

Electronic Trial in Criminal Cases During The Covid-19 Pandemic (Study At The Purwokerto District Court)

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Abstract

The Covid-19 pandemic outbreak in 2020 also affected the implementation of the trial in Indonesia. As an effort to prevent the spread of Covid-19, the trial was conducted electronically, without presenting the litigants. This needs to be done to ensure health, safety, and guarantee legal certainty for justice seekers. This study uses a normative juridical research method. The normative juridical research method is carried out through a literature study that examines secondary data in the form of laws and regulations, court decisions, agreements, contracts, or other legal documents, as well as research results, study results, and other references. The results of this study are gems, electronic hearings in criminal cases during the Covid-19 pandemic at the Purwokerto District Court continue to be carried out by taking into account the standard protocols for preventing and handling Covid-19. Second, there are several obstacles faced by the electronic trial in criminal cases during the Covid-19 pandemic at the Purwokerto District Court. The implementation of electronic hearings in criminal cases during the Covid-19 pandemic is the right solution, innovation, and breakthrough in efforts to prevent the transmission of Covid-19 as regulated in Supreme Court Regulation (*Peraturan Mahkamah Agung, PERMA*) Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Electronic Court.

Keywords: Electronic Court, Covid-19 Pandemic, Legal Certainty

Abstrak

Wabah pandemi Covid-19 di tahun 2020 turut mempengaruhi pelaksanaan persidangan di Indonesia. Sebagai upaya pencegahan penularan Covid-19 pelaksanaan sidang dilakukan secara elektronik yaitu tanpa menghadirkan para pihak yang berperkara. Hal itu perlu dilakukan untuk menjamin kesehatan, keselamatan, serta menjamin kepastian hukum bagi para pencari keadilan. Penelitian ini menggunakan metode penelitian yuridis normatif. Metode penelitian yuridis normatif dilakukan melalui studi pustaka yang menelaah data sekunder yang berupa Peraturan Perundang-undangan, putusan pengadilan, perjanjian, kontrak, atau dokumen hukum lainnya, serta hasil penelitian, hasil pengkajian, dan referensi lainnya. Hasil dari penelitian ini adalah permata, sidang secara elektronik dalam perkara pidana pada masa pandemi Covid-19 di Pengadilan Negeri Purwokerto tetap dilaksanakan dengan memperhatikan standar protokol pencegahan dan penanganan Covid-19. Kedua, terdapat beberapa kendala yang dihadapi sidang secara elektronik dalam perkara pidana pada masa pandemi Covid-19 di Pengadilan Negeri Purwokerto. Pelaksanaan sidang secara elektronik dalam perkara pidana pada masa pandemi Covid-19 ini, merupakan solusi, inovasi, dan terobosan yang tepat dalam upaya pencegahan penularan Covid-19 yang diatur dalam Peraturan Mahkamah Agung (PERMA) Nomor 4 Tahun 2020 tentang Administrasi dan Persidangan Perkara Pidana di Pengadilan Secara Elektronik.

Kata Kunci : Persidangan Elektronik, Pandemi Covid-19, Kepastian Hukum

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I. Introduction

Since the first case of this virus was discovered in November 2019 in Wuhan, China, the number of cases has continued to experience a significant escalation. The Coronavirus outbreak or also known as Corona Virus Disease (Covid-19) was declared a global pandemic by the World Health Organization (WHO) in early mid-March 2020.¹ Based on data released

¹ Wahyu Iswanto, "Persidangan Pidana Secara Online Respon Cepat MA Hadapi Pandemi Covid-19", *Jurnal Selisik* 6, No. 1 (2020): 57

by WHO, as of January 13, 2021, at 09:57, there were 90,054,813 cases of Covid-19, including 1,945,610 deaths. On March 2, 2020, Indonesia was faced with the first case of a person who tested positive for Covid-19.² Covid-19 spreads so fast because it is transmitted through direct human-to-human contact. Noah C. Peeri stated that “the virus spread internationally within 1 month of the first identification, and can be transmitted via close human-to-human contact.”³

