

The Implementation of the Republic of Indonesian Supreme Court Regulation Number 3 of 2022 Concerning Electronic Mediation in Court: A Case Study

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ABSTRACT: The current development and progress of communication and information technology has prompted the *Lubuk Pakam* District Court to change the mediation implementation system which was originally carried out manually to electronic mediation as regulated in *Perma* Number 3 of 2022. In the implementation of this electronic mediation, problems are still found, due to obstacles from inside or outside the court. This is what drives researchers to conduct research. Formulation of the problem of how to implement *Perma* and what are the obstacles and how to overcome obstacles in implementing this *Perma*. The purpose of this research is to find out the implementation of *Perma* and find out the obstacles and how to overcome these obstacles. The methodology in this study uses an empirical juridical approach where research is carried out directly through interviews with research objects in the field, then connected with secondary data. Results and discussion, *Perma* has been implemented at the *Lubuk Pakam* District Court, but not yet fully because there are obstacles such as online mediation carried out by agreement of the parties, there are no internet-based mediation facilities, the internet network is unstable, judge mobility high etc. Conclusion *Perma* has been implemented at the *Lubuk Pakam* District Court, but it has not been maximized, due to several obstacles.

Keywords: barriers, mediation, overcoming barriers, electronic mediation, perma implementation.

I. INTRODUCTION

World society in general and Indonesia in particular, are currently living in the development of science and advances in information and communication technology in the era of the industrial revolution 4.0, even society 5.0. The development of information and communication technology has encouraged digital transformation that has changed the industrial order [6]. With this technology, humans can find solutions to problems of social life more easily and quickly, and physical work can be replaced more easily through cyberspace. This phenomenon eventually builds an idea about technology and humans living side by side to create a more valuable life. If the Industrial Revolution 4.0 places technology only as a machine or tool to access information, Society 5.0 emphasizes that technology and its functions have become part of human life [4]. The district court which is one of the places where people seek justice and the exercise of judicial power within the scope of general justice, which has the authority to examine, try and decide on civil and criminal cases at the first level, has now become a modern judiciary using information technology [8]. In carrying out its functions, the court needs tools and infrastructure that support the implementation of law enforcement and justice, and one of these tools is a judge, who can carry out his role as a driving force for the disputing parties to resolve their cases through the path of peace [2].

The panel of district court judges, before examining, adjudicating and deciding the main case, is first required to seek peace for the parties to the dispute, by conducting mediation as stipulated in the Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Court

(Rosalina,2022).The implementation of mediation in the Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 is carried out manually, by bringing together the parties to the dispute. According to Rachmadi Usmani, besides through litigation (court proceedings), dispute resolution can also be achieved through non-litigation avenues (outside the court), commonly referred to as Alternative Dispute Resolution (ADR) in the United States and typically known as Alternative Dispute Settlement (APS) in Indonesia (Usmani, 2021).Fundamentally, the mediation process is considered closed, unless the parties desire otherwise. This means that if the parties wish for the mediation process to be open, it may be attended by individuals who are not related to the case.

According to Article 4 (1) of Supreme Court Regulation No. 1 of 2016, the types of cases that must undergo mediation are all civil disputes submitted to the court, including cases of opposition (verset) against default judgments and opposition by litigating parties (party verset) or third parties (deaden verset) against the execution of legally binding court decisions. Prior to pursuing legal proceedings, resolution through mediation must be attempted, unless otherwise specified by this Supreme Court Regulation. The disputes exempted from the obligation to be resolved through mediation, as stipulated in Article 4 Paragraph (2) of Supreme Court Regulation No. 1 of 2016, include (a) disputes whose resolution timeframe is determined in the trial, including, among others: disputes settled through Commercial Court procedures, disputes settled through Industrial Relations Court procedures, objections to decisions of the Business Competition Supervisory Commission, objections to decisions of the Consumer Dispute Resolution Body, applications for the annulment of arbitration decisions, objections to decisions of the Information Commission, resolution of political party disputes settled through simple lawsuit procedures; and other disputes whose trial determination timeframe is stipulated in statutory regulations. (b) Disputes where the examination is conducted without the presence of the plaintiff or defendant who has been duly summoned. (c) Counterclaims (reconvention) and the entry of third parties into a case (intervention). (d) Disputes concerning the prevention, rejection, annulment, and validation of marriage.

