Prevention of Corruption Through The E-Court System (Study in Jabodetabek Court)

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***Abstract*- This study aims to determine the effectiveness of the use of E-Court to eliminate judicial corruption activities. Actions or policies that are permitted by law and which are not permitted. Corruption in the administrative sector is closely related to the relationship between justice seekers and individual administrative staff. The issue raised in this study is How to E-Court systemalization in Pressing Judicial Corruption in Case Administration Management in Courts in JABODETABEK and How to Improve Court Administration Management in Future. The concept of public services must be well understood by the judiciary, because until now there are still many complaints about judicial services originating from the justice seeker community. The functionalization of E-Court is felt to be not optimal considering that there are still many justice seekers who still do not know the existence and uses the system. The E-Court system is expected to support the realization of a fast, simple and low-cost judicial principle in managing case administration.**

Keywords- E-Court, Court Administrative System, Corruption

I. INTRODUCTION

E-Court is a court administration management technology that is still new in Indonesia. This technology is considered important in addition to streamlining case management, as well as minimizing the interaction of court officials with justice seekers to avoid the potential for judicial corruption. The sample in this study is the process of implementing the application of the case administration management process using the E-Court system in the courts around JABODETABEK (Jakarta, Bogor, Depok, Tangerang and Bekasi), who first received the socialization part of the E-Court system for use in the case management process administration. The E-Court system is used to streamline the litigation service process to realize the principles of justice that are simple, fast and cheap and free from corruption.

The challenge that occurs in the field is that the judicial process should be carried out simply and then turned into a very complicated judicial process due to bureaucracy and procedural matters in the court. This turned out to be caused by a non-legal problem that could obscure the real problem, namely law enforcement and justice. Non-legal problems which are factors that cause irregularities in the judicial process, one of which is widespread corruption practices in the judiciary. Or better known as judicial corruption practices. This is what makes the portrait of law enforcement and justice blurry in Indonesia. Judicial corruption practices cause a decrease in public trust in the judiciary itself. People who lose faith in institutions and the judicial process tend to resolve every legal problem that occurs between them in a way that they will choose and determine for themselves, among them the worst as has become the phenomenon lately are the ways of violence through vigilante action (eigenrichting). Skepticism and frustration with poor judicial practices will distort law enforcement, which creates the phenomenon of street justice which has the potential to cause social anarchy.[1]

Efforts to eradicate judicial corruption are clearly not easy. The difficulty seems increasingly complicated, because corruption seems to have become a culture at various levels of society . However, various efforts are still being made, so that corruption can be reduced at least, therefore Law Number 30 of 2002 concerning the Corruption Eradication Commission mandates the formation of the Corruption Eradication Commission (KPK) and the Special Corruption Court. The establishment of these two institutions is an effort made by the government and legislature in eradicating criminal acts of corruption. However, the implementation was apparently not as easy as written in the law. Because in practice, it turns out the implementation of the work to eradicate Corruption has befallen many problems. These problems include coordination between the KPK and the Police and the Prosecutor's Office as a sub-system of the Judiciary. [2]

In Law Number 20 of 2001 concerning Eradication of Corruption, if it is associated with the Functionalization of the E-Court System to Suppress Corruption, there are 30 types including corruption, including Seven: causing state losses, bribery, embezzlement, extortion, fraud, conflicts of interest in procurement and gifts. Everything is seen as enriching yourself, your family or friends. As a precursor to the effectiveness of the E-Court system in managing the court administration system, JABODETABEK is considered the best sample. Considering that handling disputes through the courts in the JABODETABEk area is very high, this is understandable because JABODETABEK is a central city where all people and interests gather and the potential level of legal disputes that occur is very high. The functionalization of the E-Court System as a new system in the JABODETABEK court administration system will be tested for its effectiveness in preventing court corruption.

