

MODERNIZING COURT THROUGH COMMUNICATION OF IKAHI AND INFORMATION TECHNOLOGY GENERALIZATION

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ABSTRAK

The establishment of modern judiciary begs the question whether modernity would serve just law properly or simply become another legal challenge for judges within the judiciary. The questions of the research formulated into how does IKAHI keeps the synergy between its member to communicate judges' difficulties and how does IKAHI supports the idea of generalizing the perception of IT usage for judges in case trials. The role of the study would be beneficial in improving knowledge and application principle in IKAHI action. The result of the data shown positive aspect and proves the main theory and idea. The article is discussed in a deductive method. The main findings of the article is that modernization of court can only be achieved if the use of IT in court has been generalized so that there wouldn't be contradiction or conflict through the use of electronic judgment templates and use of Google Meet for criminal court trials.

Terbentuknya peradilan modern menimbulkan pertanyaan apakah modernitas akan melayani hukum yang adil dengan baik atau justru menjadi tantangan hukum lain bagi para hakim di lingkungan peradilan. Pertanyaan penelitian ini dirumuskan menjadi bagaimana IKAHI menjaga sinergi antara anggotanya untuk mengkomunikasikan kesulitan hakim dan bagaimana IKAHI mendukung gagasan untuk menyamakan persepsi tentang penggunaan TI bagi para hakim dalam persidangan perkara. Peran penelitian ini akan bermanfaat dalam meningkatkan pengetahuan dan penerapan prinsip-prinsip dalam kegiatan IKAHI. Hasil data menunjukkan aspek positif dan membuktikan teori dan gagasan utama. Artikel ini dibahas dengan metode deduktif. Temuan utama dari artikel ini adalah bahwa modernisasi pengadilan hanya dapat dicapai jika penggunaan TI di pengadilan telah digeneralisasi sehingga tidak akan ada kontradiksi atau konflik melalui penggunaan template putusan elektronik dan penggunaan Google Meet untuk persidangan pidana.



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I. INTRODUCTION

Pursuing excellence in justice has become every judiciary objective. Supreme Court of Republic of Indonesia (furthermore will abbreviated as MA-RI) has enlisted one of their missions as serving and enforcing just law for every justice-seekers¹. Such mission is further accomplished by MA-RI's blueprint criteria, namely constructing a modern judiciary with an integrated IT system². However, the establishment of modern judiciary begs the question whether modernity would serve just law properly or simply become another legal challenge for judges within the judiciary.

Indonesian Institute for Independent Judiciary or LEIP as an independent organization that observes the judiciary processes noticed that there are a lot of court challenges in this modern times. Firstly, the weight of cases in each court are different to one another³. This finding showed that not all cases bear the same weight or burden of proof as to another case. For an example, the hour rate of completing case assessment for corruption cases would ensue 131.83 hours compared to general criminal cases that ensue 39.46 hours⁴.

The differences in case's weight showed that there are different approaches that need to be taken in order to serve just law for justice-seekers. Following the principle of simple, fast, and low-cost judicial principle, it is expected for judiciaries to attempt in solving a case as quickly as possible⁵. Based on LEIP's observation, an integrated IT system as proposed by MA-RI should be able to help in shortening the duration of corruption case completion so that there shouldn't be a significant difference in case completion hour rate compared to general criminal cases.

Attempting to answer the purpose of IT-based judiciary system brought another challenge due to the natural condition of each court that are too different from one another. Over 382 general district courts spread all over Indonesia, there

¹ Mahkamah Agung Republik Indonesia, *Cetak Biru Pembaruan Peradilan 2010-2035*, (Jakarta: Mahkamah Agung Republik Indonesia, 2012), p. 15

² Mahkamah Agung Republik Indonesia, *Cetak Biru Pembaruan Peradilan 2010-2035*, (Jakarta: Mahkamah Agung Republik Indonesia, 2012), p. 14

³ The East-West Center and Indonesian Institute for Independent Judiciary, *Pengadilan Tindak Pidana Korupsi di Indonesia*, (Jakarta: East West Center, 2021), p. 167

