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Polemic on the Legitimacy of Proof of E-Court Trial at the State Administrative Court (Harmonization of Legal Courts and Information Technology in the Covid-19 Pandemic Era)

Andrean Al Ikhsan¹, Rachman Adi Wibowo^{2*}

¹ Al-Farabi Kazakh National University, Kazakhstan

² Faculty of Law, Universitas Negeri Semarang, Indonesia

* Corresponding author: rachmanadi@mail.unnes.ac.id

Abstract

Amid the global upheaval caused by the Covid-19 pandemic, this study navigates the challenges presented by the perilous situation, focusing specifically on the transformation of legal proceedings. The pandemic, posing risks to public health, compelled the imposition of widespread restrictions, limiting various community activities and direct interactions. This shift had profound implications for the justice system, prompting a departure from the conventional practice of open and in-person court proceedings. In response to these unprecedented circumstances, the legal arena saw the emergence of online courts, commonly known as e-courts, as an alternative to traditional court setups. The study seeks to critically examine the effectiveness and legitimacy of e-courts during this tumultuous period. Utilizing a literature study method, the research delves into relevant books and literature, emphasizing the collection of data to assess the harmony between legal court proceedings and information technology in the context of the pandemic. The primary goal is to scrutinize the polemics and challenges surrounding the implementation of e-courts, particularly in the State Administrative Court. As the study unfolds, it reveals a nuanced perspective on the harmonization of legal courts and information technology during the Covid-19 pandemic. The discussion extends to the legitimacy of proof in e-court trials, with a specific focus on the State Administrative Court.



The analysis underscores the necessity of maintaining a balance between conventional and electronic trial methods to ensure a comprehensive and reliable legal system. In addition, the research contends that despite the convenience offered by e-courts, doubts persist regarding the legitimacy of evidence presented in electronic trials, particularly in the administrative context. The findings contribute valuable insights that can inform future legislative efforts, guiding the harmonization of legal courts and information technology. Ultimately, the study aims to foster the development of a robust legal framework that addresses the polemics surrounding e-court trials, enhancing their legitimacy and efficacy in the ongoing and post-pandemic era.

Keywords

E-Court, Judicial Evidence, State Administrative Court, Validity

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Introduction

The relentless pace of technological advancement in the current era has become unstoppable. In tandem with a progressively intricate global scenario, the imperative to harness technology on an unprecedented scale has intensified within the world community. This imperative arises from the need to sustain activities, avoid falling behind, and ensure the safety of communities by reducing physical gatherings, thereby mitigating the spread of the Covid-19 virus.¹ The swift pace of digitalization has spurred the incorporation of

¹ Thaba, Suryani, Hamzah Hamzah, and Sudirman Sudirman. "Efektivitas Pelaksanaan E-Court Semasa Pandemi Covid-19 di Pengadilan Agama Sorong." *Muadalah: Jurnal Hukum* 1, no. 2 (2021): 1-18; Sodik, Azis Ahmad. "Justiciabelen: Penegakan Hukum di Institusi Pengadilan dalam Menghadapi Pandemi Covid-19." *Khazanah Hukum* 2, no. 2 (2020): 56-64; Rosady, Rakyu Swarnabumi R., and Mulida Hayati. "Sistem E-Court dalam Pelaksanaan Peradilan di Indonesia Pada Masa Pandemi Covid-19." *Jurnal Ilmu Hukum Tambun Bungai* 6, no. 2 (2021):

technology into the prevailing legal and judicial framework in Indonesia. While the country may lag slightly behind nations that have already embraced online courts or remote proceedings, commonly known as e-courts, the shift towards this digital transformation is unmistakably underway.²

Numerous challenges have emerged in the legal landscape, particularly in adapting to the constraints posed by the ongoing pandemic. These hurdles, previously perceived as rigid within legal nuances, now demand a flexible response to align with contemporary demands. The impediments faced in delivering justice during these extraordinary times should not serve as insurmountable barriers. It is imperative for law enforcers and advocates to navigate dynamically through these challenges, acknowledging the global impact of the COVID-19 pandemic.