Disputes submitted to the Court after attempting resolution outside the Court through Mediation with the assistance of certified Mediators registered with the local Court but declared unsuccessful based on a statement signed by the parties and the certified Mediator.Farid Wajdi (2023) also mentions the same, which is disputes exempted from the obligation of resolution through mediation, including:

- Disputes settled through commercial court procedures.
- Disputes settled through industrial relations court procedures.
- 3.Objections to the decision of the Business Competition Supervisory Commission (KPPU).
- Objections to the decision of the Consumer Dispute Resolution Board (BPSK).
- Applications for the annulment of arbitration decisions.
- Objections to the decision of the Information Commission.
- Resolution of political party disputes.
- Disputes settled through the procedure of simple lawsuits.
- Other disputes whose trial determination timeframe is stipulated in statutory regulations.
- Disputes where the examination is conducted without the presence of the plaintiff or defendant who has been duly summoned.
- Counterclaims (reconvention) and the entry of third parties into a case (intervention).
- Disputes concerning the prevention, rejection, annulment, and validation of marriage.
- Disputes submitted to the court after attempting resolution outside the court through mediation with the assistance of certified Mediators registered with the local court. However, mediation is declared unsuccessful based on a statement signed by the parties and the certified Mediator.

In line with the development and progress of science, technology and information, it is felt that the implementation of conventional mediation does not realize the administration of simple, fast and low-cost justice and does not provide greater access to the parties in resolving disputes, so that the Supreme Court

issues a Supreme Court Regulation of the Republic of Indonesia Number 3 of 2022 concerning Mediation in Courts Electronically (hereinafter referred to as Perma No.3 of 2022). Article 3 of the Perma states that: "Electronic mediation is an alternative procedure for mediation in court, in the event that the parties wish to carry out the mediation process using electronic means". This electronic mediation is one way to resolve disputes outside the court or alternative dispute resolution. Mediation in court electronically is also implemented in the *Lubuk Pakam* Class IA District Court, giving rise to the problem of how to implement Perma No.3 of 2022 at the *Lubuk* District Court Pakam, what obstacles are faced and how to overcome these obstacles.

II. LITERATURE REVIEW

Mediation is initially regulated in Article 154 of the *Rechtsreglement voor de Buitengewesten* (R.Bg) and Article 130 of the *Herziene Indonesisch Reglement* (HIR), paragraph 1 of which states: 'If, on the appointed day, both parties are present, then the court, through the chairman of the session, attempts to reconcile them.' Article 154 R.Bg/130 HIR is known as the institution of 'dading' or the peace institution. Subsequently, mediation is regulated by Supreme Court Regulation No. 2 of 2003, which has been replaced by Supreme Court Regulation No. 1 of 2008, and most recently regulated in Article 1 Number 1 of Supreme Court Regulation No. 1 of 2016. With the advancement of information technology, electronic mediation is regulated in Supreme Court Regulation No. 3 of 2022. According to Clipper W. Moore quoted by Deliza Ratman [3], mediation is a problem that can be assisted in its resolution by a third party and can be accepted by both parties, fair and impartial, and does not have the authority to make decisions, but accelerates the disputing parties to reach a joint decision on the disputed issue [3]. The advantage of mediation is that it allows parties to resolve disputes through fair, voluntary, and mutually beneficial agreements. Based on the place of implementation, mediation is divided into 2 types: mediation in court, where parties filing their case in court are required to undergo mediation procedures before the substantive examination of the case, and mediation outside the court, where a peace agreement is made by the parties with the assistance of a certified mediator. The principles in conducting mediation are to maintain the confidentiality of the parties, neutrality, non-judicial, voluntariness, time efficiency, cost efficiency, and others."