⁴ Mahkamah Agung dan Daya Dimensi Indonesia, *Penguatan Kapasitas untuk Analisis Beban Kerja Hakim di Empat Lingkungan Peradilan Mahkamah Agung*, (Jakarta: Mahkamah Agung, 2017), p. 30

⁵ Muhammad Haekal, et al., "The Effectiveness of the Implementation of the Principle of Simple Court Procedures, Fast, and Low Cost in a case of Divorce Lawsuit", *International Journal of Contemporary Islamic Law and Society* Vol. 2 No. 1 (2020), pp- 81-101

are reports that most of the courts lack IT facilities or even as simple as courtroom to satisfy the requirement of case trials⁶. This phenomenon showed that despite of the realization of the good purpose of IT system, the reality of IT facilities shortage would render difficulties in serving law for justice-seekers in the best quality as possible.

A case made by Baiq Paridah who argued that despite of all the ease promised by MA-RI innovation in technology such as e-Court, advocates and justice-seekers ended up confused and startled by the difficulty in using e-Court especially due to the technical difficulties in the server⁷. Such advancement in IT system should not be a problem for justice-seekers. Otherwise, the use of IT system would prove to be against the mission of MA-RI to serve just law. Hence, MA-RI argued that judges and judiciary administrators in courts shall have the proper knowledge and hands-on experience towards IT system in MA-RI, including e-Court⁸.

Another challenge as pointed by LEIP is that there are uneven number of personnel especially judges and registrars to handle various number of cases⁹. The number of judges and registrars defines the capabilities of courts in handling case submissions that potentially increases annually¹⁰. IT system by MA-RI should be able to solve the lack of personnel in courts as long as the available personnel are capable in optimizing the current IT system to solve the current cases. Upon these challenges, it can be observed that the role of judges is vital in the success of modernizing judiciary system especially in solving judiciary problem. However, the classic problem still stands that each court is different to another in terms of facilities, court location, and judges' knowledge. Therefore, one of the problem-solving solutions can be focused on the judges.

⁶ The East-West Center and Indonesian Institute for Independent Judiciary, *Pengadilan Tindak Pidana Korupsi di Indonesia*, (Jakarta: East West Center, 2021), p. 168

⁷ Baiq Paridah, *Implementasi dan Dampak e-Court (Electronics Justice System) Terhadap Advokat dalam Proses Penyelesaian Perkara di Pengadilan Negeri Selong*, Jurnal Juridica Vol. 2 No. 1 (2020), pp. 41-54.

⁸ Baiq Paridah, "Implementasi dan Dampak e-Court (Electronics Justice System) Terhadap Advokat dalam Proses Penyelesaian Perkara di Pengadilan Negeri Selong", Jurnal Juridica Vol. 2 No. 1 (2020), pp. 41-54

⁹ The East-West Center and Indonesian Institute for Independent Judiciary, *Pengadilan Tindak Pidana Korupsi di Indonesia*, (Jakarta: East West Center, 2021), p. 169

¹⁰ The East-West Center and Indonesian Institute for Independent Judiciary, *Pengadilan Tindak Pidana Korupsi di Indonesia*, (Jakarta: East West Center, 2021), p. 169

Considering that there are over thousands of judges spread all over Indonesia, it becomes nearly impossible for judges to interact with one another and know what kind of problems that each are dealing with whether similarly or differently. Cue Indonesian Judges Association (furthermore will abbreviated as IKAHI) for taking the role as a forum of judges and supports the professionalism of judges from judges for judges.

IKAHI holds the torch in delivering judges to solve various court challenges¹¹. Yet the challenges as raised by LEIP showed that there are still lack of understanding between judges that these problems still exist when there are some judges that successfully dealt with these problems such as having proper knowledge of utilizing e-Court as MA-RI's IT innovation.

