The Effectiveness of Case Resolution with E-Court during the Covid-19 Period at the Probolinggo Religious Court

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ABSTRACT
This article discusses the Effectiveness of E-Court Case Resolution during the Covid-19 Period at the Probolinggo Religious Court. The sub-topic of discussion or the formulation of the problem here is how to implement the settlement of cases with the e-court system during the Covid-19 pandemic at the Probolinggo City Religious Court, the effectiveness of the E-Court system during the Covid-19 pandemic and what are the Obstacles and Challenges for E-System Services Court for the people of Probolinggo City at the Religious Court of Probolinggo City. This research was carried out at the Religious Court of Probolinggo City using a normative juridical research type by researching and examining theories, concepts, legal principles and related laws and regulations. Data acquisition is taken from primary and secondary data. The data acquisition method is by interviewing and taking data related to research. However, there are still many Probolinggo City residents who are in litigation who do not know about the existence of an E-court system due to the lack of socialization from the courts and because of several factors such as people who are technologically illiterate. It is better for the government that the e-court system can be socialized more clearly to the people who are in litigation and wish to register their case status through the e-court.

Keywords: Religious Courts, E-Court, Effectiveness, Covid-19

ABSTRAK

Kata Kunci: Peradilan Agama, E-Court, Efektifitas, Covid-19
INTRODUCTION

The 1945 law confirms that Indonesia is a constitutional state. According to these provisions, one of the principles of a rule of law is to guarantee the implementation of an independent judicial power free from the interference of other powers to uphold law and justice (Djalil, 2017).

Near-cooperative activities are supported by technology in certain areas. Therefore, it cannot be denied that technology such as digital technology has become one of the most important needs of society. Digital technology is any technology that has a fully automated, mature, computer-readable system or format. They even tend to use less labor. This digital technology has given birth to many technologies such as: digital communication technology and digital information technology (Kencana & Meisyanti, 2019).

The application of Supreme Court Regulation (PERMA) Number 1 of 2019 concerning Electronic Conduct of Cases and Trials in Courts is designed to comply with the principle of impartiality in an easy, fast and low cost manner. The existence of electronic court services as a tool to assist citizens in registering cases with court. Supreme Court Decision Number 3 of 2018 is an innovation and commitment by the Supreme Court of the Republic of Indonesia to bring about changes in the world of Indonesian justice, which combines the roles of information technology and procedural law. Ratification of Perma No. 1 of 2019 Marks the First Milestone of the Case Handling Revolution (Atika, 2018).

This e-court application is still relatively new, under the auspices of the Supreme Court and is designed to improve litigation services at the Class IB Polewari Inquisition Court, as well as technology-based so as not to stagnate. Therefore, from the point of view of electronic courts, this is a court instrument as a service to the community, with the functions of online case registration, online deposit, online subpoena, and online trial, namely court documents (responses, delivery of replicas), equipped with, duplicates, conclusions and decisions) (RI Supreme Court, 2019).

Then, in 2019 there was an outbreak of disease in the world, namely Corona Virus 19. Given the number 19 because the outbreak appeared in 2019, from the country of the bamboo curtain, namely China, in Wuhan to be precise. The outbreak threatens that there will be a virus that attaches to an object, therefore it is mandatory for the whole world to wear masks.

In Indonesia Corona Virus 19 or Covid 19 began to enter in early 2020 so that all outdoor activities were limited by the government. Therefore, to tackle and prevent the outbreak, Indonesian people must use health protocols that are recommended and even required by the government, such as using nose and mouth covers, washing hands after touching objects and limiting mobility and maintaining distance (Latifah & Murniyati, 2022). Indonesia itself ranks first in Southeast Asia as the country with the most victims of Covid-19 so that various sectors of activity are getting tighter so that the spread and victims of Covid-19 in Indonesia do not increase.

Everything has been done so that all sectors of life in society can recover to their initial state before the Covid-19 pandemic by implementing strict health protocols from the health, economic, political and legal sectors, security and justice.

