



Establishing the Management of Trial Minutes in Realizing the Principle of Openness of the Judiciary at the Constitutional Court

Johan Yustisianto

Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia
Ir. Sutami street, No. 36 Ketingan, Jebres, Surakarta, Jawa Tengah, Indonesia 57126
jy5757@student.uns.ac.id

I Gusti Ayu Ketut Rachmi Handayani

Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia
Ir. Sutami street, No. 36 Ketingan, Jebres, Surakarta, Jawa Tengah, Indonesia 57126
Ayu_igk@staff.uns.ac.id

Muhammad Guntur Hamzah

Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia
Ir. Sutami street, No. 36 Ketingan, Jebres, Surakarta, Jawa Tengah, Indonesia 57126
Guntur9@gmail.com

Abstract—Judicial transparency is a core element in a democratic legal system that ensures the openness of the judicial process and the availability of public information. In Indonesia, the promotion of transparency in the judiciary is upheld by several regulations, such as the 1945 Constitution, the KIP Law, and the Constitutional Court Law. Nevertheless, the implementation process still faces obstacles, including the absence of well-defined standards and procedures, technical difficulties, and internal opposition to change. The objective of this research is to develop efficient techniques for enhancing the management of trial minutes at the Constitutional Court (MK) in order to bolster judicial transparency. The doctrinal research method involves gathering data from relevant legal documents and doing thorough analysis. The findings indicate that successful governance necessitates well-defined documentation protocols, utilization of information technology, training of human resources, transparency, and data protection. The governance approach should be comprehensive and unified, incorporating well-defined Standard Operating Procedures (SOPs), information technology, training, and data security. By enhancing the transparency of trial proceedings, the Constitutional Court can bolster public confidence, achieve effective governance, and reinforce public oversight of judicial institutions.

Keywords— Constitutional Court (MK); Judicial Openness; Management of Trial Minutes.

I. INTRODUCTION

Judicial transparency is one of the main pillars of a democratic legal system. This principle ensures that judicial processes are conducted transparently, allowing the public to access information about court proceedings and decisions.[1] Judicial transparency not only increases public trust in the legal system but also promotes the accountability and integrity of judicial institutions.[2] Transparency encompasses physical access to courtrooms and disseminating accurate and comprehensive information about the proceedings and outcomes through various media. Transparency for judicial institutions is now necessary for the public and all judiciary members. With judicial transparency, there will gradually be an enhancement of accountability, professionalism, and integrity among judicial members.

Assessing the integrity of public services is one of the efforts needed to identify the factors causing corruption in public services.[3] The assessments can also depict the nature of corruption within these services. The results reflect whether service units within government institutions perform their duties as expected by the public.[4] The judiciary fundamentally has distinct characteristics compared to other law enforcement institutions. In carrying out its functions, the judiciary must be independent. Information transparency becomes crucial to public accountability to balance this independence. It underscores why information transparency within judicial institutions is essential. The commitment to and spirit of Judicial Reform is implemented to expedite the achievement of a modern judiciary as part of the bureaucratic reform toward an esteemed judiciary as the ultimate

goal. The commitment to providing transparency in the process and outcomes is a tangible manifestation of public service as judicial institutions provide access to justice.

Judicial transparency in Indonesia has a solid and comprehensive legal foundation, reflecting the nation's commitment to transparency and accountability in the judicial system.[5] Judicial transparency in Indonesia is primarily supported by provisions in the 1945 Constitution of the Republic of Indonesia (UUD 1945), including Article 28F. This article ensures the right of every individual to communicate and access information. This statement signifies that the right to access information is officially acknowledged as a fundamental human right, including in relation to legal matters. The principle of free access to public information is further elucidated by Law No. 14 of 2008 on Public Information Disclosure (UU KIP), which states that all public information is available and accessible to any user of public information, unless explicitly exempted. According to Law No. 48 of 2009 on Judicial Power, court proceedings are required to be accessible to the general public, unless otherwise specified by law. These articles assert that transparency in judicial procedures is the standard, rather than the anomaly, as a vital governmental institution. The Constitutional Court (MK), which is tasked with safeguarding the constitution, is also obligated to adhere to the ideal of transparency. According to Law No. 24 of 2003 on the Constitutional Court, as revised by Law No. 8 of 2011, it is mandatory for the Constitutional Court to publicly announce its plenary sessions and decisions in open sessions. It illustrates the necessity of transparency in the decision-making process at the Constitutional Court. Aside from legislation, the foundation for information transparency in the courts is further reinforced by regulations such as Supreme Court Regulations (PERMA) and decisions made by the Chief Justice of the Supreme Court. PERMA No. 1 of 2007 on Public Information Access in the Courts is a regulation that governs how the public can access court information. It outlines the procedures for making information requests. Facilitating the public's convenient access to judicial information is of utmost importance. Indonesia has established a strong legislative basis to guarantee transparency in the judicial system. The notion of transparency is essential for bolstering public confidence in the legal system and guaranteeing the responsibility and honesty of judicial institutions. Nevertheless, the primary obstacle in executing it is guaranteeing the consistent application of these standards throughout the court system. Promoting genuine transparency and openness within the justice system necessitates the commitment and ongoing efforts of all stakeholders.

