

TRIAL PROVING IN ELECTRONIC CRIMINAL CASE TRIAL BASED ON THE DIGNIFIED JUSTICE PERSPECTIVE

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Article's Information	Abstract
<p>keywords: <i>Trial proving; electronic criminal case trial; Dignified Justice; Supreme Court Regulation; KUHAP.</i></p> <p>DOI :</p>	<p>Abstract</p> <p><i>Trial proving in Indonesian Criminal Procedural Law has always been limited to KUHAP and other regulations. Following the recent development of electronic criminal case trial, there has not been any clear regulation aside of Supreme Court Regulation 4 of 2020. Contradiction between KUHAP and Supreme Court Regulation causes problem especially regarding trial proving. The purpose of the paper is to provide legal solution to the trial proving by the court participant in electronic criminal case trials from the perspective of Dignified Justice that will provide advantageous, responsive, and adaptive justice towards the needs of the community. The methodology used normative research method such as statute approach, normative approach, and comparative approach. The result showed there shouldn't be a conflict between the effect of KUHAP and Supreme Court Regulation, yet the regulation of trial proving in electronic criminal trial should be regulated in a statute level.</i></p>



A. Introduction

Indonesian criminal procedural law adopted *acquisitor* model as its criminal justice system. The model places the court process to be conducted in an open environment and in phases whilst focusing on the protection of human right¹. The aforementioned *acquisitor* system in Indonesian had not been supplemented with *acquisitor* regulations due to the nature of Indonesian criminal procedural law that based its exercise on *inquisitor* regulation like *Het Herziene Indonesisch Reglement* or *HIR* and Act 8 of 1981 regarding Criminal Procedural Law (furthermore would be mentioned as *KUHAP*).

The aforementioned criminal justice system model affected *ratio legis* of the trial proving conducted in trial processes in Indonesia. The *acquisitor* system along with its regulations similar to *inquisitor* system in Indonesia has caused the accused to be checked preliminarily despite of their human right, hence the enactment of negative proving system². Negative proving system is conducted for the purpose of discovering material truth as true as possible³. Accordingly, proving in a court trial is required to be conducted by face-to-face or physically so that the material truth can be absolutely gained.

Proving in a face-to-face or physical court trial has the potential to be disturbed by natural and non-natural disasters. *Corona Virus Disease* 2019 or Covid-19 pandemic, namely a non-natural disaster, has threatened the public safety, including parties involved in the administration of justice. Covid-19's ease of spread caused the government to enact health safety protocol to reduce physical contact in order to prevent virus spread⁴.

Healthy safety protocol in effect pushes the government to improve the halted process of justice. The government issued Memorandum of Understanding between Supreme Court, Attorney General, and Law and Human Right Ministry Number 402/DJU/HM.01.1/4/2020 along with Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial so that criminal case trials can be conducted electronically through teleconference as information technology means.

A legal issue arises due to absence of regulation in electronic criminal cases trial regulation in the level of statute similar to *KUHAP*. The obligation of facilities and infrastructure provision as regulated in Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial only applies to Supreme Court and Judicial Bodies beneath Supreme Court. Consequently, The Attorney General Office through public prosecutor and the accused are now facing difficulty in proving and objecting due to the lack of facilities, infrastructure that also causes unoptimized opportunity⁵.

Trial proving in electronic trials according to Dignified Justice perspective had been discussed in previous researches, namely The Conduct of Criminal Case Trials Electronically During

¹ Rusli Muhammad, *Sistem Peradilan Pidana Indonesia Dilengkapi Dengan 4 Undang-Undang Di Bidang Sistem Peradilan Pidana*, (Yogyakarta: UII Press, 2011), 47-51.

² M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, (Jakarta: Sinar Grafika, 2003), 278.

³ *Ibid*, h. 275

⁴ N.R. Yunus dan A. Rezki *Kebijakan Pemberlakuan Lock Down Sebagai Antisipasi Penyebaran Corona Virus Covid-19*. Jurnal Sosial Dan Budaya Syar-I, 2020 Volume 7, h. 3.

⁵ Drake Allan Mokorimban, *Perlindungan Terhadap Saksi dalam Proses Penegakan Hukum Pidana di Indonesia*, Jurnal Lex Crimen Vol. II/No. 1/Jan-Mrt/2013, h. 37-48, 2013, h. 47.