II. RESEARCH METHOD

This study uses an empirical method approach with descriptive analytical research specifications. The data needed in this study are primary data and secondary data. The location of this research was conducted at the JABODETABEK District Court. Material analysis in this research uses descriptive qualitative and content analysis. Analysis of descriptive qualitative data is used to analyze the effectiveness of the E-Court system in preventing corruption in court. [3]

III. FINDINGS AND DISCUSSION

The Supreme Court as a government agency has a role in legal and justice services. Regarding public services based on the Decree of the Minister of Empowerment of the State Apparatus No. 63 of 2003 then developed in decisions about public services which are basically the simplicity of service, clarity of certainty, who was appointed to receive public complaints, openness, efficiency, economics, justice, and timely. The concept of public services must be well understood by the judiciary, because there are still complaints about legal services originating from the justice seeker community. The Supreme Court must begin to organize programs and strategic steps to respond to public complaints. [4]

Transparency and public access to decisions began to receive the attention of the Supreme Court by utilizing information technology and online publications on a regular basis. With the issuance of Law Number 14 of 2008 concerning Openness of Public Information, the Supreme Court of the Republic of Indonesia then perfected the Decision of the Chief Justice of the Supreme Court Number: 144 / KMA / VII / 2007 regarding Information Openness in the Court through the Decision of the Chairperson of the Court: 1-144 / KMA / SK / I / 2011 concerning Guidelines for Information Services in the Court.

The implication of this rule is that optimizing the use of information technology is a very important issue. Therefore, in an effort to improve organizational performance, the Supreme Court of the Republic of Indonesia has used information technology, both to support general office operations, to support the process of working in the Supreme Court of the Republic of Indonesia and court institutions, such as and supporting information services for the public. Throughout 2011, seven activities were carried out to provide information technology infrastructure aimed at meeting needs such as, namely First Opening Case information for the wider community, Secondly Provision of application storage owned by the Indonesian Supreme Court, Provision of three facilities for complaints of satisfaction public with cases decided, fourth Provision of storage media for data on decisions that have been damaged, fifth Provision of backup systems for websites and systems that exist in the Indonesian Supreme Court, Provision of sixth e-mail facilities, seventh Provision of facility costs data transfer facilities via SMS, Provisions The eight facilities for uploading court decision data throughout Indonesia, Ninth Provision of information on procurement of goods/ services within the Supreme Court, about capacity building for Internet search channels, eleventh exchange of data and information online, twelfth Provision adequate data for the Supreme Court of the Republic of Indonesia, including electricity, cooling and security facilities, thirteen Provision of integrated monitoring and management facilities to overcome obstacles in terms of technical problems, Provider of the fourteenth high-speed communication channel in the construction of the building. The Supreme Court of the Republic of Indonesia and the additional capacity and reach of local computer networks.

The making of the E-Court system by the Supreme Court is basically an effort to renew directed to update the technical functions and update case management. The focus of the technical function reform is directed at efforts to revitalize the function of the Supreme Court of the Republic of Indonesia as the highest court to maintain legal unity and revitalize the function of the court to improve public access to justice. That the case management update is directed to realize 2 (two) missions of the Supreme Court of the Republic of Indonesia, namely: first, to provide legal services that have certainty and justice for justice seekers; and second, increasing the credibility and transparency of the judiciary. Strategic steps that become the area of technical function reform are: restriction on cassation and review, implementation of a consistent spatial system, simplification of litigation processes, and strengthening access to justice. While the reform agenda in the case management domain includes: modernizing case management, reorganizing the case management organization, and reorganizing the case management process. [5]

The E-Court system is designed to create a court that is fast, simple and inexpensive and free of corruption. In the system there are several instruments that are considered capable of suppressing corruption in the judiciary, such as when handling civil cases, advocates do not need to come to court to register, but simply use e-filling. This narrows the direct interaction between advocates and court employees. Surely that would reduce judicial corruption in the type of bribe between them. In the case of advance payments in the E-Court system, the E-Skum feature is embedded. In the case of case registration, registered users will immediately get SKUM electronically generated by the E-Court application.

In the process of producing, it will be calculated based on the Cost Components that have been determined and configured by the Court, and the amount of Radius Costs is also determined by the Chair of the Court so that the estimated advance fee has been calculated in such a way. how to produce electronic SKUM or e-SKUM. Of course

this will make it easier for the supervisory team to control the transactions that arise in case management. So the potential for judicial corruption that is identical to the manual system will be overcome by the E-Court system.