The Constitutional Court (MK) plays a vital role in Indonesia's judicial system, particularly in maintaining and enforcing the constitution.[3] As the custodian of the constitution, the Constitutional Court (MK) possesses the power to settle constitutional issues, such as examining the compatibility of laws with the 1945 Constitution, resolving conflicts between governmental bodies, determining the dissolution of political parties, and settling election disputes. Hence, it is imperative to prioritize transparency in the proceedings of MK to guarantee the acceptance and comprehension of its decisions by the public, thereby promoting the institution's transparency and accountability. One effective method to ensure information openness in the Constitutional Court (MK) is through the precise management of court minutes. The court minutes at the MK play a crucial role in promoting transparency, as they encompass detailed recordings of the procedures, including statements from parties, judges' opinions, and arguments given during the hearings. The MK ensures the accessibility of judicial proceedings to the public by creating comprehensive and organized minutes. This allows the public to comprehend the rationale behind the MK's decisions and evaluate the institution's performance. As an illustration, the MK routinely disseminates court minutes and rulings via its official website and other digital media, ensuring convenient accessibility for all individuals. The purpose of this transparency is to increase accountability and public confidence in the MK as a transparent and responsible constitutional judicial institution.

However, the transparency efforts of the MK are not aligned with those of the Supreme Court (MA).[2] The absence of openness in the court minutes of the MA is a prominent concern. For example, in notable instances like corruption trials that involve senior officials, the general public frequently faces difficulties in acquiring comprehensive information regarding the proceedings at the MA. While the MK offers convenient online access to court minutes, the MA frequently lacks transparency in providing comprehensive information about the proceedings. The lack of transparency in the MA's judicial processes and decisions hinders public access to information. In 2017, the public expressed disapproval of the MA due to its insufficient transparency in a corruption case that implicated senior officials. Specifically, there was limited availability of information regarding the proceedings and court minutes. The restricted access not only obstructs the public from acquiring essential information but also gives rise to doubts regarding the judicial procedures at the MA. Lack of openness at the MA can undermine the public's impression of the institution's autonomy and impartiality, leading to a decrease in public confidence in the legal system.

Hence, enhancing the transparency of court minutes at the MA is crucial for attaining higher transparency and accountability benchmarks, in line with those established at the MK. The implementation of more sophisticated information technology, as exemplified by the MK, along with the transparent publication and accessibility of all court minutes to the public, can achieve this. Therefore, the implementation of the MA can bolster public confidence in the judicial system and guarantee that judicial proceedings are carried out with transparency and accountability. While the concept of judicial transparency is universally acknowledged, its

execution continues to encounter numerous obstacles. An essential obstacle is the requirement for unambiguous rules and protocols in overseeing court minutes. In addition, technical concerns pertain to the effective and efficient distribution of information to the general audience. Additional obstacles encompass internal opposition to change, constrained resources, and a necessity for enhanced comprehension and recognition of the significance of judicial transparency. Efficient administration is necessary to produce and distribute court records in order to tackle these difficulties. This governance should encompass explicit operational criteria, the utilization of cutting-edge information technology, and ongoing surveillance and assessment processes. Under the premise of effective governance, it is anticipated that information pertaining to judicial proceedings will be disseminated with precision, comprehensiveness, and timeliness, thereby enabling the general public to readily obtain and comprehend the procedures and outcomes of the hearings.

The objective of this research is to identify and devise efficient techniques for managing court minutes at the Constitutional Court. The primary objective is to guarantee that the production, recording, and distribution of court minutes are conducted in a manner that is transparent, precise, and in accordance with the ideal of judicial transparency. The objective of this research is to enhance transparency inside the Constitutional Court. Effective governance will enhance public confidence in the MK, leading to a greater comprehension and appreciation of the ongoing legal procedures by the general public. Moreover, this study seeks to offer concrete suggestions that the MK might use to enhance the governance of court minutes, hence promoting transparency and accountability in the judiciary.

