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The Urgent Of Implementation Of The Civil Justice Electronically In The Terms Of The Principle Of Good Governance

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Abstract

The judiciary is the power of the state in receiving, examining, deciding and resolving cases in upholding law and justice. The state power is judicial power which has freedom from interference from any party, coercion, orders or recommendations that come from extra-judicial parties. The approach method used in this research is a statutory approach and a conceptual approach. The issuance of the Circular Letter of the Supreme Court of the Republic of Indonesia Number 5 of 2020 concerning the Fourth Amendment to the Circular Letter of the Supreme Court Number 1 of 2020 and Supreme Court Regulation Number 4 of 2020 concerning Administration and Trial of Civil Cases in Court Electronically is a complement to Supreme Court Regulation Number 1 of 2019 Administration Cases and Trials in Electronic Courts that have existed previously are innovations and commitments by the Supreme Court of the Republic of Indonesia in realizing reforms in the Indonesian judiciary that synergize the role of information technology with procedural law as a solution during the current Covid-19 pandemic. Since the trial has been conducted online, for the position of the parties in the District Court, namely Judges, Advocates in their respective offices or principals in their respective offices or homes. However, there were several obstacles encountered during the online trial, such as infrastructure, internet access, the fulfillment of the defendant's rights and the application of the principles of the Civil Justice System. The arrangement of online civil case trials is very necessary. Because it is related to the continuity of the trial in the event of unwanted circumstances such as the Covid-19 outbreak. In addition, the trial via video conference or teleconference must pay attention to the rights of the disputing parties and witnesses.

Keywords: *Civil Justice, the Trial online, Principles of Good Governance*

A. INTRODUCTION

1. Background

Judiciary is the power of the State in receiving, examining, deciding and resolving cases in upholding law and justice. The power of the State is the power of the Judiciary which has freedom from interference by any party, and is free from coercion, orders or recommendations coming from extra-judicial parties, except in matters permitted by law.

From this understanding, the court is the administrator of justice. Or in other words, the court is a judicial body that exercises judicial power to uphold law and justice. Thus, the judiciary can be referred to as the power of the State in receiving, examining, deciding and resolving certain cases between people who need legal certainty and justice.[1]

The court can also be interpreted as a legal institution created by the state as an extension of the government to enforce the law in order to achieve the goals of the law, namely the creation of a safe, orderly and fair situation. In practice, starting from receiving, examining, deciding and resolving cases by the court is part or process of law enforcement.

Such a process in court is known as procedural law and in this paper is civil procedural law. Proceed before the court
court is an action in carrying out a series of rules contained in civil procedural law. Civil procedural law is a series of regulations that determine how people must act before and before a court and how the court must act, one another to carry out civil law regulations.[2]

In civil cases, it has been regulated regarding the evidence used in evidence. Evidence is a means to
prove. These evidences have been regulated in Article 164 HIR, Article 284 RBG and Article 1866 BW include: Letters, Witnesses, Allegations,
Confession and Oath.[3]

Documentary evidence is the main evidence in civil cases because civil acts were deliberately committed and to corroborate these actions, it is necessary to have clear and definite evidence, so that the easiest evidence to prove the occurrence of civil acts is in written form. In contrast to evidence in civil cases, the priority is witness evidence because civil acts hide or deny their

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[1] Ms. Hasan Bisri, **Religious Courts in Indonesia** , Jakarta: Rajawali Press, 2003, 5th printing. h. 66.

[2] Wirjono Prodjodikoro, 2004. **Civil Procedure Law in Indonesia** , Bandung: Well Bandung, h. 13.

[3] Bambang Sugeng and Sujayadi, 1984, **Introduction to Civil Procedure Law and Examples of Litigation Documents** , Jakarta: Penadamedia Group, h. 64.

actions. So that the easiest way to find the guilty party is the person who saw or heard the incident or civil action.

