

Full Length Research paper

The Model TIPIKOR Trial Based IT (Information Technology) Required in the Island for Implementing as Fast, Low Cost, and Simple Justice Principle

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Abstract

Based on Law no. 46 of 2009 on the Court of Corruption, this court has the authority to examine and decide on corruption cases filed by the KPK and the State Prosecutors and High Offices. According to Article 35 paragraph (1), paragraph (4) of Law no. 46 year 2009 TIPIKOR courts exist only in each provincial capital whose jurisdiction covers the province concerned. The existence of this provision would not want the District Attorney in every district / city should delegate the case to the Corruption Court in the provincial capital. Whereas the area of NTT is an archipelago area where distance between districts with the city of Kupang very far. Based on the results of Phase I (2016) research: the cost required by several State Prosecutors' samples to prosecute 1 (one) case in TIPIKOR Court in Kupang is quite varied, ie Rp.127.534.000, Rp. 294,096,000, Rp. 376,556,000, and Rp. 354,220,000. The costs generally have exceeded the cost limit for the determined prosecution of Rp. 190,000,000, the variation of cost incurred by each State Prosecutor's sample gives an illustration that the more distance from Kupang city, the greater the cost. In addition, the duration of the ongoing trial process has had an effect on the cost. Weather factors, flight delays due to bad weather make the trial schedule chaotic, and costs incurred increases. As a result, the work of witnesses becomes neglected; the Public Prosecutor's job of handling other cases becomes impeded. Based on the matters above, it is necessary to create a sub-district court model and / or IT-based TIPIKOR judiciary to save relatively expensive cost and cut the time available to bring it closer to the quick, cheap, and simple justice principles. This alternative judicial model of TIPIKOR in addition to contributing to the theoretical level of future development of the judicial system is expected to become a model for the mining of the judicial system in other islands provinces in Indonesia.

Keywords: TIPIKOR Court, archipelago, IT, model.

INTRODUCTION

Based on primary data (Research Report Phase I: 2016) cost required for prosecution of 1 (one) case in TIPIKOR (corruption crime) trial in Kupang by State Attorney

Sample varies, that is Rp.127.534.000, Rp. 294,096,000, Rp. 376,556,000, and Rp. 354,220,000. The variation in the amount of the cost is influenced by the distance, the greater the distance from the city of Kupang the greater the cost. Costs issued by the State Prosecutor's sample generally have exceeded the specified cost of prosecution cost of Rp. 190,000,000,

(each case). Table I gives an illustration of about 80% of the cost incurred by the District Attorney to meet in the TIPIKOR Tribunal in Kupang has exceeded the prescribed fees for 1 (one) case / case.

No.	Kejaksaan Negeri (Rp)
1.	Kejaksaan Negeri Manggarai Barat 354.220.000
2.	Kejaksaan Negeri Manggarai 193.179.000
3.	Kejaksaan Negeri Ende 34.140.000*
4.	Kejaksaan Negeri Sikka 376.556.000
5.	Kejaksaan Negeri Lembata 278.554.000
6.	Kejaksaan Negeri Alor 294.096.000
7.	Kejaksaan Negeri Sumba Timur 186.180.000
8.	Kejaksaan Negeri Sumba barat 127.534.000
9.	Kejaksaan Negeri TTU 191.456.000

Table 1. Costs issued by the District Attorney for the trial of each TIPIKOR case

No.	Kejaksaan Negeri	(Rp)
1.	Kejaksaan Negeri Manggarai Barat	354.220.000
2.	Kejaksaan Negeri Manggarai	193.179.000
3.	Kejaksaan Negeri Ende	34.140.000*
4.	Kejaksaan Negeri Sikka	376.556.000
5.	Kejaksaan Negeri Lembata	278.554.000
6.	Kejaksaan Negeri Alor	294.096.000
7.	Kejaksaan Negeri Sumba Timur	186.180.000
8.	Kejaksaan Negeri Sumba barat	127.534.000
9.	Kejaksaan Negeri TTU	191.456.000

Source of data: primary data processed, 2016 (Field Research Field Report Phase I Year 2016), Description: *) one trip during the first trial.

