

Law Enforcement Reform on Covid 19 Pandemic: a Necessity or an Innovation?

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DOI: <https://doi.org/10.31603/variajusticia.v16i2.3903>

Submitted: August 2020 Revised: September 2020 Accepted: September 2020

ABSTRACT

Keywords:
Covid 19 Era;
Justice Value;
Law
Enforcement
Reform

This study aims to identify the urgency and the form of law enforcement reform in the Covid 19 pandemic era. The approach method used is juridical normative. The type of data used in this research is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The result shows that law enforcement reform in the Covid 19 pandemic era took online trials of courts. Based on the value of justice to achieve legal certainty manifested in online trials, legal certainty in online trials in achieving justice values in criminal cases is legal. The criminal justice system reviews it since the investigation, prosecution, trial, and execution. Some legal actions can be seen from 3 (three) things: position, authority, and procedure as parameters of the action or legal action carried out at each process level case.

1. INTRODUCTION

According to the provisions in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia, Indonesia is a constitutional state. One of the pillars of the Rule of Law is the existence of an independent judiciary.¹ This pillar is contained in Article 24 paragraph (1), which states, "Judicial power is an independent power to administer the judiciary to uphold law and justice." Article 24, paragraph (2) states that "Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court, religious courts, military courts, state administrative courts and by a Constitutional Court."

The judicial mechanism in the process of trying, in reality, is not a mere juridical process. The judicial process is not just a process of applying articles and laws to laws but also involving community attitudes and takes place in a particular social structure.²

¹ Afrizal Mukti Wibowo, Sukarmi Sukarmi, and Siti Hamidah, "Analisis Yuridis Kewenangan Penyelesaian Sengketa Pembiayaan Konsumen Di Indonesia," *Legality: Jurnal Ilmiah Hukum*, 2019, <https://doi.org/10.22219/jihl.v27i1.8957>.

² Zainal Arifin Hoesein, "Lembaga Peradilan Dalam Perspektif Pembaruan Hukum," *Jurnal Media Hukum* 20, no. 12 (2013): 24.

The judicial process is a principle that is an indicator of the development of a community and a fair legal system.

Developments in information technology have transformed almost all facets of life. On one side of the computer, technology can get information, work, participate in politics and democratic life, and other advantages.³ Since the Covid-19 pandemic began spreading worldwide in early 2020, many countries have implemented social and physical distancing through "lockdowns. To implement social distancing, the Court Institution cannot hold trials according to pre-arranged standards because it can cause crowds of people, which involve the spread of the Covid-19 virus, to be higher. It causes the judiciary to rely on technology to support the sustainability of legal services for justice searchers. Maximum utilization of the e-court system that has been running since the issuance of Perma No. 1 of 2019 has now become a violator of the Law under the Supreme Court to continue to provide legal services even though justice seekers do not appear in court directly. The use of this e-court ultimately boils down to the importance of implementing a Virtual Court that is held boldly without the need to present the parties in the courtroom.⁴

In the last week of March, dated March 31, 2020, President Jokowi issued Government Regulation Number 21 of 2020, which regulates the enactment of Large-Scale Social Restrictions (PSBB). This regulation is expected to reduce the risk of contracting the Covid-19 virus, including the anticipation of transmission in the implementation of trials in court conducted directly. The existence of the adage fiat Justitia ruat coelum (justice is still upheld even though the sky collapses) is one of the bases for law enforcement for the community during the Covid-19 pandemic.

In an emergency like today, the Law should not be rigid because the Law is part of human creation used to uphold human dignity. Humans do not serve the alphabet and semicolons contained in Law as the fruit of reasoning, but laws that serve the interests of humans to uphold human values. Laws are not only products of ratio but part of intuition. Its relevance to the fundamental national values is Civilized Justice, as the second principle of Pancasila.

Pancasila as an ideology is not closed but reformative, dynamic and open. So it will be following the times, science and technology, and the dynamics of the development of people's aspirations. The Pancasila ideology as an open ideology contains a set of ideas based on a philosophical value system that needs to be worked on, processed, built to

³ Andri Winjaya Laksana, "Cybercrime Comparison Under Criminal Law In Some Countries," *Jurnal Pembaharuan Hukum* V, no. 2 (2018): 217–26.