Thus it can be concluded that civil procedural law aims to guarantee compliance with material civil law. Thus civil procedural law in general does not burden rights and obligations as contained in material civil law, but contains rules on how to implement and maintain or enforce the principles contained in civil law, or in other words to protect individual rights in court. .[4]

Given today's very fast technological advances, problems that arise related to the world of justice are increasing so that reform is needed in making policies that are in accordance with the current conditions and situation, especially at trials so that they can utilize the system in accordance with the times.

In response to this, the Supreme Court of the Republic of Indonesia focused on realizing the Supreme Indonesian judiciary, this vision is manifested in the form of a modern, information technology-based judiciary in serving. The benefits of the innovations that have been carried out by the Supreme Court of the Republic of Indonesia are felt by the parties to the litigation. courts in accordance with the demands and developments of community needs, fostering a spirit of renewal and creativity in terms of public service in court, contributing to improving and enhancing the quality of public trust in law enforcement agencies, and encouraging the process of improving and learning the service system in courts.

In accordance with the theme of the special session of the 2018 annual report, New Era of Technology-Based Modern Justice, the Supreme Court of the Republic of Indonesia has launched the *E-Court application* which serves case administration electronically for justice seekers, including case registration (*e-filing*), payment (*e- payment*), and calls/notifications (*e-summons*) electronically (*online*). The development of E-Court, which so far has only been limited to serving electronic case administration by adding electronic trial services, has received a legal umbrella based on the Supreme Court Regulation of the Republic of Indonesia Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Courts.[5]

Based on the articles in the Civil Procedure Code, basically civil procedural law requires the physical presence of each party in court. This regulation indicates a shift in legal domicile to electronic domicile as well as a

[4] Wirjono Prodjodikoro, 2000. **Op. cit.** , h. 13.

[5] Rio Satria, **Electronic Trials (E-Litigation) at the Religious Courts** , https://drive.google.com/file/d/12kmycu4ddenk5dld07dulrukyd7bdvt-/view, accessed at (23/07/2021).

shift in jurisdiction. However, this PERMA also does not require trials to be held electronically, but is limited to providing a legal basis and guidelines for when trials can be held electronically along with the procedures.[6]

The preparation of this PERMA should also pay attention to the provisions of Article 3 of the Civil Procedure Code and the principles contained in the Civil Procedure Code. Article 3 of the Civil Procedure Code is arguably a strong guardrail as the "principle of legality" for the application of the Civil Procedure Code. In which the formulation states "Judges are carried out according to the manner regulated in this law", this can be interpreted that it is not permissible for regulations lower than the law (in the formal sense) to contain civil procedural regulations. So basically the creation of a special PERMA related to online civil trials cannot fully answer the void in the existing procedural law. In addition, judging from the principle of civil procedural law contained in points 3a and 3h of the elucidation of the Civil Procedure Code, namely "Equal treatment of everyone before the law by not discriminating in treatment and the Court examines civil cases with the presence of the accused".

The presence of PERMA actually creates legal uncertainty because it allows trials to be conducted in two conditions, electronically and directly in court. In addition, circular letters and MoUs that were made by the Supreme Court, the Attorney General's Office of the Republic of Indonesia and the Ministry of Law and Human Rights as the basis for electronic civil trials prior to the existence of the PERMA, were not contained in Law Number 12 of 2011 concerning the Establishment of Legislation, so that there is some ambiguity about its binding strength.

From the confusion of the legal basis in the implementation of the trial electronically will certainly raise pros and cons. There are several parties who consider that electronic civil proceedings violate the Civil Procedure Code because it creates obstacles and deficiencies.

2. Formulation of the problem

Based on the background above, the authors draw the formulation of the problem: what is the urgency of implementing civil justice electronically in terms of the principles of *good governance* ?

[6] Aida Mardatillah, **Viewing the Draft Bylaws of the Online Criminal Session to be Ratified** , www. Hukumonline.com, 12 August 2020, Visited on 29 August 2020.

