

Legal Certainty Toward Achieving the Principles of Effective, Efficient and Low Cost in Settling Religious Court Cases Based on Perma No. 7 of 2022 (Study in Siak District)

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ABSTRACT

The E-Court and E-Litigation systems are a form of modernization in the justice system. Coupled with the covid-19 pandemic that multiplied the world, it forced people to change their habits in activities by utilizing technology more. However, the utilization of technology in the judiciary must also pay attention to the rights of the parties and must provide more benefits, especially in the aspects of efficiency, effectiveness and low cost. This research seeks to analyze the implementation of Perma No. 7 of 2022 in Siak Regency in an effective, efficient and low-cost judicial effort in the settlement of Religious Court cases from the perspective of Legal Sociology. This research is an empirical normative legal research. Normative-empirical legal research (applied law research) is legal research on the enactment or implementation of normative legal provisions (codification, laws, or contracts) in action on each specific legal event in society. The implementation in action is an empirical fact and is useful for achieving predetermined goals based on interviews with relevant parties. The result of the research is that the Siak Religious Court has implemented Perma No. 7 of 2022 and used the E-Court and E-Litigation systems so that the facilities and infrastructure of the Siak Religious Court have provided and based on informants from all parties (Plaintiff, Defendant, Advocate, Judge) agreed that the use of this electronic system provides more efficiency and effectiveness and costs less than offline trials. However, there are obstacles faced, namely for parties who live in remote places experiencing internet network interruptions and delays in file validation by officers. To overcome this, the Siak Religious Court provides direct service to the parties and delays or extends the trial time.

Keyword: E-Court, E-Litigation, Religious Court

1. Introduction

At the end of 2019 the world including Indonesia experienced the adverse effects of the Covid-19 pandemic. Not only the adverse health effects, the Covid-19 pandemic has also encouraged changes in people's lifestyles, which forces people to utilize technology to support their daily activities in various sectors including the legal sector. During the Covid pandemic, there were many delays in court hearings due to the impact of restrictions on community activities, legal experts saw the need for a justice system that was able to accommodate all interests so that the law could still be enforced without delay, while the law enforcement process continued to prioritize public safety. In this case, the state has a very strategic position as a party that has the authority to establish regulations in response to events that occur in society.

When the Covid-19 pandemic outbreak appeared, all forms of activities and activities were carried out with technological, electronic, and application aids which then

became a solution in an effort to support human needs.¹ In the legal sector, technological developments also have a positive impact so that case proof can be carried out by utilizing technology. In addition, technology also opens up opportunities for electronic trials or what is known as E-Court. E-Court is an instrument of the court as a form of service to the community in terms of online case registration, online payment, sending trial documents (Replik, duplik, Conclusion, answer) and online summons.² E-Court is expected to be the answer to this dilemma.

However, although law enforcement needs to be carried out in the midst of the Covid19 pandemic, these efforts must still pay attention to values related to human rights. This is inseparable from the state's obligation to always respect (obligation to respect), protect (obligation to protect), and fulfill (obligation to fulfill) the human rights of every citizen. Changes in policies set by the state need to consider the conditions of society, so that law enforcement carried out will run effectively because there is conformity with the circumstances that occur in society.³

This modernization includes efforts to improve legal services in order to obtain certainty, justice, credibility, and transparency of the judicial body, the Supreme Court implemented case management reform with three major agendas, namely (1) Modernization of case management; (2) Reorganization of case management organization; (3) Reorganization of case management process. The reform refers to the Blueprint for Judicial Reform 2010-2035 which was developed using The Framework of Court Excellence approach.⁴

One of the efforts to improve legal services in Indonesia is the issuance of Supreme Court Regulation No. 3 of 2018 concerning electronic case administration or known as E-Court and further refined by Supreme Court Regulation No. 1 of 2019 which was amended by Supreme Court Regulation No. 7 of 2022 concerning electronic administration and trials or known as E-Litigation. The PERMA aims to improve case administration services so as to overcome the three main problems that have often been experienced by litigants in court, namely delay, access, and integrity. Philosophically, the implementation of E-Litigation is the same as a trial as usual, the difference is in the method of litigation.⁵

There are several things that have been changed in Perma 7 Year 2022 and are different from Perma 1 Year 2019. In article 20 paragraph 1 of Perma 7 Year 2022, if the case has

¹ Jeni Danurahman and Eny Kusdarini, 'Dampak Pandemi Coronavirus Disease (Covid-19) Dalam Perspektif Hukum Di Era Digital', *Masalah-Masalah Hukum*, 50.2 (2021), pp. 151–60, doi:10.14710/mmh.50.2.2021.151-160.

