



ELECTRONIC PUBLIC SUMMON IN CIVIL PROCEDURE, IN EFFORT TO QUIT THE COLONIAL HERITAGE

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The court summon is the first spearhead of the entire trial process, especially for the civil cases. Court summon has an essential role, even the summon process may decide the legitimation of a trial that conducted by the judge. The court summon is conducted in order to inform the parties when they should appear before the judge. It becomes important due to its impact to the parties' life fate, either its right over goods or its legal status on a family. Therefore, the laws shall ensure that every person shall know whenever their rights being challenged before the court. In civil cases the court summon is regulated under Article 390 HIR (718 RBg), which is one of its kind is known as public summon. The legal basis to conduct the public summon in last 170 years has not been changed, only public summon in certain case that amended, such as in divorce case. Even then, the change does not really change the summoning process, the summoning still conducted by using a announcing paper that put in the government building and announcing through conventional media mass such as newspaper, radio or television. However nowadays, this kind of media has been left by the people, their popularity has been stolen by the internet like youtube, facebook, Instagram and etc. The Supreme Court (Mahkamah Agung, hereafter as "MA") shall adapt to this era, MA shall re-innovate the way public summon conducted in last 170 years, by using the innovation of the 21th century which is the "internet", by using the "Electronic Public Summon".

Keywords; *electronic, civil, summon, public, and trial*

A. Introduction

Deliar Noer stated that technology is every tool and intelligent which created in order to enhance and upgrade the capability of human body, senses, thoughts and intuition, in efforts to solve problems and make the human life better.¹ The first technology ever made by human was invented thousand even hundred thousand years ago. This phenomenon of inventing has been a human nature, since human the only life being who gifted with thoughts and mind by the almighty God. From time to time human has adapt with the nature using their minds and keep inventing technology. Until these days,



technology development has impacted the way of human life. According to Safuwani based on his research, the impact of technology development has changed the very basic of human life, almost everything can be easily done on these days, such as receiving and sending information². In the 21st century one of the most important inventions made by human is the communication technology.

Since the invention of telephone by Alexander Graham Bell in 1876³, the next generation of communication technology is keep going without any sign of stopping. In 1972-1973 Martin Cooper invented the first ever handphone.⁴ This invention then followed by the invention of internet and the third generation service or 3G a service which made the user may send a voice, video, and data through the internet.⁵ To this day telephone or maybe handphone is a rare terms used by modern people, this terms has been replaced by “smartphone”. Steve Jobs, the founding father of modern era handphone ever said that “*the internet and the phone they are not separate device anymore, we are calling it iPhone, today Apple is going to reinvent the phone!*”⁶. The innovation of smartphone such as iPhone, then triggers another invention in communication technology, such as the invention of Facebook, instgram, youtube and other technology which has ever changed the way of human interaction. Another research on the impact of communication tech to the human social and culture, shows that this development has a big impact to human social life due to the nature of communication technology which made every information flexible and accessible⁷. This tech has eliminated any kind of burdens such as distance, price and energy to gather an information, the world is literally in your hands.

The communication technology does not only impact the human way to gather information, but also to the legal system. Back in 2006, In the Conference of Chief Justice of the United States, recognized that the public has embrace the internet and technology, therefore it’s important to utilize the automated state court system⁸. In Indonesia itself the initiative to utilize technology in the court system has started since 2009 by developing the Case Tracking System (“CTS”). The version 1 of CTS firstly implemented in Palembang District Court on 23 March 2011 and the CTS version 2 in Denpasar District Court on 17 December 2012. During the launching of CTS v2 in Denpasar, the former Chief of MA, Prof Dr. M. Hatta Ali, S.H., M.H., clearly stated that “before the sun rise in 2014, every court in Indonesia shall use the CTS!”⁹ Since then, MA consistently develop the court system by utilizing technology, such as enacted the MA Regulation No. 1 of 2019 on Case Administration and Court Trial Electronification (“Perma 1/2019”).



