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An Application of Open to Public Principles in Electronic Trial Through E-Litigation

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Abstract

One of the principles of a court hearing is that it is open to the public. It means that everyone has the right to attend and know it as a form of community control over the trial process, unless otherwise determined by law, the trial is conducted in private. However, with the implementation of the case investigation through electronic or commonly referred to as e-Litigation, the community feels that it limited their right to know the course of the trial process as a form of social control. The research method used was normative juridical research that was research conducted by examining library materials which include primary legal materials sourced from various laws and regulations and secondary legal materials in the form of explanations used to analyze primary legal materials in the form of expert views, academics, practitioners or judges through interviews, document searches, books and scientific papers. Then, the legal material was identified and analyzed to achieve the objectives of this research. The results of the research showed that the settlement of the case through an electronic trial had not yet fully fulfilled the principle of a trial open to the public because in the process of answering it was only known by the parties who had litigated. It is hoped that this research can provide input for judicial institutions to improve electronic trial devices so that they can be more beneficial to the community.

Keywords: *Open to Public Principle; Trial; Electronic*

Introduction

The trial process in court in a civil dispute can occur because of a party that feels disadvantaged by the actions of another party. Acts that can be detrimental to other parties can be in the form of defaults on the non-implementation of an agreement between the parties or because of an unlawful act on the violation of a rule of law.

If a legal problem cannot be resolved through family consensus, for someone who feels aggrieved or violated his rights can file a lawsuit through the court in accordance with the conditions determined by applicable regulations.

In filing a lawsuit, a plaintiff must prove the violation of certain articles contained in the Civil Code or other statutory regulations, to then submit what the claim demands such as for example the

delivery of a certain item, or the emptying of a building, or payment of compensation in the form of money or other goods, or a certain act, or a prohibition on committing certain acts by the Defendant.[1]

The flow of trial in a civil dispute begins with the registration of a lawsuit at the legal court by paying the court fee in advance, then the clerk will be given a case register number. After the lawsuit was handed over to the Chair of the Court, a Panel of Judges was then formed to determine the schedule for the hearing and to order summons to the parties to appear before the court. During the first trial, if the parties are present, the Panel of Judges will order the parties to go through a mediation process facilitated by a mediator within a certain period of time (no more than 30 days). If within the specified period the parties do not reach an agreement in mediation, then the answering process will proceed which begins with the reading of the claim letter by the Plaintiff, then continued with the Defendant's Answer. The Defendant's answer will be disproved by the Replicate of the Plaintiff, which is then refuted by the Duplicate of the Defendant. The next stage is proof, in which the parties are given the opportunity to submit written evidence and witnesses. After no more evidence is submitted and examined, the judge closes the evidence process and invites the parties to draw up and submit their conclusions based on the results of the evidence. After the parties made their conclusions, the Panel of Judges handed down their verdict. If there are parties who object to the decision handed down by the Panel of Judges, within the prescribed period, they can submit legal remedies (considering, appealing, reviewing). If the decision has permanent strength, the party won by the decision can submit a request for execution.[2]

The court has the role of examining and passing verdicts on disputes submitted by the community fairly. However, in carrying out their duties and responsibilities as God's representatives, there are still a number of Judges who do not carry out their oaths and positions so as to create distrust from the community. Based on the release of the 2018 Supreme Court annual report, 103 judges committed violations in carrying out their duties. A violation that often occurs is the acceptance of gratuities in the legal process. The tarnished image of the judiciary will also influence the lack of public trust in the Supreme Court. The law enforcement process in Indonesia is considered to have a gap to commit fraud in the judge's decision.[3]

In order to improve services and restore public confidence in the judicial institutions under its control, the Supreme Court has adopted a policy with the introduction of information technology systems in the settlement of cases in courts. One of them is the implementation of electronic trials. The new era of modern information technology-based justice which is an important momentum in Indonesian justice is the shifting of the electronic justice administration system by issuing Supreme Court Regulation (PERMA) No. 3 of 2018 concerning Case Administration in Courts electronically, followed by the launch of the e-Court application. This e-Court innovation has opened space for e-Filling, e-Payment, e-summoning and notification to parties electronically (e-Summons).[4]