² Akhmad Shodikin, Asep Saepullah, and Imas Indah Lestari, 'Efektivitas Penerapan Sistem E-Court Pengadilan Agama Dalam Perkara Perceraian', *Jurnal Mediasas : Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah*, 4.2 (2021), p. 135, doi:10.58824/mediasas.v4i2.290.

³ Cekli Setya Pratiwi, Shinta Fauzi, and Christina Yulita Pubawati, *Penjelasan Hukum Asas-Asas Umum Pemerintahan Yang Baik (AUPB)* (Lembaga Kajian dan Advokasi untuk Independensi Peradilan (LeIP), 2019).

⁴ Mahkamah Agung RI, *Cetak Biru Pembaruan Peradilan 2010-2035* (Mahkamah Agung RI, 2010).

⁵ Hasim Hartono and Yusril Habir, 'Penerapan E-Litigasi Dimasa Pandemi Covid-19 Perspektif Al-Maslahah (Studi Di Pengadilan Agama Kendari)', *Synotic Law: Jurnal Ilmu Hukum*, 1.2 (2022), pp. 103–14.

been registered electronically, the panel of judges can conduct an electronic trial even if the defendant does not agree to the electronic trial. If the defendant has been legally and properly summoned but does not attend the electronic trial, the electronic trial will still be held and the case will be decided by *verstek* (Article 20 paragraph 6). In Perma No. 7 of 2022 so that it can also use verified message services owned by the parties can be used as electronic domicile, while electronic domicile in Perma No. 1 of 2019 is electronic mail (*pos-el*).

Perma No. 7 Year 2022 also regulates case fee waiver services for Registered Users and Other Users who will obtain the facility if they upload application documents and documents of economic incapacity. Broadly speaking, the main objective of Perma 7 Year 2022 is to increase the settlement of cases quickly, simply and at low cost through increased electronic case acceptance (*e-court*), increased case settlement through mediation, and increased *e-litigation* trials.

The Siak Sri Indrapura Religious Court is an actor of judicial power for Muslim litigants whose duties and authority are to examine, decide and resolve cases at the first level. These duties and authorities include the fields of Marriage, Inheritance, Wasiat, Hibah, Wakaf, Zakat, Infaq, Sadaqah, and Sharia Economics. The Siak Sri Indrapura Religious Court is guided by the Compilation of Islamic Law and other applicable laws and regulations in Indonesia as the basis for law enforcement for the parties to the case.

The implementation of Perma Number 7 of 2022 is expected to be a solution to case settlement in the Siak Sri Indrapura religious court environment. Perma Number 7 of 2022 aims to minimize the occurrence of justice delayed while ensuring legal certainty for litigants through optimizing electronic case handling by paying attention to the principles of effectiveness, efficiency and low cost. In the period between 2019-2024, the Siak Sri Indrapura Religious Court has conducted electronic case handling as follows:

Table 1.2 Recapitulation of Cases at the Siak Sri Indrapura Religious Court in 2019-2024

Year	Remaining e-court cases from previous years	Case Registration e-court	Amount	E-court cases decided	Percentage
2019	0	254	254	201	79%
2020	61	476	537	476	89%
2021	10	615	625	567	91%
2022	48	580	628	590	94%
2023	2	664	666	595	89%
2024	69 (as of January)				

(Source: Siak Sri Indrapura Religious Court, 2019-2024)

The number of e-court case registrations at the Siak Sri Indrapura Religious Court from 2019-2024 tended to increase. Similarly, the number of e-court cases decided also increased. Although the number of cases registered and decided has increased, in terms of the process it actually decreased in 2023. Similarly, the fluctuation of the remaining cases at the end of 2023 and the case load in 2024 increased sharply because it left 69 cases. The principles of effectiveness, efficiency and low cost are regulated in Law No. 14 of 1970 concerning Basic Provisions of Judicial Power. The regulation was subsequently revoked and replaced by Law No. 4 of 2004 on Judicial Power, and updated again with Law No. 48 of 2009 on Judicial Power. Article 2 paragraph 4 of Law No. 48 of 2009 on Judicial Power states that "Judicial proceedings shall be conducted in a simple, speedy and low cost manner". This implies that the court is obliged to help justice seekers overcome all obstacles and obstacles so as to realize a simple, fast, and low cost trial. The application of these principles aims to provide legal certainty to litigants.

