

MODERNIZATION AND ACCELERATION OF CASE STANDARD HANDLING AND REVIEWING ON INDONESIA SUPREME COURT

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ABSTRACT

The implementation of Indonesian judiciary should be based on a simple, quick, and low-cost principle. However, the contemporary trends show that there is a relatively long period of time for justice seekers with the potential to reduce the sense of justice expected by the parties. The purpose of this study is to descriptively analyse the utilization of information technology in case handling in Supreme Court. The decline in the remaining case cases began to be seen in 2008 with a significant amount, below the 10,000 cases. The rest of the case can be reduced significantly between 2010-2014. In this period the rest of the cases were in the range of 30 percent, even in 2013 and 2014, the remainder of the Supreme Court case respectively was 28.58 percent and 23.38 percent. Decrease in the remaining cases in the period 2010-2014 could not be separated from the various modernization management issues of the case based on the utilization of information technology as the implementation of the 2010-2035 judicial update blueprint.

Keywords: Case Handling, Supreme Court, Information Technology, Justice.

INTRODUCTION

The implementation of Indonesian judiciary is based on a simple, quick, and low-cost principle. The principle, especially the quicker principle of the judicial, is the universal principle shared by all courts of the world. The universality of this principle is seen from the adagio of justice delayed is justice denied born first century BC and constantly referred to by worldly figures. This adage means that the slow process of demining equals not giving justice to the parties, and born inductively from public expectations of fast handling of the case so as to immediately provide justice, certainty, and expediency. In line with the principles set forth in Article 2 Paragraph (4) of the Judicial Power Law (2009) the International Consortium for Court Excellence (ICCE) states that

“Judicial administration should be conducted effectively and efficiently. International Framework for Court Excellence which is the guideline compiled by the ICCE affirms that effective and efficient justice is an indicator of a court excellence”

This in implementation is strongly influenced by various factors including court support facilities including information technology. The Judicial Power Law basically outlines a requirement that in the judicial process, the court should assist the justice-in a fair and correct way and trying to overcome obstacles and barriers to be able the achievement of a simple, quick

and light trial. The provision is implemented by running an effective and efficient case management system.

The Supreme Court of the Republic of Indonesia (2007) in the Blueprint of the Judicial Update 2010-2035 makes the modernization of case management an agenda judicial reform to achieve the vision of the great Indonesian judiciary (court excellence). Based on the Presidential Instruction No. 3 of 2003 on National Policy and Strategy of e-Government Development, the modernization of case management is closely related to the update of information technology which is one of the renewal domains of support functions (Government of Republic of Indonesia, 2003). Utilization of information technology in case management is believed to help improve the efficiency and effectiveness of court business processes (Budiharseno, 2017). Mahmood and Mann (1993), Barua, Kriebel & Mukhopadhyay (1995), Brynjolfsson and Hitt (1996), Mitra and Chaya (1996), Rai, Patnayakuni & Seth (2006), Rahmawati (2008) provides empirical evidence that investment in information technology contributes to the performance and productivity of an organization. Implementation of information technology can provide various advantages of speed, consistency, precision, and reliability (Sutarman, 2009). This is in line with the simple, quick and low cost principle of justice.

Although the principle of rapid justice is a universal principle but the problem of slow handling of cases is an issue that all judicial organizations around the world face. This was stated by Dory Reiling (2009) in

“Technology for Justice: How Information Technology Can Support Judicial Reform”

Reiling (2009) said that

“There are three issues most often complained to the judiciary, namely: the slow handling of the case (delay), difficult access (access), and the integrity of the apparatus”

The three judicial issues revealed by Reiling (2009) became an issue experienced by the Supreme Court. Therefore, at a meeting between the Bureaucratic Reform institutions on June 28, 2007, the Chief Justice responded to these three issues by making them a priority for bureaucratic reform in the Supreme Court: erasing arrears, transparency judicial and training code of ethics and judge behaviour.

PORTRAITURE OF HANDLING ARTICLES 2004-2014

There are some indicators indicating that *the delay in handling the matter (delay) is a serious matter for the Supreme Court is the high number of cases left by the end of 2004-2007*. In this period the number of remaining Supreme Court cases remains above 50 percent of the burden of the item. The rest in the period of 2004 was 20,314 items or 76.50 percent of the total burden of the item 26,555 items. The remainder of the 2005 case of 15,975 or 57.50 percent of the burden of the matter totalling 27,782 cases. The rest in the period of 2006 was 12,025 or 50.53 percent of the total burden of 23,800 cases. Based on Annual Report published by Supreme Court (2015), the rest in the period of 2007 as many as 10,827 or 50.26 percent of the total amount of case burden 21,541 cases.

The number of remaining cases after 2007 fluctuated with a downward trend. Although still above 30 percent the remaining cases in the period 2007-2013 never touched the number 50 percent. In fact, in 2014, the rest of the cases reached the lowest amounts, which are 4,425 cases or 23.38 percent of the total number of 18,926 cases (Pompee, 2005). The high number of residual cases (above 50 percent) is a combined impact of the large number of case handling charges and the slow case handling process. Therefore, the number of remaining cases can be a reflection of case handling performance because it is directly proportional to the level of productivity. This means that if the high productivity then the rest of the case low. While the level of productivity itself is influenced by the duration of handling cases. If the case handling time is relatively fast, more cases can be broken in one period. The difference in the amount of burden and the number of cases that are severed is called the rest of the case. The remaining cases that have passed the term of case handling are categorized as arrears.

