



Implementation of online public prosecution cases by surakarta state prosecutor's office as form of progressive law enforcement

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Abstract

Coronavirus Disease (Covid-19) pandemic since the end of 2019 has swept the world including Indonesia and influenced the way of law in Indonesia. In the context of breaking the chain of the spread of the COVID-19, the Government of Indonesia as part of the world community is committed to making efforts to prevent the emergence of public health disquiet that is troubling the world. This is as mandated in international regulations in the health sector, namely issuing Law Number 6 of 2018 on Health Quarantine, which aims to protect the public from diseases and/or Public Health Risk factors that have the potential to cause a Public Health Emergency. Furthermore, this was followed up by the Indonesian Attorney General's Office, the Ministry of Law and Human Rights, the Supreme Court of the Republic of Indonesia, and the Indonesian Police, which issued a policy to deal with the spread of Covid-19. One of them is an online trial that has not yet been regulated in the legislation as a procedure for the trial examination process that has been contained in the Criminal Procedure Code (KUHP) but as a form of innovation from how to do progressive law.

Keywords: Covid-19, Indonesian attorney general's office, online trial, criminal procedure code, progressive

1. Introduction

The existence of a criminal case is born because there is a criminal act handled by law enforcement. Criminal cases always arise when there is a criminal process. The crime is an inseparable part of human life in the world. All human activities, whether political, social and economic, can be a cause of crime. As long as there is life, it is certain that crime arises and therefore criminal cases occur^[1].

Law enforcement through the criminal justice system is currently still dominated by the way of thinking of legalism, namely the way of law enforcement (criminal) which only relies on statutory regulations only. This way of looking at legal issues as black and white issues, even though the law is not merely a vacuum that is sterile from non-legal concepts. The law must also be seen from a social perspective as a behavior that is actually acceptable to and for all people in it^[2].

Lately, the world and Indonesia, in particular, are facing a virus pandemic problem known as the corona. The coronavirus pandemic is an ongoing coronavirus pandemic in 2019 (COVID-19) caused by severe acute respiratory syndrome (SARS-CoV-2). This outbreak was first recorded in Wuhan, Hubei Province of China, in December 2019. The World Health Organization (WHO) declared the outbreak as a Public Health Emergency of International Concern on 30 January 2020 and was recognized as a pandemic on 11 March 2020. On 5 April 2020, more than 1.23 million COVID-19 cases have been reported in more

than 200 countries and territories resulting in around 67,200 (sixty-seven thousand two hundred) deaths although there were more than 252,000 (two hundred fifty-two thousand) people declared recovering.³ Whereas in Indonesia based on data from the Ministry of Health of the Republic of Indonesia, on 12 April 2020 at 12 WIB in 34 Provinces, there were 4,241 (four thousand two hundred forty-one) people tested positive for Covid-19, 359 (three hundred and fifty-nine) people recovered, and 373 (three hundred and twenty-three) people died.

Related to this incident, the Government of Indonesia as part of the world community is committed to making efforts to prevent the emergence of public health disquiet that is troubling the world as mandated in international regulations in the health sector by issuing Law Number 6 of 2018 on Health Outrage. One of the main points is the Implementation of Health Outreach aimed at protecting the public from diseases and/ or Community Health Risk factors that have the potential to cause a Public Health Emergency. (Article 3 letter a)

In the case of the process of law enforcement, this certainly becomes a separate issue such as how the process of handling legal cases both criminal and civil cases can continue to run as it should. On the other hand, the parties, both Law Enforcement Officials and Suspects / Defendants, can still avoid the Covid-19 pandemic. This turned out to also be the mind of the leaders of law enforcement agencies in Indonesia, one of which was by the Indonesian Attorney General's Office by S.T. Burhanuddin, Indonesian Attorney General. When holding a meeting through the Video Conference with the Head of the Indonesian High Prosecutors Office on March 24, 2020, He responded to this

¹ Bambang Waluyo, 2015, Summary of Dissertation; the Prosecutor's Function Realizes the Nature of Restorative Justice in the Settlement of Criminal Cases Outside the Court. Jakarta: Prosecutor. Introduction Chapter.