When the Covid 19 outbreak in Indonesia started to occur around the end of February/early March 2020, the Supreme Court was specifically concerned with handling cases in court using electronic or online media and PERMA (Supreme Order), as well as introducing an electronic justice system. born. Number 3 of 2018, which was
later updated with Supreme Court Regulation Number 1 of 2019 concerning Administration of Cases and Trials in Online or Electronic Trials.

In Probolinggo City, the spread of Covid-19 has also increased, this virus has attacked several victims through physical contact and from objects, so that several religious court officials have been exposed to the corona virus, and case administration is also carried out online or using electronic media and e-systems. Court is very helpful in reducing the spread of the corona virus 19 in the Probolinggo city area. Even in the midst of a pandemic, defending the rights of Indonesian citizens to resolve their disputes in court must be pursued in five dimensions: aspects of law enforcement, cultural aspects, social aspects of society, and aspects of orderly facilities and infrastructure (Sodik, 2020).

Based on reports from the Registrar of the Probolinggo City Religious Court during covid 19, namely in 2020 and 2021 there has been an increase in Probolinggo city community registrations through e-court both in terms of applications and lawsuits, and data in 2020 e court users in Probolinggo were 17 requests and 102 lawsuit in which 118 users of the e-court system are advocates (registered users) and 1 non-advocate is a resident of the city of Probolinggo (unregistered user). And in 2021 the use of the e-court system in the city of Probolinggo is 24 applications and 116 lawsuits, of which there are a total of 140 users in 2021, 138 users are advocates (registered users) and 2 non-advocates (unregistered users) are residents of the city of Probolinggo.

During a pandemic, users of the e-court system were very useful for the people of Probolinggo, even though there were still many advocates as users rather than the people of Probolinggo City themselves, because the people of Probolinggo were technologically clueless (technologically stuttered), so they might have difficulty applying the e-court system. So the purpose of this writing is to find out how to legally resolve problems or disputes during a pandemic with the Probolinggo City Religious Court using the E-Court system.

METHODS

This research is based on normative legal theory through exploration and study of theories, concepts, legal principles, and legal regulations that are relevant to this research. This kind of research approach is carried out by considering theoretical and conceptual approaches and reviewing laws and regulations related to the research or legal approach. Normative legal research is legal research that views law as a constructive normative system. The standard system in question consists of principles, standards, legal rules, agreements and doctrines (doctrines). This normative study is a systematic study, namely a study whose main objective is to identify legal concepts and foundations (Suggono, 2016).

The data collection method used in this study was in-depth interviews. This was done through the use of secondary data or literature surveys. This means that data collection techniques are carried out by collecting data contained in books, documents, records, reports and articles of association. Everything related to the object being inspected. The author aims so that the context discussed in this study can be understood precisely in line with the dynamics that occur in the informant community who are experts in their fields.

This is done using secondary data or a literature survey. This means that data collection techniques are carried out by collecting data contained in books, documents, records, reports and articles of association. Everything related to the object being
inspected. The author's goal is to understand the context discussed in this study, in accordance with the dynamics that occur in the expert whistleblower community in the field.

The scope of this research area is the Religious Courts of Probolinggo City. This research is a qualitative research with a case study type. The data source for this study was obtained from the clerk at the Religious Court and primary data obtained from the staff of the Religious Court of the City of Probolinggo regarding the implementation of the e-court system during the Covid 19 pandemic in Probolinggo City. The data analysis techniques were carried out by researchers by collecting data, condensing data, presenting data, and drawing conclusions (Miles et al, 2014).

RESULTS AND DISCUSSION
Implementation of Case Settlement Using the E-Court System During the Covid 19 Pandemic at the Probolinggo City Religious Court

E-Court is a service that allows submission of applications online (electronic) to court without having to go to court in person. It also allows you to file claims and complaints online, pay lawsuits online (electronic), and file court proceedings electronically or online.

The existence of this e-court is to make it easier for the people of Probolinggo City to file lawsuits and requests without having to come directly to the Probolinggo City Court, because maybe the distance between houses or locations to the Probolinggo City Court is far away so E-Court can help the effectiveness of time and community energy without having to go back and forth from home to court.