The e-Court system connects 910 courts throughout Indonesia. This step is expected to be a concrete step in restoring the image of the Supreme Court and the judiciary below it to become a great judicial body. While the aim of this e-Court is to build a judiciary that is clean, fast, simple, and has low cost. In the end, public trust is the foundation in the decision-making process in court. Trust is very important for good governance.[5]

[1]R. Wirjono Prodjodikoro, 2018, *Perbuatan Melanggar Hukum Dipandang Dari Sudut Hukum Perdata*, CV. Mandar Maju, p.101.
[2]Bambang Sugeng and Sujayadi, 2015, *Pengantar Hukum Acara Perdata & Contoh Dokumen Litigasi,* Prenada Media Group, Jakarta, p.7
[3]Kurniati A, Ifah, 2019. *"Mengembalikan Citra PeradilanMelalui e-Court"*, Jurnal Prosiding Com News, p.176).
[4] Ibid, 177
[5]Ibid

The e-Court application was first launched on July 13, 2018 in Balikpapan by the Chief Justice of the Supreme Court Prof. Dr. H. Muhammad Hatta Ali, SH. The launching of the e-Court application shows that the Supreme Court has moved towards electronic justice which will fundamentally change the practice of litigation services in the Courts.[6]

In line with the demands of the times that require case administration services and trials in the Courts to be more effective and efficient, the Chief Justice of the Supreme Court stipulated the Supreme Court Regulation No. 1 of 2019 concerning Case Administration and Trials in Electronic Courts on August 8, 2019 as an improvement of the Supreme Court Regulation No. 3 of 2018 concerning the Administration of Cases in Electronic Courts in particular those relating to Procedures for Electronic Trials.

In the e-Court Handbook published by the Supreme Court of the Republic of Indonesia in 2019, e-Court is a court instrument as a form of service to the public in terms of online case registrations, electronic fee estimation, online fee down payment, online summons and online trials sending trial documents (Replicates, Duplicates, Conclusions, Answers).

According to article 1 paragraph 6 of the Supreme Court Regulation No.1 of 2019 concerning Case Administration and Trials in Electronic Courts, it is stated that e-Court is an electronic case administration application that contains a series of processes for receiving claims/requests /answers, replicas, duplicates and conclusions, management, delivery and storage of civil/religious/military/state administrative case documents using electronic systems that are applicable in each court environment.

In the development of e-Court, the application is not only used by registered users (advocates) but also for incidental users (non-advocate users). Incidental users consist of individuals, governments and legal entities. Basically, this user is a temporary e-Court user, the incidental user of the account is only valid when performing an electronic trial for one time and 14 days after the date of the decision, the user can no longer accessthe case data. To re-use, it must be reactivated by the Court.

E-Court is the gateway before heading to e-Litigation. e-Litigation or electronic trial is a series of process of examining and adjudicating cases by the Court carried out with the support of information and communication technology.

The e-Court application is expected to be able to improve services in its function of accepting online case registrations, so that the community will save time and money when registering cases. This is in line with the principle of justice which is fast, simple and low cost.

According to the e-Court Handbook published by Supreme Court of Republic of Indonesia in 2019, the scope of e-Court Applications includes:

1. Online Case Registration (e-Filling)

   Online case registration in the e-Court application is currently open for registration, rebuttal, simple lawsuit, and application. This case registration is a type of case that is registered in the General Courts, Religious Courts and TUN Courts in which registration requires more effort, and this is the reason for making e-Courts one of them is mutual convenience.

[6]Retnaningsih, S., Nasution,S, D. L., & Manthovani, K. 2019,"*Pelaksanaan e-Court dalam Pendaftaran Perkara Secara Online Menurut PERMA No.3 Tahun 2018 tentang Administrasi Perkara di Pengadilan Secara Elektronik dan e-Litigasi Menurut PERMA No.1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan."* Universitas Indonesia, Depok, Jawa Barat, Indonesia, p. 2.

2. Payment of Online Fee Extends (e-Payment)

   In case registration, registered users will immediately get an SKUM generated electronically by the e-Court application. In the process of generating it will already be calculated based on what cost components have been determined and confirmed by the Court, and the magnitude of the radius of the cost that is also determined by the Chief of the Court so that the calculation of the estimated advance has been calculated in such a way and produces an electronic SKUM or e-SKUM.

