

Problems of Implementation of Criminal Jurisdictions Virtually in The Criminal Procedure System

Sutrisno¹, Achmad Irwan Hamzani², Fajar Ari Sudewo³
{sutrisno424437@gmail.com}

Magister of Law, Universitas Pancasakti Tegal, Indonesia

Abstract. This article aims to find out the legal basis that forms the basis and guideline in the implementation of virtual criminal case trials and the problems of virtual criminal court proceedings in the criminal procedural law system. The approach method used is normative juridical with qualitative descriptive analysis. The legal basis that serves as the basis and guideline for conducting virtual trial of criminal cases includes the Supreme Court Circular Number 1 of 2020 concerning Guidelines for the Implementation of Duties During the Prevention of the Spread of Corona Virus Disease 2019 (Covid-19) which was followed up by Supreme Court Regulation Number 4 of 2020. 202 concerning Administration and Trial of Criminal Cases in Courts Electronically. The problems of implementing a virtual trial of criminal cases in the criminal procedural law system include human resources, facilities and infrastructure, procedural juridical problems and the validity of evidence. The problem of human resources is the limitation of human resources in the use of information technology and the internet. Problems with facilities and infrastructure, namely the limitations of electronic facilities and infrastructure and internet network disturbances. The procedural juridical problem, namely the virtual trial which is fundamentally different from the Criminal Procedure Code, can cause various problems at the substantive juridical level.

Keywords: Criminal Jurisdictions, Implementations Problematics, Criminal Procedure System

1. Introduction

Currently, the world has not been separated from the problem of a virus pandemic which was named by the World Health Organization (WHO) as Corona Virus Diseases (Covid-19), which was first discovered around December 2019 in the Chinese region, precisely in Wuhan, Hubei Province. The emergence of the Covid-19 virus has become a serious threat to world health because it has caused many fatalities in almost all parts of the world. This serious threat is given considering the very fast spread of the Covid-19 virus and the effects or impacts caused are also very dangerous and can cause death. Furthermore, the Covid-19 pandemic raises a big concern considering that until now there is no effective way to overcome or cure Covid-19. Until now there has been no way or drugs to cure or vaccine to prevent the spread of Covid-19. As a result, the spread of Covid-19 not only has an impact on the health aspect as the main aspect of the impact of the spread of the Covid-19 Virus, but has also had an impact on all aspects of human life, including the legal aspect.

This is inseparable from the rapid spread of Covid-19 with a high level of risk of death forcing the government to implement high standards of health protocols. The implementation of the health protocol in question includes the use of masks, maintaining social and physical

distance (social / physical distancing), and not causing crowds. This policy is solely to maintain public safety and minimize the spread of Covid-19. The impact of Covid-19 on the legal field, namely the disruption of the implementation of legal relations in the joints of people's lives[1]. This is considering that legal relations in people's lives almost always require direct physical contact or the gathering of community members in certain legal relationships which are certainly vulnerable to the spread of Covid-19. The emergence of legal relations in people's lives considering that the state of Indonesia is a state of law or based on law[2,3]. All relationships in life in society are regulated by certain laws according to the field of public relations, such as civil law which regulates public legal relations concerning civil law relations or private relations, criminal law which regulates public legal relations in relation to public legal relations and so on. This implies that in public life, both community life from all aspects of life, both those concerning society, state life and life in government must be based on law[4]. The formal juridical basis that the Indonesian state is a state of law is Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that all aspects of life in society, the state and government must be based on law[5].

The life relationship between community members or the individual life relationship with other individuals is regulated by law. In the field of criminal law, anyone as a legal subject who commits a crime can be subject to sanctions based on criminal law regulations. The criminal justice process goes through long stages from the level of investigation, investigation, prosecution to trial. The criminal justice process is carried out based on the Criminal Procedure Code (KUHAP). Examination at trial is the final stage of efforts to determine the guilt of someone who is accused of committing a certain crime[6]. The trial process is the stage of proving the defendant's actions against the criminal articles indicted. In the trial process, criminal sanctions that can be applied to the defendant are also determined when in the trial the defendant is legally and convincingly proven guilty of committing the crime he is accused of.