² Mahrus Ali, Progressive Criminal Justice System; Alternatives in Criminal Law Enforcement, Journal of Law. NO.2 VOL. APRIL 14, 2007: 210 - 229210

³ https://en.m.wikipedia.org/wiki/2019-20_coronavirus_pandemic accessed on April 6, 2020 at 12:36

event by stating that "I challenge the State High Prosecutors Office in Indonesia that from today they can coordinate with the ranks of the Courts and Administrative Institutions at the area. How we can conduct a trial using Video Conference". Furthermore, in a different teleconference opportunity, ST Burhanuddin, Indonesian Attorney General, also conveyed motivational words to his staff that "Make innovation to improve legal services to the community. Let's make the Prosecutors' Office more modern! Come on you all as Adhyaksa be enthusiasm to make changes/innovations!!" Encouraged by enthusiasm and motivation, in fact, the Prosecutors throughout Indonesia were able to answer these challenges by creating online hearings. In just three days, on 12 March, 30 March, and 31 March 2020, the Prosecutor's Office coordinated with the Court to conduct the Trial by teleconference during the Covid-19 countermeasure. Data received from the Center for Criminal Statistics and Information Technology Data that there have been more than 330 (three hundred thirty) State Attorney Units in Indonesia have conducted Trials by teleconference with a total number of trials totaling 1509 (one thousand five hundred nine) cases. In addition, the Indonesian Attorney General's Office has also been able to innovate and improvise by carrying out Phase 2 (Delegation of Authority over Suspects and Evidence from Investigators to the Public Prosecutors by online means; as carried out by Prosecutors at the Bengkulu State Prosecutor's Office and several District Attorney Officers at Aceh, even some of them are innovating one step further in transferring online case files with electronic file formats of Pdf, as was done by Prosecutors at the Karangasem District Attorney in Bali so that these innovations become practical and modern following the times and conditions Indonesia as it is today. Many people still think that the law is considered as the most important instrument in legal reform. This is also influenced by the legal system adopted by Indonesia, namely the European Continental or Civil Law system with the well-known adage that "there is no law other than law". But over the centuries, the history of law records the legal system as complex and complicated. This is in line with community life that continues to grow dynamically which raises demands for change so that law enforcement is needed which is more inclined to a sense of justice in society. Therefore, instilling understanding in law enforcement officials, especially in prosecutors who carry out the task of prosecution, must also seek the view of progressive jurists that the law is for humans, not the other way around. When faced with limitations, such as laws and regulations, there are no rules relating to court procedures other than those contained in the Criminal Procedure Code or other laws and regulations. This makes the process of prosecuting cases of general criminal acts, as a result of an extraordinary event such as that faced by Indonesia today still be able to proceed with the act of changing the legal system so that the law is more useful and beneficial. Based on this, the author would like to know more about how the implementation of the Online Public Prosecution Case by the Surakarta State Prosecutor's Office as Form of Progressive Law Enforcement.

1. Legal Research

This type of research uses socio-legal research, socio legal study is an interdisciplinary approach to analyze the law, legal phenomenon, and relationships between these and

wider society. Both theoretical and empirical work is included, and perspectives and methodologies are drawn from the humanities as well as the social sciences ^[4].

Sabian Uthman explained that law can be studied and researched as a study of law that actually lives in society as a non-doctrinal and empirical study ^[5].

Starting from the view that law is a manifestation of the symbolic meanings of social actors as seen from the interaction between them (the community), the data obtained by researchers both primary and secondary data will explain, describe and illustrate the problem and its resolution which is closely related to this research namely about the online trial at the District Prosecutor's Office of Surakarta.