The prosecution of corruption criminal cases in archipelago areas such as NTT, based on economic calculations has not yet met the principles of fast, simple, and low-cost judiciary. Especially in the implementation of the trial (until the judge's decision) takes quite a long time (average 2-3 months), with a very long distance certainly add a cost. This condition is simultaneously an impact on law enforcement TIPIKOR.

According to the economic calculation, the cost of conducting the enforcement of the trial should be less than the financial loss the State fought for to be returned at the hearing. Otherwise the "optimization of law enforcement will not be realized" (Mahrus Ali: 2016: 226). While economic calculations are unfavourable in law enforcement, allowing non-prosecution of the case may create a bad precedent for law enforcement itself.

The judicial process of TIPIKOR court which takes a long time in a cumulative impact on the work of witnesses, expert witnesses, translators, because they

have abandoned their work, their duties and duties are unfolded. However, the presence of witnesses, expert witnesses and translators is necessary in the trial process.

So it is with the Prosecutors (who are handling the corruption case) they have left the prosecution duty for another case. This became a separate issue for the prosecutors, the defendants and the proceedings he left behind, being more a dilemma because the number of prosecutors in the District Attorney of Public Prosecutions in the province is still lacking. The average functional prosecutor: 7 (seven) people, the prosecutor generally doubles as head section, such as the intelligence chief (Kasie) intel, Pidum, Pidsus, and as Kajari or Kajari representative.

Another obstacle is the weather factor. This weather has become a problem in itself. NTT region in certain months such as December, January, February generally occurs rain with wind. This weather can disturb the flight schedule between NTT regions. There are certain areas such as Manggarai regency where the weather year is uncertain so that it can disrupt the flight.

Some of the above issues have been cultivated as a barrier factor in the context of law enforcement of corruption based on cheap, simple and simple law. For that we need a model as an alternative solution, designing a sub-regional TIPIKOR judicial modelling and IT that supports and facilitates law enforcement process in the field of corruption crime.

Formulation of the Problem

What kind of model could provide alternative solutions for law enforcement of corruption in accordance with the principle of fast, cheap and simple lawyers in archipelagic regions / regions such as NTT Province (East Nusa Tenggara)?

Specific Objectives of the Study

Based on the identification of problems that have been stated above, then the purpose of this research is to design a sub-district TIPIKOR judicial modelling and IT that support and facilitate the process of law enforcement in the field of corruption.

RESEARCH METHODS

Location and Time of Study: research in Nusa Tenggara Timur (NTT) in Maumere District Court, in Sikka District, Flores District, at Waingapu District Court in East Sumba, P Sumba, at Kalabahi District Court in Alor District, in P

Alor. System Approach: system approach method is one way of solving the problem that begins with the identification of the existence of a number of needs, so as to produce an operation of the system that is considered effective. In the system approach is generally characterized by two things, namely: (a) find all the important factors that exist in getting a good solution to solve the problem; And (b) constructed a quantitative / qualitative model to assist rational decision.

System analysis procedure: includes the following stages:

- a). Needs analysis
- b). Problem formulation
- c). System identification
- d). System modelling
- e). Model verification and implementation.

Assembling Models: models built for specific purposes It is important to understand well the theory of the system and the behaviour of the system to be modelled. In the dynamic system model consists of several sub-systems namely social, economic, environmental, and infrastructure sub-systems. These four subsystems are considered to be an important part of the development planning of the justice system and can be used in the planning of the IT sub-regional justice system model.

