

# The Effectiveness of Implementing the Supreme Court Ordinance Number 3 of 2022 on Electronic Mediation in Courts

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## ABSTRACT

The emergence of the Pandemic in Indonesia announced in March 2020 has impacted on the restrictions preventing crowds, including the implementation of the judiciary. To overcome the issues, the Supreme Court Ordinance Number 3 of 2022 comes into existence. This study aims to find out the provisions for electronic mediation in court based on Supreme Court Ordinance Number 3 of 2022 and to investigate whether the implementation of Supreme Court Ordinance Number 3 of 2022 has been implemented properly. This study employed normative legal research methods aimed at examining the content of positive legal norms or norms containing research subjects, which are legislation and other legal materials. The results showed that the emergence of Supreme Court Ordinance Number 3 of 2022 where the implementation of electronic mediation is established with the principles of voluntary, confidential, effective, safe, and established with the principles of voluntary, confidential, effective, safe and reachable access. In line with Chapter 1 of the Supreme Court Ordinance Number 3 of 2022, electronic mediation is a way of dispute resolution through negotiation to elicit an agreement by using recent technology. Meanwhile, the Supreme Court Ordinance Number 3 of 2022 has been implemented properly in several courts, they are the Rantau Prapat Religious Court, the Magelang Religious Court, the Pinrang Religious Court of Class 1A, and the leadership council of the Pekalongan Advocate Association.

## ABSTRAK

Sejak lahirnya Pandemi di Indonesia sejak diumumkan Maret 2020, banyak pembatasan yang dilakukan untuk mencegah terjadinya kerumunan diantaranya adalah pelaksanaan peradilan. Untuk itu perlu terbit Peraturan Mahkamah Agung Nomor 3 Tahun 2022. Penelitian ini bertujuan untuk mengetahui ketentuan mediasi elektronik di pengadilan berdasarkan Peraturan Mahkamah Agung Nomor 3 Tahun 2022 dan pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2022 apakah sudah dilaksanakan dengan baik. Penelitian ini menggunakan metode penelitian hukum normatif, yang bertujuan untuk mengkaji kandungan norma hukum positif atau norma yang memuat subjek penelitian yaitu perundang-undangan dan bahan hukum lainnya. Adapun hasil penelitian ini yaitu pelaksanaan mediasi elektronik dilaksanakan dengan memperhatikan prinsip sukarela, rahasia, efektif, aman, dan akses terjangkau, sesuai dengan Pasal 1 Peraturan Mahkamah Agung Nomor 3 tahun 2022 pengertian mediasi elektronik yaitu cara penyelesaian sengketa melalui proses perundingan untuk memperoleh kesepakatan para pihak dengan dibantu oleh mediator yang dilakukan dengan dukungan teknologi informasi dan komunikasi. Selain itu, untuk pelaksanaan Peraturan Mahkamah Agung Nomor 3 Tahun 2022 sudah diterapkan dan dilaksanakan dengan baik, terbukti dengan telah diselenggarakannya mediasi secara elektronik di beberapa Pengadilan yang ada di Indonesia, yaitu di Pengadilan Agama Rantau Prapat, Pengadilan Agama Magelang, Pengadilan Agama Pinrang Kelas 1A, dan Dewan Pimpinan Cabang Perhimpunan Advokat (DPC Peradi) Pekalongan.

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## I. INTRODUCTION

The Covid-19 pandemic contributes great quantities of new changes and adaptations for us in living life. It has been officially announced in March 2020 about the existence of Covid-19 for the first time in Indonesia. The existence of the pandemic gives impacts on the society. The greatest one is many restrictions imposed by the government, especially related to social distancing or gatherings of people. It has been two years; the society has been alive side by side with the Covid-19 pandemic. Regarding to the issue, of course, many government Ordinances have also been adjusted to the presence of this pandemic. In addition, the contribution of this current technology and information sophistication, it is not something difficult to make adjustments to existing Ordinances with the current situation. Although new Ordinances with technology exist in the midst of society, society is capable of carrying out services manually; however, protocols of strict health, such as maintaining distance, using masks, and washing hands, are required according to standards published by the World Health Organization (WHO) and the Ministry of Health. These requirements must be of concern to all parties and applied in the process of serving justice seekers (Syarifuddin, 2020). What happening to Indonesia at first results in changes in the application of law where an emergency has two components, the legal framework consisting of the constitution and the legal basis for emergencies and the operational framework involving organizational structures and strategic plans for dealing with emergencies. The state of emergency in Indonesia gives rise to various legal conflicts, which are overlapping in public information disclosure, supplying of medical devices, loss of state finances, postponement of activities that generate foreign exchange, and restrictions on activities (Busroh & Khairo, 2022).