However, since the Independence Day of Indonesia Republic, back on 17 August 1945, the main legal basis on the civil trial is still using the colonial legal product which are *Burgerlijk Wetboek*¹⁰ (“BW”), *Her Herziene Indonesisch Reglement*¹¹ (“HIR”) *Rechtsreglement Buitengewesten* (“RBg”) and *Reglement op de Burgerlijke Rechtsvordering*¹² (“Rv”). For instance, these legal basis has been around since the 1840s or at least 170 years ago. Until the present day, almost all of the civil procedures are regulated under those regulation including the procedure on court summon. Court summon is regulated under Article 390 HIR (718 RBg), which the main purpose is to inform the case participant or the parties when they should appear in the court room. The court summon is conducted by the court official called bailiff (*jurusita*). Commonly, the way of court summon is conducted by sending a paper or minute of summon (*relas panggilan*) directly to the parties who names are cited in the lawsuit letter (*surat gugatan*). In some cases, when the defendant’s address is unknown, the court will conduct the public summon, by putting some announcing paper in government building and make it publish in some mass media, such as newspaper.

B. Nopelty

In this era of technology where people have left the conventional media and more often seek information from their smartphone, hence court summon that utilize paper seems to be less effective. Based on the Perma 1/2019, now the court summon is conducted by using the technology or known as the electronic summon (“E-Summon”). The E-Summon is further regulated under Chief of MA Decree No. 129/KMA/SK/VIII/2019 on Technical Guideline of Case Administration and Court Electronification (“SKKMA 129/2019”). According to the SKKMA 129/2019 the E-Summon is conducted by sending shot message service and/or email to the parties registered number and/or email address. However, the Perma 1/2019 and SKKMA 129/2019 is abstain in case of the defendant address is unknown, therefore the E-summon does not apply on this situation and the mechanism of public summon that regulated under 390 HIR shall prevail. The MA shall reconsider to reinvent the E-summon or regulating a public summon that may be conducted by using the technology like the E-Summon. This step is being necessary in order to adapt technology development and to avoid the futility of conventional public summon. Therefore, in this paper will discuss on why the electronic public summon is necessary and how may it be done.



C. Research Method

Every trial in the court such as in general jurisdiction court (*peradilan umum*), religious jurisdiction court (*peradilan agama*), administration jurisdiction court (*peradilan atat usaha negara*) and military jurisdiction court (*peradilan militer*) will be started upon a court summon submitted to the parties. According to Yahya Harahap, court summon is an official (*sah*) and proper (*patut*) notification that addressed to the parties that involved in a case handled by the court, so they may fulfill and perform certain action that requested by the judges.¹³ The main purpose of court summon is to inform a party so he/she may know every action that about to take by the opposite party by using the power of the court¹⁴, hence she/he may prepare a defense action plan. The court summon will be prepared and delivered by a court official called bailiff (*jurusita*), evidenced by a written report called minute of summon (*relaas*).¹⁵

D. Result & Analysis The Necessity of Electronic Public Summon Court Summon, Definition, Requirements and Consequences

Every trial in the court such as in general jurisdiction court (*peradilan umum*), religious jurisdiction court (*peradilan agama*), administration jurisdiction court (*peradilan atat usaha negara*) and military jurisdiction court (*peradilan militer*) will be started upon a court summon submitted to the parties. According to Yahya Harahap, court summon is an official (*sah*) and proper (*patut*) notification that addressed to the parties that involved in a case handled by the court, so they may fulfill and perform certain action that requested by the judges.¹⁶ The main purpose of court summon is to inform a party so he/she may know every action that about to take by the opposite party by using the power of the court¹⁷, hence she/he may prepare a defense action plan. The court summon will be prepared and delivered by a court official called bailiff (*jurusita*), evidenced by a written report called minute of summon (*relaas*).¹⁸

To be acknowledged by the law as a legitimate summon, there are several requirements should be fulfilled. These requirements apply to its form (formality), who should be done it and the way it be delivered. First, the summon shall only be delivered once ordered by the judge¹⁹. Second, the summon should be done by **the** bailiff who has been sworn and appointed by the court.²⁰ Third, the summon should be delivered in written (signed by the bailiff) that inform the party on when and where the trial take place, order



to prepare evidence and the right to answer in written.²¹ Fourth, the mechanism when and where it should be done, or by Yahya Harahap called as “official and proper” requirements (*syarat sah dan patut*). In order to make a summon done properly the bailiff shall conduct the summon on a certain time as stipulated under Article 10 Rv and 122 HIR as follows :

1. Minimum of 8 (eight) days prior to the trial day, for the defendant who is domiciled within the court jurisdiction area;²²
2. Minimum of 14 (fourteen) days prior to the trial day, for the defendant who is domiciled outside the court jurisdiction area;²³ or
3. Minimum 20 (twenty) days prior to the trial day, for the defendant who is domiciled outside Java Island or in a different island where the court located;²⁴
4. In case of urgent, the summon maybe submitted not less than 3 (three) working days prior to the trial day.²⁵

