

The Implementation of the Law of Criminal Procedure in Judicial Process During the Covid-19 Pandemic

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ABSTRACT

The spread of the 2019 coronavirus disease (covid-19) with the growing number of cases and deaths across regions and countries has impacted political, economic, social, cultural, legal, defense and security aspects as well as public welfare, including an impact on trial that can now be conducted virtually. Departing from this background, the problem is the Application of Criminal Procedure Law in the Judicial Process in the Covid-19 Pandemic Era. The objective of the present research is to analyze the legal aspects of the application of Criminal Procedure Law in the Judicial Process in the Covid-19 Pandemic Era. This study uses a qualitative method investigating legal materials in the form of statutory regulations, journals, and expert opinions. The previous trial process is referred to the Criminal Procedure Code and other laws that are presented open to the public and closed sessions at religious courts and were conducted directly (face to face) by judges, prosecutors, advocates, witnesses, and defendants. Several conditions have been carried out through teleconference media, but only limited to witness testimony. During this pandemic, through Perma 4/2020, criminal proceedings can be carried out electronically by coordinating with the prosecutor's office and related detention centers/prisons, even though the Criminal Procedure Code has not yet been regulated. The rights of suspects and other parties including witnesses need to be fulfilled. These obstacles can then be overcome, one of which is by utilizing online media. This is in line with the principles of due court principles of law and the protection of the human rights of the parties. A government regulation in lieu of law (Perpu) is needed as an addition to an article in the RUU KUHAP that regulates virtual proceedings as a solution to filling the legal vacuum.

Keywords: *implementation, criminal justice procedure, virtual trials.*

1. INTRODUCTION

The Covid-19 has already become a worldwide pandemic, causing tens of millions of infected people, and more than one million deaths. The Covid-19 virus was first discovered in Wuhan, Hubei Province of the People's Republic of China (PRC), at the end of 2019. Initially, the international community thought that Covid-19 could be overcome in a short time, but, in a relatively short time, it has now spread throughout the world including Indonesia. Indonesia was relatively

confident to handle Covid-19 in early 2020 but now the number of infected people has increased significantly, reaching more than 200,000 positive cases in 34 provinces and 548 districts/cities.[1]

The Covid-19 pandemic has an impact on every sector, including the procedure of the justice system in Indonesia. The implementation of this online trial is based on the Cooperation Agreement between the Supreme Court, Attorney General's Office, and the Ministry of Law and Human Rights Number 402 / DJU / HM.01.1 / 4/2020, Number KEP.17 / E / Ejp /

4/2020, and Number PAS- 06.HH.05.05 of 2020 concerning the Implementation of Trials by Teleconference, in response to the COVID-19 outbreak which is increasingly worrisome day by

This is done so that the legal process can continue. If criminal cases remain restricted from being conducted through the e-courts, it will hamper the number of resolved criminal cases this year plus those related to the investigation. If they exceed the specified time, it will automatically be free from all legal purposes because there is not enough evidence used. This is done so that the legal process can continue. Not conducting virtual trial means that the number of criminal case settlements this year will be very low. With the signing of this cooperation agreement, the implementation of the trial utilizing a teleconference will be financed by the respective institutions that signed the agreement.

As in the trial process of the defendant on behalf of I Gede Ary Astina (Jerinx SID), the trial of the defendant in the case of defamation of the Bali Indonesian Doctors Association (IDI) was conducted online. Since the beginning, the defendant refused to carry out the trial that took place online. During the online trial, the defendant and his legal adviser walked out. The reason for the refusal was because the defendant's legal adviser considered that the Cooperation Agreement was binding for the signatories, namely the Supreme Court, Attorney General's Office, and the Ministry of Law and Human Rights, so the defendant felt that he did not have to comply with the cooperation agreement. The so-called online trial continued while Jerinx and his advocate decided to walk out. Jerinx and his advocate also argue about many technical problems during the online trial which affect the substantial meaning of the judicial process.[2]

In another case, an online trial also took place in the case of the shooting of the Halu Oleo University student in Kendari. The trial was held virtually at three places, namely the South Jakarta District Court, Kendari District Attorney, and The National Police Headquarters.[3] At this trial, there were several obstacles such as inadequate facilities and infrastructure, as well as human resources who were not ready for the new method. However, it becomes a dilemma when the defendant who wants to immediately obtain legal certainty through the trial process but cannot be carried out if he wants aconventional trial. The online trial is implemented

day. One of the contents of the cooperation agreement is one that is intended as a guideline for the parties in conducting trial activities through teleconferences.

to break the spread of Covid-19 during the trial process.