The era of digitalization has a significant function, which is able to supply effortless access for example being able to meet people in distance into virtual room, such as video call, zoom, Microsoft Teams, and so on. Concerning the issue, the court has released the new Ordinance regarding virtual justice and the presence of e-litigation procedures and e-court systems in electronic justice. The advanced level of e-court, which is regulated in Supreme Court Ordinance Number 3 of 2018 concerning Electronic Administration of Cases in Courts called e-litigation. Subsequently, it is repackaged in Supreme Court Ordinance Number 1 of 2019 concerning Case Administration and Court Trial electronically (Sabana, 2022).

Nowadays, technological advance has changed most existing aspects of human life, starting from communication to financial life. This also applies procedures of dispute resolution in courts, one of which includes mediation. This evidence is further strengthened through Supreme Court Ordinance Number 3 of 2022 on Electronic Mediation in Courts. According to Supreme Court Ordinance Number 1 of 2016 on the Procedures of Mediation in court, mediation is a peaceful and efficient way of resolving disputes that can provide wider access to the parties to obtain satisfactory and fair settlement results. Moreover, mediation is a way of handling disputes through negotiations to reach an agreement between the parties through the help of a mediator (Aidi, 2022).

The application of Supreme Court Ordinance No. 3 of 2022 on electronic mediation in courts is a configuration of modern information and technology justice, and aids the trial process manageable, fast and affordable as well as increase the access to court proceedings. The Decree of the Ordinance on electronic mediation in courts is developed considering the urgency that technology-based modern law is one of the prerequisites for the implementation of a simple, quick and affordable trial. Furthermore, it leads a justice system to maximize access in achieving fair. The growth and development of information and communication technology as well as certain circumstances raise challenges in the implementation of virtual mediation in courts, so the legal rule is required.

Therefore, the Supreme Court's decision published the ordinance Number 3 of 2022 concerning the procedures for electronic mediation in court.

This study is conducted to compare with three other studies that tested the originality of the research, which focuses on the implementation of mediation. The first comparison is a research entitled "Online Mediation in Settlement of Divorce Cases in the Pandemic Era". Based on this research, mediation should ideally be carried out through face-to-face meetings between the mediator and the disputing parties. It facilitates communication which takes place not only in the form of verbal dialogue but also in the form of personal greetings, therefore body language is expected to support the smooth functioning of the mediation. This research focuses on the barriers encountered in implementing Supreme Court Ordinance Number 1 of 2016 Chapter 5 Section (3) regarding the implementation of remote audio-visual mediation, which the mediator has an important role in the successful implementation of online mediation.

The second previous research entitles "Electronic Mediation as an Alternative to Settlement of Civil Disputes in at District Courts in the Era of the Covid-19 Pandemic". The findings showed that the inhibiting factor for the application of electronic mediation is the absence of technical Ordinances from the Supreme Court regarding the implementation of electronic mediation. This condition is related to the community's lack of understanding the Ordinance of the possibility of electronic mediation. This research focuses on the role of electronic mediation and the difficulties of the electronic mediation implementation in the era of the Covid-19 pandemic in accordance with the rules of Supreme Court Ordinance Number 1 of 2016. The third preceding research entitled "Virtual Mediation as an Alternative to Dispute Resolution on Industrial Relations during the Covid-19 Pandemic in Indonesia". This study aims at implementing the Ordinance of Dispute Resolution on Industrial Relations during Covid-19 pandemic through virtual mediation. The results showed that the validity of virtual mediation results as an alternative to the dispute resolution on industrial relations in the midst of the pandemic in the form of a written agreement cannot be considered legally binding. This is because there is no positive legal framework in Indonesia that provides specific legality to the results of online mediation, so that the binding of the contract on the results of online mediation is weak enough to be violated by parties. So, these three previous researches much more concentrate on the implementation of electronic mediation in agreement with the rules of Supreme Court Ordinance Number 1 of 2016, while this current study focuses on the implementation of electronic mediation based on Supreme Court Ordinance Number 3 of 2022.