Most countries in the world have been affected by the Covid-19 outbreak and have implemented social/physical distancing (social/physical restrictions), including in Indonesia. Indonesia declared the Covid-19 outbreak a national disaster through Presidential Decree No. 12 of 2020 concerning the Implementation of Non-Natural Disasters Spreading Covid-19 as a National Disaster. This was then followed up with the implementation of the Large-Scale Social Restriction (*Pembatasan Sosial Berskala Besar*, PSBB) policy in several regions.⁴ This was followed by the issuance of several legal umbrellas including Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). Presidential Decree Number 11 of 2020 concerning the Determination of Public Health Emergency Corona Virus Disease 2019 (COVID-19), and Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (COVID-19).

The spread of the Covid-19 virus and the enactment of the PSBB not only resulted in macroeconomic, social, and political sector stability but also had an impact on all sectors, including the order of the justice system in Indonesia. To support the performance of the judiciary during the Covid-19 pandemic, the use of technology is very important as an effort to facilitate the community in the process of seeking justice. Technology is seen as a potential facilitator to overcome justice problems in the Covid-19 pandemic era and terms of increasing efficiency in the justice sector going forward. Legal, technological and administrative procedures should be simpler and tend to be accessible to a wider range of users.⁵ According to Hanseth and Lyytinen, system flexibility and rapid adaptation to meet the needs and demands of new users are essential for building critical mass.⁶

The Covid-19 pandemic has caused changes in behavior and circumstances almost all over the world, many people's habits have changed and are heading for the new normal era. Through the Circular of the Minister of Administrative Reform and Bureaucratic Reform Number 58 of 2020 concerning the Work System of State Civil Apparatus Employees in the New Normal Order. Currently, the Indonesian government has implemented Work From Office or another language known as WFO and Work From Home/Flexible Working Space or another language known as WFH/FWS. The goal is none other than to reduce the risk of being affected by the transmission of the Covid-19 virus. WFO and WFH/FWS are considered quite effective in implementing social distancing to reduce crowds in one place, including in the case of conducting judicial hearings in the courtroom directly.⁷

Before the Covid-19 pandemic, the process of resolving criminal cases in court was carried out conventionally, but in its development, the process of resolving cases in court can be carried out electronically. Currently, the trial which is conducted electronically is one of the policies due to the Covid-19 pandemic, so because of this situation, courts that are usually held conventionally have been switched to being conducted electronically. As a result, the

² Peni Jati Setyowati, “Akibat Hukum Pandemi Covid-19 Sebagai Bencana Alam Non Medis dalam Menetapkan Force Majeure Di Indonesia”, *Kosmik Hukum* 21, No. 1 (2021): 1-2

³ Nuh C Peeri, “The SARS, MERS And Novel Coronavirus (COVID-19) Epidemics, The Newest And Biggest Global Health Threats: What Lessons Have We Learned”, *Internasional Journal of Epidemiology* (2020): 1-10

⁴ Muhammad Syarifuddin: *Transformasi Digital Persidangan Di Era New Normal*. (Jakarta: Pt Imaji Cipta Kerja, 2020), 05.

⁵ M. Kenza Radhya E.A, “Penggabungan Teknologi Sistem E-Court Italian Trial Online (TOL) dan Milan Bar Association (MBA) untuk transformasi hukum di Indonesia”, *Law Prohutek* 1, No. 1 (2020): 161

⁶ Ole Hanseth, and Kalle Lyytinen, “Designing and Implementing E-Justice Systems: Some Lessons Learned From EU and Canadian Examples”, *Laws* 3, No. 2 (2016): 353-387

⁷ RR. Dewi Anggraeni, “Wabah Pandemi Covid-19, Urgensi Pelaksanaan Sidang Secara Elektronik”, *Adalah Buletin Hukum dan Keadilan* 4, No. 1 (2020) : 8

implementation of court activities cannot run as usual because it does not allow court institutions to hold trials under the rules and regulations that were in effect before the Covid-19 outbreak. The use of regulations with previous standards creates crowds and makes it impossible to establish.⁸