III. MATERIALS AND METHODS

Which method used in this research is to use an empirical normative approach, namely by collecting data not only from the literature, but also data in the field, by communicating or interviewing the community [7]. Interviews were conducted with 25 respondents consisting of 1 (one) head of the *Lubuk Pakam* District Court, 9 judges with certified mediators, 5 certified mediators, 5 disputing parties, and 5 advocates. The data used are primary data and secondary data. The data obtained in this study will be analysed qualitatively and quantitatively. Qualitative analysis is to describe the data using sentences that discuss and describe the existing problems, and quantitative analysis is to analyse the data that has been collected presented in the form of tabulations by including numbers so that between one data and other data the correlation relationship can be seen [7]. The theoretical framework used to analyse the data is Merilee S. Grindle's Policy Implementation Theory. The success of implementation according to Merilee S. Grindle is influenced by 2 (two) major variables, namely the first is the content of the policy and the second is the context of implementation [1].

IV. FINDINGS AND DISCUSSION

1. IMPLEMENTATION OF PERMA NO. 3 OF 2022 AT THE LUBUK PAKAM DISTRICT COURT

There were 22 respondents who gave agreed and good responses to the question how about the existence of this *Perma*, on the grounds that it has advantages, namely it is useful to help save time and costs, facilitates the process of settling cases outside of litigation, facilitates the implementation of the mediation process

because of virtual space, can be carried out anywhere, support the implementation of simple, low-cost justice based on increasingly advanced technology and information for the realization of modern justice, assisting services to the community where people are not required to attend court, mediation can run more efficiently, transparently and accountably, opening wider access to the parties in the settlement of civil cases. Whereas 3 respondents responded to the existence of the *Perma*, disagreed, because there was a shortage of *Perma*, namely the *Perma* had not been implemented properly, and was difficult to implement, and in terms of effectiveness, success still needs to be considered, because it relates to the use of technological information facilities. Furthermore, on the question whether the *Perma* had been implemented, there were 5 respondents who answered that it had been partially implemented, and 20 respondents who answered that it had not been implemented.

According to the Big Indonesian Dictionary, the notion of implementation is the application or implementation. Muhammad Joko Susila, giving the meaning of implementation is an application of concept ideas, policies or innovations in a practical action so that it gets an impact, both in the form of changes in knowledge, skills and attitudes (Fathurrohman, 2012). Daniel A. Mazmanian and Paul A. Sabatier explain the meaning of implementation, namely the implementation of basic policy decisions, usually in the form of laws, but can also be in the form of orders or important executive decisions or decisions of the judiciary. Typically, the decision identifies the problem to be addressed, explicitly states the goals or objectives to be achieved, and various ways to structure or regulate the implementation process [9]. Then Van Meter Van Horn states policy implementation is: "Actions carried out by government and private individuals (and groups) directed at achieving the goals and objectives that have been set". Policy implementation is in principle a way for a policy to achieve its goals. *Perma* is one of the government's policies in the form of a supreme court regulation made to regulate the implementation of electronic mediation in the court environment. In discussing the problems in this paper, the theory of policy implementation by Merilee S. Grindle. Based on the results of interviews with 25 respondents about how this *Perma* existed, there were 16 respondents (64%) who gave an agreeable and good opinion, as shown in table 1 below.

Table 1. Agreed Opinions Regarding the Existence of *Perma* No. 3 of 2022

No	Respondents	Opinion	Amount	%
1	Judge certified mediator	Agree and Good	9	36
2	Certified mediator	Agree and Good	3	12
3	Disputing parties	Agree and Good	1	4
4	Advocate	Agree and Good	3	12
	Amount		16	64

From table 1 above, it can be explained that there are 16 respondents (64%) who are of the opinion that they agree and are good about the existence of this *Perma* in court, especially in the *Lubuk Pakam* Class IA District Court, which consists of 9 respondent judges who are certified mediators (36%), 3 certified mediators (12%), then the disputing parties amounted to 1 (4%), and 3 advocate respondents (12%). Based on the results of the interviews, the reasons for these 16 respondents (64%) were of the opinion that they agreed and were good about the existence of *Perma*. This, because it has advantages as shown in table 2 below.

