, Propose solutions to overcome obstacles in the implementation of e-Litigation at the Medan Religious Court. In this study, the author uses the empirical normative juridical research method. In this study, legal documents, field data, and various secondary data such as laws and regulations, court decisions, and legal theories are used. Advocates play a key role as legal assistants who are responsible for mastering electronic procedures, implementing professional ethics, and protecting client data. However, the implementation of this system faces several challenges, especially in divorce cases, such as gaps in technological infrastructure, parties' unfamiliarity with the e-Litigation mechanism, and concerns regarding data security. This article highlights the strategic role of advocates in ensuring a fair and inclusive judicial process through e-Litigation. In addition, it is proposed to improve training, strengthen technological infrastructure, and develop supporting regulations to overcome existing obstacles. In conclusion, the success of e-Litigation is highly dependent on the synergy between technical readiness and the role of advocates in supporting technology-based access to justice.

Keywords: E-Litigation, Perma Number 1 of 2019, Advocates, Electronic Justice, Divorce Cases.

1. Introduction

According to the KBBI, e-Digital refers to something related to the use of computers or the internet (Zebua et al., 2023), (Gunawan, 2024). The Digital Era is marked by the application of computer and internet technology in everyday life, which serves to replace conventional processes with automation. This technology helps increase time and cost efficiency while facilitating access to various information. (Fonna, 2019), (Adha, 2020). One form of adaptation in the digital era is the implementation of e-Government, which is used by executive, legislative, judicial, and public administration institutions to convey information and provide services to the public. (Rahmawati, 2024), (Nur, Akib, & Niswaty, 2022).

Supreme Court Regulation (Perma) Number 3 of 2018 concerning Electronic Case Administration in Courts own a number of limitations, especially in terms of who is allowed to register cases via e-court, which are previously this could only be done by advocates (Salima, 2021), (Melanie, 2022). These shortcomings were then addressed by issuing Perma Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Courts (Said, Pawennei, & Arif, 2022). This new regulation is more comprehensive than before, by expanding the parties who can register lawsuits or applications, not limited to just advocates. (Syarifuddin, 2020), (INDONESIA, n.d.).

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According to data obtained between January 2024 and December 2024, the Medan Religious Court (PA) successfully resolved a total of 3,402 divorce cases, consisting of 2,693 cases of divorce by lawsuit and 709 cases of divorce by talaq. Of that number, 2,054 divorce cases were recorded in the E-Court system, indicating that the divorce process was carried out online.

The electronic justice system has been operating for almost four years and directly supports the trial process. (Fauzi et al., 2023), (Firmanto, 2024). This system covers various court documents, such as lawsuits, applications, agreements, answers, replies, duplicates, conclusions, evidence, and electronic pronouncement of decisions. (Widodo, 2022), (Wajdi, Lubis, & Susanti, 2023). The implementation of justice through e-court is managed by the Supreme Court together with four judicial institutions under it, namely general courts, religious courts, state administrative courts, and military courts. This system provides many benefits for the courts, justice seekers, and advocates who represent them. (Malikah, 2020), (FARHAN, 2022).

Civil case trials through e-litigation are a broader innovation, which not only includes the administration of public court services. (RUTH, 2023), (Ramdani & Mayaningsih, 2021). E-litigation has the potential to continue to be developed, making it easier for the Supreme Court to carry out its duties. (Fahmi & Ratnawati, 2020), (Kautsar, 2024). However, the implementation of e-litigation still faces challenges and requires compliance, as part of the new reform efforts in the Indonesian justice system. Therefore, this journal aims to analyze the implementation of compliance and the challenges that arise in the implementation of e-litigation in divorce cases in Indonesia, with a case study at the Medan Religious Court. (Putri & Sinaga, 2021).

2. Materials and Methods

This study uses a field research method that focuses on the process of implementing the E-Litigation trial at the Medan Religious Court. This study also evaluates the effectiveness of the trial based on PERMA No. 1 of 2019. In addition, this study is supported by a literature study that utilizes documents, books, and various other sources to explain the definition and answer the formulation of the problems raised in the entire study.