3. Electronic Summoning (e-Summons)

   In accordance with Supreme Court Regulation No. 3 of 2018 that summon for registration is carried out using e-Court, summons to registered users are carried out electronically sent to the registered user's electronic domicile address. However, for the defendant the first summon is carried out manually and when the defendant is present at the first trial, approval will be asked whether to agree to be called electronically or not, if agreed, it will be called electronically according to the electronic domicile given and if the disagreement is made manual as usual.

4. Electronic Trials (e-Litigation)

   The e-Court application also supports electronic trials so that trial documents can be sent such as Replic, Duplicates, Conclusions and/or Answers electronically which can be accessed by the Court and the parties.

In civil procedural law there are basically two types of cases examined, they are the case of volunteers (petition) and cases of contingency (lawsuit). Voluntary Case (Petition) is a civil matter submitted in the form of a request addressed to the Court of a unilateral (not party) basis without any other party being drawn as a defendant. Requests are usually submitted to the Court to determine something on the basis of that request the judge will give the determination without a dispute between the parties, such as the request for appointment of a child, appointment of guardian, improvement of the civil registry deed and so forth. Whereas a contingent case (a lawsuit) is a civil matter submitted in the form of a lawsuit addressed to the Court which is party in nature or more than one party (Plaintiff and Defendant) due to a dispute between the parties (acts against the law or default), so that there is a need for a the judge's decision to try and decide who between the parties is right and who is wrong.[7]

In the trial of civil cases in the Court, several principles of civil procedural law are known, including the nature of the opening of the trial, which means that everyone is allowed to attend and witness the proceedings of the trial with the intent and purpose to provide protection for human rights in the field of justice by taking responsibility for the examination that is fair, impartial and fair to the community. This means that if the trial process is carried out in a closed and not declared open to the public it will result in an invalid and null and void verdict. Unless otherwise stipulated by law based on reasonable grounds, the hearing will be held in private, for example divorce cases, immoral acts or underage criminals.[8]

Based on the aforementioned background, the researcher will examine the process of implementing the settlement of the case through the e-Court along with the constraints and the fulfillment of the general principle of openness in electronic trials through e-litigation.

[7]Sophar Maru Hutagalung, 2012, *Praktik Peradilan Perdata dan Alternatif Penyelesaian Sengketa,* Sinar Grafika, Jakarta, p. 5.
[8] Bambang Sugeng, *Loc.Cit*, p. 5).

Research Methods

This study uses normative juridical research methods, namely research conducted by examining library materials consisting of primary legal materials and secondary legal materials. Primary legal materials are sourced from various laws and regulations relating to research problems. Secondary legal materials in the form of explanations used to analyze primary legal materials in the form of the views of experts, academics, practitioners or judges through the search of documents, books and scientific work.

Legal research is conducted to solve the legal issues at hand, which require the ability to identify, legal problems, conduct legal reasoning, analyze problems encountered and then provide solutions to those problems. Legal materials obtained through document studies and interviews will be identified and analyzed, then presented descriptively by describing, explaining and describing the process of implementing the settlement of cases through the e-Court along with the constraints and the fulfillment of the principle of public disclosure in electronic trials through e-Litigation.

Discussion

a. The Implementation Process of the Case Completion Through E-Court

Law enforcement is said to be effective or successful in its implementation if legal norms are obeyed and implemented by the community and law enforcement. The purpose of legal norms is to regulate human interests. If the legal norms are obeyed and implemented by the community and law enforcement, then the implementation of the law is said to be effective or successful in its implementation.[9]

The public is expected to feel the positive benefits and get happiness from the development of the legal world, with the e-Court system in this court will certainly produce pleasure because this system brings more convenience and has a shorter time efficiency and low cost. In addition, the implementation of the e-Court system is also expected to be carried out effectively and easily to be carried out by all parties, and the system can be easily enforced comprehensively by judicial institutions in Indonesia.

