

# Virtual criminal trials in Indonesia: Communication inequalities, power dynamics, and the challenges of justice

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Regular Article

# Virtual criminal trials in Indonesia: Communication inequalities, power dynamics, and the challenges of justice

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ABSTRACT

The COVID-19 pandemic accelerated the adoption of virtual court hearings in Indonesia as a means to facilitate remote participation and promote access to justice that is faster, cheaper, and simpler. This study examines the implementation of virtual criminal trials from a communication science perspective, focusing on how legal practitioners experience mediated courtroom interactions and how these dynamics affect perceptions of justice. Using a qualitative approach, the research draws on semi-formal interviews with judges and lawyers, complemented by courtroom observations. The findings indicate that significant challenges stem from inadequate digital infrastructure, particularly in detention centers, which results in communication breakdowns and incomplete message transmission. The non-conductive detention environment further undermines concentration and diminishes the symbolic solemnity of judicial proceedings. From a justice perspective, judges face difficulties in uncovering material truth due to the inability to fully observe defendants' and witnesses' non-verbal cues, while defendants frequently report discomfort, psychological pressure, and limited fulfillment of their right to a fair defense. Although virtual hearings are perceived as effective for civil cases and administrative matters, most informants contend that Indonesia's judicial system is not yet fully equipped for their institutionalization in criminal proceedings. This study contributes to legal communication scholarship by demonstrating how mediated trial settings exacerbate power asymmetries and heighten perceived vulnerability among defendants. It further recommends infrastructural enhancement and strengthened inter-institutional coordination to ensure substantive justice in future virtual courtroom practices.

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## 1. Introduction

The advancement of information and communication technology has driven transformation in various sectors, including law and justice systems. In the digital era, formal legal procedures such as trials have begun to shift to online formats. The COVID-19 pandemic accelerated this transition worldwide (Shi et al., 2021; Widodo, 2024b), including in Indonesia through the adoption of electronic trials (Mahkamah Agung, 2020). While online hearings are seen as a way to expedite legal processes and improve administrative efficiency (Amarini et al., 2023) this form of trial raises several issues related to procedural justice, participation, and power relations (Davide et al., 2002; Rossner, 2021; Susskind, 2019).

In the Indonesian legal context, the Supreme Court issued Regulation No. 4 of 2020 on Electronic Administration and Trial Procedures for Criminal Cases. This regulation complements earlier regulations governing e-courts for civil cases (Mahkamah Agung, 2020). Virtual trials in

Indonesia are conducted using various platforms such as Zoom, Cisco Webex, Google Meet, and WhatsApp Video Call under limited conditions (Davide et al., 2002; Susskind, 2019). The goal is to maintain judicial continuity while reducing health risks for defendants, judges, prosecutors, defense attorneys, and witnesses.

The implementation of virtual trials emerged as a solution to expedite proceedings, reduce costs, and alleviate case backlogs, especially during the COVID-19 pandemic (Intihani et al., 2022; Nelson et al., 2023). Although the e-court system has proven effective in simplifying, speeding up, and reducing the cost of trials (Intihani et al., 2022) this system also presents challenges related to communication and fair trial procedures (Nelson et al., 2023; Rossner, 2021). Digitalizing the legal process can enhance transparency and accessibility, as observed in various countries (Setiawan et al., 2024). However, the lack of specific regulations for virtual courtrooms and outdated criminal procedure laws may lead to legal errors (Nelson et al., 2023).

A criminal trial is not just a formal reading of documents but a

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symbolic and discursive space where dialog, argumentation, and the search for material truth occur (Masthuro, 2023; Widodo, 2022, 2024a). The courtroom functions as a space for both verbal and non-verbal communication, where the defendant uses strategies to gain sympathy and possibly receive a more lenient sentence (Langga, 2023; Widodo, 2022). Judges rely on various forms of evidence, including witness testimony, expert opinions, documents, and defendant statements, to establish material truth and form their conviction (Leung, 2012; Masthuro, 2023). Judicial independence is crucial in examining evidence, conducting hearings, and making decisions based on material truth without external influence (Masyelina, 2015). Understanding criminal procedure law is important for the general public and non-law students to be aware of their rights in the criminal process (Masthuro, 2023).