RESULTS AND DISCUSSION

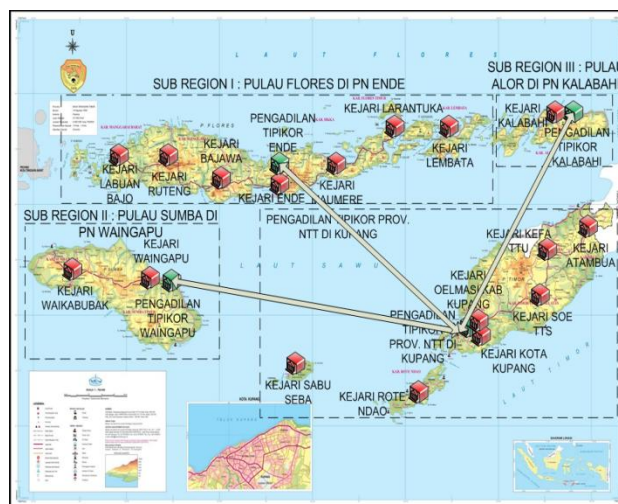
Based on the results of the research model is divided into 2 (two) namely model Sub Region Court TIPIKOR IT-based and model Court Sub Region Conventional. Model TIPIKOR Sub Region IT-Based Region and TIPIKOR Model Sub-Region Conventional Sub Region is divided into 4 (four) regions namely I P. Flores with the centre of judicial activities TIPIKOR implemented in PN Ende, consisting of 8 (eight) public prosecutor's office. While the region II P. Sumba with the centre of judicial activities TIPIKOR in PN Waingapu, consists of 3 (three) public prosecutor's office, region III P.Alor with the centre of judicial activities TIPIKOR in PN Kalabahi, consists of 1 (one) public prosecutor's office and main area P Timor, P Sabu and P Rote-Ndao where Kupang TIPIKOR courts in Kupang are comprised of 7 (seven) public prosecutors' offices.

1). TIPIKOR TYPES IT Sub-District Court Model

According to this model, the panel of judges remained at the TIPIKOR Kupang District Court in Kupang, while the Prosecutors, defendants and Legal Counsel were in each

sub-region where the trial was being held. For example, the TIPIKOR trial in P.N Ende, P Flores will be connected (connected) with the panel of judges at TIPIKOR PN Kupang, Kupang through IT network in the form of video conference and teleconference. For more details below, there is a chart showing some areas of TIPIKOR courts connected to TIPIKOR Kupang District in Kupang.

Figure 1. TIPIKOR Court Model Sub Region IT-Based in Island Region



Data Source: Primary data processed 2017.

The IT-based TIPIKOR court model is connected through the use of the central IT network at PN TIPIKOR Kupang connected to 3 (three) sub-region regions.

Regarding the availability and guarantee of connected video conference and tele conference in conducting court session, based on interview result (primary data) with GM PT TELKOM Witel NTT that PT Telkom has Service Level Guarantee (SLG) of 99% for Astinet service. More information on SLG (Service Level Guarantee) Asstinet can be seen in the following table.

Table 2: Service and Warranty of PT TELKOM Witel NTT

Pelayanan	Garansi
SLG	99%
TTI (<i>Time To Install</i>)	9 x 24 jam
TTR (<i>Time To Recovery</i>)	4 jam
Buka Isolir	4 jam
Fisic's Mutation	36 jam
Data's mutation	6 jam

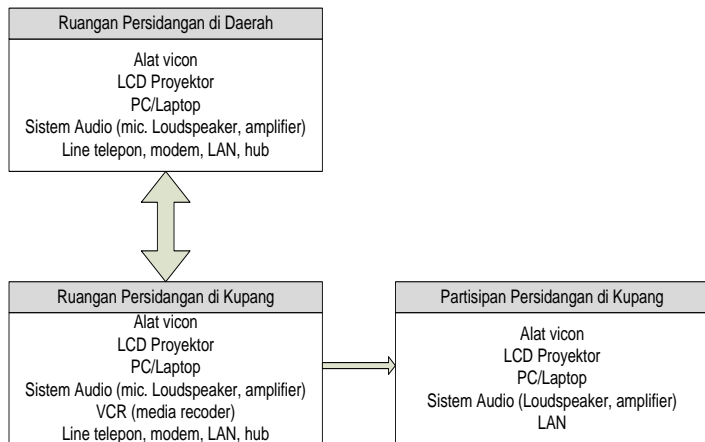
Data Source: PT. Telkom Witel Kupang, 2017.