3. Research methods

The type used in this research is Legal Research or legal research which has the aim of finding solutions to the legal issues that arise and giving birth to prescriptions that can be applied to the legal issues raised. The approach method used in this research is the statutory approach *and* the *conceptual approach* . The statutory approach (*statute approach*) is used to examine the applicability of the Civil Code in relation to the various bases for electronic civil case trials during a pandemic. The conceptual approach *is* used to examine the fundamental differences between the concept of civil trials according to the Civil Code and the concept of electronic civil trials which are then analyzed and reviewed from the views and doctrines that develop in the science of law.[7]

B. DISCUSSION

1. The Urgency of Implementing Civil Courts Electronically in Indonesia

The Civil justice system was first introduced by civil law experts and experts in "criminal justice science" in the United States. This was motivated by dissatisfaction with the working mechanisms of law enforcement officials and law enforcement institutions. Mardjono Reksodiputro writes that the Civil justice process is a continuum *that* describes events that progress regularly, starting from investigation, arrest, detention, prosecution, being examined by courts, decided by judges and finally returning to society.[8]

Meanwhile, Barda Nawawi Arief defines the civil justice system as a civil law enforcement process. Therefore, it is closely related to civil law itself, both substantive civil law and civil procedural law. Basically, continued Barda Nawawi Arief, civil legislation is the enforcement of civil law in abstracto which is embodied in law enforcement *in concreto* .[9]

Along with the current development of technology, the world has entered the era of globalization and the Industrial Revolution 4.0, where computerization and digitalization processes have occurred and have affected almost all aspects of human life, including the legal system. The use of teleconference facilities in trials in Indonesia is actually not something that is absolutely new. When referring to a formal legalistic way of thinking,

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[7] Peter Mahmud Marzuki, **Legal Research,** Kencana Prenada Media Group, Jakarta, 2005, h. 69.

[8] Mardjono Reksodiputro, **Human Rights in the Criminal Justice System,** Jakarta: UI Criminology Institute, Center for Justice Services and Legal Services, 1994, h. 93.

[9] Barda Nawawi Arief, **Criminal Theories and Policy** , Bandung: Alumni, 1982, p. 197.

teleconferencing does appear to be incompatible with the provisions of Article 160 paragraph (1) letter a and Article 167 of the Criminal Procedure Code which require the physical presence of witnesses in the courtroom. However, the Panel of Judges at that time also considered the provisions of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which obliges judges as enforcers of law and justice to explore, follow, and understand and pursue material truth in Civil law, aspects formality should be selectively abandoned.[10]

Subsequent developments related to virtual trials can be found in provisions outside the Criminal Procedure Code, several of these lex specialis provisions will later contribute to creating a legal basis for virtual trials, such as in Article 27 paragraph (3) of the Juvenile Civil Justice System Law (UU SPPA) which states that if the victim's child and/or witness' child cannot be present to provide testimony before the court session, the judge may order the victim's child and/or witness' child to be heard through electronic recording or remote direct examination using an audio-visual communication device. Furthermore, Article 9 Paragraph (3) of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims which explains that witnesses/victims can hear their testimony directly via electronic means accompanied by an authorized official .

Subsequent developments were born from PERMA Number 1 of 2019 Administration of Cases and Trials in Courts Electronically, this PERMA can be seen as an effort to develop an e-court system for court institutions under the Supreme Court to continue to provide legal services even though justice seekers are not present in court in person direct. The use of e-courts ultimately leads to the importance of implementing *virtual courts* which are held online without the need to present the parties in the courtroom.[11]

Virtual trials when viewed sociologically are a necessity, both as a reaction to the Covid-19 Pandemic, or as a reaction to technological advances. Particularly during the Pandemic, law enforcers were faced with a very concrete situation in the form of the choice of settling cases handled virtually or postponing trials with the consequence of increasing the number of cases in the future. Triggered by this situation, the law showed a moment of flexibility

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[10] Dewi Rahmaningsih Nugroho and S. Suteki, **Building a Legal Culture of Virtual Trials (Study of the Development of Criminal Trials via Teleconference)** , Indonesian Journal of Legal Development, Volume 2, Number 3, Year 2020, h. 295-296.