II. LITERATURE REVIEW

A. *Principle of Judicial Openness*

Judicial openness refers to the principle that court processes and decisions should be accessible to the public. It includes access to court schedules, court proceedings, court decisions, and related documents.[4] The principle of openness aims to ensure that the justice system operates transparently and is accountable. This openness is essential to strengthen public trust in the justice system and encourage accountability among law enforcers. The importance of openness in the judiciary can be seen from several aspects.[6] First, openness increases the accountability of judges and other parties involved in the judicial process. Public supervision can minimize the risk of irregularities or corruption in the judicial process. Second, judicial openness supports the public's right to obtain information, an essential element in democracy. Third, openness helps increase public understanding of the legal process, which in turn can increase public trust in the justice system.

In countries such as the United States and the United Kingdom, judicial openness has long been integral to the legal system.[7] For example, in the United States, the principle of open hearings is regulated by the Constitution, and various court decisions emphasize the importance of open hearings as part of the right to a fair process. Landmark verdicts like *Richmond Newspapers, Inc. v. Virginia* emphasized that the public and media have a constitutional right to attend court hearings. Openness is also a widely recognized principle in the UK, with court hearings generally open to the public and the media. British courts have also adopted technology to increase transparency, such as using cameras in courtrooms to broadcast certain court proceedings. Scandinavian countries, such as Sweden and Norway, are known for their high levels of transparency in various government aspects, including their judicial systems. In Sweden, openness (*offentlighetsprincipen*) ensures that anyone can access public documents, including those relating to judicial proceedings. It shows a solid commitment to openness and transparency across the public sector. However, not all countries have the same level of openness. In some countries, the judicial process remains closed, and access to judicial information is limited. For example, in countries with more closed or authoritarian legal systems, public access to the judicial process can be very limited, raising accountability and public trust issues.

The Constitutional Court (MK) plays a vital role in protecting the constitution and faces challenges and opportunities in realizing the principle of judicial openness.[8] Establishing effective management of trial minutes is one crucial step to support this openness. Good governance will ensure that all trial processes are documented clearly and accurately and can be accessed by the public. Openness in the minutes of the trial at the Constitutional Court covers several important aspects. First, accurate and complete documentation of each trial process, including arguments presented by the parties, evidence presented, and legal considerations from the judge. Second, the accessibility of the minutes of this event by the public, either through online publication or direct access at the MK office. It is third, leveraging information technology to enhance transparency, such as implementing an information system that facilitates easy searching and downloading trial minutes. Effective governance also requires clear regulatory support and commitment from all parties involved. The Constitutional Court needs to establish operational standards that regulate the documentation process and publication of trial minutes. In addition, court staff needs to be trained to ensure they understand and can adequately implement disclosure procedures. Learning from best practices in other countries can be very useful. Adopting information technology that has proven effective in other countries, such as electronic document management systems and online platforms for the publication of court decisions, can help increase the openness and accountability of the Constitutional Court. In conclusion, establishing effective trial minutes management at the Constitutional Court

is crucial in realizing the principle of judicial openness. It will increase institutional accountability and transparency and strengthen public trust in the justice system and democracy in Indonesia. By overcoming existing challenges and adopting best practices from various countries, the Constitutional Court can continue to act as a transparent and accountable guardian of the constitution.

B. Management of Trial Minutes

Minutes of court sessions are not just official documents, they are the backbone of the judicial process. These documents record the entire process and events during a trial, including the identities of the attending parties, the proceedings of the trial, and the verdict or decision made by the judge.[9] They serve as an authentic record that can be referenced or used as evidence in the future, both for legal and administrative purposes.[10] They are official documentation, ensuring every step and decision is well-documented. They support transparency and accountability by providing you with access to monitor the trial proceedings and understand the legal considerations taken, ensuring that the judicial process is fair and transparent. They also serve as legal references for parties involved in similar cases, as well as for higher courts during the appeal process. Equally important, the minutes of court sessions function as learning materials for law students, researchers, and legal practitioners to understand the dynamics and complexities of the judicial process. The importance of these documents cannot be overstated, and it is our collective responsibility to ensure their proper governance.