The implementation of electronic hearings in criminal cases has not been regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana*, KUHAP). This is understandable because the technology used is not as advanced as it is today. However, in the Draft Criminal Procedure Code (*Rancangan Kitab Undang-Undang Hukum Acara Pidana*, RUU KUHAP) the conduct of electronic hearings has been regulated in terms of electronic testimony. As an effort to prevent Covid-19, the Supreme Court has issued Supreme Court Regulation (*Peraturan Mahkamah Agung*, PERMA) Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically.

An electronic trial is a series of processes for examining, adjudicating, and deciding the case of the Defendant by the Court which is carried out with the support of information and communication technology, audio-visual, and other electronic means. This PERMA indicates a shift in legal domicile to electronic domicile as well as a shift in the jurisdiction. This PERMA also does not require that the trial be conducted electronically but is limited to providing a legal basis and guidelines for when the trial can be conducted electronically along with the procedures.⁹ In practice, many electronic hearings have been carried out during the Covid-19 pandemic. The Attorney General's Office noted that from March 30 to July 6, 2020, 176,912 general criminal cases had undergone electronic trials. Meanwhile, the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*, KPK) has recorded 40 cases of electronic trials.¹⁰ Therefore, the author is interested in writing an article with the title " **Electronic Trial in Criminal Cases During The Covid-19 Pandemic (Study At The Purwokerto District Court)**".

II. Research Problems

1. How is the implementation of an electronic trial in a criminal case during the Covid-19 pandemic at the Purwokerto District Court?
2. What are the obstacles faced by the electronic trial in criminal cases during the Covid-19 pandemic at the Purwokerto District Court?

III. Research Methods

Legal research is a process to find the rule of law, legal principles, and legal doctrines to answer the legal issues faced.¹¹ This research method is a normative juridical research method. The normative juridical method is carried out through a literature study that examines secondary data in the form of legislation, court decisions, agreements, contracts, or other legal documents, as well as research results, study results, and other references. The normative juridical method can be supplemented by interviews, focus group discussions, and hearings.¹² This research is supported by the literature related to the problem under study.¹³ Data collection is done utilizing library research to obtain data in the form of documents and writings through a search for laws and regulations, documents, scientific literature, research by experts. This study uses the main source of secondary data or library materials. Secondary data includes primary legal materials, secondary legal materials, and tertiary legal materials.

⁸ Nur Akmal Razaq, "Legalitas Persidangan Daring Di Masa Pandemi Covid-19 dalam Pespektif Hukum Pidana", *Jurnal Inovasi Penelitian* 1, No. 6 (2020) : 1227.

⁹ Aida Mardatilah, "Melihat Draft Perma Sidang Online Pidana Online yang Bakal Disahkan", retrieved from <https://www.hukumonline.com/berita/baca/1t5f33c54164713/melihat-draf-perma-sidang-pidana-online-yang-bakal-disahkan/>: accessed on 07 March 2020

¹⁰ Dian Cahyaningrum, "Persidangan Secara Elektronik Pada Masa Pandemi Covid-19", *Info Singkat* XII, No. 14 (2020) : 2

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana Perdana Media Group, 2011), 35.

¹² Badriyah Khaleed: *Legislative Drafting Teori dan Praktik Penyusunan Peraturan Perundang-undangan*, (Yogyakarta: Medpress Digital, 2014), 41.

¹³ Salim HS: *Penerapan Hukum Pada Penelitian Tesis dan Disertasi*, (Jakarta: Pt Raja Grafindo, 2013), 26.