[11] Anggita Doramia Lumbanraja, **Development of Regulations and Implementation of Online Trials in Indonesia and the United States During the Covid-19 Pandemic** , Crepido Journal, Volume 02, Number 01, h. 47.

following the issuance of a number of regulations which, although not in the form of laws, were implemented empirically to ensure legal certainty.[12]

The issuance of PERMA Number 1 of 2019 Electronic Administration of Cases and Trials in Courts certainly cannot be used as the most appropriate solution to deal with problems that are currently developing because these regulations are still limited to types of civil cases, civil religion, military administration, and civil administration. State business.

In order to overcome this, the Republic of Indonesia Supreme Court Circular Number 5 of 2020 concerning the Fourth Amendment to the Supreme Court Circular Letter Number 1 of 2020 concerning Guidelines for Carrying Out Duties During the Prevention of the Spread of Coronavirus Disease 2019 (Covid-19) was issued. Within the Supreme Court and the Judiciary Bodies Under it as well as the Supreme Court Regulation Number 4 of 2020 Concerning the Administration and Trial of Civil Cases in Electronic Courts, this is an innovation as well as a commitment by the Supreme Court of the Republic of Indonesia in realizing reforms in the world of Indonesian justice (justice reform *)* which synergizing the role of information technology with procedural law during the Covid-19 pandemic. This was also responded to by the prosecutor's office, in which the attorney general issued a letter from the Attorney General of the Republic of Indonesia Number: B009/A/SUJA/03/2020 dated 27 March 2020 concerning Optimization of Implementation of Duties, Functions and Authorities in the Middle of Efforts to Prevent the Spread of COVID-19.

On the other hand, the Ministry of Law and Human Rights also issued Menkumham Circular Letter Number M.HH.PK.01.01.01-03 dated March 24 2020. Finally, on April 13 2020 the three institutions, namely the Supreme Court, the Attorney General's Office, and the Ministry of Justice and Human Rights sign MoU Number 402/DJU/HM.01.1/4/2020, KEP Number 17/E/EJP/04/2020, Number PAS-08. HH.05.05 concerning Conducting Trials via *Teleconference* .

Article 24 paragraph (1) of the 1945 Constitution of the Unitary State of Indonesia states that the objective of administering justice is to uphold law and justice. Furthermore, Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power states that trials are carried out simply, quickly and

[12] Dewi Rahmaningsih Nugroho and S. Suteki, **Building a Legal Culture of Virtual Trials (Study of the Development of Criminal Trials via Teleconference)** , Indonesian Journal of Legal Development, Volume 2, Number 3, Year 2020, h. 300.

at low cost. Thus, this directive to carry out law enforcement and justice simply, quickly and at low cost must be a guide for the Indonesian judiciary in carrying out its main duties and functions.

The emphasis on implementing the principles of justice in a simple, fast and low-cost manner should not reduce the fulfillment of other General Principles of Good Justice (*algemene beginselen van behoorlijk rechtskracht*), such as the Principle of a Trial Open to the Public, the Principle of Equality Before the Law, the Principle of Opportunity to Defend Self (Audi Et Alteram Partem), Principles of Accountability, Principles of Decisions Must Be Delivered in an Appropriate Time and Not Too Long, and so on. On the contrary, these principles must work together in an effort to realize a great judiciary.

In the context of implementing Electronic Justice in the State Administrative Court Environment, there are no General Principles of Good Justice that are inconsistent with Electronic Justice. On the other hand, Electronic Justice strongly supports the realization of the General Principles of Good Judiciary in carrying out the duties of the Judiciary. For example, the Principle of Trials that are Open to the Public, whereby the implementation of Electronic Justice makes the trial (and its documents) accessible and controlled by the public, not just limited to those present in the courtroom. In terms of the Principle of Opportunity to Defend Yourself (*audi et alteram partem*), Electronic Justice provides broad access to parties to submit their defense (even technologically, it is possible to provide a menu of "reminder notes" (*notification*) to parties so that parties use the opportunity to submit their own defense. , thus providing more protection for the parties compared to conventional justice).

With regard to the Principle of Accountability, the Electronic Court strongly supports it, bearing in mind that electronic activity leaves a digital footprint *that* is stored forever, so that apart from being more controlled by the public, it can also prevent files from being lost or damaged.