Based on this, in the criminal justice process, a person suspected of being a perpetrator of a crime before receiving criminal sanctions or being sentenced or sentenced must undergo trial before a trial. The trial process is of course based on applicable legal principles such as: "The examination is carried out directly and verbally, the defendant must be present at the trial and so on". Based on these legal principles, it has the consequence that the examination of criminal cases in the trial must be carried out directly orally. This means that the parties involved in the trial such as judges, prosecutors, legal advisors, witnesses and defendants must be present and meet face to face in a place or courtroom.

In addition, the Criminal Procedure Code also recognizes the right to be present before the court. This principle determines the presence of the defendant in the judicial process until the court's decision is read, and may not be represented by anyone. except for criminal acts of corruption, money laundering and quick checks. This means that the defendant is obliged to be present in the examination process in court until the court's decision on his case is read after the verdict. This is excluded for criminal acts of corruption, money laundering and rapid examination of the presence of the defendant can be represented. The Covid-19 outbreak has caused problems in the implementation of direct criminal court hearings. This is considering that direct court hearings are prone to causing the spread of Covid-19 considering that in a direct trial there is direct contact from the parties directly involved in the trial. In addition, direct trials sometimes create crowds for open hearings that draw public attention to criminal cases that attract public attention. This will certainly increase the vulnerability to the spread of Covid-19. However, the trial process must continue to be carried out to provide legal services for justice seekers.

To anticipate the spread of Covid-19 in the direct criminal trial process, a virtual or online trial is implemented or via teleconference so that the implementation of legal services can continue to be carried out. Conducting online or virtual or online trials or using teleconference facilities is actually not a relatively new thing. This is because there are several regulations in the field of criminal law that allow virtual trials to be held. If it is based on a formal legalistic mindset, teleconference does not appear to be in accordance with the principle of criminal justice which requires "Examinations are carried out directly and verbally, the defendant must be present at the trial and so on". The provisions of Article 160 paragraph (1) letter a and Article 167 of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) also require the physical presence of witnesses in the courtroom. However, the Panel of Judges can do various things based on the provisions of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which imposes obligations on Judges as law and justice enforcers to explore, follow, and understand and pursue material truth in criminal law, the formal aspects should be left selectively. Based on this, judges can do various things to obtain material truth, including conducting virtual trials.

The implementation of virtual trials can also be found in provisions outside the Criminal Procedure Code, several *lex specialis* provisions contribute to creating a legal basis for virtual trials, such as in Article 27 paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which provides the opportunity for a virtual trial is that if the child of the victim and/or child of a witness is unable to attend to give testimony in front of a court hearing, the Judge may order that the child of the victim and/or child of a witness be heard through electronic recording or direct remote examination using audiovisual communication devices. Furthermore, Article 9 Paragraph (3) of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims explains that witnesses/victims can be heard directly through electronic means accompanied by authorized officials. Virtual hearings during the Covid-19 pandemic are a necessity as part of the response to legal services that must continue to run as well as a step forward in utilizing technological advances. The issuance of various regulations regarding virtual trials shows that empirically it is a form of effort to ensure legal certainty in the midst of the Covid-19 pandemic.

However, the reality is that the implementation of virtual trials cannot be carried out optimally. There are still many problems found in the implementation of the virtual trial. The problems of implementing a virtual trial involve aspects of human resources, infrastructure, and juridical aspects related to the validity of evidence in virtual trials. Based on this, this paper will discuss further the Problems of Implementing Virtual Criminal Court Sessions in the Criminal Procedure Law System. Based on the description above, the following problems can be formulated: What is the legal basis that serves as the basis and guide in the implementation of a virtual trial of criminal cases?, and What are the problems with the implementation of a virtual trial of criminal cases in the criminal procedural law system?