Covid-19 Pandemic in Palembang District Court which had been written by Neisa Angrum Adisti, etc, which discussed the technical aspects of the conduct of criminal case trials electronically and found that the conduct was unoptimized. Therefore, Neisa Angrum Adisti, etc. suggested special team-forming consisting of court, attorney general, and penitentiary as a solution in communication⁶. Another research, titled Formal Juridical Weakness in the Conduct of Criminal Case Trials through Teleconference during Covid-19 Pandemic, written by I Made Wirya Darma that discusses the problem within Supreme Court Circular Letter Number 1 of 2020 regarding Guidelines for the Implementation of Duties During the Period of Prevention of the Spread of Covid-19 in the Supreme Court and Judicial Bodies Underneath Supreme Court and Attorney General's Instruction Number 5 of 2020 regarding Policies for the Implementation of Duties and Case Handling During the Prevention of the Spread of COVID-19 in the Attorney General's Office of the Republic of Indonesia had become a legal breakthrough in the conduct of criminal case trials electronically. However, these regulations had caused legal problem so that the given solution was to form Standard Operational Procedure or SOP so that the implementation procedures would become systematic⁷.

The scope of this research is limited to the discussion of trial proving in criminal case trials electronically that revolves around legal rights and legal obligations of the parties involved in the conduct of trials and compare it to Dignified Justice Theory perspective. This study will not discuss the truth or falsity of electronic criminal case trials regulation arrangement.

Following the background, the focus of the problem answered in this legal research, namely trial proving by the court participant in electronic criminal case trials from the perspective of Dignified Justice. The purpose of the research is to find a legal solution to the trial proving by the court participant in electronic criminal case trials from the perspective of Dignified Justice that will provide advantageous, responsive, and adaptive justice towards the needs of the community. The method used in the research is a conceptual approach, a statutory approach, and a comparative approach

B. Discussion

a. Trial Proving in Indonesian Criminal Cases

Trial proving is a guidelines as regulated in statutes in order to prove the truth or fault of a criminal charge delegated from the prosecutor towards the defendant based on evidences⁸. Hari Sasangka emphasized that trial proving regulates tools of evidence, trial proving applied in a state, evidence submission procedure, and the judge's authority in evaluating the submitted evidence⁹.

Indonesia and other countries still acknowledges the existence of trial proving theory, namely evidence system based on positive statutes, trial proving based on legal confidence, and trial proving based on the judge's belief on the grounds of logic¹⁰.

⁶ Neisa Angrum Adisti, dkk, *Pelaksanaan Persidangan Perkara Pidana Secara Elektronik Pada Masa Pandemi Covid-19 di Pengadilan Negeri Kota Palembang*, in *Jurnal Legislasi Indonesia* Vol. 18 Nomor 2, 2021.

⁷ I Made Wirya Darma, *Kelemahan Yuridis Formal Pelaksanaan Persidangan Pidana Melalui Teleconference Saat Pandemi Covid-19*, dalam *DiH: Jurnal Ilmu Hukum* Volume 17 Nomor 2 Agustus 2021, 2021.

⁸ M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHPP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, (Jakarta: Sinar Grafika, Jakarta, 2003), 273

⁹ Hari Sasangka and Lily Rosita, *Hukum Pembuktian Dalam Perkara Pidana*, (Bandung: Mandar Maju, 2003), 10

¹⁰ Andi Hamzah, *Hukum Acara Pidana Indonesia*, (Jakarta: Sinar Grafika, 2008), 258

As a legal state, Indonesia adopts a different trial proving system, namely trial proving system based on negative statutes or *negatif wettelijke*¹¹. Negative trial proving system in this sense is the existence of dual element combination to gain truth, throughout valid tools of evidence as regulated in the statutes along with judge's belief towards the defendant's criminal charges as regulated in Section 183 Act 8 of 1981 regarding Criminal Procedural Law (furthermore will be referred as KUHAP)¹².

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The trial proving regulations in Indonesia specifically has been regulated in Section 184 KUHAP. In the aforementioned regulation, Indonesia recognizes tools of evidence as a part of trial proving, namely witness testimony, expert testimony, proof of letter, indication, defendant's statement. Negative trial proving system as adopted by Indonesia refers to Section 183 KUHAP and emphasized by Section 230 sub-section 1 KUHAP.

