

Utilization of Information Technology as an Effort to Eradicate Judicial Corruption Towards Smart Governance

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Abstract

Information technology (IT) is the most influential factor in changing the world today. The administration of justice is an activity that includes making information available, communicating it, and producing new information. It is undeniable that IT will influence the way justice administration works. Corruption that often occurs in courts (judicial corruption) in the form of petty corruption, is administrative or bureaucratic corruption with an approach to power, namely the exclusive power of decision makers. Corruption can be prevented electronically. This qualitative research aims to find out whether criminal acts of corruption in the courts can be prevented by IT. The research results show that optimal use of IT can support efforts to eradicate corruption in the courts by using the E-Court, paperless court, E-Filing, E-Skum, E-Payment, E-Summons applications. These various applications can prevent the occurrence of judicial corruption because of the implementation of the principles of transparency of Good Governance, principles of efficiency such as saving costs - reducing gaps in illegal levies, easy transfer of information - reducing the practice of case brokers, reducing opportunities for corruption - potential conflicts of interest and face to face - gaps Gratification and bribery are the main requirements for smart governance so that efforts to eradicate judicial corruption are effective. Novelty: Optimization of the e-court management risk mitigation system provided by the Supreme Court, for example if you experience network connection problems.

Keywords: Administrative corruption; Judicial corruption mode; IT utilization; Smart Governance

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Introduction

For Indonesians, corruption is considered one of the main enemies, however, the public's hope of eradicating it is not an easy thing. Pejorative terms often appear which indicate a skeptical attitude towards the issue of preventing and eradicating corruption, including as reflected in several statements: "Indonesia is classified as a country with the greatest corruption, but there are no corruptors", "Legal theater stage"

or the term "Forward Don't be afraid to fight those who pay" when corruption cases are held (Rasul, 2009).

Information Technology (IT) and justice administration systems are two different worlds. It is as if technology and the justice administration system are in different worlds. The court's main administrative process is handling cases that are filed or registered. The term judiciary is used to mean the judicial branch of government, which includes all judicial bodies. Meanwhile, the judiciary is part of a larger judicial system, and is an important instrument in fighting corruption. If corrupt practices in society in general are to be punished, they must be prosecuted, tried in court and given sanctions. Therefore, judicial institutions are inseparable in fighting corruption in society. In short, a judiciary that works well is the most important institution in fighting corruption.

Ironically, corruption can occur in the judicial institution itself (judicial corruption) which will undermine the legal system and public trust in the judicial institution. If public trust in the judiciary is low, it will result in obedience to the law which will suffer the consequences. The categorization of corruption that often occurs in courts is administrative or bureaucratic corruption, in the form of petty corruption such as bribery, illegal levies or case brokering related to the implementation of laws, statutes or regulations, case handling and judicial decisions in general on a daily basis.

Corruption in Indonesia has penetrated almost all sectors of national and state life. Corrupt practices occur in three sources of power, namely executive, legislative and judicial. Corrupt behavior seems to be a trend for state officials today. With the authority they have, an official takes a policy that contains elements of self-benefit (Hartono, 2016). This opinion is confirmed by Sanusi (2009) That corruption and power are like two sides of a coin. Corruption always accompanies the journey of power and conversely, power is the entry point for acts of corruption.

The practice of judicial corruption disrupts the creation of good governance because the principles of transparency and government effectiveness are not adhered to, which are the main requirements for good governance. Meanwhile, information and communication technology is a tool to help modern justice and accelerate the creation of smart governance. It is not an exaggeration that if one of the characteristics of good governance is realized then the problem of corruption can be minimized.

Research Methods

This research uses a descriptive qualitative approach where the main data source is obtained and processed from library materials that are relevant and up to date with the theme of this article as secondary data. The study used includes eclectic government science, for 3 reasons:

1. More specifically on the principle of transparency, the main part of good governance, because transparency will facilitate access to parties in litigation, through the use of IT towards smart governance.
2. Orderly administration of justice is a form of effectiveness of government programs.
3. With legal knowledge related to institutional aspects of justice and perpetrators of judicial corruption such as judges.