The predominant obstacle lies in the restrictions imposed, significantly limiting face-to-face interactions. This stands in contrast to the traditional notion that trials must be conducted in person, adhering to the principle of openness to the public. Despite these constraints, the legal system must persevere in its commitment to upholding justice on a broad scale, necessitating a nimble adaptation to the evolving circumstances brought about by the pandemic.³

125-143; Adisti, Neisa Angrum, et al. "Pelaksanaan Persidangan Perkara Pidana Secara Elektronik Pada Masa Pandemi Covid 19 di Pengadilan Negeri Kota Palembang." *Jurnal Legislasi Indonesia* 18, no. 2 (2021): 222-232.

² Safitri, Dewi, and Bambang Waluyo. "Tinjauan Hukum Atas Kebijakan Sistem Peradilan Pidana Secara Elektronik di Masa Pandemi Covid-19." *National Conference on Law Studies (NCOLS)* 2, no. 1 (2020); Fattah, Muhammad Irsyad, Anwar Sadat, and Hasan Basri. "Efektivitas Persidangan Secara Elektronik (E-Litigasi) Pada Masa Pandemi di Pengadilan Agama Polewali." *Qisthosia: Jurnal Syariah dan Hukum* 3, no. 1 (2022): 48-62; Safitri, Dewi, and Bambang Waluyo. "Optimalisasi Kebijakan Sistem Peradilan Pidana Secara Elektronik di Masa Pandemi Covid-19." *JUSTITIA: Jurnal Ilmu Hukum dan Humaniora* 8, no. 2 (2021): 279-287.

³ Yusandy, Trio. "Kedudukan dan Kekuatan Pembuktian Alat Bukti Elektronik dalam Hukum Acara Perdata Indonesia." *Jurnal Serambi Akademika* 7, no. 5 (2019): 645-656; Putra, Dedi. "A modern judicial system in Indonesia: legal breakthrough of e-court and e-legal proceeding." *Jurnal Hukum dan Peradilan* 9, no. 2 (2020): 275-297; Chamdani, Asri Wijayanti.

In the further context, in the evolving landscape of legal proceedings, the integration of technology has become increasingly prevalent, with online courts, commonly known as e-courts, emerging as a transformative force. This paper delves into a critical examination of the legitimacy of proof within the realm of e-court trials, specifically focusing on the State Administrative Court. The ongoing global challenges, exacerbated by the Covid-19 pandemic, have accelerated the adoption of digital solutions within the legal domain. Amid this rapid shift, questions surrounding the authenticity and credibility of evidence presented in e-court trials have surfaced, sparking a polemic on the efficacy and legitimacy of such proceedings.⁴

Moreover, the use of electronic courts (e-courts) during the Covid-19 pandemic has been a topic of debate, with some scholars highlighting their benefits. Novitasari and Gracia both emphasize the importance of e-courts in ensuring legal certainty and preventing the spread of the virus.⁵ However, Naichenko and Kalanauri raise concerns about the lack of regulation and technical support, as well as the need for further study and refinement of procedural codes.⁶ Despite these challenges, the potential for e-courts to improve efficiency and access to justice is recognized.

"Critical Analysis about Legal Evidence in Court in the Justice System in Indonesia." *Journal of Positive School Psychology* 6, no. 2 (2022): 5867-5870.

⁴ Iswanto, Wahyu. "Persidangan Pidana Secara Online, Respon Cepat Mengadapi Pandemi Covid-19." *Jurnal Hukum dan Bisnis (Selisik)* 6, no. 1 (2020): 56-63; Razaq, Nur Akmal. "Legalitas Persidangan Daring di Masa Pandemi Covid-19 dalam Pespektif Hukum Pidana." *Jurnal Inovasi Penelitian* 1, no. 6 (2020): 1227-1230; Putri, Mery Christian, and Erlina Maria Christin Sinaga. "Disrupsi Digital Dalam Proses Penegakan Hukum Pada Masa Pandemi Covid-19." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 1 (2021): 79-95.

