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# Simple, Fast, and Low Cost Judicial Principles in Split Trials

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## ABSTRACT

Split trial in practice collides with the principle of justice which is simple, fast, and low cost. The purpose of this study is to determine the application of the principle of simple, fast, low cost justice and to find out the ideal or effective concept of applying the principle of simple, fast, low cost justice in a split trial. The approach used is a qualitative approach. This type of research is juridical empirical. The data used are primary data and secondary data. Data obtained through interviews and literature study. The results showed that the implementation of the principle of simple, fast, low cost in a split trial is that the principle is not fulfilled optimally. Merging the examination process at the trial in the case of splitting, can streamline the split trial by keeping the case files separate.

## KEYWORDS

*Principle of Justice, Split Trial*

## 1 INTRODUCTION

The judicial system in Indonesia cannot be separated from the principle of a simple, fast, and low-cost judiciary mandated by Article 2 paragraph 4 of Law No. 48 of 2009 concerning Judicial Power. A simple trial is that the examination and settlement of cases is carried out in an efficient and effective manner. Courts with low fees are court costs that can be reached by the community. These principles are enforced in the articles contained in Law No. 8 of 1981 concerning the Criminal Procedure Code, as a form of protection of human rights. the Criminal Procedure Code also emphasizes the words "honest" and "impartial" so that a person gets a simple, fast, and real equal distribution of justice ([Hamzah, 2010](#)).

The separation of case files is the authority of the Public Prosecutor in resolving cases. Separation of cases is possible in cases involving multiple criminal acts committed by multiple people at the same time. Article 142 of the Criminal Procedure Code regulates the following "If the public prosecutor obtains a case file consisting of many criminal acts committed by several suspects not stipulated in Article 141, the public prosecutor can analyze each separately". If there is a lack of evidence and evidence in a case file, the public prosecutor usually divides the criminal case. In splitting cases there is a crown witness that is the accused (usually the lowest error) who is used as a witness, therefore similar to being given a crown that will not be made a defendant again ([Hamzah, 2010](#)).

Ignatius A. Tiolong stated that there are many requirements for finding solutions to problems by the public prosecutor, including: 1) The Public Prosecutor receives one case file, 2) One file contains several criminal acts, 3) Several criminal case files of acts committed by several suspects , 4) What is not included in Article 141 of the Criminal Procedure Code to resolve cases where the suspect in one case is a witness in another case (Tiolong, 2018). Andi Hamzah said that most of the difficult cases were solved by creating new case files. In the new case file, the perpetrators are witnesses to each other, thus requiring a new examination by the investigator ([Hamzah, 2010](#)).

Case No. 56/Pid.B/2020/Pn Mgg and Case No. 57/Pid.B/2020/Pn Mgg are interesting to study because these cases are separated by case files and prosecution. The two case files relate to cases of beatings to death by nine youths to a person named Bagas Himawan. Eight of the perpetrators have been identified beforehand. The eight people are included in Case No. 56/Pid.B/2020/Pn Mgg. A few days later, another perpetrator was caught and put in Case No. 57/Pid.B/2020/Pn Mgg. The purpose of this paper is to find out the ideal concept of applying the principles of justice in a simple, fast, low cost trial in a split trial.

## 2 METHOD

The research approach used in this research is qualitative. This research is an empirical juridical research. This type of empirical juridical research is to examine a problem by digging based on existing rules then associated with events that occur in society (Soemitro, 1990). The research data used consisted of primary data and secondary data. Data collection techniques are defined as "methods used by researchers to obtain research data (Soekanto, 2006). The data collection techniques used are interviews, observations, and literature studies. The data obtained are then analyzed qualitatively.

## 3 RESULT AND DISCUSSION

### A. Implementation of The Principle of Simple, Fast, Low Cost in Splitting Trials

Case settlement, which is based on simple, fast, and inexpensive judicial principles, has the aim of avoiding delays in the settlement of criminal cases. This is to prevent the defendant from being swayed in the uncertainty caused by the protracted judicial process (Wangol, 2016). The principle of low-cost justice means that the judicial process is not carried out in a protracted manner and legal certainty is immediately obtained in accordance with applicable regulations. With a fast judicial process, the court fees charged are lighter for those involved in the trial. The speed and low cost of civil and criminal cases in the Courts of First Level and Appeal can give the impression that the trial is fast and simple (Mulyadi, 2014). General explanation of Article 2 paragraph 4

of the Criminal Procedure Law, which reads:

*What is meant by "simple" is the examination and resolution of cases done in an efficient and effective way. What is meant by "light cost" is the cost of things that can be reached by the community. Nevertheless, the simple, fast, and light cost of inquest and settlement of cases in court does not override thoroughness and accuracy in seeking truth and justice".*

Although the judicial process is carried out with a simple, fast, and light cost, the judicial process should not incriminate either party. The implementation of the basic low-cost simple judiciary should not be done carelessly and must still be done carefully in seeking truth and justice for all parties involved (Subekti, 1989).