Based on the aforementioned explanations, this research aims at examining the study in depth with the title "The Effectiveness of Implementating of Supreme Court Ordinance Number 3 of 2022 on Electronic Mediation in Courts. The focus of this research takes several research questions to achieve results dealing with the required objectives. With previously mentioned descriptions, this research aims at finding out the provisions for electronic mediation in court based on Supreme Court Ordinance Number 3 of 2022 and to investigate whether the implementation of Supreme Court Ordinance Number 3 of 2022 has been implemented properly.

## II. RESEARCH METHOD

In terms of research method, the current research employed the normative legal research method. This method aims to examine the content of positive legal norms or norms that contain research subjects, namely legislation and other legal materials (Soekanto, 2003). Furthermore, normative research method uses secondary data sets that clarify the basis law and examine the structure and application of legal products classified as information provided (Sunggono, 2015). This current research was conducted by focusing on the study of rules or norms related to electronic mediation legal regulations. The research employed a statutory approach and use legal collection techniques by means of literature study through reading, as well as searching for legal materials through the

internet or websites. Meanwhile, the normative analysis method of this research was utilized to interpret, identify, classify and systematize the research results related to the subject matter to then draw conclusions on the problems examined in this research.

### III. RESULTS AND DISCUSSION

#### 1. Electronic Mediation as Stated in Supreme Court Ordinance Number 3 of 2022

Mediation is not a new terminology or something new because Indonesian people have long adopted mediation as a strategy to resolve disputes. However, people are used to know it as deliberation or consensus. Deliberation is a form of conventional values that have been existing in Indonesian society. So, it is not surprising that the founding fathers of Indonesia included deliberation as part of the noble values of “Pancasila” as the basis of the state. “Pancasila” is a reflection of the customs of society, which is then formed as the basis of the state. Likewise, in the customs of the community classifying into different ethnic groups, deliberation is an action to solve disputes. The mechanism for resolving the disputes of community is rooted in the values and spirit of the Indonesian nation’s culture, which basically is mutual cooperation. The values of cooperation and compromise in dispute resolution appear in various regions of Indonesia. Mediation follows the principle of social interaction in Indonesian which prioritizes the principles of kinship, association, and mutual cooperation. As well, mediation is an acceptable means of resolving disputes to preserve the foundations of kinship and connection (Mulyana, 2019).

The development and advance of the internet increasingly strengthens the resolution of disputes electronically. Electronic dispute resolution is considered appropriate to save the cost, especially in disputes where the parties come from different countries. Correspondingly, in the current era of e-commerce, it has become commonplace and merchants can be anywhere. That is why electronic dispute resolution holds promise. The benefits obtained include saving time and cost (Siburian, 2004). In fact, it has been observed and compared with traditional dispute resolutions, and the resolution of disputes electronically is cost-effective compared to traditional dispute resolution. The current problem faced by courts in Indonesia is how to properly implement a simple, quick and affordable dispute resolution system based on Law Number 4 of 2004 on Judicial Power. This situation is unbalanced because, on the one hand, the number and quality of disputes in society tend to increase over time, while the capacity of the courts charged with investigating and resolving cases is limited. When such a situation is left unchecked, there is enough potential to cause self-willed actions (Siburian, 2004).

To overcome the problem, it is considered to resolve the disputes outside the court. An alternative system of out-of-court dispute resolution must be implemented and is a non-negotiable obligation. The transition from local and traditional realities to new realities, specifically national and modern, even transnational and global, need to be learned and applied in relation to the development of people’s social life. The reality appears that current law, especially commercial law, is now developing together in a complementary relationship with other fields. Since the business life continues to develop from local models in traditional markets to dynamic national and even international or global models with increasingly abstract markets (Adi Nugroho, 2019).

To create a dispute system required by the business sectors is complicated. The business sectors need informal systems and problem solving for the future. Such a systematic paradigm is difficult to regulate in the court system because the court system is not designed to solve problems, but prioritizes solutions based on legal compliance and legal certainty. As a result, it is necessary to carry out various comparative studies and develop methodologies to comply with the forms and principles of dispute resolution in Indonesia (Putu et al., 2021).