Besides, PERMA No. 1 of 2019 also states that this regulation is intended as a legal basis for the administration of case in court to support the realization of a professional, transparent, accountable, effective, efficient and modern case administration. One of the advantages of using e-court includes such as teleconferencing with the parties involved, sending copies, more effective case costs accordingly with the principle of fast, simple, and low cost.

The Implementation of Supreme Court Regulation Number 1 of 2019 concerning Electronic Court Case Administration can be an effective means of holding a trial by the District Court. This regulation applies to cases of Civil, Civil Religion, Military Administration, and State Administration.[4, p. 9] Based on SEMA RI Number 1 of 2020, the e-Litigation application is only aimed at trials of Civil cases at the District Courts, Civil Religions at the Religious Courts, and State Administration at the State Administrative Court. This is because the case does not involve the defendant who is being detained. Therefore, the Supreme Court did not apply e-Litigation only to criminal cases, because it involved defendants who were currently in detention. Criminal Cases are still held conventionally by presenting parties in the courtroom according to the COVID-19 prevention health protocol.

The provisions in Covid-19 SEMA strengthen the implementation of court case administration electronically for civil cases, religious civil cases, and state administrative cases. Unlike non-criminal cases that already have a legal basis in the form of Perma, the implementation of criminal case procedures does not have a legal basis in the form of a Perma or other regulations. Therefore, the implementation of criminal cases during the Covid-19 pandemic does not have standard procedures as guidelines. The implementation of the online trial for the non-criminal case is likely applicable because it does not involve a defendant who was being detained. Criminal Cases are still held conventionally by presenting parties in the

courtroom according to the Covid-19 health protocol.[5, p. 50]

Besides Indonesia, online trial practices are also carried out in the United States. In 2000, the legal system in the United States was changing. The judiciary in the United States has used word processing, electronic legal research, billing programs, and case management software. In 1998 the Administrative Office of the United States Courts reported that dozens of courts in various states had used video conferencing for various purposes, including testifying, judicial hearings, and counseling conducted at different locations. Video conferencing technology is what gave rise to Virtual Courts, Courtrooms, or Courthouses. The implementation of electronic procedures derives from complaints because of the dissatisfaction of justice seekers with the existing legal system, in which seeking justice requires high costs and takes a long time.[5, p. 53]

Based on the background described above, the issues raised are how the legal basis for the virtual trial implementation, and how the virtual court implementation mechanism is in the field, seen from the aspects of human resources and infrastructure.

2. RESEARCH METHOD

This research uses a normative juridical method. It employs both primary and secondary data. The primary materials used are in the form of laws and regulations related to Virtual Trials during the Covid 19 pandemic, secondary legal materials used are literature, journals, books, and dictionaries related to the problems in this study. Therefore, this study does not only collect materials in the form of theories, concepts, legal principles, and legal regulations that are related to the subject matter but also seeks to explain the reality of the law in society as a phenomenon of society in life. Law through the trial process electronically. The research uses qualitative data analysis.

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3. FINDINGS AND DISCUSSION

3.1 Legal Basis for The Implementation of Criminal Virtual Trial

Based on the recapitulation of data, online trials from March 30 to July 6 2020 have taken place in 176,912 general criminal offenses.[6] The practice of online trials conducted in Indonesia is contrary to the above Law because the Criminal Procedure Code (KUHAP) is still valid. If online trials are applied to criminal cases, juridical-procedural issues under the legal umbrella of Law No.8 of 1981 concerning KUHAP are inappropriate because it is a principle in specific criminal law that the defendant must be present[7, p. 33], except in court in absentia in events that oversee the usual and brief check.