2. Discussion and research result of implementation the Online Public Prosecution Case by the Surakarta State Prosecutor's Office as Form of Progressive Law Enforcement

For the sake of the implementation of the Integrated Criminal System that is optimal in the framework of conducting online trial/hearings, the Indonesian Attorney's Office coordinates with the Court, House of Defense / Penitentiary, and the Indonesian Police as the Pointer of the Attorney General in a Teleconference of the Attorney General's Office to the Chief Prosecutor in Indonesia, in Jakarta On Friday, 3 April 2020, the main point was to discuss legal products issued by the Attorney General's Office, the Supreme Court, the Police and the Ministry of Justice and Human Rights published in response to the Covid-19 Pandemic, including:

1. The Indonesian Attorney General's Office publishes:
 - a. Circular of the Attorney General of the Republic of Indonesia Number 2 of 2020 concerning Adjustment of Employee Work System in the Prevention of Covid-19 Spread in the Prosecutor's Office of the Republic of Indonesia, which regulates "Work from Home" for Attorney Staff to prevent the spread of the virus.
 - b. Instruction of the Attorney General of the Republic of Indonesia No. 5 of 2020 concerning Policy Implementation of Duties and Handling of Cases During the Prevention of Covid-19 Spread in the Republic of Indonesia's Prosecutor's Office, which basically regulates the refocusing assistance for budget revisions, coordination with LKPP, APIP, and optimization of case handling using inspection of events brief and conduct of a teleconference trial
 - c. Letter of Deputy Attorney General for General Crimes Number B-12221 / E / Ejp / 03/2020 dated 23 March 2020, concerning the Handling of Cases of Public Crimes during the Covid-19 emergency response period, which is principally for the State Prosecutor and Attorney General's Office in regions to coordinate with the Police, the Ministry of Law and Human Rights, and the Courts related to the postponement of new custody and in and out of detention.
 - d. Letter of the Attorney General of the Republic of Indonesia Number B-049 / A / SUJA.03 / 2020 dated

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<http://www.bl.uk/reshelp/findhelpsubject/busmanlaw/legalstudies/soclegal/sociolegal.html> accessed on April 18, 2020 at 21:00 AM

⁵ Sabian Utsman, 2013, Fundamentals of Legal Sociology: Equipped with Legal Research Proposals (Legal Research). Yogyakarta, Pustaka Belajar, P.310

- 27 March 2020, concerning the Optimization of the Implementation of Duties, Functions, and Authority in Efforts to Prevent the Spread of Covid-19 which is principally related to the handling of cases, the promotion of video conference streaming media in the trial process, the application of the trial through the examination of short events, communication and coordination with the Court, Police, and the Ministry of Justice and Human Rights
- e. Letter of Indonesian Attorney General Circular Number 4 of 2020, concerning Amendment to Letter of Indonesian Attorney General Circular Number 2 of 2020, concerning Adjustment of Employee Work System in Prevention of Corona Virus Disease Spread (COVID-19) in the Indonesian Attorney General Office, which is principally the Leadership The Work Unit within the Indonesian Attorney General's Office is given the authority to implement Work from Home policies, especially work units located in the red zone on the COVID-19 distribution map issued by the Central Government and Regional Governments, based on the intended circular so that the implementation of tasks and functions continues to run effectively and efficiently.
 2. The Supreme Court of the Republic of Indonesia issues a Letter of Director General of the General Court of Justice (Supreme Court) Number: 379 / DJU / PS.00 / 3/2020 dated 27 March 2020, concerning Teleconference Criminal Cases. The letter principally states that during an emergency disaster a disease outbreak due to the corona virus, the trial of the case can be conducted remotely or teleconference.
 3. The Indonesian National Police through the Chief of Police's Telegram Letter Number ST / 1007 / III / HUK.5 / 2020 dated 27 March 2020, which essentially states that the Police coordinate with the Head of the State High Prosecutor's Office, Regional Office of the Ministry of Law and Human Rights, and the Chair of the High Court / District Courts in each jurisdiction to postpone the transfer of suspects and Stage II evidence. Apabibla urged that if the detention period expires, Phase II will continue to be carried out provided that the Police investigator is willing to accept the detention custody and conduct the trial in accordance with the schedule set by the Panel of Judges.
 4. Ministry of Law and Human Rights through Decree of the Minister of Law and Human Rights Republic of Indonesia Number M.HH-19.PK.01.04.04 of 2020 and Letter of Circular of the Directorate General of Corrections Number: PAS.497.PK.01.04.04 of 2020, concerning Expenditures and Release of Prisoners and Children through Assimilation and Integration in the Prevention and Control of the Distribution of Covid-19.
 5. Furthermore, these rules were confirmed in a joint agreement between the Supreme Court of the Republic of Indonesia, the Indonesian Attorney General's Office and the Indonesian Ministry of Law and Human Rights on Monday, April 13, 2020 Number 402 / SJU / HM.01.1 / 4/2020, KEP Number -17 / E / Ejp / 04/2020, Number PAS-08.HH.05.05 of 2020 concerning the Implementation of Trial Through Teleconference as a guideline for the parties in carrying out trial activities through Teleconference.