Integrating mediation into the proceedings in court is considered capable of strengthening and maximizing the function of performance of the court institution’s authority in resolving disputes

and in accordance with the main duties of the court, which are examining and deciding/adjudicative in nature. While waiting for the Ordinances on handling the process of mediation, with the capacity possessed by the Supreme Court in regulating judicial procedures regarding mediation issues, the Supreme Court deems it necessary to release the Supreme Court Ordinance Number 2 of 2003 amended by Supreme Court Ordinance Number 1 of 2008. Since this Ordinance has not been deemed yet optimally in fulfilling the need for more efficient and capable of increasing the success of mediation in courts, so it is amended with Supreme Court Ordinance Number 1 of 2016 concerning the Procedures of Mediation in Courts (Adi Nugroho, 2019). Based on the Ordinance, mediation is categorized into the process of formal justice, which means that all civil cases must be accomplished through mediation as stipulated in Chapter 4 Section (1) of Supreme Court Ordinance Number 1 of 2016. This Ordinance determines either the types of cases must engage in mediation or do not need the mediation, they are: (a) Unless otherwise specified in the Ordinance, all civil disputes presented to the Court, including cases of *verzet* (resistance) over *verstek* decisions and resistance by *partij verzet* (litigants) and *derden verzet* (third parties) against the enactment of permanent legal decisions, must be resolved through mediation. (b) The following individuals are exempt from the mediation requirement specified in Section (1): Disputes with the inspection at trial are determined by a grace period for completion, which includes: (a) the resolution of disputes through Commerce Court procedures Court; (b) the resolution of disputes through Industrial Relations Court procedures; (c) objection to the decision of the Commission for the Supervision of Business Competition; (d) objection on the judgement of the Agency of Consumer Dispute Resolution; (f) request for annulment of the arbitral award; (e) objection on the judgement of the Information Commission; (f) the dispute resolution of political party; (g) the resolution of disputes through the procedures of the most common lawsuit; dan the other disputes examined at trial is determined by a grace period for completion; The inspection of disputes is established without the presence of the plaintiff or defendant who has been duly summoned; reconvention and intervention; disputes regarding the prevention, rejection, cancellation and legalization of marriages; Disputes proposed to the Court after an out-of-completion is done through mediation with the help of a certified mediator registered with the local court but it is unsuccessful based on a statement signed by the parties and a certified mediator. Attached to the lawsuit is a statement of mediation failure, as described in Section (2) point e, as well as a valid copy of the mediator's certificate. Based on the parties' agreement, disputes that are not subject to mediation, as stated in Section (2) points a, c, and e, can be resolved through voluntary mediation at the investigation and legal action stages. (Supreme Court Ordinance, 2016).

Meanwhile, even if the negotiation agreement has been established electronically, the parties must present the mediation process directly. Therefore, mediation is not carried out electronically, unless under certain conditions it can use remote audio-visual technology which allows good dialogue as stated in Supreme Court Ordinance Number 1 of 2016 (Peraturan Mahkamah Agung, 2016). Furthermore, the stages of the trial as a core part of the process of inspecting the cases in court. If the defendant agrees to an electronic trial, then the judge or presiding judge will determine the trial schedule electronically in a stipulation by the Chief Justice agreed upon by the parties. So, the first trial is held in the courtroom according to the schedule of the trial determined. The presiding judge will start the trial and then inspect the electronic documents uploaded by the Plaintiff through the Court Information System. Following that, the parties will submit answers that have been verified by the panel of judges, which the panel of judges will then forward to the Plaintiff via the Court Information System. These stages are done repeatedly on replicas and duplicates and delivered in *pdf* and *rtf/doc* formats (Asni, 2021).

In the process of the evidentiary trial, the e-litigation is different from face-to-face trials. It is the obligation for the plaintiff and the defendant to upload all document evidence with stamp into the System of Court Information. Then, the trial of evidence is the same as the implementation of face-

to-face trials. The plaintiff and the defendant provide stamped copies of the documentary evidence while showing the original documents to the panel of judges. The process of inspecting witnesses can be established using audio visual media, the costs of which are shared equally by the plaintiff and defendant with the parties' agreement. Another requirement is the implementation of the oath by the judge against the witness before the witness gives the testimony (Amran, 2020). Electronic mediation can be carried out after all parties and/or their proxies have given a statement of agreement. If one of the parties disagrees with the implementation of electronic mediation, the mediation will be established manually in the Chapter 5 of Supreme Court Ordinance Number 3 of 2022. However, if an agreement has been reached for electronic mediation, the clerk will then schedule the case into the electronic mediation administration. Thereupon, each party submits an identification card and an updated colour photo to be entered into the electronic mediation administration by attaching a statement of electronic domicile. As well, the parties determine the mediator who will handle the case. The mediator then begins the mediation stages by verifying the identities of the parties, determining the electronic mediation application, and carrying out the mediation (Klik Legal, 2022).

