

Sharia Economic Dispute Resolution During Covid-19 Pandemic

Asriani¹, Surono² & Prodid Kumar³

Abstract: *Sharia Economic Dispute Resolution During Covid-19 Pandemic.* The process of resolving a case, especially concerning business disputes, generally runs slowly, drags on, and takes a long time, at least three months. This condition will, of course, burden the litigants, especially in cases where the value of the material claim is small. To overcome this problem, the Supreme Court issued PERMA No. 2 of 2015 in conjunction with PERMA Number. 4 of 2019 which regulates the Settlement of Simple Claims (Small Claim Court). What is meant by Simple Claim Settlement. is a procedure for examining a civil lawsuit with a material claim value of a maximum of 500 million rupiahs. With this regulation, it is hoped that the dispute resolution procedure can be simpler, faster, and less expensive. This study examines the court process for simple lawsuits related to Sharia business cases during the Covid-19 pandemic. The aim is to find out how the court process works and how effective the mechanism is in serving the interests of justice seekers. This research is a qualitative descriptive study using a juridical normative approach. The results showed that during the pandemic, the implementation of the small claim court was carried out using the e-court facility, and has proven to be effective and efficient in serving justice seekers.

Keywords: small claim court, e-Court, sharia economic dispute resolution

Abstrak: *Penyelesaian Sengketa Ekonomi Syariah Selama Pandemi Covid-19.* Proses penyelesaian suatu perkara, khususnya yang menyangkut sengketa bisnis, umumnya berjalan lambat, berlarut-larut dan membutuhkan waktu yang lama, minimal tiga bulan. Kondisi semacam ini sudah barang tentu akan memberatkan pihak-pihak yang berperkara, khususnya dalam perkara yang nilai gugatan materialnya kecil. Untuk mengatasi masalah tersebut, Mahkamah Agung menerbitkan PERMA Nomor. 2 tahun 2015 jo PERMA Nomor. 4 Tahun 2019 yang mengatur tentang Penyelesaian Gugatan Sederhana (*Small Claim Court*). Adapun yang dimaksud dengan Penyelesaian Gugatan Sederhana adalah tata cara pemeriksaan di persidangan terhadap gugatan perdata dengan nilai gugatan material paling banyak 500 juta rupiah, pemeriksaan perkaranya dilakukan dengan tata cara dan pembuktian secara sederhana. Dengan adanya aturan ini diharapkan prosedur penyelesaian sengketa dapat menjadi lebih sederhana, cepat dan biaya ringan. Penelitian ini mengkaji proses pengadilan perkara gugatan sederhana yang berkaitan dengan perkara bisnis syaria'ah selama masa pandemi Covid-19. Tujuannya untuk mengetahui bagaimana proses pengadilan itu berjalan serta seberapa efektif mekanisme itu dalam melayani kepentingan para pencari keadilan. Penelitian ini adalah penelitian deskriptif kualitatif dengan menggunakan pendekatan normatif yuridis. Hasil

¹UIN Raden Intan Lampung

²Universitas Airlangga, Surabaya

³Dhaka University Bangladesh

E-mail: ¹Dr.asriani@gmail.com, ²Surono-2018@pasca.unair.ac.id, ³prodipkumar2687@gmail.com

penelitian menunjukkan bahwa selama masa pandemi, pelaksanaan *small claim court* dilakukan dengan menggunakan fasilitas e-court. Model pengadilan semacam ini terbukti efektif dalam melayani para pencari keadilan kerana lebih sederhana, cepat dan biaya ringan.

Kata kunci: e-Court, penyelesaian gugatan sederhana, penyelesaian sengketa ekonomi syariah

Introduction

The 21st century is an era in which Islamic economics is experiencing rapid and significant development. This development is driven by a conducive environment in the form of a large number of Muslims in the world and their desire to realize a business that is based on sharia principles.¹ Unfortunately, the rapid development of business is also accompanied by negative effects in the form of unfair competition or business disputes due to different views, or non-fulfillment of rights and obligations as stated in the contract. This phenomenon then led to disputes that were increasing day by day in terms of quality and quantity.²

Not all arising disputes are resolved through legal channels/courts. Many parties deliberately resort to out-of-court methods for several reasons, including the complexity of administrative procedures, large court fees, and long settlement times. For ordinary people, or who have never had litigation in court, court procedures are complicated, expensive, and tedious. This obstacle occurs from the stage of preparation of the lawsuit, registration, trial process, obtaining a decision, filing an appeal / cassation, to the stage of executing the court decision. Many justice seekers complain that the costs they have to incur at each stage of the judicial process may be disproportionate to the value of the case submitted. Apart from that, the number of cases that enter and accumulate on the judge's table causes the case settlement time to be longer and protracted because they have to queue first.³ These three reasons have caused many

¹ Andrew Shandy Utama, 'History and Development of Islamic Banking Regulations in the National Legal System of Indonesia', *AL-'ADALAH*, 15.1 (2018), 37–50 <<https://doi.org/http://dx.doi.org/10.24042/al-adalah.v%vi%i.2446>>.

² Thoriqoh Nashrullah Fitriyah, 'Development of Sharia Banking and Its Contributions for the Development of National Banking', *International Journal of Nusantara Islam*, 8.1 (2020), 10–18 <<https://doi.org/10.15575/ijni.v8i1.8532>>.