Further, for the validity requirement the bailiff shall conduct the summon in a certain location as stipulated under Article 390 HIR and Article 6 Rv as follows:

1. At the defendant’s address as cited in the lawsuit letter (*gugatan*) and directly to the defendant or party who the name is mentioned in the lawsuit letter. In case the defendant or the party cannot be found in the address, the bailiff submits the minute of summon through the local village or sub-district (*lurah*) chief, with order they shall hand over the minute of summon to the defendant once the defendant available in his/her address;²⁶ or
2. If the defendant or the party has passed away, the minute of summon shall be delivered through its heir at the address cited in the lawsuit letter. If the heir cannot be found in the address, the bailiff submits the minute of summon through the local village or sub-district (*lurah*) chief;²⁷
3. If the defendant or the party’s address is unknown the minute of summon shall be delivered to the regent as the local government where the plaintiff is domiciled. Further, the regent shall announce the minute of summon by attaching it in the government building and the court building.²⁸ The summon shall also be conducted by publishing it in the local newspaper.²⁹

When a summon has fulfilled the abovementioned requirements, then such summon shall be deemed as an official and proper summon. Once a summon conducted in such way, however the defendant or its attorney does not comply or appear before the judge at the trial day, therefore based on Article 125 HIR the judge will declare that defendant has



default without reason (*tanpa alasan yang sah*) and may continue the trial without their presences. This procedure is known as *Verstek*, which by Yahya Harahap defined as a trial procedure where the defendant is deemed default without reason and with this procedure the judge may exam and decide the case without any defense or any answer from the defendant side.³⁰ In this circumstance the plaintiff is the one who will gain the benefits, because according to Article 125 (1) HIR and Article 78 Rv the judge may directly grant its lawsuit claim. Therefore if the question is “what is the main consequences of a summon?” then in writer opinion there should be only two simple options: first, the party who has been called should appear before judge at the trial day; or second, if they fail to comply then *verstek* procedural will be applied accordingly, and the plaintiff will be the beneficiary party who may win the case.

E. Public Summon & The Issues

There are several procedures of summoning as stipulated under article 390 HIR,³¹ which one of them is conducted by making some public announcement due to the defendant or the party address is unknown. This kind of summoning procedure is more known as “Public Summon”³². When comes to public summon, there will be several requirements of summoning shall differ compared to the normal summon procedure. For the official requirement (*syarat sah*) the public summon shall be official once it attached in governmental building (including the court building)³³. However, if only conducting such procedure the public summon not only but remain a non-realistic effort. In order to make it more objective the court shall follow the procedure that stipulated under Article 6 (7) Rv that demands the court to publish the announcement trough the local newspaper.³⁴ In some cases such as divorce case that stipulated under Article 27 (1) Government Regulation No. 9 of 1975 on the Guidelines of Law No. 1 of 1974 on Mariage (“**GR 9/1975**”), the official requirements of public summon, will be fulfilled if the announcement has been published in one or more newspaper or certain mass media that appointed by the court.

For the proper requirement (*syarat patut*) of public summon, either the HIR or the RBg is abstain on how long or when it should be done. The court should refer to the Article 11 Rv that stipulates, in case the defendant address is unknown then the public summon should be conducted for minimum time of 4 (four) months prior to the trial day. Particularly for the divorce case, the period is mostly the same which minimum of four



month in total prior the trial day. However, there is little different detail, that in divorce case the public summon should done twice, the first public summon should be done 1 month prior to the second public summon, and the second public summon should be done 3 months prior to the trial day.³⁵ Therefore the time period of public summon that stipulated under the Rv and the GR 7/1975 is most likely the same amount (minimum of 4 months).

