

**CRIMINAL TRIALS THROUGH E-COURT DURING THE COVID-19  
PERIOD AS A FORM OF THE PRINCIPLE OF FAST, SIMPLE AND  
LOW-COST JUSTICE**

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**Latar Belakang:** Penyebaran penyakit virus corona (Covid-19) di Indonesia telah mengubah penerapan sistem persidangan khususnya persidangan perkara pidana dengan menggunakan aplikasi e-court. Penggunaan sistem e-court secara maksimal telah dilaksanakan seiring dengan terbitnya Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Tata Cara Persidangan Elektronik (selanjutnya disebut Perma Nomor 1 Tahun 2019).

**Tujuan:** untuk menjamin tiga nilai dasar tujuan hukum, yaitu keadilan, kemanfaatan dan kepastian hukum. Selain itu, penerapan asas kesederhanaan, kecepatan, dan biaya rendah dalam proses peradilan dapat diartikan secara luas, meliputi aspek regulasi, kelembagaan, dan proses peradilan.

**Metode:** Metode pendekatan yang digunakan dalam penulisan ini adalah pendekatan undang-undang (statute approach) dan pendekatan konseptual.

**Hasil:** Perwujudan peradilan pidana melalui e-courts pada masa covid-19 menjadi solusi bagi terselenggaranya asas peradilan cepat, sederhana, dan murah, dengan tetap menjunjung tinggi asas keadilan solus populi suprema lex esto.

**Kesimpulan:** Adanya Perma No. 4 Tahun 2020 merupakan upaya reformasi sistem peradilan di Indonesia yang lebih modern dan upaya reformasi KUHAP di Indonesia khususnya pada masa covid-19. Bahwa persidangan e-court memiliki kesamaan

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dengan KUHAP, namun tetap memiliki perbedaan yang tidak bisa diabaikan.

**Kata kunci:** *Persidangan Pidana; Asas Peradilan Cepat; Sederhana dan Berbiaya Ringan*

**Abstract (English)**

**Background:** *Spread corona virus disease (Covid-19) in Indonesia has changed the implementation of the trial system, especially the trial of criminal cases using applications e-court. The maximum use of the e-court system has been implemented in line with the issuance of Supreme Court Regulation No. 1 of 2019 concerning Procedures for Electronic Trials (hereinafter referred to as Perma No. 1 of 2019).*

**Objective:** *to guarantee the three basic values of legal objectives, namely justice, expediency and legal certainty. In addition, the application of the principles of simplicity, speed, and low cost in the judicial process can be interpreted broadly, including aspects of regulation, institutional and judicial processes.*

**Methods:** *The approach method used in this paper is a statutory approach (statute approach) and conceptual approach.*

**Results:** *The embodiment of criminal trials through e-courts during the covid-19 period has become a solution for the implementation of the principles of fast, simple and low-cost justice, while still upholding the principles of justice solus populi suprema lex esto.*

**Conclusion:** *The existence of Perma No. 4 The year 2020 is an effort to reform the judicial system in Indonesia which is more modern and an effort to reform the Criminal Procedure Code in Indonesia, especially during the covid-19 period. Whereas the e-court trial has similarities to the Criminal Procedure Code, but still has differences that cannot be ignored.*

**Keywords:** *Criminal Court; Principles of Fast;*

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Simple and Low Cost Justice

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## BACKGROUND

Spread *corona virus disesea* (Covid-19) in Indonesia has changed the implementation of the trial system, especially the trial of criminal cases using applications *e-court*. The maximum use of the *e-court* system has been implemented in line with the issuance of Supreme Court Regulation No. 1 of 2019 concerning Procedures for Electronic Trials (hereinafter referred to as Perma No. 1 of 2019). The existence of Perma No. 1 of 2019 has become a solution for court institutions under the Supreme Court (MA for short) to continue to be able to provide maximum legal services, even though justice seekers cannot be present directly in court. Used *e-courts* ultimately leads to the importance of implementing Virtual Courts which are held online without the presence of the parties in the courtroom.