Table 2. Respondents' reasons for agreeing (good) on the existence of *Perma*

No.	Reasons Agree on the Existence of <i>Perma</i>
1.	Can save time and cost
2.	Facilitating the out of court case settlement process
3.	Simplify the implementation of the mediation process, because of the virtual space
4.	Can be implemented anywhere

5. Supporting the implementation of a simple, low-cost judiciary based on technology and increasingly advanced information for the realization of a modern judiciary
6. Helping services to the community where people are not obligated to appear in court
7. Mediation can run more efficiently, transparently and accountably
8. Opening wider access to parties in settlement of civil cases
9. *Win-Win Solution*

Furthermore, from the 25 respondents who were interviewed, there were 9 respondents (36%) who disagreed with the existence of this *Perma*, as shown in table 3 below.

Table 3. Opinions Disagree About the Existence of *Perma* No.3 of 2022

No.	Respondents	Opinion	Amount	%
1.	Judge certified mediator	Don't agree	1	4
2.	Certified mediator	Don't agree	2	8
3.	Disputing parties	Don't agree	4	16
4.	Advocate	Don't agree	2	8
	Amount		9	36

Based on table 3 above, it can be explained that there were 9 respondents (36%) who disagreed existence of *Perma*, consisting of 1 respondent certified mediator judge (4%), 2 certified mediators (8%), 4 respondents from the disputing parties (16%), and 2 advocate respondents (8%). The 9th reason (36%) of these respondents did not agree, for the existence of *Perma*, because it has deficiencies which can be seen in table 4 below.

Table 4. Respondents' reasons for disagreeing with the existence of *Perma*

No.	Reasons for Respondents Disagree
1	<i>Perma</i> has not been implemented properly, and is difficult to implement, because there are no adequate facilities and infrastructure
2	Many people do not understand technology
2	In terms of effectiveness, success still needs to be considered, because it is related to the use of information technology facilities
3	There is no budget (cost) that is good enough for the community, certified mediators, or court agencies.
4	Don't Know About <i>Perma</i> Content

Furthermore, it was also asked to 25 respondents whether the *Perma* has been implemented at the *Lubuk Pakam* Class IA District Court, then there were 5 respondents (20%) who gave answers that had been partially implemented (see table 5) and 20 respondents (80%) (see table 6) gave answers that had not been implemented, as contained in tables 5 and 6 below.

Table 5. Implementation of *Perma* No. 3 Year 2022

No.	Respondent	Description	Amount	%
1.	Judge certified mediator	Already Part	3	12
2.	Certified mediator	Already Part	1	4
3.	Disputed parties	Already Part	0	0
4.	Advocate	Already Part	1	4
	Amount		5	20

Based on table 5 above, it can be explained, from the 25 respondents who were asked, whether the *Perma* had been implemented in the District Court *Lubuk Pakam* Class IA, then overall there were 5 respondents (20%), who answered yes but only part of them, consisting of 3 certified mediator judge respondents (12%), 1 certified mediator (4%), 1 advocate (4%), while respondents of the disputing parties gave blank answers or

did not answer. This is because the implementation of the *Perma* which regulates the implementation of mediation in court electronically is left to the agreement of the disputing parties. If one party or both parties disagree, electronic mediation in court cannot be carried out. Furthermore, 20 respondents (80%) gave the answer that the *Perma* had not been implemented as shown in table 6 below.

Table 6. Not Yet Implemented *Perma* No.3 of 2022

No.	Respondents	Information	Amount	%
1.	Judge certified mediator	Not yet	7	28
2.	Certified mediator	Not yet	4	16
3.	Disputing parties	Not yet	5	20
4.	advocate	Not yet	4	16
	Amount		20	80

This *Perma* has not yet been implemented at the *Lubuk Pakam* Class IA District Court, due to several obstacles. According to Merilee S. Grindle, a policy or regulation has been implemented or not, it can be seen from 2 (two) major variables, which affect the success of implementation, namely the variable content of the policy (content of policy), and implementation environment variables. The content of policy variables includes,

- The extent to which the interests of the target group are included in the content of the policy;
- Types of benefits received by the target group;
- The extent of the desired change from a policy;
- Whether a policy has mentioned the implementor in detail;
- Whether a program is supported by adequate resources.