The type of data is secondary data in the form of qualitative data which is then analyzed by regulations relating to the problem under study.¹⁴ The research was conducted at the Purwokerto District Court. Then the data collected and analyzed is reviewed with a triangulation approach which aims to verify the truth of the data obtained by researchers from various perspectives.¹⁵

IV. Research Results And Discussion

1. Implementation of Electronic Sessions in Criminal Cases During the Covid-19 Pandemic at the Purwokerto District Court

Salus Populi Suprema Lex Esto means people's safety is the highest law (*Cicero*).¹⁶ This adage means that it is very appropriate if it is linked as a basis for taking a policy amid the Covid-19 outbreak because the law that has been set must protect its people. Responding to the Covid-19 pandemic and to ensure the protection of judicial apparatus, justice seekers, court users including defendants who conflict with the law, the Supreme Court on March 23, 2020, issued a regulation on guidelines for carrying out duties during the prevention period for the spread of Corona Virus Disease 2019 (Covid-19) within the Supreme Court and judicial bodies under it. The regulation is contained in the Circular Letter of the Supreme Court (*Surat Edaran Mahkamah Agung*, SEMA) Number 1 of 2020 which has been amended four times. The rule was last amended by SEMA Number 5 of 2020 on May 29, 2020.

In the regulatory framework, after the revocation of the PSBB policy in several regions, accompanied by the issuance of the Circular Letter of the Minister Of The Administrative And Bureaucratic Reform Number 58 of 2020 concerning the Work System of State Civil Apparatus in the New Normal Order, as an effort to break the chain of the spread of Covid-19. On June 5, 2020, the Supreme Court enacted SEMA Number 6 of 2020 concerning the Working System within the Supreme Court and Judicial Bodies Under it in the New Normal Order. Furthermore, the Supreme Court then issued SEMA Number 8 of 2020 concerning Regulation of Working Hours in the New Normal Order at the Supreme Court and Judicial Bodies Under it for the Greater Jakarta Area and Areas with Covid-19 Red Zone Status.¹⁷ SEMA Number 8 of 2020 is only limited to areas that are in the red zone, thus this SEMA does not apply to work units that are not in the Covid-19 red zone area so that services still refer to the provisions stipulated in SEMA Number 6 of 2020.

The SEMA issued by the Supreme Court also regulates the work patterns of judges and their judicial apparatus during the period of preventing the spread of Covid-19, namely by establishing a Work From Office mechanism or other language known as WFO and Work From Home/Flexible Working Space or other language known as WFH/ FWS. WFO is the work pattern of employees who carry out their duties in the office area while still implementing health protocols in the office environment. While WFH/FWS is an employee work pattern that provides flexibility in working locations both from home and from other places during a certain period by maximizing information technology and continuing to implement health protocols at home or other public places, the WFH/FWS scheme is part of the telecommuting concept (long-distance working).¹⁸ If a trial is forced to take place, the SEMA regulates the steps that must be taken by the Panel of Judges, such as limiting the number and safe distance between court visitors (social distancing), ordering body temperature detection, and prohibiting physical contact such as shaking hands with parties who present or appear in court. In addition to issuing SEMA, the Supreme Court has also

¹⁴ Mathew Miles, Micheal Huberman *Analisis Data Kualitatif: Buku Sumber tentang Metode-metode Baru*, (Jakarta: Grafindo Persada, 2009), 102.

¹⁵ Sugiono: *Metodologi Penelitian Pendidikan*, (Bandung: Alfabeta, 2007), 303.

¹⁶ Nur Akmal Razaq, "Legalitas Persidangan Daring Di Masa Pandemi Covid-19 dalam Pespektif Hukum Pidana", *Jurnal Inovasi Penelitian 1*, No. 6 (2020): 1227

¹⁷ Muhammad Syarifuddin, op. cit, hlm. 6.

¹⁸ Oswar Mungkasa, "Bekerja Dari Rumah (*Working From Home/WFH*): Menuju Tatanan Baru Era Pandemi Covid-19", *The Indonesian Journal Of Development Planning IV*, No. 2 (2020) : 127

regulated the procedure for electronic trial of criminal cases in Supreme Court Regulation (*Peraturan Mahkamah Agung*, PERMA) Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically. Through PERMA, the mechanism for the trial of criminal cases is regulated in detail. Article 1 number (12) of PERMA Number 4 of 2020 states that "electronic trial is a series of processes for examining, adjudicating, and deciding cases of defendants by courts which are carried out with the support of information and communication technology, audiovisual and other electronic means."