Every litigant has a need to seek legal certainty and a sense of justice in a balanced manner. Therefore, the application of the principles of simple, fast, and low cost justice does not necessarily only prioritize legal certainty and ignore a sense of justice. The application of these three principles actually minimizes the delay of cases which can open opportunities for abuse of authority by certain parties. The application of simple justice supports the speedy resolution of cases, as well as minimizing the cost burden that must be borne by litigants, so that justice can be carried out effectively, efficiently and at low cost.

Based on this background, this study aims to analyze the implementation of Perma No. 7 of 2022 in Siak Regency in an effective, efficient and low-cost judicial effort in the settlement of Religious Court cases from the point of view of Legal Sociology.

Similar research has been conducted, namely, Evaluation of Electronic Court Policy (E-Court) of the Supreme Court of the Republic of Indonesia (Abdul Rachmat Ariwijaya & Palupi Lindiasari Samputra) which conducted an evaluation of the electronic court policy within the scope of the supreme court. While the research that the author examines in this study evaluates based on the principles of effective, efficient, low cost within the scope of the Siak Religious Court.

Then another study is a study entitled "Electronic Trials in the Perspective of Law in Indonesia (Eva Norjanah & M. Ali Amrin) which analyzes the synchronization of the electronic trial system according to PERMA No. 4 of 2020 and Law No. 8 of 1981 from the perspective of legal certainty in Indonesia. While in this study analyzes the implementation of Perma No. 7 of 2022 in Siak Regency in an effort to make justice effective, efficient and low-cost.

2. Research Method

This research is an empirical normative legal research. Normative-empirical legal research (applied law research) is a legal research on the enforcement or

implementation of normative legal provisions (codification, statutes, or contracts) in action on every specific legal event in society. The implementation in action is an empirical fact and is useful for achieving predetermined goals. Based on the results of the application of the law, it can be understood whether the provisions of the legislation or contract have been implemented properly or not, which is known from the results of the application of the law.⁶

This study analyzes the implementation of Perma No. 7 of 2022 at the Siak Sri Indrapura Religious Court. Therefore, in addition to the data obtained from the interview results, there are other data in the form of legal materials that are used as analysis materials in the study, namely legal materials from research results related to the main problem.

3. Result and Discussion

3.1 Administrative procedures for electronic proceedings and trials at the Siak Sri Indrapura Religious Court based on Perma No. 7 of 2022

A. Implementation of Perma No. 7 of 2022 at the Siak Sri Indrapura Religious Court

The issuance of Perma No. 7 of 2022 is based on 2 considerations, namely to overcome obstacles and barriers in the administration of justice based on the results of the evaluation of the implementation of Perma No. 1 of 2019 concerning Electronic Administration of Cases and Trials in Courts. To support the implementation of Perma No. 7 of 2022, the Supreme Court has implemented E-Court as an electronic justice system that functions to provide electronic civil case settlement administration services.

To be able to use E-Court, you need to create an account through the application on a digital device such as a computer or laptop that has internet access. The party who can register an account must have the status of an Advocate who will later act as the legal representative of the party in the case. The next step after having an account and logging in to the application is to select a court to get an online registration number and barcode, as well as a sheet of approval of the terms and conditions of registration that must be agreed to. Registration of a Power of Attorney is done by uploading a Power of Attorney, Minutes of the Oath, KTP, and Advocate Membership Card as the Legal Representative of the party in the case.

The next process is for the Advocate to fill in the data of the plaintiff, defendant, and co-defendant which includes a clear address so that the down payment can be estimated based on the radius of each region. After that, the lawsuit document is uploaded containing the lawsuit file and the Principal's agreement, which means that

⁶ Hartono and Habir, 'Penerapan E-Litigasi Dimasa Pandemi Covid-19 Perspektif Al-Maslahah (Studi Di Pengadilan Agama Kendari)'.

the parties to the case agree and are willing to go to court electronically. After all these processes are carried out, the registrant will receive an e-SKUM or an estimate of the electronic court cost down payment. The components of the down payment include the Registration fee, Stamp Duty, Editorial, Witness Oath, Plaintiff's mediation summons, Defendant's mediation summons, PNBPN Release of the first summons, and Processing costs.