The activity of establishing a dispute through a process of negotiation in the sake of an agreement between the parties with the help of a mediator by using information and communication technology is the meaning of electronic mediation. The convention of mediation activity will be implemented through a virtual mediation. Supreme Court Ordinance at Chapter 2 Section (1) Number 3 of 2022 explains the principles of electronic mediation; they are voluntary, confidential, effective, safe and accessible. The enactment of virtual mediation can be established in a court if the parties accept the process.

Likewise, a judge of inspecting cases requires the parties pass the process of mediation, excluding cases specified in Chapter 4 Section (2) of Supreme Court Ordinance Number 1 of 2016 on the Procedures of Mediation in Court. The judge explains and advises the parties to mediate electronically. In the event, there is a written agreement for the application of online mediation; the substitute clerk records the case in the administration of online mediation. The parties submit identity cards or other identity cards and recent coloured-photo to be entered into the administration of electronic mediation accompanied by a statement of electronic domicile. Moreover, the parties determine the available mediators in the list of mediators at the Court. (BP lawyers, 2022)

The next step is the determination of the appointment of a mediator and an order to accomplish electronic mediation and notifying the mediator through the substitute clerk will be issued by the inspecting judge of case. Besides, electronic mediation will take place in virtual room and application costs in terms of providing virtual space will be borne by the parties. This virtual mediation room is a legitimate mediation place as the real mediation room in court. To start a case, the litigants must first submit a resume of the case to the mediator electronically through the Court Information System. It also happens if the parties do not proceed electronically but electronic mediation is chosen.

Notifying for electronic mediation is also through electronic means accompanied by information on the address of the electronic mediation virtual room that will be used to hold meetings. For the results of the decision, the mediator will notify whether the mediation statement is successful or not to the examining panel electronically through the Court Information System. If the consensus is reached, the draft of agreement for serenity is accomplished by the parties with the help of a mediator through electronic media (Zaidah & Normas, 2021).

Supreme Court Ordinance Number 3 of 2022 stipulates that there are several ethics for gathering that must be followed in the implementation of electronic mediation. It becomes a guideline of procedures in every mediation meeting. They are (1) the parties and the mediator must participate

in electronic mediation in a closed room and not a public area; (2) the obligation of the parties to guarantee calm and comfort in the mediation room; (3) the obligation of the parties to wear decent clothes during the meeting; and (4) the obligation of the parties to ask for permission from the other party and the Mediator if they want to leave the meeting by stating the reasons” (Peraturan Mahkamah Agung, 2022). It is also regulated in the Supreme Court Ordinance number 3 of 2022, face-to-face meetings are established if needed. This is permissible as long as the parties agree each other. Regarding the creation of a signature is one example of its application. “When the parties do not have validated electronic signatures, the signing of the agreement for peacefulness can be accomplished manually in a face-to-face meeting between the parties and the mediator” (Peraturan Mahkamah Agung, 2022). With the issuance of Supreme Court Ordinance Number 3 of 2022 as the amendment of Supreme Court Ordinance Number 1 of 2016 concerning Mediation Procedures in Courts, it provides greater certainty, clarity and convenience in increasing peaceful access for the realization of justice.

## **2. Implementation of Supreme Court Ordinance Number 3 of 2022**

The results of the study showed that the mediators, in this case the mediation judges, encounter many obstacles or difficulties to the implementation of electronic mediation. Some of the limitations faced by mediators and parties in electronic mediation include (Zaidah & Normas, 2021): (a) The limitation of network affects the implementation of mediation which is not optimal. If the network is getting lower, the mediating parties and the mediator cannot connect due to intermittent audio interference during electronic mediation. (b) The limitations of the parties’ ability in using media for electronic mediation such as not understanding how to use supporting applications in electronic mediation. (c) The emotional bonding between the mediator and the two parties is insufficient even not connected each other. When it is held electronically, the essence is different. There are things you cannot discern but you can feel. If conducted the real mediation, it’s more intense because it can go straight from heart to heart. (d) The mediation has the principle of confidentiality. There is concern about the confidentiality of mediation because when electronic mediation takes place there may be other people around the parties. The mediator only monitors the camera and cannot monitor the whole. Confidentiality related to all matters that occur in a meeting may not become public consumption or the press by each party. Likewise, the mediator need to maintain the confidentiality of what have been discussed in the process of mediation, and it would be better when the mediator destroys all documents at the end of the agreed session.