However, there are some issues that have been a long last debate regarding the public summon. In order to make the issue more comprehensive, writer will explain the issues in the following explanation:

1. The doubt on the HIR, RBg and Rv as the sole legal basis of Public Summon and media mass as the tools of public summon

As mentioned before, that the HIR, RBg and Rv are the legal product that inherited from the colonial era. After the Independence Day, they remain prevail in Indonesia due to the Transition Rule in the UUD 1945 and The Government Regulation No. 2 of 1945, that stated every law from the colonial government shall remain prevail to the extent they don't conflict with the constitutional law and there is no new regulation on the same matter.³⁶ According to Wignjosuebrototo the transitional rule is enacted in order to avoid the vacuum of law and to neutralize the separation of power attempt by some politic factions as the consequences of regime transition.³⁷

In terms of public summon, after the enactment of GR 9/1975 that stipulated the public summon on the divorce case, then Indonesia already has its own regulation on the matter of public summon. Therefore, according to the transition rule, every public summon shall be conducted based on the Article 27 GR 9/1975, in which should be done in twice, attached in government building and published in certain appointed mass media. If there is a doubt whether the GR 9/1975 may replace the Article 390 (3) HIR (specifically on the public summon rule) we also may refer to the rule of law principle (*asas peraturan perundang-undangan*) on the principle of *lex posterior derogate legi priori* or the newer law shall replace the older law. Bagir Manan said that according to this principle the older law that regulates the same matter with the newer one, automatically shall be replaced. This principle may apply if the older and newer is same level of regulation, or also applies for the implementation regulation of the higher regulation.³⁸



Further, to answer on whether the public summon in GR 9/1975 may apply on other civil case (other than divorce case) we should see that the divorce case is also a civil case. Moreover, the rules of public summon between GR 9/1975 and Article 390 HIR *Jis.* Article 6 (7) & 11 Rv are mostly the same. When we conduct summon based on GR 9/1975 there is no requirement of public summon under Article 390 HIR *Jis.* Article 6 (7) & 11 Rv will be violated. However, the GR 9/1975 has opened the more modern way of public summon, which give judge the option to make public summon not only by making announcement in local newspaper but also in a “appointed mass media”. This means the public summon may be conducted in newspaper, radio, television or other mass media appointed by the judge. According to Oemar Seno Adji, the definition of mass media cannot be separated with the meaning of “Pers” under Article 1 (1) Law No. 40 of 1999 on Pers (“Law 40/1999”), therefore it is can be said that mass media is a mass communication activity that including but not limited to written, sound, picture, through a printed and/or electronic media such as television, radio and/or newspaper.³⁹

2. The lack of effectiveness of Public Summon in modern era

To this day, the majority of public summon is conducted by attached the announcement in government/court building and publishing in local newspaper. In writer opinion, this kind of public summon is risky and less effective. The main purpose of public summon is to make the court summon become public information so the defendant or its relative, friend or people who may know the defendant, can inform the defendant that he/she is being called by the court. To make sure this purpose may be achieved, we should make sure that people can see or have access to such public summon.

The first, regarding public summon by attaching the minute of summon in government/court building which usually in its bulletin board (*papan pengumuman*), according to a report by Iskandar Setiadi and Faiz Ilham that research on the effectiveness of bulletin board, that in this day people very rarely to seek information from a bulletin board. This situation is happening due to some factor which are the 1) announce often does not have an eye-catching design; 2) too many announcements that attached; and 3) people more often seek information through the internet such as facebook.⁴⁰



Picture 1. Example of Bulletin Board on Jombang Government building and Bale Bandung Court

The second, regarding the publishing the minute of summon in local newspaper and/or in appointed mass media. In terms of newspaper, in 2017 the Nielsen Survey Company has found that the numbers of digital media readers such as internet has surpassed the number of news paper reader. Only 8% of the public society still seek information from printed media such as newspaper, 43% from internet media and the remains seek information from TV and Radio.⁴¹ On other report in 2020, the number of printed media readers just only 4,5 million people,⁴² compared to the numbers of population In Indonesia which is 273 million people.⁴³ Therefore based on those research, in writer opinion if the purpose of public summon is to spread information by publishing in newspaper, then the number of effectiveness will be not as much as publishing in digital or electronic media, or the possibility to be read or heard by the party who being called is quit narrow.

If the public summon is conducted by using other mass media such as TV and radio, the issues even bigger. In television the cost to make an announcement is ranging from Rp14.000.000,00 (fourteen million rupiah) to Rp150.000.000,00 (one hundred fifty million rupiah) for 30 second duration.⁴⁴ This situation is not in accordance with the judicial principle which is simple, prompt, and low cost (*sederhana, cepat, berbiaya murah*). If it is conducted through the radio, then the issue is mostly the same with the newspaper, which is the number of radio listener is also very small which is only 13% of total population in 2019.⁴⁵ On the opposite, the numbers of internet user in Indonesia seems higher and higher each year, research shows that the number of internet user in



Indonesia has reached 212,35 million people in March 2021.⁴⁶ Specific for some internet platform like Facebook that has 176.5 million user in Indonesia or 63.4% of our population⁴⁷, and Instagram has 91 million user in Indonesia.⁴⁸ In writer opinion the increasement of internet user in Indonesia is due to some factors such as the easiness of access and the internet media is costless or even free.