This research was conducted at the Central Jakarta District Court, because the Central Jakarta District Court was one of the District Courts that became a pilot project for implementing the e-Court system and electronic trials or e-Litgation. The application of e-Court implementation in the Central Jakarta District Court came into effect in September 2019, until October 2019 there were 222 case numbers entered and registration was carried out up to the electronic trial.

In 222 cases, they were divided into[10]:

- Civil Lawsuit:
  1. Successfully got 164 case numbers.
  2. Pay, haven't gotten case number as many as 4.
- Civil Rebuttal:
  1. Successfully got 2 case number.
  2. Pay, haven't gotten the case number (-).

[9] Salim HS and Nurbani ES, 2014, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, Rajawali Pers, p. 303.

[10]Interview with Made Sekereni, Judge of the Central Jakarta District Court, on October 17, 2019.

- Simple Civil Lawsuit:
  1. Successfully got 1 case number.
  2. Pay, haven't gotten the case number (-).
- Civil Application:
  1. Successfully got 50 case number.
  2. Pay, haven't gotten case number as many as 1.

Initially e-Court in Indonesia was implemented based on PERMA Number 3 of 2018 on April 4, 2018 which was the first foundation for the implementation of an electronic based justice system in Indonesia.

The case resolution process through the e-Court system at the Central Jakarta District Court can be seen as follows:

Registered users (advocates) or incidental users (non advocates) can choose the court to file a lawsuit, then there is a menu of case registration and choose according to the needs of the type of case that is online lawsuit, online rebuttal, online simple lawsuit, and online application. However, in practice in the Central Jakarta District Court, there are still many other users who do not understand the procedures for registering cases electronically.

If the case registration is carried out by an attorney (advocate), it must first register a power of attorney as state revenue, after all the requirements have been fulfilled, the advocate sends it to the Court to file a claim online.

After that registered users (advocates) or incidental users (non advocates) do e-Payment so that they will get case numbers. After making payment, the PTSP (One-Stop Integrated Service) gives the file to the head of the Court (Article 147 RBg/123 HIR).[11]

In the electronic trial there was still a bailiff, because it was possible the defendant did not want to conduct the trial online.

After the registered user (advocate) and incidental user (non advocate) make payment and get the case number of those who have registered it will get a trial summons sent by the Court where the case is registered.

The first summon of the plaintiff was carried out electronically via e-mail, while for the defendant the summon was still manually through the bailiff, because the defendant did not yet know that he was sued.

In an electronic trial, the court determines the day of hearing when receiving the case file, then it is set within a period of 2 weeks because the defendant is still being called manually. If the defendant is outside the jurisdiction of Central Jakarta, then it takes longer.

When both parties present at the hearing, the panel of judges is obliged to conduct mediation in accordance with the Republic of Indonesia Supreme Court Regulation No. 1 of 2016 concerning mediation. Mediation is carried out by mediators, both from within the Court or outside the Court. In civil cases, those that are examined before a court before they are decided by the court can always be offered

[11] Sophar Maru Hutagalung, Loc. Cit, p.126).

peace to end the case. If peace is reached before a trial, the Court makes a peace certificate that has binding power to be carried out by the parties.[12]

If the mediation does not produce results or fails, the Panel of Judges gives an order for the defendant to participate in the trial electronically. If the defendant is represented by a lawyer, then the legal obligation to follow electronically. However, if the defendant is an incidental (non-advocate) user, the Panel of Judges offers a willingness to conduct an electronic trial.

If the defendant is willing to conduct an electronic trial, the defendant can register the case with PTSP (One Stop Integrated Services) accompanied by a statement stating that they are willing to conduct an electronic trial.

After that the Panel of Judges made the court calendar as follows:

- Summon for 2 weeks;
- Mediation for 30 days;
- After mediation failed then proceed to trial.

The panel of judges asked the plaintiff about whether there was a material change in the lawsuit, if there were no changes then asked the defendant when an answer would be submitted. If the defendant asks for 2 weeks, the parties record the time that within 2 weeks the defendant must upload the answer.

If the defendants cross the deadline for uploading answers, then they will be given 1 week. If they are not sent within 1 week, they are deemed not exercising their rights and will immediately proceed to the verification stage.

