



IMPLEMENTATION OF ONLINE TRIALS IN NARCOTICS CRIME NUMBER 112/PID.SUS/2022/PN.BNJ (CASE STUDY IN THE BINJAI STATE COURT)

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ABSTRACT

The Covid-19 pandemic has forced the Indonesian Supreme Court to formulate formal juridical rules for online trials regarding social distancing. However, the legal basis and legal strength of decisions carried out online are still debatable, plus there are several obstacles and obstacles in their implementation. This research uses an empirical normative approach, namely direct research in the field (field resources) by exploiting materials law primary, namely Court Decisions, Interviews and Observations are also materials secondary in the form of books, papers and journals. Next, it is analyzed by examining the data collected from the case study study and synchronizing it with the results of the study of statutory regulations. Online trial for registered narcotics criminal cases 112/ Pid.Sus/2022/PN.Bnj is formally implemented based on PERMA RI No. 4 of 2020 jo. PERMA RI No. 8 of 2022, the implementation of which experienced several obstacles, specifically in the form of the video teleconference network (via zoom) being disconnected or disrupted. Then, inadequate supporting facilities such as hardware, internet network and electricity can go out at any time, disrupting the online trial process. It is hoped that the research can contribute ideas to practitioners and academics, especially to the legislature and judiciary so that improvements in the implementation of online trials in Indonesia can take place.

Keywords: *Crime, Narcotics and Online Trial*

A. INTRODUCTION

Criminal procedural law (strafprocesrecht) regulates the procedures for law enforcement agencies to implement and maintain material criminal law. In other words, criminal procedural law (formal juridical) is a series of legal rules that regulate the procedures for legal apparatus in applying and maintaining material law, so that material law can operate correctly and provide justice and legal certainty.

Indonesia, as a country that has adopted the continental European legal system or civil law, has made written laws (wet boek) the main guide in providing justice and legal certainty. The Criminal Procedure Code (KUHAP) is the main body of legislation in formal criminal law procedures, so that trials in criminal cases can only be held face-to-face (offline) or in certain circumstances without the presence of the defendant (inabsentia). In order to provide legal certainty and justice, the Court as the end of law enforcement has the authority to make decisions with the aim of providing a sense of justice for society and the state in an action. criminal Which carried out by a person or corporation, so that the verdict given can be carried out by the criminal law executor (prosecutor).

In order to support the implementation of formal law (procedural law) by the courts, the Supreme Court of the Republic of Indonesia is the parent institution/institution of the four courts in Indonesia, namely the General Court, Religious Court, State Administrative Court and Military Court, all of which are under

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one roof (one roof system), then the Supreme Court has the authority not only to implement laws, but also to make and formulate rules which serve as guidelines and judicial techniques as mandated in Law no. 14 of 1985 as amended twice by Law no. 3 of 2009 concerning the Supreme Court.

The function and task of the Supreme Court is also to create or formulate regulations that do not yet exist or are incompletely regulated in the Criminal Procedure Code, so that the trial process for legal purposes can run smoothly. As in the case of the Narcotics crime Register No. 112/Pid.Sus/2022/PN.Bnj on behalf of the Defendant Untung Ginting who was tried and sentenced by the Panel of Judges in a trial which took place online, where the Defendant was found guilty of committing a criminal act as regulated and threatened in Article 114 paragraph (1) Law no. 35 of 2009 concerning Narcotics so he was sentenced to 7 years in prison and a fine of Rp. 1,000,000,000,- (one billion rupiah) which if not paid will be replaced by imprisonment for 1 (one) month.

From this case, Untung Ginting as the Defendant was never presented before the trial in person (offline) but the entire trial process was carried out online via the zoom application, where the Defendant was in the Binjai City Class II B Detention Center, while the Judge and the Prosecutor and Legal Counsel are in Court. Thus, the trial process which aims to find material truth in a formal process by synchronizing the minutes of the Defendant's examination during investigation and prosecution with the Defendant's statement at trial is difficult to achieve properly due to communication barriers and lack of understanding of the Defendant.