In writer opinion if the MA desires to reach more audience or spread the public summon wider, then we should consider to use the internet as the public summon platform. Beside it may reach more audience, this step may expedite the process of public summon and make the cost of public summon more affordable or even costless.

3. The Possibility of public summon manipulation and consequences

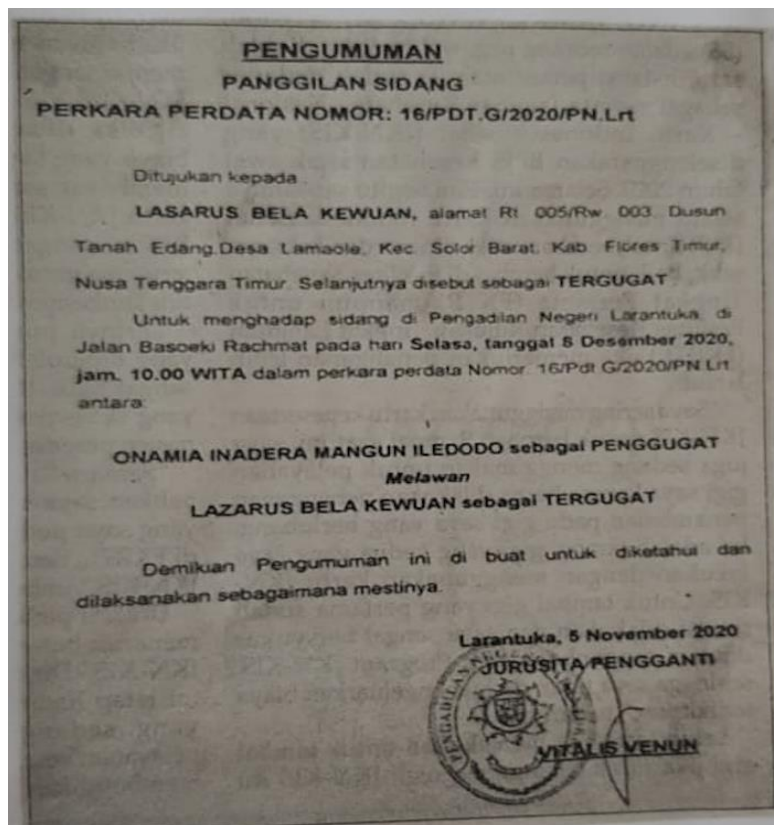
The last problems of public summon in these days is the possibility of public summon being manipulated by the plaintiff, whether they faked the name or the address of the defendant. As we know, once the judge decides to conduct public summon, there is a very small possibility that the defendant will appear in the trial day, therefore the only possibility in this circumstance is the *verstek* will be applied. Further, in *verstek* the plaintiff will gain benefits such as may proof the lawsuit without any challenge from the defendant and the possibility of winning the cases is higher. Even though, based on Article 125 (3) jo. 129 HIR, the defendant still has the *verzet* to challenge the *verstek* decision, but there is time limit to apply the *verzet*. If the *verstek* decision is notified directly to the defendant then he/she may submit the *verzet* within 14 (fourteen) days upon the notification. If he knows upon the notification of *aanmaning* or in relation to the execution the he/she may submit *verzet* within 8 (eight) days upon the *aanmaning*. If the defendant know the *verstek* after the execution has been done, then he/she may submit the *verzet* 8 (eight) days upon the execution letter.⁴⁹

The biggest problem in a case with *verstek* that the defendant is called with public summon, most likely he/she will now after the execution has been done. Subsequently, he/she only has eight days to prepare everything to challenge the *verstek*, which this condition will be so difficult for the defendant side. Worse, if he/she knows after 8 (eight) days, then *verzet* cannot be applied, they only authorized to apply new lawsuit against the wrongful execution allegation. This condition is the worst scenario because once the execution has been done, subsequently the decision on those case has been declared legally forced (*bekekuatan hukum tetap*) which the plaintiff can use it as a solid proof on the upcoming cases. Other than that, the execution sometime conducting



by destroying or moving some object which may cause real damages, hence need more effort to remedy those situations.