This study is used to illustrate the strong significance or relevance that IT can overcome and change conventional to modern methods of administration supported by IT in courts as one of the preventative efforts to overcome corruption in courts towards smart governance. With research statements: can criminal acts of corruption in the

courts be prevented by IT? As a form of response to the Supreme Court and the Judicial Institutions below it to various issues of judicial corruption.

The author limits the research problem by not discussing court management, because criminal justice works using its own information chain with the police, prosecutors, lawyers, probation services, assistance agencies for witnesses and victims and so on. This information chain has its own dynamics, because the author is not experienced as a legal practitioner. Another reason for highlighting corruption articles is based on previous research work from authors with almost the same scope.

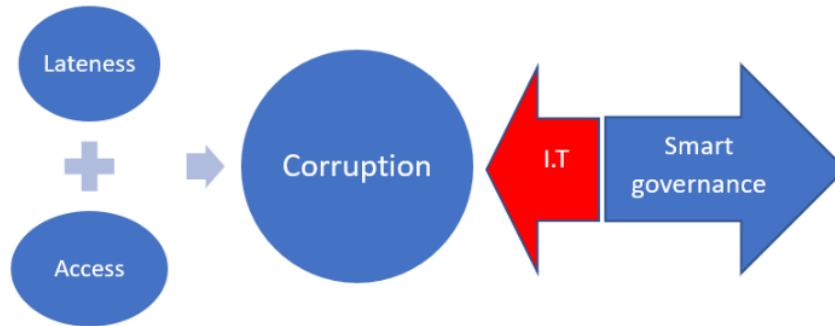


Figure 1. Major problems in the administration of the Court

Source:

There are 3 main problems in court administration, as in Figure 1 above, namely slow, protracted case resolution, no certainty of time, difficult access to legal information for justice seekers and complicated procedures which have the potential to give rise to rampant administrative corruption. in court involving judges, clerks and staff. It is hoped that the role of IT will have relevance in reducing the causes of corruption because it adheres to transparent principles of good governance in the form of processes and access, impersonal ways of working, while maintaining the principles of impartiality and independence of judges, which is a form of legal supremacy towards good and modern governance (smart governance)

Results and Discussion

Judicial Corruption, Administrative Corruption in Court

Corruption is a term that is used with many meanings. However, various definitions cannot cover the entire reality of a complex phenomenon such as corruption. Andvig & Fjeldstad (2000) stated that misuse of public facilities for personal gain is the most common definition of corruption. Meanwhile, a more complete definition is behavior that deviates from official etiquette that regulates a person's behavior when holding public office because of motives related to oneself such as wealth, power or status. In line with this definition (Gloppen, 2014). Corruption is commonly defined as the misuse of public office or trusted power for private gain. When we talk about judicial system corruption (judicial corruption for short) the paradigmatic image is that of judges taking bribes. Andvig & Fjeldstad (2000) further categorizes corruption into two, namely:

1. Administrative or bureaucratic corruption, a form of petty bribery related to the implementation of laws, statutes or other regulations.
2. political corruption or corruption that is detrimental to the state (state capture), is high-level corruption in the law-making process, carried out by companies

that influence the formulation of laws or regulations through personal payments or other means to influence officials and politician.

When this categorization is applied to the justice system it becomes:

1. Bureaucratic corruption in the form of influencing the implementation of laws and various other regulations, for example in the handling of cases and judicial decisions in general.
2. Political corruption, high level corruption, in the form of influencing judicial decisions in the form of election results, control of judicial bodies over executive bodies, high profile criminal cases or decisions that shape jurisprudence and influence appointments to judicial positions. The mode of corruption can be bribery, extortion, cronyism, nepotism and patronage. Then political corruption can be distinguished from bureaucratic corruption or petty corruption, where corruption is in state administration (Adelia, 2019).