After payment via e-SKUM is made by the registrant, the Siak Sri Indrapura Religious Court will then receive a notification and carry out validation which is continued with the registration of the case in the Case Tracking Information System or SIIP. If the registration has been verified, the Siak Sri Indrapura Court will send a Case Number via e-Court and the registrant's email. When the registrant has received a case number via e-Court and email, the registrant will receive an e-Summons or electronic court summons from the Siak Sri Indrapura Court, and continue the e-Litigation process. The implementation of electronic trials is carried out on the condition that the plaintiff and defendant agree to conduct the trial electronically. This agreement does not apply to Advocates as attorneys for the parties to the case because according to Perma No. 7 of 2022 Advocates are required to conduct proceedings electronically. Electronic trials are still carried out without the requirement that the plaintiff or defendant be present or not present to agree to the implementation of the trial electronically. This is different from Supreme Court Regulation No. 1 of 2019 which requires the consent of the Defendant. If based on the agreement the Principal Defendant is not willing to conduct the proceedings electronically, then the electronic trial will still be carried out in a hybrid manner.

In the event that the Defendant remains present at the trial, while the Advocate or Legal Counsel follows the trial electronically. Hybrid trials are trial processes that combine conventional and online trials simultaneously. This is done so that there is a match between the implementation of the trial and the e-Summons that have been sent by the Siak Sri Indrapura Religious Court. In addition to the implementation of the trial being carried out electronically, the management and storage of documents related to the trial are also carried out electronically.

B. Analysis of the application of the principles of effective, efficient and low cost Implementation of Perma No. 7 of 2022 at the Siak Sri Indrapura Religious Court

To find out whether or not the principles of effectiveness, efficiency and low cost are fulfilled in the implementation of Perma No. 7 of 2022, researchers conducted interviews with several informants consisting of Judges, Lawyers, Defendants, and Defendants. These informants are parties who have been involved in electronic case resolution in Siak Sri Indrapura Regency. In terms of the equipment and supporting equipment for the implementation of electronic trials at the Siak Sri Indrapura Religious Court, E-Court is relatively easy to operate. This is known from the statement of the informant who was once the Plaintiff and Defendant in a case that was resolved through electronic trials. In the statement of the Plaintiff Informant, it

was stated that, "It is very comfortable because it is assisted by many Siak PA employees. The registration is guided by the Siak PA, only providing an email and cellphone number. In terms of the Justice obtained by the parties to the case, the Plaintiff Informant is of the opinion that he is satisfied with the trial that was carried out and feels that he can obtain the justice that he is fighting for. In his statement, it was stated that, "I really believe because all parties know about the electronic trial that I filed". This statement provides an affirmation of the belief in the existence of openness in efforts to uphold justice because all parties know, understand, and follow the electronic trial process from the beginning of the case being filed electronically".⁷

The statement is also in line with the opinion of the Defendant's Informant who said, "Very convenient, because there is no need to come back and forth to the office. Can be via cellphone or other devices. Furthermore, the Defendant's Informant is of the opinion that the supporting devices for the trial are, "Very Good, because a feature is provided to reply according to the trial agenda." In this case, the Defendant's Informant pays more attention to features that are easy to use as a means of communication between parties when attending trials electronically.⁸

The statement of the Plaintiff and Defendant Informants also explained that so far the Siak Sri Indrapura Religious Court Apparatus has been proactive in assisting the parties in utilizing e-Court as a supporting application for electronic trials. In the statement submitted by the Advocate Informant, it was also discovered that the equipment and supporting tools for electronic trials were quite good, although sometimes there were obstacles related to the internet network used. "General obstacles that occur are related to network quality. If for smooth communication, the information arrives on time."⁹

The statement was also conveyed in more detail by the Judge Informant who said regarding the supporting devices, "It's good if the signal is good. But if it's in the 3T area, it's not good." The Judge Informant's statement indicated that the obstacles that had occurred so far were related to the difficult signal because the parties to the case were domiciled in remote areas so that it was difficult to obtain an internet signal. Then the Judge Informant saw the justice in the implementation of electronic trials from the sociological indication that, "Electronic trials can accommodate all parties. If they agree electronically, if not, then hybridly."¹⁰

The statement indicates that efforts to produce justice in the electronic trial process also pay attention to the behavioral patterns of people who are still not used to electronic trials. The solution to accommodate this is to implement a hybrid trial that allows collaboration between electronic and conventional trial systems simultaneously. This method is applied so that all parties to the case can obtain justice

⁷ Penggugat, 'Wawancara Informan', 2024.