The availability of networks in Ende (P Flores) and Waingapu (P Sumba), infrastructure, technology and network capacity are similar to those in Kupang. To that end, PT Telkom can guarantee bandwidth availability for video conference with Astinet service as well as VPN (Virtual Private Network). While the network in the town of Kalabahi (P.Alor), GPON technology (Gigabit Capable Pasive Optical Network) is not yet available and still use ASDL technology (Asymeric Digital Subscriber Line) which is intended for low speed service. This is because the backbone network (interconnection liaison network) has not reached the town of Kalabahi in July 2017. But in the next 1 (one) year can be ensured the backbone network is ready in Kalabahi. As for the service Astinet and VPN (Virtual Private Network) is available in Kalabahi. On that basis, video conferencing in the district of Alor can be carried out as early as mid-2018.

To ensure the smoothness of video conference then the communications network infrastructure used must have adequate capacity. The minimum communication channel capacity in video conferencing is bandwidth of 10MBps. With this capacity, a minimum standard delay of 150 ms can be passed. The capacity can also support video image quality of 1280p x 720p with 60 fps (frame per second).

With GPON (Gigabit Capable Pasive Optical Network) technology, PT Telkom can guarantee 10MBps bandwidth availability using Astinet or VPN (Virtual Private Network) services. The reason for the selection of Astinet and VPN is because of upstream guarantee (data upload speed) and downstream (data download speed) of both services respectively 10MBps. The video conferencing and teleconference network models can be viewed in the diagram below:

Figure Diagram 2: The trial access architecture diagram



Data source: Primary data processed 2017.

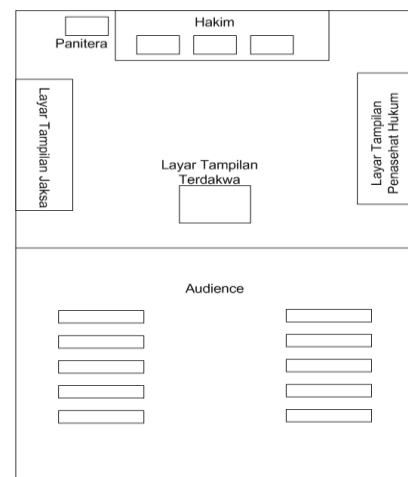
Equipment needed in video conferencing design include:

1. Audio mixer (Polycom): Tools for mixing microphone, acoustic echo and noise cancellation, room zoning.
2. The interface module for connecting to a network using a telephone line.
3. Microphone desk, which can be used as a media question and answer for conference participants (Public Prosecutor, Judge, Witnesses, Defendant / Legal Counsel) (amount depends on requirement).
4. Wireless microphone and receiver (moderator) (amount depends on the needs of the trial).
5. Audio amplifier for loudspeaker for 5 channels minimum.
6. Video Codec (Polycom VSX 8000)
7. One camera (powercams VSX 8000) for the room to be controlled by audio.
8. Projector / Infocus for video main view
9. LCD monitor for second view.
10. VCR or DVD as image storage media or as presentation media to display.
11. Laptop / Personal Computer as data media to collaborate presentation by presenter and video image.

Preparation of Human Resources

A human resource team consists of two teams: a team of equipment operators (technicians in Kupang and in the regions) and parties involved in the trial (judges, prosecutors, witnesses, defendants / legal advisers, operators). The trial plan at Kupang TIPIKOR Court in Kupang is as follows:

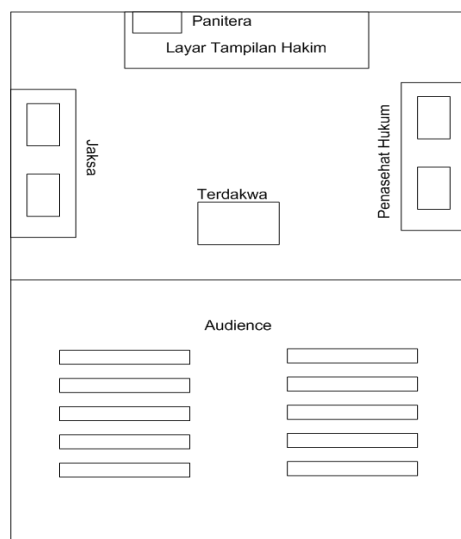
Drawing 1: Layout of IT-based TIPIKOR trial model in Kupang



Data source: Primary data processed 2017.