The trial, which was not carried out as regulated in the Criminal Procedure Code, was an effect of the Covid-19 pandemic which has caused the judiciary to lose 15 of its officers as of 29 December 2020 and has resulted in the exposure of 862 judicial officers with 21 people being treated in hospital. , so this creates a dilemma for the Supreme Court of the Republic of Indonesia as the parent institution of the four courts in Indonesia. So, even though there is a blueprint for the Supreme Court of the Republic of Indonesia for 2010-2035 regarding the Modernization of the Judiciary, it turns out that this is the reason why the Supreme Court of the Republic of Indonesia took concrete steps by issuing regulations relating to the technical implementation of trials in the midst of a pandemic.

Previously, the government had issued a directive as an appeal which was summarized in Principles of Government (PP) Number 21 of 2020 concerning Large-Scale Collective Qualifications in the framework of Accelerating Handling of Suffering from the 2019 Corona Virus (Covid-19) which was then followed up by the High Prosecutor's Office. by issuing changes to One-time Letters of Letters to the High Court Regulations of the Commonwealth of Indonesia Number 2020 with reference to the Guidelines for Implementing Responsibilities in the Context of Preventing the Spread of the Corona Virus 2019 (Covid-19) in the country. the high judiciary and is subordinate to the remnants of the small judiciary.

In the Republic of Indonesia Supreme Court Regulation No. 4 of 2020 (Perma No. 4/2020) concerning the Administration and Trial of Criminal Cases in Court Electronically which has been revised and supplemented with the Supreme Judicial Principles of the Republic of Indonesia Number 8 of 2022 or known as online hearings which are the configuration of the association's request for the institution/ judicial institutions in Indonesia. The purpose of the Perma No. buoy 4/2020 can be seen from

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the caution that exists in Perma itself, where there are at least 3 implicit inanimate object videos:

1. It is the Court's responsibility to assist seekers of constitutionality and seek to overcome all barriers and barriers to understanding constitutionality that is simple, blue-lined and costs little.
2. The 2010-2035 Judicial Reform blueprint is surrounded by over-the-counter still lifes aimed at shaping the contemporary government it supports.
3. That there are platforms that are hampered by trustworthy circumstances, situations that are detrimental to immediate goals, and more respect for human rights.

From these considerations, Perma No. 4/2020 concerning electronic criminal case trials prepared and carried out in 3 (three) judicial environments, namely the District Court (General), the Syar'iyah Court (in Aceh), and the Military Court as stated in Article 1 point 3 of Perma No. 4/2020. So that the trial process for criminal cases in the three spheres of justice is not hampered by the Covid-19 pandemic.

However, various obstacles and barriers to implementing electronic trials or online trials occur in almost all courts, where communication facilities and tools are very important in order to provide a clear visualization of how judges, prosecutors and legal advisors can explore the material truth in a criminal case, so that justice for both the Defendant and the Victim can be fulfilled. Because obstacles and obstacles that cannot be overcome are likely to disrupt the trial process and what is even worse will be detrimental to the defendant's human rights in obtaining a defense.

These obstacles and barriers actually also occur at the Binjai District Court in the online trial process for criminal cases, both in ordinary and special criminal cases, such as in Narcotics crime cases which are heard by the Binjai District Court, where the trial process needs to receive attention. which is quite serious and focused on legal officials in court, so that justice and legal certainty can be achieved and does not violate the basic rights of the defendant as mandated by law.

Based on the description above, the author is interested in researching this problem in the form of a thesis with the title "Analysis of the Online Trial of Narcotics Criminal Case Number 112/Pid.Sus/2022/PN.Bnj at the Binjai District Court".

B. FORMULATION OF THE PROBLEM

Based on the argument above, the background to the problem above is related legal study regarding the Implementation of Online Trials in Narcotics Criminal Cases Number 112/Pid.Sus/2022/PN.Bnj (Study at the Binjai District Court), several problems can be taken which will be formulated in the discussion as follows:

1. What is the Legal Basis for Implementing Online Trials in Criminal Cases in District Courts?
2. What is the Legal Strength of Criminal Decisions in Narcotics Cases Carried Out in Online Trials at the Binjai District Court?