⁴ Anggita Doramia Lumbanraja, "Perkembangan Regulasi Dan Pelaksanaan Persidangan Online Di Indonesia Dan Amerika Serikat Selama Pandemi Covid-19," *Jurnal CREPIDO* 2, no. 1 (2020): 46–58, <https://doi.org/10.14710/crepido.2.1.46-58>.

manifest in the form of legal norms at the level of its referred to as legal principles.⁵ Even in an emergency, and must stay awake.

Discussion about justice should be conducted not to obtain an abstract concept of what a just society is, but to eliminate or at least reduce injustice. That social justice is one of the basic foundations of the goals and ideals of the state (*stateside*), as well as the philosophical basis of the state (*philosophische grondslag*), is found in the fifth principle of Pancasila. It means that the founding parents established Indonesia to realize social justice for both their citizens and the world community since the beginning. The relevance of the Constitutional theory of justice from John Rawls is that the principles of justice conveyed are very relevant for developing world countries, such as Indonesia.⁶

The existence of the adage *fiat Justitia ruat coelum* (justice is still upheld even though the sky collapses) is one of the bases for law enforcement for the community during the Covid-19 pandemic. However, problems began to emerge in line with the enactment of Large-Scale Social Restrictions (PSBB). Can the fulfillment of the rights of justice seekers be fulfilled? Meanwhile, if the trial continues, as usual, it will be hazardous to the spread of Covid-19, whereas if the trial is postponed, it will result in losses to the rights of justice seekers because the status and fate of justice seekers are not clear from the court.⁷

The issue of justice must be approached in a practical rather than theoretical way, effectively creating justice in this pandemic situation. Efforts to obtain justice cannot be separated from the concept of justice in a concrete factual society that can be compared. How can we understand justice if the approach is theoretical idealistic, which then becomes challenging to apply?.

To answer these various problems, the purpose of this paper will examine the legal certainty of online trials in achieving the value of justice. This topic is important because law enforcement in online trials, apart from creating legal certainty, also realizes the value of community justice. The main goal in law enforcement will be built, namely, truth and honesty in law application.

2. RESEARCH METHOD

The approach method used is juridical normative, namely research by examining library materials (secondary data) or library law research.⁸ The legal approach method is

⁵ A. Aco Agus, "Relevansi Pancasila Sebagai Ideologi Terbuka i DEra Reformasi," *Jurnal Office* 2, no. 2 (2016): 230–38.

⁶ Sukarmi Sukarmi, "Perlindungan Desain Industri Bagi Umkm Yang Berkeadilan Sosial," *Jurnal Pembaharuan Hukum*, 2016, <https://doi.org/10.26532/jph.v3i1.1350>.

⁷ A. Adlin and A Yusri, "Penegakan Hukum Pemerintahan: Kekuasaan Walikota Pekanbaru Memberlakukan Beleidsregels Guna Memutus Penyebaran Virus Covid-19 Di Kota Pekanbaru," *Jurnal Ilmiah Muqoddimah* 4, no. 2 (2020): 78–81.

⁸ Ediwarman, *Monograf Metodologi Penelitian Hukum* (Yogyakarta: genta Publishing, 2016).

as a norm system building. The norm system in question is about the principles, norms, rules of legislation and doctrine. Normative juridical research examines the Rule of Law as a system building related to certain legal events. The type of data used in this research is secondary data which consists of primary legal materials, secondary legal materials, and tertiary law materials obtained from books, literature, papers, journals, laws and regulations, and other data sources. Secondary data collection was carried out using a literature approach method. The collection of legal materials is done by conventional search, collection and study of documents such as reading, viewing, listening, and information technology.

3. RESULTS AND DISCUSSION

3.1. Law Enforcement Reform in Covid 19 Pandemic

Concretely, the implementation of law enforcement in public order is often faced with a conflict between legal certainty and a sense of justice. A policy or decision that is not based on legal provisions is justified as long as it does not conflict with the applicable provisions. However, what if the implementation of the Law is faced with an emergency? In this condition, there is a covid-19 pandemic outbreak, where the conflict is between legal certainty and the safety of citizens.