While the plan of judicial activity in the sub-region region (in 3 areas) connected with TIPIKOR Kupang Court as contained in the image plan below:

Drawing 2. Layout of IT-based TIPIKOR trial model in Sample Areas



Data source: Primary data processed 2017.

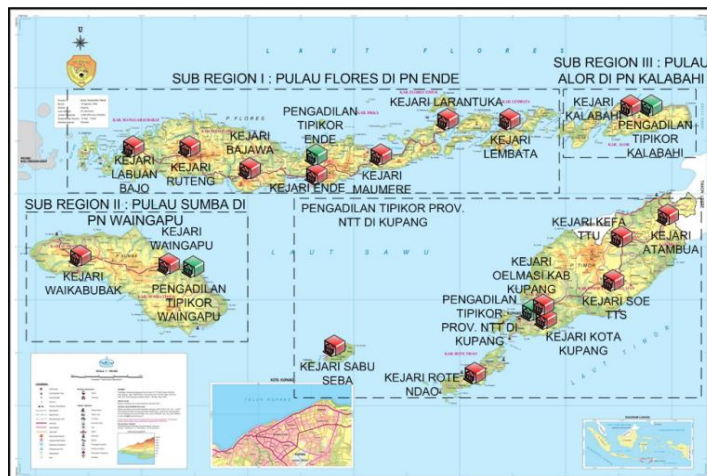
2). TIPIKOR MASTERED Model Based on Conventional Sub Region

The TIPIKOR courts based on the Conventional Sub Region are meant to be a TIPIKOR court as are the general courts where periodic and scheduled judges come physically to the sample district courts in the Ende District Court (P Flores), the Waingapu District Court (P Sumba) and the District Court Kalabahi (P Alor).

Each TIPIKOR district court of the sample has a territory that includes several prosecutions, such as the Ende District Court, including the West Manggarai District Attorney, Manggarai District Attorney, State Prosecutor of Ende, Sikka District Attorney, East Manggarai District Court and Nagakeo District. Thus do not use IT technology. The division of regions as illustrated in the diagram below.

The analysis of the juridical aspect, the cost-saving aspect, the application of the quick justice principle, the cheap and simple cost of using the models compared to the present where the process of corruption case investigation is still centered in TIPIKOR Court in Kupang is as follows:

Figure 4. Court of TIPIKOR Model of Conventional Sub Region



Data source: Primary data processed 2017.

The analysis of network technical aspects of PT Telkom in NTT for teleconference and video conference connection in NTT is quite good. While the inhibiting factors cannot be removed from the communication network and will always be a risk of IT usage. But the most important is the recovery strategy that has been done. PT Telkom has a good recovery strategy in anticipation of communication network disruption. The obstacles in the recovery process are the geographical constraints of the area in NTT causing the mobility of technicians and spare parts to be inhibited.

The Human Resource factor can be one of the non technical constraints in which the low HR capabilities of the court are the cause. The solution is with the training and mentoring by the PT. Telkom for IT technicians responsible for the continuity of video conference. Some opinions relating to the legality of testimony based on teleconferencing and or video conferencing have appeared several years ago. Year 2002 description B.J. Habibie as a witness in the South Jakarta District Court in the case of Bulog non-budgeter fund irregularities with defendant Akbar Tanjung, delivered via teleconference. Testimony through the teleconference has been recognized as valid evidence before the judge so that this event is called a legal breakthrough. (Rena Zefania Ritonga and Yuniarti Listya: 2017: 127).