³ Akhmad Al-Farouqi Sastrowiyono, 'The Pro's And Con's Of Arbitration: A Study

community members to choose to resolve disputes through non-litigation methods because they consider litigation to be ineffective and inefficient.⁴

Among several methods commonly used by justice seekers in seeking out-of-court settlements, one of them is the Alternative Dispute Resolution (ADR) method. Through this method, the disputing parties try to resolve their dispute amicably and in a family manner or by using the prevailing customs.⁵ This method, in some cases, has proven to be effective. However, in many other cases, it is not effective because there are parties who violate the agreements that have been reached, giving rise to new disputes. This happens because the settlement of cases using the ADR method is more voluntary in nature so the parties involved often underestimate the results of their agreements; Apart from that, this method also has a weakness because the legal basis used does not come from formal channels.

The above phenomenon shows that a breakthrough is urgently needed to unravel the three problems that have been wrapped around the judiciary, namely: complicated, time-consuming, and high-cost.⁶ In response to this need, the Supreme Court of the Republic of Indonesia subsequently issued Supreme Court Regulation (PERMA) Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits which offers or introduces simple legal settlements or better known as Small Lawsuits. A simple lawsuit or court lawsuit is a civil lawsuit with a material claim value of a maximum of Rp. 500,000,000.00 (five hundred million rupiahs) which is settled using simple evidence.⁷

Of International Arbitration With Perspective Of Indonesian And Korean Law', *Lex Renaissance*, 4.2 (2019), 231–47.

⁴ Erik S. Knutsen, 'The Cost of Costs: The Unfortunate Deterrence of Everyday Civil Litigation in Canada', *Queen's Law Journal*, 36 (2010), 113 <<https://doi.org/https://ssrn.com/abstract=1667722>>.

⁵ Wahyu Hariadi and Teguh Anindito, 'Alternative Dispute Resolution (ADR) In Law Ii Indonesia', *Jurnal Pendidikan Kewarganegaraan Undiksha*, 8.3 (2020), 172–80 <<https://doi.org/https://ejournal.undiksha.ac.id/index.php/JJPP>>.

⁶ Istijab, 'Penyelesaian Sengketa Tanah Sesudah Berlakunya Undang-Undang Pokok Agraria', *WIDYA YURIDIKA Jurnal Hukum*, 1.1 (2018), 11–23.

⁷ A. Afriana and A. A. Chandrawulan, 'Menakar Penyelesaian Gugatan Sederhana Di Indonesia', *Jurnal Bina Mulia Hukum*, 4.1 (2019), 53–71 <<https://doi.org/http://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/65>>.

Apart from PERMA No. 2/2015, the Supreme Court also issued another regulation specifically aimed at responding to the same needs in the field of Islamic economics and business, namely PERMA No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases in the Religious Courts.⁸ With the issuance of PERMA 14/2016, the settlement of simple claims that were originally regulated in PERMA 2/2015 only applies to a limited extent in civil disputes within the General Courts following the *Lex posterior derogat (legi)* principle. These two types of legal settlements still consider two aspects, namely the effectiveness and efficiency of the law in resolving sharia business disputes, except for matters specifically regulated in the two regulations. In subsequent developments, a simple lawsuit settlement model was born through a new regulation, namely the Regulation of the Supreme Court of the Republic of Indonesia Number 4 of 2019 concerning Procedures for Settlement of Simple Lawsuits, which is an improvement from the previous regulation.⁹ In this way, the case settlement process is expected to run more effectively, and efficiently, and not be protracted, which can harm both parties.¹⁰

Apart from judicial issues, in 2019, the world, including Indonesia, was hit by a disease outbreak known as the Covid-19 Pandemic. This epidemic has spread throughout the world including all corners of the country and has resulted in more than one million people dying, and more than one hundred million people having to be hospitalized. To suppress the increase in the number of sufferers and at the same time to prevent the spread of the epidemic, the government of the Republic of Indonesia has issued various policies. Among the policies are implementing 3T (Testing, Tracing, and Treatment), conducting mass vaccinations, urging the public to carry out all activities at home (working at home, studying at home, and worshiping at home), and maintaining distance (physical distancing) when in contact with others outside the home.

⁸ Umar Dani, 'The Effectiveness Of Administrative Review Indonesia's Administrative Court System', *Prophetic Law Review* 58, 1.1 (2019), 58–73 <<https://doi.org/10.20885/PLR.vol1.iss1.art4>>.

⁹ Abid Farahdinny Siswajanthi, 'Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia', *Palar: Pakuan Law Review*, 7.2 (2021) <<https://doi.org/10.33751/palar.v7i2.3737>>.

¹⁰ Nurhayati, 'Penyelesaian Sengketa Dalam Hukum Ekonomi Islam', *J-HES: Jurnal Hukum Ekonomi Syariah*, 3.1 (2019), 1–11.

The Covid-19 pandemic has paralyzed almost all sectors of human life, from the political, economic, social, and cultural, to the legal and judicial sectors. In this latter sector, the judicial process becomes difficult to carry out because the Government through Government Regulation (PP) no 21/2020¹¹ has limited all community activities and appealed to physical distancing by working, studying, and worshiping at home. The policy that is aimed at preventing the spread of the dangerous virus further affected activities in the justice sector, and rendered court proceedings impossible.

