

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES IN ELECTRONICS JUSTICE SYSTEM (E-COURT)

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Received 07-09-2020; Revised 22-01-2021; Accepted 01-03-2021

<https://doi.org/10.25216/jbp.10.1.2021.1-30>

Abstract

The emergence of e-Court as a modernization on trials enabled the judicial process to run online. The application allowed users, including Persons with Disabilities (PwD). Since the online system is essentially similar to the on-site one, the judicial process should consider reasonable accommodation. Moreover, considering Government Regulation Number 39 of 2020 concerning Reasonable Accommodations for Person with Disabilities (Regulation of Reasonable Accommodation in Judicial Process), the types of accommodations to enable PwD to use the online system must be clear. How the reasonable accommodations provided in e-Court is the issue of this research. The method of research used to elaborate on this issue is the normative juridical method. Patterns of problem approach are statute approach and conceptual approach.

Meanwhile, the Analytical Descriptive method is used to construct the data. In this writing, automated online web accessibility tests showed that the medium percentage of the e-Court's accessibility is used to bolder the analysis. This writing elaborated the accessibility of e-Court and the components of the information within which needed to be enhanced for providing reasonable accommodation for Persons with Disabilities, mainly in the form of service. It also touched on the Standard of Judicial Process involving Persons with Disabilities and the provision of the Companion and/ or the Translator for Persons with Disabilities during the trial process linked with the personal assessment and the participation of society.

Abstrak

Aplikasi e-Court hadir sebagai wujud modernisasi peradilan yang memungkinkan proses peradilan berjalan secara daring. Pembaruan dilakukan sehingga aplikasi e-Court dapat digunakan oleh berbagai pihak, termasuk pula Penyandang Disabilitas. Hakikatnya peradilan secara daring sama dengan peradilan secara luring, sehingga harus diperhatikan pula apakah akomodasi yang layak bagi Penyandang Disabilitas telah tersedia dalam pelaksanaan peradilan secara daring dan seperti apa bentuk akomodasi yang layak tersebut berdasarkan Peraturan Pemerintah RI Nomor 39 Tahun 2020 tentang Akomodasi Yang Layak Untuk Penyandang Disabilitas Dalam Proses Peradilan. Bentuk Akomodasi Yang Layak dalam aplikasi e-Court menjadi isu utama dalam tulisan ini. Metode penelitian yang digunakan untuk membahas isu ini adalah penelitian yuridis normatif. Pola pendekatan masalah dilakukan dengan menggunakan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Sedangkan untuk menganalisa dan mengkonstruksi data dilakukan teknik deskriptif analitis. Dalam tulisan ini, instrumen pengujian aksesibilitas website secara online yang menunjukkan persentase medium dari aksesibilitas e-Court digunakan untuk mempertegas analisis. Tulisan ini membahas bagaimana aksesibilitas aplikasi e-Court, termasuk komponen informasi di dalamnya yang masih membutuhkan penyediaan akomodasi yang layak bagi Penyandang Disabilitas untuk bisa menikmati pemanfaatan e-Court secara maksimal, khususnya akomodasi dalam bentuk pelayanan. Selain itu, dibahas pula mengenai Standar Pemeriksaan Penyandang Disabilitas dan penyediaan Pendamping dan/ atau Penerjemah bagi Penyandang Disabilitas selama proses peradilan dikaitkan dengan proses Penilaian Personal dan partisipasi masyarakat.

Keywords: Reasonable Accommodation, e-Court, Persons with Disabilities, Accessibility, Akomodasi yang Layak, e-Court, Penyandang Disabilitas, Aksesibilitas

Introduction

The Supreme Court of the Republic of Indonesia has renewed its technical and managerial policies to deliver justice seekers' legal service. One of the renewal efforts was the agenda to improve the case management system according to the blueprint of the Supreme Court

of the Republic of Indonesia 2010-2035 by modernizing¹. For decades, the judiciary enforces the judicial process manually, and there were several obstacles found at times during the process: duration, expense, and other procedural matters. As technology develops, so does the service.

The Supreme Court has developed information and communication technology (ICT) in case administration, case handling, and lastly, in the judicial/ hearing process to increase efficiency and effectiveness. Modernization in Courts becomes a necessity to realize a simple, fast, and low costs trial process.² The e-Court web app was launched by the Supreme Court of the Republic of Indonesia as a basis for an electronic judicial system in Indonesia.³ The e-Court web app was regulated by the Supreme Court Regulation Number 3 of 2018 concerning Electronic Case Administration in Courts. After the issuance, the app was initially tested on 32 courts chosen from Public Courts, Religious Courts, and Administrative Courts. One year later, the regulation was replaced with the Supreme Court Regulation Number 1 of 2019 concerning Electronic Case Administration and Trials in Courts (e-Court regulation) along with the launch of an e-Litigation feature of e-Court on 19th August 2019⁴.

Updates on the e-Court app enable some features such as case registration (e-Filing), trial cost payment (e-Payment), summons for the parties (e-Summons), the trial process (e-Litigation), copy of the verdict (e-Salinan), and online appealing accessed through the app⁵. Starting

¹ Supreme Court of the Republic of Indonesia, *Blueprint of Judicial Renewal 2010-2035* (Jakarta: Supreme Court of the Republic of Indonesia, 2010), p. 35.

² Supreme Court of the Republic of Indonesia, *Annual Report: New Modern Trial Era Based on Technology* (Jakarta: Supreme Court of the Republic of Indonesia, 2018), p. 14.

³ Sonyendah Retnaningsih, et al, “Pelaksanaan E-Court Menurut PERMA Nomor 3 Tahun 2018 Tentang Administrasi Perkara di Pengadilan Secara Elektronik dan E-Litigation Menurut PERMA Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik (Studi di Pengadilan Negeri di Indonesia)”, *Jurnal Hukum & Pembangunan*, Vol. 50 No. 1 (2020), p. 131.

⁴ Andrian Pratama Taher, “Luncurkan E-Litigasi, MA Optimis Penanganan Perkara Lebih Efektif”, *Tirto.id* (19 Aug 2019), <https://tirto.id/luncurkan-e-litigasi-ma-optimis-penanganan-perkara-lebih-efektif-egzk>, accessed 29 Jul 2020.

⁵ Pepy Nofriandi, “KMA Resmikan e-Court Tingkat Banding, Direktori Putusan Mahkamah Agung Versi 3.0, dan Anugerah Mahkamah Agung Tahun 2020”, *Mahkamah Agung RI* (20 Aug 2020),

from 2nd January 2020, the electronic judicial process has come to the fore⁶. The e-Court is likely a modification of such practices in other countries and adjusted with Indonesia judiciary system. Utilization of e-Court in 2019 recorded as many as 47.244 cases processed, with numbers of non-advocate participants are 22.641 users, which consist of 21.431 personal users, 172 users for government institutions, 972 users for corporations, and 111 users as incidental power of attorney⁷. The emergence of e-Court consequently minimized the presence of parties to come in court. This system is a helpful innovation, especially during the Covid-19 pandemic spread over the country in 2020-2021. The online process in e-Court also helps justice seekers to obey the health protocol during the litigation, and the process may be finished within the trial duration.