This electronic trial is understood as a criminal law policy that intersects with technology because this has not been regulated in the Criminal Procedure Code. When referring to the formal legalistic way of thinking, the electronic trial is not under the provisions of Article 160 paragraph (1) letter a and Article 167 of the Criminal Procedure Code which requires the physical presence of witnesses in the courtroom. The provisions of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which states that the Panel of Judges at that time also requires Judges as law and justice enforcers to explore, follow, understand and pursue material truths in criminal law, formal aspects should be left selectively.¹⁹ So that although electronic trials in criminal cases have not been regulated in the Criminal Procedure Code the validity of electronic trials can be obtained from three things: first, laws outside the Criminal Procedure Code as a *lex specialist*; second, legal awareness to fill the legal vacuum based on Article 10 paragraph (1) and Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power; and third; based on PERMA Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically.

During the Covid-19 pandemic, the Purwokerto District Court from March to December 2020 has conducted an electronic trial in a criminal case. The types of criminal cases that are decided at the Purwokerto District Court include ordinary crimes, special crimes, special crimes for children, short sentences, and quick sentences. The procedure for the electronic trial is regulated in Article 7-16 PERMA Number 4 of 2020 concerning the Administration and Trial of Criminal Cases in the Court Electronically, the procedure for the electronic trial is divided into several stages as follows.²⁰

a) Trial Preparation

Before the trial begins, the clerk/substitute clerk checks the readiness of the participants and the trial and reports to the Judge/Judge Council. In a trial conducted electronically, the defendant who is accompanied by a legal advisor must be physically in the same room as his legal advisor. The room where the defendant attended the trial electronically was only attended by the defendant, legal counsel, prison/prison officers, and IT officers, except for officers/other parties as determined by statutory regulations. In addition, the room must also be equipped with a recording device that can show the overall condition of the room.

b) Charges and Objections

The objection/exception document is sent to the Judge/Judge Panel and the file is forwarded to the prosecution provided that the file is in the form of a portable document format (PDF), sent to the court's electronic mail (e-mail) before being read, and must be verified between what is real and what is downloaded. The prosecutor's opinion on the defendant's objection/exception is sent to the Judge/Judge Council in the same way as above.

c) Examination of Witnesses and Experts

Examination of witnesses and/or experts is carried out in the courtroom even though the trial is conducted electronically. For certain circumstances, the Judge/Judge Council may determine the examination of witnesses and/or experts who are in:

1) the prosecutor's office in its jurisdiction;

¹⁹ Dewi Rahmaningsih Nugroho, "Membangun Budaya Hukum Persidangan Virtual (Studi Perkembangan Sidang Tindak Pidana Via Teleconference)", *Jurnal Pembangunan Hukum Indonesia* 2, No. 3 (2020): 296

²⁰ Bernadtha Aurelia Oktavira, "Tata Cara Sidang Pidana Secara Elektronik," retrieved from <https://www.hukumonline.com/klinik/detail/ulasan/lt5f96c0175830d/tata-carasidang-pidana-secara-elektronik/>; accessed on 07 March 2020

- 2) the court where the witness/expert is present if the person concerned is inside and outside the jurisdiction of the court hearing the case;
- 3) the embassy/consulate general of the Republic of Indonesia with the approval/recommendation of the minister of foreign affairs, if the witness/expert is abroad; or
- 4) other places determined by the Judge/Judges.

d) Examination of the Defendant

Examination of the defendant at the trial conducted electronically:

- 1) the accused who is in detention shall have his testimony heard from the place where he is being held, accompanied/unaccompanied by legal counsel;
- 2) the defendant who is in custody, but the place where the defendant is being held does not have facilities for an electronic trial, his statement shall be heard from the prosecutor's office; or
- 3) if the defendant is not detained, his testimony is heard in court, prosecutor's office, or other place determined by the judge/judge panel through a stipulation.
- 4) for defendants who are not detained, the chairman/head of the court where the defendant's testimony is heard shall provide trial facilities electronically and appoint 1 (one) judge and 1 (one) substitute clerk/registrar without using trial attributes to supervise the examination of the accused.

e) Evidence Check

In a trial conducted electronically, the evidence to be examined remains at the prosecutor's office, where the prosecutor presents the evidence to the Judge/Judge Council electronically. If the evidence is in the form of a printed document, the Judge/Judge Council matches the scanned document in the case file with the original document shown by the prosecutor electronically. However, if the evidence is not a printed document, the evidence can be photographed/videoed and sent to the court's electronic postal address (e-mail) before being submitted as evidence. If the defendant submits mitigating evidence, whether in the form of printed documents or not, the evidence is treated the same as above.

f) Claims, Defenses, Reply, dan Rejoinder

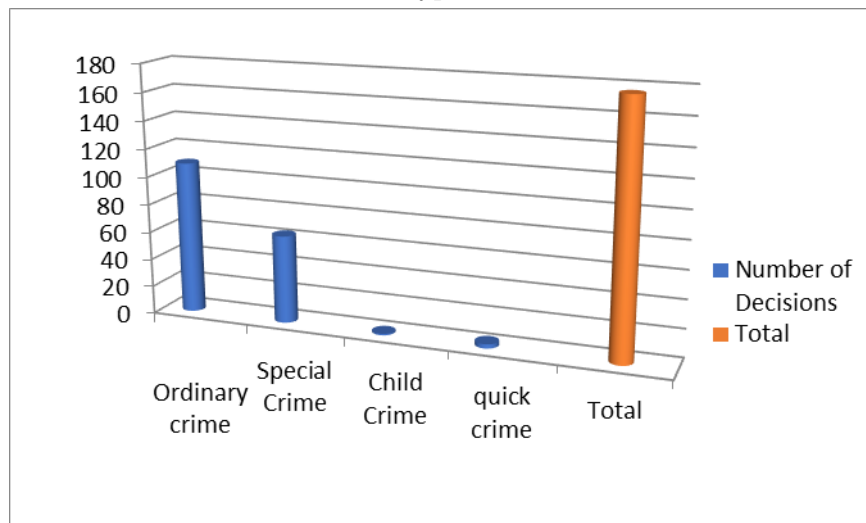
The trial is conducted electronically, documents of criminal charges, defenses, replies, and rejoinder are sent to the court's e-mail address before being read out, as well as after being readout. The document is sent to the e-mail address of the claimant/defendant and/or legal counsel.

g) Verdict and Notification of Judgment

The decision is pronounced by the Judge/Judge Council in a trial that is open to the public in the presence of the prosecutor and the defendant/legal counsel unless stipulated otherwise by law. In certain circumstances, based on the determination of the Judge/Judge Council, the hearing for the pronouncement of the verdict may be held electronically. If the defendant is not present at the reading of the verdict, a notification of the verdict is delivered by the court to the defendant via electronic domicile in the form of e-mail, Whatsapp address, or SMS (Short Message Service).

Then, other things that need to be considered in conducting an electronic trial are that all trial participants must be seen on the monitor screen with a bright and clear voice, the substitute clerk/registrar reports the readiness of the trial and ensures his connection with the trial participants to the Judge/Judge Council, the judge Substitute clerks/registrars, prosecutors, and legal advisers use their respective court attributes, and every electronic document submitted by the prosecution, legal counsel, and defendant must be in the form of a portable document format (PDF).