Within the Prosecutor's Office, the trial uses application *e-court* referring to the Instruction of the Attorney General of the Republic of Indonesia Number 5 of 2020 concerning Policies for The Implementation of Duties and Handling of Cases During the Period of Preventing the Spread of Covid-19 within the Prosecutor's Office of the Republic of Indonesia on March 27, 2020. The instruction is accompanied by a Circular Letter of the Attorney General of the Republic of Indonesia Number 2 of 2020 concerning Adjustments to the Employee Work System in An Effort to Prevent The Spread *Coronavirus Disease (COVID-19)* in the Prosecutor's Office of the Republic of Indonesia. Conduct of the trial through the application *e-court* viewed in tandem with policy *social distancing* dan *phisysical distancing*, In order to suppress the pace of development of the Pandemic *Covid-19*.

Against the backdrop of the reasons for the limited period of detention, it has become the basis for consideration for the Supreme Court (MA) to establish a trial *online*. through Supreme Court Regulation No. 1 of 2019 concerning Procedures for Electronic Trials. In addition, an MoU has also been carried out (*Memorandum of Understanding*). an agreement between the Supreme Court, the Prosecutor's Office of the Republic of Indonesia and the Ministry of Law and Human Rights in this case the Directorate General of Corrections was ratified. The MoU is related to the agreement on the implementation of the trial during the Covid-19 pandemic which will be carried out until the end of the Covid-19

outbreak in Indonesia. Trials with the e-court system in the criminal justice system in Indonesia are not new, in the history of the implementation of criminal justice trials with the agenda of examining witnesses has been carried out remotely *online* or *teleconference*, that is, in the case “*Buloggate*”. In the trial, witness B.J Habibie has presented witness for corruption case with defendant Rahardi Ramelan, the witness position is in Hamburg, Germany. The examination of witnesses is carried out by *teleconference* by the National private police.(Adisti, Nashriana, Murilah, & Mardiansyah, 2021)

The very crucial thing in the implementation of the *e-court* system trial is in proving valid and convincing someone to commit a criminal act or then being able to be acquitted of the charges (*vrísjpraak*) if not proven to have committed a criminal act. In addition to the aforementioned, the implementation of evidence in the trial of the *e-court* system is also a complicated matter and requires expertise, especially with regard to letter evidence as a basis for proving the guilt of the defendant, without evidence the defendant's guilt cannot be proved along with other evidence such as witness testimony that relies on letter evidence. The existence of Court Regulation No. 4 of 2004 concerning the Administration and Trial of Cases in Electronic Courts (hereinafter referred to as Perma No. 4 of 2004) is a breakthrough effort to overcome the obstacles faced in an effort to fulfill the principle of justice is, fast, simple and low-cost in the practice of criminal trials while still respecting Human Rights. In addition, the issuance of Perma is intended as a forerunner to foster a modern judiciary based on information technology and hints at a shift in legal domicile to electronic domicile as well as a shift in jurisdiction.(Hutabarat, Manullang, & Esther, 2022)

According to Perma No. 4 of 2004, the trial of criminal cases can be carried out online, both from the beginning of the trial and when the trial has been running at the request of the public prosecutor, defendant, or legal adviser and determined by a judge / panel of judges. This PERMA also does not mean that the trial must be conducted online, but is limited to providing a legal basis and guidelines for when trials can be held online, and how to proceed. In principle, judges/assessments of judges, substitute clerks, prosecutors convene in the courtroom. Meanwhile, the defendant attended the trial from the detention center where the defendant was detained accompanied/without being accompanied by a legal advisor. Or a judge/assessment of judges, a substitute clerk convenes in the courtroom, while the public prosecutor attends a trial from the public prosecutor's office, the defendant with/without the assistance of his legal adviser attends a trial from the detention center where the defendant is detained. In Article 2 paragraph (3) of Perma No. 4 of 2020 it is stated that if an

online trial is held, all trial participants must be seen on the screen clearly and clearly and with a clear voice. The substitute clerk prepares the trial facilities including the readiness of the trial participants and reports to the panel of judges.