⁵ Novitasari, Indriyani, Indriati Amarini, and Astika Nurul Hidayah. "Electronic Trial in Criminal Cases During the Covid-19 Pandemic (Study at The Purwokerto District Court)." *UMPurwokerto Law Review* 2, no. 2 (2021): 163-171; Ocarina, Majolica Fae, and Ronaldo Sanjaya. "Eksistensi E-Court untuk Mewujudkan Efisiensi dan Efektivitas Pada Sistem Peradilan Indonesia di Tengah Covid-19." *Jurnal Syntax Transformation* 2, no. 4 (2021): 496-507.

⁶ Naichenko, Alona. "E-Evidence And E-Court in the Context of the Covid-19 Pandemic: A Study from Ukraine." *Access to Justice in Eastern Europe* 4, no. 12 (2021): 163-181; Iqbal Kalanauri, Zafar. "Electronic Filing System, Virtual Courts & Online Dispute Resolution-Need

This study navigates through the complexities of the intersection between legal proceedings and information technology, shedding light on the harmonization of these two domains. The focus on the State Administrative Court provides a unique perspective, considering the nuances of administrative law in the context of e-court trials. As we explore the intricacies and challenges surrounding the legitimacy of proof in this evolving landscape, this paper aims to contribute valuable insights to the ongoing discourse on the transformation of legal systems in the digital era.

This research aims to contribute contemporary insights to the ongoing discourse on policy reform within the Indonesian judiciary. The introduction of online courts, commonly referred to as e-court, represents a pioneering government initiative initiated by the then Chairman of the Supreme Court—M. Hatta Ali. In its inaugural year, 24 cases were processed online, marking a noteworthy transition from traditional manual systems. The study finds its relevance amplified in the wake of the Covid-19 pandemic, which has accelerated the shift from manual to fully digitalized judicial processes. This transformation, particularly within the judiciary, warrants comprehensive analysis, especially considering the substantial implications for legal proceedings. Furthermore, the research recognizes the public discourse surrounding e-court implementation, encompassing diverse opinions that either support or contest its existence.

Legitimacy Dilemmas in State Administrative Court E-Court Trials

CONSIDERING INDONESIA'S IMMENSE population, ranked fourth globally, and the evident thirst for justice within the nation, addressing the needs of its citizens presents a formidable challenge. According to the Central

of the Hour for Pakistan Legal System." *International Journal for Electronic Crime Investigation* 5, no. 1 (2021): 17-30.

Statistics Agency (BPS), the 2020 population census indicated a staggering 270.20 million people in Indonesia by September, with an increase to 271.35 million by December 2020. The sheer magnitude of the population, combined with the diverse landscape and natural resources, creates significant obstacles to promptly and effectively extending justice outreach to all individuals and communities across the archipelago. The urgency of meeting this demand for justice is underscored by the complexity of the task, requiring innovative and efficient solutions to ensure equitable access to justice throughout the nation.

The myriad challenges faced by our nation necessitate a profound shift towards genuine modernization. Legal reform, in particular, demands a comprehensive overhaul to establish a system of justice that is both equitable and accessible to all citizens.⁷ Presently, the focus on modernization has been predominantly centered on bolstering the economy, leaving the legal framework somewhat untouched. The prevailing legal order exhibits a certain rigidity, seemingly resistant to substantial change. However, this inherent resistance is a characteristic that needs to be addressed, as the law requires reform to adapt to evolving societal needs and to ensure the proper and steadfast administration of justice. The imperative for change extends beyond economic considerations, calling for a holistic transformation in legal practices to foster a more just and accessible legal system for the entire nation.

Indonesia possesses the capability to leverage information technology across diverse sectors, and the administration of justice is no exception. The advancement of technology can significantly streamline the court administration process, providing a convenient avenue for individuals to assert their rights through claims, lawsuits, and applications without enduring lengthy queues and physical presence in court.⁸ Furthermore, recent global challenges, including the health and economic recovery efforts faced by

⁷ Syarifuddin, Muhammad. *Transformasi Gigital Persidangan di Era New Normal: Melayani Pencari Keadilan di Masa Pandemi Covid-19*. (Jakarta: Imaji Cipta Karya, 2020).

⁸ Muni, Abd. "Telaah Perkembangan E-Court di Indonesia (Romantisme Peradilan dan Teknologi Informasi di Era Covid-19)." *As-Shahifah: Journal of Constitutional Law and Governance* 1, no. 1 (2021): 1-23.