Implementing effective governance for the minutes of court sessions can refer to several best practices from various countries that have successfully applied the principles of openness and transparency in their judicial systems. In the United States, the Electronic Case Management System (CM/ECF) allows broad public access to court documents through online platforms. The public can access and download every document, including the minutes of court sessions, supporting transparency and accountability in the judicial process. Some courts in the United States also provide live broadcasts of significant trials, allowing the public to follow the proceedings in real time. In the United Kingdom, courts routinely publish decisions and hearing transcripts on their official websites, enabling the public to follow judicial processes transparently. The Open Justice initiative aims to enhance transparency in the judicial system by ensuring that information about trials and court decisions is easily accessible to the public. In Sweden, the principle of openness or *offentlighetsprincipen* ensures that anyone can access all public documents, including minutes of court sessions. This system reflects a strong commitment to openness and transparency across the public sector. Sweden has also implemented a digital system for managing court documents, facilitating public access and information search. In Australia, court reporting services provide detailed reports on trial processes, including complete transcripts and hearing summaries that are available online. Courts in Australia have also utilized technology to record and broadcast court hearings online, ensuring that judicial processes are accessible to the public.

The Constitutional Court (MK) in Indonesia can adopt and adapt these best practices to improve the governance of court session minutes.[11] Your active participation and support in this process are crucial. Steps that can be taken include the development of a Case Management Information System that implements an electronic case management system, allowing public access to trial documents, including court session minutes. This system should be user-friendly and provide search features that make it easy for you to find the information you need. MK should routinely publish the minutes of court sessions, decisions, and transcripts on its official website, ensuring this information is easily accessible and downloadable by you. Additionally, MK needs to provide live broadcasts or video recordings of important hearings, so you can follow the trial process in real-time. This will enhance openness and enable your oversight of the judicial process. Standardizing the documentation process is also necessary by establishing clear operational standards for documenting and publishing the minutes of court sessions, including detailed procedures for recording, storing, and disseminating trial information. Training and capacity building for court staff on the importance of openness and how to manage court session minutes properly are also crucial. This training should include the use of information technology to support openness. By adopting best practices from various countries and implementing concrete steps to improve the governance of court session minutes, the Constitutional Court can realize the principle of judicial openness. This will not only enhance the accountability and openness of the institution but also strengthen your trust in the judicial system and democracy in Indonesia.

C. Legal and Regulatory Framework

Indonesia's legal and regulatory framework governing judicial openness includes several essential laws and regulations. Law Number 48 of 2009 concerning Judicial Power is the primary basis for regulating the authority, structure, and procedures of justice in Indonesia, which includes the principles of openness, transparency, and justice. In addition, Law Number 14 of 2008 concerning Openness of Public Information provides more comprehensive access for the public to obtain information from public institutions, including information related to the judicial process.[12] Furthermore, the Republic of Indonesia Supreme Court Regulation Number 1 of 2012 establishes the processes for resolving court disputes concerning public information. This regulation is a tangible

measure in addressing conflicts pertaining to public information inside the judicial framework. Internal norms specifically govern the trial minutes for the Constitutional Court. The Constitutional Court Regulation Number 08 of 2019 outlines the specific procedures that must be adhered to during trials at the Constitutional Court. This includes guidelines on the creation, storage, and accessibility of trial minutes. Furthermore, the Guidelines for Implementing Constitutional Court Regulation Number 08 of 2019, which pertains to Trial Procedures, offer more comprehensive instructions on how to execute these regulations. By establishing a well-defined legal and administrative structure, the process of creating and managing trial minutes at the Constitutional Court can prioritize the principles of judicial transparency.

III. METHOD

The doctrinal research method regarding the formation of governance of trial minutes in realizing the principle of judicial openness at the Constitutional Court involves several systematic steps.[13] Initially, researchers will gather pertinent legal document data, encompassing statutes, statutory regulations, Constitutional Court rulings, internal regulations pertaining to trial minutes, and the tenets of judicial openness. Subsequently, a thorough examination was conducted on the contents of these documents, with a specific emphasis on identifying fundamental ideas such as the principle of openness in the judiciary, trial protocols, and the process of creating trial records at the Constitutional Court. Subsequently, a comparison and review are conducted to determine the coherence, pertinence, and suitability of legal documents within the study framework, both in terms of hierarchy and breadth. The findings of this research will serve as the foundation for drawing conclusions and developing proposals to enhance or modify current legislation in order to enhance the openness and openness of the trial process at the Constitutional Court. Through the utilization of this method, research has the potential to make a substantial contribution to comprehending and enhancing the management of trial records and reinforcing the ideal of judicial openness at the Constitutional Court.