In the trial of judges, substitute clerks, claimants and legal counsel use the attributes of their respective hearings in accordance with the provisions of the applicable procedural law.(Falasifah & Bambang Dwi Baskoro, 2016) Article 153 paragraph 2 letter a of the Criminal Procedure Code states that it requires the presence of the accused and witnesses directly in the proceedings "the presiding judge of the trial presides over the examination at the trial court which is conducted orally in Indonesian which is understood by the accused and the witness". Furthermore, it is emphasized by Article 230 of the Criminal Procedure Code that the trial court shall be held in a courtroom with the Judge, Public Prosecutor, Legal Counsel, and clerk wearing their respective court attire and attributes. Referring to Perma No. 4 of 2020 ordered that all trials in the Supreme Court of R.I and the Judicial Bodies under it to carry out the trial process online. This is something new, considering that the Criminal Procedure Code does not regulate the procedures for online trials. The growing issue is How is the realization of criminal trials through e-court during the Covid-19 period as a form of the principle of fast, simple and low-cost trial in the Medan District Court, Indonesia?

## RESEARCH METHOD

Legal research is a process to find the rule of law, legal principles, and legal doctrines to answer the legal issues faced. (Benuf & Azhar, 2020) The type of research used is empirical juridical research. Empirical legal research (*empirical legal reseach*), which is a type of legal research that analyzes and examines the workings of the law.

The approach method used in this paper is a statutory approach (*statute approach*) and conceptual approach. The source of data in this study is primary data, namely data obtained directly from the source or the first data source where a data is obtained. (Arikunto, 2019) This primary data will be obtained after conducting interviews with the Substitute Registrar, Judge, who is on duty at the Medan District Court, Indonesia. Secondary Data is written data that provides primary legal materials, such as laws and regulations related to research.

## RESULTS AND DISCUSSION

### 1. Philosophical Basis of Simple, Fast and Low Cost Justice Principles in the Criminal Justice System.

According to Satjipto Rahardjo, the principle of law is the heart of the law, (Satjipto, 2000) while Scholten argues that legal principles are the thoughts behind the law, which according to Bruggink embodies the legal system itself that is within the legal system and behind it. (Atmadja, 2018) The principle of law as a reference for judges in the application of criminal procedural law. Some of the principles contained in the Criminal Procedure Code include the principle of legality, the principle of balance, the principle of presumption of innocence, the principle of compensation and rehabilitation and the principle of a simple, fast and low-cost trial. The principle of a simple, fast and low-cost trial is intended so that the suspect or defendant is not treated and examined in a protracted manner, then obtains a legal procedural process, as well as a low-cost process and does not need to burden the state. The existence of this principle in the implementation of the judicial process at the trial level is also intended to guarantee the three basic values of legal objectives, namely, justice, expediency and legal certainty. In addition, the application of the principle of simplicity, speed, and low cost in the judicial process can be interpreted broadly, covering aspects of the regulatory, institutional and judicial processes. (Hidayatullah & Burhanuddin, 2020)

In the implementation of this principle limitation, it has been regulated in the Circular Letter of the Supreme Court of the Republic of Indonesia Number 6 of 1992, dated 21 October 1992. (Bakhri, 2014) KUHAP in relation to the judicial process is an interpretation of Article 2 paragraph (4) of Law No. 48 of 2009 concerning Judicial Power, so that it is expected to meet the expectations of justice seekers. Whereas what is meant by simple is that the examination and settlement of cases is carried out in an efficient and effective manner, while low costs are cases that can be reached by the public without sacrificing accuracy in seeking the truth and justice. (Ali & SH, 2022)