⁸ Tergugat, 'Wawancara Informan', 2024.

⁹ Advokat, 'Wawancara Informan', 2025.

¹⁰ Hakim, 'Wawancara Informan', 2024.

because their rights are protected in the trial. In addition to several things that have been described, one important element of the effectiveness of the implementation of Perma No. 7 of 2022 can also be seen from the ability of the procedural system through electronic trials to maintain the confidentiality of information contained in the trial. The opinions of informants in this study indicate that the implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court is running effectively. Theoretically, the effectiveness of the implementation of Perma No. 7 of 2022 is also in accordance with the benchmark for legal effectiveness conveyed by Soerjono Soekanto. The effectiveness of the law can be known based on 5 parameters, namely legal regulations, law enforcement, facilities and infrastructure, society, and culture. In terms of the legal regulations implemented, Perma No. 7 of 2022 which was issued as a response to the implementation of Perma No. 1 of 2019 was able to provide a sense of justice to the parties to the case. This justice is known from the process and decisions obtained by the parties to the case who can carry out their obligations and receive their rights during the trial carried out by the Siak Sri Indrapura Religious Court.

Then regarding the application of the principle of fast, simple, low cost, Reviewed from the implementation time, the Defendant Informant feels that the electronic trial implemented by the Siak Sri Indrapura Religious Court can save time, costs and energy because it is done electronically. This is based on information obtained from the plaintiff and defendant informants who basically agree that the implementation of the trial through an electronic system saves more expenses and is more efficient.

Regarding the costs borne by the litigants, it is relatively much cheaper compared to the costs in conventional trials, the payment method is also easier because it is carried out electronically. Then regarding its implementation based on information obtained from the judge's informant that "The implementation of electronic trials depends on the calendar. When agreeing electronically, mediation is 2 weeks, the judge determines the calendar. Usually the distance between the stages is 2 days. The point is it is faster than manual".¹¹

The fast implementation time from the registration process to the reading of the verdict, as well as the costs that must be borne by the parties to the case indicate that the electronic trial carried out by the Siak Sri Indrapura Religious Court is efficient and low-cost. This is due to several reasons as follows:

- 1) Electronic trials conducted by the Siak Sri Indrapura Religious Court are faster than conventional trials.
- 2) The costs that must be borne by the parties to the case are less compared to the costs carried out conventionally.

Based on information from informants in the study which provides an overview of the implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court, it is known that the implementation of Perma No. 7 of 2022 has met the principles of being

¹¹ Hakim, 'Wawancara Informan'.

effective, efficient and low cost.

C. Sociological Analysis of the Implementation of Perma No. 7 of 2022 at the Siak Sri Indrapura Religious Court

The sociological theory of law that is used as an analytical tool in this research is the sociological theory of law presented by Gurvitch.

1) Sistematic Sociology Of Law

Reviewed from the Systematic Sociology of Law, the implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court has an impact on the implementation of procedural administration which was previously carried out manually, changing its implementation using electronic media. Perma No. 7 of 2022 changes the system of Case Registration, Down Payment, Trial Summons, Preparation of Minutes, Examination (BAP), Reporting of Case Progress, Implementation of Hearings, to Reading of Decisions which were previously carried out manually, changing to electronically. This statement is supported by the statement of the Advocate Informant who uploaded the Power of Attorney, Minutes, and KTA online to the e-Court application, as well as the Plaintiff Informant and Defendant Informant who submitted their email and cellphone number so that they can be used as a means of communication in the implementation of the trial.

