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Trial Proving in Electronic Criminal Case Trial Based on the Dignified Justice Perspective

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Abstract

Trial proving in Indonesia has always been limited to Criminal Procedural Law and other regulations. Following the recent development of electronic criminal case trials, there has not been any precise regulation aside from Supreme Court Regulation 4 of 2020. The contradiction between KUHAP and Supreme Court Regulation causes problems, especially regarding trial proving. The purpose of the paper is to provide a legal solution to the problem of the legal emptiness regarding the regulation of trial proving 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. This normative research employed the statute, normative, and comparative approaches. The result shown there should not be a conflict between the effect of KUHAP and Supreme Court Regulation. Yet, the regulation of



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*trial proving in an electronic criminal trial should be
regulated at a statute level.*

A. Introduction

The Indonesian criminal procedural law adheres to an accusatorial system, emphasizing open and phased court processes with a strong focus on human rights protection.¹ Despite this, the system lacks specific regulations for the prosecutor's role, relying instead on the *Het Herziene Indonesisch Reglement (HIR)* and the Criminal Procedure Code, Law No. 8 of 1981, known as *KUHAP*. This framework shapes the conduct of trials, including the principle of presenting evidence², which has evolved to include a negative proof system aimed at accurately uncovering material truth through direct and physical evidence presentation in court.³

The requirement for physical presence in court trials, however, faced significant challenges during the COVID-19 pandemic, a non-natural disaster that threatened public safety and the administration of justice due to its highly contagious nature.⁴ To adapt, the Indonesian government issued a Memorandum of Understanding (MOU) between the Supreme Court, the Attorney General's Office, and the Ministry of Law and Human Rights, alongside Supreme Court Regulation Number 4 of 2020. These measures facilitated the electronic administration of criminal cases and the conduct of trials via teleconference, ensuring the justice process could continue effectively while adhering to health safety protocols.

The transition to electronic criminal case trials in Indonesia has surfaced legal challenges, primarily due to the absence of a statutory regulation akin to the Criminal Procedure Code (*KUHAP*) that specifically addresses the nuances of conducting trials electronically. The provision of facilities and infrastructure, as mandated by Supreme Court Regulation No. 4 of 2020 concerning the Administration and Electronic Criminal Cases Trials, is limited in scope to the Supreme Court and its subordinate judicial bodies. This limitation has led to practical difficulties for the Attorney General's Office, as both prosecutors and defendants face hurdles in presenting and challenging evidence effectively due to inadequate facilities and infrastructure, thus hindering the full potential of electronic trials.⁵

The novelty of this research lies in its approach to addressing these challenges from a "Dignified Justice" perspective, differentiating it from previous studies which predominantly explored the technical execution and juridical formalities of electronic trials without offering concrete legal solutions. Notably, research such as Neisa Angrum Adisti's analysis of electronic trial conduct during the COVID-19 pandemic in the Palembang District Court highlighted the procedural inefficiencies. It recommended the establishment of a collaborative team comprising the court, attorney general, and prison authorities to enhance communication.⁶ Similarly, I Made Wirya Darma's exploration of the juridical weaknesses in teleconference trials underlined the necessity for a more systematic approach through the development of Standard Operating

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

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

³ *Ibid*, p. 275

⁴ Nur Rohim Yunus and Annissa Rezki, "Kebijakan Pemberlakuan Lock Down Sebagai Antisipasi Penyebaran Corona Virus Covid-19," *Jurnal Sosial Dan Budaya Syar-I* 7, no. 3 (2020), <https://doi.org/10.15408/sjsbs.v7i3.15083>.

⁵ Drake Allan Mokorimban, "Perlindungan Terhadap Saksi Dalam Proses Penegakan Hukum Pidana Di Indonesia," *Lex Crimen* 2, no. 1 (2013): 47.

⁶ Neisa Angrum Adisti et al., "Pelaksanaan Persidangan Perkara Pidana Secara Elektronik Pada Masa Pandemi Covid 19 Di Pengadilan Negeri Kota Palembang," *Legislasi Indonesia* 18, no. 2 (2021): 222–32, <https://doi.org/10.54629/jli.v18i2.768>.

Procedures (SOPs). These studies, while insightful, primarily focused on socio-jurisprudential aspects without delving into normative solutions for the legal vacuum in electronic trial regulations.⁷ Contrary to these approaches, this research aims to contribute normatively by proposing legal mechanisms to fill the regulatory gaps in electronic criminal case trials, emphasizing the need for comprehensive legislation that facilitates the proving of cases in an electronic format, thus ensuring the efficiency and integrity of the justice system in the digital era.