In its development, Law No. 48 of 2009 concerning Judicial Power was later revoked and does not apply as stipulated in Article 62 of this Law, that "when this Law comes into effect, Law No. 4 of 2004 concerning Judicial Power (State Gazette of the Republic of Indonesia) Indonesia Year 2004 No. 8, Supplement to the State Gazette of the Republic of Indonesia No. 4538) is revoked and declared no longer valid." So the provisions regarding the principle of a simple, fast and low-cost trial are regulated in Article 4 paragraph (2) of Law No. in a simple, fast, and low-cost manner" it is also stated in Article 4 paragraph (2) of Law 48/2009 that "The court helps justice seekers and tries to overcome all obstacles and obstacles in order to achieve a simple, fast and low cost trial". It can easily be said that the simple principle is that criminal procedural law has clear, transparent and easy-to-understand procedures for

everyone without leaving the formality and legal certainty aspects behind. (*rechts zekerheids*) and values of justice. In addition, the meaning of the simple principle implies that the administration of justice is carried out with a time allocation that is not complicated but also not carried out in a hurry and does not intentionally slow down cases, must have accuracy and correct judgment according to law and justice. (Suadi, 2019)

The principle of fast justice is expected to make the case settlement process carried out in a simple, fast, and uncomplicated manner. Therefore, the criminal justice process is not expected to have delays or delays, so that what is expected can reduce some cases that tend to be uncertain in their completion and the accumulation of report files to investigators. The period of time in the investigation process from the police has several case settlement times which are calculated from the receipt of the Investigation Order, where 120 days for very difficult case investigations, 90 days for difficult case investigations, 60 days for medium case investigations, and 30 days for easy case investigations. . However, the regulations described above are only limited to the Standard Operating Procedures for handling criminal cases in the Police.

## **2. Embodiment of Criminal Trials Through E-Court During the Covid-19 Period As a Form of Fast, Simple and Low Cost Judicial Principles at the Medan District Court, Indonesia**

The electronic criminal trial was carried out due to compelling circumstances, due to the Covid-19 pandemic. Law enforcers have an obligation to resolve criminal cases quickly, but the COVID-19 pandemic situation has hampered the trial or handling of cases. The provisions of the Criminal Procedure Code as the basis for conducting criminal trials do not regulate online trials, then the Supreme Court has issued a Perma No. 4 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically, as the basis for conducting *e-court* trials. The stages of implementing a criminal trial include.

Case Transfer Stage; Case Transfer Stage files for trial should be carried out directly, as the provisions of the Criminal Procedure Code cannot be implemented, this is due to the Covid-19 pandemic. Because of this situation, referring to the provisions of Article 4 paragraph (1) of Perma No. 4 of 2020, it is carried out through: *Pos-el*; That any delegation of a criminal case by the Public Prosecutor must include the electronic domicile of the Public Prosecutor's Office, the Investigative Office, the institution where the defendant is detained, and the address of the defendant/and/or Legal Counsel. Furthermore, the Registrar of the District Court will check the completeness of the case file, which has been sent by e-mail before the document is printed.

The completeness of the case file is as stipulated in Article 5 paragraph (1) of Perma No. 4 of 2020, among others, Letter of Delegation of Cases, Indictment, Power of Attorney if using power of attorney, Minutes of Investigation of Investigators, (Scan) written evidence if any, list of evidence, photos of evidence, archery documents if detained; and other related Documents. All types of documents that will be submitted by the Public Prosecutor, Legal Counsel and the Defendant must be in the form of: *portable document format* (PDF). If the case file is complete, the Registrar will number and file the case file in accordance with the provisions of the Criminal Procedure Code. Based on the author's observations at the Medan District Court, it has been carried out in the form of : *Portable Document Format* (PDF).

Regarding case files and documents, there is no difference in the arrangements in the Criminal Procedure Code and Perma No. 4 of 2020, the only difference is that the submission is carried out through *pos-el*. In practice, it is not uncommon for the Public Prosecutor to submit case files and case documents in physical form to the Court. Of course, this is due to the fact that the practice of direct trial is still attached and some think that the use of case files and case documents in physical form is more effective during the trial.

Court Summos;A *subpoena* is a notice to follow the trial. According to Article 127 paragraphs (1) and (2) of the Criminal Procedure Code, the summons of the trial is carried out by sending a subpoena in physical form to the address or domicile of the party in question or the party wishing to be presented in the trial. The judge ordered the Public Prosecutor to call witnesses to appear at the court hearing (Article 152 paragraph (2) of the Criminal Procedure Code. Furthermore, Article 145 of the Criminal Procedure Code provides for the conditions regarding the validity of a summons to the accused which in essence is no different from the arrangement in Perma No. 4 of 2020, that all letters must be in electronic form. Article 6 of Perma No. 4 of 2020 regulates, among others.