Table 1. Report of Criminal Cases at the Purwokerto District Court from March to December 2020. Based on Types of Cases at the Electronic Session



Source: Purwokerto District Court

Based on Table 1. the implementation of electronic hearings in criminal cases at the Purwokerto District Court during the Covid-19 pandemic throughout March to December 2020 there were 176 decisions, consisting of 109 types of ordinary criminal cases, 63 types of special criminal cases, types of criminal cases specifically for children as many as 1 decision and fast criminal cases as much as 3 decisions.

2. Obstacles in Electronic Sessions in Criminal Cases During the Covid-19 Pandemic at the Purwokerto District Court

In the practical order, there are obstacles faced in the electronic trial in criminal cases during the Covid-19 pandemic at the Purwokerto District Court, which is as follows:

- The existence of a network limitation is one of the problems faced during the implementation of the electronic trial. The obstacle is the quality of the network available in the jurisdiction of the Purwokerto District Court. The problem of network limitations is usually caused by the internet network available which is not always stable because it is influenced by weather conditions in the Purwokerto area.
- The next obstacle is the limited availability of information and technology. This is the main obstacle to the implementation of the trial electronically because the availability of information and technology is the main thing in the implementation of the trial. The existence of limited information and technology is caused by the absence of a budget recommendation related to the provision of the required equipment in the form of information and technology during the trial which is conducted electronically. However, budget planning related to the provision of information and technology is carried out at the end of the year and is valid for the next 1 (one) year while the Covid-19 pandemic condition occurs in the middle of the year. This is an obstacle in terms of providing the necessary equipment in the form of information and technology.

Limited facilities and infrastructure. The constraints of limited facilities and infrastructure have an impact on the conduct of the trial electronically. One of the limitations of facilities and infrastructure is the lack of available courtrooms at the Purwokerto District Court.²¹ The courtroom is used to provide facilities in the context of conducting the trial electronically. However, the courtroom facilities at the Purwokerto District Court only have 1 (one) out of 3 (three) available courtrooms equipped with electronic trial equipment.²² This is

²¹ Results of an interview with a Judge of the Purwokerto District Court (Conducted on January 15, 2021).

²² Results of an interview with a Judge of the Purwokerto District Court (Conducted on January 15, 2021).

an obstacle in terms of providing the courtroom needed by the Purwokerto District Court in conducting the trial electronically.

V. Conclusions

- a. The implementation of electronic hearings in criminal cases during the Covid-19 pandemic at the Purwokerto District Court will continue to be carried out by taking into account the standard protocols for preventing and handling Covid-19. The electronic trial is a criminal law policy that intersects with technology because it has not been regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP). Although the electronic trial in criminal cases has not been regulated in the Criminal Procedure Code, the validity of the electronic trial can be obtained from three things: first, laws outside the Criminal Procedure Code as a *lex specialist*; second, legal awareness to fill the legal vacuum based on Article 10 paragraph (1) and Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power; and third; based on PERMA Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically. The implementation of electronic hearings in criminal cases at the Purwokerto District Court during the Covid-19 pandemic throughout March to December 2020 there were 176 decisions.
- b. Obstacles faced in conducting electronic hearings in criminal cases during the Covid-19 pandemic at the Purwokerto District Court are as follows: first, network limitations, which are influenced by several things, such as networks that are not always stable; second, the limited availability of information and technology (IT) because it has not proposed a budget for the provision of equipment needed during the trial while the budget proposal is made at the end of the year to take effect next year; third, the limited facilities and infrastructure in the conduct of the trial such as the lack of available courtrooms at the Purwokerto District Court.

VI. Suggestions

- a. Electronic hearings in criminal cases during the Covid-19 pandemic is a new development that cannot be avoided by judges and judicial apparatus, therefore it is very necessary to have socialization regarding the procedure for transferring cases electronically as regulated in Supreme Court Regulation (*Peraturan Mahkamah Agung*, PERMA) Number 4 the Year 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically.
- b. There are several obstacles in the implementation of the electronic trial in criminal cases during the Covid-19 pandemic at the Purwokerto State Court, therefore it is necessary to improve the provision of equipment needed during the electronic trial so that the implementation of the trial is more effective and efficient.

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