This research is focused on exploring the process of trial proving in electronic criminal case trials, specifically examining the legal rights and obligations of the involved parties from the perspective of Dignified Justice Theory. It aims to address the procedural conduct of these trials without evaluating the overall regulatory framework's effectiveness. The study seeks to identify a legal solution that ensures trial proving by court participants in electronic environments upholds the principles of Dignified Justice, thereby fostering a justice system that is advantageous, responsive, and adaptable to societal needs. Employing a normative research methodology, this investigation distinguishes itself from empirical studies by utilizing a conceptual approach, a statutory approach, and a comparative approach to navigate the legal complexities and propose normative solutions for the challenges identified.⁸

B. Discussion

1. Trial Proving in Indonesian Criminal Cases

Trial proving in Indonesian criminal procedure is a critical guideline outlined in statutory laws, aimed at determining the veracity or faultiness of criminal charges brought by the prosecutor against the defendant, based on the evidence presented.⁹ As highlighted by Hari Sasangka, the concept of trial proving encompasses the regulation of evidence tools, the application of trial proving within a jurisdiction, the procedure for submitting evidence, and the judge's role in evaluating the evidence provided.¹⁰ Various legal theories underpin trial proving, including systems based on statute-favored evidence, trial proving grounded in legal confidence, and trial proving reliant on the judge's belief underpinned by logical reasoning.¹¹

As a legal state, Indonesia employs a distinct approach to trial proving, known as a negative statutory system or "*negatif wettelijke*."¹² This system combines the use of statutorily defined evidence tools and the judge's belief concerning the defendant's charges, as specified in Article 183 of the Criminal Procedural Law (*KUHAP*). Furthermore, *KUHAP*'s Article 184 elaborates on the recognized tools of evidence within this framework, including witness and expert testimonies, documentary evidence, indications, and the defendant's statements.¹³

Particularly relevant to the conduct of trials is Article 230 Paragraph 1 of *KUHAP*, which mandates that trial proceedings take place within a courtroom, underscoring the necessity for trial proving to be carried out directly or physically in a court setting. This requirement ensures that the tools of evidence are submitted and scrutinized in a manner that aligns with the

⁷ I Made Wiryadarma, "Kelemahan Yuridis Formal Pelaksanaan Persidangan Pidana Melalui Teleconference Saat Pandemi Covid-19," *DiH: Jurnal Ilmu Hukum* 17, no. 2 (2021): 204–14, <https://doi.org/10.30996/dih.v17i2.5179>.

⁸ Victor Emanuel W. Nalle, "The Relevance of Socio-Legal Studies in Legal Science," *Mimbar Hukum* 27, no. 1 (2015): 179–92, <https://doi.org/10.22146/jmh.15905>.

⁹ Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, Dan Peninjauan Kembali*.

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

¹¹ Andi Hamzah, *Hukum Acara Pidana Indonesia* (Jakarta: Sinar Grafika, 2008).

¹² Alfitra, *Hukum Pembuktian Dalam Beracara Pidana, Perdata, Dan Korupsi Di Indonesia* (Yogyakarta: Penebar Swadaya Group, 2002).

¹³ *Ibid.*

principles of directness and physical presence, foundational to the integrity and efficacy of trial proving as regulated in *KUHAP*.

- a) Witness testimony is required to be stated and heard in a court trial as regulated in Article 185;
- b) Expert's testimony is required to be stated and heard in a court trial as regulated in Article 186;
- c) Defendant's statement is required to be stated and heard in a court trial as regulated in Article 189;
- d) The indication evaluation as a tool of evidence shall be examined by a judge in Court as regulated in Article 188 Paragraph 3;

The *ratio legis* of a direct or physical trial proving is regulated in *KUHAP*, specifically in Article 185 Paragraph 6, namely the search for straight truth through harmonizing evidence tools. Wirjono Projodikoro stressed that harmonizing evidence tools is addressed. Therefore, judges may gain belief or confidence in trial proving. Such confidence prevents the emergence of disbelief in decision-making, considering that such judgment binds judges morally and legally.¹⁴

2. Trial Proving in Indonesian Electronic Criminal Cases Trial

In Indonesia, the conduct of criminal case trials follows the *KUHAP* (Criminal Procedure Code) as the fundamental legal framework, traditionally limited to physical or in-person trials. This approach has evolved significantly with the integration of information technology, illustrated by the 2002 Supreme Court's initiative to conduct an electronic criminal trial, examining former President B.J. Habibie via teleconference.¹⁵ Moreover, the legal recognition of electronic evidence has been established through Act 11 of 2008 in conjunction to Act 19 of 2016, concerning Electronic Information and Transactions. Article 5, Paragraph 1 of this act acknowledges electronic evidence and documents, including their printouts, as valid forms of evidence.