Meanwhile, the policy environment variables include:

- How much power, interests, and strategies are owned by the actors involved in implementing the policy;
- Characteristics of institutions (institutions) and regimes in power (rulers);
- Level of compliance and responsiveness (responsiveness) of the target group [1].

Thus, in terms of policy content variables, the successful implementation of the *Perma* will be described in terms of 5 things, namely,

1.1. To what extent are the interests of the target group or contained in the content of the policy

This *Perma* regulates the interests of the target group of justice seekers in court. The *Perma* was issued to create a modern, information technology-based judiciary, which is one of the prerequisites for realizing a simple, fast and low-cost judiciary, as well as an effort to increase access to justice. confidential, effective, safe and accessible. The voluntary principle in carrying out electronic mediation is mandatory based on the mutual will of the disputing parties. In carrying out electronic mediation, the parties to the dispute are first asked whether they agree or not, mediation is carried out electronically. If the parties agree, mediation is carried out electronically, and vice versa if one party disagrees, then mediation is not carried out electronically, but manually or face to face. The principle of secrecy obliges the parties, mediators, and other parties related to the electronic mediation process to keep everything that happens in the meeting and the transmission and storage of electronic documents confidential. The mediator and the parties are also prohibited from taking photos and audio recordings, during the electronic mediation meeting. After the mediation has been completed, all mediation documents must be destroyed. Thus, what happened, whether agreed or not agreed, is kept confidential and only certain parties know about it. The effective principle

prioritizes optimizing the utilization of electronic mediation support resources that are effective according to needs. The principle of security means to guarantee the integrity of the availability, authenticity and non-denial of information technology resources that support the implementation of electronic mediation. The principle of affordable access is intended to guarantee the convenience of the parties in obtaining and using applications that consider internet network access and its financing for organizing electronic mediation.

Furthermore, if the parties agree that mediation will be carried out electronically, then the parties to the dispute are given the opportunity to choose a mediator who is on the list of mediators at the court, (in this case the *Lubuk Pakam* District Court), then the judge examining the case issues a determination to appoint a mediator and an order to carry out electronic mediation, and notifies the mediator through the substitute clerk. After the issuance of the determination of the appointment of the mediator, the *Perma* states that the mediator verifies the identities of the parties and submits a proposal to determine an electronic application that can be used in meetings and sending electronic documents, and the determination of this application is made in a written agreement. Furthermore, electronic mediation meetings are held in the virtual space that is in the agreed application, and provided by the mediator, while the application costs in terms of providing virtual space are borne by the disputing parties. This mediation meeting, which is carried out electronically, can be changed to manual or face-to-face, provided that there is an agreement between the two parties. If the parties succeed in reaching peace, then the draft peace agreement is carried out by the parties with the help of a mediator through electronic means, and the signing of the peace agreement by the parties and the mediator can be done electronically using an electronic signature. If the parties do not have validated electronic signatures, then the signing of the peace agreement can be done manually in a face-to-face meeting between the parties and the mediator.

Furthermore, in Article 25 of the Closing Provisions of this *Perma*, it is stated that *Perma* Number 1 of 2016 Concerning Mediation Procedures in Courts remains valid in electronic mediation as long as it is not specified otherwise. Thus the existence of this *Perma*, its contents contain the interests of the target group and are necessary to create modern justice based on information technology, which is an alternative to dispute resolution in resolving disputes, and is one of the prerequisites for realizing a simple, fast and low-cost judiciary, as well as an effort to increase access to justice. However, in the implementation of the *Perma*, based on the results of interviews with 25 respondents at the *Lubuk Pakam* District Court, as many as 16 respondents (64%) gave an opinion that agreed and looked favourably on the existence of the *Perma* (see table 1), while as many as 9 respondents (36%) said disagree with the existence of this *Perma* (see table 3). Then 5 respondents (20%) said that the *Perma* had been partially implemented (see table 5) and 20 respondents (80%) said it had not been implemented (see table 6), due to several obstacles in implementing the *Perma*.