This research is an empirical normative legal research. In this research, legal documents and various secondary data such as laws and regulations are used. court decisions, and legal theories. Empirical legal studies are conducted by analyzing laws and regulations that are relevant to conditions in the field (empirical). The data was analyzed using qualitative methods, which aim to gain understanding by analyzing all variables and other elements in writing, so that they can produce conclusions or final findings in the research process.

3. Results and Discussion

Judicial power is an independent state power in administering justice to uphold law and justice based on Pancasila, in order to realize the rule of law of the Republic of Indonesia.

An independent judicial power means power that is not influenced by intervention from other state institutions, and is free from pressure, instructions or advice from parties outside the law, except in certain conditions regulated by law.

3.1 E-Litigation

E-Litigation is a feature in E-Court, which allows trials to be conducted electronically. The electronic trial process can be accessed after a registered user has an account, and the case has been registered, as well as other users who have created accounts for the registered case.

The implementation of E-Litigation still follows the provisions in force in civil procedural law, but has been changed to an electronic format. However, the parties, both Plaintiffs and Defendants, will still file lawsuits and/or applications, exceptions to an-

swers, replies, duplicates, evidence, conclusions, and decisions electronically through the E-Court application. To hold an electronic trial, the Defendant's consent is required. At the first hearing, the Panel of Judges will request such consent from the Defendant, in accordance with the provisions in Supreme Court Decree No. 363/KMA/SK/XJJ/2022 concerning the initial trial.

3.2 Legal Compliance of Advocates in Electronic Processes

a. Comply with Applicable Regulations,

(a) Advocates are required to comply with Perma Number 1 of 2019 concerning Electronic Case and Trial Administration, including all technical provisions governing e-Litigation procedures, (b) Ensure that every stage in case and trial administration, such as registration of lawsuits, responses, replies, duplicates, and evidence, is carried out through an electronic system (e-Court).

b. Use of Electronic Signatures

(a) Legal documents submitted through e-Court must use a valid electronic signature in accordance with the provisions of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE). (b) This electronic signature guarantees that the document is authentic and legally valid.

c. Protecting Client Data Confidentiality

(a) Advocates are required to protect the security of clients' personal data throughout the electronic process, including data uploaded to the electronic justice system. (b) Use secure software and encryption to avoid data leakage or misuse of information.

d. Compliance with Deadlines, Electronic processes impose strict deadlines for document submission and virtual participation. Advocates must adhere to these deadlines to ensure the smooth running of the legal process.

3.3 Professional Obligations of Advocates in Electronic Processes

a. Technology Skills

Advocates need to master the use of the e-Court system and online court platforms. These skills include: (a) Uploading documents in the appropriate format. (b) Attending online court sessions using video conferencing applications. (c) Ensuring documents meet system requirements.

b. Professional Ethics

(a) Advocates must maintain professionalism during the electronic process, including communicating with judges, court clerks, and opposing parties using polite language and in accordance with the code of ethics. (b) It is not permitted to misuse the electronic system with the aim of manipulating documents or the trial process. (c) Providing Explanations to Clients: Advocates are required to explain the e-Litigation procedure to clients, including the benefits, limitations, and potential technical problems that may arise. (e) Consistency of Attendance in Electronic Hearings: Advocates must ensure their

presence in online hearings by using devices that have adequate audio and video quality to support smooth communication with the court.

3.4 Advocate Obstacles in Electronic Court Processes Related to Divorce Cases

Limited Technology Infrastructure. Many areas in Indonesia still face technical issues, such as weak or unstable internet connections, which can disrupt the smooth running of electronic trials, especially in religious courts for divorce cases.

Parties' Doubts Regarding Process Security, Some parties in divorce cases feel anxious about the security of electronic documents submitted to the e-Court system, especially related to sensitive data such as the reasons for divorce, financial documents, or documents relating to child custody.

Limited Understanding of Electronic Processes by Parties, (a) One or both parties involved in a divorce case may not fully understand electronic procedures, which may hinder the process. (b) For example, one party may not have access to the technology or skills necessary to use an electronic system.