During the Covid-19 pandemic, the essence of criminal procedural law, aimed at uncovering the unequivocal truth, encountered significant challenges. These challenges stemmed from the diminished rights and opportunities afforded to key participants in electronic criminal case trials, including Public Prosecutors, Defendants, Legal Counsel, and Witnesses. This reduction in rights starkly contrasts with the principles of Dignified Justice, which advocate for the law to serve as a mechanism ensuring all individuals are treated equitably, recognizing their inherent rights and responsibilities.¹⁶ The infringement upon human rights within the realm of criminal case trials becomes evident when the procedures for conducting trials, especially in transitioning from direct to electronic formats, are not explicitly and formally regulated, leaving room for ambiguity and potential injustices.

To bridge this gap and streamline the process amidst the shift from traditional in-person trials to their electronic counterparts, the Supreme Court of Indonesia promulgated Supreme Court Regulation No. 4 of 2020. This regulation focuses on the Administration and Conduct of Electronic Criminal Case Trials, outlining a framework to navigate the intricacies of electronic trial proceedings effectively. This initiative marks a significant step towards adapting the judicial system to contemporary challenges while striving to uphold the principles of justice and human rights. However, the regulation's specifics, detailing the procedural adaptations

¹⁴ Hamzah, *Hukum Acara Pidana Indonesia*.

¹⁵ H.M. Arsyad Sanusi and Syaiful Watni, *Analisis Dan Evaluasi Hukum Tentang Pemanfaatan Media Elektronika (Teleconference) Untuk Pembuktian Dalam Hukum Acara Pidana* (Jakarta: BPHN, 2003).

¹⁶ Teguh Prasetyo, *Keadilan Bermartabat: Perspektif Teori Hukum* (Bandung: Nusa Media, 2015).

across various trial phases, remain essential for ensuring that the digital transition does not compromise the pursuit of justice and the equitable treatment of all parties involved.

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

The approach to trial proving within Indonesian criminal case trials is anchored in a negative trial proving system, as delineated by the *KUHAP* (Criminal Procedure Code). This system, aimed at assuring the judge of the occurrence of a legal event, hinges on the use of two pivotal forms of evidence to secure the judge's conviction.¹⁷ The integration of this negative trial proving system into the framework of electronic criminal case trials is further articulated through Supreme Court Regulation Number 4 of 2020 concerning the Administration and Electronic Criminal Cases Trial. This regulation underlines that not all aspects of electronic criminal case trials are conducted online, distinguishing the Indonesian model from fully automated or direct computer-processed cases as defined by Richard Susskind.¹⁸

The essence of electronic criminal case trials in Indonesia, as shaped by Supreme Court Regulation 4 of 2020, is best described as a digital hybrid model.¹⁹ This model maintains the procedural integrity and format of traditional direct or physical trials, albeit conducted virtually.²⁰ It involves the digitization or electronic incorporation of physical documents, thereby facilitating a blend of in-person and electronic elements.²¹ This hybrid approach ensures the continuity and effectiveness of the trial process, adapting to modern technological capabilities while upholding the core principles of the negative trial proving system and ensuring the judicial process remains robust and fair.²²

In the realm of electronic criminal cases within the Indonesian judicial system, the advent of digital hybrid trials has facilitated the conduct of physical or direct trials in a virtual setting, utilizing teleconference media and email facilities for the submission of digitized physical documents. The validity of evidence tools in such trials remains governed by Article 184 of the *KUHAP* (Criminal Procedure Code) and further supported by Article 5 Paragraph 2 of Act 11 of 2008, as amended by Act 19 of 2016, regarding Electronic Information and Transaction. These regulations maintain the principle that the tools of evidence—comprising witness testimony, expert opinions, documentary proof, indications, the defendant's statements, and electronic evidence (including electronic information, documents, and printed versions thereof)—retain their significance and legal standing in the digital hybrid trial context.