Another positive impact of e-Court is that paper usage during the litigation may be decreased as each party does not have to hand over the replies to one another in hard copies. They can upload the replies online, and once the document verified by the Judge, it will be forwarded to the opposite party and also will be available for download⁸. Nevertheless, this innovation is unseparated from the fact that innovation is not only to answer challenges but also to deliver a new challenge: to give the same opportunity for all justice seekers so that e-Court is accessible to everyone, including Persons with Disabilities. There is no statistical data to show the use of e-Court sorted by age, sex, or disabilities of the users. However, it is undeniable that Persons with Disabilities are also justice seekers and should be able to use e-Court regarding legal interests. Statistical data of the e-Court users sorted by specific backgrounds of the user, such as disabilities, would be a tool

<https://www.mahkamahagung.go.id/id/berita/4271/kma-resmikan-e-court-tingkat-banding-direktori-putusan-mahkamah-agung-versi-30-dan-anugerah-mahkamah-agung-tahun-2020>, accessed 24 Aug 2020.

⁶ Aida Mardatillah, "Usung Tema Peradilan E-Litigasi, MA Luncurkan Laptah 2019", *Hukum Online* (24 Feb 2020), <https://www.hukumonline.com/berita/baca/lt5e537d4dc13db/usung-tema-peradilan-e-litigasi-ma-luncurkan-laptah-2019?page=2>, accessed 29 Jul 2020.

⁷ Agus Sahbani, "MA Imbau Pencari Keadilan Manfaatkan E-Litigasi", *Hukum Online* (19 Mar 2020), <https://www.hukumonline.com/berita/baca/lt5e721a1f37092/ma-imbau-pencari-keadilan-manfaatkan-e-litigasi?page=all>, accessed 29 Jul 2020.

⁸ Monika Singh, et al., "Success Factors for e-Court Implementation at Allahabad High-Court", *PACIS 2018 Proceedings*, 137 (2018), p.3.

for enhancing the uses of e-Court for justice seekers from any background with different needs to enjoy the innovation.

Persons with Disabilities in Law Number 8 of 2016 concerning Persons with Disabilities (Law of Persons with Disabilities) is whoever has a limitation on physical, intellectual, mental, and/ or sensory for a quite long time that may experience significant obstacle to interact or fully and effectively participated with other citizens as in equal rights. According to the National Social Economy Survey (*Susenas*) of 2018, the number of Persons with Disabilities in Indonesia in severe and moderate level is up to 30 million. Meanwhile, according to the Cross-Census Population Survey (*Supas*) of 2015, the number of Persons with Disabilities in Indonesia is up to 21 million.⁹ Moreover, in percentage, most of Persons with Disabilities are in productive age (15-64 years old), which also the range of age most people become the parties or legal service recipients in Court. Every user of e-Court registered user (registered lawyer) or not has the right to use this electronic service of case administration and trials with all its features (Art 6, line (1) e-Court Regulation). To guarantee the fulfilment of fundamental rights for Persons with Disabilities upon equality is also meant to fulfil equality before the law. Modification and adjustment are needed to provide accessible services and chances to proceed within the trials (either by the attorney or by themselves). The modification and adjustment to endorse equality is called reasonable accommodation for Persons with Disabilities. ‘Reasonable accommodation’ first mentioned in the Convention on the Rights of People with Disabilities (CRPD) as a necessary and appropriate modification or adjustment which needed to ensure Persons with Disabilities the enjoyment of equal basis with others on all human rights and fundamental freedoms¹⁰. Law enforcement institution is responsible for providing reasonable accommodation in judicial process as written in Art 36, line (1) Law of

⁹ Yohanes Enggar Harusilo, “Hari Disabilitas Internasional, Ini Rangkaian Peringatannya di Indonesia”, *Edukasi Kompas* (3 Dec 2019), [https://edukasi.kompas.com/read/2019/12/03/07000011/hari-disabilitas-internasional-ini-rangkaian-peringatannya-di-indonesia#:~:text=Berdasarkan%20data%20Survei%20Sosial%20Ekonomi,Supas\)%20berjumlah%2021%20juta%20orang,](https://edukasi.kompas.com/read/2019/12/03/07000011/hari-disabilitas-internasional-ini-rangkaian-peringatannya-di-indonesia#:~:text=Berdasarkan%20data%20Survei%20Sosial%20Ekonomi,Supas)%20berjumlah%2021%20juta%20orang,) accessed 5 Aug 2020.

¹⁰ Division for Social Policy Development (DSPD)- Department of Economic and Social Affairs (DESA), *Toolkit on Disability for Africa Module 4: Accessibility* (New York: United Nation, 2016), p.4.

Persons with Disabilities, and in Art 2, line (1) Government Regulation (PP) Number 39 of 2020 concerning Reasonable Accommodation for Persons with Disabilities in Judicial Process (Regulation of Reasonable Accommodation in Judicial Process).

Reasonable accommodation for Persons with Disabilities is also needed in electronics justice system (e-Court). Electronics justice system based on e-Court Regulation is a set of judicial process starting from the filing process, trial process, and adjudication as if the common civil trials, but using the electronic system called e-Court app. Therefore, there must be a significant review towards the underwriting of disability rights to get reasonable accommodation in judicial process as mandated on Law of Persons with Disabilities and Regulation of Reasonable Accommodation in Judicial Process. This writing is intended to comprehend the forms of and the guaranty of reasonable accommodation for Persons with Disabilities in utilizing e-Court according to the regulation and pointing out the user experience improvements needed by Persons with Disabilities. To discuss the issue, the normative juridical method is used without hypothesis and empirical data unless the data can assert the analysis, such as the result of automated online web accessibility examination. Patterns of the problem approach used in this writing are the statute approach and conceptual approach. Meanwhile, the descriptive-analytical technique is used to analyze and to construct data, which describe the object and subject of the main issue to reach an end for the conclusion.

The Law Concept of Reasonable Accommodation for Persons with Disabilities in Judicial Process

The concept of equality of rights for Persons with Disabilities has changed from the charity perspective to the human rights perspective. This shift can be viewed on Law Number 19 of 2011 concerning the ratification of Convention on the Rights of Persons with Disabilities on 10th November 2011 and Law Number 8 of 2016 concerning Persons with Disabilities. This Law's range is the fulfilment of equal opportunity for Persons with Disabilities in any aspect of statehood or society activities, respect, protection, and fulfilment of rights, including accessibility and reasonable accommodation. Fulfilment of rights is based on respect upon dignity, individual

autonomy, no discrimination, participation, human diversity and humanity, equal opportunity, equality, accessibility, developing capacity, children identity, inclusivity, and affirmative action (Art 2 Law of Persons with Disabilities).