In practice, law enforcement (in Court) until now, it is still common to hear the difference between formal truth and material truth. Formal truth is the truth that is determined solely by the formalities of Law. For Indonesians, this approach often creates injustice. Law enforcement is aimed at improving law order and legal certainty in society. It can be done using efficient functions, duties, and authorities of law enforcement agencies following their respective areas and based on cooperation to achieve the goals. The level of development of the society where the Law is enforced affects the pattern of the law enforcement because in a modern society that is rational and has a high level of specialization and differentiation, the organization of law enforcers is also increasingly complex and very bureaucratic.⁹

For the Indonesian people, who are often referred to as the "*oral culture*" community, formality is not the primary way to determine the strength or weakness of a legal relationship. Even though there has been a change in society in a particular environment, it increasingly respects formality. However, socio-cultural factors need to be considered in determining whether or not a legal relationship is strong. In this way, justice in society will be realized because the law is a matter of legislation or article by article and a problem of the social spirit that emanates from general aspirations, which can be read and seen using inner intelligence.¹⁰

⁹ Sanyoto Sanyoto, "Penegakan Hukum Di Indonesia," *Jurnal Dinamika Hukum*, 2008, <https://doi.org/10.20884/1.jdh.2008.8.3.74>.

¹⁰ Gunarto, *Rekonstruksi Paradigma Penegakan Hukum* (Semarang: Unissula press, 2011).

Law enforcers in dealing with this pandemic must certainly look at socio-cultural factors; handling the Covid-19 pandemic is not enough with the medical aspects because the Covid-19 pandemic with the community and cultural aspects is an inseparable unit so that the transmission of Covid-19 can be controlled. Spread because of certain cultures in society, or at least people's ways of life, are the contributing factors. Therefore, this becomes one of the primary considerations for enacting Large-Scale Social Restrictions (PSBB). Following SEMA No. 1 of 2020, it is necessary to adjust the work system, which is a form of adjustment and is expected to reduce the spread of Covid-19 in society, which includes:¹¹

1. Adjustment of the work system of judges and court officials by carrying out official duties at home (work from home)
2. The use of the e-court application, the implementation of the trial by e-litigation
3. Set up a system for implementing tasks so that public services are not hampered
4. Enforcement of social distancing and using protective equipment (masks, medical gloves) when working shifts
5. Providing hand sanitizers and body temperature detectors in each work unit
6. Limitation on the implementation of official duties for judges and judicial apparatus

According to various parties, the complexity of the problem of law enforcement, when viewed from various points of study, is constantly mutually correcting, in law enforcement can be influenced by various factors. The doctrine developed in Indonesia that the elements of law enforcement are advocates or lawyers, judges, prosecutors and police, but outside these institutions, there are other institutions, including the Directorate General of Taxes, the Directorate General of Customs and Excise, and the Directorate General of Immigration. Theoretically, a discussion of law enforcement in Indonesia will be said to be effective if these 5 (five) factors can be fulfilled, namely: (1) factors regarding legal instruments (regulations), (2) factors from law enforcement officials, (3) the availability of facilities and facilities. Facilities, (4) social factors, (5) cultural factors. It means that access to justice for justice seekers in the judiciary, at least in this pandemic condition, the five elements must work well. In law enforcement, Of course, in reality, these five factors will be mutually sustainable and have a close relationship; this is because, in law enforcement, each of these factors will influence each other. The lack of maximum enforcement in carrying out one factor will impact the others because the whole is a significant and essential factor in its enforcement, especially when faced with this pandemic condition.¹²

¹¹ A Joharudin et al., "Panic Syndrom Covid-19: Penekanan Terhadap Kebijakan Yang Diberikan," *Jurnal Perspektif* 4, no. 1 (2020): 44–53.

¹² H Juwana, "Penegakan Hukum Dalam Kajian Law and Development: Problem Dan Fundamen Bagi Solusi Di Indonesia. Indonesian," *J. Int'l L* 3 (2005): 212.

The community wants the Law to no longer be a tool for the authorities' interests or political interests. Therefore, just law enforcement is needed. In line with this, the reality in law enforcement often ignores the sense of justice in society, considering that textually the substance of the Law requires more legal certainty. It is a challenge in itself for law enforcement officials in law enforcement in Indonesia. In that context, law enforcement reform addresses how the Law in Indonesia is implemented within the ideal rule of law formation.¹³ Besides this, the purpose of law enforcement is to achieve peace in society. Law enforcement is said to be functional when this goal has been achieved so that when viewed from the whole, law enforcement is a system. As a system, good law enforcement is when there is a harmony between the values as outlined in legal principles or statutory regulations and human behavior as the executor. The ideas or ideas regarding the implementation of online trials have been discussed for a long time by legal thinkers. For example, if there is no Covid 19 virus pandemic, online trials will not be possible. The Criminal Procedure Code as a legal basis for proceeding does not accommodate online trials, which has been the pros and cons of legal experts.