The research that the author made by taking samples around the jurisdiction of the courts in JABODETABEK looks at the graph as follows:

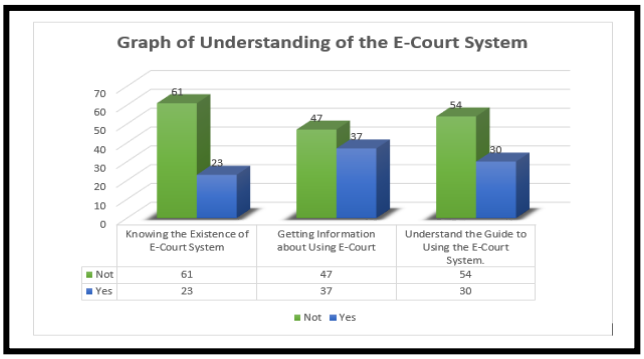

Fig. 1. E-Court System Understanding Test Graph

The cities were taken as samples, considering the case activity in the courts there is very crowded. Selected respondents are those who are and will and have litigated in the court, with a total of 85 respondents in 2019. Functionalization of E-Court faces challenges related to the lack of good understanding internally by internal staff in the court itself as operators to the operators, i.e. advocates who became the target subject of the E-Court system. A total of 85 respondents consisting of 65 Advocates and 18 Internal Administrative Staffs in the Court in JABODETABEK region were asked 3 (three) different questions about understanding the E-Court system. 71% of respondents stated that they did not know about the E -Court system thus made them continue to use the method of registering a case manually, 55% of the total respondents stated that they did not get socialization related to the existence and function of the E-Court so as to make the system less desirable to use and 63% of the total respondents admitted that they had enthusiasm in learning the new system but the manual book as a guidance to operating the system is less understood.

From the results of these questions, it can be seen that there are still many parties who do not understand the existence of the E-Court system, so the use of the system is still considered ineffective and has not met its targets. The lack of understanding of the E-Court system among the justice seekers has made it not working well the functionalization of the E-Court system. This has the potential to cause justice seekers to re-use the case administration route manually with the risk that they would rather avoid from creating the E-Court system, namely judicial corruption from the sale and purchase of justice transactions carried out through a cash and carry mechanism.

In this case there are a number of things that are the objectives of the urgency of administrative reform, namely, First order improvement: Order or order is an inherent virtue in government. If what is intended to be addressed is the improvement of the order, inevitably the reform must be oriented towards structuring procedures and controls. Much needed by administrators in this new era is to confront agents of reform. As a logical consequence, a strong and strong bureaucracy needs to be built immediately. The type of reform carried out by improving order is called procedural reform (procedural reform), both methods are improved: Enhanced is done in technical and work methods.

These new techniques and methods can be said to be useful if you can achieve broader goals. If the purpose of administrative reform is articulated to be translated properly and effectively into various concrete action programs, improving the method will improve the implementation of the program, which in turn will increase the realization of the achievement of goals. This type of reform is done by improving methods called technical reform (technical reform).

Improved performance: Improved performance is more nuanced intentionally in the substance of the work program than in increasing the regularity and improvement of administrative technical methods. The main focus is on shifting from form to substance, shifting from efficiency and economy to work effectiveness, shifting from bureaucratic skills to public welfare. Typing reforms carried out with improved performance is referred to as program reform (program reform).

The four characters of the rule of law above can be functionalized through a judicial system that is transparent, accountable and authoritative. Meanwhile, the judicial system certainly must be supported by a good judicial administration system. Because basically the good or bad of a judicial administration system is very influential on the implementation of the rule of law. There are opinions that say that the weaknesses / gaps that exist in the judicial administration system will be a trigger for creating Judicial Corruption practices.

If we try to examine the administration of justice in practice, we can find some differences in administration in the field. Some differences in the administrative process of criminal justice at the stage of investigation, the investigation phase, the stage of court examination, to the stage of implementation of the verdict in the contentieus civil court (there are disputes between parties), differences occur in the case registration, the panel of judges, the trial, the decision stage, up to the stage of implementation of the decision. All of these things occur in the first to last court, the Supreme Court. Typing the differences includes slowing down case examinations, buying time to manage problems, making bargaining decisions, arranging registration serial numbers, offering litigants to use certain lawyer services, eliminating case data, creating resumes that benefit one

party, delaying or stopping the implementation of a case.[7]

Therefore, according to Jimly Asshiddiqie the development of legal administration and legal systems can be called an important agenda in the context of law enforcement and justice. In a broad sense, "legal administration" includes the notion of the application of law (the rules of implementation) and the administration of law itself in a narrow sense. For example, it can be questioned to what extent the system of documentation and publication of various legal products has been developed so far documenting regulations (regel), state administrative decisions (*beschikkings*), or determining and deciding all rank decisions and layers of government from the center to the regions. Thus the problem of reforming the legal administration or administration of justice must be immediately corrected seriously. Restructuring the administration of justice based on good institutional and organizational values.[8] [9]

