

# **PERSIDANGAN PERKARA PIDANA DI PENGADILAN SECARA ELEKTRONIK DALAM PEMBAHARUAN HUKUM ACARA PIDANA**

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## **Abstrak**

Penelitian ini dilakukan untuk pelaksanaan sidang perkara pidana di pengadilan yang telah dilakukan secara elektronik. Sejauh ini, Pelaksanaan sidang perkara pidana secara elektronik telah berjalan selama kurang lebih 2 tahun sejak pandemi melanda Indonesia melalui PERMA No.4/2020 yang merupakan payung hukum sidang perkara pidana secara elektronik. Sebagaimana tujuan Mahkamah Agung dalam menciptakan sistem peradilan pidana terpadu berbasis teknologi, sidang perkara pidana secara elektronik ini merupakan terobosan namun PERMA No. 4/2020 masih dianggap belum mampu menjadi payung hukum bagi sidang perkara pidana secara elektronik. Berdasarkan hal tersebut, maka permasalahan dalam penulisan ini berupa bagaimanakah kendala penerapan persidangan perkara pidana secara elektronik dan bagaimanakah pembuktian perkara pidana dalam persidangan secara elektronik di masa yang akan datang. Penulisan ini menggunakan metode penelitian yuridis normative dengan pendekatan undang-undang (*statute approach*) dan pendekatan Perbandingan (*Comparative Approach*). Penyelesaian kendala-kendala berupa keabsahan alat dan barang bukti serta jaringan berupa perubahan terhadap PERMA No. 4/2020, peningkatan sarana dan prasarana khususnya di luar Pulau Jawa serta pelaksanaan e-Berbadu.

Kata Kunci : Pembuktian, hukum acara pidana, elektronik

# **CRIMINAL CASE TRIALS IN ELECTRONIC COURT IN REFORM OF CRIMINAL PROSEDURE**

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## **Abstract**

This research was conducted for the implementation of the trial of criminal cases in courts that have been carried out electronically. So far, the implementation of electronic criminal case trials has been running for approximately 2 years since the pandemic hit Indonesia. Through PERMA No. 4/2020 which is the legal umbrella for electronic criminal case trials, it is still felt that it does not regulate the trial process and raises various questions such as the validity of the defendant's presence at the trial which is conducted electronically, the problem of transferring case files, even the validity of evidence and evidence. As the goal of the Supreme Court in creating a technology-based integrated criminal justice system, this electronic trial of criminal cases is a breakthrough. PERMA No. 4/2020 each is considered unable to become a legal umbrella for criminal case trials electronically. Based on this, the problem in this paper is in the form of what are the obstacles to the implementation of electronic criminal case trials and how to prove criminal cases in electronic trials in the future. This writing uses a normative juridical research method with a statute approach and a comparative approach. Completion of obstacles in the form of validity of tools and evidence as well as networks in the form of changes to PERMA No. 4/2020, improving facilities and infrastructures especially outside Java Island and implementating e-Berpadu.

Keywords: Proof, criminal procedural law, electronics