3. How is the implementation of online trials in criminal narcotics cases at the Binjai District Court?

C. RESEARCH METHODS

A method is a technique or method used to define the object that is the target of the science being researched. Research is a scientific study that aims to realize the truth methodologically, systematically and consistently. Meanwhile, legal research is a scientific activity that is based on a systemic methodology and certain thought processes with the aim of studying something or a legal phenomenon and then analyzing it. Therefore, research methods are scientific efforts to understand and solve problems based on certain work procedures or methods.

1. Research Specifications

This research is normative legal research in that the subject of this research refers to written arguments contained in legislation, literature, other values that exist and live in society and the data obtained is further analyzed to provide answers to the problems that arise. emerged in this research. The research is intended as a tool to analyze the application of laws and court decisions (jurisprudence), the type of research used is qualitative research, namely by collecting literacy materials in the field of law and legislation related to the issue of legal studies regarding applicable online (electronic) trials. and applied in the District Court, especially the Binjai District Court.

2. Types of Data and Data Collection Techniques

In order to realize this research, two types of data and data collection techniques were used, including:

a. Data Type

There are 2 (two) types of data in a study, including:

- 1) Primary data is data obtained directly through research activities in the field in the form of interviews, surveys, experiments and so on. Primary data is the main or main data in a study.
- 2) Secondary data is data obtained by means of literature study, namely publication data from sources that have been summarized in a journal, book, and so on.

b. Data collection technique

Data collection techniques generally consist of 2, namely primary and secondary, the data collection techniques include:

1) Observation (Observation)

The individual's disposition of the collection is to perceive or review carefully and like a flying bird in the placement of the evaluation to influence the weather which ultimately embodies or proves the authenticity of the evaluation representation that is subsequently carried out.

2) Interview

This is an interrogation and settlement meeting with someone (who is then in authority) who wants to ask for enlightenment or persuasion regarding something. This disposition was carried out elsewhere through bipartite appointments and face-to-face discussions. So the interviewer can organize responses to questions from the congregation or the continuation of the individual being interviewed.

3) Questionnaire/Questionnaire

Is a procedure for collecting collections that is fixed in configurations containing questions that are asked graphically to an individual or group of the general public to receive responses or congratulations and enlightenment needed by researchers.

3. Legal Materials

- a. Primary legal materials include main legal materials such as the Constitution, the Criminal Code and Criminal Procedure Law as well as various Regulations and Circulars of the Supreme Court of the Republic of Indonesia and Court Decisions.
- b. Secondary legal materials function to interpret primary legal materials in the form of research results in the field of law, books, mass media, magazines, intranet or internet related to legal studies regarding the implementation of online trials in courts and especially in criminal cases.
- c. Tertiary legal materials obtained from legal dictionaries or general dictionaries regarding terms and meanings of words relating to criminal law or criminal procedures or other things that are needed.

4. Data analysis

Data Analystis a series of organizing and sequencing data into patterns and descriptions so that definitions can be found so that it is presented as expected by the data. This activity begins with conducting an auditory review of data that has been collected in one container, from literature studies, manuscript studies, and the results of studies of existing regulations in the form of primary, secondary and tertiary data archives. So that you are able to detail and describe the problem which is expected to be able to solve the problem and provide a solution to the problem.

5. Research schedule

This thesis research schedule plan can be carried out in an estimated time of around 6 months, starting from November 2023 to April 2024. The following schedule has been set regarding the thesis research plan, as arranged in the table below:

Activity	Time				
	1	2	3	4	5
Preparation					

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Proposal Preparation							
Proposal Seminar							
Data collection							
Preparation of Thesis Reports							
Thesis Results Seminar							
Thesis Examination							

D. DISCUSSION

1. Legal Basis for Implementing Online Trials in Criminal Cases in District Courts

a. Indonesian Legal System and Legal Culture

The system comes from the Greek "systema" where float is understood as a unit consisting of indefinite parts. Subekti, SH stated that a transaction is an orderly arrangement or order, a unity consisting of mutually accompanying percentages, ordered on the basis of a design or pattern, handwritten determination to achieve a goal."