After the response was uploaded by the defendant, the panel of judges asked the plaintiff when to upload the replica time, if the plaintiff requested for 1 week, then within 1 week the replica must be uploaded.

After the replica is uploaded by the plaintiff, the panel of judges asks when the uploading time is duplicate to the defendant, if the defendant asks for 1 week, then within 1 week the duplicate must be uploaded. Until the duplicate, in the trial system through e-Court there was a record of the judge to the parties to determine when the date of proof.[13]

According to the Supreme Court Regulation No.1 Year 2019 regarding Case Administration and Trials in Electronic Courts article 24 paragraph 1, in the case agreed by the parties, the evidentiary hearing by examining witness and/or expert statements can be carried out remotely through audio communication media visuals that allow all parties to participate in the trial.

But in reality, in the Central Jakarta District Court when carrying out the plaintiff's proof, it was still present at the trial because if the evidence was thick, the e-Court system would not fit because it only had a capacity of 10 mb, whereas if examining witness statements, the parties would still be present at the trial by manual because there are not yet sufficient electronic devices to support the verification process.

[12]Abdulkadir Muhammad, 2008, *Hukum Acara Perdata Indonesia,* PT Citra Aditya Bakti, Bandung, p. 21.

[13]Interview with Made Sukereni, Judge of the Central Jakarta District Court, 17 October 2019.

When submitting conclusions and decisions, the parties do not need to come to court. Conclusions are uploaded on the e-Court application by the parties and decisions will be uploaded by the panel of judges can be seen by the parties, which will then be published publicly in the Court Information System.

According to Supreme Court Regulation No.1 Year 2019 concerning Case Administration and Trial in Electronic Court article 26, the verdict/stipulation is pronounced by the judge/chief judge electronically. The pronouncement of the decision/stipulation is legally considered to have been attended by the parties and is carried out in a public hearing. Decisions/stipulations are set forth in the form of a copy of the electronic decision/stipulation bearing an electronic signature according to statutory regulations regarding information and electronic transactions.

But in practice in the Central Jakarta District Court, decisions issued from the results of electronic trials are still signed wet by the panel of judges, and electronic signatures cannot be implemented.

Some of the obstacles that occur in the implementation of the e-Court system in the Central Jakarta District Court include:

1. Constraints in the IT system regarding uploading time, because it is a system that works so as to cause a lot of obstacles encountered, the Central Jakarta District Court to improve the IT system so that no such constraints occur.

2. The e-Court implementation system mimics the practice of trials from outside countries that already have good HR (Human Resources) along with technological support. Whereas in Indonesia, having too many communities and inadequate HR (Human Resources), the Government must prepare HR (Human Resources) that are more competent in technological development.

3. In opening case files, it is often difficult for judges to be disorganized, which is the result of inadequate Indonesian technology, there must be a thorough training of judges to be able to comfortably run the e-Court system without obstacles.

4. Not all judges know and understand technology but must know and understand because there are regulations, therefore a thorough socialization of the regulations regarding e-Court is needed so that they can be understood together.

5. In regions or remote areas, not all people have an email address, it is necessary to notify electronic mail or e-mail to the community specifically the local community.

6. The number of accounts cannot be verified, making it difficult to make electronic calls and it is feared that the email does not reach the party concerned, it is necessary to hold a notification other than the email address, so that if there is an account that has not been verified then there is a backup of the account that can be contacted.

7. It has not been well socialized, it is necessary to conduct a comprehensive socialization to the wider community, so that the implementation of the e-Court system can be known to everyone.

Examples of obstacles in implementing case resolution through the e-Court system at the Central Jakarta District Court:

Based on the results of an interview with Made Sukereni, Judge of the Central Jakarta District Court, October 17, 2019, on the electronic request, the party was summoned via email address for the

hearing on October 9, 2019, but the party did not come on the specified date despite the fact that there were bouts stating the call has been sent to the party's email address. Faced with these obstacles, forced to be called manually. In this case as one example of evidence that there are still masrayakat who do not understand the development of technology.

b. Implementation of Open to Public Principles in Electronic Trial Through E-Litigation

The purpose of law can be seen in its function as a function of protecting human interests and has the objectives to be achieved. If you see the definition of benefits in a large Indonesian dictionary, the terminology benefits can be interpreted as use or use.