Human diversity and humanity, inclusivity, and affirmative action aim to shift the perspective of abnormality towards Persons with Disabilities to human diversity. Additionally, various disability means inclusivity and affirmative action are needed to get rid of discrimination. Types of disability according to Art 4, line (1) Law of Persons with Disabilities named as physical disability, intellectual disability, mental disability, and/ or sensory disability. Anyone may have it singularly or double, or multi (more than two kinds), either permanently or temporarily.

Types of disability are the fundamental indicators to decide the form of reasonable accommodation for a Person with Disabilities, as mentioned in Art 4, line (1) Regulation of Reasonable Accommodation in Judicial Process. According to the Regulation, reasonable accommodation is an appropriate and necessary tool to ensure the enjoyment of human rights and fundamental rights of Persons with Disabilities regarding equality (Art 1 Number 2). Based on the definition, there are two related things to identify whether a reasonable accommodation is available or not: 1) appropriate and necessary modification/ adjustment; and 2) human rights and fundamental rights regarding equality.

The Regulation of Reasonable Accommodation in Judicial Process's main focuses are as mandated in Art 36, line (2) Law of Persons with Disabilities: respects and implementation of the rights for justice and law protection. Reasonable accommodation is needed to actualize a fair trial, including the electronic judicial process. Judicial process embodied as investigation, prosecution, and trial process. However, in this writing, the trial process is highlighted, precisely, the e-Court process. Forms of reasonable accommodation as written in Art 5, line (1) consist of 1) services and 2) facilities and infrastructure, which must be given along the trial process. Some important points of services as mentioned in Art 6 are: 1) non-discriminative action; 2) fulfilment of comfort and securement; 3) effective communication; 4) information regarding rights of Persons with Disabilities and the progress of judicial process; 5) facility provision of audiovisual communication; 6) standard

provision of the trial process towards Persons with Disabilities and legal services; and 7) provision of companion for Persons with Disabilities and/ or the Translator. Meanwhile, the facilities and infrastructure as mentioned in Art 19, line (1) and (2) are provided by the law enforcement institution according to any disability. As mentioned in Art 20, the minimum provision of the facilities and infrastructure are:

- a. For persons with visual impairment, minimum accommodations are 1) computer and the screen reader; 2) readable webpage for persons with visual impairment; 3) published document using braille; and/ or 4) media for audio communication.
- b. For deaf or persons with hearing impairment, minimum accommodations are 1) visual information board; 2) media for communications using text or other visuals; and/ or 3) props.
- c. For persons with speech impairment, minimum accommodations are 1) visual information board; 2) media for communications using text or other visuals; and/ or 3) props.
- d. For persons with communication impairment, minimum accommodations are 1) visual information board; 2) media for communications using text or other visuals; and/ or 3) props.
- e. Mobility impairment, minimum accommodations are 1) wheelchair; 2) wheeled bed; and/ or 3) other mobility devices.
- f. Remembering and concentration impairment, minimum accommodations are 1) picture; 2) mockup; 3) doll; 4) calendar; and/ or 5) other needed devices.
- g. Intellectual impairment, minimum accommodations are 1) medicines; 2) health facility; and 3) other needed devices.
- h. Behaviour and emotions impairment, minimum accommodations are 1) medicines; 2) health facility; 3) calm and comfortable room; and/ or 4) other needed devices.
- i. Self-care difficulties, minimum accommodations are 1) medicines; 2) accessible changing room; and/ or 3) other needed devices.
- j. Other barriers are based on the result of personal assessment.

One thing to emphasize in Regulation of Reasonable Accommodation in Judicial Process is a personal assessment. The assessment used to assess various disability, levels, barriers, and needs of Persons with

Disabilities medically and physically to specify the reasonable accommodation needed. Personal assessment in the Regulation becomes an unseparated part of the trial process involving Persons with Disabilities. Law enforcement institution (the Court) submit the personal assessment to medical supports, psychologist, and/ or psychiatrist. As the personal assessment aims to define the medical and psychological needs of Persons with Disabilities, so lack of medical or psychological support in certain areas may obstruct personal assessment steps. However, the Regulation has no further explanation of the assessment's steps if (in certain areas or conditions) there is no medical or psychological supports to assess.

Supreme Court of the Republic of Indonesia, especially the Directorate General of General Courts, has an eye on personal assessment as a vital step to specify the reasonable accommodation in the trial process. The Decree of Director General of General Courts Number 1692/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Services for Persons with Disabilities in Appealing Courts and District Courts determined the Assessment Sheet both for Criminal and Civil Cases Settlement needs. The assessment sheet must be filled in with Persons' identity information with Disabilities and the answers to some questions about Persons with Disabilities' conditions and needs according to the types of disability. The assessment sheet is available in One Gate Integrated Service (PTSP), and the officer of Law service in PTSP must help fill out the form and submit it to the Clerk of the Court. In the guidelines, medical or psychological commentary is not mandatory. It is possible to define reasonable accommodations without asking for comment or recommendation from medical or psychological supports. The Assessor in the Court (the Clerk or Secretary of the Court) will decide any reasonable accommodations for Persons with Disabilities based on the assessment sheet's information. This could be a solution to the lack of medical and psychological supports if only the officials (Clerk/ Secretary of the Court) has been provided with basic knowledge about reasonable accommodations for Persons with Disabilities in the judicial process and the ethics of communication with Persons with Disabilities based on the types of disability.

Additionally, another essential thing that the Court should provide is the companion or the translator for Persons with Disabilities. The

companion and/ or the translator is/ are also vital to ensure that the trial process is inclusive for Persons with Disabilities. The companion must be knowledgeable about the vary, levels, barriers, the needs of a Person with Disabilities and assist during the trial process. Meanwhile, the translator should be knowledgeable about how a Person with Disabilities communicate and communicate effectively with that person. Art 15, line (3) mentioned the qualifications of a companion for Persons with Disabilities need to meet. Not only knowledgeable about needs and the person's barriers to accompany, but also able to facilitate and communicate with those persons during the trial process. The companion also needs consent from the family or that person they will accompany. The translator's qualifications are likely as the companion's, and also needs consent from the family or that person who needs a Translator. The Court must ensure the provision according to such qualifications.

Nonetheless, as mentioned previously, the companion and the translator for Persons with Disabilities are not always available in all areas. Art 17 allows the Court to cooperate with the local government, institution, or organization that concern the disabilities issue to aid the companion and/ or the translator's provision. Another form of reasonable accommodation in the judicial process is facilities and infrastructures. Just as services, it needs to be specified with each kind of disability. Moreover, it is implemented concerning state finances and laws. According to Art 21, the Court must provide facilities and infrastructures such as room based on accessibility standards for Persons with Disabilities, accessible transportation to the trial site, and accessible building facilities.