The principle of the presence of a defendant is commonly known in special crimes such as corruption and economic crimes. The principle of the presence of the defendant has another name, namely *ius singular*, *ius speciale*, or *bizonder strafrecht*. Besides, the principle of the presence of the defendant is related to the Principle of Direct and Oral Examination of Judges.[5] However, the Panel of Judges at that time also considered the provisions of Article 5 paragraph (1) of Law no. 48 of 2009 concerning Judicial Power which obliges Judges as law and justice enforcers to explore, follow, and understand the values of justice that live in society.¹

Further developments related to virtual trials can be found in provisions outside KUHAP, some of these *lex specialist* provisions will later contribute to the birth of a legal basis related to virtual trials, such as in Article 27 paragraph (3) of the Law on Juvenile Criminal Justice System (UU SPPA) which states that if the victim's child and/or the witness's child is unable to attend to testify in front of the court session, the judge may order the victim's child and/or witness's child to hear the testimony through electronic recording or direct remote examination using audiovisual communication tools.[8, p. 291]

Article 9 Paragraph (3) of Law No.31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, which states that witnesses/victims can be heard directly through electronic means accompanied by

Telekonferensi)” Jurnal Pembangunan Hukum Indonesia Program Studi Magister Ilmu Hukum Volume 2, Nomor 3, Tahun 2020, halaman 291

an authorized official. The next development is from Perma No. 1 of 2019 Administration of Cases and Trials in Courts Electronically. This regulation is an effort to develop an e-court system for court institutions under the Supreme Court to continue to provide legal services even though justice seekers do not appear in court directly. The use of e-court ultimately boils down to the importance of implementing virtual courts which are held on-line without the need to present the parties in the courtroom.[5]

Rules related to the Cooperation Agreement between the three institutions, namely the Attorney General's Office, the Supreme Court, and the Ministry of Law and Human Rights, and the issuance of PERMA No. 4 of 2020 is only to facilitate the implementation of electronic hearings but it is not yet strong enough as a legal basis for proceedings virtually this is contrary to the higher laws and regulations, in this case, is the KUHAP, PP No. 27 of 1983 jo. PP Number 58 of 2010 jo. Government Regulation Number 92 of 2015 concerning Implementation of the Criminal Procedure Code.[9]

Theoretically, there are several procedural juridical weaknesses in the form of disharmony between the regulations regarding the teleconferencing trial and the KUHAP. Some of these problems can be inventoried as follows:[8, p. 298]

- 1) The location of the trial by teleconference has changed the domain of the trial, based on the provisions in Article 230 paragraph (1) and (2) of the KUHAP which states that court sessions are held in a court building in a courtroom. The Judges, Public Prosecutors, Legal Counsels, and Registrars wear special attires for trial and the attributes of each. Provisions regarding courtrooms are physically detailed in the provisions of Article 230 paragraph (3) of the KUHAP;
- 2) The presence of witnesses, based on the provisions in Article 160 paragraph (1) of the KUHAP for the summons of witnesses has its procedure, namely being summoned to the courtroom sequentially; In article 154 of the KUHAP, although it does not explicitly state that the defendant is obliged to attend the trial. However, the seven paragraphs in Article 154 of KUHAP confirm that the Defendant should be present and not allowed to be represented in

court based on a summons by the Public Prosecutor (Article 152 paragraph (2) KUHAP). The Criminal Procedure Code does not allow in absentia judicial proceedings in ordinary examination procedures and this brief examination can be seen in Article 154 paragraph (4) of the KUHAP.

- 3) The presence of a defendant. The provisions governing the presence of a defendant in Articles 154 and 196 of the KUHAP generally mean the obligation to be physically present. This can also be found in Article 12 of the Law on Judicial Power which states that Courts examine, hear, and decide criminal cases in the presence of the defendant unless the law provides otherwise;
- 4) The openness of the trial to the public. Based on Article 195 of the KUHAP, all court decisions are only valid and have legal force if they are pronounced in an open court to the public. This is also confirmed by Article 13 paragraph (1) and (2) of the Law on Judicial Powers which states that all court hearings are open to the public unless the law stipulates otherwise and court decisions are only valid and have legal force if they are pronounced in open sessions for general.