Supreme Court Regulation No. 4 of 2020, concerning the Administration and Electronic Criminal Cases Trial, establishes that digital versions of physical evidence, such as documents, are considered valid documentary proof as long as they are submitted through the Court's designated email. This provision aligns with the stipulations of Article 5 Paragraph 1 of Act 11 of 2008, as amended by Act 19 of 2016, thus ensuring that digital evidence is legally acknowledged within the trial framework. Furthermore, witness testimonies delivered via

¹⁷ Ali Imron and Muhammad Iqbal, *Hukum Pembuktian* (Banten: Unipam Press, 2019).

¹⁸ *Ibid.*

¹⁹ Richard Susskind, *Online Courts and The Future of Justice* (Oxford: Oxford University Press (OUP), 2019).

²⁰ *Ibid.*, pg. 177.

²¹ *Ibid.*, pg. 177.

²² "From Digitisation to Digital Transformation A Case for Online Courts in Commercial Disputes," *European Bank for Reconstruction and Development* (London, 2019).

teleconference during the trial are granted the same legal weight as those obtained in a traditional physical trial setting, as per Article 1 Paragraph 14 of the same Supreme Court regulation. This stance, however, presents a departure from the requirement of Article 160 of the *KUHAP*, which traditionally mandated that all testimonies be given in person at a physical trial.

The principle of *lex posterior derogat legi priori* (a later law supersedes an earlier law) is applied here, indicating that the provisions set forth in Supreme Court Regulation No. 4 of 2020 have precedence over the earlier stipulated Article 160 of the *KUHAP*.

In the framework of electronic criminal case trials, Supreme Court Regulation No. 4 of 2020 concerning the Administration and Electronic Criminal Cases Trial establishes a comprehensive legal foundation for the use of electronic evidence, including witness testimony and documentary proof in digital form. This regulation ensures that witness testimonies conducted via teleconference are detailed, with high-quality audio and visuals, and are based on the proper swearing-in of witnesses.²³ Furthermore, it mandates that locations for oath-taking are equipped with cameras or CCTV, allowing court participants to observe and report on the trial atmosphere, thereby mitigating undue pressure on defendants and witnesses. Similarly, the regulation requires that digitalized documentary evidence be authenticated by the judge or judges' panel, emphasizing the integrity of evidence in the pursuit of justice within the digital domain.²⁴

The shift towards electronic trials, as enabled by Supreme Court Regulation No. 4 of 2020, signifies an adaptation to modern challenges without sacrificing the pursuit of justice, rooted in the Dignified Justice Theory.²⁵ This theory advocates for a justice system that upholds the honor and dignity of all individuals, integrating the principle of human dignity into legal processes.²⁶ It insists on a humane approach to justice, guided by moral parameters that, in Indonesia, are embodied in the foundational philosophy of Pancasila.²⁷ This approach not only respects the legal traditions and frameworks of Indonesia but also ensures that the practice of law serves to humanize, respecting each individual's inherent dignity amidst the evolving landscape of judicial proceedings.²⁸

The realization of human honor and dignity is intrinsically linked to the protection and respect of human rights,²⁹ which are foundational to the roles and experiences of all participants within the judicial process, including suspects, witnesses, and victims. These rights encompass a broad spectrum, from the right to safety for witnesses and victims to the fundamental right of the accused to a fair trial. A fair trial ensures that both the accused and the public prosecutor are afforded equal opportunities to present their cases, a cornerstone principle in the administration of justice.³⁰ However, the transition to electronic criminal case trials, particularly concerning the trial proving agenda and the deployment of information technology, has

²³ Hafidlatul Waro Atamimi, "Keabsahan Hasil Pemeriksaan Saksi Melalui Teleconference Pada Masa Pandemi Covid-19," *Jurnal Universitas Muhammadiyah Jember*, 2021, 9.

²⁴ Teguh Prasetyo, *Pembaharuan Hukum Perspektif Teori Keadilan Bermartabat*. (Malang: Setara Press, 2017).

²⁵ Christina Maya Indah Susilowati, "The Philosophy of Sentencing in Indonesia Based on Dignified Justice," *International Journal of Business, Economics, and Law* 22, no. 1 (2015): 173–79.

²⁶ Teguh Prasetyo and Tri Astuti Handayani, "Theory of Dignified Justice as A Legal Foundation of Law Reform in Indonesia," *Surakarta Law and Society Journal* 1, no. 1 (2018): 46–54.