The implementation of e-Court is not entirely run electronically. Practically, the trial's first agenda, mediation process, and proof agenda need to be held on-site, not online by the app. By that, the analysis of facilities and infrastructures still relevant to be elaborated in this writing. In the trial process, it is allowed to enlarge the scope of media for communication. In Art. 9 of the Guidelines for the Implementation of Services for Persons with Disabilities in Appealing Courts and District Courts, the Court must provide the device to communicate with Persons with Disabilities.

Moreover, in Art. 13, the providence should be following the needs of each type of disabilities. Whether it is on-site or online, it is vital to

keep the communication running effectively between the law enforcer and Persons with Disabilities. Effective communication means exchanging the information, ideas, and sense that create a swift attitude as a good relation between deliverance and recipient of the messages. The indicator of effectiveness in communication may be seen as the messages received precisely by the recipient.

Art 10, line (1) of Regulation of Reasonable Accommodation in Judicial Process mentioned that the law enforcers are obliged to define the rights of Persons with Disabilities to related parties in trial process: Persons with Disabilities themselves, their family, and/ or the companion before going to continue the trial process. As it becomes an obligation in a judicial process, the law enforcer institution and other institutions related to the trial process need to make or develop the trial process standard involving Persons with Disabilities according to their authority. The standard as mentioned in Art 12, line (2) involves the qualification of Investigator, Prosecutor, Judge, and Warden; 2) building facilities; 3) services; and 4) trial procedure. The standard shall be set in the internal regulation of each law enforcer institution.

Other but not least that mentioned in the Regulation of Reasonable Accommodation in Judicial Process is community participation. This role is carried out in the form of providing the companion for Persons with Disabilities in the trial process, monitoring the trials involving Persons with Disabilities, research and education regarding reasonable accommodation in the trial process, and/ or socialization regarding the rights of Persons with Disabilities, prevailing laws and regulations which related to such issue.

The Accessibility and The Form of Reasonable Accommodation in Utilizing The E-Court App

Convention on the Rights of Persons with Disabilities (CRPD) had identified the necessity of providing the accessibility of information and communication technologies (ICT) as accessibility is one of eight fundamental principles in it¹¹. The e-Court app features had been

¹¹ Division for Social Policy Development (DSPD)- Department of Economic and Social Affairs (DESA), *Toolkit on Disability for Africa Module 12: Information and Communication Technology (ICT) and Disability* (New York: United Nation, 2016), p.4.

developed almost every year to be implemented in the courts nationwide. 382 public courts accommodate active services of e-Court¹², 412 Religious Courts¹³ And 30 Administrative Courts¹⁴. E-Court app is a form of legal service that functioned to simplify the registration and civil cases' trial process. The features of the e-Court app are:

- a. e-Filing (Case Registration)
The case registration in the e-Filing feature has several benefits, such as saving time and cost, well-archived document and saved paper usage, accessible from any online media, and faster retrieval data process.
- b. e-Payment (Cost Payment of Case Registry)
The payment of the cost degenerated electronically based on the cost configured component by each Court. The user will get an electronic power of attorney to pay called e-SKUM and a virtual account number for completing the payment.
- c. e-Summons (Summons for Parties)
Summons for the registrar done electronically by addressing to electronic domicile that registered. Meanwhile, the first summons to the defendant need to be done manually as the defendant's electronic domicile address will be known if there is consent from the defendant to use e-Court for the trial process. On the first agenda of the trial, if the defendant was present, the Judge will ask for the consent to use the e-Court app and give the defendant's electronic domicile address.
- d. e-Litigation (Trial Process)
Online trial process in e-Court is implemented on replies process (*proses jawab-jinawab*) after the first agenda, and the mediation failed/ could not reach an agreement. On this step, parties need to upload their documents on the system: the claim/ lawsuit, the answer from the defendant(s), the replies (*replik/ duplik*), the final declaration of the plaintiff and/ or

¹²Mahkamah Agung RI, "e-Court Maps of Public Courts", https://ecourt.mahkamahagung.go.id/mapecourt_umum, accessed 12 Aug 2020.

¹³Mahkamah Agung RI, "e-Court Maps of Religious Courts", https://ecourt.mahkamahagung.go.id/mapecourt_agama, accessed 12 Aug 2020.

¹⁴Mahkamah Agung RI, "e-Court Maps of Administrative Courts", https://ecourt.mahkamahagung.go.id/mapecourt_tun, accessed 12 Aug 2020.

defendant, and evidence files to e-Litigation feature in e-Court. The judges' panel will verify all documents, and all parties may access and download them.

e. Electronic Appeal Feature

After the trial process in district court through e-Litigation feature, parties got rights to appeal the decree. Previously, parties need to come directly to the Court to appeal in a particular term of time. It is the newest feature of e-Court as a completion to an electronic justice system. All administration process and documents are done through the e-Court app.¹⁵

Besides all mentioned above, the e-Court app also provides an e-Salinan service that delivers the Judge's verdict's information and its official copy electronically and can download through the app. Another feature related to it is e-Sign. E-Court with all its features accessed through the official site of the Supreme Court's e-Court on the link: <https://ecourt.mahkamahagung.go.id/>. This app's emergence transformed the trial process from a manual process (non-electronic) to an online-based process (electronic). It has undoubtedly affected changes in the practices of justice seekers. Previously, the case registration process seemed to be complicated and took a long time, but as it processed through one integrated online system such as e-Court, the registration and the trial process are set to ease legal services' efficiency.

Usage of the e-Court app mostly practical for case registration to electronic payment (e-Filing and e-Payment). Not every registered case will be processed through e-Summons and e-Litigation since there is a need for approval from each party to be in litigation electronically. Lack of information about the usage of the e-Court app is the causal factor for parties' reluctance¹⁶. This could also be a difficulty for Persons

¹⁵ Pepy Nofriandi, "KMA Resmikan e-Court Tingkat Banding, Direktori Putusan Mahkamah Agung Versi 3.0, dan Anugerah Mahkamah Agung Tahun 2020", *Mahkamah Agung RI* (20 Aug 2020), <https://www.mahkamahagung.go.id/id/berita/4271/kma-resmikan-e-court-tingkat-banding-direktori-putusan-mahkamah-agung-versi-30-dan-anugerah-mahkamah-agung-tahun-2020>, accessed 24 Aug 2020.

¹⁶ Zil Aidi, "Implementasi E-Court Dalam Mewujudkan Penyelesaian Perkara Perdata yang Efektif dan Efisien", *Jurnal Masalah-Masalah Hukum*, Jilid 49 No. 1 (2020), p.83-84.

with Disabilities since not all the information of e-Court is inclusive for a certain type of disabilities. For example, the guidebook of e-Court is written in PDF format, which may be troublesome to read for persons with visual impairment. Meanwhile, the guidebook's language is formal linguistic and may be troublesome to be understood by persons with intellectual disability.