In order to avoid this issue, the MA shall revise the format and the content of public summon.




Picture 2. Example of Public Summon in Newspaper

As we can see from the example of public summon that conducted by Larantuka District Court above, the public summon only included few information of the cases, such as case number, the defendant or party name, where and when the trial take place and the bailiff identity and signature. This kind of announcement is unable to make a clear image of the case. Furthermore, due to the information is too simple hence the manipulation is at the high possibility. The writer suggests at least in a public summon, the court shall inform additional information such as name of the party, age, photo of the party, short information on the cases and the photo of the object that being disputed in the case, see the below example:




**ANNOUNCEMENT
COURT SUMMON**
CIVIL CASE REGISTRATION NO. 123/Pdt.G/2022/PN Kpg.

Addressed to:
Mr. Taufik Hidayat (defendant) who last known domicile at Kupang City, and further unknown. He may be identified based on the below portrait:



He has been sued in a civil case against Mr. Lee Chong Wei (plaintiff) in regards to the land ownership that located in Jl. Thomas Cup, No 12, Kupang City, NTT. The object of this case can be identified as below:



Therefore, this summon is made, he shall appear to Kupang District Court on 16 February 2022, 09.00 WITA.

Jonathan Christie
Railiff of Kupang District Court

Picture 3. E-Public Summon Form

By making the public summon as the above picture, everyone who see the announcement shall know the better information of the case. Therefore, anyone who feel relate to the party or feel relate to the case object by seeing the photos, may inform the defendant or they also may appear to the court either as the defendant or someone who actually the one who should be the party of those cases (*intervention*). Hence, the manipulation of public summon can be minimized or even avoided.

F. The Electronic Public Summon

Based on the abovementioned fact and analysis, the writer is offering a solution of using a “Electronic Public Summon” or so called “E-Public Summon” to replace the conventional public summon that has been conducting since colonial era. The E-Public Summon is a public summon that conducted by using a certain mass media that appointed by the Court or MA, and utilize the certain form that specified the summoned party



identity, the object that being sued and information on when the trial should take place (refer to Picture 3 above). The E-Public Summon shall use specific digital or internet platform that has been made and owned by the court such as the court website, Instagram and Facebook account belong to the court. Those internet platforms that owned by the district court shall be registered in MA data base and later announced by MA as the official mass media of those court.

G. The Mechanism of Electronic Public Summon; The Regulation Planning

MA as the judiciary power holder, is given the authority to make and issue a regulation in order to fill the vacuum of law in the matters of procedural laws (*hukum acara*).⁵⁰ In regards the public summon there is a loophole or a regulation that still need a further explanation. We refer to Article 27 of GR 9/1975, who stated that the court may conduct the public summon in the appointed mass media by the court. To date, there is no explanation on what type of mass media that may be appointed by the court. Therefore, a MA Regulation is needed to clarify this issue.

As mentioned before, at this time the MA has already has an electronic court regulation under Perma 1/2019 and SKKMA 129/2019. However, those regulation is only stipulate the normal court summon, but not the public summon. Therefore, MA may amend the Perma 1/2019 and SKKMA 129/2019 by adding a regulation that may clarify the public summon issue that arise from Article 27 of GR 9/1975. This amendment then stipulates the E-Public Summon, that may be conducted in case the plaintiff is suing a defendant that the address is unknown and the plaintiff is registering their lawsuit by using the e-court procedure as stipulated under Perma 1/2019 and SKKMA 129/2019.

The amendment of Perma 1/2019 shall regulate the mechanism of E-Public Summon, on how it may fulfill the requirement of “official and requirement”. For the official requirements the regulation shall explain that the E-Public Summon will be conducted by the certain internet platform that owned by the relating court where the defendant is registering their lawsuit. To ensure this platform is not a scam or a fake internet platform that does not owned by the court, the MA shall make a registration procedure for the official court internet platform. This mechanism can be regulated under the SKKMA 129/2019 or a new regulation relating the “official internet platform” owned by the court. After MA has registered the official internet platform that owned by the court, then MA shall announce it to the public, so the public may know that every



information that shared or published thorough those platforms are an official court information, including the announcement of E-Public Summon. Therefore an E-Public Summon that published in the official court internet platform shall be deemed as E-Public Summon that has fulfilled the "Official Requirement" (*syarat sah*).