Section 230 sub-section 1 KUHAP regulates that each trial agendas must be conducted in Court Building. In this sense, trial proving agenda obligated to be conducted directly or physically in Court Building, especially in a court room. Trial proving in a direct or physical manner is specified in a regulation regarding tools of evidence for trial proving that can be submitted in a trial.

Trial proving that must be conducted directly or physically in Court Trial as regulated in KUHAP, as follows:

- Witness' testimony is required to be stated and heard in a court trial as regulated in Section 185;
- Expert's testimony is required to be stated and heard in a court trial as regulated in Section 186;
- Defendant's statement is required to be stated and heard in a court trial as regulated in Section 189;
- The evaluation of indication as a tool of evidence shall be conducted by judge in a examination in Court as regulated in Section 188 sub-section 3;

The *ratio legis* of a direct or physical trial proving is regulated in KUHAP, specifically in Section 185 sub-section 6 namely the search of straight truth through the harmonization of tools of evidence.

Wirjono Projodikoro stressed that the harmonization of tools of evidence is addressed so that Judge may gain belief or confidence in trial proving and such confidence prevents the emergence of disbelief in decision-making, considering that such judgment binds Judge morally and legally¹³.

b. Trial Proving in Indonesian Electronic Criminal Cases Trial

Criminal case trials in Indonesia refers to KUHAP as *lex generalis*. In the development, the conduct of Criminal case trials which was limited only to physical or direct trial had developed into trials that uses information technology facilities. In 2002, Supreme Court facilitated electronic criminal case trials through the examination of B.J. Habibie, the former President of Republic of Indonesia, as witness who testified in a trial through teleconference

¹¹ Alfitra, *Hukum Pembuktian dalam Beracara Pidana, Perdata, dan Korupsi di Indonesia*, (Yogyakarta: Penebar Swadaya Group, 2002), 65.

¹² *Ibid.*

¹³ Andi Hamzah, *Hukum Acara Pidana Indonesia*, (Jakarta: Sinar Grafika, 2008), 253.

facility¹⁴. Aside of that practice, Act 11 of 2008 *juncto* Act 19 of 2016 regarding Electronic Information and Transaction had introduced the existence of electronic evidence through Section 5 sub-section 1 that declares electronic evidence and/or electronic documents including its print-out as a valid tool of evidence.

The purpose of the criminal procedural law, which seeks the straight truth, has not been fulfilled in the Covid-19 pandemic situation due to the lack of rights and opportunities from the Public Prosecutor, Defendant, Legal Counsel, and Witness in electronic criminal case trials. These lack of rights is contrary to the spirit of Dignified Justice which emphasizes that the law exists so that humans can be treated like fellow human beings who have both same rights and obligations¹⁵.

Human rights violation in criminal case trial process occurs if trial proving in criminal procedural law is not regulated clearly and definitely in a formal and concrete legal form. Following the development of trial situation that develops from direct and physical trials into electronic criminal case trials, Supreme Court issued with Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial to address the regulation of technical administration of electronic criminal case trials.

Supreme Court issued with Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial regulates the conduct of trial process in several phases as follows:

- a. Indictment-reading electronically;
- b. The objection of defendant's submission electronically through electronic domicile;
- c. Trial proving in the manner of witness submission electronically through virtual room;
- d. Trial proving in the manner of proof of letter submission electronically in the form of portable document;
- e. The examination of defendant's statement electronically;
- f. Charge, defense, and defense's response electronically;

Based on the aforementioned regulation as related to trial proving as regulated in KUHAP, it shall be viewed that trial proving in Indonesian criminal case trials refers to negative trial proving system¹⁶. Negative trial proving system is a trial proving which is conducted to ensure judge regarding a legal occurrence through two valid tools of evidence to prove and gain judge's belief¹⁷.

Negative trial proving system that Indonesia adopted is based on KUHAP that was incorporated into Supreme Court issued with Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial. Hence, the application of electronic criminal case trials are not fully conducted in electronic. Indonesian practice of

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¹⁴ Watni, dkk. *Analisis dan Evaluasi Hukum Tentang Pemanfaatan Media Elektronik (Teleconference) Untuk Pembuktian Dalam Hukum Acara Pidana*. (Jakarta: Badan Hukum Nasional Departemen Hukum dan HAM RI, 2003), 55.