Related to the usefulness of this law, according to the theory of utility, wants to guarantee happiness that is impressed by humans in as many numbers as possible. Basically, according to this theory, the aim of law is the benefit in producing the greatest pleasure or happiness for a large number of people.[14]

To enforce material law requires procedural law or often referred to as formal law. Formal law is a provision governing the way and the parties authorized to enforce material law in the event of a violation. Without clear and adequate procedural law, the authorities will have difficulty in enforcing material legal provisions. The upholding of law supremacy is very dependent on the honesty of law enforcers who are expected to uphold the truth, justice and honesty in upholding the law.[15]

In principle, trial hearings are open to the public, which means that everyone is allowed to attend and listen to hearings at trial. The aim is none other than to provide protection for human rights in the field of justice by holding accountable to fair, impartial hearings and fair decisions to the community (Articles 17 and 18 of Law No. 14 of 1970 concerning the Basic Provisions of Judicial Power).[16]

So in this case the researchers hope that the public can feel the positive benefits and get happiness from the development of the legal world, with the existence of the e-Court system in this Court will certainly produce benefits because this system brings more convenience and has a shorter time efficiency and low cost for parties who are litigants, and are able to protect human rights and the parties involved therein remain protected by law.

Related to legal protection for parties who sit in court, there are several theories of legal protection which state that legal protection is an act to protect the public from the arbitrariness of the authorities that is not in accordance with applicable regulations to bring about peace and public order.

According to the theory of Philipus M. Hasjon stated that legal protection for the people in the form of government actions that are preventive and repressive. Preventive means the government is more careful in making decisions because it is still in the form of preventive measures. While repressive means the government must be more assertive in making decisions on violations that have occurred. Preventive legal protection is the result of a theory of legal protection based on Philip. This legal protection has its own provisions and characteristics in its application.

As a form of legal protection for the parties to the dispute over the decision handed down by the court, it is necessary to comply with several principles that apply in the trial process in court. The principle can be interpreted as a basis, foundation, fundamentals, nature, joints or principles. The

[14] Muhammad Ridwansyah, 2016. "*Mewujudkan Keadilan, Kepastian dan Kemanfaatan Hukum dalam Qanun Bendera dan Lambang Aceh".* JurnalKonstitusi , p. 290.
[15] Abdul Hamid, 2016, *Teori Negara Hukum Modern*, Pustaka Setia, Bandung, p. 157.
[16] Bambang Sugeng and Sujayadi, *Loc. Cit* , p.5).

principle of law is a basic thought that is general in nature or constitutes a concrete background and regulations contained in or behind any legal system incarnated in the laws and regulations and decisions.[17]

Based on Law Number 48 of 2009 concerning Judicial Power Article 13, the principle of opening a trial in handling a case submitted to the Court must be open to the public because if it turns out the judge in handling a case is not open to the public, the decision made by the judge is invalid and/or legal defects and can be null and void.

The principle of opening this trial is basically that the Indonesian state as a rule of law requires the establishment of a rule of law that can actually be carried out objectively and the judge in handling a case is prohibited from taking sides with one of the parties. If the judge in handling a case can position himself as a good judge or not in favor of one of the parties, the judge will be able to meet the needs of the community, especially for justice seekers and can be used as the final foundation for resolving cases faced by the community in a fair manner.

The principle of opening a trial is intended so that the public can witness directly the proceedings of the trial as well as being a supervisor of the judges in handling a case concerning their objectivity or or partiality. In the trial practice that is open to the public, the examination of the case is carried out in a room whose doors are open and everyone can without exception watch the proceedings, while the trial closed to the public conducting the examination of the case is conducted in a room whose door is closed, so that not everyone can enter except the litigants and witnesses.[18]

In the implementation of judicial power, supervision is felt to be very necessary. Considering that in a judicial power the opportunity for someone to exercise this power has the potential to be abused, because the work environment is indeed very vulnerable to misbehavior by abusing the power it carries. Not a few judges are trapped in a very bad risk choice when they collude with the parties in a case, they are handling. This is one reason for the need for supervision in the special judicial authority in electronic trials through the e-Litigation system.[19]

When a court hearing is conducted in a closed case or a verdict is pronounced in a hearing which is declared not open to the public, it will result in the verdict being invalid and having no legal force and resulting in the annulment of the decision according to law. Formally this principle opens opportunities for "social control".