The implementation of Perma No. 7 of 2022 not only changes the procedural system at the Siak Sri Indrapura Religious Court, but also makes Judges, Advocates, Clerks, and litigants adapt to the electronic trial system, while studying the use of e-Court as a supporting application for trials. Although on the one hand the use of e-Court and electronic devices as a medium for procedural matters brings positive benefits, it does not rule out the possibility of negative impacts that can harm the litigants. Based on the statements of informants in this study, the implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court reviewed from the Systematic Sociology of Law has an impact on several things as follows:

- a) Implementation of electronic trial administration.
- b) Compliance of the litigants in carrying out the obligation to send documents as answers or responses because they do not want to lose their rights in the trial.
- c) There is a change in habits experienced by Judges, Advocates, Clerks, and litigants who previously had to be present in the courtroom to now be required to attend the trial electronically.

2) Legal Manifestation

Gustav Radbruch argues that the law must be able to provide justice, benefits, and legal certainty. The implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court according to the Plaintiff's Informant can guarantee justice for all parties. The Plaintiff's Informant conveyed this in his statement, "I

really believe because all parties know about the electronic trial that I filed.¹² If the Plaintiff's Informant sees justice in the implementation of Perma No. 7 of 2022 based on the awareness of the parties in participating in the trial, then the Defendant's Informant examines justice from the perspective of the verdict which is the result of the electronic trial process. "Personally, I believe it because what is stated there is also the result of the trial process".¹³

Justice that can be obtained by all parties in the trial is not only seen from the verdict, but also the trial process carried out. This was also conveyed by the Judge Informant that in order to ensure that the sense of justice of the parties in the case is fulfilled and maintained, the trial can be carried out fully electronically, but if the Defendant wants to attend the trial in person, the trial can be carried out in a hybrid manner. "Electronic trials can accommodate all parties. If they agree electronically, if not, then in a hybrid manner".¹⁴ The belief in the existence of justice in the trial according to Perma No. 7 of 2024 was also conveyed by the Advocate Informant based on his statement that he believed the results of the trial because they were based on evidence.

In terms of its benefits, the implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court provides 2 main benefits, namely low costs and simpler implementation compared to conventional trials. This is in accordance with the statement of the Advocate Informant, "Very cheap, compared to manual trials. Very cost-effective, less than 500 thousand, More efficient, faster case resolution time".¹⁵

Then, regarding legal certainty, it can be seen from the certainty of the process and the certainty of the decision as a result of the implementation of electronic trials involving the parties to the case.

Certainty of the process and certainty of legal decisions are a guarantee that the law is upheld and decisions can be realized as an effort to protect the parties from arbitrariness. This is known from the statement of the Judge Informant that if the parties are late or do not send electronic documents according to the trial calendar, the parties automatically lose their trial rights related to the documents. The existence of Legal Certainty in electronic trials is also emphasized in Article 14 of Perma No. 7 of 2022, "In the event that the Defendant files a legal action of resistance (*verzet*) against the default decision and the Plaintiff files an appeal, the appeal filed by the Plaintiff is declared null and void".

3) Sociology of Genetic Law

The implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court is the same as the considerations which state that there are obstacles and barriers in the administration of justice, so improvements are needed in the

¹² Penggugat, 'Wawancara Informan'.

¹³ Tergugat, 'Wawancara Informan'.

¹⁴ Hakim, 'Wawancara Informan'.

¹⁵ Advokat, 'Wawancara Informan'.

administration of cases and trials electronically. that if referring to Perma No. 1 of 2009, electronic trials cannot be carried out if the Defendant is not willing. This can be overcome through the implementation of Perma No. 7 of 2022 which does not require the consent of the Defendant to implement electronic trials at the Siak Sri Indrapura Religious Court. Social change and legal change do not always occur simultaneously. In certain circumstances, legal development lags behind the development of society, but at different times and places there is also the possibility that the opposite will happen. If this happens, it will trigger a social lag, namely an imbalance in the development of social institutions which results in functional imbalances. According to Lon Fuller, there are 8 principles of legality that must be followed in making laws, namely:

- a) There must be regulations first;
- b) The regulations must be published;
- c) The regulations may not apply retroactively;
- d) The formulation of regulations must be understandable by the people;
- e) The law must not require the implementation of impossible things;
- f) There must be no conflict between regulations;
- g) Rules must be fixed and must not be changed frequently;
- h) There must be conformity between the actions of legal officials and the regulations that have been made.