IV. RESULT AND DISCUSSION

A. *Analysis of the Need for the Principle of Openness in the Management of Minutes of Trial at the Constitutional Court*

The management of trial minutes at the Constitutional Court (MK) is crucial in efforts to realize the principle of judicial openness.[3] Identifying needs and challenges in governance requires special attention to various aspects supporting openness and accountability.[5] The management of trial minutes not only functions as an official document that records the trial's progress but also as a tool that ensures that the judicial process runs according to the principles of justice that are open and accessible to the public. Establishing effective and efficient governance is very important. Some basic needs in managing trial minutes include clear documentation standards, use of information technology, training and development of human resources, openness and accessibility, and data security and privacy. Implementing these requirements aims to create an accurate, able, and easy system for all stakeholders to access and understand. Currently, there is a need for the management of court minutes in the form of:

1. Implementing clear documentation standards is crucial in enhancing the judicial process's openness and accountability. By establishing detailed and uniform standard operational procedures for recording, storing, and disseminating trial minutes, we can ensure that every step and decision in the trial is accurately documented and verifiable. This standard must include instructions regarding what information should be recorded, how the recording process is carried out, and safe and orderly storage procedures. The consistency in documentation ensures the accuracy of the trial minutes and provides a solid foundation for the openness and accountability of the judicial process—the use of Information Technology. Integration of information technology in managing trial minutes is critical to increase efficiency and accessibility. An Electronic Case Management System (Electronic Case Management System) can help record and store event reports digitally, make searching easier, and ensure wider access for the public. Implementation of this technology must also include strong security features to protect data from unauthorized access and leaks.
2. Training and Development of Human Resources. Court staff need intensive training on the importance of openness and how to manage trial minutes effectively. This training should include the use of new technology, standard record-keeping procedures, and awareness of the importance of openness in the judicial process. This investment in capacity development will ensure that court staff can carry out their duties with the necessary competence.
3. Openness and accessibility. Trial minutes must be easily accessible to the public to ensure openness. This includes publishing minutes of events online through the official, user-friendly portal of the Constitutional Court, which has a search feature that makes it easier for users to find the information they need. This openness will increase public trust in the justice system.

4. Data Security and Privacy. Although judicial openness is important, maintaining data security and privacy is also essential. Event management systems must have robust data protection mechanisms to prevent unauthorized access and leakage of sensitive information. These mechanisms include data encryption, strict access controls, and regular audits to ensure compliance with security standards.

There are several challenges in the management of trial minutes. One of the main challenges is resistance from within institutions to change and the adoption of new technologies. A work culture established over many years may be challenging to change, so it requires a careful approach and involving all stakeholders.[14] Budget, workforce, and technology limitations can hinder the implementation of an effective minutes management system. Significant investment is required to overcome these limitations, both in financial and human resources. A lack of understanding or awareness of the importance of judicial openness among court staff and other stakeholders can be a challenge in implementing change. Education and awareness campaigns are needed to overcome these barriers. Diverse stakeholders have unique experiences and perspectives regarding managing trial minutes at the Constitutional Court (MK). As parties directly involved in the trial process, judges and court employees often face difficulties manually recording and storing minutes. These challenges include the risk of human error, time inefficiencies, and increased workloads.[15] Their perspectives are critical to understanding the practical needs and constraints faced in the field. Lawyers and other interested parties, such as witnesses and experts, need quick and easy access to event records to prepare and defend their cases.[16] Insufficient accessibility and lack of openness in information are frequently cited as significant issues that can impede the fairness and effectiveness of legal procedures. Legal academics and experts offer crucial insights and remedies derived from their extensive research. They can assist in identifying optimal methods used in other jurisdictions that the Constitutional Court can adopt. These academic recommendations are crucial for implementing systemic reform and enhancing governance. Access to trial minutes is essential for civil society and the media to oversee the judicial process and uphold accountability. Public access to trial proceedings enables the public to observe and evaluate the administration of justice. Their viewpoint is crucial in order to guarantee that the deployed system aligns with public expectations for openness and openness. Government institutions and non-governmental organizations (NGOs) that are pertinent to the field of law and human rights play a crucial role in promoting judicial reform and openness. Their expertise in advocating and overseeing can assist in identifying areas that can be enhanced and optimized.