2. Method

This research uses a normative juridical approach, namely legal research as a norm. The normative legal research method is research that examines the law from an internal perspective with the object of research namely legal norms. Normative legal research serves to provide juridical arguments when there are vacancies, ambiguities, and conflicts of norms. Considering that this research is normative juridical research, it only uses secondary data sources. This study uses secondary data in the form of primary legal materials, secondary legal

materials, and tertiary legal materials. Research data collection is done through a literature study, namely reviewing reference books, journals, research results, and literature related to research.

3. Result & Discussion

It is the right of the defendant to conduct criminal court hearings that are open to the public, as determined by Article 64 of the Criminal Procedure Code. Regarding what is meant by a criminal court trial that is open to the public, the Criminal Procedure Code does not explain further. However, based on several other articles regarding the trial process according to the Criminal Procedure Code, it can be understood that the implementation of criminal trials in court is carried out in a room in a court building that is open to the public. Open to the public means that the general public can attend. However, in certain circumstances the trial of certain criminal acts or due to certain circumstances the trial may be held outside the court building. This is as regulated in the Circular Letter of the Supreme Court Number 3 of 2020 regarding the Implementation of Sessions Outside the Court Building.

As for the implementation of a virtual trial, there is no regulation in the Criminal Procedure Code. This is understandable considering that at the time of the formation of the Criminal Procedure Code, technology was not as advanced as it is now, which has developed so rapidly. Moreover, the development of information technology along with the development of the internet makes communication possible by displaying images or photos between users of cellular telephone telecommunications equipment through various online media. In addition, the use of online meeting applications such as zoom using various devices such as computers, both laptops and PCs, also supports the implementation of virtual trials. Actually, virtual courts had arrangements before the emergence of the Covid-19 outbreak. Virtual hearings can be carried out based on Supreme Court Regulation Number 1 of 2019 which regulates the Administration of Cases and Trials in Courts Electronically which is a replacement and improvement of Supreme Court Regulation Number 3 of 2018 which provides arrangements regarding the Administration of Cases in Courts Electronically. Unfortunately, according to Article 3 paragraph (1) of the Supreme Court Regulation Number 1 of 2019, virtual trial arrangements can only be implemented for types of civil cases, religious civil cases, military administration, and state administration. Based on this, virtual trials for criminal cases cannot be carried out on the basis of Supreme Court Regulation Number 1 of 2019 because the regulation can only be implemented and is limited to types of civil cases, both general civil and religious civil, military administration, and state administration.

In line with this and in order to provide legal services to the community in the midst of the Covid-19 pandemic, the Supreme Court issued a Supreme Court Circular Number 1 of 2020 which provides regulations regarding Guidelines for the Implementation of Duties During the Prevention of the Spread of Corona Virus Disease 2019 (Covid). -19) within the Supreme Court and the Judicial Bodies Under it. The SEMA in question orders all leaders, judges, and judicial apparatus within the Supreme Court and judicial bodies below to carry out adjustments to the work system by following the Circular Letter of the Minister of Administrative and Bureaucratic Reform Number 19 of 2020 which regulates the Adjustment of the Work System of State Civil Apparatus in Efforts to Prevent the Spread of Covid-19 19 within government agencies. In the adjustment of the work system, judges and judicial apparatus can carry out official duties by working at home or WFH (Work From Home), it is also intended to conduct trials that can be carried out through virtual trials or trials conducted

electronically. Based on this, the trial of general criminal cases, as well as military crimes, can also be carried out virtually or trial electronically.

To improve the implementation of virtual criminal trials and improve coordination between law enforcement, a collaboration was held in an MoU (Memorandum of Understanding) in which an agreement was signed between the Supreme Court, the Attorney General's Office and the Ministry of Law and Human Rights, in this case the Directorate General of Corrections. The cooperation agreement in the MoU is in the form of an agreement regarding the implementation of a virtual trial during the Covid-19 pandemic. As for the implementation of the virtual trial until the end of the Covid-19 pandemic in Indonesia.