2. The Implementation of Electronic Justice in View of the Principles of *Good Governance*

Good governance is a prerequisite for the government in administering the nation and state so that implementation and development run in an efficient, responsible and free from moral disgrace and corruption, this is in line with the objective of establishing the Government Administration Law. In addition to guaranteeing the basic rights of citizens, the AP Law is also a transformation of the General Principles of Good Governance (hereinafter referred to as AUPB) which have so far been practiced and concretized in the form of binding legal norms.

In Article 7 of Law Number 30 of 2014 concerning Government Administration it is stated that Government Officials are obliged to carry out Government Administration in accordance with the provisions of laws and regulations, government policies, and AUPB. Therefore the Religious Courts as Government Agencies and or Officials who carry out Government Functions within the scope of judicial institutions are obliged to carry out Government Administration in accordance with the provisions of the AUPB above.

In Article 3 of Law Number 30 of 2014 concerning Government Administration it is stated that one of the objectives of this law is to provide the best possible service to citizens, this is in line with the basic considerations in establishing judicial service standards that to build public trust in judiciary it is necessary efforts to improve the quality of service in the judiciary. Given the large number of cases that have been entered or decided at the Blitar Religious Court, this must also be balanced with optimal service improvements so that people seeking justice can obtain their rights as they should.

In general, the court provides services based on the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 026/KMA/SK/II/2012 concerning Judicial Service Standards in the form of Court Administration services, Legal Aid, Complaints, and Requests for Information. The form consists of manual services (One Door Integrated Services) and electronic (*e-court*).

The foundation of *good governance* in the religious courts generally follows the national standards set by the MENPAN RB. There is no obligation to implement *good governance* in the Religious Courts specifically, but in general it applies to all ministries. 11 It is stated in Law Number 30 of 2014 concerning Government Administration Article seven states that Government Officials are obliged to carry out Government Administration in accordance with the provisions of laws and regulations. invitations, government policies, and AUPB. The Religious Courts as Government Agencies and/or Officials who carry out Government Functions within the scope of judicial institutions are obliged to carry out Government Administration in accordance with the AUPB provisions.

State Law Enforcement as an Effort to Form *Good Governance* Indonesia as adherents of modern rule of law state, demands the role and function of law which can stably and dynamically regulate various interests without abandoning its basic idea of justice. Such laws also contain demands to be enforced or in other words, the legal protection provided is a must in law enforcement.

The purpose of law enforcement can be formulated as an effort to implement the law as it should, supervise its implementation so that violations do not occur, and if a violation occurs then to restore it with law enforcement. Thus law enforcement is carried out by taking legal action, which according to the author can be classified as follows:

1) A warning warning to stop the violation and not do it again.
2) The imposition of certain obligations (compensation and or fines).
3) Revocation of certain rights (mild, moderate, and heavy administrative sanctions such as: in the form of dismissal or dishonorable dismissal).
4) Publication to the general public (print and or electronic media).
5) Political blacklist recommendations (to the executive, legislative and judicial institutions, especially if those concerned are going to undergo *a fit and proper test*).
6) Imposition of corporal sanctions (Civil imprisonment).

Even though law enforcement as mentioned above is rarely complied with in practice, according to the author, this problem all boils down to the morality of the officials concerned and laws and regulations that do not explicitly regulate the implementation of punishments/sanctions from civil court institutions. The problem regarding official morality is indeed very abstract, so it is very difficult to analyze the official's non-compliance because it is related to the psychology (humanistic) and life background of the official concerned.