¹⁵ Teguh Prasetyo. *Keadilan Bermartabat: Perspektif Teori Hukum*. (Bandung: Nusa Media, 2015), 2.

¹⁶ Ali Imron dan Muhammad Iqbal, *Hukum Pembuktian*, (Banten: Unipam Press, 2019), 7

¹⁷ *Ibid*.

electronic criminal case trial is different to electronic criminal case trials in automatic or directly computer-processed as defined by Richard Susskind¹⁸.

Electronic criminal cases trial as regulated by with Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial in Indonesian criminal justice system is considered as digital hybrid criminal case trial¹⁹. Such hybrid digital trial prioritizes the conduct of trial similar to direct or physical trial, however the conduct is executed virtually and the physical documents involved are digitalized or incorporated into electronic form²⁰.

Electronic criminal cases trial in the sense of hybrid digital trial places physical or direct trial to be conducted in a virtual room through teleconference media and e-mail facility to submit digitalized physical document.

Trial proving in digital hybrid trial still refers to the principle of valid tool of evidence as regulated in KUHAP and Act 11 of 2008 *juncto* Act 19 of 2016 regarding Electronic Information and Transaction. The tools of evidence that are still in effect in electronic criminal case trial is regulated in Section 184 KUHAP and Section 5 sub-section 2 Act 11 of 2008 *juncto* Act 19 of 2016 regarding Electronic Information and Transaction. The aforementioned tools of evidence are namely witness testimony, expert testimony, proof of letter, indication, defendant's statement, and electronic evidence in the form of electronic information and electronic document along with printed document originating from electronic information and transaction as a proof of letter.

Based on Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial, the digitalized version of physical evidence such as proof letter shall be valued as proof of letter despite of the change of the form as long as they're submitted to the Court through court's email. The digitalized version of physical evidence is recognized as proof of letter following the regulation in Section 5 sub-section 1 Act 11 of 2008 *juncto* Act 19 of 2016 regarding Electronic Information and Transaction.

During trial proving agenda, the testimony of witness procured in a trial by teleconference shall be viewed as having the same legal-binding power as witness' testimony procured in a physical trial according to Section 1 sub-section 14 Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial. Such view conflicts with the regulation of Section 160 KUHAP that oblige every testimony to be procured in a physical trial. Based on principle of *lex posterior derogat legi priori*, the legal provisions within Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial has legal-binding power compared to Section 160 KUHAP.

Trial proving through tools of evidence such as witness' testimony and proof of letter in electronic form is based on Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial as its legal form. However, it does not necessarily mean that witness' testimony and proof of letter in electronic form do not have its own regulation.

¹⁸ Richard Susskind, *Online Courts and The Future of Justice*, (Oxford: Oxford University Press, 2019), 34

¹⁹ *Ibid*, h. 177.

²⁰ European Bank for Reconstruction and Development, *From Digitisation to Digital Transformation A Case for Online Courts in Commercial Disputes*, (London: European Bank for Reconstruction and Development, 2019), 4.

The testimony of witness stated in electronic criminal trial through teleconference according to Hafidlatul Waro Atamimi must be given in detail along with good picture and audio quality without any interference or disturbing noises and based on the swearing-in of the witness.²¹ Furthermore, Section 7 sub-section (5) Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial obliges the location of swearing-in to be equipped with camera or CCTV for Defendant and Witness so that the court participant may remark the trial situation in order to prevent possibilities of pressure towards defendant and witnesses.

Digitalized proof of letter that is set to be used in trial proving are obliged to be checked or verified its authenticity by Judge's Panel according to Section 14 sub-section 3 Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial.

The trial proving in electronic criminal case trial regulation through Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial has based the conduct of trial by information technology so that the justice process in court shall not be withheld due to pandemic or external nor internal obstacle.

The search of justice in judicial and trials must consider Dignified Justice Theory. Dignified Justice Theory is a theory that prioritizes humane justice while concerns with honor and dignity of people as human without any exception²².