Facing such difficult challenges, the Supreme Court of the Republic of Indonesia enacted a regulation in the form of Supreme Court Regulation (PERMA) Number 1 of 2019 concerning the Procedure of Electronic Cases and Trials. With the enactment of this regulation, the case administration and trial processes that previously ran manually are now turning to automation or the use of the internet through an application called e-court. With the help of this application, the parties who originally had to be physically present at the court building for the settlement of their cases are no longer needed because all stages and processes can be carried out from anywhere via the internet network.¹²

The question now is how does the application work in assisting the administrative and court processes? What are the advantages, as well as disadvantages, that the application has compared to the manual method? What is the contribution of this application to the case resolution process? Is the concept of a small claim court in line with the vision and mission of the judiciary in general? How is this concept applied in resolving Islamic-based business disputes? These questions all require unequivocal answers. For this reason, this research was conducted to obtain an overview of the application of the small claim court concept in the settlement of sharia economic disputes during the COVID-19 pandemic.

¹¹ This Government Regulation regulates Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (COVID-19).

¹² Dedi Putra, 'A Modern Judicial System In Indonesia: Legal Breakthrough Of E-Court And E-Legal Proceeding', *Jurnal Hukum Dan Peradilan*, 9.2 (2020), 275 <<https://doi.org/10.25216/jhp.9.2.2020.275-297>>.

Method

This research is a qualitative, descriptive juridical aimed at obtaining an overview of how the small claim court method is implemented in the process of resolving sharia economic cases in the Religious Courts during the COVID-19 pandemic. This type of study is a literature study using secondary data contained in books, articles, and statutory texts. The data is then analyzed using inductive analysis techniques to get conclusions.

Results and Discussion

1. Legal Framework of Simple Lawsuit Settlement

A legal system, as formulated by Lawrence M. Friedman: "is an actual operation as well as a complex organism in which structure, substance, and culture interact." In other words, a law enforcement process is a system that involves the operation of many components. Viewed from this perspective, the phenomenon of inefficiency in the litigation process should not only be attached to the weakness of the judicial apparatus but also needs to look at other more crucial aspects, namely the obstruction of reforming the substance of formal civil law courts through legislative power.¹³

Apart from the substantive weaknesses inherent in the above judicial institutions, the issuance of the Indonesian Supreme Court Regulation (PERMA) Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits which was later amended through PERMA Number 4 of 2019 concerning Amendments to Supreme Court Regulations, and the issuance of PERMA No. 14 of 2016 which applies within the Religious Courts, has relevance to the legal situation and conditions that continue to develop, and, at the same time, to meet the needs of implementing a judicial practice that is to speed up the process of resolving cases following the principles of justice which are simple, fast, and low cost. Apart from that, all of the PERMA above is also prepared in the context of welcoming

¹³ Andri Winjaya Laksana, 'Law Enforcement Reform on Covid 19 Pandemic: A Necessity or an Innovation?', *Varia Justicia*, 16.2 (2020), 170–82 <<https://doi.org/https://doi.org/10.31603/variajusticia.v16i2.3903>>.

the era of free trade, because in this era Indonesia has been in the spotlight of the international community because it does not have a simple judicial mechanism. The existence of a small claim court mechanism is indeed needed as an indicator of the guarantee of comfort and legal certainty for business actors and investors who invest their capital in Indonesia.

Furthermore, the main purpose of the issuance of the Republic of Indonesia Supreme Court Regulation Number 4 of 2019, in addition to being an amendment to PERMA Number 2 of 2015, is as a way to reduce the volume of cases in the Supreme Court as well as part of efforts to fill legal voids that have never been touched by the HIR/RBg. HIR/RBg does not distinguish procedures for settling civil cases based on material value or category of claims, even though this distinction is very important to respond to the growing number of cases as well as the need for simpler, faster, and cheaper settlement procedures. PERMA can indeed fill various roles, sometimes incarnating as filling legal voids, as a complement to statutory provisions that do not yet have organic regulations, as a means of finding law, or as a source of law for judges in law enforcement practice.¹⁴

The Supreme Court has the authority to determine PERMA based on the provisions stipulated in 3 (three) laws and regulations, namely:

- a. The provisions of Article 79 of Law no. 14 of 1985 concerning the Supreme Court which states "*The Supreme Court can further regulate matters that have not been sufficiently regulated in this law*";
- b. The provisions of Article 4 of Law no. 48 of 2009 concerning Judicial Authority which regulates "*to assist in seeking justice in courts and trying to overcome obstacles and obstacles to realize a simple, fast and cheap trial*"; and
- c. The provisions of Article 8 paragraph (1) of Law no. 12 of 2011 concerning the Establishment of Legislations, which states "*one type of legislation as referred to in Article 7 paragraph (1) is included in the regulations stipulated by the Supreme Court*".

¹⁴ M. Beni Kurniawan, 'Implementation Of Electronic Trial (E-Litigation) On The Civil Cases In Indonesia Court As A Legal Renewal Of Civil Procedural Law', *JHP : Jurnal Hukum Dan Peradilan*, 9.1 (2020).