In the event that the Defendant is in the detention center, the Public Prosecutor delivers a subpoena to the defendant through the defendant's Electronic Domicile. In the event that the Defendant is not detained, the subpoena is delivered by the Public Prosecutor to the Defendant through the Eltronic Domicile in the *pos-el*, Whatschap Address, or SMS (*short message service*). In the event that the Defendant does not have a Domicile, the summons may be delivered by registered mail to the address of the Defendant's residence with a copy to the village head/village head of the Defendant's residence/residence. The determination of the Judge/Panel of Judges contains the day, date, time and place of the electronic hearing and is submitted by the Registrar of the Medan District Court to the Public Prosecutor electronically.

The summons against the Defendant is made no later than (seven) days before the hearing, the summons is deemed to have been received by the Defendant if it has been proven that the summons has been sent. Article 6 (paragraph 7) of perma. To inhibit the spread of the covid-19 virus, the trial is carried out electronically to the address pos-el whatschaap address or SMS (Short Message service). As a result of observations made at PN Medan, the submission of the subpoena was delivered by the Public Prosecutor electronically. This is done by the Public Prosecutor after the Determination of the Judge / Panel of Judges which contains the day / date, time, and place of the electronic hearing. This summons was made by the Public Prosecutor through Pos-el Address Wahtschaap and SMS (*short message service*). The summons was sent to the Defendant and the parties in PDF form.

Preparation of Trial and Conduct of Trial; The implementation of the trial electronically requires a different preparation from the trial in person as stipulated in the Criminal Procedure Code. In a direct trial, it is enough to ensure the presence of the parties will be present at the hearing, very different from the electronic trial, it is necessary to ensure the complete presence of the parties, ensure that the infrastructure (infrastructure) is in good condition and the application used is well connected. In electronic trials, judges/committee of judges, registrar/substitute clerks, public prosecutors and legal advisers are required to use their respective attributes as in the trial regulated in the Criminal Procedure Code, and ensure that they are connected in the application used. like zoom. From the results of research at the Medan District Court, the preparation of electronic trials takes a lot of time and energy, especially infrastructure related to the internet network that must be well connected, for example the clarity of sound or audio, images or visuals from the parties participating in the trial.

In the conduct of the hearing electronically, the Defendant accompanied by Legal Counsel must be physically in the same room as the Defendant, but if the Legal Counsel does not allow accompanying the Defendant in the detention center/ prison, the Legal Advisor may convene at the Public Prosecutor's office or the Court. The room where the Defendant attends the trial must be equipped with a recording device/camera/CCTV that can show the overall condition of the room. The Registrar/Substitute Registrar records everything that happens during the trial process, to be further included in the Minutes of the Session. In contrast to the direct trial as regulated in the Criminal Procedure Code that the trial stage is the most important stage in the trial, good preparation will launch every other stage, including the stage of examining documents, evidence, witnesses and/or experts, examining defendants.

Indictments and Objections; According to Article 8 of Perma No. 4 of 2020 states that: The indictment, objection/exception, and the opinion of the Public Prosecutor are read out in a trial conducted in accordance with the provisions of Article 2 paragraph (1) or paragraph (2). In the event that the trial is conducted electronically, the objection/exception document is sent to the Judge/Judge Council and the document file is forwarded to the Public Prosecutor and carried out as stipulated in Article 3 paragraph (2) and paragraph (3). In the event that the trial is conducted electronically, the opinion of the Public Prosecutor on the Defendant's objection/exception is sent to the Judge/Judge Council as regulated in Article 3 paragraph (2) and paragraph (3).