The agreement for the virtual trial of criminal cases is stated in the Memorandum of Understanding Number 402/DJU/HM.01.1/4/2020 and Number PAS-08. HH which regulates the Implementation of the Trial Through Teleconference. The MoU stipulates that there is an agreement in the implementation of a virtual trial of criminal cases. The virtual trial also received a further response with the issuance of the Attorney General's instructions as an effort to prevent the spread and transmission of Covid 19 by establishing provisions regarding virtual trial of criminal cases. The Attorney General's instructions are in the form of the Attorney General's Circular (SEJA) Number B-049/A/SUJA/03/2020 dated 27 March 2020 which instructs on Optimizing the Implementation of the Duties, Functions and Authorities of the Prosecutor's Office in the midst of the Covid 19 pandemic. Various groups assume that The implementation of a virtual trial of criminal cases during the Covid-19 pandemic is a progressive step, in order to solve the problem of stopping criminal cases caused by the spread of Covid-19. During the situation and conditions of the Covid-19 outbreak, the trial of criminal cases was carried out virtually as an appropriate breakthrough and innovation. However, it is necessary to continue to make improvements to various regulations issued by the Supreme Court. The impact of the Covid-19 pandemic on the legal field, the trial of criminal cases is a legal service that has had a significant impact. This is inseparable from the condition of limited time for the defendant's detention so the Supreme Court (MA) has set a virtual trial based on Supreme Court Regulation Number 1 of 2019 concerning Procedures for Electronic Trials.

To provide further regulations regarding virtual trials in criminal cases, the Supreme Court issued Supreme Court Regulation Number 4 of 202 which provides regulations regarding the Administration and Trial of Criminal Cases in Courts Electronically. The regulation is also intended as a follow-up to the Memorandum of Understanding between the Supreme Court, the Attorney General's Office, the Police, and the Directorate General of Corrections at the Ministry of Law and Human Rights which was held on April 13, 2020, regarding the Implementation of Trials Through Teleconference in the Context of Preventing Covid-19. According to this Perma, in certain circumstances, the trial of criminal cases can be conducted virtually. The virtual criminal case trial is carried out at the request of the public prosecutor, defendant, or legal adviser whose implementation is either from the beginning of the trial or when the trial has taken place and the virtual criminal case trial is carried out based on the determination of the judge or panel of judges.

The regulation is intended to provide the option of a virtual trial, meaning that the trial is basically carried out normally in the courtroom, but in certain circumstances, such as the Covid-19 pandemic, it can be carried out virtually. The regulation provides a legal basis as a guideline regarding the time when trials can be conducted virtually and provide arrangements regarding the mechanism or procedure for virtual criminal case trials. Basically the Perma stipulates that the judge/panel of judges, substitute clerks, public prosecutors carry out trials in the courtroom. In addition, the parties can also conduct trials in their respective places by

utilizing teleconference media or virtually, namely the judge / panel of judges, the substitute clerk conducts the trial in the courtroom, while the public prosecutor conducts the trial from the public prosecutor's office, while the defendant is accompanied or without the assistance of a legal adviser carrying out a trial from the State Detention Center where the defendant is undergoing detention.

Article 10 further stipulates that witnesses, experts and translators must take an oath or promise according to their religion and belief. The oath or promise is made under the guidance of a judge or panel of judges. In this provision, it is also determined the place of the clergy in assisting the taking of the oath, namely if the witness and the expert give information from the prosecutor's office or other place, the clergyman who assists the taking of the oath is in the place where the witness and expert give testimony, while the oath is still guided by the judge or panel of judges. d where the judge or panel of judges is located.

The criminal procedure law as regulated in the Criminal Procedure Code remains valid in virtual courts such as the pronouncement of oaths/promises and the swearing-in procedure as well as in the case of the mechanism for examining witnesses and/or experts. The examination of witnesses and or experts is carried out in the courtroom even though the trial is carried out virtually. If in certain circumstances the examination of witnesses and or experts can be carried out where the witnesses and or experts are located, such as at the public prosecutor's office, the court where the witness and or expert is either inside or outside the jurisdiction of the court hearing the case, the embassy/consulate general of the Republic of Indonesia if he is abroad or in another place determined by the judge or panel of judges.