In a first class transaction there can be no conflict between the parties. Apart from that, there should be no gemination or overlap between parts. A transaction in which there are many habits carried out by Americans. Please remember that a transaction cannot be channeled from the custom that facilitates it. Therefore, a collection is a system, which signifies a neatly arranged transcription or transcription of high spirit regulations, the unity of which consists of percentages that accompany each other.

Referring to Friedman's opinion about the legal system, it is understood as a network that includes substance and structure as well as legal culture with the following explanation:

1. Legal Structure *Legal Structure* is the permitted origin of the entity. This is in accordance with a series of judicial effectiveness measures consisting of basic level courts, petitions and cassation, the nature of requirements and a system of constitutionality that can be accessed by machines. Therefore, next are the Ecumenical (State) Court, Church Court, Soldier's Court, Sovereign State Administrative Court, Anthropoid Rights Court, Determination and Fisheries Court. Economists further emphasize that crowdfunding has the fundamental elements of a permissible system,

including permissible structure, institutional order, and institutional achievement.

2. Legal Substance Meanwhile, what is meant by permitted material are regulations or averages which are archetypes of anthropoid behavior in sovereign countries in a permitted system, as much as: Driving a vehicle beyond the permitted speed limit will be subject to a fine and a person who buys an artifact is required to send it. a trustworthy dollar amount to the seller of the item. In Indonesia, it is known that there are substantial juridical collections (civil law, constitutional law, reprehensible law, administrative law) and dinner jacket juridical collections (civil law, a collection of reprehensible adjectives, and free adjective law).
3. Legal Culture *Legal Culture* is a configuration of character and values related to the behavior that accompanies its collection and institution. Another limitation on permitted transactions is Indonesia's determination which is expressly stated by the Government Supervisory Agency (BPHN). Permitted transactions have backhand progression rules, which include:

b. Sources of Indonesian Criminal Law

Criminal Law is within the scope of public law, such as Constitutional Law, Criminal Law, State Administrative Law and International Law. Authority as public law means that the interests that criminal law seeks to protect are public interests, so that the position of the state and its equipment becomes very dominating.

The criminal law currently in force in Indonesia is a law originating from France which began with colonialism by France against the Netherlands during the reign of Napoleon Bonaparte, and was then adopted by the Dutch colonialists which was then passed on to Indonesia. After the Netherlands gained independence from France, the Netherlands created its own law which was based on the French Penal Code. When colonizing Indonesia

Even though there was already a strafbepalingen interimaire, the state government continued to try to form a code and unification in a despicable legal environment, this achievement finally bore fruit with the Koninklijk Besluiten act on February 10, 1866. Wetboek auto strafrechvoor nederlansch indie (wetboek voor deeuropeanen) is interconnected with penal codification Gaul currently prevailing in the Netherlands. This is what brings Wetboek Auto Strafrecht or the float entitled Disgraceful Codification (KUHP) which is currently in effect to the substitution made by the Indonesian Government.

c. Sources of Indonesian Formal Criminal Law

During the Dutch Colonial period in Indonesia, changes to the laws in the Netherlands, with the explanation of harmony, were then implemented in

Indonesia in Hawthorn 1 1848. In this continuation, Indonesia brought in other places many codifications of regulations for collecting adjectives that were reprehensible, such as the Reglement Op De Rechterlijke Organisatie (Staatsblad 1847-23 juncto Staatsblad 1848-57) which formulated the constitution of the judicial organization, Inladsch Reglement (Staatsblad 1848-16) which formulated a collection of disgraceful and non-military adjectives in the judiciary for those categorized as Indonesian residents and the strange Reglement Op De Strafvordering in east (Staatsblad 1849-63) which formulated a modification of a collection of adjectives that were pathetic for congregations of continental residents and others. Likewise, the Landgerechts Reglement (Staatsblad 1914-317 juncto Staatsblad 1917-23) refers to actions before the court and adjudicates a simple container for each resident congregation. In addition, further modifications were implemented for spaces in other coffee bars and Madura that have independent thermostats.