The causes of corruption in the courts are carried out with a power and control approach to that power, which includes three factors, including: 1. exclusive power of decision makers, 2. individual discretion over decision makers and 3. minimal accountability for abuse of power and discretion from Klitgaard (1998) So that when formulated, the relationship between these variables becomes:

$$\text{Corruption} = \text{monopoly} + \text{discretion} - \text{accountability}$$

If applied to judges in court, the Klitgaard formula means that judges have:

1. monopoly on legal dispute resolution, for example when alternative legal remedies such as mediation or arbitration are not met. Judges have a monopoly on the power to impose sanctions on behalf of the state in resolving disputes. Judges have a monopoly in decision making because there is no competition.
2. create broad discretion, for example in the form of exemption from inspection. Judges rarely have wide latitude. The judge's authority is limited by statutory provisions. So decisions are often the subject of appeal or judicial review.
3. lack of accountability in the form of not being clearly announced, closed trial processes, unilateral resolution of legal disputes. When the litigation process is handled openly and transparently and the decisions are published, the closed trial process is said to be an opening for judges to "play" in deciding cases. hence abuse of judicial power can be expected to be limited. Low accountability because there is no control by the public or the risk of being discovered or sanctioned for corrupt behavior is low. The purpose of accountability itself is the realization of justice between related parties (Rasul, 2009).

Corruption in the Courts can also be seen from an approach that focuses on motivation and incentives, according to Ackerman (1999), Corrupt behavior according to this approach is determined by the variables: 1. the level of benefits available, in the form of the amount of profit available 2. the level of risk of an act corruption and 3. relative bargaining power between the briber and the bribed.

If these three variables are applied to judges in court, the causes of corruption are low salaries, poor working conditions and scarcity of resources. All of these become real incentives for judges and clerks as well as court staff to accept bribes to meet their needs. because the only way to ensure a court decision that favors one of the parties is by bribing the judge. Judges, clerks and staff may abuse their power when the risk of being caught is low or when getting caught requires minimal sanctions in the form of a warning, for example.

Another variable that influences the level of risk is organizational effectiveness. For example, when performance is not transparent, it will facilitate corrupt behavior

because it reduces the risk of being discovered. The low risk of being discovered indicates weaknesses in the institutional aspect. The level and form of institutional weakness is a significant determinant of opportunities for corruption.

The bargaining power of judges, clerks and court staff is influenced by the existence of a monopoly, the level of authority and the level of accountability. Bargaining power is relative to that of judges, clerks and staff and plaintiffs who compete with each other, mainly determined by financial needs, resources and competition. Influenced by the presence or absence of a monopoly, the size of the discretion and the level of accountability (Sanusi, 2009).

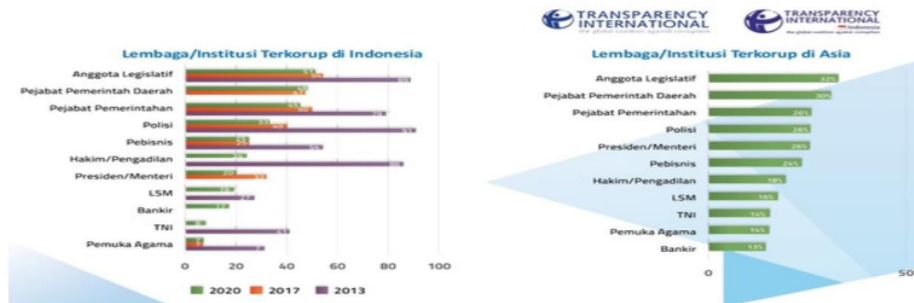


Figure 2. Empirical evidence of corruption in the courts
Source: *International Transparency Report, 2022*

Corruption in judicial institutions is a common complaint in many countries. The problem of corruption is a disease that attacks many countries, including Indonesia. In 33 of the 62 countries surveyed by Transparency International in 2022, 24% of Indonesian respondents stated that the judiciary was corrupt. Judges/Courts are one of the most corrupt institutions in Indonesia. In Indonesia, although the percentage is decreasing, the infographic above shows that the judiciary is one of the most corrupt institutions. TI data for 2012-2018 shows that there were 30 judicial officers involved in corruption cases, consisting of judges and clerks. However, in the last five years, more and more non-judicial officers have become involved. One example is the gratification case involving the former Supreme Court secretary, Nurhadi.