²⁷ Ermanto Fahamsyah and Fradhana Putra Disantara, "The Dignified Justice Perspective on the Enigma of Health Protocols COVID-19 as a Code of Ethics," *Jurnal Pembaharuan Hukum* 9, no. 1 (2022): 1–15.

²⁸ Tommy Leonard et al., "Legal Protection Against a Bond Investor According To the Dignified Justice," *Yustisia Jurnal Hukum* 9, no. 1 (2020): 152, <https://doi.org/10.20961/yustisia.v9i1.37818>.

²⁹ Jack Donnelly, "Human Rights, and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights," *The American Political Science Review* 76, no. 2 (1982): 303–16.

³⁰ I Nyoman Arnita, "Perlindungan Hak-Hak Tersangka Dalam Penahanan Ditinjau Dari Aspek Hak Asasi Manusia," *Jurnal Hukum UNSRAT* Vol.XXI, no. No.3/April-Juni (2013): 44.

revealed significant shortcomings in upholding these human rights. An illustrative case is that of I Gede Ari Astina, also known as Jerinx SID, where the defendant experienced substantial difficulties due to poor internet connectivity, impairing his ability to follow the trial proceedings and adequately present his defense due to restricted access to information from the Court or public prosecutor.³¹

This incident underscores a broader issue with the current regulatory framework governing electronic criminal case trials, notably Supreme Court Regulation No. 4 of 2020 on the Administration and Electronic Criminal Cases Trials. The regulation has been criticized for its lack of comprehensive provisions on human rights protections specific to the conduct of electronic trials.³² Despite its intentions to modernize and adapt judicial processes to technological advancements, the regulation's practical application has encountered obstacles, including insufficient facilities and infrastructure, alongside apparent conflicts with the existing Criminal Procedure Code (*KUHAP*). Given that *KUHAP* retains paramount legal authority and is fully operative, any perceived discrepancies or inadequacies in the Supreme Court Regulation highlight a critical gap in ensuring justice that is both dignified and attuned to the evolving digital landscape. This gap not only challenges the efficacy and fairness of electronic trials but also calls into question the commitment to upholding Dignified Justice in practice, marking a pivotal area for reform and enhancement in the justice system's approach to integrating technology while safeguarding human rights.

To ensure the fulfillment of Dignified Justice, it is imperative to safeguard the human rights of trial administrators and participants through robust protections. These protections can only be adequately guaranteed if the regulation of electronic criminal case trials is established by statutory law, rather than merely through Supreme Court Regulation. Specifically, the regulation concerning the agenda for proving cases in electronic trials is too significant to be addressed solely by Supreme Court Regulation.

The current scarcity of regulations for electronic criminal case trials, particularly in the context of case proving, leads to confusion regarding which regulations are applicable. For example, legal disputes have arisen where some parties contend that the Criminal Procedure Code (*KUHAP*) should prevail and favor the application of Supreme Court Regulation 4 of 2020. Conversely, others argue in favor of Supreme Court Regulation 4 of 2020 over the *KUHAP*. Given that Supreme Court Regulation 4 of 2020 does not cover the procedures for case proving in electronic criminal trials, it could be argued that *KUHAP*'s rules on case proving should apply by default. However, since *KUHAP* does not specifically address electronic criminal trials, applying its provisions to such trials may not be entirely appropriate.

In legal theory, the principle of *lex specialis derogat legi generali* (the specific law overrides the general law) should be considered. However, in the hierarchy of laws, the principle of *lex superior derogat legi inferiori* (higher law overrides lower law) takes precedence. Given that electronic criminal case trial regulations are currently grounded in Supreme Court Regulation 4 of 2020 rather than in the broader *KUHAP*, it is evident that a specialized statutory regulation is necessary. Such a regulation would not only update the criminal procedural law but also support the application of *KUHAP* in the context of electronic trials, aligning with the *lex specialis derogat legi generali* principle without conflicting with the *lex superior derogat legi inferiori* principle.

The regulation of trial proving in electronic criminal case trials, as outlined in Supreme Court Regulation No. 4 of 2020 on the Administration and Electronic Criminal Case Trials, aligns with the principles of Dignified Justice. For example, mandating in-person trials during

³¹ Anita K Wardhani, "Sidang Jerinx Beberapa Kali Terhenti, Ada Gangguan Teknis, Suara Hakim Tak Terdengar Tim Kuasa Hukum," *Tribunnews*, 2020, <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>.