Indonesia and other nations, underscore the necessity for innovative solutions. The imperative to minimize virus transmission has compelled restrictions on activities, making it essential for the justice system to adapt by embracing technology for remote and accessible legal processes.⁹

In response to the gravity of the matter, the Supreme Court of the Republic of Indonesia (*Mahkamah Agung*, MA) has taken a decisive step by issuing Supreme Court Regulation No. 1 of 2019 on the Electronic Administration of Cases and Trials in Court (Perma No.1 of 2019).¹⁰ This regulation serves as a refinement of the pre-existing guidelines outlined in Supreme Court Regulation Number 3 of 2018 concerning the Electronic Administration of Cases in Court. Perma No.1 of 2019 establishes a comprehensive framework for electronically managing cases in court, encompassing everything from case registration to the retrieval of decision copies.¹¹

The issuance of this regulation signifies a pivotal legal foundation for the electronic administration of cases and trials, aiming to cultivate a professional, transparent, accountable, effective, efficient, and modern case management system. In aligning with principles of simplicity, swiftness, and cost-effectiveness, this regulatory framework epitomizes the embodiment of an

⁹ Prabawati, Tria, Noverman Duadji, and Ita Prihantika. "Efektivitas Penerapan Aplikasi E-Court dalam Upaya Peningkatan Kualitas Pelayanan Publik (Studi di Pengadilan Negeri Tanjung Karang Kelas 1A)." *Jurnal Administrativa* 3, no. 1 (2021): 37-51.

¹⁰ Yoesuf, Juliani Paramitha, et al. "Optimization of E-Litigation-Based Trial Implementation as A Strategy to Prevent Bribery and Gratification (Comparatory Study of E-Litigation Implementation in Malaysia and Singapore): Optimalisasi Pelaksanaan Persidangan Berbasis E-Litigasi Sebagai Strategi Pencegahan Suap dan Gratifikasi (Studi Perbandingan Pelaksanaan E-Litigasi di Malaysia dan Singapura)." *Jurnal Ilmiah Living Law* 16, no. 1 (2024): 36-49.

¹¹ Republic of Indonesia. Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. Online at <https://peraturan.bpk.go.id/Details/206067/perma-no-1-tahun-2019>

electronic-based government system, bringing forth transformative changes to the judicial landscape.¹²

This shift towards electronic administration is particularly pertinent in the current era characterized by the rapid flow of globalization and the persistent challenges posed by the Covid-19 pandemic. The integration of e-court systems has become increasingly indispensable, demonstrating its efficacy in ensuring the continued functioning of the judiciary while adhering to the principles of simplicity, expeditiousness, and cost-efficiency. The confluence of global dynamics and the ongoing pandemic has further underscored the effectiveness and relevance of the e-court system as an integral component of a modern and adaptive judicial process.¹³

The evolution taking place in the judiciary represents a highly anticipated and transformative facet of modern society. The term 'e-court' encapsulates a judicial instrument designed as a service to the community, primarily focusing on the facilitation of online case registration. This paradigm shift towards online proceedings encompasses various aspects, commencing with electronic cost estimates and payments, followed by electronic summons. The culmination of this transition is the conduct of online trials, where comprehensive trial documents, including replicas, duplicates, conclusions, and responses, are exchanged electronically. This holistic integration of digital processes not only enhances efficiency but also signifies a fundamental shift towards a more accessible and technologically advanced judicial system.

¹² Nugroho, Dewi Rahmaningsih, and Suteki Suteki. "Membangun Budaya Hukum Persidangan Virtual (Studi Perkembangan Sidang Tindak Pidana via Telekonferensi)." *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 291-304.

¹³ Pratiwi, Sahira Jati, Steven Steven, and Adinda Destaloka Putri Permatasari. "The Application of E-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems." *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 39-56; Santiadi, Kuku. "Expanding Access to Justice through E-Court in Indonesia." *Prophetic Law Review* 1, no. 1 (2019): 75-89; Rosida, Heni, et al. "The Effectiveness of the Implementation of the e-Court Justice System and the Impact on Administrative Court in Indonesia." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 2 (2022): 258-272.