When referring to the formal legalistic way of thinking, the virtual trial does contradict the provisions of Article 160 paragraph (1) letter a and Article 167 of the KUHAP which requires the presence of witnesses, statements of the Defendant, statements of experts including physical legal advisors in the courtroom. However, the implementation of trials via Virtual at a later date will cause problems in harmonisation of law, it may be resolved with the amendment of Law No. 8 of 1981 concerning KUHAP, to implement judicial procedures in the general court environment at all levels of the judiciary, causing irregularities.

In responding to the development of the Covid-19 pandemic, various District Courts in Jakarta have conducted virtual criminal proceedings, presenting witnesses, even defendants in their respective places of detention.[10] This is done through a kind of mutual agreement between law enforcers and legal advisors. As a legal basis for examination in court proceedings, it has been regulated in detail in Articles 145 through 155 of the KUHAP.[11]

Based on the provisions in several articles mentioned in the KUHAP, the presence of a defendant in a trial is absolute, and there is no other choice of law. This provides legal protection, legal certainty, justice, and truth to the accused. As in the general explanation, the Criminal Procedure Code recognizes (10) ten principles which are the teachings of the truth, including at point (h) the Court examines a criminal case in the presence of the defendant (principle of presence).[7, p. 33] However, with the Covid-19 pandemic, the situation and conditions at trial in court became not conducive. The application of social distancing and physical distancing must be carried out in all aspects of life, including in the court.

The MoU for the teleconference trial was followed up by issuing the Letter of the Attorney General of the Republic of Indonesia No. B-049 / A / Suja / 03/2020 of 2020 regulates the powers and responsibilities of the prosecutor's office, namely:

1. Carrying out duties and functions as a Public Prosecutor under statutory regulations;
2. Providing adequate supporting facilities and infrastructure for the trial through teleconferences at the Prosecutor's office; and
3. Monitoring and evaluating the implementation of the trial via teleconference.

The proper policy must be implemented to maintain the progress of the criminal justice process in Indonesia. The new matter must be solved with a modern approach. The characteristics of a modern legal system is the flexibility of procedures. The system contains ordinary code for revising rules and procedures to meet changing needs or to express changing trends to achieve specific goals.

3.2 The Mechanism and Workflow in the Integrated Criminal Justice System During Covid-19

In the legal system of Indonesia, the criminal justice system is regulated in the KUHAP and other laws and regulations. The stages of the criminal justice process are based on the provisions of the KUHAP. The procedure begins with the investigation, pre-prosecution, prosecution, examination in court until the sentence is imposed by the authorized law enforcement apparatus

(judge).[12] The strike of the Covid-19 pandemic in the aspect of law enforcement, especially regarding the criminal justice process during trial is resulting in serious consequences. The court has to pay attention to the protection of human safety, including defendants, public prosecutors, judges, clerks, legal advisors, and various other related parties. The closure of District Court offices in various cities because of the existence of court ranks infected with Covid-19, some even died. However, the law enforcement process in criminal cases should not be hindered and must be carried out.

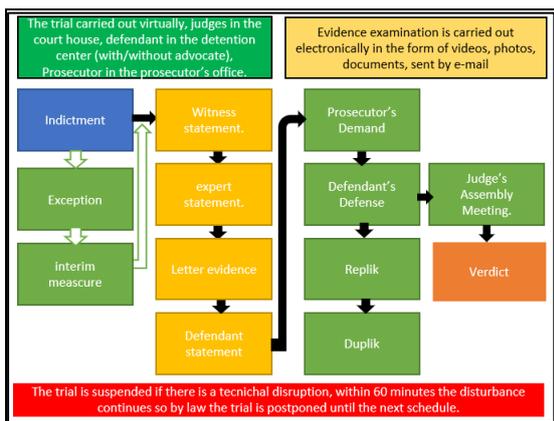
Three factors are currently important to consider in the context of legal culture, namely technical-empirical issues, non-legal factor components in the form of human resources, the availability of facilities, and infrastructure until decision-making habits are proven to affect the operation of law at a concrete level. So, what must be addressed to welcome virtual trials in the future is to prepare a legal culture in addition to preparing the structure and substance of the law.[8] Third, the technical-empirical problem, which refers to the real conditions in the field, such as the instability of the internet and the inadequate proof of the virtual trial.[13]

