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Dispute Resolution

## E-Court Registration Is Now Mandatory For Civil Cases

In 2018, the Supreme Court issued Regulation No. 3 of 2018 on Electronic Case Administration in Court, which requires the electronic filing of a civil case, or commonly referred to as 'e-court'. Since then, the Supreme Court has continually issued several implementing regulations, including but not limited to:

- Decree of the Director General of the General Court at the Supreme Court ("**Director General**") No.271/DJU/SK/PS01/4/2018 on Guidelines to Implement Regulation 3/2018; and
- Decree of the Director General No.272/DJU/HM02.3/3/2019 on Acceleration of Case Registration through E-Court.

Most recently, the Supreme Court issued the Circular Letter No.04 of 2019 on Requirement to Register Civil Cases Through E-Court ("**Circular Letter**") as it is of the view that there has been no significant changes made with regards to the implementation of e-court.

In essence, the Circular Letter requires all District Court of Special IA Class, IA Class, and all District Courts under the jurisdictions of the Banten High Court, Jakarta High Court, Bandung High Court, Semarang High Court, Yogyakarta High Court, and Surabaya High Court to implement registration of civil cases through the e-court system. The Circular Letter was addressed to all Chairman of the High Courts and Chairman of the District Courts in the general court area under the Supreme Court.

In order to ensure that the civil case registration through e-court is implemented effectively by all District Courts (including other District Courts as mentioned above), the Circular Letter obliges:

- all Chairman of the District Courts to implement and monitor the One Stop Service Centre (*Pelayanan Terpadu Satu Pintu* or "**PTSP**") and the Legal Aid Office (*Pos Bantuan Hukum*) within their courts and to direct the registration of any civil case to be through the e-court system;
- all PTSP to employ IT staffs/specialist to assist the public with the e-court registration process; and
- all Chairman of the High Court to monitor and evaluate the implementation of e-court, as well as to report any development and issues in such implementation to the Director General, with a copy to the Director of General Court Administration on a monthly basis.

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### Conclusion

The Circular Letter is expected to stimulate the implementation of e-court in all Indonesian courts with an aim to achieve simple, speedy and inexpensive resolution to proceedings.

Having said the above, it remains unclear whether the Circular Letter must be immediately implemented as there is no specific deadline mentioned to perform all of the instructions contemplated therein. In this respect, based on our informal discussion with an official at the Directorate General of the General Court at the Supreme Court, we understand that the requirement to implement civil case registration through e-court becomes effective as of the date of issuance of the Circular Letter, i.e. 10 June 2019. Further, we have also sought a confirmation from the Central Jakarta District Court (“**CJDC**”) regarding this matter and were informed that the CJDC has already implemented civil case registration through e-court as of May 2019 following the issuance of the Decree of the Chairman of CJDC No. W10.U1.64KP.01.1.III.2019.01 on March 2019.

Additionally, we were also informed that at this stage, the obligation to register civil cases through e-court only applies for the registration of contentious lawsuit (*gugatan*), not for non-contentious application/petition (*permohonan*), and it does not apply to any individual who files a lawsuit without being represented by an attorney..

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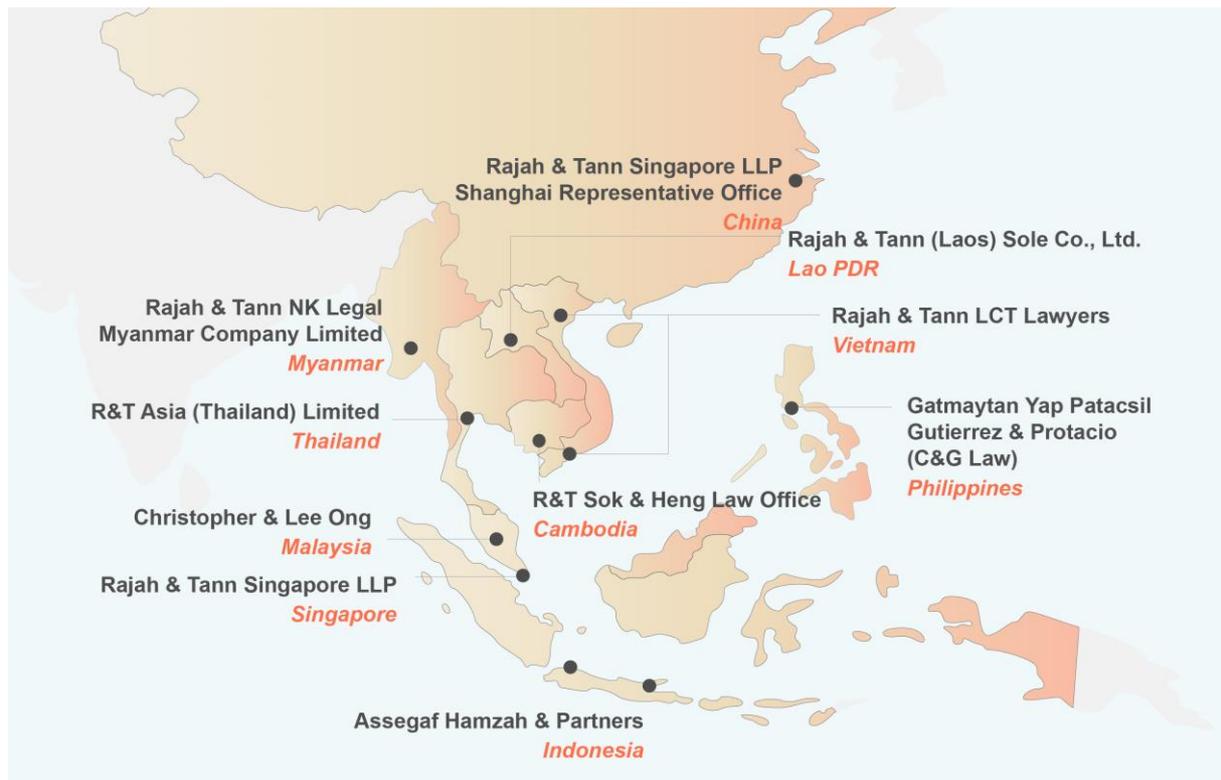
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