Recognizing the imperative for an e-court application to meet pressing needs, its implementation stands as a pivotal gateway to enhance services, particularly in facilitating online case registration irrespective of the geographical location of the community. This strategic move is anticipated to streamline the registration process significantly, saving both time and costs. The comprehensive scope of e-court encapsulates e-filing, facilitating online case registration, e-payment for online disbursement transactions, e-summons for the online issuance of summons to involved parties, and e-litigation, conducting trials in a digital format.¹⁴ This integrated approach not only addresses immediate needs but also underscores the potential for efficiency, accessibility, and cost-effectiveness in the overall judicial process.

E-court represents an extraordinary departure from traditional courtroom settings, offering the flexibility for attendance anywhere and at any time. Its effectiveness and user-friendly approach have contributed to its widespread popularity. The urgency for e-court became pronounced during the global Covid-19 pandemic, necessitating the continuity of justice while grappling with unprecedented challenges. The simplicity and ease of use of e-court have made it a crucial tool in ensuring the delivery of justice amid unpredictable circumstances.¹⁵

In evaluating its effectiveness, the modern societal familiarity with technology becomes apparent. E-court's efficiency stands out, particularly when compared to the convoluted and often lengthy processes associated with conventional courts. The classic issues of complexity and extended trial scheduling, common in traditional court systems, underscore the need for a more agile and contemporary approach, which e-court aptly addresses.¹⁶

¹⁴ Widodo, Wahyu, Toebagus Galang, and Sapto Budoyo. "The Effectiveness of the E-Court Management System in Semarang Courts in Semarang City." *Information Management and Computer Science* 4, no. 1 (2021): 26-30.

¹⁵ Niswaty, Risma, et al. "Efektivitas Media e-Court di Pengadilan Tata Usaha Negara Makassar." *Sawerigading: Journal of Public Administration* 1, no. 1 (2022).

¹⁶ Latifiani, Dian, et al. "Reconstruction of E-Court Legal Culture in Civil Law Enforcement." *Journal of Indonesian Legal Studies* 7, no. 2 (2022): 441-448. See also Latifiani,

The advent of e-court marks a significant and transformative breakthrough in the legal realm, traditionally perceived as rigid and resistant to substantial change. However, beneath the promising facade of the e-court shield, there lie nuanced considerations regarding its strengths and weaknesses, particularly in the pursuit of genuine justice in the future.¹⁷

One notable weakness foreseen with the implementation of e-court pertains to the uneven distribution of facilities and infrastructure. The variability in technological resources across different regions raises concerns about the equitable access to and quality of technological support. This potential imbalance could serve as a weakness and, paradoxically, may introduce new challenges, such as the emergence of judicial malpractices taking on a new *modus operandi*.

Furthermore, while the procedures within the online court system exhibit notable advantages, not all aspects seamlessly translate into effective practices. Certain processes, such as the examination of evidence and the handling of related materials, still require conventional court assistance. The integration of conventional elements in specific stages of the proceedings introduces a dualistic dimension, necessitating a careful balance between the online and traditional court practices to ensure a comprehensive and fair legal process.¹⁸

Dian. "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)." *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 157-184; Yuniar, Vania Shafira, Jihan Syahida Sulistyanti, and Dian Latifiani. "The Court Role in Providing E-court System Education to Community: Post-Enactment of Supreme Court Regulation Number 1 of 2019." *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (2021): 34-42; Al Fikry, Ahmad Habib, Muhammad Riyan Afandi, and Dian Latifiani. "National Law Development through Civil Procedure Law Reform as a Manifestation of State Goals during the Covid-19 Pandemic." *Lex Scientia Law Review* 5, no. 2 (2021): 41-64.

¹⁷ Retnaningsih, Sonyendah, et al. "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara di Pengadilan Secara Elektronik dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik (Studi di Pengadilan Negeri di Indonesia)." *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 124-144.