Even so, it is necessary to have other control tools in the framework of law enforcement, namely statutory regulations. Unfortunately, until now the existing laws and regulations have not been sufficient, which according to the authors of the problem is because:

1) The narrow understanding of the object of state administrative disputes that can be resolved at the Administrative Court. In other words, the meaning of the provisions of Article 1 point 3 of Law Number 5 of 1986 Jo. Law Number 9 of 2004 deviates from the broad definition of state administrative disputes which theoretically cover all public legal actions.
2) Formal law has been realized but material law has not been formed.
3) The implementation of the Civil Court execution as stipulated in Article 116 of Law Number 5 of 1986 Jo Law Number 9 of 2004 has not been followed up by implementing regulations so that there is no clarity regarding the procedure and application of state administrative punishment.
4) Many special judicial institutions have been formed, but the authority within them includes administrative dispute resolution so that it overlaps with the authority of the Civil Court, such as: settlement of labor

disputes related to Ministry of Manpower and Transmigration decisions, administrative intellectual property disputes, tax disputes, etc.

According to the author, these problems arise due to the lack of harmonization and synchronization of existing laws and regulations. Before making a law, the legislators (DPR and Government) should discuss it carefully and thoroughly and involve legal experts (especially legal experts), if necessary socialize it to the public (community/academicians/NGOs) before it is ratified to avoid overlapping material. content between one law and another. Apart from that, for the effectiveness and efficiency of law enforcement, there is no need to establish special courts because apart from wasting the state budget, it also creates legal uncertainty in the context of law enforcement.

If the reason for establishing a special court is only due to the lack of expertise of judges in resolving certain cases and the slow process of litigation in court, it can actually be overcome. In the Indonesian justice system, it is possible for the participation of expert witnesses and *ad-hoc* judges because they are needed when the judiciary requires expertise to resolve a particular case and if necessary, civil court judges are given the opportunity to further study to deepen special education (specialization) in a particular field of law (eg. : Administrative Law in the Tax Sector, Administrative Law in the IPR Sector, Administrative Law in the Manpower Sector, etc.) so that the reason for the lack of expertise of judges can be overcome, while the reason for establishing a special court in order to speed up the settlement of cases is also not quite right because in practice the parties to the dispute usually take too long / wordy in court there are even some parties who deliberately slow down the proceedings with certain intentions, such as: during a preparatory examination even though the law stipulates a maximum repair of claims within a grace period of 30 days, however the plaintiff cannot repair his lawsuit as soon as possible. Apart from that, it's the same as in a trial that is open to the public where the parties cannot prepare their Answers/Replicks/Duplicates/Evidence in a timely manner where in practice for each event they ask for a postponement of the hearing for one week or more, even if the parties are ready for everything it could be in one week two or three trial events at once.

If the parties to the dispute have good faith in adhering to the quick and simple principle in court, there will be no longer any reason for disputing through the Civil Court for too long, especially since there is a limitation on cassation on state administration disputes in the form of decisions of regional officials whose scope of decisions applies in the area of the region concerned. in accordance with Article 45 A paragraph (2) Letter C Law Number 5 of 2004 concerning the Supreme Court.

Based on these problems, according to the author, it is necessary to make a certain clause in a procedural law provision (in the revision of Law Number 5 of 1986 Jo. Law Number 9 of 2004 later) which authorizes the judge to continue the trial if in his opinion one of the parties/the parties is considered slowing down the course of the trial process, thus for the smooth/fast completion of the case the judge concerned if taking a stand/decision based on the quick and simple principle in the trial does not violate the existing procedural law.

The existence of formal legal limitations in Civil Courts does not mean that law enforcers must ignore or underestimate their own legal awareness. This is also based on a theory which presumes that each individual can live without feeling-law (*rechts gevoel), especially law enforcers, it is impossible to be able to give a proper interpretation of the law, and if such a theory is applied in the field of an independent judiciary, it is often* will cause unfair decisions to be taken, also contrary to the purpose of law, because the purpose of law is in principle to uphold JUSTICE. To realize justice in law enforcement, that is, if a Civil Court judge cannot find a regulation in a law, then he must make a decision based on unwritten law which in law is known as the general principles of good governance.

These principles according to the author can be found in Pancasila, the 1945 Constitution, and customs in government (conventions). The existence of legal protection for the community against the legal actions of public administration officials who violate the law is associated with the existence of the Civil Court as a law and justice enforcement agency, according to the author, this situation is a manifestation of a good and authoritative government. The implementation of good governance is theoretically known as *good governance* .