The virtual trial of criminal cases is a new thing since the Covid-19 outbreak. This causes in its implementation there are still many problems that accompany it. This is reasonable considering that the trial of criminal cases is virtually the result of an emergency condition of the nation and state due to the Covid-19 pandemic, while legal services or examination of criminal cases must not stop. Some of the problems faced in the implementation of virtual criminal trials include:

3.1 Problems with human resources, facilities and infrastructure

The problem of human resources, facilities and infrastructure is a very important issue in the implementation of a virtual trial because the problem of human resources, facilities and infrastructure will affect the overall outcome of a virtual trial. Problems with human resources, facilities and infrastructure in the implementation of virtual trials can have an impact on juridical problems, namely the extent to which the trial is carried out in accordance with the provisions of the applicable laws and regulations so that the virtual trial conducted has legitimacy. This is because the trial of criminal cases is an effort to obtain material truth, so it must be ensured that the trial can virtually make it happen. Do not let the disruption of virtual court facilities and infrastructure cause the evidence that is carried out to be blurred and the judge does not get his confidence in the evidence carried out.

Problems that commonly occur in virtual trials are related to human resources, including the limitations of officers and trial participants who have not mastered information technology to prepare virtual trials. On the other hand, from the aspect of trial participants, sometimes they also experience the same thing, namely being unable to operate electronic equipment or use various online media for the implementation of virtual trials.

The problems related to facilities and infrastructure that commonly occur include unstable internet signals which result in image and audio transmissions being sent on several devices (laptops or televisions) to be unclear and even tend not to produce two-way communication. In addition, the implementation of virtual trials in general is still relatively closed, this is due to online access to the course of the criminal trial process which is carried out virtually through various online media such as the Zoom Cloud Meeting program which is still limited to only the litigants and cannot be accessed by the public. . This is of course not in line with the stipulation that trials must be conducted open to the public except for certain criminal cases such as immorality and the defendant is a child. Such conditions can of course have an impact on the legality of the virtual court juridically.

Article 153 paragraph (3) of the Criminal Procedure Code states that for purposes of examination, the judge, the chairman of the trial, opens the trial and declares that it is open to the public, except in cases concerning decency or the defendant is a child. Furthermore, in paragraph (4) it is stated that non-fulfillment of this provision will result in the cancellation of the decision by law. This is in line with the provisions of Article 13 of Law Number 48 of 2009 concerning Judicial Power.

The Ombudsman in his brief study on "Organizing Online Trials in the Middle of the Covid-19 Pandemic in 16 (sixteen) District Courts", found that there was a potential for administrative maladministration, namely the existence of protracted delays in conducting electronic trials. This is indicated by the finding of a lack of resources for information and technology (IT) officers. As a result, electronic trial preparation is slow, especially if there are technical problems in the middle of the trial. The Ombudsman also found unclear timing of the trial, limited facilities and infrastructure such as limited courtrooms with teleconference equipment, unstable internet network so that the electronic trial process was delayed for a long time. Other technical obstacles include limited control of technology by judges, poor coordination between parties, legal advisors not being side by side with defendants, and not being able to ensure witnesses and defendants are under pressure or lies.

3.2 Procedural juridical weakness

Criminal procedural law in Indonesia is generally guided by the Criminal Procedure Code which is the fundamental basis in the criminal procedural law system. KUHAP does not recognize virtual trials but stipulates that court hearings will be held in courthouses. Likewise, in the procedure for examination in court, it has been determined according to the Criminal Procedure Code which is solely to seek material truth.

Various regulations regarding the implementation of virtual trial of criminal cases have created procedural juridical weaknesses in the form of disharmony of regulations regarding virtual trials. with the Criminal Procedure Code. The procedural juridical weaknesses referred to include the following:

1. The location of the trial, the virtual trial has caused a change in the domain of the trial. According to Article 230 paragraphs (1) and (2) of the Criminal Procedure Code, it means that in principle the trial of criminal cases is carried out in the court building in the courtroom, Judges, Public Prosecutors, Legal Counsels and Registrars wear court clothes and their respective attributes. The provisions regarding the courtroom are further explained by Article 230 paragraph (3) of the Criminal Procedure Code;