1.2. Types of Benefits Received by the Target Group

The types of benefits received by the target group, namely justice seekers, court institutions, and mediators are as described in table 2 above, that is, with the virtual space, electronic mediation can be carried out anywhere, thus facilitating the implementation of the process of settling cases outside the court, and saving the time and costs of the parties. Implementation of this electronic mediation, is an alternative to dispute resolution outside the court, which can help courts provide services to the community, without having to appear in court, and support the implementation of simple, low-cost, technology-based trials and increasingly advanced information for the realization of a modern judiciary, and open wider access to the parties in the settlement of civil cases. Through mediation, it provides an opportunity for the parties to participate directly and informally in resolving their disputes. Mediation is able to eliminate conflict or hostility, compared to a judge's decision which is coercive and gives a feeling of satisfaction and dissatisfaction, win or lose [2]. In this way mediation can be carried out more efficiently, transparently and accountably, as well as providing a sense of peace and kinship, because the disputing parties resolve their disputes with a win-win solution.

1.3. *How far is the desired change from a policy?*

The change desired by policy makers, with the issuance of this *Perma* is the creation of a modern judiciary based on information technology, as demanded by the digitalization era, industrial revolution 4.0 and society 5.0. Another change that is expected is the establishment of a judiciary that is fast, simple and low-cost as well as providing greater access to justice seekers in resolving their civil disputes, with a win-win solution that satisfies a sense of justice in court.

1.4. *Whether a Policy Has Mentioned Its Implementation in Detail*

According to Solichin Abdul Wahab (2021:65) [16], implementation or implementation are actions taken by individuals or officials, government or private groups that are directed at creating the goals outlined in policy decisions. So, implementation is an action or deed in the form of a policy, while the implementor is the executor or the person responsible for implementing the policy. This *Perma* is issued by the Chief Justice of the Supreme Court of the Republic of Indonesia, as the party issuing the policy, which is enforced in all courts in Indonesia. At the court level, the head of the court who orders the chairman of the panel of judges, so that the *Perma* is carried out or implemented by the mediator (Article 1 letter 2 of the *Perma*), as the implementer, namely both judges who have a certificate of mediator and a certified mediator, as a neutral party who assists the parties in the process conducting negotiations to seek various possibilities for dispute resolution through electronic mediation. Furthermore, Article 4 paragraph (1) of the *Perma* states: "The case examining judge obliges the parties to mediate..." So, the implementer in this *Perma*, based on Article 1-point (2) and Article 4 paragraph (1), are mediators, namely certified judge mediators and non-judge mediators who have mediator certificates.

1.5. *Is the Program Supported by Adequate Resources?*

A program will be able to run smoothly, if it is supported by resources that have the power and potential value to spur activities so that something can be produced. The program for implementing electronic mediation at the *Lubuk Pakam* District Court through *Perma*, has been implemented, but it is still part and not optimal, because there are several obstacles in its implementation, including the problem of resources, both tangible and intangible. Based on the results of interviews with respondent judges certified as mediators and chairman of the *Lubuk Pakam* District Court, one of the resource issues referred to is as stipulated in Article 1 number (7) concerning electronic infrastructure, namely all hardware, software and facilities that are the main support for running systems, applications, data communication, data processing and storage, integration devices / liaison, and other electronic devices related to the implementation of electronic mediation. The *Lubuk Pakam* District Court does not yet have adequate electronic infrastructure or infrastructure, due to insufficient funding sources, and has not been proposed by the court secretary as an official proposing budget procurement. Furthermore, the parties are also burdened to bear the costs of their own applications. In addition, there are no specific human resources to manage and operate the intended electronic infrastructure. The high mobility of human resources, judges who are certified mediators, makes it difficult to provide time for mediation electronically, thus *Perma* this has not been fully implemented.