Hence, problems that would be discussed would revolve around the issue of communication between IKAHI and its member of judges and the generalizing the perception of IT usage for case trials

Upon the background of the study, the problem of this paper can be formulated into two formulations as follows:

- a. How does IKAHI keeps the synergy between its member to communicate judges' difficulties?
- b. How does IKAHI supports the idea of generalizing the perception of IT usage for judges in case trials?

A. Communication Synergy within IKAHI and its Members

Consultative Council of European Judges or CCJE stated that an association of judges is a network formed by member of judges in order to form dialogues between one another¹². An association of judges shall act as a neutral forum where self-critiques are allowed in order to share experiences between judges and gain best knowledge from each practice¹³. By gaining such forum to share expertise, only then the hope of achieving consistent application of law¹⁴.

¹¹ Mardjono Reksodiputro, "Menegakkan Kembali Citra Kekuasaan Kehakiman: Peranan Pengadilan dalam Negara Indonesia Baru (Sebuah Saran kepada Ketua Mahkamah Agung RI)", Jurnal Hukum dan Pembangunan No. 3 (2001), p. 205

¹² Consultative Council of European Justice, *The Role of Association of Judges in Supporting Judicial Independence*, (Strasbourg: Consultative Council of European Justice, 2020), p. 4.

¹³ Consultative Council of European Justice, *The Role of Association of Judges in Supporting Judicial Independence*, (Strasbourg: Consultative Council of European Justice, 2020), p. 4

¹⁴ Consultative Council of European Justice, *The Role of Association of Judges in Supporting Judicial Independence*, (Strasbourg: Consultative Council of European Justice, 2020), p. 4

Historically, association of judges in Indonesia was founded on 1953¹⁵. IKAHI has vision and missions to form and develop judges that devoted to the almighty God, embracing the unity and friendship inter-member through solidarity. Such vision and mission are executed in many forms of actions. The latest output can be seen through the issuance of IKAHI Covid-19 task force in IKAHI branches¹⁶.

As of recently, IKAHI mission appears to be focused on the social welfare of judges, such as recent achievement of cooperation between IKAHI and Citilink Airline to pursue an ease of flight for judges around Indonesia¹⁷. While it is a great achievement, yet it is time to focus on the vision of IKAHI which is to develop judges. IKAHI as a judge association is supposed to support the constant improvement of judges while embracing the independence of judiciary¹⁸.

IKAHI embraces independence of judiciary since the reason of independence of the judiciary is to solve legal problems fairly in a confrontational situation¹⁹. Hence, the focus of IKAHI should not only limited to the social welfare of Indonesian judges, but also in improving how Indonesian judges may pushes their knowledge to strengthen the independence of judiciary.

In one of the most argumentative issue, role of judge should be settled on a singular role, which is assessing a dispute while making a judgment that brings civic peace²⁰. Therefore, it is important for judges to be able to assess every legal problem independently in order to gain peace. Yet, independence of judiciary does not withhold the possibility of disparity of judgement between Indonesian judges²¹.

¹⁵ Imam Soebechi, "Munas IKAHI", *Majalah Mahkamah Agung* No. 3 (2013), p. 32

¹⁶ Letter 082/PP.IKAHI/VII/2021 regarding the construction of IKAHI COVID-19 Task Force

¹⁷ IKAHI, *Kerjasama Ikahi dan Citilink Berikan Beragam Manfaat kepada Anggota IKAHI*, taken from <https://ikahi.or.id/berita/kerjasama-ikahi-dan-citilink-berikan-beragam-manfaat-kepada-anggotaikahi->, accessed on February 14th, 2022

¹⁸ Consultative Council of European Justice, *The Role of Association of Judges in Supporting Judicial Independence*, (Strasbourg: Consultative Council of European Justice, 2020), p. 8

¹⁹ Frans van Dijk, *Perceptions of the Independence of Judges in Europe Congruence of Society and Judiciary*, (Cham: Palgrave Macmillan, 2021), p. 8

²⁰ Pierluigi Chiassoni and Bojan Spaic, *Judges and Adjudication in Constitutional Democracies: A View from Legal Realism*, (Cham: Springer Nature Switzerland, 2021), p. 8

²¹ Heru Sugiyono and Robinsar Marbun, "Disparity of Judges' Decisions in Civil Dispute", *International Journal of Business, Economics, and Law*, Vol. 20 No. 5, (2019), p. 127

In order to prevent disparity of judgements between judges, IKAHI should take the lead as an independent or a safe haven for judges to communicate to one another while maintaining professionalism and ethical conduct. Yet, there hasn't been any form of communication within IKAHI and IKAHI branches. Lack of communication would result in a disintegration of knowledge between fellow judges that eventually would push the possibility of disparity in judgements.