As mentioned in Art 8 of e-Court Regulation, case registration should be done through the Court's Information System. Practically, e-Court often re-packed with an innovation for better legal service, such as an e-Court mascot or virtual assistant to help people gain information about the app. Such innovation showed the Courts' awareness toward potential matter(s), which may become obstacles for justice seeker in utilizing the app.

For Persons with Disabilities, using an electronic information system in the form of a web-based app is potential to affect distinct experience rather than how it intended if there is no reasonable accommodation in using the app¹⁷. The obstacle of ICT is an inevitability if the innovation is not accessible for Persons with Disabilities¹⁸. Regulation of Reasonable Accommodation in Judicial Process is indeed not explicitly concerned with the electronic judicial system, yet in its general explanation, it mentioned that a fair trial could not be reached unless reasonable accommodation is provided. Related provision on the utilization of e-Court in the Regulation discovered in Art 6: the form of reasonable accommodation as services and Art 20: the Court shall provide the form as facilities and infrastructures, both.

As e-Court is created in a web-based form, free to be accessed publicly, according to Art 20, the website should be readable to Persons with Disabilities on visual impairment(s). So does each media use for communication, there must be captioning, both text and other visuals or props, to make it easier to understand Persons with Disabilities with hearing, speech, or communication difficulties. All words must be clear and easy to understand for Persons with Disabilities with intellectual

¹⁷ Ahmad Zaenudin, "Membuka dan Mendengar Dunia dengan Aplikasi Disabilitas", *Tirto.id* (6 March 2018), <https://tirto.id/membuka-dan-mendengar-dunia-dengan-aplikasi-disabilitas-cFH6>, accessed 27 Feb 2021.

¹⁸ Didi Tarsidi, "Kendala Umum yang Dihadapi Penyandang Disabilitas dalam Mengakses Layanan Publik", *JASSI Anakku*, Vol. 10 Number 2 (2011), p. 204.

impairment. Meanwhile, for Persons with Disabilities with mobility, emotion, and concentration difficulties, some necessary medicines should be provided, assistive tools or other facilities related to what a Person with Disabilities needs. This is also carried out to access e-Court independently or through the e-Court corner in the Court.

The e-Court app used visual objects, both images and texts, to point out its features. For persons with visual impairment, this would be an inconvenience if there is no web accessibility. Moreover, Persons with Disabilities with visual impairments are not in the same difficulty to access the website, it depends on which kind of difficulties that person had (low vision, colour blindness, total blindness)¹⁹. World Wide Web Consortium (W3C) made a universal guide for web accessibility called Web Content Accessible Guidelines (WCAG). The guidelines had been upgraded to version 2.0-2.1. WCAG 2.0 has 4 basic principles for web accessibility: perceivable, operable, understandable, dan robust²⁰:

1. Perceivable

The information components and the user interface must be presented in a way acceptable to the user. This principle has 4 basic instructions to be presented: text alternatives, time-based media, adaptable, and distinguishable.

2. Operable

User interface component and navigation must be useable by Persons with Disabilities. This principle has 4 instructions to be presented: accessible keyboard, enough time, seizures, and navigable.

3. Understandable

The information components and the user interface must be presented in a way that is easy to understand. This principle has 3 instructions to be presented: readable, predictable, and input assistance.

4. Robust

¹⁹ Michael G. Paciello, *Web Accessibility for People with Disabilities* (Kansas: CMP Books, 2000), p. 8.

²⁰ Firdaus Masyhur, *Ministries and Institutions Official Website Accessibility Evaluation Using WCAG 2.0* (Makassar: Office Centre for Study and Development of Communication and Informatics, 2015), p. 4.

This principle maximizes compatibility with current and future users. This principle has 1 instruction to be presented: compatible.

According to those principles above, information and user interface components have to be maximized well to be used independently by Persons with Disabilities. Until this writing, there has been no web accessibility assessment of the e-Court app toward the information component and user interface with indicators based on the principles contained in WCAG 2.0. E-Court on its website has not used the WCAG 2.0 yet to support its accessibility.

The Writer did some Level Conformance Checking using simple tools called Automated Digital Accessibility Testing Tool by UsableNet AQA and Nu Html Checker by Validator W3. Test on the UsableNet AQA used 4 basic principles of WCAG 2.0 as its research indicators, they are perceivable, operable, understandable, and robust. The result of the test also showed the web's conformance on accessibility based on range values of very low (<40%) to very high (96%-100%).

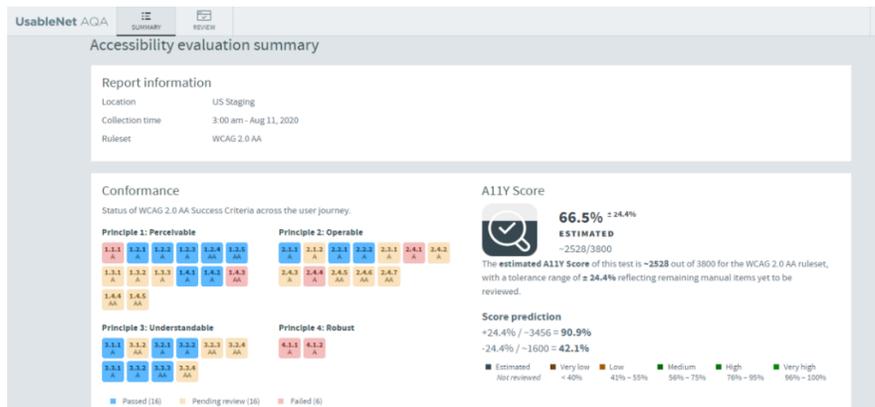


Figure 1 Accessibility Evaluation Summary of UsableNet AQA. Source: UsableNet AQA

Based on the result of the automated online checker above, The Writer obtained the estimated accessibility (a11y) score at 66,5% (ranked as medium accessibility) of the e-Court website with 2528 components tested toward the WCAG 2.0 AA ruleset with a tolerance range of ±24,4% (which means 24,4% items need to be evaluated manually). The score prediction if those remaining components tested

manually and the result is good, then the score accessibility of e-Court could be at 90,9% (ranked high), or if the result is not good, then the score could be at 42,1% (ranked low). Based on 4 principles of WCAG 2.0 being tested, there are 22 instructions being tested, 16 instructions are fulfilling the criteria of WCAG 2.0 and 6 are not, also 16 others are unable to be reviewed because of the needs of manual evaluation. Instructions that do not meet the criteria of WCAG 2.0 are in Perceivable Principle (2), Operable Principle (2), and Robust Principle (2).

The issues of the Perceivable Principle are non-text content and minimum contrast. Non-text content means the app's images were not supported with alternative text that serves the equivalent purpose, except for pure decoration content, which not presented to users. This is a high level of severity but also an easy complexity to fix. Meanwhile, the minimum contrast issue means the highlighted/ linked text has not been provided by enough colour contrast between text (and images of text) and background behind the text. This is a medium level of severity and average complexity to fix.