CASE HANDLING PROCESS AT SUPREME COURT

The process of handling cases in the Supreme Court begins with the receipt of A and B bundles sent by the appellant courts. The files are then reviewed by the Directorate of Prisons and Case Management. The files that have been declared complete will be forwarded to Young Registrar to be registered. The Registrar submits a list of files already registered to the Chief Justice of the Supreme Court to be distributed to the related Chairman. The Chairman of the Chamber further appoints the assembly to examine the case. After the case was decided by the judges, the substitute clerk conducted the minutation process. A muted case is sent to the court of appeals by the Young Clerk. The whole process of handling cases based on Supreme Court Decree No. 138/KMA/SK/IX/2009 dated September 11, 2009 must be completed within one year. In fact, the case is registered on January 2nd 2015; the entire series of case handling should be completed within 250 days. This is stated in the Decision of the Chief Justice of the Supreme Court No. 214/KMA/SK/XII/2014.

Although it has been determined that the term of case handling should not exceed one year, the process of handling cases in the Supreme Court is still long (delay). A stock-based data-base study of the court files of the Supreme Court of Justice states that

“The average time required for a case to start the file is received by the Public Bureau until a copy of the decision is sent to the court of appeals against a case registered before 2011 is 528.2 days (17.6 months)”

A relatively long period of time for justice seekers with the potential to reduce the sense of justice expected by the parties (see the report from Institute for Studies and Advocacy for Justice Independence (Lembaga Kajian dan Advokasi Untuk Independensi Peradilan, 2014).

UTILIZATION OF INFORMATION TECHNOLOGY IN CASE HANDLING IN SUPREME COURT

Model Utilization of Information Technology in Court

CEPEJ (Commission Européenne pour L'efficacite de la Justice) or The European Commission for Justice Efficiency has conducting categorization surveys on information

technology monitoring in court based on its monitoring objectives for providing direct support to judges and court stats, providing support to judicial management, and providing support for court interaction with parties (Reiling, 2009).

Dory Reiling developed a conception of the information technology monitoring category in the courts based on CEPEJ research results, as follows: (a) Information Technology is used on a stand-alone basis (stand-alone function information technologies). The court takes the standard function of information technology to help with the work of back office tasks. In the monitoring of this function, no networking between computers is required. According to Reiling (2009), there are two applications commonly used by courts for this category, namely: word processing and data base applications. This word-processing application is used by judges and court stats to produce court file documents. Also included in this category is the use of trial calendars and simple spread sheets. The data base application is used for registration and case management. This system replaces manual file recording process.

The second is (b) Network Information Technologies. Historically, network technology was introduced after a standalone tune of technology was used by the court in some time. Network technology facilitates interaction between users but without specific parameters. Users allow other users to interact, but not specified how they should interact. Utilization of network-based information technology in the courts include: electronic mail, internet connection, data base jurisprudence, share documents, and electronic files. Included in this category, is a network system that combines database and word processing applications to create standard models of court decisions (templates).

The last, according to Reiling (2009) is (c) Enterprise information technology and external communication. Information technology in this category has implemented workflow management systems, costumer relations management systems, and external electronic communications with justice seekers. The ideal model of this third category is that all management processes are carried out electronically including: electronic filing, case handling by electronic workflow systems, court products are electronic files. Although the trial process still maintains the trial physically, the court has left paper files (paperless). Courts implementing enterprise information technology will be able to rearrange business processes, workflow standardization, and monitoring efficiency of all activities. This means that all processes can be more easily redesigned and standardized, as well as reporting can be presented every time moment. The external communication system of the court based on Reiling's (2009) analysis can occur with a variety of parties, grouped as follows: users and non-users of courts, advocates and other professionals, and court users who are not professionals.

Utilization of Information Technology in Case Handling in Supreme Court

The role of information technology to improve the efficiency and effectiveness of case handling work in the Supreme Court has been implemented since mid-1986. At that time, the Supreme Court used the application of Dbase IV to record the registration process of cassation cases and civil case review. This application may assist the Supreme Court to make relies on notices of registration and adviesblaad format (Suyudi, 2010). In subsequent years the utilization of information technology in the handling of cases was carried out by the Supreme Court in full dynamism. In 1996, the Supreme Court developed information technology for information

services known as Access 121. Originally access was designed to be connected to an automated answering machine, interactive voice recognition (IVR), but in its implementation access was only a telephone number connected to the operator sitting at the Supreme Court lobby table. The operator provides information about the number of cases, the judges, and the classification of cases based on the data base inputted by the operator on each directorate of the case. In 2001, the Supreme Court established the Information System Supreme Court of Indonesia (Sistem Informasi Mahkamah Agung Republik Indonesia/SIMARI) with one variant of the application is a case information documentation system or also called the Case Administration Information System (Sistem Informasi Administrasi Perkara/SIAP). In this SIMARI stub application the "Access 121" case information service is changed to 14133 connected with IVR. The case information system at this period started a website based that can be accessed at <http://www.mari.go.id>.