The Supreme Court issued Supreme Court Regulation No.1 of 2019 concerning the Implementation of Electronic Court Cases. This PERMA is very appropriate to be implemented, especially in the Covid-19 virus outbreak condition, which is increasingly worrying the Indonesian people. So video or web conferencing can be an effective means of holding hearings by the District Court, the Attorney General's Office, or the Detention Center. This pattern of electronic justice or known as e-court, is an effective breakthrough that courts in Indonesia can carry out based on the PERMA issued by the Supreme Court.¹⁴

Several articles on which legal experts base the implementation of justice that allow defendants and witnesses to be directly absent in front of the court are contained in article 160 paragraph 1 letter. The Criminal Procedure Code, in particular... "summoned to the courtroom... .." which was then rigidly translated by some legal experts as a means that witnesses must be present and meet face to face in court.

Also, it is stated in article 167 of the Criminal Procedure Code, which implicitly states that witnesses must physically be present before the trial, which can be interpreted from the sound of the article, "After the witness testifies, the witness remains present at the trial, he is still present at the party unless the presiding judge permits to leave him."

There is another provision in Article 185 paragraph 1 of the Criminal Procedure Code which states that "witness testimony as evidence is what the witness stated in court,"

¹³ Lutfil Ansori, "Reformasi Penegakan Hukum Perspektif Hukum Progresif," *Jurnal Yuridis* 4, no. 2 (2017): 148–63.

¹⁴ R R D. Anggraeni, "Wabah Pandemi Covid-19 , Urgensi Pelaksanaan Sidang Secara Elektronik," *Jurnal Ilmu Hukum* 4, no. 1 (2020): 7–12, <https://doi.org/10.15408/adalah.v4i1.15264>
Abstract:

which implicitly means that witnesses must be present and present in the trial, interact directly with the panel of judges and public prosecutors and other court instruments.

However, humans cannot stop at these things because we have to put the legal position for humans so that the Law will continue to develop and society's development. Justice reform is essential because it is related to improving the quality of justice. Justice embodies the basic ideas of equality and fairness; these are the essential elements for a great social life and lie in the basic foundations of human civilization.

Judicial reform mainly aims to overcome the obstacles and challenges faced by modern justice. An approach in line with the concept is needed to find common values, in this case, the value of justice, which can be the basis for a common language to act and behave in ordinary life as a just society. Moreover, these shared values are not built on transcendental and institutional theoretical structures but on the interests of the developing society. It can be expected to find not theoretical ideal values of justice but concrete values of justice that can be understood together.

Reform in the field of criminal justice expected by society is where our Courts are actively helping create legal reform. What the public expects is a criminal justice system that carries out a due process of Law. It means that it is not enough for the Court to follow the Law literally. However, it must be brave in giving futuristic interpretations and those who are willing to understand citizens who experience legal problems. Judge Sarpin's legal breakthrough in the pretrial trial was an effort to reform the Law that caused controversy.

We are looking forward to seeing different attitudes from other judges and the Supreme Court so that reform in the judicial sector will not fail.¹⁵

In reality, Law is not always an instrument that protects the interests of the people. The Law can also be abused and used as an instrument that provides legitimacy for the operation of a power that is not following the people's interests, even becomes a means of oppression or at least deceives the people. Such Law is not the Law as intended and desired by a state based on Law.

In legal development, law enforcement has a strategic position. Law enforcement in the macro sense covers all aspects of community life, nation and state. In contrast, in the micro sense, law enforcement is limited in litigation processes in Court, both in civil cases, state administration, and in criminal cases, including investigation, investigation, prosecution (examination before the trial) to the implementation of court decisions have permanent legal force.¹⁶

¹⁵ Mardjono Reksodiputro, "Menggugat Praperadilan 'Sarpin Effect' Merupakan 'Malapetaka' Reformasi Peradilan Di Indonesia?," *Jurnal Peradilan Indonesia* 3 (2015): 1–12.

¹⁶ Hasaziduhu Moho, "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Kemanfaatan," *Jurnal Warta* 59 (2019): 1829–7463.