³² *Ibid*

the COVID-19 pandemic could compromise the health and safety of trial administrators and participants due to the risk of spreading the virus.³³ In this context, allowing witness testimony via teleconference in electronic criminal case trials emphasizes the commitment to protecting human dignity, prioritizing safety and health.

Furthermore, the regulation regarding the digitalization of documentary evidence for trial proving in electronic criminal case trials, as stipulated in the same Supreme Court Regulation, reflects an adherence to Dignified Justice. This approach eliminates the necessity for physical interactions among defendants, public prosecutors, and the judges' panel during the submission and examination of evidence. This not only safeguards the health of all parties involved but also upholds justice by ensuring that digitalized documents are verified against their original counterparts. Through this process, electronic criminal case trials achieve Dignified Justice by providing legal certainty in the handling and verification of digitalized documentary evidence.³⁴

However, the Supreme Court acknowledges the limitation in legal authority of Supreme Court Regulations when compared to statutory laws like the Criminal Procedure Code (*KUHAP*), which holds a superior legal standing. In line with the principle of Dignified Justice, it is recognized that regulations governing electronic criminal case trials should be established through statutory legislation, akin to *KUHAP*, to ensure robust legal grounding.

This perspective is supported by the Statutory Hierarchy Theory or "Stufenbau Theory," as proposed by Hans Kelsen. According to Kelsen, legal norms derive their authority from higher regulatory norms within a structured hierarchy. This hierarchical structure implies that norms at a lower level cannot be equated with those at a higher tier. Thus, for electronic criminal case trials to be effectively regulated and to embody Dignified Justice fully, the enactment of a statute with a legal standing comparable to or surpassing *KUHAP* is essential, affirming the supremacy of statutory law in the legal hierarchy.³⁵

The Statutory Hierarchy Theory illuminates a key legal principle: when a conflict arises between legal norms of different tiers, the norm situated at the lower level is deemed inapplicable if it contradicts a higher-tier norm. This theory is particularly relevant when evaluating the applicability of Supreme Court Regulation No. 4 of 2020 regarding the Administration and Electronic Criminal Cases Trials in light of the Criminal Procedure Code (*KUHAP*). Given that *KUHAP* stands at a higher level in the statutory hierarchy, as outlined in Law No. 12 of 2011 on the Establishment of Legislation, any provisions within the Supreme Court Regulation that conflict with *KUHAP*'s directives cannot be sustained.

Consequently, the regulation of trial proving processes in electronic criminal case trials, as stipulated by Supreme Court Regulation No. 4 of 2020, encounters a significant legal hurdle if it is at odds with *KUHAP*. The essence of legal coherence and the integrity of the statutory hierarchy necessitate that such regulations be incorporated at a level equivalent to *KUHAP*, ensuring they possess the requisite legal force. This approach underscores the need for legislative amendments or the introduction of new statutes that align with *KUHAP*'s authoritative stature, thereby upholding the hierarchical principle that prioritizes higher-tier legal norms over those from lower tiers.

C. Conclusion

In conclusion, the implementation of digitalized evidence in trial proceedings, as outlined in Supreme Court Regulation No. 4 of 2020 concerning the Administration and Electronic

³³ Benny Riyanto, "National Law Development in New Normal Era," *Indonesian Law Journal* 13, no. 2 (2020): 87–107, <https://doi.org/10.33331/ilj.v13i2.33>.

³⁴ Radina Stoykova, "Digital Evidence: Unaddressed Threats to Fairness and the Presumption of Innocence," *Computer Law and Security Review* 42 (2021): 105575, <https://doi.org/10.1016/j.clsr.2021.105575>.

³⁵ 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).

Criminal Cases Trial, seeks to uphold the principles of Dignified Justice. This regulation facilitates a shift towards digital proceedings, eliminating the need for physical presence during the submission and examination of evidence, thereby safeguarding the health of all parties involved. Moreover, it ensures justice by mandating the judge's panel to authenticate digital evidence against its original form, reinforcing the integrity of electronic criminal case trials through the legal certainty of the evidence presented. To further enhance the framework for electronic criminal case trials, it is recommended that the regulations governing these proceedings be integrated into a higher legislative hierarchy, such as the Criminal Procedure Code (*KUHAP*), to prevent any legal discrepancies or conflicts.

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