2. The presence of witnesses, based on the provisions of Article 160 paragraph (1) of the Criminal Procedure Code that the presence of witnesses through summons has its own mechanism, namely the summons of witnesses to enter the courtroom is carried out sequentially;
3. The presence of the defendant, the Criminal Procedure Code Articles 154 and 196 of the Criminal Procedure Code determine that the defendant has an obligation to be physically present at the trial. Regarding the presence of the accused, Article 12 of the Law on Judicial Power stipulates that the Court examines, hears, and decides on criminal cases in the presence of the accused, unless the law provides otherwise;
4. The openness of the trial to the public, based on Article 195 of the Criminal Procedure Code, the openness of the trial to the public relates to the validity of the court decision, namely that all court decisions are only valid and have legal force if they are pronounced in a trial open to the public. This is also emphasized through Article 13 paragraphs (1) and (2) of the Law on Judicial Power which states that all court hearings are open to the public, unless the law provides otherwise and court decisions are only valid and have legal force if pronounced in a trial open to the public

Based on the above, it can be seen that the virtual trial is fundamentally different from the criminal justice system as regulated by the Criminal Procedure Code which is a guideline that is generally used as the basis for carrying out criminal proceedings. The virtual trial has not been accommodated by the Criminal Procedure Code. A virtual trial which is fundamentally different from the Criminal Procedure Code can cause various problems at the substantive juridical level. What is meant by substantive juridical is the meaning of the criminal justice system which requires the realization of material truth or essential truth. The criminal justice system is based on the Criminal Procedure Code which requires a direct criminal justice process so that the achievement of the essential material truth can reduce its objectivity with a virtual court. This cannot be separated from the existence of various weaknesses in the virtual trial which cannot be realized in situations and conditions such as the trial system directly.

3.3 The problem of the validity of evidence

The virtual trial process which is juridically procedural is different from the direct trial process as specified in the Criminal Procedure Code, causing problems in the substantive juridical aspect or meaning of the criminal justice system. One of the problems of the virtual trial in the substantive juridical aspect is the problem of the validity of evidence. It is known that the Criminal Procedure Code as a criminal procedure regulation which is generally used by applying a direct trial is desired in order to obtain material truth. Through a direct trial, evidence can be carried out objectively considering that the parties involved in the trial can immediately find out the legal facts of the defendant's actions through the evidence presented before the trial. Through direct evidence, it will be able to realize the judge's belief regarding the existing legal facts so that judge mistakes can be avoided in giving their decisions or mistakes in adjudicating.

Proof is an important stage in the trial to show that the defendant is guilty or not. Evidence is actually the core of the criminal justice process itself. According to the law of evidence, in order to provide protection for the public interest, the Public Prosecutor's Office, which is the

state's instrument, is tasked with carrying out the burden of proof and proof as well as getting the task of carrying out criminal prosecutions. Judges in criminal justice have the task and obligation to explore legal facts to obtain material truth. Based on the examination at the trial, it can produce valid and convincing evidence regarding the occurrence of a criminal act and who the perpetrator is (veroodeling), and vice versa can also be legally and convincingly proven that a person has not committed a crime and therefore the person in question can be released from charges (Vrispraak) or escape from all lawsuits (anslaag van allerchtvervolging) when in proof it is legally and convincingly proven that the alleged act is proven, but not as a crime.

Based on this, then The problem of proof is a very important issue. This is because proof is one part of determining a person's fate, sometimes even involving a person's life and death when someone is suspected of committing a crime that is punishable by the death penalty. Errors in proving can lead to errors in giving criminal charges which of course can be detrimental, both to the defendant and other parties, namely the victim and the community in general. Which loss is oriented towards justice as the goal of the law itself.

The Covid-19 pandemic condition as the reason for the virtual trial of criminal cases has caused problems related to evidence. The problems that arise are related to the validity of the evidence made by the public prosecutor in the process of proving the defendant's guilt and the problem of the judge's belief in the evidence made by the public prosecutor.