The implementation of virtual criminal trials during the COVID-19 pandemic presented both opportunities and challenges for the judicial system. While it allowed courts to continue functioning, virtual trials raised concerns regarding justice and effectiveness (Nelson *et al.*, 2023; Rossner & Tait, 2024). Issues included inadequate technology, privacy concerns for defendants, and difficulties in assessing credibility and maintaining courtroom rituals (Nelson *et al.*, 2023; Rossner & Tait, 2023). The lack of specific regulations for virtual trials in Indonesia could lead to legal errors (Nelson *et al.*, 2023). However, the e-court system has shown promise in simplifying processes and reducing costs (Intihani *et al.*, 2022). Despite these benefits, virtual criminal trials face legal weaknesses and implementation challenges that may violate the principles of a fair trial (Sahara *et al.*, 2022). As courts adapt to this new reality, careful consideration must be given to redesigning the virtual trial process to ensure respect, inclusivity, and adherence to justice principles (Rossner & Tait, 2023).

Beyond procedural fairness, confidentiality emerges as a critical issue in virtual criminal hearings, particularly when defendants participate from detention centers under the supervision of law enforcement officers. The absence of private and secure communication channels raises the risk of unauthorized monitoring and limits the ability of defendants to confidentially consult with their legal counsel. This situation potentially compromises attorney-client privilege and affects the reliability of testimony, as participants may feel psychologically constrained or intimidated due to the presence of unseen actors behind the screen. Furthermore, the use of unsecured digital platforms increases vulnerability to data breaches or external access, which could undermine the integrity and legitimacy of judicial proceedings.

From a communication science perspective, virtual trials can be seen as a transformation of the legal communication space from face-to-face to digitally mediated communication (Crystal *et al.*, 2021). This transformation brings serious consequences, one of which is the emergence of communication imbalances between the parties involved in the trial (Wangga & Ruman, 2022). The defendant's position becomes the most vulnerable. In Rossner (2021) research, conducted in the UK and the US, defendants in virtual trials reported feeling uncomfortable, losing control, and even experiencing intimidation from their surroundings, especially when not accompanied by their lawyer. Although Roser's study was conducted in countries with more advanced digital infrastructure, these findings are highly relevant to the Indonesian context. Legal practitioners, such as lawyers and judges, in Indonesia also reported similar issues: the absence of physical defense counsel alongside the defendant created a gap for potential pressure or intervention, especially if the defendant was under institutional supervision like the police or detention centers. In this context, the virtual courtroom loses its symbolic function as a neutral space that protects individual rights from state domination.

In the study of interactions in the courtroom, Atkinson and Drew (1979) stated that the court is an institutional interaction carried out through a communication structure rich in symbols and social roles (Atkinson & Drew, 1979). This aligns with Carey's (1989) view of the trial as a ritual communication—symbolic practices that reproduce legal authority, state legitimacy, and social order. Therefore, when trials are

moved to the virtual realm, these symbolic dimensions degrade, which affects public perception of the seriousness and legitimacy of the legal process (Law *et al.*, 2021). The courtroom is understood as a ritualized space filled with hierarchical structures and symbols of authority (Carey, 1989; Butler, 1997). When legal proceedings are transferred to the digital space, symbols such as the judge's gavel, robes, and seating arrangements become invisible, thus lowering the performance of the law (Butler, 1997; Rowden, 2018) and reducing respect and adherence to the legal process (Law *et al.*, 2021; Wexler, 2020).