During its addition to the refresh the thermostat by the Inlandsch Reglement was updated to become the renovated Het Herzien Inlandsch Reglement (HIR) and the conventional praise of the Volksraad in 1941. This HIR included a cognitive semantic reorganization and a modified update with reference to the examination introduction. With the continuation of this HIR, a supervisory agency for the Attorney General (Openbare Ministry) was formed which was no longer under non-military accommodation but rather like a crow flying under the politically appointed Justitie (Prosecuting Agency).

d. Principles of Criminal Law and Criminal Procedure Law

Legal principles have a broad situation in a law. Permissible customs are the vital spirit of a legal principle so they are very decisive in enforcing collection. Sudikno Mertokusumo firmly stated that permissible customs are an introductory conception that contains ecumenical characteristics that qualify realistic regulations. permissible customs continue within and behind every permissible transaction, which are echoed in changes in laws and decisions of judges establishing prudential gatherings and are ecumenical features of realistic rules.

Legal principles are restrictive qualifications that are realistic and ecumenical or abstract. Based on this, it can be seen that the customs that are permitted are closely related to changes in laws and judges' decisions. Disgraceful collecting customs (material crimes) reside in:

1. The Principle of Legality (Article 1 paragraph (1) of the Criminal Code) which in Latin is known as "nullum delictum nulla poena sine praevia legi poenali", which means there is no law/criminal if there is no regulation that precedes it.

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2. The Territorial Principle (Article 2 of the Criminal Code) is the criminal provisions in Indonesian criminal law that apply to every person who commits a criminal act in the jurisdiction of Indonesia.
3. The principle of active nationality (Article 5 of the Criminal Code) is centered on *jus soli*, so Indonesia contains a system or view that Indonesian criminal law is binding on its citizens who are abroad. This aims to show that Indonesia is a sovereign country.
4. The principle of passive nationality (Article 4 of the Criminal Code) is that it does not only apply to citizens, but every person is obliged to obey and obey the applicable rules and can be punished if he commits a criminal act while in Indonesian territory because the matter concerns national interests.
5. Universal principles (Articles 2 to 5 and Article 8 of the Criminal Code) are limited to exceptions in international law. This is because the principle of protecting international interests is based on the realization of the obligations of every country to participate in implementing international rules.

Apart from that, the principles of criminal procedural law (formal criminal law) as explained by Andi Hamzah are divided into:

e. Pandemic as a factor in accelerating the implementation of online hearings

The Corona outbreak or what is also called Corona Virus Disease 2019 (Covid-19) was declared a global pandemic by the World Health Organization (WHO) since early March 2020. Several large countries in the world were directly affected by this virus outbreak, including Indonesia. Apart from health, other impacts are felt in the macro economic, social and political sectors. The Corona Virus has caused various other negative effects, such as setting limits on social interaction (social distancing) or limiting distance (physical distancing), so that it also has an effect on the judicial process. So like it or not, the Supreme Court must issue various policies related to adjustments to work procedures and legal services in the courts.

According to Brad Mixner in his discussion topic entitled *How Game Changing are e-Hearings? A Quantitative Analysis of TechLaw.Fest (Festival of Law and Technology)* activities stated that Covid -19 accelerated and strengthened the implementation of electronic hearings throughout the world. On the other hand, the widespread spread of Covid-19 globally is a misery for the general public. But on the other hand, its continuation has left grace in the institutions of constitutionality and professionalism that are permissible.

The Chief Justice of the Supreme Court in guidance in Yogyakarta 12 October 2020, further accepted that widespread conditions had accelerated the issue of modification which was an invention in the legal environment of adjectives. Among the changes to these findings is Perma Number 4 of 2020

concerning Electronic Monitoring and Torture in Cases of Concern. When viewed from a sociological perspective, the exploitation of effective experiments is a necessity, both as a response to the Covid-19 pandemic, and as a response to technological advances.