The issues of the Operable Principle are bypass blocks and link purpose (in context). Bypass blocks mean that skip links are suggested to be reviewed manually, for some skip links are missing due to the different sections of the content on the web page. Skip links are helpful when a web page has one main content area rather than a set of equally important content areas and where there are no multiple navigation sections on the page. This also an easy complexity to fix by providing a mechanism to bypass blocks of content. Meanwhile, link purpose (in context) issue means that there are some empty links with image which has no text alternative. Links that have both a text and iconic representation adjacent is rendered as separate elements, such as the logo of e-Court. This is a high level of severity as it should help the users determine whether to follow the link and an easy complexity to fix.

The issues of the Robust Principle are Parsing and Name, Role, Value. The parsing issue came up as an unsupported HTML entity in certain browser types, or the HTML document contains one or more opening tags without the corresponding closing tag. In other words, the content must be able to be parsed and compatible with a range of user agents/ devices. Meanwhile, name, role, and value resemble the link

purpose issue in the Operable Principle. There is a link with an image that cannot be programmatically determined or missing on with the image. These are also levelled as easy complexity to fix, based on the issue review by UsableNet AQA.

Meanwhile, the Validator W3 tested resource, outline, image report, and page error components. The Writer chose both UsableNet AQA and Validator W3 in this research to get the extended scope of accessibility checking: UsableNet AQA with its scoring sorted by 4 basic principles of web accessibility, and Validator W3 with its evaluation based on HTML checking and it showed the errors or warnings of the source, outline, image report, and error pages.

Nu Html Checker

This tool is an ongoing experiment in better HTML checking, and its behavior remains subject to change

Showing results for <https://ecourt.mahkamahagung.go.id/>

Checker Input

Show source outline image report Options... check error pages User-Agent Validator nu/LV Accept-Language

Check by

Press the Message Filtering button to collapse the filtering options and error/warning/info counts.

Message Filtering

Errors (29) - Hide all errors - Show all errors

- Bad value: `https://fonts.googleapis.com/css?family=Open+Sans:300,300i,400,400i,700,700i|Raleway:300,400,500,700,800|Montserrat:300,400,700` for attribute `href` on element `link`: illegal character in query: `:` is not allowed.
- The `font` element is obsolete. Use CSS instead.
- The `align` attribute on the `p` element is obsolete. Use CSS instead (12).
- Duplicate ID `clients`.
- Bad value: `mailto:ecourt@mahkamahagung.go.id` for attribute `href` on element `a`: illegal character in scheme data: space is not allowed.
- No `p` element in scope but a `p` end tag seen.

Warnings (5) - Hide all warnings - Show all warnings

- The `type` attribute for the `style` element is not needed and should be omitted.
- Non-void `hr` heading. Consider using `h2` or `h3` elements to add identifying headings in all sections.
- The first occurrence of ID `clients` was here.
- The `type` attribute is unnecessary for JavaScript resources.
- This document appears to be written in Indonesian but the `html` start tag has `lang="en"`. Consider using `lang="id"` (or variant) instead.

Figure 2 Nu Html Checker Result of E-Court Website. Source: Nu Html Checker (validator.w3.org)

Based on the result, 29 errors and 5 warnings are found, mostly related to how the website's document/ information is presented. There also found an image report which mentioned that images on the website have no text alternative. Primarily the information provided as text and image, but the font text on the website is a settled font, the type, style, size, and colour. For persons with low vision, this will hinder their experience of getting available information on e-Court. Flexibility such as magnification and screen readers on display text will be a helpful hand, so do images with alternative texts to describe the contents within. The alternative text is an assistive tool to help Persons with Disabilities with visual impairment, mainly blindness (partial or total

blindness). Between text and images, the colour combination also takes place to determine whether the contents are readable or not. Colours in the e-Court app are varied and include bright type colours. Thus, colour inversion and colour correction are needed for its accessibility.

The key to providing reasonable accommodation in the judicial process is disability awareness. Knowing kinds of disabilities and differences of each kind and conceiving the obstacles and the needs to be engaged in the judicial process. For example, persons with hearing impairment, those who are Deaf and Hard of Hearing, portray the diversity in ways and culture of communication. In the e-Court app, there is no audio component as a primary key to access features in the app. Also, most of the Courts also published information about e-Court and its features in the form of video, which uses audio. Surely it would be better if the video was provided with closed captioning (cc) or a room within for a translator's video to translate the audible information to sign language. Published information as a manual to utilize e-Court surely needs those accommodations to make all information more accessible before and while using the app.

In addition to the video, the Supreme Court also got an e-book as a manual of e-Court with information of procedures to use the app: way to sign up, case registration, and the trials. All the information is needed to make the texts and images understood by persons with sensory or intellectual difficulties. Generally, the format of PDF and JPG/ JPEG files are not accessible enough for Persons with Disabilities even though the screen reader is on the notebook or smartphone. Meanwhile, for Persons with Disabilities with hearing difficulties, it is acceptable. Therefore, the sensitivity and broader view in providing accessible information for Persons with Disabilities. Because defining components of information and its form will determine whether the features will be optimally utilized by Persons with Disabilities independently or not.

Lack of accessible information or modes of communication further limits the ability of persons with disabilities to effectively participate in legal proceedings²¹. For example, the features of e-Filing, e-Payment, e-Litigation, and e-Salanan. Some documents will be received or

²¹ Division for Social Policy Development (DSPD)- Department of Economic and Social Affairs (DESA), *Toolkit on Disability for Africa Module 8: Access to Justice for Persons with Disabilities* (New York: United Nation, 2016), p. 7.

downloaded by Persons with Disabilities as an e-Court user on those features. Thus, the documents also need to be readable and fathomable. Currently, the e-Litigation feature on the 'Trials' part is possible to upload some formats of document excluding PDF, such as RTF/ DOC/ DOCS/ DOCX (Word). These formats are easy to read by screen reader software rather than PDF and JPG/ JPEG. So, suppose a Person with Disabilities is a defendant who consents to take online trials by e-Litigation feature. In that case, it will be difficult for him/ her to read the documents uploaded by the plaintiff or the Judge. Practically, it is often found that the e-doc of the lawsuit is hard copies of the lawsuit in image(s) format (JPG/ JPEG/ converted to PDF). This is obviously harder to read by the screen reader software, even if it has no text alternative.

Nonetheless, it is a bit different from the judge's decision (verdict), as it may be riskier to be uploaded in such editable format unlike PDF (indeed, PDF also editable as a picture but it would take effort for most people to do so), so things that need to be sure of is the documents which the parties straightly receive have passed the accessibility check on each party's devices. Currently, the accessibility check feature is available on Microsoft Office Suites (Inspect Documents) and it is automated at the time of making the documents or saving them. Indeed, it needs to get used to.