The implementation of Perma No. 7 of 2022 has a significant impact on the religious court system in Indonesia, both in terms of organizational structure, legal procedures, and its influence on society. The law not only acts as a tool to uphold justice, but also as a reflection of social norms and values that exist in society. The implementation of Perma No. 7 of 2022 in Religious Courts reflects efforts to improve and adapt to the ever-evolving social dynamics. One important aspect of the regulation is the use of technology in the electronic trial process which is in line with the development of digitalization in Indonesian society. This makes it easier for the public to access justice in religious courts.

From a legal sociological perspective, the implementation of PERMA No. 7 of 2022 also has an impact on governance, administrative procedures, and the application of information technology in the trial process. This policy allows Religious Courts to bring the legal process closer to the community through the facilitation of an electronic trial system, so that the community can access justice at a lower cost and a faster and more equitable process for the community. To make this effective, professionalism is needed from the apparatus in the religious courts so that the quality of legal services provided runs optimally, thereby increasing public trust in the judicial institution.

One thing that needs to be considered is the inequality of access to technology because not all people have adequate access to technology, especially in remote areas, thus opening up opportunities for resistance to the use of technology in the judicial process and preferring conventional trial processes because they allow for direct interaction in the courtroom. Strong support from the Religious Court to overcome this can be

realized through cooperation in procurement and education regarding the use of technology in the law enforcement process for the community.

3.2 Obstacles and Solutions in Implementing Perma No. 7 of 2022 at Religious Courts in Siak Regency

The implementation of every regulation is never free from obstacles and solutions to overcome them. Likewise, the implementation of Perma No. 7 of 2022 by the Siak Sri Indrapura Religious Court as the Religious Court in Siak Regency. The obstacles in the implementation of Perma No. 7 of 2022 at the Religious Court in Siak Regency. expressed by informants in this study:

1) According to the Judge Informant

"There are parties who do not want electronic trials, because they feel lacking, if the parties are not tech-savvy. They agree electronically, but sometimes through the answer, the answer is not uploaded, the rights of the parties are not covered. Plus, the network in the regions is rather difficult. In the city, it's easy. But for those in remote areas, the network is difficult, plus they are not tech-savvy, sometimes there is no reply, there is no duplicate either. For the young, plus those who are tech-savvy and educated, it is easier. If the trial is electronic, all the evidence should have been uploaded to ecourt. It's just that sometimes the problem is that it is not uploaded. For those who are not uploaded, they are submitted to the panel of judges when the trial is held".

2) According to Advocate Informant

"Sometimes verification is a bit late at the Registrar. Maybe because there are a lot of trial schedules. We follow up with the Registrar first, it needs to be uploaded first. Yesterday it was late, I don't know if the verification was late or what, the defendant was angry. Sometimes because of maintenance it can't be opened, when uploading the identity name. In the second step when uploading the identity of the defendant or plaintiff, it is suddenly automatically rejected, it's just that because of problems in the e-Court application there is no maintenance notification, so it can't be confirmed. So you have to come to the PA".

3) According to the Plaintiff's Informant

"Obstacles or problems may be when there is a network problem, for example a power outage, the network is a bit difficult. The network is quite difficult".

4) According to the Defendant's Information

"It's just the network that's unstable".

Based on the statements of informants in this study, it is known that the obstacles to the implementation of Perma No. 7 of 2022 that occurred at the Siak Sri Indrapura Religious Court are as follows:

- a) There are parties who do not want an electronic trial.

- b) The litigants are late or do not send response documents so that they lose their rights in the trial.
- c) The clerk is late in verifying electronic documents.
- d) There is application maintenance
- e) The internet network is unstable

The solutions implemented to overcome the obstacles in implementing Perma No. 7 of 2022 at the Religious Court in Siak Regency are as follows:

- 1) According to the Judge Informant
"There are parties who do not want electronic trials, because the feel is lacking. They prefer direct, so it is facilitated in a hybrid manner, For those who are not uploaded... can be checked here, or if the place is far away, it can be at the PA where they are domiciled. For example, the plaintiff is here, the defendant is in another place. Then the defendant's evidence can be at the PA where they are domiciled. The PA there informs us that there is a party from case number so and so who will be examined there. There, they are accompanied by a clerk and a judge to oversee the trial examination".
- 2) According to Advocate Informant
"Report directly to the Religious Court officer. Because if there is a technical problem, everything will be hampered and the time for the electronic trial cannot be used, plus more".
- 3) According to the Plaintiff's Informant
"If there are any obstacles, you can go directly to the Siak Religious Court to find a solution".
- 4) According to the Defendant's Information:
"Regarding the network, if you are using a cellular network, switch to wifi. Just switch networks. If you experience any problems, you can report directly to the office and will be assisted directly by ecourt officers at the Siak Religious Court".