2. Legal Strength of Criminal Decisions in Narcotics Cases Carried Out in Online Hearings at the Binjai District Court

The implementation of trials at the District Court, especially electronic criminal trials, is regulated in Supreme Court Regulation No. 4 of 2020 which has been amended and supplemented by Supreme Court Regulation no. 8 of 2022 without being based on any general provisions regulated in an article in the law.

According to the provisions of Article 28 of the Judicial Power Law (UU No. 48/2009) as mandated in the Article which reads "The structure, powers and procedural law of the Supreme Court and the judicial bodies subordinate to it as intended in Article 25 are regulated in the Law", so that a procedural law must take the form of a law (*in de wet*).

Based on these provisions, theoretically the regulation of procedural law should not be in the form of statutory regulations in the form of circular letters or related institutional regulations, other than laws or at the level of laws. Supreme Court regulations may contain provisions in the nature of procedural law if there are *attributie/delegatie van wetgevings* from the law or are formed based on the authority of the Supreme Court to fill legal gaps.

In Article 24 A paragraph (1) of the 1945 Constitution, it is stated that the authority of the Supreme Court is that it has the authority to judge at the cassation level, examine statutory regulations under the law against the law, and has other authorities granted by law. *invite*. Furthermore, the Supreme Court, in its authority, follows several regulations in the form of Supreme Court Regulations (PERMA), Supreme Court Circular Letters (SEMA) and Decisions of the Chief Justice of the Supreme Court (SK KMA) and other derivative regulations.

In the case of electronic hearings, they are prepared using a regulatory scheme in the form of PERMA, which subsequently resulted in Republic of Indonesia Supreme Court Regulation No. 4 of 2020 which was then refined and supplemented by the Republic of Indonesia Supreme Court Regulation no. 8 of 2022 concerning the Administration and Trial of Criminal Cases in Court Electronically.

There are several characteristics that distinguish the content of Supreme Court Regulations which were formed and prepared as implementing and technical instructions for the judiciary, these can be divided into 3 (three) categories, namely¹:

¹Riki Perdana Raya Waruwu, Application of Legal Fiction Principles in Perma, <https://jdih.mahkamahagung.go.id/> accessed 23 August 2023 at. 16.30 WIB.

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- a. PERMA to fill the void in procedural law. The presence of PERMA fills in the gap in the collection of adjectives in the judiciary, in order to help interested parties to achieve their rights as recognized by law. all of this accommodates PERMA number 1 of 2016 concerning intervention actions in the Courts, PERMA number 2 of 2016 concerning guidelines for action in arguments in deciding exploitation situations for the public interest in the State Administrative Court and PERMA. 3 of 2016 concerning Procedures for Submitting Allowances and Remitting Rewards to the Inter-Group Regional Judicial Body which is robust for exploitation in the public interest and so on.
- b. PERMA for the Rearrangement of Procedural Laws. PERMA As a legal adjective restructuring, it is recognized as an achievement to regulate the dinner jacket law, as in PERMA number 12 of 2016 concerning procedures for establishing conflicting container interchanges where the high court seeks to provide a more appropriate permissible. Cognitive semantics woes for the exchange of contradictions and makes the cognitive semantics of adjectives easier. PERMA, which modulates the restructuring of a collection of adjectives, entertains itself with a very broad imitation in the approach of providing informality in business, videlicet nails PERMA character 2 of 2015 which has been revised with PERMA character 4 of 2019 referring to the procedures for Simple Lawsuit camps and PERMA character 14 of 2016 refers to the procedures for depositing sharia economic funds.
- c. PERMA which is administrative, coaching and supervisory in nature. The Supreme Court, based on Article 32 paragraphs (1) and (2) of Law Number 3 of 2009 concerning the Second Amendment to Law Number 14 of 1985 concerning the Supreme Court, has the authority to carry out the highest supervision over the administration of justice in all judicial bodies subordinate to it in carries out judicial power and the Supreme Court carries out the highest supervision over the implementation of administrative and financial duties. It can be understood that the Perma drafted by the Supreme Court as a legal umbrella for electronic trials (online hearings) is a form of Perma that functions to fill legal gaps. Because in the Criminal Procedure Code it is clear and clear, if the trial that is known is the direct (physical) presence of the Defendant, not virtual (online), so even though virtual attendance or teleconference is not something regulated by the Criminal Procedure Code, this can be understood because there is a need urges that the criminal case investigation process can continue. Thus, the criminal decision handed down by the judge in a trial refers to the provisions of the Criminal Procedure Code regarding implementation procedures and Perma No. 4 of 2020 as amended by Perma No. 8 of 2022, then this decision should still have the same legal force as a decision read out in a trial open to the public. Because, in essence, the Defendant's presence in the teleconference is also a direct presence and the decision read out by the Judge is