Law enforcement reform and justice in a fair or just legal process is the enforcement guaranteed by the 1945 Constitution of the Republic Indonesia, which provides protection and benefits for every citizen in upholding the supremacy of the constitution as the fundamental Law of the state. Therefore, the series of principles of a fair and complete legal process, excellent and perfect, the 1945 Constitution of the Republic of Indonesia and the laws and regulations do not mean much to any citizen or society if they are not enforced or applied correctly. Accurate and fair, and will create a bad image for Indonesia as a democratic rule of Law (*rechtstaat en democratische*).¹⁷

For the pandemic Coronavirus Disease (Covid 19) encounter situation, everyone is expected to refrain from interacting directly with other parties. The same is realized by the holders of judicial power in this country. Several Courts have begun implementing criminal proceedings using video conference technology. It is not a new thing because the Supreme Court has implemented an e-court and e-litigation mechanism for cases outside of criminal cases. Therefore, especially for criminal proceedings in the outbreak of the Covid 19 pandemic, it is of concern to some circles. Of course, in the future, legal thinkers and law enforcement officers have homework to improve the implementation of this online trial. It has a basic legal umbrella and ensures that the legality and confidentiality, and security of electronic data brought to trial can be guaranteed.

Based on its implementation for online trials in courts, it is a legal reform to deal with the Covid-19 pandemic, based on the value of justice to achieve legal certainty. Every judge's decision is not easy, because in the legal system in Indonesia, there is no "dissenting opinion" mechanism, let alone open access to the results of the process, which are the material for judges' decisions (close system), especially concerning the professionalism of judges in controlling the Law (*rechtsvinding*), as well as moral integrity possessed with a commitment to prioritizing fair decisions.¹⁸

In this Covid-19 Virus Pandemic Era, online trials have become the answer to problems that arise due to emergencies that cause humans to be unable to interact physically (physically distancing) freely. The theory says that the Law is actually for humans. As the adage *het Recht hinkt achter de feiten aan* becomes one of the legal statements, in essence, the Law follows the development of society and not the other way around.

The empirical reality of the covid-19 pandemic changes and forces a re-orientation of the Law from procedural justice to something more practical. This concept is because the conditions that occur increasingly between Law and society are not separate, but indeed the Law exists.

¹⁷ Moho.

¹⁸ Muslihin Rais, "Nilai Keadilan Putusan Hakim Pada Perkara Tindak Pidana Korupsi," *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 6, no. 1 (2017): 121–44, <https://doi.org/10.24252/ad.v6i1.4870>.

3.2. Legal Certainty Online Court to Realize Justice Values

Law is the most basic foundation in life; if there is no law in a country, the country will experience various problems. Law in the social control environment in society, the community, applies the Law systematically to enforce laws in Indonesia.¹⁹ Law as a system (legal system) consists of various subsystems: the formation subsystem, the content (material) subsystem, the enforcement subsystem, and the legal culture subsystem. The formation of laws, especially those in the form of statutory regulations, is not just a technique of systematically compiling materials collected in a normative formulation. Nor is it just simply complying with standardized standards of formulation and writing.

Darji Darmodiharjo and Sidharta said that as a system, Law has various functions, namely among others:²⁰

1. Law functions as social control, here the Law contains norms that control individual behavior in dealing with individual interests;
2. The legal system functions as a means of dispute settlement; and
3. The legal system functions to reform society.

According to Friedmann, a legal system in its actual operation is a complex organism where the structure, substance, and culture interact to explain the background and effect of each part; it requires the role of many elements of the system,²¹ The component of culture or culture is very close to society because this is what society has to do, namely regarding values, attitudes, perceptions, custom, ways of doing, ways of thinking, opinion, influencing the operation of Law. This culture serves as a bridge connecting legal regulations with the legal behavior of all members of society.

People who do not care about law enforcement will not have an effective deterrent to prevent law enforcement that is not in line with the sense of justice that lives in the heart of society. Even if it is solely left to law enforcers, good legal rules may become merely a means to achieve specific personal goals, not a means of realizing justice and public order.

In Act Number 8 of 1981 concerning Criminal Procedure Law, it is stated that the principles of simple, fast, and low cost are mandated to be enforced in that Law. Whereas what is meant by the definition of simple, fast, and low cost is realized by a procedure that is not convoluted to result in a case not running simply. Simple can also be interpreted as a process that is not complicated, clearly specific, noninterpretable, easy to understand,

¹⁹ Samsul Wahidin, "Hakim Agung Sebagai Agent of Change Menuju Law And Legal Reform," *Jurnal Cakrawala Hukum*, 2014.

²⁰ Rena Yulia Edi Setiadi, *Hukum Pidana Ekonomi*, Edisi Pert (Yogyakarta: Graha Ilmu, 2010).