Judicial Corruption Mode

There are five modes that often occur within the court (Hardiansyah, 2016).

1. In the pre-trial stage, case brokers build good relationships with judges or court employees by providing gifts or facilities. The goal is to create a debt of gratitude when going to court.
2. At the case registration stage, illegal fees are often found that are outside the provisions when registering the case and offering the use of certain lawyer services.
3. Case brokers often ask certain parties to organize a panel of judges when determining the panel of judges.
4. Meanwhile, in the trial process there are usually attempts to manipulate the trial by arranging witnesses, procuring evidence and even arranging the court's decision.
5. The final mode, namely illegal levies requested by certain individuals to speed up or slow down the minutes of decisions.

Indonesia Corruption Watch (ICW), Gabrillin & Aziza (2019) mapped patterns of corruption that occurred in the court sector, especially involving judges. The first pattern where corrupt practices often occur is when the applicant registers a case in court. At this time, corruption occurs in the form of requests for fees. This is intended so that one of the parties gets the case number early, then the person in the court promises to arrange the case. The second pattern is at the stage before the trial. Corruption at this stage is to determine a panel of judges who are known to be able to regulate decisions. The third pattern occurs during the trial. This method is most often used, by bribing the judges so that the decision is favorable to one of the parties.

Chairman of the Corruption Eradication Commission, Firli Bahuri, added that there are three modes of corruption that are often encountered in the justice system. First, bribery for cases, second, gratification to judges, third, blackmail.

Bribery not only occurs among the authorities and other public officials, but this practice is also widespread and has become entrenched in the world of Indonesian justice. The police are a major component of this problem. The most dominant place where bribery occurs is in public office, especially in the realm of law enforcement. This shows that the Indonesian criminal justice system is still considered vulnerable to corrupt practices. Iskandar (2022) The method is bribing judges, bribing advocates, judges and advocates accepting bribes. There are 20 judges caught in corruption as reported by Gabrillin & Meiliana (2019):

1. Kartini Marpaung, ad hoc judge at the Semarang Corruption Court. Kartini is suspected of receiving a bribe of IDR 150 million in connection with the alleged corruption case regarding maintenance costs for Grobogan Regency official cars involving the inactive chairman of the Grobogan Regency DPRD, M Yaeni. (2013)
2. Heru Kisbandono, ad hoc judge at the Pontianak Corruption Court. (2013) was sentenced to 6 years because he was proven to have bribed a Semarang corruption judge.
3. Pragsono, judge at the Semarang Corruption Court.
4. Asmadinata, ad hoc judge at the Palu Corruption Court. He was deemed to have committed a serious violation of the disgraceful act of accepting bribes.
5. Setyabudi Tejocahyono, Deputy Chair of the Bandung District Court. He is suspected of receiving a bribe of IDR 150 million in connection with the social assistance (bansos) bribery case in Bandung.
6. Ramlan Comel, ad hoc judge at the Bandung Corruption Court. Ramlan is suspected of being involved in bribery in handling social assistance corruption cases at the Bandung City Government.
7. Definitely Serefina Sinaga, judge of the West Java High Court. Involved in bribery in handling social assistance corruption cases in the Bandung City Government.
8. Amir Fauzi, Medan PTUN judge. Accepting bribes from lawyer OC Kaligis in the PTUN case regarding Medan social assistance corruption in 2015.
9. Dermawan Ginting, Medan PTUN judge. Accepting bribes from lawyer OC Kaligis in the PTUN case regarding Medan social assistance corruption in 2015.
10. Tripeni Irianto Putro, Chair of PTUN Medan. Accepting bribes from lawyer OC Kaligis in the PTUN case regarding Medan social assistance corruption in 2015.
11. Janner Pu¹⁶, Chairman of the Kepahiang District Court. Involved in bribery related to the criminal act of corruption, misuse of honoraria from the board of trustees of M Yunus Regional Hospital in Bengkulu.