The provisions in Article 8 paragraph (1) of Law no. 12/2011 above are integrated with the provisions in paragraph (2) which states that the establishment of PERMA by the Supreme Court is recognized as having binding legal force as long as it is ordered by a higher statutory regulation or formed based on its authority. The expression '*has the force of law*' implies that it must be in line with the hierarchy of laws and regulations, and is based on the principle that lower laws and regulations must not conflict with higher laws and regulations. The authority of the Supreme Court in making PERMA a legal void is also limited by law as long as it does not interfere with the regulation of the rights and obligations of citizens in general and does not regulate the nature, strength, and assessment of the evidence.

2. Urgency of Simple Lawsuits Settlement in Sharia Economic Disputes

The development of law in the economic and civil fields in society requires dispute resolution procedures that are simpler, faster, and cheaper. The birth of PERMA which regulates the issue is a form of civil law system reform within the framework of national legal development, as mandated in the 2015-2019 Medium Term Development Plan (RPJMN). Simple and fast case settlement is very beneficial for justice seekers, especially the middle to lower economic class. For that purpose, the small claim court mechanism offers a faster settlement time and verification procedures that are easier and simpler than the settlement in ordinary lawsuits. Such facilities are very much needed in supporting the process of resolving middle to lower-scale business disputes.

Since the issuance of PERMA 2/2015 in mid-2015, the effectiveness of the regulation has begun to appear, although in relatively small amounts. Based on the 2015 MARI Annual Report, the number of simple lawsuit cases that were entered and decided by the District Court was 15 cases. A year later, this figure has increased significantly. It was recorded that in 2016 the number of simple lawsuits that went to court institutions amounted to 754 cases, including the remaining cases in 2015 which amounted to 5 cases. Of all the incoming cases, 630 cases

have been resolved, while the remaining 129 are still waiting / in the process of being resolved.¹⁵

The settlement of small lawsuits in the Religious Courts is carried out based on the provisions of PERMA 14/2016 related to the formal aspects (procedural law) of sharia economics which are the absolute authority of the Religious Courts. The issuance of Law Number 03 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts which was followed by Law Number 21 of 2008 concerning Sharia Banking and that was later confirmed through Constitutional Court Decision Number 93/PUU-X/2012 dated August 29, 2012, has given stronger authority to the Religious Courts to examine and adjudicate disputes in the field of sharia economics. Unfortunately, until now this authority has not been fully implemented because it has not been supported by adequate procedural law aspects.¹⁶ As emphasized by Amran Suadi quoted by Abdullah Gofar, until now there has been no formulation of a comprehensive sharia economic procedural law in Indonesia. This is because the existence of sharia economic law is still relatively new. Ideally, procedural law serves material law, and every development of material law must be followed by adjustments to procedural law. Although there is no support in the form of sharia economic procedural law in the form of certain laws and regulations, the success of the Religious Courts in deciding and resolving several sharia economic cases is a form of acknowledgment of existentialism and public trust in the competence of Religious Court judges. With the issuance of PERMA 14/2016, this will become a new basis for the formal aspects of sharia economic law enforcement, especially in the settlement of simple cases.¹⁷

On the other hand, the rapid growth of the sharia economy, especially on an institutional scale, is an important argument for the prospect

¹⁵ Erna Purnawati, 'Penerapan Gugatan Sederhana (Small Claim Court) Dalam Penyelesaian Perkara Wanprestasi Di Pengadilan Negeri Selong', *JURIDICA : Jurnal Fakultas Hukum Universitas Gunung Rinjani*, 2.1 (2020), 17–40 <<https://doi.org/https://doi.org/10.46601/juridica.v2i1.179>>.

¹⁶ bustamar, 'Small Claim Court Dalam Sistem Peradilan Perdata Di Indonesia', *ALHURRIYAH : Jurnal Hukum Islam*, 1.1 (2016), 85–108.

¹⁷ Abdullah Gofar, 'The Reform of the Procedural Religious Court Law Based on Islamic Law in Indonesian Legal System', *Sriwijaya Law Review*, 1.2 (2017), 114–27 <<https://doi.org/http://journal.fh.unsri.ac.id/index.php/sriwijalaylawreview>>.

of resolving sharia economic cases through the Religious Courts. This settlement covers many areas such as sharia banking, sharia microfinance institutions, sharia insurance, sharia reinsurance, sharia mutual funds, sharia bonds, sharia futures securities, sharia securities, sharia financing, sharia pawnshops, sharia financial institution pension funds, sharia business, including *waqf* (endowment), *zakat* (alms), *infaq* (gifts), and *shadaqah* that is commercial in nature.¹⁸

Institutionally, Islamic Financial Institutions (LKS) have developed significantly and are spread out in the form of banks, non-banks, and Islamic microfinance institutions. Specifically related to Islamic microfinance institutions, in the last decade, there has been a tremendous increase, both in terms of the number of institutions and the number of customers. This is inseparable from the growing public awareness of the benefits and carrying out economic activities through this financial institution. According to Firdaus Djaelani, Chief Executive Officer of OJK's Non-Bank Financial Industry Supervisor, in 2013 it is estimated that the number of LKS in Indonesia is around 567 thousand to 600 thousand units.¹⁹ With such a large number of LKS, the potential for sharia economic disputes is also large.