also carried out in a trial that is open to the public and can be seen by the public.

3. Implementation of Online Trials in Narcotics Criminal Cases at the Binjai District Court

Referring to formal law, Article 64 of the Criminal Procedure Code clearly states that the defendant has the right to be tried in a court trial that is open to the public. From the provisions of this article, a court hearing is a procedural process held in a court building in an open manner to the public. Therefore, the defendant has the right to be presented before the court by the Public Prosecutor either at the request of the Defendant/Legal Advisor, or at the Judge's order to be further processed and examined through a regular trial in order to obtain a defense.

The Criminal Procedure Law should not expressly interpret the mechanism of trials in court. However, from the various regulations and articles contained in the Criminal Procedure Code it can be understood more simply if the trial is held in a place that has been provided (courtroom), or it can also be carried out casuistically in another place in the case of certain criminal cases or certain circumstances. Trials in the court building are carried out according to the Criminal Procedure Code, namely face to face in one room, presided over by a Judge (Majelis) assisted by a Substitute Registrar, and attended by the Public Prosecutor and the Defendant as well as accompanied by their Legal Advisor.

In other situations, whether it is urgent or there is a riot or natural disaster (force majeure), the actual trial examination may be postponed indefinitely. However, in criminal cases, the existence of a limited detention period creates problems for law enforcement against the defendant, even though the detention period can actually be extended in accordance with the Criminal Procedure Code, but the defendant or legal advisor often requests that the prosecution process be carried out as soon as possible, which is understandable because the defendant have rights guaranteed by law, so that in order for the legal process to continue, the court must try to conduct online or teleconference hearings.

The online trial or teleconference process is not regulated in law or at statutory level, however, this is not something new in the practice of criminal procedural law in Indonesia. In 2002, a trial was held via teleconference on the agenda of online witness statements or teleconference, namely in a corruption case that occurred during the leadership of Abdurrahman Wahid. At that time, the South Jakarta District Court Panel of Judges examined the case of the Defendant Rahardi Ramelan with the agenda of listening to the testimony of the witness. At that time the witness was Prof. BJ Habibie, the witness at that time was in Hamburg, Germany with the help of one of the National Private Televisions. In fact, at that time there was no legal protection as a basis for holding online trials, either Perma or SEMA.

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In connection with the online criminal case trial mechanism, the Supreme Court through the Directorate General of the General Justice Agency has issued Letter No. 379/DJU/PS.00/3/2020 dated 27 March 2020 regarding the Virtual Criminal Case Trial mechanism. In this circular, the Badilum Directorate informed all Heads of Courts of Appeal and Heads of Courts of First Instance that due to the emergency period due to the coronavirus outbreak, trials in criminal cases can be held via teleconference or online. Then from that, the Badilum Directorate also gave an appeal to all court leaders to coordinate with the Prosecutor's Office and the Prisoners/Correctional Institutions regarding how technical online or teleconference trials would be carried out but could accommodate the provisions of the applicable procedural law.

These guidelines also apply to the Binjai District Court as a court of first instance during the Covid-19 pandemic, where the responsibilities and work duties of court officials from Judges to Session Clerks (Panitera/Panmud/Substitute Registrar) are carried out in portions adjusted to work from home (work from home) or those who work from the office (work form office).