The supreme court regulation number 1 of 2019 in law number 11 of 2008 concerning electronic information and transactions was then amended to law number 19 of 2016 concerning the principle of amendment to law number 11 of 2008 concerning electronic information and transactions. then in accordance with the Supreme Court regulations regarding case administration services via electronics can be used by advocates/lawyers or registered individuals/non-advocates.

Previously, E-Court users were only intended for lawyers or advocates written in PERMA #3 of 2018 and refined in PERMA #1 of 2019. You can also file a lawsuit through court registration. What other users (non-supporters/advocates) are doing. And here it makes it very easy for the people of Probolinggo other than advocates or lawyers to register or submit lawsuits or requests to court during the Covid 19 pandemic.

However, in the Probolinggo city religious court, users of the e-court system during the pandemic, namely in 2020 and 2021, the majority are advocates or lawyers, as of 2020 there were 17 people who filed applications and 102 people filed lawsuits, a total of e-court system users in the Probolinggo city court in 2020 there are 119 people, of which 118 users are advocates or lawyers and 1 user is a resident of the city of Probolinggo. And in 2021, 24 people have registered applications and 116 people have filed lawsuits, and the total e-court system registrars in 2021 are 140 users, of which 138 users are advocates and 2 users are Probolinggo city residents. The data above I got directly from the Registrar of the religious court in the city of Probolinggo.

From the data above, it can be seen that there is little or no socialization about the e-court system in the people of Probolinggo city. Because according to an explanation from the Registrar of the Religious Courts of the city of Probolinggo, many people in Probolinggo have difficulty applying the e-court system because they are clueless (technologically stuttering) and the signal is difficult in certain areas.
On the other hand, electronic court itself is a type of general court service, which includes online case registration, online payment, transmission of event documents (duplicates, duplicates, conclusions, answers), and online subpoenas. The E-Court app itself is designed to enhance courtroom services, and E-Court accepts online case registration. Save time and money when filing cases.

The same goes for electronic courts, as they are applications that process claims and applications electronically and are used to pay lawsuits. Intended to be a pillar of the judiciary as a form of service to the community.

The existence of an e-court system is also expected to help improve services to the people of the city of Probolinggo in accordance with its function, which is to accept online registration for both requests and lawsuits which can save time, costs and energy for the people of the city of Probolinggo who are litigating without having to come to the Probolinggo city court.

The procedure for using the electronic court system itself is online registration with an email address. This email address will be used for subpoenas without the court sending a letter to the court. Payments can be completed online and negotiations can also be made online. However, if both parties agree, correspondence or litigation can be conducted online and at a later stage, finally at this stage of proof, the evidence of the defendant and plaintiff actually needs to be presented to the judge. provide evidence online. And later the witnesses must also be sworn in, so the witnesses must appear directly before the judge in court.

Below are the procedures for registering registered users of the E-Court application:

1. Select the registered user register on the link (https://ecourt.mahkamahagung.go.id)
2. User registration
3. Activation
4. Login.
5. Completing advocate data
6. Upload advocate supporting documents
7. Verified account

Online Lawsuit Registration (E-Filing)
Filing a lawsuit with a court is a type of lawsuit that is registered with a general court, religious court, or state administrative court, and its registration requires more effort. For this reason, electronic courts were established. Here are the steps:

1. Select the court where the case will be registered
2. Registered users get a case registration number
3. Upload a stamped power of attorney document
4. Fill in the identity of the parties
5. Upload the case file
6. The data of the parties has been recorded and proceeds to the down payment process

Payment of Down Payment Fees Online (E-Payment)
In conventional case registration, the prospective plaintiff/applicant submits a claim/application with the payment authority (SKUM) and proceeds to checkout. The prospective plaintiff/applicant must bear the procedural costs specified in the SKUM.

1. After registering with the party online
2. Court fees preview
3. Power of attorney to pay electronically (E-Skum)
4. Get a virtual account from a bank
5. Get virtual account notifications via electronic mail
6. Down payment according to nominal

Online Summons (E-Summons)
Subpoenas whose registration is carried out through electronic courts, according to Perm No. 3 of 2018, subpoenas to registered users will be made electronically and sent to registered users’ electronic addresses.