1. 6. *How Much Power, Interests, And Strategies Do the Actors Involved in Policy Implementation Have?*

The actors or parties involved in the implementation of the *Perma* policy are mediators, namely certified judge mediators and certified mediators, as the implementers, while the disputing parties and advocates are the parties who accept the *Perma* policy. The mediator in implementing the *Perma* is a neutral, impartial party one of the parties. Based on Article 2 paragraph (2), the implementation of electronic mediation by the mediator to the disputing parties is mandatory, but its implementation is based on the mutual and voluntary will of the disputing parties. Likewise, Article 4 paragraph (3) and Article 5 paragraph (1) say mediation

electronic mediation can be carried out after the parties give their consent. If one of the disputing parties does not want electronic mediation, then electronic mediation cannot be carried out, and mediation is carried out manually. Thus, electronic mediation is carried out or not, it is up to the parties, the mediator as the implementer does not have the power to force the parties to conduct electronic mediation. Based on the results of interviews with respondents, it is better if the mediator is no longer required to ask for approval from the parties, but is left to the policy of the mediator, so that there are no parties who refuse to carry out electronic mediation.

1.7. Characteristics of Institutions (Institutions) and Regimes in Power (Rulers)

The court as a judicial institution has the main function of administering justice to uphold law and justice based on Pancasila, for the sake of the implementation of the legal state of the Republic of Indonesia [2]. The position of the judiciary in the rule of law and society democracy is still relied upon as a pressure valve for all violations of law, public order and violations of public order. The judiciary is still expected to act as the last resort, namely the last place to seek truth and justice, so that the court is still relied upon as a body that functions to uphold truth. and justice [12]. This Perma is a regulation issued by the Supreme Court of the Republic of Indonesia, which is addressed and applies internally to all courts in Indonesia to be implemented by certified mediator judges or mediators who have certificates, before examining the main case in a trial. This Perma is issued by Supreme Court to meet the needs of information technology-based modern justice, in carrying out electronic mediation in court, which has not been regulated by Perma No.1 of 2016.

1.8. Level of Compliance and Responsiveness (Responsiveness) of the Target Group

The target group in this *Perma* are the disputing parties, who defend their rights directly or by using legal counsel and want to seek justice in the problems they face. The level of compliance and responsiveness of the disputing parties to this *Perma* is still minimal. This can be seen from the table 3 above, where there are 4 disputing parties (16%) and 2 advocates (8%), as the target group giving their opinions disagreeing with the existence of this *Perma*, for various reasons, including not knowing and understanding the contents and intent of the *Perma*. Furthermore, in the *Perma* it is stated that to be able to carry out mediation electronically, the mediator asks for the approval of the parties. This gives an opportunity for one of the parties to refuse mediation, so this can cause the implementation of electronic mediation to not be maximized.

2. OBSTACLES FACED IN IMPLEMENTING PERMA NO.3 OF 2022 AT THE LUBUK PAKAM DISTRICT COURT

Based on the results of interviews with all respondents, the obstacles faced were that the parties or one of the litigation parties did not agree to mediate via electronics, electronic mediation facilities still use android belonging to the litigants, there is no credit and their own costs, mediation costs are usually borne by the parties involved, submitting electronic mediation, the parties choose conventional (manual) mediation, lack of socialization and understanding of the *Perma*, the parties do not have an electronic address, there is no link provision, internet-based mediation facilities and infrastructure are not yet available and there is a lack of human resources for carrying out electronic mediation at the *Lubuk Pakam* District Court, the internet network is unstable, the mobility of judges is high making it difficult to provide time for electronic mediation, the litigants do not master information technology electronically ,there is no emotional connection if mediation is done electronically, so that the goal of mediation is difficult to achieve.

Obstacles faced in implementing *Perma* No.3 of 2022 at the *Lubuk Pakam* District Court Class IA, the target group does not understand the intent and content of the *Perma*, there are no adequate facilities and infrastructure, the target group does not understand the use of technological information applications, unstable networks result in disturbed concentration and not optimal comfort in mediation, do not have

sufficient costs or budget to carry out mediation electronically, so that in terms of implementation the success is still very minimal.