On paper, Indonesia's e-court regulations have progressed—the Supreme Court (2020) issued Regulation No. 1, 24, 2019 and No. 3 of 2022 setting technical procedures and standards (e-filing, e-payment, e-summons, e-litigation). However, in practice, the implementation of virtual trials reveals a large gap between policy and reality (Simandjuntak *et al.*, 2024)). These regulations only apply to the judicial system, not to other institutions such as the prosecution, police, or detention centers (Langga, 2023; Turner, 2025). As a result, the implementation of virtual hearings becomes uneven: the court may be ready, but facilities in detention centers often do not support it. Trial delays caused by technical disruptions—poor signals, audio cutoffs, blurry images, and broken devices—are common (Alam *et al.*, 2024) and recognized as a major barrier to the e-court infrastructure in various religious courts. This not only slows down the legal process but also potentially harms defendants awaiting verdicts in detention and creates legal uncertainty (Simandjuntak *et al.*, 2024).

So far, studies on virtual trials in Indonesia remain limited. Most research focuses on normative legal aspects or administrative efficiency. However, communication aspects, power relations in virtual courtrooms, and their implications for justice principles have not been empirically explored. Nelson *et al.* (2023) in their article in the Sriwijaya Law Review identified several challenges in the implementation of online criminal trials in Indonesia, such as legal barriers in the Criminal Procedure Code (KUHAP) and technological limitations. However, their study used a quantitative survey approach and did not delve deeply into the subjective experiences of judges, prosecutors, or defense lawyers. In contrast, international studies on virtual courtrooms have advanced further, addressing communication and legal performativity aspects more thoroughly. Rossner and Tait (2021) show that limitations on non-verbal interaction and the absence of physical presence in online hearings can reduce respect, participation, and the symbolic authority of the law. Bandes and Feigenson (2020) criticized the loss of symbolic and performative dimensions of the trial process in the virtual space, which impacts perceptions of procedural justice. Meanwhile, the Stanford Criminal Justice Center (2021) reports that judges and lawyers in the US feel a decline in communication quality, difficulty reading expressions, and increasing power imbalances in virtual trials (Bandes & Feigenson, 2020; Young, 2011). These studies reveal that communication in the virtual courtroom not only faces technical obstacles but also undergoes a fundamental transformation in interaction structure, authority symbolism, and the sense of justice experienced by legal actors.

This research aims to fill this gap. Using a qualitative approach with in-depth interviews of judges and lawyers directly involved in virtual trials, this study explores the dimensions of communication, power relations, and perceptions of justice and sanctity in the practice of virtual trials in Indonesia. Its main focus is to answer (1) What are the experiences of legal practitioners (lawyers and judges) in conducting virtual trials during and after the COVID-19 pandemic?; (2) What communication challenges and technical barriers emerge in virtual trials?; (3) How does virtual trial affect perceptions of power balance and the sanctity of the courtroom?; (4) What are the views of legal practitioners regarding the accommodation of the principles of "speedy, affordable, and simple" justice in virtual trials?; (5) Do virtual trials represent the future of the judicial system in Indonesia? This study is expected to contribute to theoretical insights in the field of communication, as well as practical recommendations for policymakers in designing a more inclusive, fair, and digitally adaptive judicial system.

## 2. Research method

This study used a qualitative approach with a descriptive design. The main objective was to “examine, explore” the in-depth experiences of legal practitioners (lawyers and judges) regarding the implementation of virtual trials. The qualitative approach allowed the researcher to understand the phenomenon from the participants’ perspectives, uncovering nuances and social contexts that cannot be captured by quantitative methods. The informants in this study were selected using purposive sampling, consisting of two main groups:

- a. **Lawyers:** three lawyers (coded as Lawyer 1, Lawyer 2, and Lawyer 3) who were selected due to their extensive experience in assisting defendants during virtual trials.
- b. **Judges:** four judges (coded as Judge A, Judge B, Judge C, and Judge D) who were selected for their central role in managing and leading virtual trial proceedings, as well as their understanding of the legal and technical aspects.