The handling of trial minutes at the Constitutional Court in Indonesia continues to encounter numerous obstacles. Despite ongoing efforts to post decisions and minutes online, there is always a need for improvement in the accessibility and openness of information. The deployment of technology at the Constitutional Court still requires improvement, as there are still many event reports that are being managed manually. It elevates the likelihood of mistakes and inefficiencies and obstructs the public's ability to acquire trial information. By drawing insights from the experiences of other nations, such as the United States' implementation of the Electronic Case Management System (CM/ECF) and Sweden's adherence to the principle of openness of public documents (Offentlighetsprincipen), the Constitutional Court can incorporate effective strategies to enhance the management of event reports. To enhance judicial openness in Indonesia, the Constitutional Court can bolster its practices by using technology, establishing explicit documentation guidelines, offering comprehensive training, and guaranteeing openness and data security. It will enhance institutional responsibility and openness, bolstering public confidence in the justice system and democracy in Indonesia.

Indonesia's commitment to judicial openness is reinforced by a range of legislation and regulations that prioritize the concepts of openness and responsibility within the judicial system. According to Article 28F of the 1945 Constitution of the Republic of Indonesia (UUD 1945), every person has the right to communicate and access information for their own growth and the betterment of society. This article also ensures the right to access, acquire, possess, store, manipulate, and transmit information using all accessible means. The Public Information Openness Law, also known as Law Number 14 of 2008, governs the public's entitlement to access information that is accurate, correct, and free from any type of deception.[2] The KIP Law mandates that public entities must disclose information in a manner that is both transparent and accessible to the public. The Constitutional Court Law No. 24 of 2003 stipulates that the rulings of the Constitutional Court are conclusive, obligatory, and must be publicly disclosed. It encompasses the dissemination of trial transcripts and rulings made by the MK. The Constitutional Court also promulgates diverse regulations pertaining to trial procedures, encompassing the administration of trial records and the dissemination of judgments. This law promotes openness and accountability in the judicial proceedings carried out at the Constitutional Court. Indonesia has a strong legal framework that regulates judicial openness, which serves as a solid platform for initiatives aimed at enhancing openness and accountability within the justice system.

Legal scholars underline the significance of openness and openness in the judicial process to guarantee the administration of justice. According to Prof. Dr. Jimly Asshiddiqie, a former Chief Justice of the Constitutional Court, the openness of information within judicial institutions is a vital value in a democratic system governed by the rule of law. This openness enhances the level of responsibility and reinforces the confidence of the public in

judicial establishments. Dr. Mahfud, a highly regarded constitutional law expert and former Chief Justice of the Constitutional Court, stressed the importance of openness in the trial process and the proper management of trial minutes to prevent corruption, collusion, and nepotism within the justice system. He asserts that information technology can significantly enhance openness and effectiveness in the management of trial minutes. According to Prof. Dr. Susi Dwi Harijanti, a specialist in state administrative law, the openness of regulations and the continuous enforcement of these norms are necessary to ensure the availability of information in the judiciary. He emphasized the significance of providing training and enhancing the capabilities of court staff to effectively handle trial minutes in accordance with established norms. To enhance openness and accountability in the justice system of Indonesia, the Constitutional Court can improve the governance of trial minutes by incorporating best practices from different countries and reinforcing the legal basis with the opinions of legal experts who advocate for openness. This will ultimately foster greater public trust in the justice system.

B. Strategy for Establishing Trial Governance at the Constitutional Court with the Principle of Openness

Establishing governance of trial minutes at the Constitutional Court (MK) requires a holistic and integrated strategy to support the principle of judicial openness. The first step that can be taken is to establish clear and comprehensive Standard Operating Procedures (SOP) for recording, storing, and disseminating trial minutes.[16] This SOP should encompass instructions pertaining to the data that has to be documented, established protocols for recording, and secure and organized storage practices. Integrating information technology is essential for enhancing the administration of trial minutes. An effective measure to consider is the implementation of an electronic case management system, which enables the digital recording and storage of event reports. Furthermore, it is crucial to provide training and enhance the skills of court personnel in utilizing modern technology. Additionally, raising awareness about the significance of openness in the judicial process is equally essential.

In addition to technological considerations, enhancing data security is also a key focus when establishing governance for trial minutes. To safeguard sensitive information from unauthorized access and leaks, it is imperative to implement a strong data security system that includes measures such as data encryption, stringent access controls, and regular audits. Moreover, the utilization of technology and innovation in the electronic case management system can enhance the efficiency and openness in the administration of trial minutes. Creating mobile applications that are easy for users to navigate can facilitate public oversight of the court process and enable them to easily obtain trial records. Blockchain technology can enhance the security and integrity of trial minutes. By utilizing a blockchain technology, trial records can be securely and immutably maintained, guaranteeing the veracity and dependability of the information. Analytical technology can be used to comprehensively evaluate trial report data, allowing for the identification of trends and patterns that can enhance the efficiency and efficacy of the justice system. To enhance the principle of judicial openness and bolster public confidence in the Indonesian legal system, the Constitutional Court can tighten its governance of trial minutes and effectively leverage technology and innovation.