The number of LKS does not necessarily increase the quantity of sharia economic disputes in religious courts. This is because LKS, particularly Islamic banking, has a non-litigation dispute resolution mechanism which is considered more efficient; while the settlement through the court is usually placed as the last resort. after everything is done. If efforts to resolve the dispute through non-litigation are not successful, then the settlement through litigation is carried out. Concerning this choice, the small claim court mechanism as a formal legal basis for sharia economic law enforcement can be an attraction for sharia business actors to resolve cases through litigation to the religious

¹⁸ Mohamad Nur Yasin, 'The Pluralism Of Islamic Economic Law: Dialectic of Moslem and Non-Moslem in the Development Of Sharia Banking in Indonesia', *Journal Of Indonesian Islam*, 10.1 (2016), 113–38 <<https://doi.org/10.15642/JIIS.2016.10.1.113-138>>.

¹⁹ Imron Mawardi et al., 'Do Indonesian Islamic Microfinance Institutions Need Lender of the Last Resort?', *Al-Uqud : Journal of Islamic Economics*, 4.2 (2020), 235–249 <<https://doi.org/https://doi.org/10.26740/al-uqud.v4n2.p235-249>>.

courts, especially for sharia economic disputes where the material value of the lawsuit is small.²⁰

3. Characteristics of Settlement of Sharia Economic Cases through Simple Procedures

In principle, the procedure for resolving sharia economic cases through a simple procedure is not different from the procedures applicable to the settlement of simple cases in general courts. The difference lies only in the nuances of Islam (Shari'ah) which is the hallmark of sharia economic matters.

The following table details the differences in characteristics between the settlement of simple lawsuits and the settlement of ordinary lawsuits.

Table. 1. Settlement of Simple and Ordinary Lawsuits

ASPECT	SIMPLE LAWSUITS	ORDINARY LAWSUITS
Registration	A lawsuit is filed orally, or in writing in printed/electronic form and it is sufficient to fill out the claim form provided by the officer.	The lawsuit is filed orally or in writing in printed or electronic form but not in the form of a lawsuit but in the form of a letter that meets the formal requirements.
Role of Registrar	Conduct initial verification of the substance and completeness of the claim requirements.	Do not do verification of the substance of the lawsuit, just accepted it
Registration Book	Recorded in a special register of simple lawsuits. Integrated with the master book of lawsuits, not made separately.	The Sharia Economic Case Record Book (RI-PA 12) only functions as a subsidiary book
Claim Material Value	Maximum Rp 500,000,000 (five hundred million Rupiah) for cases of default and unlawful acts (PMH), except for cases resolved through special courts and land disputes.	The material value of the lawsuit is above Rp. 500,000,000 (Five hundred million Rupiah) and without limitation

²⁰ Atharyanshah Puneri, 'Dispute Resolution for Islamic Banks in Indonesia', *IJIEF: International of Journal Islamic Economics and Finance*, 4 (2021) <<https://doi.org/https://doi.org/10.18196/ijief.v4i10.10084>>.

ASPECT	SIMPLE LAWSUITS	ORDINARY LAWSUITS
The number of parties	Plaintiffs and Defendants each cannot be more than one unless they have the same legal interest.	Plaintiffs and Defendants may be more than one, including the presence of a Co-Defendant.
Domicile	The parties are domiciled in the same jurisdiction.	Does not have to be domiciled in the same jurisdiction.
The Defendant's Residence	The defendant's residence must be known.	The residence of the Defendant does not need to be known.
Submission of evidence	Submission of evidence must coincide with the registration of the lawsuit.	Submission of evidence is carried out in the trial process after the argumentation/ refutation session at the answer-and-answer stage is complete.
Judge	The Case Examiner is the Sole Judge.	The case examiner is the panel of judges
Attendance of the Parties at the hearing	The parties must be present in a person with or without legal representation.	If the litigation has given power of attorney, the parties are not required to attend in person and the lawyer/ advocate is free to issue opinions/ statements to defend the case.
Preliminary Examination (Dismissal)	There is a preliminary examination by a single judge to assess whether the suit's qualifications are simple or not.	There is no preliminary examination, all examinations are carried out during the trial process
Mediation	There is no mediation, only peace efforts.	There is mediation, and mediation is very important
Investigation of Cases	If reconciliation is not reached on the day of the first trial, the trial will continue only with the reading of the lawsuit and answers.	In addition to the reading of the claim and its response, a claim may also be filed for provisions, exceptions, conventions, interventions, replicas, duplications, or conclusions.
The Deadline	Completion of Lawsuits is 25 days from the day of the first trial	5 months

ASPECT	SIMPLE LAWSUITS	ORDINARY LAWSUITS
Legal Efforts	File an objection to the chairman of the Constitutional Court who decides the case	Verzet, appeal, cassation, reconsideration
Courts that have the authority to examine	Only the Court of First Instance and there are no other legal remedies, except for objections submitted to the Head of the Court who decides the case	In addition to the courts of the first instance, there is also the Religious High Court (Appeal) and the Supreme Court (cassation and PK).
Notice of the parties' right to file legal remedies	Mandatory	Not Mandatory

4. Flow of Simple Lawsuit Settlement in Sharia Economic Cases

Settlement of civil disputes in court can be reached by several mechanisms, namely the settlement of ordinary claims and the settlement of simple claims (small claim courts). In sharia economic cases, the flow of a simple lawsuit settlement is no different from the flow of a simple lawsuit settlement in a general court, both from the aspect of activity and the required period. According to the provisions of Article 5 paragraph 2 of Perma 2/2015 jo. Article 3 paragraph 3 of Perma 14/2016, the stages of settlement of simple lawsuits, including in this case lawsuits in the field of sharia economics, include 1) Case registration; 2) Examination of the completeness of the lawsuit; 3) Determination of Judges and Appointment of Substitute Registrars; 4) Preliminary Examination; 5) Determination of Session Day and summons of the parties. 6) Court hearings and reconciliation; 7) Evidence; 8) Verdict.²¹

²¹ Isnawati Rais, 'The Settlement of Joint Property in Religious Courts of Indonesia (A Case in the Religious Court Of South Jakarta)', *AL-ADALAH*, 15.2 (2018), 244–62 <<https://doi.org/http://dx.doi.org/10.24042/adalah.v%vi%i.2484>>.