To overcome the aforesaid obstacles, the mediator has a significant influence in the mediation process but it takes greater efforts, the efforts can be in the form of: (a) convincing the parties that they can solve the problem using electronic media, which is more cost-effective and time-efficient than manual implementation. (b) creating the different approaches, the right scope of knowledge can support the process and achieve a common goal that is an agreement for peacefulness. (c) innovating by ensuring that good intentions must be carried out in a good way and through the appropriate media will get good results.

The application of Supreme Court Ordinance Number 3 of 2022 can be observed in several courts in Indonesia. One of which has started implementing electronic mediation rules is trials at the Religious Court in Rantauprapat. Due to the rush of the trial process and other service activities at the Rantauprapat Religious Court, electronic mediation is held electronically for the first time at the Rantauprapat Religious Court. This mediation is related to a case at the Medan Religious Court where one of the parties is domiciled in the Rantauprapat District. Mediation will be established based on the provisions of Supreme Court Ordinance Number 3 of 2022 on Electronic Mediation. This case is different from the others because the mediation is accomplished by using recent information and technology. The Plaintiff is in the Medan Religious Court while the Defendant is in the Rantauprapat. This greatly facilitates mediation by taking into account the circumstances of the

parties including the distance constraint. It is the first trial conducted at the Rantau Prapat Religious Court for electronic mediation. The existence of distance constraints between the Plaintiff and the Defendant in fact does not become an obstacle for the mediator to find a way for the integrity of the married couple's household. (Pengadilan Agama Rantau Prapat, 2022)

Furthermore, the Magelang Religious Court applies the electronic mediation through video teleconference as the first mediation after the emergence of Supreme Court Ordinance Number 3 of 2022 concerning Electronic Mediation in Courts. The process of mediation runs smoothly although at the beginning there are technical problems. Najib, a judge and a mediator, explains the advantages and disadvantages of applying the electronic mediation. Both manual and electronic mediation have their advantages and disadvantages. If face-to-face mediation, communication is clearer and there are no worries relating to the networks. While such a problem is very possible to happen in electronic mediation. The advantages of electronic mediation can make it easier for the right parties to live away from the court. The presence of Supreme Court Ordinance Number 3 of 2022 is also a manifestation of the Supreme Court's seriousness in implementing the vision, which is in building a great judicial. (Direktorat Jenderal Badan Peradilan Agama, 2022)

In addition, the next electronic mediation happens in East Kalimantan. Particularly, the Pinrang Religious Court of the Class 1A implements the electronic mediation with the Tarakan Religious Court for the first electronic mediation. This mediation is in connection with Supreme Court Ordinance Number 3 of 2022 concerning Electronic Mediation in Courts. The mediation takes place in the mediation room of the Pinrang Religious Court where one of the defendants is in Tarakan Regency, East Kalimantan. So, with the principles of electronic mediation, they are voluntary, confidential, effective, safe and affordable access, electronic mediation is applied between the Pinrang Religious Court of Class 1A and the Tarakan Religious Court in East Kalimantan. With this electronic mediation, parties outside the area of the Pinrang Religious Court of Class 1A can communicate well as if they participate in the mediation process directly. Consequently, the Pinrang Religious Court of Class 1A provides teleconference facilities, which already has information technology device to support these activities, to communicate with outsiders in audio and visual.

Another Case in Pekalongan City is as a form of support for the implementation of Supreme Court Ordinance Number 3 of 2022 concerning Electronic Mediation. The leadership council of the Pekalongan Advocate Association prepares four virtual rooms supporting facilities, so that the existence can be used by the members in applying electronic mediation. As for the virtual space, they are first in Doro, in Kajen and two places in Pekalongan City. This situation makes it easier for colleagues who have not finished their virtual place. The hope is to make it easier for members of the association in Pekalongan when applying virtual mediation.