The ability to divide case files and combine cases in the settlement and settlement of a case is one of the special powers granted by the Criminal Procedure Code to the Public Prosecutor. The Public Prosecutor before decides to share the case he is handling, he must believe that the case should be divided and must be accompanied by the right reasons. If a criminal case file contains information about several people who violated the law and does not comply with the standard of merging several case files into one, the judge must complete the various case files and write an indictment for each of the case files (Prakoso, 1988). Based on Article 142 of the Criminal Procedure Code, the Public Prosecutor can separate case files if a file contains several criminal acts committed by several suspects. So, the people in the file were charged with different crimes. Separation of case files cannot be carried out if the suspects commit the same crime.

The application of simple, fast, low-cost judicial principles in splitting cases cannot be applied in cases No. 56/Pid.B/2020/Pn Mgg and No. 57/Pid.B/2020/Pn Mgg. Although there is no trial split, the principle of a simple, fast, low cost trial is difficult to implement because the criminal litigation process, from investigation to court decisions, goes through a long process and requires a lot of time. The costs involved in the judicial process are also not

small. For example, the judge's decision is in the form of imprisonment for the defendant. Imprisonment costs a lot of money from the state to bear the convict while in prison. Actually, criminal justice is not as simple as imagined so that the principles of simple, fast, low-cost justice cannot be fully fulfilled. In practice, the split trial does not meet the simple elements as referred to in the simple principle. Proceeding in criminal cases, especially split trials, requires extra personnel. The split trial case examination takes a long time because it has to examine two files, both at the police and at trial. Filing is also done twice for the same case. Cases No. 56/Pid.B/2020/Pn Mgg Case No. Pid.B/2020/Pn Mgg require a trial period of approximately two months. The trial is held twice a week so it cannot be said that the trial was carried out quickly. Because the trial was conducted many times, the cost of the trial became large. The principle of light fees only applies to the caseload paid by the defendant who is found guilty.

The split trial has sparked debate among law enforcement. Some law enforcement officials stated that a split trial was allowed. Others stated that this split trial was inefficient and ineffective, allowed human rights violations to occur, or could violate universal principles, namely the principle of constant justice and the principle of non-separation of power ([Febrian, 2019](#)).

Courts assist justice seekers and seek to overcome all obstacles. The court is obliged to hold a trial that is simple, fast, and low-cost, as stated in Article 2 paragraph 4 of Law 48 of 2009. The purpose of realizing a simple, fast and low-cost trial is further regulated in the articles of the Procedural Law. Criminal. There are still many parties who think that the Criminal Procedure Code still has shortcomings in creating a criminal justice system that prioritizes human rights and the principle of due process of law ([Samosir, 2006](#)).

Efforts to realize a simple, fast, and low-cost trial in a split trial can be carried out, namely the examination of witnesses in both cases made into one trial. Each witness from Cases No. 56/Pid.B/2020/Pn Mgg and Case No. 57/Pid.B/2020/Pn Mgg was examined simultaneously in the same trial, but the case files remained separate. This method can be used as a shortcut so that The trial was short because the witnesses in Cases No. 56/Pid.B/2020/Pn Mgg and Case No 57/Pid.B/2020/Pn Mgg are the same person. The statements given by

these witnesses in the trial will be more or less the same. The trial examination will be inefficient if the witnesses have been examined for Case No. 56/Pid.B/2020/Pn Mgg then the next day they will be examined again for case Case No. 57/Pid.B/2020/Pn Mgg.

The judge's initiative to shorten the time, cost, and energy in the trial can be carried out through merging the implementation of the trial in the splitting trial, especially the examination of witnesses and defendants at trial. The implementation of the judge's initiative regarding the merging of trials in a split trial is not specifically regulated in the Act or the Criminal Procedure Code.

#### **4 CONCLUSION**

Split trial in its implementation does not reflect the principle of simple, fast, and low cost because the trial looks convoluted, not simple and expensive. The implementation of the trial merger, especially in the examination process, can streamline the split trial by keeping the case files separate. Therefore, it is necessary to make a legal basis in the Criminal Procedure Code regarding the incorporation of witness examinations in a split trial but with separate case files.

#### **5 DECLARATION OF CONFLICTION INTERESTS**

Authors declare that there is no conflicting interest in this research and publication.

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Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

**Martin Luther King, Jr.**