5. Implementation of the Small Claim Court during the Covid-19 Pandemic.

On August 19, 2019, the Supreme Court issued PERMA NO. 1/2019 which regulates the Procedure of Cases and Electronic Trials. This PERMA replaces and simultaneously revokes PERMA Number 3 of 2018 concerning Electronic Case Administration and at the same time serves as a legal umbrella for the application of e-Court applications. Since then, e-Court or administration and electronic courts have been implemented in all lines of the judiciary and are an innovation within the Supreme Court of the Republic of Indonesia.

Not long after the PERMA was published, Indonesia was attacked by the Covid-19 outbreak which caused almost all community activities to be paralyzed. To suppress the spread of the epidemic, the Government further enforced a policy of physical distancing and urges the public not to move outside the home but to stay at home and carry out all work, study, and worship activities at home. The impact of this policy is that all community activities have stalled, some even almost stopped, which then caused drastic changes in social relations.

On the other hand, the judiciary, which has the function of providing public services, inevitably has to keep up with the drastic developments and social changes. So that the needs of justice seekers can be channeled, as well as the function of the judiciary as a legal service institution can continue, the Supreme Court then chooses to use the e-court application as the best solution. With the issuance of this policy, the process of administration of cases and trials that previously ran conventionally has now shifted to the world of the internet (online). This policy was immediately followed up by several institutions in the judicial sector, for example, the North Jakarta District Attorney who conducted an e-Court trial together with the North Jakarta District Court and the Cipinang Detention Center. Here, the Prosecutor and Judge remain in the courtroom, while the defendant is not presented in court but remains in the detention house. Further communication is done through online video media.

The e-Court application is very helpful in providing services to justice seekers because they can file or register their cases from home without

having to go to the court office. So, people will be able to save time and money. The electronic justice system can be applied in all stages of the judicial process. Starting from case registration, determining the cost of summons, attending court, replicating mechanisms, and duplicating. Submission of written evidence, and submission of witnesses, all carried out by teleconference, even to the stage of delivering conclusions, reading decisions, and taking copies of decisions can all be done without having to meet physically.

So that the reader can clearly understand how the judicial process takes place at each stage, the following will provide a detailed explanation.

a. Case Registration (e-Filing);

Online case registration in the e-Court application is opened only for types of lawsuit registration, rebuttal, simple lawsuit, and application. This case registration is a type of case that is registered in the General Courts, Religious Courts, and State Administrative Courts which in its registration requires more effort or energy, and this is the reason for the creation of an e-Court, one of which is the ease of doing business. The advantages of online case registration through the e-Court application include; saving time and money in the case registration process because justice seekers do not have to go to court, advance payment of fees can be made through multi-channel channels or from various payment methods, and banks, documents are properly archived and can be accessed from various locations and media, and faster data collection process.²²

b. Payment of Fees (e-Payment);

In terms of registration fees, registered users (advocates) and other users (other than advocates) will immediately get a SKUM which is generated electronically by the e-Court application. In that process, the fee will be calculated and determined based on what components are required and configured by the court. The fee radius is also

²² Sahira Jati Pratiwi, Steven, and Adinda Destaloka Putri Permatasari, 'The Application of E-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems', *Indonesian Journal of Advocacy and Legal Services*, 2.1 (2020), 39–56 <<https://doi.org/10.15294/ijals.v2i1.37718>>.

determined by the chairman of the court so that the estimated down payment fee calculation has been calculated in such a way and produces an electronic SKUM or e-SKUM. Both registered users and other users after getting an estimated down payment or e-SKUM will get a payment number (Virtual Account) as a virtual account for payment of the down payment fee.

c. Electronic Call (e-Call);

Calls are made using e-Court. The calls to registered users/other users will be made or made electronically sent to the electronic domicile address (e-mail) of registered users/other users., For the defendant, however, the first summons is to be done manually and when the defendant is present at the first hearing (before the reading of the lawsuit) approval will be asked whether he agrees to be summoned electronically or not, if he agrees then the defendant will be summoned electronically according to the electronic domicile (e-mail). mail) given and if he/she does not agree, the call is done manually as usual. Meanwhile, registered users (defendants represented by lawyers) must be summoned electronically.²³

d. Electronic Litigation (e-Litigation);

After registered users/other users receive calls electronically, the e-Court application also supports electronic court proceedings so that trial documents such as replicas, duplicates, conclusions, and or answers can be sent electronically that can be accessed both by the court and the parties.