The concept of *good governance* refers to the management of a government system that places transparency, control, and accountability as central values. In the implementation of *good governance* , the law must be the basis, reference, and signs for the application of this concept. That is, it is necessary to make an effort on how the rule of law itself determines *good governance* . that *good governance* is only possible in a rule of law state in which the rule of law applies in the implementation of social and state life. As is well known, the concept of *good governance* is rooted in the idea of interdependence *and* interaction of various institutional sectors at all levels within the country, especially the legislature, executive and judiciary.

With regard to juridical control by judicial institutions over executive institutions, the implementation of *good governance* is expected to be realized properly. Juridical control by judicial institutions in terms of the government

carrying out its state administrative functions is carried out by the Civil Court. The point is that the Civil Court is one of the components in a system that determines the realization of *good governance* . The author sees that there is a close relationship between the concept of *good governance* and the concept of the existence of civil courts. This linkage can be known by understanding the main principles of *good governance* itself and the main function of the Civil Court.

Although many elements of *good governance* still provide their own criteria, in essence there are five main principles in *good governance* , namely accountability *,* transparency *,* openness *,* and rule *of law* . , and guarantees of *fairness* or a level *playing field* (fair treatment or equal treatment). This last principle is often referred to as the protection of human rights. If the concept of *good governance* is connected with the concept of law supremacy and the concept of good and clean government in law normatively, it will find similarities with the concept of *rechtmatigheid van bestuur* which is defined as "the principle of legitimacy in government" or the principle according to law. If the public legal actions by administrative officials are onrechtmatigheid, then the actions of these administrative officials have "violated the lawï".

Thus these three domains in an effort to realize *good governance* interact and coordinate with each other and can carry out their respective roles and functions properly. Moving on from these three domains, the state or government sector in a broad sense is a very strong sector, in contrast to the private sector and society whose position is weaker because all policies are determined by the state sector. Therefore, the private sector and the community receive legal protection from the Civil Court if there are public legal actions by administrative officials that harm their rights.

This legal protection is mentioned in Article 53 paragraph (1) of Law Number 9 of 2004 which states that: Individuals or civil legal entities who feel their interests have been harmed by a state administrative decision may file a written claim to the competent court containing the administrative decision the disputed state business is declared null and void, with or without a claim for compensation and/or rehabilitation. Based on these provisions, it appears that there is an element of law enforcement and legal protection for the Indonesian people in this Civil Court Act.

This is in accordance with the 4th and 5th principles of the five principles of *good governance* , while the principles of accountability, transparency and openness are also important elements in terms of governance. Accountability is a manifestation of the obligation to account for the success or failure of the implementation of the organization's mission in achieving the goals that have been set. In government, accountability is the

embodiment of the obligation of a government agency to be accountable for the success or failure of carrying out its mission.

Based on this, according to the author, state administration officials in carrying out their duties are also held accountable when carrying out public legal actions, especially if their actions violate the law. This responsibility legally can be submitted to the court as a legal institution that carries out the function of judicial control. The elements of transparency and openness in the concept of *good governance* are two inseparable things. Transparency and openness of public legal actions by state administration bodies or officials is a form of legal protection for the people. It is said so, because in the case of a state administration agency or official making a policy or state administration decision, the people who have an interest in the policy or decision must know in a transparent or open manner. For example, in the recruitment of civil servants or the admission of students to state universities, an administrative decision must be made that is transparent and open to the public to find out about the process and results of the recruitment. In this case, there will also be a legal accountability, if there are parties who feel aggrieved by the decision of the state administration regarding the results of the acceptance earlier.

C. CONCLUSION

Arrangements regarding the trial of Civil cases online are very necessary. This is related to the continuity of the trial if unwanted circumstances occur, one of which is the Covid-19 outbreak. Unexpected things can happen at any time, so it is important to revise the law related to this and revise the SEMA that was in effect during the Covid-19 outbreak. This is because it is not impossible that the same problem will occur in order to minimize the problems that will be experienced in the future. In addition, trials via video conference or teleconference must pay attention to the rights of the accused and victims as well as witnesses.

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