Online criminal proceedings, also called teleconferences or electronic hearings or e-Trial, mean that the implementation of the examination process to prove a criminal act carried out by the Panel of Judges and their clerks, the Public Prosecutor and the Defendant and their Legal Counselors do not have to be in the same place but still connected in a trial process through an electronic media. This is contrary to the general trial process where the parties, both the Panel of Judges and their clerks, the Public Prosecutor and the Defendant and their Legal Counsels can meet directly in a courtroom.

The online criminal trial as challenged by the Attorney General submitted to the High Prosecutors Office in Indonesia is certainly a new idea about how we innovate to carry out work in handling cases in the Covid-19 pandemic so that the handling of criminal cases is proceeding smoothly. On the one hand, the call of the President of the Republic of Indonesia to carry out physical distancing can still be carried out. Because the online trial of this criminal case is new, there are no technical regulations regarding its implementation which are regulated in the form of legislation and some even say that this online trial is invalid by reason of violating the Criminal Procedure Code.

The legal basis for conducting online court hearings is because of an "emergency" that is still in the form of Instructions/ Orders from the Head of Law Enforcement Agencies, which are still considered imperfect. Because it has not yet been set out in the form of legislation that is different from the usual trial hearings, the clear rules are in the Criminal Procedure Code for the examination of general criminal acts or in Law Number 11 of 2012 concerning the Juvenile Justice System for special cases of children dealing with the law.

The next problem is about several provisions in the Criminal Procedure Code, including:

1. Article 160 paragraph (1) letter a, Criminal Procedure Code states that witnesses are called into the courtroom.
2. Article 167 paragraph (1) of the Criminal Procedure Code implicitly requires that witnesses be physically present in the courtroom. "After the witness gave his statement, he still present at the hearing unless the presiding judge gave permission to leave"
3. Article 195 of the Criminal Procedure Code states that all court decisions are only valid and have legal force if pronounced in a hearing open to the public. According to Bagir Manan, the verdict was once pronounced, then it became public property. Because it is said in an open session, it belongs to the public, no longer the property of those who only have cases. Everyone who has an interest has the right to know that decision.

The online trial is not able to fulfill what has been stipulated, however, justice must still be upheld in the community. If you wait for the perfection of the rules related to online trial examination procedures, it is possible that injustices will be felt by the people who deal with the law and the law "temporarily" becomes useless because there are no rules in accordance with current conditions.

The position of the Prosecutor's Office in criminal justice is decisive because it is a bridge that connects the investigation stage with the examination stage at a court hearing. Prosecutors

conduct prosecutions for and on behalf of the state so that prosecutors are the only officials who have the authority to

prosecute ^[6].

UU no. 16 of 2004 concerning the Indonesian Attorney General's Office has arranged the duties and authority of the Prosecutor's Office as determined in Article 30, including:

1. In the criminal field, the Prosecutor's Office has the following duties and authorities:
 - a. Prosecute;
 - b. Carry out the determination of judges and court decisions that have obtained permanent legal force;
 - c. Supervise the implementation of conditional criminal decisions, supervision criminal decisions, and conditional decisions;
 - d. Carry out investigations on certain criminal acts based on the law;
 - e. Complete a specific case file and for that reason can carry out additional examinations before it is submitted to the court which in its implementation is coordinated with the investigator.
2. In the field of civil and state administration, the Prosecutor's Office with special powers can act both inside and outside the court for and on behalf of the state or government.
3. In the field of public order and peace, the Prosecutor's Office organizes activities:
 - a. Increasing public legal awareness;
 - b. Safeguarding law enforcement policies;
 - c. Safeguarding the circulation of printed matter;
 - d. Supervision of trust in society that can endanger the community and the state;
 - e. Prevention of abuse and / or blasphemy of religion;
 - f. Research and development of criminal statistics law