Inequality in Access to Technology, In divorce cases, one party may have better access to technology than the other, which can lead to an imbalance in the presentation of evidence or defense.

Lack of guidance or education for clients, Clients are often confused by the e-Litigation system, especially in divorce cases that involve emotions. This ignorance can make one party feel disadvantaged in the process.

3.5 Solutions to Obstacles Arising in the Electronic Process of Divorce Cases at the Medan Religious Court

Based on observations of the problems discussed, the author concludes several solutions related to obstacles that may be faced by an advocate in handling divorce cases through e-Litigation at the Medan Religious Court, as follows:

a. Technology Infrastructure Improvement

Court Religion must ensure that the technological infrastructure, including internet networks and software, is adequate to support the smooth running of online trials. Providing a technology service center for those who do not have personal technology devices.

b. Education and Training for Advocates and Clients

The Supreme Court and advocate organizations can organize intensive training to improve the understanding of advocates and clients regarding the e-Litigation system. Provide easy-to-understand guides or manuals in simple language for the general public.

c. Electronic System Security Enhancement

The e-Court system needs to be updated regularly to maintain data security, especially in sensitive cases such as divorce. Implementation of more advanced encryption technology and verification systems.

d. Online Consultation as an Alternative Before a virtual trial, an advocate can hold an online consultation. Forensure all required documents are ready and meet system requirements.

e. Help Party Which Not Understanding Technology.

For parties who are less technologically savvy, courts may provide special assistance services or technology assistance centers at local courts.

f. Policies to Provide Process Flexibility in Remote Areas.

Courts may provide additional leniency in divorce cases that occur in areas with limited technological infrastructure, for example by allowing some stages of the process to be carried out manually.

E-Litigation in the Medan Religious Court still uses the term E-Court in practice. The difference lies in the legal subject, where in E-Litigation, both individuals and legal entities can undergo virtual examinations, while in E-Court, the parties involved can only apply for permission to litigate virtually through a legal representative.

Thus, it can be concluded that the number of cases registered in the Medan Religious Court E-Court for the 2023-2024 period, which is 2001 cases, is also included in E-Litigation, because the only difference lies in the legal subject.

Advocates have a legal and professional obligation to ensure that electronic processes are carried out in accordance with applicable regulations, including in divorce cases. Although there are some challenges, solutions such as improving infrastructure, education, and strengthening security systems can help ensure that justice is maintained in the e-Litigation system.

4. Conclusions

The concept of e-Litigation regulated in Perma Number 1 of 2019 is part of an effort to modernize the judicial system in Indonesia by utilizing technology. to create a more efficient, transparent and accountable legal processtable. The main principles ensure that this digital innovation remains in accordance with the values of justice and applicable legal rules.

In practice at the Medan Religious Court, E-Litigation still uses the name E-Court. The difference lies in the legal subject, where in E-Litigation both individuals and legal entities can undergo virtual examinations, while in E-Court, the parties involved can only apply for permission to litigate virtually to the relevant legal representative.

The role of advocates in the electronic justice system is not only as legal representatives for clients, but also as guardians of the principles of justice in electronic processes. By complying with existing regulations, maintaining professionalism, and mastering technology, advocates can support the smooth running of e-Litigation and ensure maximum protection of client rights.

Legal compliance of advocates in electronic processes, advocates are required to follow Perma Number 1 of 2019 concerning Electronic Case Administration and Trials, and comply with all technical provisions governing e-Litigation procedures.

The obstacles faced by advocates in electronic processes related to divorce cases include: incompatibility of technological infrastructure, concerns of related parties regarding the confidentiality of the process, limited understanding of related parties regarding electronic processes, unequal access to technology, and lack of assistance or education for clients.

Advocates have a legal and professional obligation to ensure that electronic processes are carried out in accordance with applicable regulations, including in divorce cases. Despite various challenges, solutions such as improving infrastructure, increasing education, and strengthening security systems can help ensure that the principle of justice is maintained in the e-Litigation system.

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