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12. Toton, Bengkulu City District Court judge. Involved in bribery related to the criminal act of corruption, misuse of honoraria from the board of trustees of M Yunus Regional Hospital in Bengkulu.
 13. Dewi Suryana, judge at the Bengkulu Corruption Court. Accepting 25 bribe of IDR 125 million to mitigate the verdict against Wilson as Acting Head of the Regional Financial and Asset Management Revenue Agency of the Bengkulu City Government.
 14. Sudiwardono, Chairman of the North Sulawesi High Court. Involved in bribery related to an appeal case with defendant Marlina Mona Siahaan as Regent of 27 Jaang Mongondow for the 2001-2006 and 2006-2015 periods.
 15. Merry Purba, ad hoc judge at the Medan Corruption Court. Allegedly received a total of 280,000 Singapore dollars related to the verdict for the defendant Tamin Sukardi.
 16. Wahyu Widya Nurfitri, judge at the Tangerang District Court. He was involved in bribery related to a civil breach of contract lawsuit.
 17. Iswahyu Widodo, South Jakarta District Court judge. Suspected of accepting bribes related to handling civil cases.
 18. Irwan, South Jakarta District Court judge. Suspected of accepting bribes related to handling civil cases at the South Jakarta District Court.
 19. Lasito, Semarang District Court judge. Involved in a bribery case involving the Regent of Jepara.
 20. Kayat, Balikpapan District Court judge. Involved in bribery cases to influence decisions.

Research by the Indonesian Judicial Monitoring Society (MaPPI) Dio Ashar Gabrillin & Meiliana (2019) said that the arrest of this judge shows that there are deep-rooted corrupt practices in the judicial institution. One of the reasons is weak supervision, which increases the potential for corruption in judicial institutions.

The bargaining power of judges, clerks and court staff is influenced by the existence of a monopoly of exclusive decision-making power, the level of authority and the level of accountability. Bargaining power is relative to that of judges, clerks and staff and plaintiffs who compete with each other, mainly determined by financial needs, resources and competition. Influenced by the presence or absence of a monopoly, the size of the discretion and the level of accountability (Sanusi, 2009).

Chairman of the TII Todung Management Board, Mulya Lubis, admitted that the finding that the Judiciary had the highest initiative in asking for bribes was an interesting thing, although personally he did not believe that someone could give in to one hand. It takes two to Tango. According to him, the practice of bribery occurs because there are those who offer it, namely brokers and black lawyers. According to online legal sources, because requests usually come from both parties, if the case is thin, then most of the entrepreneurs are asking for it. And judges usually wait to be approached. The judge didn't want to ask because he was waiting for the best offer. If the judge thinks the case is strong, then the judge usually requests it, via the clerk.

The only way to ensure a favorable or favorable court decision is to bribe the judge (Reiling, 2018). The reason why judges accept bribes is because of greed, mental inability to face temptation, not because of their small income (Guritno & Asril, 2022). Another opinion states that it is suspected that the reason why many judges are caught in corruption is due to low integrity, the process of recruiting judges is often problematic and supervision of judges is not yet effective.

Thus, it can be concluded that in Indonesia corruption has become an open secret and has broad implications in people's lives. There is no area of life that is not contaminated by corruption, collusion and nepotism, both on a small and large scale from the central government down. (Andin Sofyanoor , 2022)

In line with the above, Gloppen, (2014) states that "Bribes offered by users of the legal system may take many forms, including illegal 'fees' that court personnel levy to do work they should do anyway. Court users pay just to get their case through the system, to influence the outcome of a given case, or to delay it. Bribes may be paid to the judge, or to assistant staff or lawyers to remove files or get the case assigned to a particular judge". Furthermore, Golup S, 2007 "Where petty corruption is prevalent it creates an additional barrier for ordinary citizens to access the justice system. For poor people the sums involved may be prohibitive. Even when it does not directly affect case outcomes (and even more so when it does), bribery adds to the class bias of the justice system and strengthens exclusionary patterns based on gender, race, ethnicity, caste and so on. Widespread bribery also erodes trust in the courts and distorts their ability to perform their functions as impartial arbitrators of disputes, guarantors of contracts and enforcers of the law. Bribery is not only a problem in formal judicial institutions, but commonly also in alternative administrative and judicial institutions (variably termed informal, traditional, customary, community, or nonstate) that most people in the developing world turn to for lack of access to or trust in the formal justice system".