The emergence of Supreme Court Ordinance Number 3 of 2022 on electronic mediation will make it easier to carry out the mediation process. Moreover, for the elderly, so that they can still take part in mediation directly with the help of technology. In essence, when the principal is able to bring about the realization, it is hoped that there will be a solution so that the case does not have to go to the inspection of the main case so that there is peace between the two parties. Definitely, it will provide affordable and convenient access, for example we are in the Kajen, we do not need to come to the court, we can simply set up a virtual space for those who are in litigation. So that, after the publication of the Ordinance, all parties provide supports in order to achieve easy, efficient, and effective access. (Dinkominfo Kota Pekalongan, 2022).

The Supreme Court Ordinance Number 1 of 2016 concerning the Procedures of Mediation in Courts has given the opportunity for electronic mediation through remote audio-visual media. The existence of a virtual room for the parties by using audio-visual communication media is considered valid as a direct presence in court. Almost three years, the development of electronic mediation

rules is in sync and accommodates the service ecosystem of e-court which is applied to Supreme Court Ordinance Number 3 of 1 of 2019. The electronic mediation is used in certain circumstances to limit face-to-face meetings. However, the rules of electronic mediation in Supreme Court Ordinance Number 1 of 2016 are still vague, explained only in 2 Chapters, Chapter 5 Section (3) and Chapter 6 Section (2). It leads to the emergence of Supreme Court Ordinance Number 3 of 2022 concerning Electronic Mediation in Courts. This Ordinance is used as a complementary norm for Supreme Court Ordinance Number 1 of 2016. The attentiveness of Supreme Court Ordinance Number 3 of 2022 includes the following: (a) The publication of electronic mediation is an alternative procedure for mediation in court where the parties agree to apply the mediation with the electronic media. (b) Electronic mediation can be applied if reaching an agreement of the parties and/or the proxies. (c) The procedures of electronic mediation use an application to facilitate meetings and submit electronic documents. Determination of electronic mediation applications for the parties based on the mediator's proposal. (d) The mediation meeting takes place in a virtual room which is used as a legitimate mediation room like a real mediation in court. (e) Certain levels of electronic mediation can be applied in face-to-face meetings as long as this is agreed by both parties. (f) The entire process of mediation administration uses electronic media, starting from recording, determining the mediator, submitting case resumes, summons, to submitting the results of mediation. Likewise, signing agreements for peacefulness uses electronic signatures .(Kepaniteraan Mahkamah Agung, 2022)

#### IV. CONCLUSION

Electronic mediation is an activity of resolving dispute through negotiations to reach an agreement between the parties with the help of a mediator, which is applied through information and communication technology. Information technology-based modern law is one of the prerequisites for the realization of a simple, fast and affordable justice system as well as for efforts to increase legal protection. Implementing such a system provides better opportunities for the parties to reach dispute resolution in accordance with a sense of justice. The development of information and communication technology is a challenge for the Supreme Court, so it is necessary to implement the Ordinance for electronic mediation. This is the basis and rationality for the emergence of Supreme Court Ordinance Number 3 of 2022, where the implementation of electronic mediation is established with the principles of voluntary, confidential, effective, safe and accessible access. Meanwhile, the application of Supreme Court Ordinance Number 3 of 2022 has been implemented properly, as evidenced by the holding of electronic mediation in several courts in Indonesia, they are the Magelang Religious Court, the Pinrang Religious Court, and the others as previously described. The attentiveness of Supreme Court Ordinance Number 3 of 2022 includes the publication of electronic mediation is an alternative procedure for mediation in court where the parties agree to apply the mediation with the electronic media; electronic mediation can be applied if reaching an agreement of the parties and/or the proxies; the procedures of electronic mediation use an application to facilitate meetings and submit electronic documents. Determination of electronic mediation applications for the parties based on the the mediator's proposal; the mediation meeting takes place in a virtual room which is used as a legitimate mediation room like a real mediation in court; certain levels of electronic mediation can be applied in face-to-face meetings as long as this is agreed by both parties; and the entire process of mediation administration uses electronic media, starting from recording, determining the mediator, submitting case resumes, summons, to submitting the results of mediation. Likewise, signing agreements for peacefulness uses electronic signatures. The limitation of this research is that only few references are obtained due to this rule is still relatively new. It is hoped for future researchers that many references will be obtained, principally related to the negative and positive sides in

applying the rules of Supreme Court Ordinance Number 3 of 2022. As well, the research results are hoped that this will provide additional information and knowledge to the wider community as a view of consideration and contribution of thought in the development of legal science, especially regarding the application of electronic mediation.

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