

# **Implementation of the Electronic Criminal Case File Transfer System**

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## **ABSTRACT**

The aim of the research is to find out the implementation mechanism for the electronic criminal case file transfer system, legal review and supporting and inhibiting factors for the implementation of the electronic criminal case file transfer system at the Binjai District Court. This research method uses empirical law, empirical law (empirical legal research), which is a type of legal research that analyzes and studies the operation of law in society. The results of electronic research into Integrated Criminal Files (e-Berpadu) are the Integration of Criminal Files between Law Enforcement Agencies. The Law Enforcement Agencies in question are the Police, Prosecutor's Office, Institution Correctional and District Courts throughout Indonesia. The e-Berpadu application is here to realize the digitization of Criminal Case Administration and cut long bureaucratic procedures to create effectiveness and efficiency service criminal cases which are expected to improve services for people seeking justice. However, in the process there are still obstacles such as applications that have not been well socialized, lack of professional human resources and Not yet the public of every party related to the system.

**Keywords:** Electronics, Criminal, Law, Judge, Trial.

## **1. INTRODUCTION**

The implementation of the justice system in the Unitary State of the Republic of Indonesia is based on the principles of simplicity, speed and low costs (Ramdani & Mayaningsih, 2021). The effective and efficient implementation of justice is one of the benchmarks for a good judiciary. Many factors influence the effective and efficient implementation of justice, among these factors are court support facilities which include the use of information technology (Sujatmiko et al., 2023). Information technology has made it easier to improve the quality of access to electronic-based service systems in various aspects of life, including in court.

In previous research, it was stated that the Covid-19 pandemic caused losses for the parties by delaying the trial, resulting in their fate and status being unclear and hanging in the balance. So the focus of this research discussion is related to the implementation of electronic case services (e-court), (Ahyani et al., 2021).

The use of information technology in case management is believed to help increase the efficiency and effectiveness of court business processes. Research conducted by (Ardi Putra et al.,



2022), provides empirical evidence that investment in information technology contributes to the performance and productivity of an organization, especially in the current digital era (Fadhil, n.d.) The application of information technology can provide various benefits, namely speed, consistency, precision and reliability.<sup>4</sup> Pg This is in line with the principles of simple, fast and low-cost justice. The universality of the principle of speedy justice does not necessarily mean that case handling in judicial institutions is fast. In fact, slow handling of cases is an issue that is always experienced by all judicial institutions throughout the world. This was stated by (Ma'arif et al., 2021) who said that there are three problems that are most often complained about to judicial institutions, namely: slow handling of cases (delay), difficulty in accessing (access), and integrity of the apparatus. The three judicial problems as expressed by (Ilijazi et al., 2019) are also problems experienced by the Binjai District Court.

The fundamental applications that have been issued are e-court and e-litigation to make it easier for people to process in court so that they are no longer constrained by distance and time because they can be done anytime and anywhere. The e-court application began to be implemented in 2018 based on Republic of Indonesia Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Court, followed by the implementation of e-litigation in 2019 based on Republic of Indonesia Supreme Court Regulation Number 1 of 2019 concerning Administration of Cases and Trials in Electronic Court. These two applications are not much different, if e-court focuses more on case administration services while e-litigation focuses on trials. Application litigation This itself is a comprehensive improvement of e-court, where its function is not only limited to case administration but also to trials (Rauf, 2022).

Electronic case services in Indonesia began with the birth of Perma 3/2018 and was perfected with Perma 1/2019, although it is relatively late compared to neighboring countries such as Singapore which already has a SingPass ID for individuals and a CorpPass ID for legal entities when accessing cases in court. <sup>19</sup> Because its existence is still new, it still needs improvement and renewal, as well as adjustments to the way the judiciary works in Indonesia. Perma 1/2019 apart from serving administration electronically (e-court), also serving trials electronically (e-litigation) in article 1 point 7 explains that electronic trials are a series of processes of examining and adjudicating cases by courts which are carried out with the support of information technology and communication, (Sari, 2019).

The implementation of electronic case files (e-Court File) at the Binjai District Court has had a changing impact on all parties involved in the case handling process. Therefore study This



focuses on the implementation mechanism for the implementation of the criminal case file transfer system electronic at the Binjai District Court.