¹⁸ Retnaningsih, Sonyendah, et al. "Pelaksanaan E-Court Menurut Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara di Pengadilan Secara Elektronik dan E-Litigation Menurut Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara

The ongoing debate surrounding evidence in online trials poses a fresh challenge amidst the swift currents of globalization. While the structure of online trials is commendable, it sparks polemics and raises questions about the legitimacy of the evidentiary process in a virtual setting. The crucial issue at hand revolves around whether the process of presenting evidence in online trials can be deemed legally valid.

This evidence holds the key to establishing the legal validity of the claims presented by the parties involved in litigation. The burden of proof, a fundamental objective in legal proceedings, seeks to fortify the veracity of the assertions regarding legal facts that form the crux of the dispute. In assessing this evidence, the judge seeks certainty to serve as a foundational basis for rendering a fair and just decision. The evolving nature of online trials necessitates a careful examination of the legitimacy of the evidentiary process, ensuring its alignment with legal standards and principles.

The process of presenting evidence in online trials is inherently time-consuming, owing to the meticulous validation required for each piece of evidence. The thoroughness of this process is crucial, as any errors or deficiencies in the evidentiary file must be rectified, similar to the procedures in conventional courts. While online trials represent a commendable advancement deserving appreciation, it is imperative to augment this progress with the establishment of comprehensive regulations governing electronic evidence. This step is essential to ensure the legitimacy, accuracy, and reliability of the evidence presented within the online justice system, reinforcing its credibility and effectiveness.¹⁹

As previously mentioned, the primary objective of the proof process is to establish the legal truth regarding the contested facts. In the context of evidence, specific provisions are outlined in the procedural law of the State

Elektronik (Studi di Pengadilan Negeri di Indonesia)." *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 124-144.

¹⁹ Anggraeni, RR Dewi. "Wabah Pandemi Covid-19, Urgensi Pelaksanaan Sidang Secara Elektronik." *ADALAH* 4, no. 1 (2020): 7-12.

Administrative Court (PTUN), precisely in Articles 100 to Article 107. According to these regulations, the burden of justification through evidence is not solely the responsibility of the party initiating the lawsuit; defendants are also permitted to submit evidence. This allowance is grounded in the objective of fortifying the arguments presented and providing the presiding judge with comprehensive information for informed decision-making.

In examining the evidentiary process within the State Administrative Court system, the types of accepted evidence are clearly regulated as outlined in the State Administrative Court Law. These include letters or writings, member descriptions, witness statements, acknowledgments of the parties, and knowledge of judges. This categorization provides a structured framework for the presentation and consideration of evidence, contributing to the integrity and clarity of legal proceedings in the State Administrative Court.²⁰

In this context, the evidence comprises a minimum of two types, as elucidated earlier. Challenges emerge when the legal proceedings occur online, commonly known as e-court. The intricacies of this online trial become particularly intriguing when scrutinized further in the presence of clear and comprehensive regulations governing the process down to its core substance. One pivotal aspect requiring in-depth examination and collective scrutiny is

²⁰ Furthermore, it is emphasized that according to Article 100 of the State Administrative Court Law (UU PTUN), acknowledgment (by the parties) and the judge's knowledge are two of the five types of evidence in administrative law cases. Acknowledgment refers to unilateral statements in a dispute where one party admits to the allegations made by the opposing party. The judge's knowledge pertains to something known and believed to be true by the judge. The strength of a piece of evidence is greatly determined by the judge; if the judge believes that a piece of evidence holds complete strength (*volledig bewijs*), it means that the evidence can be highly influential in the eyes of the judge. See Amir, Latifah. "Pembuktian dalam Penyelesaian Sengketa Tata Usaha Negara dan Perkara Pidana." *Jurnal Ilmu Hukum Jambi* 6, no. 1 (2015): 1-21; Miftah, Farrah. "Peran Asas Pembuktian Bebas Sebagai Beban Pembuktian Terhadap Putusan Peradilan Tata Usaha Negara." *Ulil Albab: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2022): 2675-2682.

the validity of evidence preceding such online trials, presenting a polemic or challenge that demands meticulous study and real-world dissection.²¹