It is possible to realize people's sovereignty in all the joints of the life of society, nation and state through the expansion and increase of people's political participation in an orderly manner to create national stability. J.S. Edralin argues that governance is a matter of terms used to replace the term government, which shows the use of political, economic and internal administration managing state problems, this term specifically describes changes in the role of government from a possible provider or facilitator, and changes in ownership originating from property State property of people. The main focus of governance is to improve performance or improve quality. Whereas in the view of Bintoro Tjokromidjojo, in the Indonesian context the most important public sector governance agenda is clean government. The clean government agenda includes: first, eradicating corruption, collusion, cronyism and nepotism (KKN), second, budget discipline and the elimination of public funds outside the budget, third, strengthening the supervisory function. Bintoro's view is related to the model of the justice system in Indonesia Indonesia, the three agendas must be philosophical and juridical in making laws that form an integrated justice system system. Sociological foundation that refers politically to J.S. Edralin.

The Supreme Court in the legal system in almost every country is the highest executor of judicial power with a judicial function and oversight function of the courts below. The decision of the Supreme Court which has the position and function of legal services and strategic justice must be made by the Chief Judge who is competent in his field and has good ethics and integrity. In other words, the actor who produced the highest court decision was a wise, smart, intelligent person both intellectually, emotionally and spiritually. As Jimly Asshiddiqie said. If the judge is smart and smart, then the quality of the decision reflects the power of logic. If the judge is honest, then his decision is to reflect honesty which currently feels very rare in our morality. Thus, the judicial process in our homeland is very dependent on the people per judge. This explains that the law in our country has indeed not institutionalized rationally, objectively, and impersonally. Laws and various legal problems are still strongly influenced by various irrationalities of perceptions and patterns of subjective behavior of individual legal subjects involved in the inside. Indeed, in the case of unfair decisions, it is not true that it must be spilled as a mistake on certain individuals or groups of people, but must be seen as lack of interest, lack of attention and lack of knowledge about the judicial process itself. When the judicial process has taken place, not a few people say the judicial process is underway without giving further attention, for example by looking at whether the verdict handed down by the judge has fulfilled the procedural procedures and has fulfilled the evidentiary element during the trial. Injustice can occur, according to John Rawls, because of the failure of the judge to enforce the right rules or interpret the rules appropriately.

IV.CONCLUSION

The functioning of the E-Court in the JABODETABEK Court is not optimal given that there are still many justice seekers who still do not know the existence and usefulness of the system. The E-Court system is expected to support the realization of judicial principles that are fast, simple and inexpensive in managing case administration. Lack of understanding of the system will potentially make the community, back again to the manual system administration. Of course this will not be in line with the objectives of the E-Court system, one of which is to reduce judicial corruption from the sale and purchase of judicial transactions through cash and carry mechanisms in court administration services.

REFERENCES

[1] B.D. Baskoro, *Perseteruan KPK dengan POLRI Dalam Upaya Pemberantasan Korupsi*. Masalah-Masalah Hukum, 42(3), 336-345, 2013,

[2] S. Butt, & T. Lindsey, *Judicial mafia: The courts and state Illegality in Indonesia*. In The State and Illegality in Indonesia, 2015.

[3] N. Hamilton-Hart, *Anti-corruption strategies in Indonesia*. Bulletin of Indonesian Economic Studies, 37(1), 65-82.2001.

[4] T. Sudrajat, Perwujudan Good Governance Melalui Format Reformasi Birokrasi Publik Dalam Perspektif Hukum Administrasi Negara. *Jurnal Dinamika Hukum*, *9*(2), 145-154 2005.

[5] Z. Keyuan,. *Judicial Reform versus Judicial Corruption: Recent Developments in China*. In criminal law forum (Vol. 11, No. 3, pp. 323-351). Springer Netherlands, 2015.

[6] Mardian Wibowo, "Menakar Konstitusionalitas sebuah Kebijakan Hukum Terbuka dalam Pengujian Undang-Undang", *Jurnal Konstitusi*, Volume 12, Nomor 2, Juni 2015

[8] Bayu Dwi Anggono, "The Politics of Law On The Formation of Responsive, Participative and Populist Legislation ", *International Journal of Business, Economics and Law, Vol. 9, Issue 4* , April 2016.

[9] A. Raharjo, Y. Saefudin. Bureaucracy in Criminal Justice A Study of Criminogen Factors in Law Enforcement on Narcotics Crime Settlement. International Conference on Administrative Science (ICAS 2017) 43, 6-10