## **2. RESEARCH METHODS**

This research method uses a juridical-empirical research method, this research focuses on research on prisoner development regulated in statutory regulations accompanied by field research at the Medan Class I Penitentiary, the data obtained from this research is processed and analyzed quantitatively descriptively. Where all data obtained is analyzed in its entirety to give rise to a systematic and factual picture. After analysis, the author draws conclusions which will ultimately result in preventive and normative actions regarding the problems that have been raised.

## **3. RESULTS AND DISCUSSION**

### **Profile of the Binjai District Court**

The Class IB Binjai District Court is one of the oldest District Courts in the Medan High Court jurisdiction. The Binjai District Court has existed since the Dutch colonial era, covering the legal area consisting of Binjai City and Langkat Regency. Along with the expansion with the establishment of the Stabat District Court in 1987, the jurisdiction of the Binjai District Court was reduced.

Initially the Binjai Class IB District Court had its office at Jalan Sultan Hasanuddin No. 24 Binjai (now the Binjai Religious Court Office), only since 1981 did the Binjai District Court office move to Jalan Jendral Gatot Subroto No. 77 Binjai. In 1981 the Class IB Binjai District Court Building was built under the DIPA of the Minister of Justice of the Republic of Indonesia. Since then until today the office is still in use activity Binjai District Court Class IB.

### **Implementation Mechanism for the Implementation of the Criminal Case File Transfer System Electronic at the Binjai District Court**

Electronic submission of criminal case files to court is one way kesinergian between Law Enforcement Agencies to speed up the process administration The entry of criminal case files submitted by the Prosecutor's Office to the Court, which initially requires you to come in person first to register the criminal case files with the Binjai District Court, which of course takes time so the process seems long.

After conducting interviews and observations at the Binjai District Court, researchers found that the implementation of the transfer of criminal files was carried out in an orderly manner

electronic implemented through the e-BERPADU application. The e-BERPADU application is an extension of Electronic Integrated Criminal Files. The e-BERPADU application includes various services, including: electronic transfer of criminal case files, electronic application for permission/approval for confiscation, application for permission/approval search electronically, extending detention electronically, requesting permission to visit electronically, and requesting to borrow and use evidence electronically, as well as determining diversion.

Handover of case files that have been declared P21 and are completely clear and ready to be sent to the Court. For processes that previously did not accommodated in the e-BERPADU application, because it is to maintain the confidentiality of each stakeholder.

There are 2 (two) sub menus in the e-Delegation menu, namely Document P21 Not Yet Processed, and Document P21 Already Processed. To submit the case file to the District Court, the Prosecutor, in this case the Prosecutor's Office, will first send a P21 Notification to the Investigator via the E-BERPADU application, and there is a notification notification via email and whatsapp. After collecting data at the Binjai District Court, the following are the findings regarding the mechanism for transferring files carried out at the Binjai District Court:

a. Condition:

1. Investigator File Documents which include Case File Cover; Table of Contents of Case Files; Resumes; Police Report; Investigation Warrant; Notification Letter for Commencement of Investigation; Minutes of Witness Examination; News Retrieval Event Witness Oath; Minutes of Investigation of the Suspect; Attorney Appointment Letter (if any); Arrest Warrant; Minutes of Arrest; Detention Warrant; Minutes of Detention; Detention Notification Letter; Letter of Request for Extension of Detention; Extension of Detention; Confiscation Warrant; Minutes of Confiscation; Confiscation Report; Application for Confiscation; Confiscation Determination; List of Witnesses; List of Evidence; Evidence Search List (if any); List of Suspects; Photos of Evidence (if any); Suspect Photo; Suspect Identity; Minutes of Expert Examination (if any); Visa Request (if any); Visum Results (if any); Community/Litmas Research Result Documents (if any)
2. Prosecutor's File Documents which include a Cover Letter for Delegation; Case Transfer Letter (P-31); Receipt of Delegation Letter (P-33); Receipt of Submission of Evidence (P34); Minutes of Handover of Evidence; Prosecutor's Appointment Letter (P-16a); Indictment Letter (P-29); Detention Warrant (if detained); Prosecutor's Detention Warrant (if detained)