In applying Friedman's legal system theory, there are three important elements in the legal system, namely, the legal substance, legal structure, and legal culture.[14] Looking at the problems, it can be constructed that virtual trials have brought about major changes related to the implementation of trials empirically. The objectivity of the panel of judges in deciding the cases being tried, it is related to the weaknesses of the virtual system itself which naturally can not present the situation and conditions as the trial system is directly underway including this legal culture will affect trained and professional Human Resources be it law enforcement officials, law students, or the public should have nauseated to familiarize themselves with the development of science and technology through this digital media.

Among the points contained in the circular letter of Supreme Court related to the court during Covid-19 are: First, to complete the ongoing trial, especially cases where the defendant has the status of detention at a detention center and it is no longer possible to extend the detention; Second, to seek trial of criminal cases through video conference/live streaming facilities, which in the implementation is

coordinated with the Head of District Court and Head of Detention Center/Lapas; and Third, postpone trials of criminal cases whose detention period is still possible to be extended, as well as the implementation of phase II for cases where detention is not carried out or cases that have a detention period taking into account the Covid-19 emergency response period in their respective areas as a consideration.

As a legal breakthrough step to present virtual court sessions, the Indonesian Supreme Court issued Supreme Court Regulation (Perma) Number 4 of 2020 concerning Administration and Trial of Criminal Cases at Courts Electronically dated September 25, 2020. The presence of Regulation Number 4 of 2020 was greeted very positively, especially those related to the criminal justice system. As a legal breakthrough, the regulation is a useful legal product to answer the legal void. Ronald S Lumbun stated that the socialization of the Indonesian Perma as a regulation that serves as a filler for the void of legislation in the field of procedural law can be improved so that in this case the Indonesian Perma can further optimize its role in helping the government administrators, especially in the judiciary.[15, p. 210] However, concerning the type and hierarchy of statutory regulations, as regulated in Article 7 (1) of Law Number 12 of 2011 concerning the Formation of Legislation,[9] the position of the Perma is not powerful enough in the hierarchy.



The Virtual Court Procedure in Perma Number 4 of 2020

From the infographic above, it can be seen that the entire trial process was conducted virtually but the proceedings were still carried out as usual (based on the KUHAP). In the event of technological

disruption, the disturbance continues within 60 minutes, so by law, the trial will be postponed until the next schedule. The virtual court has several technical problems in practice, among others regarding the delay in function due to connectivity, unclear audio, and unclear video. These technical problems have the potential to cause judicial technical problems that affect the relationship between legal advisors and defendants because of the reduced role of legal advisors in the court compared to direct justice.

Virtual courts can also result in increased concerns over confidentiality, a lack of means for trial communication in court, and logistical problems in arranging post-trial consultations.[16] The technical obstacles of a virtual court can be minimized by applying careful, detailed, and innovative steps. The virtual court leader should facilitate interaction between the parties in the judicial process. The virtual hearing must ensure that the parties and legal advisors can communicate so that the transfer of the cases electronic documents can run smoothly.