Electronic/ Online Trial Process for Persons with Disabilities

Statistically, according to the Cross Censuses Survey, the numbers of disabled persons in Indonesia is minor by percentage (8,56%)²², However, the Writer believes that the actual number is much higher than numbers that tested by Central Bureau of Statistics (*BPS*). Likewise, the distribution number of Persons with Disabilities in certain areas is not clearly pictured by the statistics number of Persons with Disabilities. The distribution number of Persons with Disabilities in Indonesia according to Basic Health Research (*Risikesdas*) of 2018 by Health Research and Development Board of Health Ministry showed

²² Rini Kustiani, "Berapa Banyak Penyandang Disabilitas di Indonesia? Simak Data Ini", *Tempo.co* (1 Nov 2019), <https://difabel.tempo.co/read/1266832/berapa-banyak-penyandang-disabilitas-di-indonesia-simak-data-ini/full&view=ok>, accessed 14 August 2020.

that the proportion of Persons with Disabilities aged 18-59 years old in Indonesia spread across all provinces with an average percentage of 22%. Provinces with the highest percentage are Central Sulawesi (40,6%), South Sulawesi (33,6%), and Special Region of Yogyakarta (33,2%), and Provinces with the lowest percentage are Lampung (13,8%), Riau Islands (14,0%), and Jambi (14,2%)²³. Based on the number of Persons with Disabilities, the rarity of cases involving Persons with Disabilities as a party in the litigation should not be an excuse to delay the provision of reasonable accommodation in the judicial process, particularly on the trial process, as Persons with Disabilities are present across the country.

The trial process, according to the Regulation of Reasonable Accommodation in Judicial Process, needs a standard of trial process which involves Persons with Disabilities as the components are mentioned in Art 12, line (2): 1) the qualification of Investigator, Prosecutor, Judge, and Warden; 2) building facilities; 3) services; and 4) trial procedure. The standard should become an internal regulation in law enforcement institutions. This norm enlightened awareness of disability issue in the judiciary. However, this standard is not imperative. In the explanation of Art 12 mentioned that the standard is an operational procedures standard made by related institutions according to each institution's competences. Currently, the Supreme Court does not have the standard of trial process involving Persons with Disabilities yet. But some related points are mentioned in some regulations, such as Law Number 8 of 1981 concerning Criminal Procedure Law (Penal Code), HIR/ RBg, the Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Against the Law, and Law Number 11 of 2012 concerning Juvenile Criminal Justice System.

Electronic/ online trial process for Persons with Disabilities is enabled by the Regulation of Reasonable Accommodation in Judicial Process. According to Art 11, line (1) and (2), Judge is allowed to use cross distance communication media in the trial process to communicate with Persons with Disabilities by considering barriers of

²³ Ministry of Health of the Republic of Indonesia, "International Day of Disability 3 December 2018 – Indonesia Inclusive and Hospitable for Disabilities" (Jakarta: Data and Information Centre of Ministry of Health of the Republic of Indonesia, 2018), p. 5.

Persons with Disabilities to presence directly in the Court. It is not stated specifically that the media is allowed in all cases, yet is not banned in certain cases. For that matter, it should be applicable in any cases of the Court's competence. According to Art 3 of e-Court Regulation, utilizing the e-Court app is applied for civil cases in Public Court, Religious Court, administrative cases in Military Court, and in Administrative Court. In the e-Court app, the trials implemented electronically/ online for filing documents of each parties' replies and the agenda of decision reading. Meanwhile, the first agenda and proof agenda are held on-site. For on-site processes, the clause in Art 11 can be a solution in case that by consideration, Persons with Disabilities was unable to be present on-site based on the consideration of the Court toward conditions of Persons with Disabilities and reasonable accommodation provided in the Court.

The cross-distance communication media has started to be implemented as an alternative way in the trial process. Currently, in the trial process of criminal cases, the teleconference media is used because of the widespread of the Coronavirus, yet the judicial process has to be continued. This alternative applied as mentioned in the Cooperation Agreement between the Supreme Court, the General Attorney, and the Ministry of Law and Human Rights Number 402/DJU/HM.01.1/4/2020 concerning Implementations of Trials by Teleconference. Trials by teleconference also caught in attention by the Supreme Court to be a permanent policy in judiciary²⁴. It showed that as the electronic judicial system be widened to criminal law enforcement, the wider attention to provide reasonable accommodation is needed to draft the standard of the trial process involving Persons with Disabilities, particularly in electronic/ online trial process as there would be some differences to the process as usual, so as the experience and the implementation of rights to justice.

Providing reasonable accommodation in the electronic judicial process is related to Personal assessment that must be submitted by law enforcement institutions to medics, psychologists, or psychiatrists to determine reasonable accommodation in the trial process. As each

²⁴ Diamanty Meiliana, "Mahkamah Agung Berencana Permanenkan Sidang Perkara Pidana Online", *Kompas.com* (20 Aug 2020), <https://nasional.kompas.com/read/2020/08/20/08401541/mahkamah-agung-berencana-permanenkan-sidang-perkara-pidana-online>, accessed 20 August 2020.

person with Disabilities have different needs of reasonable accommodation, the participation of Persons with Disabilities and the Companion of Persons with Disabilities is a must. The disabled persons themselves are who clearly understand the obstacles, the needs, and the alternative solutions if any obstacle occurred, which may become considerations of providing reasonable accommodations for efficiency and effectiveness of electronic/ online trial implementation.

The participation of Persons with Disabilities is accommodated in Art 17 of the Regulation of Reasonable Accommodation in Judicial Process. It formed in cooperation with the Court to present the Companion and/ or the Translator for Persons with Disabilities during the trial process. However, this cooperation may be manifested as the participation of Persons with Disabilities in drafting the standard of services, facilities and infrastructures, and the trial process involving Persons with Disabilities both online and on-site. Such participation should be seen as an act of advocacy to raise awareness toward disability issue for law enforcer and society, including Persons with Disabilities, to know their rights to justice²⁵ and the mechanism that guaranteed a non-discriminated implementation of rights. In other words, the involvement of Persons with Disabilities both personally and communally through the Organization of Persons with Disabilities will also support the Court to create an inclusive environment in the trial process.

Digitalization will continue to grow and change particular system of process in judiciary. So, the Courts (either Judges and the employees) need to see the impacts of digitalization on the trial process and administration quality in the Courts. To ensure it runs fairly, there are some principles as a framework of electronic judicial system: continuity, equal access, traceable, reliability, public accessibility, computerized, efficiency, equality, and rights for all justice seekers to use or to follow the development²⁶. Those are related to Art 2 Law of Persons with Disabilities that the implementation and the fulfilment of

²⁵ W Holness and S Rule, “Barriers to Advocacy and Litigation in The Equality Courts for Persons with Disabilities”, *Potchefstroom Electronic Law Journal*, Vol. 17 No. 5 (2014), p.1909.