Online Trials (E-Litigation)
The e-court application also supports the electronic submission of process documents such as multiplication, multiplication, conclusions and/or answers that can be accessed by the court and the parties (Habibie, 2019).

From the data of the Case Tracing Information System (SSIP) of the Probolinggo City Court, it can be seen that every day there are not always e-court user registrants as noted above, that the lack of knowledge of digital technology in the city of Probolinggo, so that within a year users of the e-court system from the city community probolinggo (non-advocates) are only a few fingers away, but during the Covid-19 pandemic, non-advocate users increased.

Several cases from the Probolinggo City Court Case Tracing Information System (SSIP) data that were registered in the e-court system during the COVID-19 pandemic included civil lawsuits and civil lawsuits (civil lawsuits, simple civil lawsuits, civil lawsuits, dismissals, involvement, and lawsuits civil). Apart from that, there are also certain civil actions (Intellectual Property Rights, Bankruptcy and PKPU, Labor Relations Court).

Therefore, from the Case Tracking Information System (SSIP) data, SSIP lists various cases so that all cases can be seen clearly and can later be referred to as case studies or existing accounts. SSIP also provides various information that we want to know. In this case, you can check the data of the Religious Court of the City of Probolinggo every day directly online through the SSIP of the Religious Court of the City of Probolinggo, bearing in mind that data is always entered and updated automatically every day.

The Effectiveness of the E-Court System During the Covid 19 Pandemic at the Probolinggo City Religious Court

The Supreme Court is regulated by Supreme Court Regulation (PERMA) Number 1 of 2019 concerning the Implementation of Electronic Court Cases and Trials Adopting PERMA Numbers. Electronic Administration of Cases Before the Judicial Commission, March 2018. Ultimately, we will build an electronic court system.

E-Court itself is responsible for receiving claims/objections/allegations/interventions/rebuttals/objections, submission of subpoenas for receipt/notification, payments, responses, reproductions, duplicates, conclusions, legal acceptance efforts, and Applications, administration and storage of documents in matters civil. Civil administration using an electronic system applies to all fields of religion/civil, military/government administration, and justice (Lumbanraja, 2020).
And during the Covid-19 period, there was still a lack of people using electronic administration services at the Probolinggo City Religious Court compared to the number of registered users, namely advocates.

Therefore registered users (advocates) can freely register and file administrative service cases electronically through the e-court application even though the court is temporarily closed during the Covid 19 pandemic, but people who do not have access and are not users of the e-court system are registered, namely Advocates or lawyers will have difficulty seeking justice at the Probolinggo City Religious Court.

It is clear from the data that I have and I got from the Registrar of the Religious Court of Probolinggo City that non-advocate users during the Covid 19 pandemic in 2020 were only 0.8%, namely only 1 non-advocate user out of 118 advocate users, and in 2021 there will be an increase in system usage non-advocate e-court, namely adding one more user, so 1.4%, namely 2 non-advocate users out of 138 advocate or lawyer users.

So it can be concluded that there is a far-reaching comparison of the use of the unregistered e-court system among the people of Probolinggo City (non-advocates) and registered users, namely advocates or lawyers. During the pandemic, Indonesian citizens were prohibited from doing outdoor activities or going somewhere, so all activities that had to leave the house had to be carried out at home to minimize the spread of the Covid 19 outbreak.

Therefore, the trial process is carried out at home without us having to come to court through an application, namely e-litigation which is in the e-court system. The existence of this e-litigation is to bring together the two parties through electronic or online media without us having to come directly to the Probolinggo City Religious Court, because to minimize crowds during the covid 19 pandemic, and also to realize the principle of quick use in resolving cases and down payment which is cheaper.

E-litigation is one of the four applications contained in the e-court system in accordance with the Supreme Court Regulations (Perma) and we can conduct hearings without having to come to court and face to face. In civil law issues, the e-litigation application is very efficient and effective during the Covid 19 pandemic at the Probolinggo city religious court, because when carrying out court proceedings, adequate facilities have been provided in the courtroom, such as cameras, monitor screens and audio-visual, so that the process proceeding more efficiently without having to be attended by the direct arrival of the parties, both the accused/convicted, the public prosecutor/prosecutor, even lawyers. However, it remains with the provisions of the agreement of both parties if the trial is conducted online (electronic) or not face to face. And in practice at the Religious Court of Probolinggo City during the covid 19 pandemic, e-litigation users were only efficient for registered users or advocates, seen directly from the data of the Registrar of the Probolinggo City Religious Court during the covid 19 pandemic in 2020 and 2021, namely only 3 users non-advocates, namely Probolinggo city residents who use the E-court system.

