Virtual Court Communication Implementation: Studies on the Implementation of Online Criminal Trials in Courts

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**Abstract**

Communication in law enforcement that was previously conducted face-to-face is now transformed into electronic-based trials through the support of technology and the internet. Various problems arose during this trial process, specifically regarding infrastructure support, digital literacy, and user technology which are still unequal. This study aims to describe Virtual Trials in Courts from a communication perspective through queries on: (1) how virtual trials are carried out in court, and (2) what are the law enforcement’s challenges in implementing online trials in the Bekasi regency. Researchers conducted interviews with 6 informants, carried out online data searches, and made observations. The results of this study show that the implementation of virtual trials at the Bekasi Regency District Court is a form of supporting an affordable, fast, and simple justice system for the community through media conferences. For the law enforcers, virtual trials have advantages and disadvantages in implementation. The advantages of virtual trials are a form of innovation in the justice system that allows the parties involved in trials without having to be physically present in the courtroom, so there is no need for additional costs. While the weaknesses of virtual trials are related to (1) the validity of examining material or evidence in court, which could not be conducted directly, and (2) the inability of thorough information interpretation due to network constraints. Trial implementation has several limitations as challenges to effective trial implementation, including technology and infrastructure limitations, accessibility limitations, limited interaction between the parties involved, data security limitations, and limited supervision.
Komunikasi dalam penegakan hukum yang biasa dilakukan secara tatapmuka kini bertransformasi menjadi persidangan berbasis elektronik melalui dukungan teknologi dan digital dan jaringan internet. Berbagai persoalan muncul, terlebih menyangkut dukungan infrastruktur, literasi digital dan teknologi pengguna yang menunjang proses persidangan yang belum merata. Penelitian ini bertujuan menggambarkan tentang Persidangan Virtual di Pengadilan dalam perspektif komunikasi, melalui pertanyaan (1) bagaimana pelaksanaan virtual dilakukan di pengadilan dan (2) bagaimana tantangan implemetasi persidangan online di wilayah kabupaten Bekasi. Peneliti melakukan wawancara pada 6 informan, melakukan penelusuran data online, serta observasi. Hasil dari penelitian ini menujukkan bahwa, pelaksanaan persidangan virtual di pengadilan Negeri Kabupaten Bekasi sebagai wujud mendukung sistem peradilan yang murah, cepat dan, sederhana bagi masyarakat melalui media conference. Bagi penegak hukum, Persidangan virtual memiliki kelebihan dan kelemahan dalam implementasi. Kelebihan persidangan virtual menjadi salah satu bentuk inovasi dalam sistem peradilan yang memungkinkan para pihak yang terlibat dalam persidangan, tanpa harus berada di ruang sidang secara fisik. Sementara kelemahan persidangan virtual berkaitan dengan (1) keabsahan pemeriksaan materi atau alat bukti dalam persidangan, yang tidak dilihat langsung (2) Informasi yang dijelaskan tidak dapat dimaknai utuh, disebabkan kendala jaringan. Impementasi persidangan memiliki beberapa keterbatasan sebagai tantangan implementasi persidangan yang efektif, antara lain Keterbatasan teknologi dan infrastruktur; Keterbatasan aksesibilitas; Keterbatasan interaksi antara pihak-pihak yang terlibat; Keterbatasan keamanan data; Keterbatasan pengawasan.
1. Introduction

This research is motivated by the Regulation of the Supreme Court of the Republic of Indonesia No. 7 of 2022, regulating the Administration of Cases and Trials in Electronic Court [1]. Electronic Court is a series of processes of examining, adjudicating, and deciding a defendant’s case by a court carried out with the support of information and communication technology, audiovisual, and other electronic means [2]–[5]. Electronic trials have been conducted in the Indonesian court system since the Regulation was implemented, which is commonly known to law enforcers as online or virtual trials.

Virtual Trial refers to a trial situation carried out by law enforcers, in which the communication process is aided by the support of technology and internet networks. The United States recognizes this type of trial as Virtual Civil Courts, which began in 1998, using video conferencing media [6]. In Canada, civil trials carried out with this support of video conferencing technology are called Conferencing in Civil Trials [7], in Indonesia, criminal trials are also carried out with the support of video conferencing to hear witness statements. The implementation refers to Supreme Court Regulation No. 7 of 2022.

The electronic trial implementation, also dubbed as online trials, virtual trials, or virtual courts, transforms the previously carried out face-to-face trials into online ones, with the elements of communication [3], [8]–[11]. Criminal trials have transformed face-to-face trials into virtual trials mediated by internet networks as an adjustment due to the COVID-19 pandemic [12]. The trial was carried out by referring to Supreme Court Regulation No. 7 of 2022, which could be conducted fully online or partially online with a division into three main places: prosecutor’s office, prison, and court. The communication process was bridged by trial conference media.

Media conferencing in criminal trials utilizes video conferencing technology to facilitate communication between judges, lawyers, and witnesses. The use of video conferencing technology in criminal trials is growing along with increasingly rapid technological developments [13]. Trial conference media is a communication medium that facilitates the communication activities of law enforcers in virtual trials.