C. Impact and Benefits of Open Governance of Trial Minutes

According to specialists, including Prof. Dr. Jimly Asshiddiqie, it is emphasized that the openness of judicial institutions is crucial for a democratic legal system. Professor Jimly underscored that this openness serves as the foundation for holding judicial institutions accountable and also bolsters public trust in the administration of justice.[17] This analysis elucidates that endeavors to enhance openness in the administration of trial records are aimed at fulfilling pragmatic requirements and fortifying the fundamental principles of the justice system. Furthermore, Dr. Mahfud, MD, a proficient authority in constitutional law, emphasized that openness in the handling of trial records is crucial in deterring corruption and the misuse of authority within the judicial system. This viewpoint emphasizes that ensuring the open and clear handling of trial records is essential for achieving effective governance in judicial organizations. This analysis emphasizes the importance of utilizing information technology to enhance openness and effectiveness in the management of trial minutes.

From a legal theory standpoint, we can examine how theories like horizontal and vertical control enhance the case for openness in the management of trial records. Horizontal control theory underscores the significance of the division of powers and reciprocal oversight among government branches to avert the misuse of authority.[18] Conversely, vertical control theory emphasizes the significance of citizen involvement in overseeing government organizations. From this standpoint, openness in the management of trial records not only fulfills practical requirements but also enhances citizen oversight of the authority granted to judicial institutions. Through the examination of perspectives from legal scholars and legal frameworks, we can enhance our comprehension of the significance of openness in the handling of court transcripts. This validates that initiatives to enhance openness in the judiciary by implementing protocols for recording trial proceedings serve not just to improve operational effectiveness, but also to reinforce the core tenets of a democratic and responsible judicial system. Implementing good governance principles in the recording of proceedings at the Constitutional Court (MK) has the potential to significantly enhance the openness of the whole judiciary. An important advantage of successful implementation

is the heightened openness and availability of information. Effective governance would enhance public access to information on MK trials and judgments, facilitating a better understanding of the judicial process and enabling the public to stay updated on ongoing cases. The possibility of more openness and accessibility should instill optimism for a justice system that is fair and responsible.

Another beneficial consequence is the mitigation of the likelihood of power abuse by individuals participating in the judicial procedure. Enhancing openness and accountability in the management of trial records aids in mitigating the risk of corruption, collusion, and nepotism, which have the potential to undermine the integrity of the justice system. Implementing good governance practices will result in improved efficiency and effectiveness of the judicial process. Through the regular and methodical recording of trial minutes, the Constitutional Court can effectively identify and address any difficulties that may occur throughout the trial process, ultimately expediting the conclusion of cases. As legal professionals, legislators, and stakeholders in the justice system, your dedication to promoting openness in the management of trial records is a vital measure in preventing instances of power abuse and upholding the integrity of the justice system.

V. CONCLUSION

An examination of the necessity for the principle of openness in the management of trial minutes at the Constitutional Court (MK) reveals that achieving judicial openness necessitates complete consideration of multiple factors that promote openness and accountability. Establishing a governance system that is both effective and efficient is essential to ensure that the judicial process adheres to the ideals of justice and remains transparent and accessible to the public. The difficulties in creating the governance of trial minutes also require careful consideration. Obstacles that need to be overcome include resistance to change, fiscal constraints, technological restrictions, and a need to comprehend the significance of judicial openness. By adopting a meticulous strategy and engaging all parties involved, together with incorporating advice from legal professionals and pertinent legal principles, the Constitutional Court can effectively enhance openness in the Indonesian judiciary. To enhance the principle of judicial openness and bolster public trust in the Indonesian judicial system, the Constitutional Court can strengthen its management of trial minutes, make optimal use of technology and innovation, and deepen its understanding of the significance of judicial openness through analysis of legal expert opinions and theories.