A proposed idea to solve this problem would revolve in the media of communication. An important form of communication between judges can be made in the form of synchronous communication. Synchronous communication is a communication that takes time in a real-time situation and interactive between message-sender and message-receiver²². Synchronous communication acts as a form of communication similar to real-life interaction without delay since it forms its own virtual space that is controlled by the room creator.

The idea of using synchronous communication may solve the limitation of communication between central IKAHI and IKAHI branches caused by distance. Considering Indonesia is already sufficient with internet provider in most areas²³, IKAHI branches that may be considered located in rural areas now have the means of technology to form communication as long as there is internet provider and smartphone.

There are a lot of platforms that can be used for synchronous communication by IKAHI. The most popular platform would be WhatsApp. Yet, WhatsApp tend to be considered as ineffective platform since its main purpose is for instant messaging²⁴. There is also limitation for WhatsApp group consists of 256 members maximum²⁵. Considering the members of IKAHI has already exceeded 256 members, WhatsApp could not be the platform for IKAHI synchronous communication.

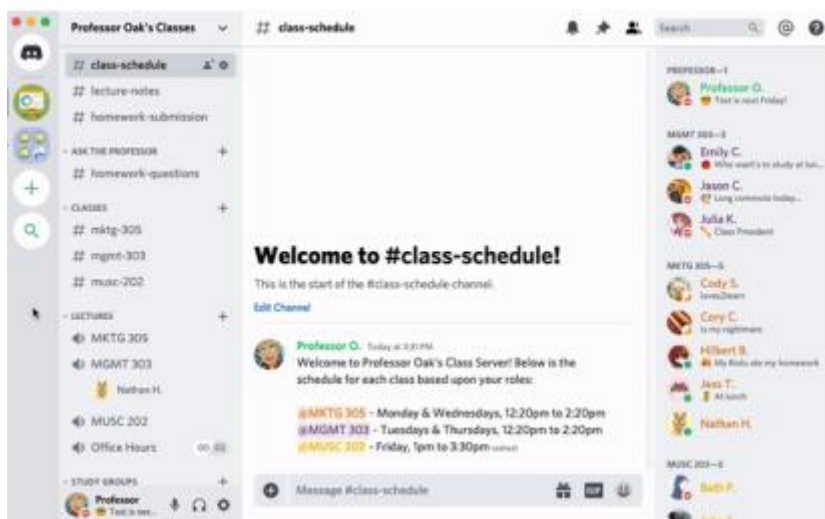
²² Barnad Barnad, *Discord to Support Synchronous Communication in Distance Learning*, (Surabaya: Atlantis Press, 2020), p. 35

²³ Novritsar Hasintongan Pakpahan, et al, "Trial Proving in Electronic Criminal Case Trial Based on the Dignified Justice Perspective", *Ius Poenale* Vol. 3 No. 1 (2022), p. 124

²⁴ Esharenana E. Adomi, "Work related Whatsapp Groups as Knowledge Sharing Platforms Among Librarians in Selected Federal Universities in Nigeria", *Journal of ICT Development, Applications and Research* Vol 1, (2019), p. 15

²⁵ Esharenana E. Adomi, "Work related Whatsapp Groups as Knowledge Sharing Platforms Among Librarians in Selected Federal Universities in Nigeria", *Journal of ICT Development, Applications and Research* Vol 1, (2019), p. 15

The most probable platform that can be used for IKAHI would be Telegram or Discord since Telegram group could hold up to 5.000 members whereas Discord could hold up to 250.000 members and more²⁶. Compared to Discord, Telegram does not provide a virtual room with the capabilities of dividing topics and storing datas such as files.