Virtual trials occur with the support of various communication elements. Widodo (2019), in research on law enforcement communication models, identified elements of communication in the face-to-face trial process: Setting and Scene, Participants, Ends, Act, Key, Instrumentalities, and Genre [14], [15]. Kaplan explained that this communication is the same as the online trials supported by a virtual space [16].

The phenomenon of remote/virtual trials is a form of trial that, based on a circular from the Supreme Court, is called an electronic trial [17]. Electronic trials are
the choice of trials carried out in the COVID-19 pandemic situation to ensure the law enforcement process continuation. This phenomenon is also mentioned by several experts such as Keith Kaplan [16], Matthew Terry, Steve Johnson, and Peter Thompson [18], Chitranjali Negi [10], Bhandra Sinha, and Aporrva Mandhani [19] as Virtual Court or Virtual Trial. Keith Kaplan (2013) explains that virtual justice is a case examination process that involves a law enforcement communication process supported by the use of communication media and technology [20]. On the other hand, Terry et al. (2010) explain that one of the characteristics of virtual trials includes the existence of an internet network and computer equipment, which is also commonly called video conference media. The parties involved are connected to each other via video conference [16], [18].

One of the jurisdictions in the Bekasi regency is holding virtual trials supported by media conferences as a facility that bridges the communication process in virtual trials. Based on the researcher’s initial interview with one of the law enforcers, the trial in the Bekasi district court area was carried out online. However, the implementation was ineffective due to various obstacles, with the most dominant being network connectivity, which is one of the main pillars in carrying out online-based activities [21].

The Criminal Statistics and Information Technology Data Center of the Attorney General Office recorded 25,754 cases tried by prosecutors from 410 district courts throughout Indonesia, with various trial agendas, starting from indictment hearings, witness examinations, evidence examinations, and verdict hearings. There are many problems in the implementation of electronic-based criminal trials, the main problem being communication issues, so this research is deemed as important to carry out.

In general, this research focuses on how to implement virtual trials via video conferencing in the Bekasi Regency District Court. Various studies have been conducted from various points of view, including Barton’s (1998), where his research results explaining that virtual trials are a form of trial facility, while Knozet (2014) revealed that virtual trials are an opportunity for future trial planning. Other research in the same field is mentioned in the Table below.

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<td>1998</td>
<td>Barton, K., &amp; McKellar, P</td>
<td>The Virtual Court Action: Procedural facilitation in law [18]</td>
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The table above, the results of those researchers [4], [6], [10], [14], [16], [22]–[29] explaining the context of trials in courts from various countries. In general, discussions about trials are dominated by legal, anthropological, and sociological studies. Meanwhile, in terms of communication aspects, although it exists, there is no specific discussion regarding electronic communication in trials. Generally, communication topics are dominated by face-to-face context. Departing from these conditions, researchers offer a novel electronic-based communication model in criminal trials. Various aspects of law enforcement in virtual trials can be mapped from the infrastructure, users, to implementation effectiveness.
2. Research Methods

This research utilizes a qualitative approach, focusing on revealing field facts and generalizing the studied focus and problems [30] with the case study method. Case studies have the advantage of understanding complex social phenomena [31]. They provide a way for researchers to understand in depth and holistically a phenomenon (case) [32]. Creswell (2015) stated that case studies are a qualitative approach that examines certain cases in real-life contexts [33]. At the same time, case studies can also provide suggestions regarding policy application [34].

In this study, researchers collected data by conducting online interviews and document studies. Interviews will be conducted with 6 law enforcement informants in the Bekasi regency. The informants were determined using a purposive sampling technique, namely (1) law enforcers involved in the virtual trial, and (2) law enforcers who had the willingness and time to be interviewed. Researchers made observations by examining various available recordings related to virtual trials. The recording is intended to find information or data related to obstacles, advantages and activities that law enforcers carried out in video conferences.

This research uses data triangulation to ensure the credibility of the information. Researchers compared data collected from interviews, online browsing, and observations to confirm the information. The credibility of information from interviews can be confirmed through observation, and vice versa [34].

This research was conducted at the district court under the Bekasi regency jurisdiction. This is interesting to research because the Bekasi Regency District Court is a Class II court with a special team that manages virtual trials, which is different compared to several other courts of the same level.

3. Results and Discussion

Virtual Trial at Bekasi District Court

The Bekasi Regency District Court is one of the courts that provides online trial services following the Supreme Court Regulation No. 7 of 2022 regarding the Amendment to Supreme Court Regulation No. 1 of 2019 on the Electronic Administration of Cases and Trials in Court.

Based on an interview with Informant 1, a virtual trial at the district court is a trial process that is carried out online using technology such as video conferencing and special applications for virtual trials. In this virtual trial, the parties consisting of judges, prosecutors, defendants, and lawyers can be involved from different locations. Informant 3 further stated that the virtual trial was carried out as an alternative to dealing with the COVID-19 pandemic situation, to minimize the risk of spreading the virus. However, even though the pandemic is over, the courts will still carry out virtual operations only for certain incidents or cases.
Furthermore, Informants 4, 2, and 3 revealed that virtual hearings are a form of judicial innovation that makes it easier for parties seeking justice to litigate cases in court. In the Bekasi City District Court, implementation began when the pandemic became an outbreak. Virtual trials are considered an alternative solution to avoid crowds and minimize the risk of spreading the virus, especially during a pandemic.