²⁶ Ronald van den Hoogen, “Will E-Justice Still Be A Justice? Principles of A Fair Electronic Trial”, *International Journal for Court Administration*, January 2008 (2008), p. 73.

Persons' rights with Disabilities shall be done based on the principle of non-discrimination, whole participation, human diversity and humanity, equal opportunity, equality, accessibility, inclusive, and affirmative action. Since the first launching of e-Court in 2018, the app was used only by registered user (registered advocate), yet currently, the app enabled non-advocate as a user called incidental user. This upgrade was a step to fulfil equal opportunity principle and equality in electronic judicial system. However, other principles as mentioned in Art 2 Law of Persons with Disabilities also need to call into the implementation of providing an inclusive electronic justice system.

The fundamental of providing reasonable accommodation is equality. Every innovation in public services, such as legal service, shall consider the accessibility and assistive tools to improve the user's experience. Preferably not by dividing the app's usage by creating a special website or app used by Persons with Disabilities only or vice versa, but the same app is easy to be used by anyone. Challenge to guarantee justice for everyone including minorities by conditions indicates that the judicial system needs to be more communicative and be culturally sensitive to the needs of Persons with Disabilities²⁷. To have such sensitivity by culture, the Courts need to be more open for collaboration with related parties: Persons with Disabilities through organizations or communities, the Companion of Persons with Disabilities, the medics, psychologist, and psychiatrist, or maybe with communities or organizations that concerned on disability issue. More collaboration and participation of society and Persons with Disabilities made, more perspectives will be gathered to support the Courts to provide reasonable accommodation.

Supreme Court of the Republic of Indonesia has been working on raising numbers of collaboration to make inclusive service in judiciaries possible. Referring to Regulation of Reasonable Accommodation in Judicial Process, the Supreme Court of the Republic of Indonesia issued a letter for internal organization of itself by the Secretary of Supreme Court of the Republic of Indonesia Number 476/SEK/OT.01.1/3/2020 in regards to proposing a public service unit and inclusive public service unit in Indonesian Courts. The effort runs sustainably through all directorate-general in the Supreme Court.

²⁷ Ingrid Rindal Lundeborg and Jan-Kare Breivik, "Being Deaf in Court", *Scandinavian Journal of Disability Research*, Vol. 17 No. S1 (2015), p. 56.

For example, the Directorate General of General Courts has issued the Guidelines for the Implementation of Services for Persons with Disabilities in District Court and High Court: the guidelines to enhance the physical accessibility, the ethics of interaction with Persons with Disabilities, the operational standards of the judiciary services, personal assessment for Persons with Disabilities to access the services of the civil registrar, and personal assessment to access the services of the criminal registrar through the service of One Gate Integrated Service in the Courts;

Supporting the reasonable accommodation for Persons with Disabilities by concerned with personal assessment is a need. As personal assessment is a mandatory step in the trial process involving Persons with Disabilities. In the guidelines of personal assessment to access the services of the civil and criminal registrar in general judiciary, the Courts provide a questionnaire for the Persons with Disabilities to see their actual condition and their needs based on their disabilities to provide the assistive tools or the assistance to accompany them during the services' deliverance. The role of the assessor is taken by the officials in the Courts according to the recommendation of the expert and/ or the Persons with Disabilities themselves or their relatives. This step, however, needed to be monitored by the Supreme Court to make sure of its effectiveness in practice. Not only based on the administrative paperwork, but also the testimonials from the Persons with Disabilities themselves.

Relating to the usage of the e-Court app, based on the prediction score result of e-Court's accessibility, the Companion and the Translator will be very handy to help Persons with Disabilities utilize the app. In a line of getting used to performing accessibility of documents or other components of information that used in the app and its guidance media, the Companion and the Translator are (also) mandatory to be provided in electronic justice system through e-Court. This reasonable accommodation will meet the requirements by the personal assessment of civil registrar officials – if the service user is present in the Court. So, this shall be obtained in the evidentiary or proofing agenda of the case that the Court needs to assign the Companion and/ or the Translator for Persons with Disabilities during the process. Rightly, in Art 16 line (2) of the Regulation of Reasonable Accommodation in Judicial Process mentioned that the Judge may

suspend the trial process in case that a Person with Disabilities was unaccompanied by the Companion and/ or the Translator. To present the Companion, as mentioned in Art 22, line (2), point a, society may participate, as long as the qualification for the Companion and the Translator is fulfilled accordingly with Art 15, line (3) and (4). So far, the Companion role often handled by the family member or closest person to Persons with Disabilities, whereas in Art 6 point g of the Regulation of Reasonable Accommodation in Judicial Process, the Companion and/ or the Translator is one of reasonable accommodation that provided by the Courts (even though it is possible that the family member becomes the Companion and/ or the Translator).

Companion in utilizing e-Court is necessary as the e-Court app is a tech-based innovation and related to legal procedures that may not be familiar to everyone. Moreover, the utilization of the app has to be clearly explained to the user, especially for those who are never going through the electronic justice system or any web app. Nonetheless, the provision of assistance for Persons with Disabilities to access the e-Court app is not yet a mandatory condition in trial procedure, particularly in electronic/ online trial through e-Court app which mainly performed in online process. Indeed, the explanation is obliged to the Judge according to Art 10, line (1): the rights of Persons with Disabilities and the trial process, yet the communication was not always run effectively. However, the Judge is not concurrently performing as a Companion, and the Companion has to meet the qualification to assist Persons with Disabilities during the trial process. To make it possible for the Courts to provide this accommodation, the Supreme Court through each of its Directorate General has supported the Courts to build the cooperation with organizations, official department, or institution which concern of disability issues to help the Courts of assisting Persons with Disabilities in trial process and to train the human resources of the Courts about communication ethics and rights of the Persons with Disabilities.

Conclusion

The e-Court app is a very useful innovation in the judicial system, especially in the time of pandemic of Covid-19 in Indonesia

which all public services preferably done electronically. One thing that mattered most in utilizing the e-Court app for Persons with Disabilities is web accessibility. According to the result of the automated digital testing tool by W3C and Usable Net, the e-Court app ranged in medium accessibility, but still, need some upgrades to meet the Web Content Accessibility Guidelines (WCAG 2.0). Moreover, the accessibility of media to inform about e-Court and specific operational procedures of the trial process using e-Court involving Persons with Disabilities is not thoroughly conducted by Indonesian Courts. The Supreme Court is now in progress sustaining the inclusivity by providing reasonable accommodation, started on legal services deliverance in Courts through the civil and crime registrar in One Gate Integrated Service. Ways that can be done to advance the provision of reasonable accommodation in the judicial process through e-Court are upgrading the application to meet the web accessibility criteria (WCAG 2.0), and providing inclusive documents or media to inform the e-Court app and how to use it. Additionally, it is important to involve Persons with Disabilities and organization concerned with disability issues to cooperate with the Court to provide reasonable accommodation in the electronic justice system through the e-Court app.

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