For the "Proper Requirement" the regulation shall explain for how much and how long the E-Public Summon should be conducted. In this issue, the writer is suggesting that MA shall follow the amount of time of public summon that are regulated under Article 27 of GR 9/1975 and Article 11 Rv in which should be posted/published twice for minimum of 4 (four) months prior to the trial day. However, since it is posted or published in a media that owned by the court, then the amount of announcement can be made more than twice, so the information can be spread wider and more consistent, hence the possibility of being read by the person who being called is higher. This policy will absolutely fulfills the judicial principle which are simple, prompt, and low cost (*sederhana, cepat, berbiaya murah*).

H. The Use of Internet Platform as Mass Media

Nowadays almost every government institution has a website and social media account in certain internet platform like Facebook and Instagram. This situation is the government effort to facilitate the transparency of public information as regulated under Law No. 14 of 2008 on The Transparency of Public Information ("Law 14/2008"). The MA itself has owned a website at <https://www.mahkamahagung.go.id/id> or Larantuka Distric Court at <http://pn-larantuka.go.id/main/>. Further, every court in Indonesia based on the Chief of MA Decree No. 1-144/KMA/SK/I/2011 on the Guidelines of Court Information Services ("SKKMA 144/2011"), in order to fulfill the transparency obligation under the Law 14/2008, every court shall provide an official website. Further, the SKKMA 144/2011 also open a possibility that the court may publish their transparency through a certain electronic media. This policy at the end has made a huge change of the court interaction with the society, nowadays almost every court has a social media account in Facebook and Instagram.

The writer is suggesting that the E-Public Summon shall be conducted in the internet platform that owned by the court such as official website, Facebook and Instagram, upon the registration in the MA (see section 3.2.1). However, whether the court website, Facebook and Instagram are considered as mass media **under** the law? to answer



this issue we must refer to Law 40/1999, that stated there is no requirement to be deemed as media or pers in Indonesia. As long as such media is conducting journalistic activation such as seeking, owning and publishing certain information in form of letter, sound and picture that such media is considered as pers or mass media under the Law 40/1999.⁵¹ This condition is the implementation of freedom of pers principle that guarantee under the Article 2 of Law 40/1999. Therefore, publishing E-Public Summon in internet platform that owned by the court such as website, Facebook and Instagram is considered a publication in a mass media (electronic media), or in accordance with the rules of public summon in the Article 27 of GR 9/1975.

I. Conclusion

Based on the above mentioned facts and analysis, there are two main conclusions that can be concluded from this paper which are the follows:

1. The public summon that conducted by attaching announcement in government/court buildings is seems to be a less effective effort. People of this era has replaced the conventional mass media with the internet. The use of conventional public summon also seems raising issue, such as the effectiveness, fail to spread information, and the possibility of manipulation. Therefore the E-Public Summon that utilize the internet platform is a good solution to resolve those issues;
2. The E-Public Summon shall be conducted by amending the prevailing regulation which are Perma 1/2019 and SKKMA 129/2019. The amandement shall regulates on how the E-Public Summon should be conducted in order to meet the "Official and proper" requirement (*syarat sah dan patut*). For the official requirement the E-Public Summon shall be published in the internet platform that owned by the court, however such internet platform shall be registered by the MA previously. For the proper requirement the E-Public Summon shall be conducted twice in minimum time of 4 (four) months prior to the trial day, as in accordance with Article 27 GR 9/1975 and Artcile 11 Rv.

End Note :

¹ Deliar Noer & Iskandar Alisyahbana, *Perubahan, Pembaharuan dan Kesadaran Menghadapi Abad Ke-21*, PT Dian Rakyat, Jakarta, 1988, hlm 45.

² Safuwan, *Gaya Hidup, Konsumerisme and Modernitas*, Jurnal SUWA Universitas Malikusaleh, Vol. V No. 1, 2007, hlm 2.

³ Telephone, Wikipedia, <https://id.wikipedia.org/wiki/Telepon>, accessed 12 Februari 2022.



- ⁴ Handphone, Wikipedia, https://id.wikipedia.org/wiki/Telepon_genggam, accessed 12 Februari 2022.
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- ⁷ Salman Yoga, *Perubahan Sosial Budaya Masyarakat Indonesia dan Perkembangan Teknologi Komunikasi*, Jurnal Al-Bayan, Vol. 24 No. 1 Januari 2018, hlm 37.
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