A total of seven interviews were conducted between May and December 2024, with each session lasting approximately 60–90 min. All interviews were conducted in Bahasa Indonesia, transcribed verbatim, and subsequently translated into English for analytical and reporting purposes. Although the sample consisted of only seven participants, this number is methodologically sufficient for qualitative inquiry, especially when the goal is to obtain rich experiential data rather than statistical generalization (Hennink & Kaiser, 2022). Data saturation was reached after the sixth interview, as no additional themes emerged during subsequent coding, indicating the adequacy of the sample size for thematic analysis.

**Data Collection Techniques** consisted of: (a). **Semi-formal Interviews:** In-depth interviews were conducted with all informants. Questions were asked in a semi-formal manner to allow informants to share their experiences, challenges, and personal views regarding virtual hearings. The interviews were recorded to ensure data accuracy. The interview topics included general experiences with virtual trials, technical challenges, issues of power balance, the sanctity of the trial, and the future prospects of virtual hearings. (b). **Observation Notes:** Observations were conducted at a district court in West Java. These observation notes include descriptions of the physical environment of the court, the atmosphere, access to the courtroom and supporting facilities, as well as the atmosphere during interviews with judges. This observation aims to provide a visual and spatial context to the experiences described by informants, especially regarding infrastructure and the atmosphere of the trials.

The research locations are spread across several places according to the informants’ domiciles and observation sites. Interviews with Lawyer 1 and Lawyer 2, as well as Judge A, Judge B, and Judge C, were conducted at Universitas Bhayangkara Jakarta Raya or virtually. The interview with Judge D and Lawyer 3 was conducted at a district court in West Java, which also served as the observation site.

Data Analysis were analyzed using thematic analysis following Braun and Clarke’s (2006) six-step procedure: familiarization, coding, theme generation, theme review, theme definition, and reporting (Naeem et al., 2023). An inductive coding strategy was used, beginning with open coding to identify initial meaningful statements, followed by axial coding to organize these codes into broader conceptual categories. Two researchers independently coded the transcripts to minimize subjective bias. Initial codes were compared to ensure inter-rater consistency. Coding discrepancies were discussed collaboratively, and consensus was reached through iterative refinement, ensuring analytical coherence and reliability. Any discrepancies were resolved through discussion and iterative refinement until consensus was reached. Sub-themes were developed based on recurring patterns related to communication breakdowns, power dynamics, symbolic degradation of courtroom rituals, and perceptions of justice.

## 3. Research findings

This study aims to explain the experiences of judges and lawyers in the practice of virtual trials in Indonesia, particularly in criminal cases. Through a qualitative approach with in-depth interviews of key actors, five main themes were identified that represent the reality of virtual trials, namely: (1) general experiences in virtual trials, (2) communication challenges and technical barriers, (3) power imbalances and the loss of sanctity in the courtroom, (4) accommodation of the “fast, cheap, and simple” principle, and (5) perceptions of virtual trials as the future of the justice system in Indonesia.

### 3.1. General experiences in virtual trials

Virtual trials were adopted as a response to the COVID-19 pandemic. Although the goal was to maintain the continuity of judicial processes, their implementation was rushed and uneven. Many courts lacked the technical readiness and adequate procedural guidelines. Lawyer 1 described the initial condition of virtual trials as “not conducive” because minimal devices, such as one phone for multiple defendants, were used. This obscured individual identities and diminished the “sacred” atmosphere usually attached to physical courtrooms:

“In the early days of the pandemic, we were only given one phone for five defendants. The sound was muffled, sometimes their faces weren’t visible. Is this a trial or just a formality?”

Lawyer 2 highlighted the condition of defendants who were tried from detention centers (*rutan*) or police stations (*polres*) without direct accompaniment from their legal counsel. This raised concerns about potential pressure or intimidation from law enforcement present at the location:

“What we worry about is whether they are being interfered with. We don’t know who is in the room when they speak on the screen.”