As stipulated in Article 30 paragraph (1) letter a, the Prosecutor's Office in the Criminal field has the authority in the prosecution. Technically juridical that what is meant by Prosecution is as described in article 1 number 7 of the Criminal Procedure Code which reads as follows:

"Prosecution is an act of the public prosecutor to submit a criminal case to the District Court who is authorized in matters and in the manner stipulated in this law with a request to be examined and decided by a judge in a court hearing"

While technically administrative, the prosecution began since Phase II, namely the surrender of the responsibility of the suspect and evidence from the Investigator to the Public Prosecutor. After that phase II, the Public Prosecutor has the authority to determine the attitude to overflow or stop the case as stipulated in Article 139 of the Criminal Procedure Code that if it meets the requirements, the Public Prosecutor shall make a further indictment for prosecution (Article 140 paragraph (1)) whereas if it does not meet the requirements, if the case is not a criminal offense, insufficient evidence and or closed for law, the prosecution is stopped (article 140 paragraph 2 a)

The scope of the prosecution is as follows:

1. Phase II (assigning the responsibility of the suspect and evidence from the investigator to the public prosecutor (Article 8 paragraph (3) of the Criminal Procedure Code)
2. Termination of prosecution (Article 140 paragraph (2) of the Criminal Procedure Code)

3. Compilation of the indictment (Article 140 paragraph (1), Article 143 paragraph (3) of the Criminal Procedure Code)
4. Submission of cases to the Court (Article 143 paragraph (4) of the Criminal Procedure Code)
5. Case investigation in court (Articles 152 -182 the Criminal Procedure Code)
6. Proof (Articles 183-189 of the Criminal Procedure Code)
7. Claims (Article 182 of the Criminal Procedure Code)
8. Defense / Pledoi (Article 182 of the Criminal Procedure Code)
9. Replic
10. Duplic
11. Decisions (Articles 191 and 193 of the Criminal Procedure Code)

The prosecution of a case can be done in various ways that are influenced by the severity of a case or the complexity of a case and the threat of punishment. The types of prosecutions include:

1. Prosecution with a quick inspection (Article 205-216 Criminal Procedure Code)

This is for cases that fall into the category of minor criminal offenses (*tipiring*) and cases of road traffic violations. Prosecution with a quick inspection was carried out by the Investigator.
2. Prosecution with a brief examination (Article 203-204 Criminal Procedure Code)

This is for the type of case that is not included in a quick examination, the verification and application of the law are easy and simple in nature. The Public Prosecutor only needs to make a "replacement" record of the indictment.

3. Prosecution by ordinary inspection (Article 152-182 of the Criminal Procedure Code)

This is for the types of cases that are not included in the Quick Examination Program or the Short Examination Program where the evidence is difficult and not simple in nature so that the prosecution is stated in the indictment with the trial examination process in the District Court following the rules in the Criminal Procedure Code