Article 183 of the Criminal Procedure Code provides an explanation that "Judges are prohibited from imposing a criminal sentence on a person unless it is carried out with at least two valid evidences where it is believed that a criminal act has actually occurred and that the defendant is guilty of committing it. If you pay attention to the provisions that have been explained in Article 183 of the Criminal Procedure Code, then the article contains the intent to provide guarantees for the establishment of truth, justice and legal certainty for a person. Problems that arise in the implementation of the virtual trial of evidence, namely the virtual trial has affected the evidence in the trial as determined by the Criminal Procedure Code which applies the trial directly. This is because in the virtual trial the defendant attends the trial, his presence remains in the Correctional Institution, while the presence of the judge in the court trial room and the presence of the public prosecutor are in the prosecutor's office or together with the judges in the court courtroom.

The problem of proof in virtual trials against cases with easy evidence will not have much effect. However, in certain cases, such as cases where the evidence is difficult or complicated and requires specific evidence, the application of virtual trials or online trials or via teleconference cannot be carried out. In certain cases such as this sometimes evidence must be carried out directly, what is meant here directly is that the defendant is brought before the judge in conducting a direct assessment of the evidence made by the public prosecutor and the facts revealed in the trial. This means that the judge directly with his five senses can see, hear, and feel the evidence carried out so that it can lead to a belief about the legal facts of the evidence. As for what is meant by specific evidence for criminal cases whose proof is complicated in virtual trials here, namely criminal cases that use documentary evidence as evidence to prove the defendant's guilt, where without evidence the defendant's guilt cannot be proven and there is dependence on other evidence such as witness testimony on documentary evidence.

To give confidence in the documentary evidence, the judge must directly see, feel, for example, by touching the letter to prove the truth of the documentary evidence and hearing the statements of witnesses regarding the truth of the documentary evidence presented before the trial. This is certainly not optimal if the trial is carried out virtually because the documentary

evidence shown through virtual media may become unclear, especially if the conditions of the virtual court facilities and infrastructure do not support it, such as a signal that is not smooth or the camera is blurry.

Examples of criminal cases where the proof is complicated using letter evidence include corruption cases. In corruption cases, it is certain that correspondence documents are used as evidence to prove that a criminal act of corruption has occurred. The correspondence documents referred to as a means of proving letters must be tested for their truth and shown directly to the parties to assess the veracity of the documents used as evidence in the trial. This causes the documentary evidence to be very vulnerable to trial manipulation or case games that can obscure or change the facts of the trial. Moreover, if the trial is conducted virtually, the chances of manipulation are even greater. In addition, to give the judges confidence regarding the authenticity of the letter, it becomes even more difficult if the trial is conducted virtually.

This will be exacerbated if the implementation of virtual courts from a non-technical perspective is not supported by adequate facilities and infrastructure and is also prone to causing problems such as blurred cameras, noisy speakers and internet network disturbances that can result in not being heard and seen properly or misinterpreting the meaning of the statements of the parties, whether prosecutors, judges, lawyers, witnesses or defendants, which can obscure the actual facts so that the truth cannot be reached. material from the results of the trial of criminal cases.

4. Conclusion

The legal basis that serves as the basis and guideline in conducting virtual trial of criminal cases includes the Supreme Court Circular Number 1 of 2020 which provides regulations regarding Guidelines for the Implementation of Duties During the Prevention of the Spread of Corona Virus Disease 2019 (Covid-19) which is followed up with a Supreme Court Regulation. Number 4 of 202 concerning Administration and Trial of Criminal Cases in Courts Electronically.

The problems of implementing a virtual trial of criminal cases in the criminal procedural law system include human resources, facilities and infrastructure, procedural juridical problems and the validity of evidence. The problem of human resources is the limitation of human resources in the use of information technology and the internet. Problems with facilities and infrastructure, namely the limitations of electronic facilities and infrastructure and internet network disturbances. The procedural juridical problem, namely the virtual trial which is fundamentally different from the Criminal Procedure Code, can cause various problems at the substantive juridical level. Meanwhile, the problem of the validity of the evidence is the difficulty of obtaining material truth on cases that are complicated to prove that require direct evidence to obtain the truth of the evidence carried out.

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