The virtual trial should be carried out with proper preparation so that it is not burdensome for the parties and must be flexible in its implementation. Virtual trial operators must ensure the availability of hardware such as laptops, printers, cameras, and also important software in the form of teleconferencing programs (Zoom, WebEx), and programs that provide electronic file sharing advice. One thing that is important in virtual trials is ensuring party identification, signature identification, and ensuring security in the virtual environment.[17, p. 749]

In looking closely, examining in-depth including following various thoughts that developed from experts in related disciplines, the Covid-19 pandemic in Indonesia was a non-natural national disaster that massively impacted the whole sectors, and it needs an emergency legal effort to anticipate the spread especially in the criminal justice system. In responding to court proceedings in criminal cases, it is not sufficient just to issue Perma Number 4 of 2020. This is regulated in the 1945 Constitution after the Fourth Amendment to Article 22 (1). In case of compelling urgency, the President has the right to stipulate a Perpu, (2), which must obtain the approval of the House of Representatives at trial.[18]

Concerning the authority to make the Perpu, Jimly Asshiddiqie stated:

- a) There is an urgent need to act or reasonable necessity;
- b) The time available is limited (limited time) or there is a time crunch; and
- c) There are no other alternatives available or according to reasonable reasoning (beyond a reasonable doubt), other alternatives are not expected to be able to overcome the situation, so that the stipulation of the Perpu is the only way to overcome the situation.

Regarding compelling urgency, the Constitutional Court (MK) through a decision numbered Case Number 138 / PUU-VII / 2009 determined the conditions for the conditions, namely:

1. There is a situation, namely an urgent need to quickly resolve legal problems based on law.
2. The law that is needed is not yet available so that there is a legal vacuum, or there is a law but it is not sufficient.
3. This legal vacuum cannot be resolved by making laws in the usual procedure because it will take a long time while the urgent situation needs certainty to be resolved.

Thus, based on this description, the President has the right to stipulate a Perpu if the conditions are met. As an effort to reform the Criminal Procedure Code, to anticipate natural and non-natural disasters that cannot be predicted in responding to criminal court proceedings, it is necessary to add additional articles on criminal case trials electronically to the Bill of KUHAP.[12]

4. CONCLUSION

There are several issues related to the implementation of virtual trials during the Covid-19 Pandemic in Indonesia. Concerning the legislation aspect of the virtual trial, it has the potential to defy the juridical-substantive aspects as regulated in KUHAP which can obstruct the finding process of material truth. Virtual trials have not been regulated in the KUHAP but virtual trials may get legitimacy from three arguments: first, laws outside the KUHAP as a *lex specialist*; second, the judge's awareness to fill the legal vacuum based on Article 10 paragraph (1) and Article 5 paragraph (1) of Law

Number 48 of 2009 concerning Judicial Powers; and third; based on Perma No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically, and Perma No. 4 of 2020 concerning the Administration of Criminal Cases at Trials electronically.

Regarding the mechanism and step of criminal virtual trials during the Covid-19, there is no big difference from the non-pandemic procedure. The only difference is the application of technology protocols during the trials. The judges, prosecutors, and defendants are located in a different location while the communication is conducted via video conference. There are several standards in virtual trials to ensure the validity of the judicial process. The application of technology is not solely to keep the progress of the judicial process but also to make sure that society receives proper justice during the Covid-19 pandemic.

Furthermore, there are potentials for technical problems during the virtual trial, for example the audio and video transfer difficulties during the trials. Those problems may be fixed by fulfilling the hardware and software requirements properly in every institution in the criminal justice system.

5. RECOMMENDATION

From the results of this research, it can be recommended the following matters:

1. The President must stipulate a Perpu related to the e-court in criminal justice system . As an effort to reform criminal law, to anticipate unpredictable natural and non-natural disasters, it is necessary to add articles on electronic criminal proceedings to the Draft Criminal Procedure Code. This is in line with the principles of due court principles of law and protection of human rights for the parties. Therefore, a government regulation in lieu of laws that regulate virtual court proceedings is needed as a solution to filling the legal vacuum.
2. There is a need to conduct socialization and literacy movements to law enforcement officials (integrated criminal justice system), namely the Police, Attorneys, Judges, Advocated, Corrections, and the wider community related to virtual trials to overcome trial obstacles in a simple, fast and low cost advocating information technology.
3. The improvement of the quality of e-court, related to the main facilities and infrastructure, human resources and court technology equipment. The proper technical support of e-court may be welcomed and accepted by the stakeholders in a criminal justice system.