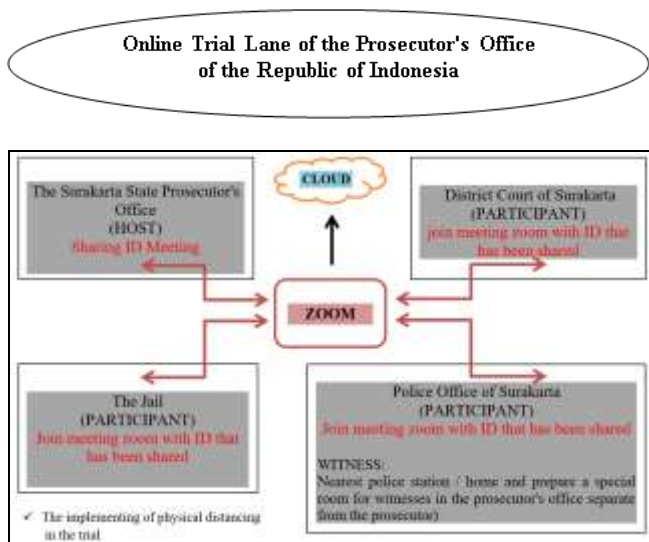
Public Crimes is one of the fields in the Prosecutor's Office that specifically deals with cases that fall into the specified general criminal category, other than those from Special Criminal Acts, Civil Cases, and State Administration Cases. The Public Crimes Case in the Republic of Indonesia Attorney's Office is currently classified into 4 parts, namely: a general crime case against people and property, a general crime case against public order and other public offenses, a general crime case related to narcotics and other addictive substances, and general criminal cases related to terrorism and transnational crime.

The handling of cases of general criminal acts during the period of preventing the spread of Covid-19 within the Indonesian Attorney General's Office is carried out by innovating in conducting trials. The Surakarta State Prosecutor's Office conducted an online session as directed by the Indonesian Attorney General during a teleconference and as stated by the Attorney General's Instruction No. 5 of 2020 regarding Policy Implementation of Duties and Handling of Cases during the Prevention of Covid-19 Dissemination in the Indonesian Attorney General's Office,

⁶ Yudi Kristiana, 2006, Independence of the Prosecutors' Office in Corruption Investigations, Bandung, PT. Citra Aditya Bakti, Thing. 52

which basically regulates the refocusing assistance of revision revisions budgeting, coordinating with LKPP, APIP, and optimizing case handling using a short event examination and teleconference hearing.

Online public criminal prosecution carried out in the Surakarta State Prosecutor's Office begins with the coordination conducted by the Surakarta State Prosecutor's Office together with the Surakarta State Court, Surakarta Class 1A Detention Center and the Surakarta City Police at the Surakarta District Court Office, on Monday the date 23 March 2020, which resulted in an agreement regarding the handling of cases online in the conditions of the Covid-19 pandemic in Indonesia. In this case, the city of Surakarta is one that belongs to the red zone. The case handling referred to includes examination of the suspect and evidence at the time of stage II (Delegation from the Investigation stage to the Prosecution stage) and hearing examination for the verification of cases of general criminal offenses. In the case of a hearing examination to prove general criminal cases, it is carried out using the Zoom application which connects the courtroom in the Surakarta District Court with the Surakarta District Prosecutor's Office and Surakarta Class 1A Detention Center with a plot that can be described as follows:



The online trial is ready to begin

<p>Legal Basis:</p> <p>Letter of Director General of Badilium number 72 / DJU / PS.00 / 3/2020 and Letter of Attorney General Number B-049/A/ SEJA /03/2020 Date March 26, 2020</p>	<p>Equipment needed:</p> <ol style="list-style-type: none"> 1. Camera (recommended logitec BCC950) 2. TV or projector 3. Enterprise zoom 4. Internet network 5. Supporting software
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Source: PUSDASKRIMI of the Attorney General's Office

Based on the scheme in the picture, it can be explained that in the Surakarta State Prosecutor's Office, the Public Prosecutor will conduct an online trial as the Host who will later distribute ID meetings to the Surakarta State Court where the Panel of Judges and Registrar will hold an online hearing. In the Class IA Detention Center in Surakarta, the Defendant will conduct an online hearing and the Surakarta City Police Department along with witnesses or the Defendant (who is affected by the policy of not being able to enter the Detention Center) will conduct a joint hearing. The technical description of this online trial is not standard

as written. In practice, the Hosts who distribute ID Meetings are the Surakarta District Court while the Surakarta District Attorney, Surakarta IA Class Detention Center, and the Surakarta City Police Force, will later receive the ID to join a meeting to conduct an online trial. In addition, in practice, Witnesses can be examined from the Surakarta State Prosecutor's Office or the Surakarta District Court. The Defendant's Legal Counsel can assist the Defendant both from the Surakarta Class IA Detention Center and from the Surakarta District Court Office. Defendants who are not arrested can be presented both in the Surakarta District Court and the Surakarta State Prosecutor's Office.