Virtual trials also allow parties who are out of town or even abroad to take part in trials without having to physically come to court. The virtual communication model in virtual court hearings allows parties to communicate online via video conferencing applications. In virtual hearings, parties can interact with the judge and other parties in real time via a computer screen or mobile device. This virtual communication model allows parties to submit evidence and arguments online so that the trial process can run more efficiently and effectively.

This virtual hearing was conducted using a video conference application which allows the parties to communicate online. Apart from that, the Supreme Court has also held virtual hearings throughout Indonesia via a video conference application. This virtual criminal trial is carried out through virtual communication which allows the parties involved in the trial to participate from different places in an effort to speed up the trial process and minimize physical contact between the parties involved in the trial. Virtual criminal trials in district courts are carried out using information and communication technology.

Media Conference of Virtual Court

The implementation of virtual court at the Bekasi Regency District Court utilizes application support as a medium that connects law enforcement parties carrying out trials. Based on interviews with informants, one of the applications most frequently used to support the court process is the zoom conference application as the conferencing media used. The use of the Zoom application focuses on the ongoing process of interaction between law enforcers.

Based on the informant’s explanation, several conference media support the implementation of virtual trials. Through Zoom, the parties involved in the trial can participate via electronic devices such as laptops, tablets, or smartphones. The electronic devices used are connected via video conferencing provided by officers.

The use of video conferencing in virtual court hearings shows that the use of technology in trials can provide convenience for the parties, especially in terms of time and costs. Despite the effectiveness of criminal case trials via video conference is still a matter of debate, however, according to informants, virtual trials are the most realistic option during the pandemic because they can be carried out with the support of specified information technology devices.

The use of media conferences in virtual communication in virtual trials in
court gives rise to law enforcement interactions in handling criminal cases through media conferences act as a virtual communication medium in trials. According to research informants, there are at least 3 parts of technology and communication that are used in implementing virtual trials: video conferencing, teleconference, and chatting. First, the video conference model allows the parties involved in the trial to interact directly via video. The video conference model also allows the parties involved in the trial to see the facial expressions and body movements of the other parties. This can increase interaction between the parties involved in the trial. Apart from the video conference model, there is also a second model for using teleconference. The teleconference model allows the parties involved in the trial to interact via voice. The teleconference model also allows the parties involved in the trial to hear the voices of other parties. This can increase interaction between the parties involved in the trial. Apart from video conference and teleconference models, there are also chat applications. Chat applications allow parties involved in a trial to interact through writing. It also allows parties involved in the trial to send documents and other evidence.

Challenges in Implementing Online Trials in District Courts

Virtual criminal trials in district courts have several advantages: (1) speeding up the trial process, (2) minimizing physical contact between the parties involved in the trial, and (3) saving costs incurred by the parties involved in the trial. Apart from having several advantages, virtual criminal trials at the district court also noted several disadvantages: (1) reducing interaction between the parties involved in the trial, (2) reducing the quality of evidence presented at trial, and (3) reducing public trust in the justice system.

Apart from several advantages, the implementation of virtual trials has several challenges in carrying out trials for law enforcers. Among others:

1. Limitations of technology and infrastructure
   Carrying out online trials requires adequate technology and infrastructure such as a stable internet connection, adequate computer equipment, and reliable video conferencing applications. However, not all district courts have adequate technology and infrastructure to carry out online courts

2. Accessibility limitations
   Not all parties involved in the trial have adequate accessibility to take part in the online trial. For example, defendants who are being held in detention do not necessarily have adequate internet access to participate in online trials

3. Limited interaction between the parties involved
Implementing online trials can reduce interaction between the parties involved in the trial, such as the judge, prosecutor, defendant, and witnesses. Lack of interaction can affect the quality of the trial and the decisions taken.

4. Data security limitations
Implementing online courts also faces data security challenges that need to be overcome. Data submitted in online trials can easily be recorded and disseminated by irresponsible parties.

5. Limited supervision
The implementation of online hearings also faces monitoring challenges that need to be overcome. Supervision of online trials must be carried out carefully to ensure that the trial runs well and that no violations occur.

4. Conclusion
The implementation of virtual trials at the Bekasi Regency District Court is part of efforts to support a justice system that is affordable, quick, and simple for the people. The implementation of the virtual trial was facilitated using available conference media. Implementing virtual trials from a communication perspective has advantages and disadvantages. The advantage of virtual trials is that they are a form of innovation in the justice system that allows the parties involved in the trial without having to be physically in the courtroom, so there is no need for additional costs. Meanwhile, the weakness of virtual trials is related to the evidence validity, where the examination process depends on infrastructure and network conditions.

References