²¹ Rocky Marbun, "Grand Design Politik Hukum Pidana Dan Sistem Hukum Pidana Indonesia Berdasarkan Pancasila Dan Undang-Undang Dasar Negara Republik Indonesia 1945," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, 2014, <https://doi.org/10.22304/pjih.v1n3.a8>.

easy to do, easy to implement, systematic, concrete both from the viewpoint of justice seekers and from the point of view of law enforcers who have very diverse qualification levels, both in the field of educational potential, social, economic, cultural and other conditions.²² Based on the simple, fast, and low-cost principles, online media trials are the right choice because the cases' intensity must be resolved immediately. The Defendant's right to be tried by the court as regulated in Article 50 the Criminal Procedure Code. Based on the simple, fast and inexpensive principle, online media trials are the right choice so that the cases handled can be resolved immediately, and also the Defendant's right to be tried by the court can be fulfilled as stipulated in Article 50 of the Criminal Procedure Code

Meanwhile, to assess its validity, we can review the Online court, which we can relate to the Act No. 11 of 2008 concerning ITE (Informasi dan Transaksi Elektronik) because the online court uses technological means. If we look at article 6 of the Act No.11 of 2008, which says that "... electronic information or electronic documents are considered valid as long as the information contained therein can be accessed, displayed, guaranteed its integrity, and can be accounted for to explain a situation".²³

So from the contents of the article, we can see that to be considered valid, the data must meet 4 (four conditions), namely:

1. Accessible
2. can be displayed
3. its integrity can be guaranteed
4. can be accounted for²⁴

The review from the criminal justice system from the time of investigation, prosecution, trial, and execution, then some legal actions or actions can be seen from 3 (three) things, namely position, authority, and procedures as parameters of the action or legal action carried out in at every stage of the case process.

As has been running so far that online trials are carried out using applications that allow face-to-face and communication such as zoom meeting applications or others, the public has both felt that the ongoing trial (activity) is accessible, both parties. Judges, clerks, public prosecutors and defendants and witnesses can be connected at the same time, there is no time lag (live), and can see each other the condition and identity of the Defendant and the parties, so this has fulfilled 2 (two) conditions that are accessible and can be displayed.

²² Nia Sari Sihotang, "Penerapan Asas Sederhana, Cepat Dan Biaya Ringan Di Pengadilan Negeri Pekanbaru Berdasarkan Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman," *Jurnal Online Mahasiswa Fakultas Hukum Universitas Riau*, 2016.

²³ RI, "Uu-2008-11 Informasi Dan Transaksi Elektronik," 11 Undang-undang § (2008).

²⁴ Novy Septiana Damayanti, "Kedudukan Perjanjian Ekstradisi Dan Pengembalian Aset Dalam Penegakan Hukum Pidana Internasional Terhadap Pelaku Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum Pidana Dan Pembangunan Hukum* 1, no. 2 (2014): 1–12.

Meanwhile, the other 2 (two) requirements regarding wholeness and accountability, until now, have been no cases that have occurred as an indication that the results of the online trial were wrong or could not be accounted for as a legal act.

So from this review, because the online trial has met the legal requirements of electronic documents as contained in article 6 of the ITE Act, it can be concluded that the online trial is valid. It was further strengthened by the existence of an MoU between the Supreme Court, Attorney General's Office and the Directorate General on April 13, 2020, which was used as a guide for law enforcement officials in proceedings during the Covid-19 outbreak. So that both people seeking justice and law enforcement officers as implementers in the legal field need not hesitate to proceed through online trials during the Covid-19 Pandemic.

The law enforcement process must apply the essential foundations in legal life, namely, justice and legal certainty. A justice and legal certainty cannot be separated in Law and are the essential factors in the continuity of law. Justice and legal certainty are milestones as well as benchmarks in the success of a law. If a court in Indonesia does not apply justice and legal certainty in every legal process, it will cause various obstacles and problems that will harm different sides.²⁵

4. CONCLUSION

In the era of the Covid 19 pandemic, law enforcement reform in the form of an online court is a necessity. The empirical reality of the COVID-19 pandemic is changing and forcing a reorientation of law from procedural justice to something more practical. The existence of an online court is the answer to problems that arise due to emergencies that prevent humans from interacting physically (physical distancing). The theory says that the Law is actually for humans. As the saying *het recht hinkt achter de feiten aan* becomes a legal statement, the law follows the development of society and not the other way around. That legal certainty in online trials in achieving the value of justice in criminal proceedings is legal.

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²⁵ Kania Dewi Andhika Putri and Ridwan Arifin, "Tinjauan Teoritis Keadilan Dan Kepastian Dalam Hukum Di Indonesia," *Mimbar Yustitia*, 2018.

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