Based on the information from the informant above, the solution to the obstacles of Perma No. 7 of 2022 at the Siak Sri Indrapura Religious Court is as follows:

- a) The trial was held in a hybrid manner.
- b) The trial time was extended.
- c) The litigant or advocate reports to the Siak Sri Indrapura Religious Court.
- d) Conducting examination of evidence at the Religious Court according to the domicile of the parties to the case with the assistance of the Judge and the Clerk so that the trial examination is maintained.
- e) Change the internet network used.

Electronic courts (e-Court) provide the principle of benefits for the parties including

transparency of the process, costs, and time efficiency for justice seekers who are able to access IT (Information Technology). However, electronic courts also create dualism because there are still justice seekers who have limited access to information technology due to limited internet networks, especially in remote areas.¹⁶

Limited access is not the only obstacle that can interfere with achieving speed, simplicity and low cost in electronic trials. Other obstacles can also arise because the parties to the case are not present or are not represented by their attorney electronically. Based on Article 15 paragraph (1) and (2) of the Perma a quo, it is basically explained that if the defendant who has been summoned electronically is not present, then the subsequent summons will be made by registered letter. In this case, the rule maker mandates the judge examining the case to order the bailiff to make a further summons by registered letter if the defendant who has been summoned electronically is not present at the trial. This provision has the potential to limit the judge's authority to issue a verdict by default which is also not in line with the principle of speed, simplicity and low cost.

Based on Article 125 paragraph (1) HIR or Article 149 Rbg it is determined that a lawsuit can be decided by default if it meets 4 (four) criteria, namely:

- a) The defendant or defendants do not appear on the first scheduled trial day;
- b) The defendant or defendants do not send a legitimate representative/proxy to appear;
- c) The defendant or defendants have been properly summoned;
- d) The lawsuit is justified and based on law.

The judge can issue a default decision if the 4 (four) conditions in Article 125 paragraph (1) HIR or Article 149 Rbg are cumulatively fulfilled. Based on this article, *mutatis mutandis* in E-Court cases cannot be implemented immediately because a recall must be carried out for the defendant and is an imperative matter that is binding and must be implemented by the judge. The implementation of the recall also functions as an effort to provide legal protection for parties affected by changes in regulatory provisions.

¹⁶ Khotib Iqbal Hidayat, Aris Priyadi, and Elly Kristiani Purwendah, 'Kajian Kritis Terhadap Dualisme Pengadilan Elektronik (E-Court) Dan Konvensional', *Batulis Civil Law Review*, 1.1 (2020), p. 14, doi:10.47268/ballrev.v1i1.421.

4. Conclusion

Based on the results of this study, it can be concluded that the Siak Sri Indrapura Religious Court has successfully implemented the principles of effectiveness, efficiency, and low cost in the implementation of Perma No. 7 of 2022, which can be seen from several aspects. Every stage of electronic case administration and trials at the Siak Sri Indrapura Religious Court has been carried out per the provisions of Perma No. 7 of 2022. Electronic case administration and trials are carried out by utilising e-filing, e-Skum, e-payment, and e-Summons applications that support the creation of e-Litigation. The Siak Sri Indrapura Religious Court has also provided adequate electronic facilities to support the maximum implementation of Perma No. 7 of 2022. It assists parties involved in the case if they experience difficulties following the electronic case administration and trial procedures. However, several obstacles have emerged in the implementation of Perma No. 7 of 2022 at the Siak Sri Indrapura Regency Religious Court. These include difficulties experienced by those living in remote areas in obtaining a good internet connection and delays in file or document validation by officers at the Siak Sri Indrapura Religious Court due to a backlog of cases or application maintenance. To address these challenges, the Siak Sri Indrapura Religious Court has taken steps to provide on-the-spot services to parties involved in cases and postpone or extend hearing periods if necessary.

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