From the empirical evidence above which is widespread in the judiciary, the majority of noble judges are caught in criminal acts falling into the category of petty corruption, the mode of which is bribery, such as in the case of judges Kartini Marpaung, Setyabudi Tejocahyono, accepting bribes of one hundred and fifty to two hundred million rupiah, illegal levies or case brokering or brokering - which is carried out by Judge Heru Kisbandono in connection with the implementation of laws, statutes or regulations, handling cases and judicial decisions in general on a daily basis. with limited impact because it only has binding force for interested parties through a judge's decision.

If we refer to Supreme Court Regulation number 1 of 2000, the amount of bribes received by the judges is included in the category of light state financial losses because the nominal state losses are less than two hundred million rupiah with the background of material benefits in the form of abuse of power to obtain material benefits. good for himself/others.

Utilization of Information Technology as an effort to eradicate Judicial Corruption towards smart governance

Eradicating corruption has always been a major concern compared to other criminal acts in general. This is because corruption is an extraordinary crime, where the method of committing the crime, the modus operandi of the perpetrators have used sophisticated and varied means such as technological tools. (Topic Yanuar Chandra et al., 2023) besides that, criminal acts of corruption have a destructive nature from the state's financial side. and the country's economy but also hurt public trust. (Saldi Isra, 2017)

Corruption has a major negative impact on a nation. Therefore it must be eradicated comprehensively. Eradicating corruption needs to be carried out through repressive/enforcement/penal and preventative/non-penal eradication efforts.

Eradicating criminal acts of corruption does not merely focus on handling cases of criminal acts of corruption that have occurred, but must be accompanied by efforts to prevent criminal acts of corruption from occurring. (F.H Edy Nugroho, 2014)

Corruption is a calculated crime that uses thought, not a crime driven by emotions. For example, an official who is honest and able to refuse bribes, if the bribe offered is large in amount while the possibility of being caught is small and if caught the sanctions imposed are very light, then many officials will be tempted to accept bribes. Therefore, overcoming corruption must be through a system. Monopolies must be eroded and eliminated, the boundaries of authority must be clear, accountability must be increased, the possibility of being caught red-handed must be increased and penalties for perpetrators of criminal acts of corruption must be toughened. (Siti Fatimah, 2007)

The advantages that have been achieved in the field of information and communication technology are something to be grateful for because these advances will make it easier to carry out tasks. Information & Communication Technology developed in government or what is called e-government makes it easier for people to access government policies. On the other hand, e-government can also support efficient government management (Nurmandi, 2020).

Information and communication technology is a technology that is developing very rapidly. The rapid development of information and communication technology will create, access, process and utilize information precisely and accurately. (Zainal A. Hasibuan, 2007) With the development of technology, especially information and communication system technology, it is possible to make efforts to prevent criminal acts of corruption by utilizing the application of this technology. Or in other words, criminal acts of corruption can be prevented electronically. (F.H Edy Nugroho, 2014). This includes preventing corruption through information technology-based criminal justice, because it is easy for law enforcement agencies to recognize someone's attempts to abuse their authority to commit criminal acts of corruption.

Empirical evidence of the use of Information Technology as an effort to eradicate Judicial Corruption towards smart governance. The implementation of E-court based on Supreme Court Regulation Number 3 of 2018, is a drastic change from the previous court service system which was completely offline but now must be done online. Electronic courts or E-Courts are court systems in which participants and other stakeholders carry out some of the administrative and procedural aspects of court functions, such as presenting evidence, filing judicial records, or receiving testimony remotely.