The Surakarta District Prosecutor's Office conducts online hearings every Monday to Thursday, with an average of 5 (five) to 10 (ten) cases with trial agenda varying from the reading of the indictment, exceptions by the Legal Counsel and the Defendant, Examination Witnesses and Defendants up to the Readings of Pledoi, Claims, and Decisions. The online trial which was held at this time sometimes encountered a few obstacles, namely related to image quality and sound quality, which was sometimes still intermittent due to equipment and networks, but this, in general, did not greatly affect the course of the trial.⁷

Suteki in his paper entitled "Becoming progressive law enforcement" explains that Progressive Law is a legal thinking that seeks to fight for justice and benefit, rather than legal certainty. At the level of law enforcement, ideas and progressive movements, it can be seen in how progressive law enforcement is sensitive in using discretion and/or rule-breaking, whether judges, police, prosecutors, and regional governments, should use their authority to protect the interests of the community poor and marginal. From the ontology aspect, the concept of law in progressive law is interpreted as "not only rules and logic but also behavior", so that progressives are not only a matter of enforcement (behavior) but also material/substance (rules) including how to use the logic of the law. Since the 1970 Judicial Power Law, legal material has actually been progressive and has given space to the Judges not to be fixed on the sound of the law, but rather to explore the values and sense of justice that lives in society. This continues to be carried out until the latest Judicial Power Act, Law No. 48/2009. In addition, the Law on the Indonesian National Police, Law No. 2/2002 mentions how the police are allowed to take legal action under consideration "Self-assessment" in the public interest. This is also seen in the Law on the Juvenile Justice System which actually provides room for diversion in resolving criminal cases involving children. This proves that the law in the sense of legislation can also be progressive, not only enforcement but also enforcement processes.

For progressive law, the process of change is no longer centered on regulations but on the creativity of legal actors who actualize the law at the right time and space. Progressive legal actors can make changes by making creative meanings of existing regulations without having to wait for changing the law. Bad rules or weak rules do not have to be a barrier for justice seekers because they can make new interpretations every time for a rule. For this reason, for the benefit of the law to be felt, it requires the

⁷ Interview with the Head of the Public Crimes Section at the Surakarta District Prosecutor's Office, Cahyo Madiastrianto, SH., MH on Monday 13 April 2020 at 09.00 AM

services of creative legal actors to translate the law for social interests that must be served. Based on this theory, justice cannot be directly found through a formal logical process. Justice is actually obtained through institutions. Therefore, formal-logical arguments are "sought" after justice is found to frame the juridical-formal decisions that are believed to be fair. Therefore, the concept of progressive law, the law does not serve for itself, but for purposes that are outside him. So that the existence of a breakthrough online trial conducted by the Surakarta State Prosecutor's Office in handling general criminal cases has been in line with this progressive legal thinking.

3. Conclusion

The prosecution of the general criminal case conducted online by the Surakarta State Prosecutor's Office is a new policy in law enforcement efforts intended to respond to Indonesia's current situation. This is a way to succeed in the Government's policy in an effort to prevent the emergence of public health emergencies that are troubling the world because of the Covid-19 pandemic. In addition, efforts should be made to deal with legal issues, especially the handling of cases of general criminal offenses that can continue as they should. Although not all parties agree on the way to hold an online session or trial as it is today, the reasons are not legal and are not regulated in the legislation, but this will not be a problem if the meaning of the law is progressive. In reality, what is stated in the legislation does not always accommodate legal issues while justice and legal benefits are urgently needed by the community in urgent conditions due to the current Covid-19 pandemic, and the mutual agreement (Memory of Understanding) between the Indonesian Supreme Court, the Indonesian Attorney General's Office and the Ministry of Law and Human Rights shows that there has been an understanding between these law enforcement agencies about solving solutions to the way of punishment in the current situation. Even as stated by Yudi Kristiana in his brief learning opportunity, it is very possible that this kind of punishment will be the beginning of a new law innovation that is more efficient and effective in dealing with the Industrial 4.0 era.

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