Electronic criminal case trial especially in trial proving agenda along with the use of information technology and its current regulations hasn't been able to fulfil human rights of court participants. As noted in several cases, namely I Gede Ari Astina or Jerinx SID's case²³. In that case, the defendant felt that he was placed at a disadvantage when he couldn't hear the trial process clearly due to internet connection trouble²⁴. Furthermore, the defendant felt that he couldn't administer optimal trial proving due to the limitation of information technology that was not provided by the court or the public prosecutor²⁵.

Based on the aforementioned case, the regulation of electronic criminal case trials still doesn't have a firm legal standing and absent without detailed human rights protection regarding the conduct of electronic criminal case trial. Additionally, KUHAP has higher enactment power compared to Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial since KUHAP is still in effect.

The unoptimized conduct of Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial due to the lack of facilities and infrastructure and conflicts with KUHAP causes the unfulfillment of Dignified Justice.

The regulation of electronic criminal case trial, especially in trial proving agenda within, is insufficient to be formulated only in Supreme Court Regulation form. The urgency

²¹ Hafidlatul Waro Atamimi, *Keabsahan Hasil Pemeriksaan Saksi melalui Teleconference pada Masa Pandemi Covid-19*, Jurnal Universitas Muhammadiyah Jember, Jember, 2021, h. 9

²² Teguh Prasetyo, *Pembaharuan Hukum Perspektif Teori Keadilan Bermartabat*. (Malang: Setara Press., 2017) 21.

²³ Tribunnews. *Sidang Jerinx Beberapa Kali Terhenti Ada Gangguan Teknis, Suara Hakim Tak Terdengar Tim Kuasa Tim Kuasa Hukum*. <https://www.tribunnews.com/seleb/2020/10/06/sidang-jerinx-beberapa-kali-terhenti-ada-gangguan-teknis-suara-hakim-tak-terdengar-tim-kuasa-hukum?page=all> tanggal 6 Oktober 2020, 2020, diakses pada 2 Mei 2021.

²⁴ *Ibid*

²⁵ *Ibid*

of human right protection for trial administrators and participants must be protected in order to fulfill Dignified Justice. Such protection can only be fulfilled if electronic criminal case trial is regulated in the form of statute instead of only Supreme Court Regulation. Therefore, there needs to be a specialized regulation in renewing criminal procedural law in statute form that can replace KUHAP or other statutes to support the conduct of KUHAP following the principle of *lex specialis derogat legi generali* without contradicting with *lex superior derogat legi inferiori* principle.

Regulation of trial proving within electronic criminal case trial in Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial has attempted to adhere to Dignified Justice. For an instance, the health of trial administrators and participants would be threatened if the trials were forced to be conducted physically or directly during the pandemic era due to the potential spread of the Covid-19 pandemic. In this sense, the regulation of witness testimony through teleconference media in an electronic criminal case trial has prioritized the protection of human honor and dignity regarding safety and health.

The regulation of digitalized proof of letter for trial proving within electronic criminal case trial as regulated in Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial has also attempted to adhere to Dignified Justice. The aforementioned regulation has become Dignified Justice's driving force so there needs not be any physical or direct meeting between defendant, public prosecutor, and judge's panel for submission and examination of tools of evidence. It results in the protection of the health of the parties involved. Aside from that, justice is fulfilled through the obligation of the judge's panel in checking or verifying digitalized proof of letter to the source of digitalization or the original proof of letter. The Dignified Justice is fulfilled in electronic criminal case trial through the legal certainty of the submitted and verified digitalized proof of letter.

The problem that Supreme Court faces ahead is the lack of Supreme Court Regulation's legal power compared to KUHAP which is considered to be Statute that is higher than Supreme Court Regulation. In accordance to Dignified Justice, the regulation of electronic criminal case trial needs to be conducted in the form of statute similar to KUHAP.

The importance of electronic criminal case trial's regulation in a statute is based on Statutory Hierarchy Theory or *stufentheorie* by Hans Kelsen. Kelsen stated that legal norm is regulated by regulating norm towards other norms following the rule of hierarchy²⁶. The aforementioned hierarchy causes the effect of lower level or tier of legal norm not to be applicable juxtaposed with higher level or tier of legal norm²⁷.