This concern was confirmed by Lawyer 3, who mentioned that many families of defendants complained about the discomfort and lack of transparency in the virtual trial process. To address this, he devised a strategy by placing members of the legal team in detention centers to provide direct accompaniment to defendants. From the judges’ perspective, the main challenge lay in the inability to capture nonverbal signals. Judge D stated that aspects such as facial expressions, eye contact, or body language, typically used to assess the honesty and integrity of a defendant or witness, were inaccessible through the screen:

“I can’t see their expressions. Body language is important to read if the witness is lying. That’s what is missing.”

In criminal cases, where the search for material truth was the primary mandate, this limitation was highly disruptive. Judge A added that poor sound and image quality often made it difficult for defendants to understand the testimony of witnesses or the judge, thus affecting their right to defend themselves fully.

Furthermore, the psychological aspect also changed. The “feel” or sanctity of the trial was lost. According to Judge A, this atmosphere played a vital role in shaping the seriousness of the defendant’s attitude toward the legal process. When the trial takes place only on a screen, the symbolic authority of the judge and the courtroom diminished:

“Now the trial feels more relaxed. In the past, entering the courtroom made you tense. Now, it’s too casual.”

Based on these informants’ statements, it can be concluded that the majority of the early experiences of virtual trials were seen as unfit for purpose. Lawyers faced limitations in providing direct support to defendants, while judges struggled to capture nonverbal expressions that are crucial in evaluating credibility. The use of minimal devices and the condition of trial locations (such as detention centers or police stations) led to a loss of the formal and authoritative atmosphere of the trial.

Many felt that the trial was merely a procedural formality that lost its symbolic meaning as a sacred legal space.

Table 2 summarizes the types of locations used for virtual trials, the devices commonly employed, and the recurring issues reported by informants (see Table 1). Detention centers were noted as the most problematic, with several defendants often sharing a single mobile phone, resulting in poor audio quality and limited visual clarity. Police stations typically used standard webcams without providing private spaces, raising concerns about confidentiality and potential coercion. In contrast, courtrooms had relatively better infrastructure, but their effectiveness still depended heavily on the preparedness of external institutions like detention centers. These disparities underscore the fragmented and uneven implementation of virtual trials across legal institutions. They also reveal how infrastructural inadequacy directly impairs the perceived fairness, solemnity, and symbolic authority of the courtroom process. Without consistent standards and proper equipment across all locations, virtual trials risk devolving into mere formalities rather than meaningful instruments of justice.

3.2. Communication barriers and technical constraints

Communication barriers in virtual trials were largely caused by technical issues. Signal disruptions, interrupted audio, and blurry or unsynchronized video were recurring complaints in almost all interviews with informants. These problems occurred more frequently in locations such as detention centers (rutan) or correctional facilities (lapas), where the digital infrastructure was very limited. Judge A revealed that trials often had to be postponed due to simple issues like broken headsets or unclear audio:

“We once waited for half an hour, but the signal from the detention center was down. The trial was postponed for a week. That’s ironic.”

Connection issues caused audio to be inaudible or cut off, making communication ineffective. In several detention center locations, background noise such as prayers, music, or conversations between prisoners disrupted the trial. Lawyer 3 noted:

“Sometimes the defendant doesn’t hear the question. I have to repeat it several times. This lowers the quality of interaction.”

The availability facilities was also highly uneven. Although the

Table 1 Participant demographic characteristics.

No	Participant Code	Professional Role	Experience in Virtual Trials	Institutional Affiliation
1	Lawyer 1	Defense Lawyer	Yes (assisted multiple criminal cases virtually)	Private Law Firm
2	Lawyer 2	Defense Lawyer	Yes (handled legal representation during virtual hearings)	Private Law Firm
3	Lawyer 3	Defense Lawyer	Yes (acted as legal counsel in detention-based virtual trials)	Independent/ Legal Aid Organization
4	Judge A	District Court Judge	Yes (presided over multiple virtual trials during pandemic)	District Court
5	Judge B	District Court Judge	Yes (responsible for overseeing technical and procedural aspects of virtual hearings)	District Court
6	Judge C	District Court Judge	Yes (experienced in assessing witness and defendant performance virtually)	District Court
7	Judge D	District Court Judge	Yes (led courtroom proceedings at both physical and virtual settings)	District Court

Table 2 Location and facilities for virtual trials according to informants.