b. Systems, mechanisms and procedures



1. Investigators handed over case files to the Public Prosecutor via the e-BERPADU application
2. The Public Prosecutor checks the completeness of the case files submitted by the Investigator
3. In the event that there is still a lack of data and documents in the case file from the Investigator, the Public Prosecutor can complete the data and documents in accordance with the case file that has been P-21
4. The Public Prosecutor delegates the case to the competent Court via the e-BERPADU application
5. The Junior Criminal Registrar receives and verifies the completeness of the case file documents submitted via the e-BERPADU application
6. In the event that there is still a lack of data and documents in the case file, the Junior Criminal Registrar sends a notification of the lack of case files to the Public Prosecutor via the e-BERPADU application
7. Public Prosecutors complete the data and documents of missing cases through the e-BERPADU application
8. In the event that the case file is complete, the Junior Criminal Registrar registration things into the e-BERPADU application
9. In the event that there is a change to the indictment, the Public Prosecutor can submit it via the e-BERPADU application no later than 7 days before the trial date.\
10. The court processes cases submitted electronically no later than 15.00 local time
11. Electronic case transfers made outside 15.00 local time will be processed on the following working day

Electronic Integrated Criminal Files (e-BERPADU) is the Integration of Criminal Files between Law Enforcement Agencies for Service Applications for Search Permits, Confiscation Permits, Extension of Detention, Suspension of Detention, Transfer of Electronic Criminal Files, Applications for Determination of Diversion, Permits to Visit Prisoners Online by the Community without having to come to court.

It is-INTEGRATED is implemented on the justice system in Indonesia, especially the Binjai District Court based on Memorandum of Understanding Number 03/KMA/NK/VI/2022 on June 21 2022 concerning the Development and Implementation of an Integrated Criminal Justice System Based on Information Technology and the Letter of the Chief Justice of the Republic of Indonesia Supreme Court Number 99/KMA/OT .01.3/6/2022 on 29 June 2022 concerning



Implementation of the e-BERPADU Application, as well as Letter from the Chairman of the Supreme Court of the Republic of Indonesia Number 238/KMA/SK/VII/2022.

The development of information technology in the industrial revolution 4.0 shows that law appears to be moving slowly and it can be said that law is having difficulty keeping up with these developments. Meanwhile, as mandated in the constitution, Indonesia is a country based on law. As a consequence, law plays an important role for the survival of the nation and state.

Technological advances in the Industrial Revolution 4.0 era have changed the way people in the digital era interact with each other. This fact not only forces regulators to change their approach, legal professionals and law enforcement officials must adapt. There are 3 reasons why legal professionals and law enforcement officers must be able to adapt, namely the existence of artificial intelligence, the commodification of law, and increasingly easier communication. Artificial intelligence is basically the design of programs that enable computers to perform tasks or make decisions by imitating human thinking and reasoning. Artificial intelligence or intelligence added to a system that can be regulated in a scientific context. 16 In the context of implementing electronic courts in Indonesia, law enforcement officers and justice seekers must be able to adapt to the new system. The following are the challenges and problems in implementing electronic justice.

Modern justice based on information technology is also implemented at the Binjai District Court. This justice system was implemented to support and realize the era of digitalization and also a blueprint for judicial reform 2010-2035 which aims to realize system modern justice based on information technology, the development of the times is a inevitability which inevitably has to be followed and adapted, this is also the background behind the realization of electronic trials, even though in reality the system being built still has many obstacles and shortcomings in its implementation.

Factors inhibiting the implementation of the criminal file transfer process electronic If it is related to the Criminal Procedure Law, it has many obstacles. This is because, there are still shortcomings in the e-Berpadu application which is certainly not perfect, such as access to the e-Berpadu application itself can only be accessed by certain officers, which should also be substitute registrars. can access to upload documents relating to case files handled by the Substitute Registrar as well as limited knowledge of Human Resources in the field of Information Technology (IT) and Facilities to support the acceleration of the implementation of administering criminal case files in an efficient manner. electronic the.

#### **4. CONCLUSION**





Electronic Integrated Criminal Files (e-Berpadu) is the Integration of Criminal Files between Law Enforcement Agencies. The Law Enforcement Agencies in question are the Police, Prosecutor's Office, Institution Correctional and District Courts throughout Indonesia. The e-Berpadu application is here to realize the digitization of Criminal Case Administration and cut long bureaucratic procedures to create effectiveness and efficiency service criminal cases which are expected to improve services for people seeking justice. However, in the process there are still obstacles such as applications that have not been well socialized, lack of professional human resources and Not yet the public of every party related to the system.

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