AUTHORS' CONTRIBUTIONS

All authors contributed to this paper.

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REFERENCES

- [1] "Virus corona: Angka kematian akibat pandemi Covid-19 lebih dari 600.000

- orang," *BBC News Indonesia*, 2020.
- [2] Tempo.com, "Jerinx SID Wak Out, Ketua PN Denpasar: Sidang Berikutnya Tetap Digelar Daring," *Tempo.com*. [Online]. Available: <https://nasional.tempo.co/read/1384872/jerinx-sid-walk-out-ketua-pn-denpasar-sidang-berikutnya-tetap-digelar-daring>. [Accessed: 11-Oct-2020].
- [3] S. R. Yunus, "Penembakan Mahasiswa: Dua Proyektil Identik dengan Pistol Terdakwa," *Kompas*, Jakarta, 26-Sep-2020.
- [4] R. D. Anggraeni, "Wabah Pandemi Covid-19, Urgensi Pelaksanaan Sidang Secara Elektronik," *ADALAH*, vol. 4, no. 1, 2020.
- [5] A. D. Lumbanraja, "Perkembangan Regulasi dan Pelaksanaan Persidangan Online di Indonesia dan Amerika Serikat Selama Pandemi Covid-19," *J. Crepido*, vol. 2, no. 1, 2020.
- [6] Kompas.com, "Kejagung: Ada 176.912 Sidang Online Tipidum Selama Pandemi Covid-19," *Kompas.com*, 2020. [Online]. Available: <https://nasional.kompas.com/read/2020/07/08/11355211/kejagung-ada-176912-sidang-online-tipidum-selama-pandemi-covid-19>.
- [7] L. M. Pangaribuan, *Hukum Acara Pidana Surat Resmi Advokat di Pengadilan*. Jakarta: Penerbit Papas Sinar Sinanti, 2014.
- [8] D. R. Nugroho and S. Sutek, "Membangun Budaya Hukum Persidangan Virtual (Studi Perkembangan Sidang Tindak Pidana via Telekonferensi)," *J. Pembang. Huk. Indones.*, vol. 2, no. 3, 2020.
- [9] Republik Indonesia, *Undang-Undang Nomor 12 Tahun 2011 Jo Undang-Undang Nomor 15 Tahun 2019 tentang Perubahan Pembentukan Peraturan PerUndang-Undangan*. Indonesia, 2019.
- [10] N. A. D. Martiar, "Total Tuntutan Uang Pengganti Rp 16 Triliun," *Kompas*, 2020.
- [11] Republik Indonesia, *Undang-undang nomor 8 tahun 1981 tentang Hukum Acara Pidana LN Tahun 1981 No 76 TLN Nomor 3209*. Indonesia, 1981.
- [12] K. Dimiyati, *Marc Gallanter: Teorisasi Hukum study tentang Perkembangan pemikiran hokum di Indonesia 1945-1990*. Surakarta, 2020.
- [13] Sunarta, "Persidangan Online Sebagai Inovasi Beracara Pidana Di Masa Pandemi Covid-19, Makalah disampaikan dalam Seminar Nasional secara Virtual atau Webinar, bertempat di ruangan Vicon Pusat

- Daskrimti, Kejaksaan Agung Jakarta pada 8 Juli 2020.," 2020.
- [14] L. Friedman, *Sistem Hukum; Perspektif Ilmu Sosial*. Bandung: Nusa Media, 2009.
- [15] R. S. Lumbun, *Perma RI Wujud Kerancuan Antara Praktik Pembagian dan Pemisahan Kekuasaan*. Jakarta: Raja Grafindo, 2011.
- [16] A. McCann, "Virtual Criminal Justice and Good Governance during Covid-19," *Eur. J. Comp. law Gov.*, vol. 7, pp. 225–229, 2020.
- [17] J. M. Baldwin, J. M. Eassey, and E. J. Broke, "Court Operations during the COVID-19 Pandemic," *Am. J. Crim. Justice*, vol. 45, 2020.
- [18] Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. 1945.