The application of the e-Court application during the outbreak of the Coronavirus is in line with the principles of people's safety and welfare which is the main goal of the state. As written in the 4th Paragraph of the Preamble to the 1945 Constitution, the Indonesian Government must guarantee the protection of the entire Indonesian people. In line with the purpose, the application of e-Court is very

²³ Heru Sugiyono and Sartika Dewa Shera, 'An Application of Open to Public Principles in Electronic Trial Through E-Litigation', *International Journal of Multicultural and Multireligious Understanding*, 7.3 (2020), 119–31 <[https:// doi.org/http://dx.doi.org/10.18415/ijmmu.v7i3.1559](https://doi.org/http://dx.doi.org/10.18415/ijmmu.v7i3.1559)>.

relevant to the period of preventing the spread of the Coronavirus which refers to the principle of people's safety which is the highest law (*Salus Populi suprema lex esto*).²⁴

Moreover, the electronic justice system can also increase public trust in judicial institutions, because it limits direct interaction between users of judicial services and judges as well as other court officials, to minimize the possibility of ethical deviations or legal violations. The electronic justice system (e-Court), along with the small claim court mechanism, has also helped resolve various sharia business dispute cases while reducing the pile of cases that have not been resolved for a long time through ordinary lawsuits settlements.²⁵

Conclusion

Based on the description that has been presented previously, it can be concluded that the implementation of electronic litigation in court during the Covid-19 pandemic has been running effectively and efficiently. The use of the e-Court application is also confirmed to be able to answer the main complaints of the community, especially those related to administrative issues, time, and cost because through e-Court, the judicial process can be completed more quickly, effectively, transparently, and at a low cost. Apart from that, the implementation of the electronic trial also does not require the physical presence of the parties and can accommodate the entire trial process and minimize errors in preparing the minutes of the trial process. In addition, the electronic justice system (e-Court) combined with the small claim court mechanism has also helped resolve various sharia business dispute cases, while reducing the pile of cases that have not been resolved for a long time.

²⁴ Elya Kusuma Dewi and Adhi Putra Satria, 'CRITICISM OF HELPING MECHANISM FOR CONFIRMED COVID-19 PATIENTS IN MAJALENGKA DISTRICT', *De Jure : Jurnal Ilmiah Ilmu Hukum*, 2.2 (2021), 30–38.

²⁵ Efa Laela Fakhriah, 'MEKANISME SMALL CLAIMS COURT DALAM MEWUJUDKAN', *MIMBAR HUKUM*, 25.2 (2013), 258–70.

Bibliography

- Abdullah Gofar, 'The Reform of the Procedural Religious Court Law Based on Islamic Law in Indonesian Legal System', *Sriwijaya Law Review*, 1.2 (2017), 114–27 <<https://doi.org/http://journal.fh.unsri.ac.id/index.php/sriwijalaylawreview>>
- Abidah, A, H N Hidayatullaah, R M Simamora, D Fehabutar, and L Mutakinati, 'The Impact of Covid-19 to Indonesian Education and Its Relation To the Philosophy of "Merdeka Belajar"', *Studies in Philosophy of Science and Education (SiPoSE)*, 1.1 (2020), 38–49 <[https://doi.org/Journal homepage: http://scie-journal.com/index.php/SiPoSE](https://doi.org/Journal%20homepage%3A%20http%3A%2F%2Fscie-journal.com%2Findex.php%2FSiPoSE)>
- Afriana, A., and A. A. Chandrawulan, 'Menakar Penyelesaian Gugatan Sederhana Di Indonesia', *Jurnal Bina Mulia Hukum*, 4.1 (2019), 53–71 <<https://doi.org/http://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/65>>
- Afriana, Anita, and An An Chandrawulan, 'Menakar Penyelesaian Gugatan Sederhana Di Indonesia', *Jurnal Bina Mulia Hukum*, 4.1 (2019), 53–71 <<https://doi.org/10.23920/jbmh.v4n1.4>>
- Andri Winjaya Laksana, 'Law Enforcement Reform on Covid 19 Pandemic: A Necessity or an Innovation?', *Varia Justicia*, 16.2 (2020), 170–82 <<https://doi.org/https://doi.org/10.31603/variajusticia.v16i2.3903>>
- Atharyanshah Puneri, 'Dispute Resolution for Islamic Banks in Indonesia', *IJIEF: International of Journal Islamic Economics and Finance*, 4 (2021) <<https://doi.org/https://doi.org/10.18196/ijief.v4i0.10084>>
- Bustamar, 'Small Claim Court Dalam Sistem Peradilan Perdata Di Indonesia', *ALHURRIYAH : Jurnal Hukum Islam*, 1.1 (2016), 85–108
- Dani, Umar, 'The Effectiveness Of Administrative Review In Indonesia's Administrative Court System', *Prophetic Law Review* 58, 1.1 (2019), 58–73 <<https://doi.org/10.20885/PLR.vol1.iss1.art4>>
- Dewi, Elya Kusuma, and Adhi Putra Satria, 'Criticism Of Helping Mechanism For Confirmed covid-19 Patients In Majalengka District', *De Jure : Jurnal Ilmiah Ilmu Hukum*, 2.2 (2021), 30–38
- Fakhriah, Efa Laela, 'Mekanisme Small Claims Court Dalam Mewujudkan', *MIMBAR HUKUM*, 25.2 (2013), 258–70