Virtual Trial Location	Devices Used	Main Issues
Detention Centers	One phone for many defendants	Noisy sound, blurry visuals
Police Stations	Standard PC webcam	No privacy space
Courtrooms	More complete equipment	Depends on detention center readiness

Supreme Court had set minimal standards for devices for online trials, in practice, many detention centers or prosecutors’ offices relied on regular mobile phones without additional devices like external microphones or large screens. Even the use of shared spaces in detention centers often led to disruptions from other prisoners, such as recitations, crying, or loud conversations. Coordination between institutions became a crucial issue. Ideally, the court should be responsible for contacting detention centers and prosecutors’ offices to ensure trial readiness. However, in many cases, there was no effective coordination, leading to delays or absenteeism. This highlights the need for clearer and more integrated inter-institutional coordination protocols.

Fig. 1 illustrates the most frequently reported technical disruptions experienced by legal actors during virtual criminal trials. Signal instability topped the list, with all seven informants mentioning at least one instance of delayed or interrupted hearings due to network issues. Audio disruptions followed closely, including low volume, echo, or completely inaudible sound. Visual issues, such as blurry images or unsynchronized lip movements, were also prevalent. Notably, background noise from detention centers, ranging from religious recitations to conversations among inmates, consistently interfered with trial concentration. The data suggest that these technical barriers are not isolated incidents but rather systemic challenges that demand structural improvements in courtroom technology and coordination protocols between the judiciary and correctional institutions. Communication issues in virtual trials were dominated by technical constraints, such as poor internet networks, inadequate audio-video devices, and background noise at the defendant’s location. These issues caused serious obstacles in the dialog between judges, prosecutors, defendants, and lawyers. As a result, delays, repeated questions, and even miscommunications often occurred. These findings emphasize how effective communication in legal settings depends heavily on the quality of the medium used and highlight the infrastructure inequality between the legal institutions involved.

3.3. Power imbalances and the loss of sanctity in the courtroom

One impact of conducting virtual criminal trials is the disruption of the power balance among legal actors. This study found that virtual trials amplified the dominance of state institutions, particularly over the position of defendants who were under the direct supervision of law enforcement, such as police officers or detention center officers. Lawyer 2 stressed that, in many cases, defendants felt uncomfortable because they were being monitored by those who had previously arrested or interrogated them:

“There is a gap for intimidation. We don’t know if there is a police officer standing behind the defendant or not.”

Without the physical presence of legal counsel beside the defendant, the room for control and protection became minimal. This created a dangerous power imbalance for the due process of law principle. The presence of lawyers virtually could not provide the same symbolic or practical protection as their physical presence. From a symbolic standpoint, the sanctity of the courtroom also experienced serious degradation. Judge D illustrated the importance of symbolic elements in shaping legal authority:

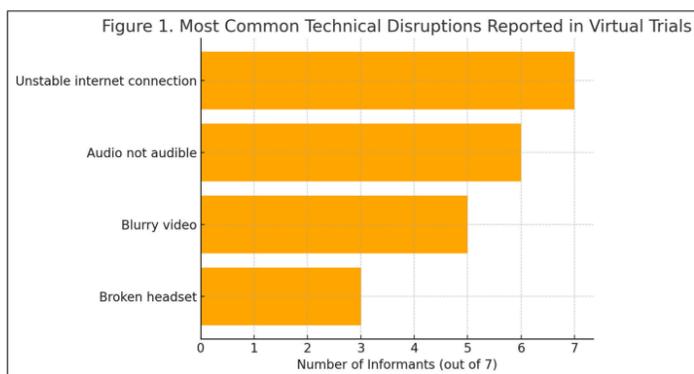


Fig. 1. Frequency of common technical disruptions in virtual trials based on statements from 7 informants.