The introduction of electronic litigation in accordance with Law no. 48 of 2009 concerning Justice (Justice Law) Article 2(4), namely Implementation of Simple, Fast and Cheap Procedures. This provision is expected to benefit litigants through electronic litigation, because the litigation process is fast, non-bureaucratic, easy and cheap.

Electronic courts (e-courts) which are a reflection of simple, fast and low-cost trials are as follows:

a. Electronic case administration
Handling of cases in electronic trials before public prosecutors (prosecutors, the Corruption Eradication Commission, military authorities and senior military officers) and investigators (in accordance with statutory provisions where electronic trials are conducted electronically). This transaction is sent to each electronic address.

b. Electronic document

Electronic documents are administrative documents for cases and trials that are received, stored and managed in a court information system. In doing so, case processing is consolidated, enabling law enforcement agencies to use information technology to more easily exchange data and archive documents electronically more quickly.

c. Efficient

This electronic test allows you to improve your work quickly, efficiently and effectively. This is also the case with the procedures that can be carried out in the scheme above, both when interrogating the accused and witnesses/experts. Electronic trial times and distance limits help minimize unnecessary trial delays (Sihite & Marpaung, 2022).

Obstacles that often occur in the implementation of E-Litigation at the Religious Courts of Probolinggo City are the people of Probolinggo City who are less proficient in technology or are technologically illiterate (gaptek). Because perhaps there are not enough efforts or efforts from the Government to socialize about e-Court or how to apply e-court, so that the people of Probolinggo city become a society with quality human resources. And the government should be even more assertive in making it easier for the public, so that trials can be conducted transparently, efficiently and effectively, quickly and at low cost.

Dispute resolution at the Probolinggo City Inquisition Court using digital or online technology can be done through online self-claim methods, electronic litigation, and electronic courts. PTSP Online is a one-stop integrated justice administration service, starting from data request sessions, complaints, problem registration, payment of issuance bonds and refunds, to receipt/delivery of court documents. E-Court is a service that enables Registered Users to digitally register issues and determine estimated amounts for issue payments, payments made via electronic and online channels, and subpoenas. Electronic litigation is a broader innovation than litigation because it involves a judicial process (Sihite & Marpaung, 2022).

If viewed sociologically, the implementation of virtual trials is something that is impossible to carry out, however, due to the Covid 19 pandemic, law enforcers must remain concrete in carrying out dispute cases from litigants in the Probolinggo City area, where their choice is to continue to carry out trials online or virtual or it could be that law enforcement even postpones or postpones the trial, but if the trial is postponed then the consequence What they get is an increase in the number of infected people the next day. In this case, the law, even if it is not in the form of a law, provides strength and convenience for the formulation of regulations, but can guarantee legal certainty empirically.

Obstacles and Challenges of E-Court System Services for the people of Probolinggo City at the Probolinggo City Religious Court

The process of the E-Court system at the Probolinggo City Religious Court is far from perfect and as expected, but the court does not give up on continuing to socialize the benefits of using the e-court system to the public, even though there are also many obstacles and challenges for the people of Probolinggo city to use the system. e-courts.
Barriers that often occur in the people of the city of Probolinggo to use the e-court system are people who are clueless (technologically illiterate) and cashless (doing things directly), internet networks that do not support, geographical conditions in the Probolinggo city area.

Described below:

a. People who are clueless (technologically illiterate) and cashless (do something directly)

There are still many Probolinggo City people who prefer things that are still traditional or come directly to the Court rather than electronic or online ones, due to the lack of socialization of the e-court system from the Court so that the community does not know there will be new and easier changes.

b. Unsupported internet network

The internet can be said to be a necessity that is needed and used by all people in the world, including the people of Probolinggo City. However, there are also people who are unfamiliar with technology and internet networks that do not support the Probolinggo City area, so this is a challenge for the Probolinggo City Religious Court in introducing the E-court system.