Paperless court. The aim of this system, among other things, is to reduce dependence on paper or printed documents during the judicial process. On a larger scale, electronic courts are usually implemented to increase court efficiency by speeding up access to information. several examples of this system can be seen at The International Criminal Court in The Hague. (Toebagus Galang, 2022)

E-Filing (Online Lawsuit Registration). E-Filing or online case registration is carried out after registering as a user or having an account on the e-Court Application by selecting the District Court, Religious Court or State Administrative Court which is actively providing e-Court services. All registration files are sent electronically via the e-Court application of the Supreme Court of the Republic of Indonesia. E-Filing can be used to register cases electronically in lawsuits and/or civil, religious, state administration or state administration cases.

E -Skum (Estimated Payment Costs). By registering a case online via e-Court, registrants will automatically receive an Estimated Payment Cost (e-SKUM) and Payment Number (Virtual Account) which can be paid via the available electronic channels (Multi Channel).

E-Payment (Online Payment for Case Handling) The E-Payment application can be used to pay case fees in advance via the e-SKUM application as a follow-up to electronic registration. Multi-channel payments Currently, the Supreme Court has collaborated with government banks to simplify the management of case fee payments. These banks are BRI, BTN, Bank Mandiri, BNI, and BSI. These banks provide virtual accounts as a means of payment to the court where the case is registered. Having a virtual account will make it easier to pay court fees. Just transfer via internet banking on your cellphone.

E-Summons (Summoning Relevant Parties Online) In accordance with Articles 11 and 12 of PERMA Number 3 of 2018, it is stated that summons to attend plaintiffs' trials can be submitted electronically (PERMA RI, 2018). For Electronic Summons made to Plaintiffs who register electronically and have written evidence, while for Defendants the First Summons is made through the Bailiff. The court can be summoned electronically by stating written consent to be summoned electronically, and the Legal Advisor must obtain written approval from the Principal to conduct proceedings electronically.

The use of information technology also speeds up the law enforcement process¹⁷ in this case in court. During 2018, 17,638 decision cases were successfully resolved by the Supreme Court. The Annual Report of the Supreme Court states that during 2018 the number of cases submitted to the Supreme Court was 18,544 cases, consisting of 17,156 cases submitted in 2018 and the remainder in 2017 totaling 1,388 cases. In terms of case resolution time during 2018, 96.33 percent of cases were successfully resolved on time. Throughout 2018 the Supreme Court decided that the processing time for cases was within 1-3 months in 16,911 out of 17,638 cases (96.33%). Only 3.67% of cases were decided within 3 (three) months. This achievement exceeds the Supreme Court's own target, which set a case processing time target of 75%. Zil (2020) The use of E-Court cannot be far from the categorization of the use of information technology in court. based on the purpose of its use, namely:

- a. Provide direct support to judges and court staff;
- b. Providing support to judicial management;
- c. Provide support for court interactions with parties.

According to Muhamad Iqbal, Susanto, Moh Sutoro, 2019, the use of technology systems in court administration management is an excellent breakthrough in realizing efficient and hassle-free court administration which has always been the case. Innovation in renewing the court administration management system to overcome constraints and obstacles in the process of administering justice and to ensure that justice is carried out simply, quickly and at low cost. . The online system is a new¹¹ breakthrough in the administration of justice. By utilizing sophisticated technology in the form of an internet network, you can create a system in the form of an application called E-Court. This makes it more practical for justice seekers to register their cases in court.

The publication of PERMA RI No.3 of 2018 concerning Electronic Administration of Cases in Court by the Supreme Court, which in this regulation is stated in article 2 PERMA RI No. 3 of 2018 concerning Electronic Administration of Cases¹⁴ in Court, namely as the legal basis for administering electronic case administration in court to support

the realization of orderly case administration that is professional, transparent, accountable, effective, efficient and modern. With openness and guaranteed rights to obtain court information, justice seekers, the public and the mass media can observe, monitor and criticize the judicial process. Public control of the courts will not occur if openness and guarantees for obtaining information do not exist. Therefore, optimizing an electronic-based court service system that accommodates openness of court information is key and a need that must be met. Thus, the dream of realizing a modern judiciary can be immediately implemented in Indonesia. ⁶

The rule of law can generally be understood as an effort to uphold and place the law in the highest position, so that the law can protect all citizens without intervention by and from any party, including state officials. This means that the law must be recognized and accepted as a regulatory and controlling standard for the actions of every individual and group, including the government and security forces.