REFERENCES

- [1] D. A. Candra, W. Waluyo, and A. K. Jaelani, "Pengaturan Pelaksanaan Putusan Ajudikasi Non-Litigasi Sengketa Informasi Publik Oleh Komisi Informasi Provinsi Jawa Tengah," *Amandemen J. Ilmu pertahanan, Polit. dan Huk. Indones.*, vol. 1, no. 2, pp. 182–195, 2024.
- [2] M. F. Dzirkullah, "SINKRONISASI PERATURAN PERUNDANG-UNDANGAN KETERBUKAAN INFORMASI PUBLIK DALAM SISTEM INFORMASI ADMINISTRASI PERKARA PENGADILAN AGAMA," *Negara dan Keadilan*, vol. 10, no. 2, pp. 147–155, 2021.
- [3] M. Siahaan, *Hukum Acara Mahkamah Konstitusi Republik Indonesia (edisi kedua)*. Sinar Grafika, 2022.
- [4] S. Makris, "Openness and Integrity in Antitrust," *J. Compet. Law Econ.*, vol. 17, no. 1, pp. 1–62, 2021.
- [5] B. Mukhammad, *Hukum Acara Mahkamah Konstitusi*. Jejak Pustaka, 2022.
- [6] N. Mayieka Oira, "Fundamental Constitutional Changes Without Participation of the Constituent Power," *Ital. Rev. Int. Comp. Law*, vol. 3, no. 1, pp. 215–221, 2023, doi: <https://doi.org/10.1163/27725650-03010015>.
- [7] J. T. Callais and G. Mkrтчian, "Court-Packing and Judicial Manipulation," *Eur. J. Polit. Econ.*, vol. 83, p. 102536, 2024, doi: <https://doi.org/10.1016/j.ejpoleco.2024.102536>.
- [8] P. Meyer, "Transparency and strategic promotion: How court press releases facilitate judicial agenda-building in Germany," *Public Relat. Rev.*, vol. 48, no. 4, p. 102228, 2022, doi: <https://doi.org/10.1016/j.pubrev.2022.102228>.
- [9] M. E. Kandeel, I. S. Alqatawneh, A. F. Moussa, and Z. M. Jaffal, "JUDICIAL GOVERNANCE AND ITS ROLE IN ACHIEVING JUSTICE EFFECTIVENESS," *J. Gov. Regul.*, vol. 12, no. 3, pp. 139–146, 2023, doi: [10.22495/jgrv12i3art15](https://doi.org/10.22495/jgrv12i3art15).
- [10] G. Gentili and E. Mak, *The supreme court of Canada's transnational judicial communication on human rights (1982–2014): An empirical assessment*. Cambridge University Press, 2017. doi: [10.1017/9781316780237.004](https://doi.org/10.1017/9781316780237.004).
- [11] H.-C. Sung, "Can Online Courts Promote Access to Justice? A Case Study of the Internet Courts in China," *Comput. Law Secur. Rev.*, vol. 39, p. 105461, 2020, doi: <https://doi.org/10.1016/j.clsr.2020.105461>.
- [12] H. Ulum and M. D. G. Singaulung, "Implementasi Peraturan Mahkamah Agung Republik Indonesia Nomor 7 Tahun 2022 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik: Studi Kasus di Pengadilan Negeri Praya," *JISHUM J. Ilmu Sos. dan Hum.*, vol. 2, no. 1, pp. 75–88, 2023.
- [13] L. Primasari, "The impact of information and technology development on trend of sanction for corruption

- cases: Are monetary sanctions effective?,” in *AIP Conference Proceedings*, A. R., N. A., I. S.H., and W. R., Eds., American Institute of Physics Inc., 2022. doi: 10.1063/5.0104126.
- [14] E. Yıldırım, M. F. Sert, B. Kartal, and Ş. Çalıř, “Non-compliance of the European Court of Human Rights decisions: A machine learning analysis,” *Int. Rev. Law Econ.*, vol. 76, p. 106167, 2023, doi: <https://doi.org/10.1016/j.irl.2023.106167>.
- [15] E. Lomas and E. Shepherd, “Governance and Freedom of Information,” in *Reference Module in Social Sciences*, Elsevier, 2023. doi: <https://doi.org/10.1016/B978-0-323-95689-5.00055-9>.
- [16] B. Custers, “A fair trial in complex technology cases: Why courts and judges need a basic understanding of complex technologies,” *Comput. Law Secur. Rev.*, vol. 52, p. 105935, 2024, doi: <https://doi.org/10.1016/j.clsr.2024.105935>.
- [17] B. D. Anggono, R. A. Prabowo, and Y. N. Mardika, “Constitutional Court and The Past Conflicts in Post-Authoritarian Indonesia,” *Const. Rev.*, vol. 9, p. 77, 2023.
- [18] R. Prasetianingsih, “Judicial Activism in Indonesia: Constitutional Culture by the Constitutional Court,” *PETITA*, vol. 5, p. 160, 2020.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