After one roof of the Indonesian judicial system in 2004, the Supreme Court redesigned the Case Administration Information System (SIAP) which has been developed in SIMARI stubs. The new SIAP App is designed to be integrated with first-rate courts and appeals. It is also connected with the new Supreme Court website portal <http://www.mahkamahagung.go.id> with IVR facility at number +6221-3849999 and SMS service at number +62856-9111-9999. In 2007, the Supreme Court developed a Microsoft Excel-based Litigation Information System. This policy is based on the results of an information technology audit conducted in 2007 which concludes that 72 percent of the 15 applications are developed in a state of being developed but not operational. On the other hand, the Supreme Court requires information system to know the progress of erosion of arrears that became the priority of bureaucratic reforms launched in June 2007. Meanwhile, for the needs of the eradication of cases arrears, Supreme Court in 2006. The results of this audit become the base line application data SIAP Excel²⁸ This application is still used by the Registrar of the Supreme Court. In 2011, the Supreme Court developed a data communications feature on the Supreme Court Decision Directory application. This application was developed to support the Supreme Court's policy as outlined in Circular Letter of the Supreme Court (Surat Edaran Mahkamah Agung/SEMA) No. 14 of 2010 regarding Electronic Document as the Completeness of Cassation and Reconsideration Application. SEMA No. 14 of 2014 requires the court to include electronic documents for each appeal and review. The electronic document transmission media is a compact disk, electronic mail or a Directory Direct application. SEMA 14 of 2010 was born with the aim of accelerating the settlement of minutation case. With the possession of electronic documents of first instance court decisions and appeals to the drafting process of Supreme Court decisions can be accelerated.

In 2014, the Directory Direct application is refined to allow the court to upload electronic documents with more number and variations. This is to support SEMA No. 1 of 2014. This regulation itself was born to support the policy of simultaneous file reading system implemented from August 2013 by the Decision of the Chief Justice No. 119/KMNSKNI 1/2013. The consequence of simultaneously reading the file system is the doubling of the bundle file B according to the number of member judges. If the copying process is done in hard copy it will be a serious issue. Consuming paper for file inspection the case will multiply. Therefore, the Supreme Court encourages the examination of files based on electronic documents. Under SEMA 1/2014, the court must provide electronic files of several documents from bundle B for the purpose of examining the appeal/review file. Delivery is done using the Directory Direct

application. The application of e-Court Files in the Supreme Court provides the effect of changes to all parties relating to the handling of proceedings from the beginning of the first level courts, officers in the General Bureau, the Directorate of Agencies and Management, the Younger Registrar, the Substitute Registrar and the Supreme Court Judge. They must adapt to information technology-based work systems, both aspects of resource readiness, technology tools and work culture.

The electronic document utilization protocol shall be governed by the Decision of the Registrar of the Supreme Court of the Republic of Indonesia (2015) Number 821/PAN/OT.01.3NI/2014 dated June 3, 2014 which is the guideline for the implementation of SEMA No. 1/2014. The technical manual provides that the electronic documents submitted by the Court through application directory data communication downloaded and researched by each Directorate of Management and Management officer then uploaded to Joint Storage Media (Centre for Digital Media/CDM). Electronic documents that have been stored in the CDM then divided into officers of the Young Registrar's Office. After the appeal file is appointed by the panel of judges handling it, the clerk of the Court Registrar sends the electronic document to the Supreme Court's email and the substitute clerk. The member judges are gradually expected to provide opinions based on the Bundle electronic document B sent via email.

Based on the concept of information technology utilization category in the courts developed by Dory Reiling (2009), it can be concluded that the utilization of information technology in handling cases in the Supreme Court covers two categories: first, stand-alone information technology technologies. Second, information technology-based network system (network information technologies).

CONCLUSION

Utilization of information technology by the Supreme Court in the process of handling cases as mentioned above is the manifestation of Article 4 of Law No. 48 of 2009 (Law on Judicial Power, 2009). The purpose is to be able to encourage the efficiency and effectiveness of the settlement of cases which one of them is indicated by the erosion of arrears of the case. However, when viewed from the number of remaining cases in the implementation period of Information technology in the Supreme Court, especially in 1986 s.d 2007, there was no significant decrease in the case of the case. This phenomenon is experienced by many countries in implementing information technology in court. The use of information technology is still focused on the effort of electronic recording alone. Information technology has not been maximally optimized to improve the performance of the judiciary. The decline in the remaining case cases began to be seen in 2008 with a significant amount, below the 10,000 cases. The rest of the case can be reduced significantly more occur in the period of 2010-2014. In this period the rest of the cases are in the range of numbers 30 percent, even in 2013 and 2014, the remainder of the Supreme Court case respectively 28.58 percent and 23.38 percent respectively. Decrease in the remaining cases in the period 2010-2014 cannot be separated from the various modernization management issues of the case based on the utilization of information technology as the implementation of the 2010-2035 judicial update blueprint.

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