Electronic hearings at criminal trials in Indonesia, indictments, objections/exceptions, and the opinion of the prosecution are read out in court then documents will also be sent to the address pos-el. In order to shorten the time the indictment is read out no longer in its entirety given the many obstacles and in order to save time, the indictment is usually agreed upon in advance to be read directly to the point. As a consequence of this situation, advocates are less effective in defending their clients because the process of submitting objections is not optimal due to the limited time given. From the defendant's point of view, the submission of the defense memorandum by the defendant is considered to be a mere formality because it is not carried out directly, due to the limited time in the submission of the defense memorandum.

Provisional Verdict; In Article 9 of Perma No. 4 of 2020 explains : The decision/interlocutory decision shall be pronounced in a session open to the public in the presence of the Public Prosecutor, the Defendant and/or legal counsel, unless otherwise stipulated by the provisions of the legislation. Under certain circumstances, the hearing for the pronouncement of the interlocutory decision/decision may be held electronically. Submission of the interlocutory decision if it is related to the Criminal Procedure Code, the difference is only direct and indirect. If the KUHAP is submitted directly in court, in an electronic trial it is submitted electronically with the zoom application, it is the same with other agendas.

Examination of Witnesses and Experts; Article 10 of Perma No. 4 of 2020 states, "In certain circumstances the Judge/Judge Council may determine that the examination carried out on Witnesses and/or Experts is in: Prosecutor's Office within its jurisdiction; The court where the Witness and/or Expert is located if the witness and/or Expert is inside and outside the jurisdiction of the Court hearing the case; The Embassy/consulate General of the Republic of Indonesia with the approval/recommendation of the Minister of Foreign Affairs, in the event that the Witness and/or expert is abroad; or Other places determined

by the Judge/Judge Council". Prior to the examination of witnesses/experts, the party presenting the Witness and/or Expert notify/send to the Registrar/Substitute Registrar in the form of: Number of witnesses and/or experts to be presented; The account where the Witness and/or Expert is examined which can be connected to the application for the trial; and Other required documents.

Article 12 of Perma No. 4 of 2020 specifically mentions the examination of witnesses whose identities according to the laws and regulations or according to the Judge/Judge Council must be kept confidential. The Chairperson of the Haakim Assembly ordered the Registrar/Substitute Registrar to turn off the video feature in the Witness's display on the trial application and the Witness only gave information in an audio format with a disguised voice or listened to the Witness's statement without the presence of the Defendant. That witnesses and/or experts are sworn in directly in the middle of the examination process. The presence of witnesses and/or experts in person is very beneficial where the examination can be carried out properly with the hope that all the facts can be dug well when the parties are gathered face to face, although sometimes witnesses are difficult to present reminding the pandemic that every witness presented must be in good condition. healthy. According to one of the Public Prosecutors who are currently in session, difficulties were found in examining witnesses, that the witnesses and/or experts presented were in good health and able to provide good information, otherwise the examination of witnesses could be postponed instead of having to be examined in a witness position elsewhere.

Defendant's Examination; Article 13 of Perma No. 4 of 2020 states: The accused who is in detention shall have his testimony heard from the place where the Defendant is being held, accompanied/unaccompanied by a Legal Counsel; The accused 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 office of the Public Prosecutor; or If the Defendant is not detained, his testimony shall be heard at the Court of the Public Prosecutor's Office, or at another place determined by the Judge/Judge Council through an stipulation.

Whereas the electronic trial in terms of examining the Defendant is carried out remotely by using the zoom application. The process of proving criminal cases at trial electronically has become a challenge for judges in finding and digging up the material truth of an event that occurred. However, the Judge in deciding is still guided by 2 (two) pieces of evidence and added by the Judge's conviction. Article 184 of the Criminal Procedure Code states that the evidence includes witness statements, expert statements, letters, instructions and statements of the defendant. One of the difficulties faced by judges is that they are quite difficult

in conducting examinations, due to the examination of the defendants being carried out remotely, thus limiting the space for judges to explore facts during the trial process.