3. HOW TO OVERCOME THESE OBSTACLES

The way to overcome obstacles based on research results is that it is necessary to socialize the *Perma* to justice seekers, especially the *Lubuk Pakam* District Court to procure facilities and infrastructure, add and carry out human resource training in the field of technology and information for implementing electronic mediation, and to collaborate with providers based on information technology, the parties must have electronic addresses, there is a procurement of budget for the mediator, the parties are freed from fees for carrying out electronic mediation, the judge who examines the case is not given the authority to ask the parties' agreement whether to carry out electronic mediation or not, but it is left to the mediator. So, the mediator has the right to determine directly to the parties to mediate. Method overcoming obstacles in the implementation of the *Perma* at the *Lubuk Pakam* District Court, including,

- Socialization is carried out. In order for the target group or disputing parties to understand the intent and content of the *Perma*, it is necessary to carry out socialization such as legal counseling, seminars and others to the public, so that the community understands the intent and content of this *Perma*.
- The facilities and infrastructure needed for the maximum implementation of electronic mediation at the *Lubuk Pakam* District Court must be equipped, for example the existence of a special room equipped with software and hardware equipment, the existence of a stable and strong WIFI network for the implementation of electronic mediation. Besides that, there are human resources who are able to master the use and operation of software and hardware in implementing the electronic mediation.
- Procurement of the budget in carrying out electronic mediation.

Based on the results of interviews with respondents, the budget for the procurement of electronic mediation facilities and infrastructure has been provided by the state, however, the budget must be proposed in advance by the court secretary concerned through the Budget Implementation Form List (hereinafter referred to as DIPA) to the Supreme Court, the court secretary must be pro- active in submitting budget procurement. DIPA is a budget implementation document prepared by Budget User/Sarodiya is prepared based on a Presidential Decree regarding the details of the central government budget. DIPA serves as the basis for implementing the budget after obtaining approval Minister of Finance. (Regulation of the Minister of Finance Number 171/PMK.02/2013 concerning Guidelines for the Preparation and Ratification of the Budget Implementation Entry List).

The *Lubuk Pakam* District Court, at the time this research was carried out, had not submitted a budget procurement for the implementation of electronic mediation, so that the required hardware and software were not available as needed.

Furthermore, judges certified as mediators in carrying out their duties as mediators may not receive an honorarium, or may not receive payment from the disputing parties, because they have already received a salary from the state as career judges. In contrast to certified mediators, they receive an honorarium from the parties to the dispute, when carrying out mediation. So that in the implementation of electronic mediation, the parties prefer certified mediator judges who do not receive an honorarium, rather than certified mediators who must be paid. The large number of parties who choose judges with mediator certificates in the implementation of electronic mediation has resulted in the increasing duties of judges who have high mobility in hearing, examining and deciding cases, so that the implementation of electronic mediation cannot be carried out optimally. In order for this electronic mediation to be implemented optimally, certified mediators should have a special room and a budget provided for them, through DIPA such as the state DIPA budget for legal aid posts. Based on the results of interviews with respondents, the respondents still wish to carry out conventional mediation or meet in person, because with conventional mediation the parties meet

face to face so that emotionally they can convey what the parties want. Then to convey the results of mediation can be done in person virtual.

V. CONCLUSION

As for the conclusion in this study is that Perma No.3 of 2022 has been implemented at the *Lubuk Pakam* District Court, but it is still part and not optimal, because there are several obstacles in its implementation, so the implementation of *Perma* No. 1 of 2016 in the mediation process is still necessary and relevant, because the success rate is still effective and the parties can face-to-face and discuss their case. The mediation process can be carried out conventionally, and to facilitate the delivery of the final results of mediation can be done virtually. While the suggestion is that the government should socialize the *Perma* to justice seekers and have a socialization budget, the *Lubuk Pakam* District Court, so that electronic mediation can be implemented optimally, should submit a goods procurement budget through DIPA to the Supreme Court, so that it can carry out the procurement of facilities and infrastructure, should add or train human resources in the field of science and technology, so that they can operate electronic mediation applications or other applications that can support the conduct of electronic mediation, the judge who examines the case should not be given the authority to seek approval from the parties whether to carry out electronic mediation or not, will but submitted to the mediator. Thus *Perma* No.3 of 2002, can be maximally implemented in the *Lubuk Pakam* District Court.

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