In electronic trials through the e-Litigation system, only plaintiffs, defendants and judges are able to see the proceedings. While the general public cannot witness directly the proceedings electronically because they do not have an e-Court user account. In this case electronic trials through the e-Litigation system have not fully met the principle of openness of trials for the public.

Nevertheless, in article 27 of Supreme Court of the Republic of Indonesia Regulation No.1 Year 2019 concerning Case Administration and Trials in Electronic Courts it is stated that electronic trials conducted through the Court Information System on public internet networks have legally fulfilled the principles and provisions of open trials for the public in accordance with statutory provisions.

[17]Djamanat Samosir, 2012, *Hukum Acara Perdata Tahap-Tahap Penyelesaian Perkara Perdata*, Nuansa Aulia, p. 10)

[18] Sarwono, 2012, *Hukum Acara Perdata Teori dan Praktik*, Sinar Grafika, Jakarta, p. 20).

[19] Adies Kadir, 2018, *Menyelamatkan Wakil Tuhan Memperkuat Peran Dan Kedudukan Hakim*, PT. Semesta Merdeka Utama, Jakarta, p. 44.

When talking about trials open to the public in electronic trials through the e-Litigation system, the trial has not been deemed to have fully complied with the principle of a trial open to the public, because in the e-Litigation system the only parties who can see files are litigants and judges, except if there is an intervention suit.

In the electronic trial through e-Litigation, the community seemed to know what the contents of the lawsuit, answers, replicas, duplicates, and conclusions even though the public did not necessarily know. In electronic trials through the e-Litigation system, case files sent by the parties are not read in full but are only considered to have been read. With the exception of the witness verification and examination agenda, manual trials are still open to the public and can be witnessed by the general public. With the examination of evidence and witnesses before the trial, the Judiciary considers that electronic trials through the e-Court system have fulfilled the principle of hearing open to the public.

All decisions made electronically through the e-Litigation system can be seen by the general public through the SIP (Court Information System), therein lies the openness of the trial in general. In an electronic trial, the parties are given the choice to remain willing to settle through the trial manually or through the electronic trial.

If there are parties who feel that the electronic trial settlement feels their rights are not protected, then the party can submit a rejection of the case settlement process through the e-Court system, in this case what is meant is that the defendant does not have legal counsel then the trial can be continued manually. However, if the parties are represented by legal counsel (advocates) then the law is obliged to settle cases through the e-Court system, because with the presence of legal counsel the rights of the parties can be protected.

Conclusion

Based on the results of research that researchers have discussed regarding the principle of openness to the general public in electronic trials through e-Litigation, then there are some conclusions as follows:

a. The e-Court system provides a lot of convenience for justice seekers and law enforcement officials, because law enforcement can also be implemented through technology media. Apart from all the conveniences that are obtained from the e-Court system, but there are some obstacles that occur in its implementation. Some of the obstacles that often occur are due to lack of knowledge of the Indonesian people about electronic systems. To deal with all the obstacles that occur, it is necessary to have comprehensive training for judges to be able to undergo the e-Court system and the socialization of regulations regarding e-Court so that it can be understood by the public.

b. The general public cannot witness an electronic trial through e-Litigation because it does not have an e-Court user account especially at the examination of the lawsuit, answers, replicas, duplicates, and conclusions. The case file was not read thoroughly but was only considered to have been read. However, when examining witness evidence, manual trials are still open that are open to the public and can be witnessed by the general public. For this reason, electronic trials through the e-Litigation system have not fully met the principle of trials open to the public. Even though Article 27 of the Republic of Indonesia Supreme Court Regulation No.1 Year 2019 regarding Case Administration and Trials in Electronic Courts, it is stated that electronic trials conducted through the Court Information System on public internet networks have legally fulfilled the principles and provisions of open trials for the public in accordance with statutory provisions.

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