Even though the trial was carried out using an electronic trial mechanism, the trial procedures starting from the reading of the indictment, objections/responses, examination of witnesses, experts and defendant's statements, demands, defendant's defense, replicas and duplicates still referred to the provisions of the Criminal Procedure Code. The order of trial examinations at the Binjai District Court is as follows:

1. The judge opens the trial and the trial is declared open and open to the public (except certain cases such as immoral cases which must be declared closed to the public);
2. The Panel of Judges ordered the Public Prosecutor to present the defendant before the trial free;
3. The Panel of Judges checked the identity of the Defendant and was asked by the Panel of Judges whether they had received a copy of the indictment;
4. The Defendant is also asked by the Panel of Judges whether he is in good health and ready to be examined before the trial (if he states he is willing and ready, then the trial continues. If the Defendant is sick and not ready to be examined, then the trial is postponed and rescheduled);
5. The defendant is then asked whether he will be accompanied by a legal advisor (if accompanied, will he bring his own, if he does not bring/appoint his own), then a legal advisor will be appointed by the panel of judges in the event that the defendant is threatened with imprisonment for five years or more (article 56 of the Criminal Procedure Code, paragraph (1));
6. Then the Panel of Judges ordered the Public Prosecutor to read out the indictment;

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7. After reading the indictment, the defendant was asked whether he understood and whether he would submit an exception.
8. In the event that the defendant or through his legal advisor submits an exception, he is given the opportunity to formulate the exception/objection by postponing the trial.
9. After reading the defendant's exception, the Public Prosecutor's response to the exception continues.
10. Furthermore, based on the Public Prosecutor's exception and response, the Panel of Judges read out the interim decision.
11. If the exception is rejected, then the trial continues with an examination of the main case (evidence), if the exception is accepted then the criminal case is stopped (the interim decision also becomes the final decision).
12. Examination and taking statements from incriminating witnesses (de charge) submitted by the Public Prosecutor (starting from the victim witness and other witnesses who are related to each other, including the suspects in the case together).
13. If the defendant has a defense witness (a de charge) they can also be examined, then examined by an expert.
14. Then proceed with asking the defendant for information;
15. After the evidentiary event is declared complete, it is then continued with the agenda for reading the Charges by the Public Prosecutor;
16. Then proceed with the defense (pledoi) by the defendant or through his legal advisor;
17. The Public Prosecutor submits a Reply (if any);
18. Duplicate from the Defendant/via Legal Advisor (if any)
19. Reading of the Decision (Verdict) by the Panel of Judges.

4. CLOSING

A. Conclusion

1. The role of the Padang Lawas Resort Police Drug Investigation Unit in handling drug crimes can be resolved well. In resolving a case, the Padang Lawas Police Narcotics Investigation Unit always makes the best possible efforts. The Narcotics Investigation Unit can resolve all cases handled using a variety of resolution processes carried out either openly or using undercover tricks, resulting in a decrease in the number of cases from 2021 to 2023.
2. Obstacles Experienced in the Investigation Process of the Padang Lawas Resort Police Narcotics Investigation Unit in Handling Drug Crimes are as follows:
 - a. Lack of Budget
 - b. Inadequate facilities and infrastructure
 - c. Lack of drug investigation personnel

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- d. The culture of society still covers things up
- e. Each actor is bound to each other
- f. Changeable dark refreshing technique

B. Suggestion

1. Online trials should be equipped with higher regulations than the Supreme Court Regulations or Supreme Court Circulars, this is because Article 28 of the judiciary law mandates the Supreme Court to implement procedural law for the judiciary based on statutory rules both material and formal.
2. Accelerating the use of electronic means in criminal case trials or known as electronic (online) trials must be facilitated with adequate facilities and infrastructure, so that the implementation of online trials can run well, even though currently, online trials have started to stop due to the pandemic. has become endemic. However, it is possible that in the future electronic trials will become a necessity for the sake of digitalization.
3. Improvements to supporting facilities and infrastructure as well as good coordination between the Court, Prosecutor's Office and Detention Center must be improved in order to support the maximum implementation of electronic trials so as to provide legal certainty and justice and not violate the normative rights of the Defendant as well as the normative rights of the Victim both individually and collective.

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