However, the reality is that the judiciary and law enforcement are one of the institutions most affected by corruption. Gloppen (2014) stated "that corruption is commonly defined as the misuse of public office or trusted power for private gain. When we talk about judicial system corruption (judicial corruption for short) the paradigmatic image is that of judges taking bribes. Judicial corruption is a lot more, however. It includes ¹⁹ forms of inappropriate influence that may damage the impartiality of justice, and may involve any actor within the justice system ²³, including lawyers and administrative support staff. The question of corruption is not only a matter of relations between judicial personnel and 'court users' ²⁰ (public and private parties in civil cases, prosecutors and accused in criminal cases); it is also about internal relations in the judiciary. The 'gain' need not be material. It can also be sexual favours, or the offered 'furtherance of political or professional ambitions' (TI, 2007: xxi), and may also take the form of ²⁵ providing something undesired, in the form of threats. Biased decision-making is thus not only a matter of the personal integrity of judicial personnel, but concerns the structural protection of judicial independence and the insulation of judicial decision-makers from illegitimate political and hierarchical influence".

According to Yudi Kristiana, in 2016 the legal sector is actually the area that is most affected by the emergence of judicial corruption. Why is that? Due to the phenomenon of judicial corruption, at the same time three areas of the legal system, namely legal substance, legal culture and legal culture, are all affected, identified as: 1) Lowering the dignity of law enforcers, 2) Lowering the credibility of the law, 3) Causing public distrust towards the law, 4) Creating the failure to achieve legal objectives, as well as judicial corruption, then legal benefits can only be owned by those who are able to provide rewards for legal officials. With judicial corruption, legal benefits can only be owned by those who are able to provide rewards for legal officials.

By implementing administrative governance, adhering to the principles of transparency and open data with the use of information technology, smart governance will be realized in the courts. Judges can uphold the supremacy of law through independent decisions, free from the influence of transactional buying and selling of cases and maintaining the dignity of the judiciary as a whole.

Conclusion

Optimal use of information ³⁰ technology can help prevent criminal acts of corruption, or in other words, criminal acts of corruption can be prevented electronically in the form of implementing the E-Court, paperless court, E-Filing, E-Scum, E-Payment, E- Summons. These various systems can be trusted to prevent

criminal acts of corruption so that efforts to eradicate judicial corruption become more effective. which makes it easier to transfer information and access has an impact on reducing opportunities for KKN and face-to-face meetings reducing the potential for illegal levies and case brokering. The use of Information Technology will strengthen the principle of legal supremacy because judges, in deciding cases, are free from corruption in the form of bribery or gratification so that the nature of the decision is impartial, fair and the independence of the judicial institution can be upheld. Modernization in administrative governance in courts with the use of IT will be a condition for the formation of smart governance in efforts to eradicate corruption.

The type of corruption that is widespread in the Courts is in the form of gratification at the start, bribery in the process, which is a form of administrative corruption. So it can also be handled using administrative methods in the form of implementing electronic case administration in court.

To be able to lead the courts in Indonesia to realize smart governance, openness of judicial information towards a modern judiciary, efforts are needed, including: (1) strengthening human resources who are IT literate; (2) providing coaching facilities for litigants; and (3) integrating E-Court into one door. Corruption problems such as judicial corruption in judicial institutions are systemic problems that must be prevented through improving systems and institutions.

Acknowledgement

The article in this journal is entitled Utilization of Information Technology as an effort to eradicate Judicial Corruption towards Smart Governance, written by Amalia Syauket, Tyastuti Sri Lestari and Ismaniah who have a background in government science while Dwi Seno Wijanarko has a legal background. As academics, we are concerned about the decline in the 2022 GPA, one of the contributors to which is still the rise of Judicial Corruption. This publication is a form of education and campaign to eradicate corruption.

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