Evidence Check; Article 13 of Perma No. 4 of 2020 states that: In the event that the trial is conducted electronically and the delegation is carried out electronically, the evidence to be examined remains at the office of the Public Prosecutor; The Public Prosecutor shall show the evidence to the Judge/Judge Council electronically. In the event that the evidence is in the form of a printed document, the Judge of the Panel shall match the scanned document contained in the case file with the original document presented by the Public Prosecutor electronically. In the event that the evidence is in the form of a printed document, the evidence can be photographed or videotaped and sent to the court's e-mail address in the trial before being submitted as evidence. In the event that the Defendant submits mitigating evidence, either in the form of printed or non-printed documents, the evidence shall be treated in the same way as the evidence as referred to in paragraphs (3) and (4); The judge/assessment of judges matches the evidence sent as referred to in paragraph (3) and paragraph (4) with the original electronically.

The examination of evidence remotely is carried out using the zoom application, and then sends visuals or pictures to the Prosecutor's Office assigned to the Detention Center, to supervise the Defendant who is being examined and ensure that the evidence is intended for the defendant to see. With this situation, the Public Prosecutor must provide several cellphones as a means of communication, considering that all court facilities in Indonesia are not yet complete. Therefore, the obstacle faced was the difficulty of showing evidence which only passed through a small screen, which seemed unreal.

Claims, Defenses, Replies and Dublik; Article 15 of Perma No. 4 of 2020 states that: Criminal charges, defenses, replicas, and duplicates are read before the court in accordance with the provisions of the Criminal Procedure Code; In the event that the trial is conducted electronically, the submission of documents for criminal charges, defenses, replicas, and duplicates shall be carried out in the same way as the delivery of documents as referred to in Article 3 paragraph (2) and paragraph (4). Whereas the reading of the Criminal Charges, Defense, Replic and Duplications is read in front of the trial in accordance with Article 182 paragraph (1) letter a of the Criminal Procedure Code, namely after the trial is opened, the Chief Judge explains that today's session is the submission of criminal charges. The presiding judge then asked the public prosecutor whether he was ready to file a criminal charge at today's trial. Likewise, the memorandum of defense, replica, and duplication if any. However, in the online trial, the reading of the Criminal

Charges, Defense, Replik, Duplicate and the Memorandum of Defense was shortened, due to unpredictable obstacles during the trial, including internet network problems.

Verdict and Notification of Judgment; In Article 16 of Perma No. 4 of 2020 states: Under certain circumstances based on the determination of the Judge/Judge Council, the hearing for the pronouncement of the verdict may be held electronically; In the event that the Defendant is not present at the reading of the verdict, notification of the decision shall be submitted by the Court to the Defendant via Electronic Domicile in the form of an pos-el address, whatsapp address or SMS; In the event that the Defendant does not have an Electronic Domicile, notification of the decision shall be submitted by registered mail to the address of the Defendant's residence with a copy to the Village Head/Lurah: In the event that the residence and place of residence of the Defendant is not known, notification of the decision shall be made through the mass media, bulletin boards and the Court Garden.

The implementation of the electronic trial at the Medan District Court was carried out by reading the agenda and notification of the decision not much different as regulated in Article 16 of Perma No. 4 of 2020 with the Criminal Procedure Code, only the submission as stated in the Perma was submitted through aa while the Criminal Procedure Code was directly in front of face to face. The presiding judge explained that today's session was the reading of the verdict. Before the verdict is read out, the presiding judge asks the parties present to pay close attention to the contents of the verdict. There are almost no obstacles when submitting the reading of the verdict, after reading the verdict again, the decision will be conveyed in electronic form to the parties, such as the Public Prosecutor, the Defendant, Legal Advisors, in accordance with the provisions of Article 16 of Perma No. 4 of 2020

## CONCLUSION

The embodiment of criminal trials through *e-courts* during the covid-19 period has become a solution for the implementation of the principles of fast, simple and low-cost justice, while still upholding the principles of justice *solus populi suprema lex esto*. The existence of Perma No. 4 The year 2020 is an effort to reform the judicial system in Indonesia which is more modern and an effort to reform the Criminal Procedure Code in Indonesia, especially during the covid-19 period. Whereas the e-court trial has similarities to the Criminal Procedure Code, but still has differences that cannot be ignored.

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