In addition, the concept of evidence encompasses the regulations that dictate the introduction and assessment of evidence during administrative court proceedings. These regulations, specified in Articles 100 to 107 of the law, form the framework for the presentation and evaluation of evidence. Crucial considerations in the Administrative Court Law regarding evidence involve the types of evidence deemed admissible in legal proceedings. This includes letters or writings, witness statements, acknowledgments of the parties involved, and the knowledge possessed by the presiding judge. Acknowledgment involves unilateral statements admitting allegations made by the opposing party, while the judge's knowledge refers to information known and believed to be true by the judge.²²

The burden of proof, a fundamental element in the Administrative Court Law, pertains to the responsibility of parties engaged in legal disputes to provide evidence supporting their claims. Importantly, this burden is not exclusively placed on the party initiating the lawsuit (plaintiff) but may also extend to the defendants. The strength of a piece of evidence within the Administrative Court Law is subject to the judge's evaluation. If the judge believes that a particular piece of evidence holds complete strength (*volledig bewijs*), it can significantly influence the judge's decision in the legal proceedings.²³

Ultimately, within the framework of the Administrative Court Law, the process of proving aims to establish legal certainty regarding the facts at the heart of administrative disputes. The meticulous application and assessment of

²¹ Marshaal, NG, Sri Suatmiati, and Angga Saputra. *Hukum Acara Tata Negara Indonesia*. (Palembang: Gemilang Press, 2018).

²² Ningrum, Valencia Prasetyo, Rasji Rasji, and Yuliya Safitri. "Sistem Pembuktian pada Hukum Acara Peradilan Tata Usaha Negara di Indonesia." *COMSERVA* 2, no. 8 (2022): 1357-1367.

²³ Putrijanti, Aju. "Prinsip hakim aktif (Domini Litis Principle) dalam Peradilan Tata Usaha Negara." *Masalah-Masalah Hukum* 42, no. 3 (2013): 320-328; Septiawan, Bayu. "Penerapan Beban Pembuktian Oleh Hakim dalam Penyelesaian Sengketa di Pengadilan Tata Usaha Negara." *Supremasi Hukum: Jurnal Penelitian Hukum* 27, no. 1 (2018): 55-73.

evidence are pivotal steps in ensuring justice within the domain of administrative law in Indonesia.

The significance of evidence before the court cannot be overstated, as it not only establishes the defendant's guilt but also shapes the judge's confidence in the submitted evidence. As discussed earlier, the judge's belief in the evidence introduces a critical aspect that warrants resolution.²⁴ The introduction of online evidence brings forth numerous debates and queries in the public sphere, raising questions about its validity in court proceedings. The burden of proof, a crucial element in these proceedings, necessitates clear and binding rules. Similar to the distinct rules governing online trials, there must be specific regulations outlining the admissibility and handling of electronic evidence, both during and preceding the trial. The establishment of such regulations becomes imperative for ensuring the legitimacy and fairness of the legal process in the digital era.

Conclusion

IN CONCLUSION, the integration of e-court systems has gained substantial traction amid the vast landscape of globalization. The need for legal reform is evident, with the advent of online courts providing a pathway to enhanced accessibility to justice for a broader segment of society. The initiation of online trials, commencing in 2019 and further accelerated by the challenges posed by the COVID-19 pandemic, signifies a pivotal response to the obstacles faced in administering justice during unprecedented times.

While the establishment of e-courts represents a commendable effort to overcome hurdles, it requires a synchronized commitment from the relevant judicial entities. Some sectors within law enforcement may view conventional

²⁴ Wiyono. Ihsan Tarmizi, *Hukum Acara Pengadilan Tata Usaha Negara*. (Jakarta: Sinar Grafika, 2016).

court proceedings as more robust compared to online alternatives, necessitating a broader acceptance of digital transformation. To ensure the success of e-court implementations, comprehensive and inclusive socialization efforts are imperative, particularly in the realm of judicial reform and its associated changes. A critical aspect demanding attention is the handling of evidence before the trial. The potential risks inherent in this process underscore the necessity for explicit regulations within existing laws to guide and govern these proceedings clearly. As the legal landscape evolves, the seamless integration of e-court systems can only be realized through a concerted effort that encompasses legal, technological, and societal dimensions, ensuring a just and equitable legal system for the digital age.

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