Source: discord.com

Picture 1. Example of Discord virtual room synchronous communication

IKAHI should consider using Discord as a platform for its synchronous communication because it provides the virtual rooms needed for the committee and members to interact with one another while maintaining the files needed between members such as acts, judgments, or even scientific articles to help support the exchange of knowledge between judges in IKAHI. Such use of Discord as synchronous communication platform for IKAHI communication could be considered since Discord is free to use unless there needs to be faster server that requires extra cost. Hence, Discord could easily be the primary platform for communication between central IKAHI, IKAHI branches, and its members.

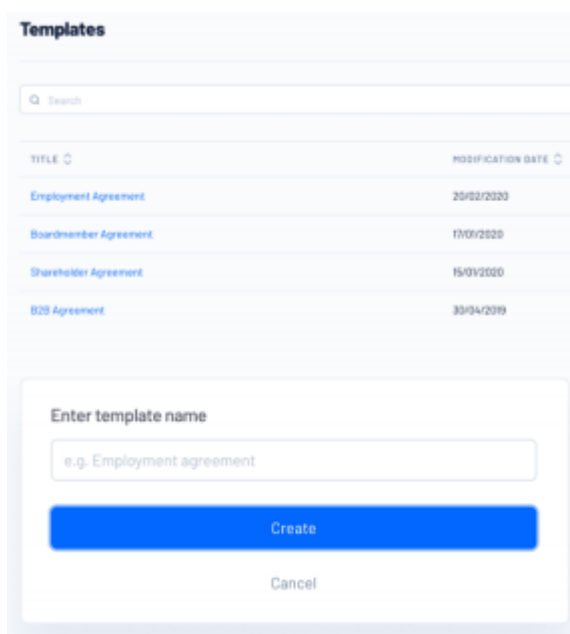
B. Generalizing Use of IT for Case Trials

Modernizing court or judiciary could not be conducted if there isn't any human resource and the IT facilities to support. Whereas the provision of IT facilities relies on the funding of MA-RI, IKAHI may support the knowledge of

²⁶ Vladyslav Kruglyk, "Discord Platform as an Online Learning Environment for Emergencies", in Ukrainian Journal of Educational Studies and Information Technology Vol. 8 No. 2 (2020) pp.13-28, p. 20

human resource through judges. IT facilities has been well utilized by MA-RI. Evidently, SIPP or case tracking system has become the monumental icon as how far MA-RI would go to elaborate the modernity in judiciary

Even though judgment templates have been well established by Chief Justice Letter Number 44 of 2014, yet judgment templates should be improved as time develops since vast changes happen most of the time. Related to the synchronous communication between judges all over Indonesia in the scope of IKAHI, experienced judges may share and pour input of aspects of judgment that should be included in a judgment template. Combining all the suggestions and input of experience judges in IKAHI, IKAHI may also suggest the creation of new judgment templates or even an automated judgment template generator based on the inputs from experience judges in IKAHI. An example of concept could be seen below.



The screenshot shows a web interface titled "Templates". At the top, there is a search bar with a magnifying glass icon and the word "Search". Below the search bar is a table with two columns: "TITLE" and "MODIFICATION DATE". The table contains four rows of data:

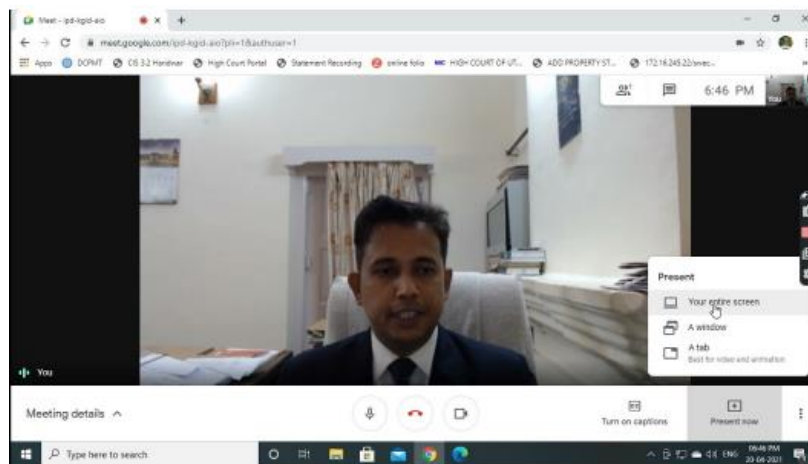
TITLE	MODIFICATION DATE
Employment Agreement	25/02/2020
Boardmember Agreement	17/01/2020
Shareholder Agreement	15/01/2020
B2B Agreement	30/04/2019

Below the table is a form to create a new template. It has a label "Enter template name" and a text input field containing "e.g. Employment agreement". Below the input field are two buttons: "Create" (in blue) and "Cancel" (in grey).

Picture 2. Example of Judgment Template Generator

Another suggestion for court modernization could be made for criminal court trials similar to civil court trials is the use of electronic court in criminal court trials. Even though Supreme Court Regulation 4 of 2020 has regulated the use of teleconference for holding a trial electronically, yet there hasn't been a regulation regarding which application best used for the criminal trial. As of now, the most popular application used for criminal trial electronically is Zoom. Yet, some judges

in IKAHI have communicated that the use of Google Meet as a videoconference has proved to be better since it’s easier to use due to the huge number of Google users, faster, and easier since it does not require people to install the application which could be easily turned on in a web browser²⁷.



Source: <https://www.youtube.com/watch?v=Cdjhy0Yo-bc>

Picture 3. Example of Google Meet for Criminal Online Court

The advancement of IT facilities and IT knowledge owned by human resources in MA-RI couldn’t be held back due to the fast growth of civilization. It would be pointless to disregard the use of IT in human life since the utilitarian theory of justice argued that fairness would refer back to the legal expediency instead of holding on to a mere classic legal theory²⁸. Covid-19 pandemic proved that civilization would force judiciary to evolve in order to ensure the progress of civilization, whether it be in the name of health or just simply justice for trial parties²⁹. IKAHI as forum for judges should push judges to accept the existence of IT in court situations and that it should not limit themselves to the idea of classicism of court³⁰. Instead, judges should heed the vision and mission of MARI which is to pursue modern judiciary with an integrated IT system.

II. CONCLUSION

²⁷ Qurrata Ayui and Fitra Arsil, “Adaptation of Online Trials during the Covid-19 Pandemic at Constitutional Court”, 2nd International Conference on Universal Wellbeing (2020), p. 154

²⁸ Katherine B. Forrest, *When Machines Can Be Judge, Jury, and Executioner Justice in the Age of Artificial Intelligence*, (Singapore: World Scientific Publishing, 2021), p. 7

²⁹ Novritsar Hasintongan Pakpahan, “The Use of Flipped Classroom During Covid-19 Pandemic”, *Advances in Social Science, Education and Humanities Research* Vol. 491, (2020) pp. 286-291.

³⁰ Daniela Cammack, “The Democratic Significance of the Classical Athenian Courts”, *The Social Science Research Network* Vol. 3 (2016)

The need for modernization of court could be answered by IKAHI as Indonesian judges' association by ensuring the communication between IKAHI and its members since the nature of a judge's association is to exchange knowledge with one another that may compile ideas and pushes IT development for courts. Modernization of court can only be achieved if the use of IT in court has been generalized so that there wouldn't be contradiction or conflict. In fact, ideas of IT development for courts could be made in suggestions such as constructing electronic judgment templates and use of Google Meet for criminal court trials. IKAHI should form a synchronous communication between central IKAHI, IKAHI branches, and its members to optimize its purpose such as through Discord and support the idea of IT generalization through the use of GoogleMeet for Criminal Court Trial. Please drop the comments here as the closing statement. This may be the conclusion of the discussion and analysis as well as the recommendations for further research projects.

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