- Farahdinny Siswajanthy, Abid, 'Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia', *Palar: PAKUAN LAW REVIEW*, 7.2 (2021) <<https://doi.org/10.33751/palar.v7i2.3737>>
- Fitriyah, Thoriqoh Nashrullah, 'Development of Sharia Banking and Its Contributions for the Development of National Banking', *International Journal of Nusantara Islam*, 8.1 (2020), 10–18 <<https://doi.org/10.15575/ijni.v8i1.8532>>
- Hariadi, Wahyu, and Teguh Anindito, 'Alternative Dispute Resolution (ADR) In Law Ii Indonesia', *Jurnal Pendidikan Kewarganegaraan Undiksha*, 8.3 (2020), 172–80 <<https://doi.org/https://ejournal.undiksha.ac.id/index.php/JJPP>>
- Hazel, Diane R, 'Litigating with Class: Considering a Potentialframework for Class Actions in Namibia', *Namibia Law Journal*, 6.1 (2014)
- Istijab, 'Penyelesaian Sengketa Tanah Sesudah Berlakunya Undang-Undang Pokok Agraria', *WIDYA YURIDIKA Jurnal Hukum*, 1.1 (2018), 11–23
- Knutsen, Erik S., 'The Cost of Costs: The Unfortunate Deterrence of Everyday Civil Litigation in Canada', *Queen's Law Journal*, 36 (2010), 113 <<https://doi.org/https://ssrn.com/abstract=1667722>>
- M. Beni Kurniawan, 'Implementation Of Electronic Trial (E-Litigation) On The Civil Cases In Indonesia Court As A Legal Renewal Of Civil Procedural Law', *JHP : Jurnal Hukum Dan Peradilan*, 9.1 (2020)
- Mawardi, I., T. Widiastuti, M. U. Al Mustofa, and A. Prasetyo, 'Do Indonesian Islamic Microfinance Institutions Need Lender of the Last Resort?', *Al-Uqud : Journal of Islamic Economics*, 4.2 (2020), 235–249 <<https://doi.org/https://doi.org/10.26740/al-uqud.v4n2.p235-249>>
- Nurhayati, 'Penyelesaian Sengketa Dalam Hukum Ekonomi Islam', *J-HES : Jurnal Hukum Ekonomi Syariah*, 3.1 (2019), 1–11
- Pratiwi, Sahira Jati, Steven, and Adinda Destaloka PutriPERMATasari, 'The Application of E-Court as an Effort to Modernize the Justice Administration Indonesia: Challenges & Problems', *Indonesian Journal of Advocacy and Legal Services*, 2.1 (2020), 39–56 <<https://doi.org/10.15294/ijals.v2i1.37718>>
- Purnawati, Erna, 'Penerapan Gugatan Sederhana (Small Claim Court)

- Dalam Penyelesaian Perkara Wanprestasi Di Pengadilan Negeri Selong', *JURIDICA : Jurnal Fakultas Hukum Universitas Gunung Rinjani*, 2.1 (2020), 17–40 <<https://doi.org/10.46601/juridica.v2i1.179>>
- Putra, Dedi, 'A Modern Judicial System In Indonesia: Legal Breakthrough Of E-Court And E-Legal Proceeding', *JURNAL HUKUM DAN PERADILAN*, 9.2 (2020), 275 <<https://doi.org/10.25216/jhp.9.2.2020.275-297>>
- Rais, Isnawati, 'The Settlement of Joint Property in Religious Courts of Indonesia (A Case in the Religious Court Of South Jakarta)', *AL-'ADALAH*, 15.2 (2018), 244–62 <<https://doi.org/http://dx.doi.org/10.24042/adalah.v%vi%i.2484>>
- Sastrowiyono, Akhmad Al-Farouqi, 'The Pro's And Con's Of Arbitration: A Study Of International Arbitration With Perspective Of Indonesian And Korean Law', *Lex Renaissance*, 4.2 (2019), 231–47
- Sugiyono, Heru, and Sartika Dewa Shera, 'An Application of Open to Public Principles in Electronic Trial Through E-Litigation', *International Journal of Multicultural and Multireligious Understanding*, 7.3 (2020), 119–31 <<https://doi.org/http://dx.doi.org/10.18415/ijmmu.v7i3.1559>>
- Susanto, Yoghi Arief, 'Tinjauan Prinsip Ekonomi Islam Terhadap Gugatan Sederhana Pada Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama', *Al-Syakhsiyah*, 2.1 (2021), 73–89
- Utama, Andrew Shandy, 'History and Development of Islamic Banking Regulations in the National Legal System of Indonesia', *AL-'ADALAH*, 15.1 (2018), 37–50 <<https://doi.org/http://dx.doi.org/10.24042/adalah.v%vi%i.2446>>
- Wibowo, S., & Wijaya, M., 'Implementation of the Small Claims Court in Dispute Case Settlement in Indonesia', *Lex Scientia Law Review*, 5.1 (2021), 165–78 <<https://doi.org/10.15294/lesrev.v5i1.42859>>
- Yasin, Mohamad Nur, 'The Pluralism Of Islamic Economic Law: Dialectic of Moslem and Non-Moslem in the Development Of Sharia Banking in Indonesia', *JOURNAL OF INDONESIAN ISLAM*, 10.1 (2016), 113–38 <<https://doi.org/10.15642/JIIS.2016.10.1.113-138>>