Statutory Hierarchy Theory stressed that the effect of legal norm within statutory hierarchy conducted a legal logic that legal norm in a lower level or tier such as Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial automatically becomes inapplicable in a situation where its norm contradicts to legal norm in a higher level or tier such as KUHAP.

Based on Statutory Hierarchy Theory, regulation of trial proving in electronic criminal case trial should not only be regulated in Supreme Court Regulation Number 4 of 2020

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²⁶ Hans Kelsen, *Teori Umum Tentang Hukum dan Negara*, (Bandung: Nusa Media, 2010), 179

²⁷ Taufiqurrohman Syahuri, *Hukum Konstitusi: Proses dan Prosedur Perubahan UUD di Indonesia 1945- 2002 serta Perbandingannya dengan Konstitusi Negara Lain Di Dunia*, Bogor: Ghalia Indonesia , 2004) 41

regarding Administration and Electronic Criminal Cases Trial, especially in regard of criminal case trial's conduct that is against with KUHAP. KUHAP has a higher level of statutory hierarchy as a statute, whereas Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial exists as regulation under statutory level as regulated in Section 8 sub-section 1 Act 12 of 2011 regarding Establishment of Legislations. The importance of trial proving regulation should not only be incorporated into lower level or tier of statute. Instead, it should be regulated into a regulation that is proportionate to KUHAP, which means it should be regulated in the level or tier of statute.

C. Conclusion

Trial proving is obliged to be conducted in physical or direct method so that the material truth could be discovered in definite through negative proving system. The difficulty in physical or direct trial proving is due to disaster whether natural or non-natural. The health protocol that enacts the physical distancing pushed the government through law enforcement not to postpone the judicial process and issued regulation through Cooperation Agreement between Supreme Court Republic of Indonesia, The Attorney General Office, and The Ministry of Law and Human Right Number 402/DJU/HM.01.1/4/2020 along with Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial so that electronic criminal case trial can be conducted through teleconference.

The regulation regarding trial proving in Indonesia had been specifically regulated in Section 184 KUHAP. In the aforementioned section, Indonesia recognizes tools of evidence in trial proving such as witness testimony, expert testimony, proof of letter, indication, defendant's statement. Negative proving system as adopted by Indonesia refers to Section 183 KUHAP as strengthened by Section 230 sub-section 1 KUHAP. Supreme Court issued Supreme Court Regulation Number 4 of 2020 regarding Administration and Electronic Criminal Cases Trial to accommodate the change of trials from physical or direct method into electronic trial to regulate its technical administration.

Electronic criminal cases trial in the sense of hybrid digital trial places physical or direct trial to be conducted in a virtual room through teleconference media and e-mail facility to submit digitalized physical document.

The validity of tool of evidence in an electronic criminal case trial according to Section 184 KUHAP and Section 5 sub-section 2 Act 11 of 2008 *juncto* Act 19 of 2016 regarding Electronic Information and Transaction consists of tools such as witness testimony, expert testimony, proof of letter, indication, defendant's statement, and electronic evidence in the form of electronic information and electronic document along with printed document originating from electronic information and transaction as a proof of letter.

The practice of trial proving in electronic criminal case trial has shown Dignified Justice. Trial administrator and participants would be put in danger of Covid-19 spread had if the trial to be conducted in a physical or direct method. The regulation of trial proving for witness and defendant through teleconference had prioritized the protection of human honor and dignity regarding safety and health.

The regulation of digitalized proof of letter for trial proving within electronic criminal case trial as regulated in Supreme Court Regulation Number 4 of 2020 regarding Administration

and Electronic Criminal Cases Trial has also attempted to adhere to Dignified Justice. The aforementioned regulation has become Dignified Justice's driving force so that there needs not be any physical or direct meeting between defendant, public prosecutor, and judge's panel for submission and examination of tools of evidence. It results in the protection of the health of the parties involved. Aside from that, justice is fulfilled through the obligation of the judge's panel in checking or verifying digitalized proof of letter to the source of digitalization or the original proof of letter. The Dignified Justice is fulfilled in electronic criminal case trial through the legal certainty of the submitted and verified digitalized proof of letter.

Suggestions that can be made for the problem of trial proving in electronic criminal case trial is the regulation of trial proving in electronic criminal case trial should be regulated into the form of higher level or tier of statute namely statute or act such as KUHP so that there will be no statutory conflict of effect.

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