Law No. 20 of 2001 concerning Amendment to Law Number 31 Year 1999 concerning the Eradication of Corruption, Article 26A that testimony by using electronic information (electronically recorded) has been recognized as a valid evidence, though limited to cases of corruption. The provision explains that electronic information is an

Table 3. Comparison of Costs and Times with Draft Court Models TIPIKOR Sub Region IT-Based and Court Model TIPIKORS Conventional Sub Region

The TIPIKOR Trial Model in Kupang is being implemented now	Sub-Regional Trial Models in IT-Based Areas	Conventional Sub-Regional Trial Models (Non-IT)
Costs: (See table 1 above)	Costs:	Costs:
The existence of air transport (aircraft) is quite expensive, (influenced by weather factors), local transportation in Kupang, accommodation (lodging, eating drink, money lump sum). The total amount for each sample area varies depending on the distance to Kupang (the more expensive the more).	Local transportation (see above description) by land transportation. Public vehicles (Bus, Travel) are relatively unaffected by weather factors, with much cheaper cost. Even if using the official vehicles (for the Public Prosecutor) is more efficient.	For prosecutors and local transport witnesses (see above) by land transportation. Public vehicles (Bus, Travel) are relatively unaffected by weather factors, with much cheaper cost. Even when using official vehicles (for the Public Prosecutor PU) more efficient.
		This conventional sub-region model needs to bring TIPIKOR judges from Kupang regularly so that the costs involved are transportation and accommodation for Judges conducting trials in sample areas (in P Flores, P Sumba and P Alor). However, it is necessary to add TIPIKOR judge at least 2 (two) persons and Ad hoc judge at least 2 (two) persons. The placement of the judges comprises 3 (three) sub-region regions namely PN Ende (P Flores), PN Waingapu (P Sumba) and PN Kalabahi (P. Alor)
Timing: Public Prosecutor, the witnesses cannot immediately go home in the near future so that other tasks and jobs are delayed.	Timing: Mileage is relatively close (especially in P Sumba and P Alor) so no need to stay (can go back and forth). So that witnesses and Public Prosecutors can carry out and or complete other tasks.	Timing: Mileage is relatively close (especially in P Sumba and P Alor) so no need to stay (can go back and forth). So that witnesses and Public Prosecutors can carry out and / or complete other tasks.
Aspects of Technology:	Aspects of Technology: Should procure once-purchased information technology equipment for use within the 5-10 years period depending on maintenance. (It takes about 150 - 200 million). (See Figures Diagrams 1 and 2 above).	Aspects of Technology:
Nothing	Must subscribe Astinet 10MBps for 13 million/ month, for 1 (one) year: 156 million.	Nothing

extension of evidence as intended in Article 188 paragraph (2) of KUHAP.

The Constitutional Court Decision No.20 / PUU-XIV / 2016 in its ruling states that electronic information is a proof if done in the context of law enforcement at the request of the police, prosecutors and / or other law enforcement agencies. Formal procedures need to be done to wet the evidence.

The above opinion only refers to the substance of evidence in the form of electronic documents (records) (digital evidence). So do not discuss the problem of video conferencing and or tele conference as a tool / tool in the process of examination in court. Therefore the need for legality related to the process of examination in court (TIPIKOR especially) thoroughly from the beginning until the judge's decision.

The thing that needs to be appreciated is the opinion (Nurhayati Tine: 2013: 138) that the use of teleconference technology that provides detailed picture and clear voice quality without interruption (noise), allows the judge to directly know the eyes, faces, and body language (Gestures) shown by a person in advance of the trial. Thus, in principle, the presence of a person in the face of the trial as referred to be present physically can also be met by using teleconference technology.

CONCLUSION

Compared with the current trial, the Public Prosecutors from the District Attorney Office in some islands in NTT have to prosecute corruption in TIPIKOR court in Kupang, which proves to be of great cost. So the TIPIKOR sub-model IT-based sub-category of video conferencing and teleconference, it has several advantages such as more efficient in terms of cost, more efficient in terms of time so that in accordance with the principle of fast, cheap and simple judicial.

SUGGESTIONS

1. There is a need for clear arrangements governing the IT-based TIPIKOR trial process covering the entire judicial process from the beginning of the trial until the verdict is dropped by the judge.
2. Requires technicians in the IT field at least 2 (two) persons with expertise (S1) including networking expertise and informatics engineering expertise in the new TIPIKOR courts, in order to maintain and operationalize IT equipment during the trial.
3. It is necessary to add judges especially if applied by conventional sub-district court model, because it is

necessary to place at least 2 (two) Corruption judges and 2 (two) Ad hoc judges in the courts of P Flores, P Sumba and P Alor.

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