The Ministry of Communication and Informatics (Kominfo) through the Telecommunications Information Fund Management Center continues to ensure equal distribution of telecommunication conversions and facilities throughout Indonesia. This is because not all regions in Indonesia have the opportunity to acquire cellular networks from telecommunications operators, Internet Service Providers (ISPs), and data center operators (Azzahiroh et al, 2020).

c. Geographical conditions in the area of Probolinggo City

Astronomically, Probolinggo City is located between 7º 43’ 41" to 7º 49’ 04" South Latitude and 113º 10’ to 113º 15’ East Longitude, with the following boundaries:

1. To the north: the Madura Strait
2. To the east: Dringu District, Probolinggo Regency
3. To the south: Leces District, Wonomerto District, Bantaran District and Sumberasih District, Probolinggo Regency
4. West side: Sumberasih District, Probolinggo Regency

The area of Probolinggo City is 56,667 km2, divided into 5 sub-districts and 29 sub-districts. Namely:

1. Kademangan District with 6 sub-districts (Kademangan, Ketapang, Pilang, Pohsangit Kidul, Triwung Kidul and Triwung Lor),
2. Kanigaran District with 6 sub-districts (Curahgrinting, Kanigaran, Kebonsari Kulon, Kebonsari Wetan, Sukoharjo and Tisnonegaran),
3. Kedopok District with 6 sub-districts (Jrebeng Kulon, Jrebeng Lor, Jrebeng Wetan, Kareng Lor, Kedopok and Sumber Wetan),
4. Mayangan District with 5 sub-districts (Jati, Mayangan, Mangunharjo, Sukabumi, and Wiroborang), and
5. Wonoasih District with 6 sub-districts (Jrebeng Kidul, Kedung Asem, Kedung Galeng, Pakistaji, Sumber Taman and Wonoasih).

The city of Probolinggo is known as the City of Winds, so sometimes the internet speed is not sufficient enough and results in low internet speed.
CONCLUSIONS
The e-Court system is a case registration service, down payment of court fees, as well as online or electronic payments and summons. The e-court system was originally established by the Supreme Court in 2018 which was regulated by Supreme Court Regulation (PERMA) Number 3 of 2018 concerning Electronic Administration of Cases in Courts. Then it was changed to Supreme Court Regulation (PERMA) No. 1 of 2019 concerning Judicial Cases and Administration. Commonly known as electronic courts or electronic justice, the aim is to apply the principles of simple, fast and inexpensive justice. Therefore, it is hoped that the existence of an electronic court will make it easier for parties to conduct electronic proceedings online, especially during the COVID-19 pandemic.

The rules for using the Covid 19 pandemic e-court system in Indonesia are conveyed in the Circular Letter of the Minister for Administrative Reform and Bureaucratic Reform Number 19 dated March 16, 2020, 2020 concerning Adjustment of the Work System. state civil machinery works to prevent the spread of COVID-19 within state institutions. SEMA RI Number 1 of 2020 Regulates Trials During the COVID-19 Pandemic.

During the Covid-19 pandemic, with the help of digital technology, cases can be resolved through online self-litigation, e-litigation and e-court. PTSP Online is an integrated legal management service in terms of processes, starting from requests for information, complaints, registration of problems, making payments and refunding advances in case of problems to receiving/delivering the right product through one door. E-Court is a service for registered users to submit issues digitally, receive issuance fee estimates, payments, and challenges electronically and online. E-Court is a broader innovation than E-Court because it is part of the legal system (Sihite & Marpaung, 2022). However, there are still many Probolinggo City residents who are in litigation who do not know about the existence of an E-court system due to a lack of socialization from the court and because of several factors such as a tech-savvy community (technological stutter), unsupportive internet network, and also geographical conditions in Probolinggo City.

My suggestion as a writer to the government is that the e-court system can be socialized more clearly to people who are in litigation and want to register their case status through e-court, because there may be limited time to come to court in person, and also to the court can register users litigation other than advocates (cloud society / individuals) in the e-court system to make it easier.

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