"In a physical courtroom, the seating position and the gavel create authority. On the screen, everything is flat; the defendant feels like they're just chatting casually."

The online format removed ritualistic elements that formed a formal and hierarchical impression in the trial. The judge's elevated chair, seating arrangements, and symbols like robes and the gavel—all became blurred in the digital space. Lawyer 1 referred to this loss of ritual as the disappearance of the "court moment":

"The trial is a sacred moment. Now, the defendant appears from a dark room with a blurry camera. The meaning is lost."

From a symbolic communication perspective, the courtroom is not just an administrative forum but a performative arena that manifests legal authority and legitimacy. When this space is moved to a virtual medium without adequate symbolic and procedural adaptation, the sacred meaning attached to the legal process is eroded. Judge A also expressed his concern:

"Now there is a sense that the trial is more relaxed. The prosecutor doesn't have to bring the defendant, lawyers can just be online, but on the other hand—the defendant's rights may be compromised."

Thus, the power imbalance in the virtual space is not just technical but also structural and symbolic. The virtual courtroom, without being intentionally designed as an equal and dignified legal space, risks reinforcing the state's dominance over individuals who are most vulnerable in the justice system.

#### 3.4. Accommodation of the "fast, cheap, and simple" principle

The "fast, cheap, and simple" principle is a core principle in the Indonesian judicial system as stated in Article 2 (4) of Law No. 48 of 2009 concerning Judicial Power. One of the main arguments for implementing virtual trials is to support this principle through efficiency in time, costs, and administrative processes. However, the findings of this study show that its implementation is still far from expectations. Lawyer 1 expressed that many trials were actually delayed due to technical disruptions:

"If the trial keeps being delayed because of the signal, isn't it getting longer? Then where is the 'fast' part?"

This shows that the "fast" aspect in practice is often hindered by uneven digital infrastructure and the inadequate readiness of human

resources. Even delays caused by simple issues, such as broken headsets or lack of technical operators, became factors obstructing the trial process. From a cost-efficiency perspective, virtual trials did indeed reduce transportation and logistics expenses. Judge C gave an example:

"For civil or administrative cases, summons and reading documents can be very cost- and time-efficient. But for criminal cases, the context is different."

Lawyer 2 emphasized that cost-efficiency should not compromise the quality of legal defense:

"Maybe it's cheap in terms of expenses, but what if the defendant can't defend themselves due to a poor signal? That's actually expensive in terms of justice."

Lawyer 3 also distinguished between civil and criminal cases:

"For civil cases, maybe it can be 100% online. But criminal cases? It's about someone's life. It needs to be handled carefully."

Thus, the application of the "fast, cheap, and simple" principle in the context of virtual trials is partial and not comprehensive. Efficiency is only achieved in administrative aspects, not in substantive justice. Without infrastructure readiness, technical support, and improvements in inter-institutional coordination systems, this principle risks becoming a normative slogan without real implementation in criminal trials.

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#### 3.5. The future of virtual trials in the judicial system

The majority of informants in this study stated that, although digital technology offers administrative efficiency, Indonesia's justice system is still not ready to adopt virtual trials as the primary format for criminal cases. The complexity of communication, infrastructure inequalities, and the risk of procedural inequity were identified as the main obstacles.

Lawyer 3 and Judge C agreed that virtual trials could be used in certain circumstances, such as when defendants are located in hard-to-reach geographical areas. However, both emphasized that the implementation of online trials as the primary system requires comprehensive readiness in terms of infrastructure, inter-institutional coordination, and training human resources across all law enforcement institutions. Judge D stressed the importance of government investment:

"If the government is serious, don't just prepare a virtual courtroom in the court. Detention centers, prosecutors' offices, and the police

must have it too. Don't let trials be conducted in public spaces full of distractions."

Often, trials take place in public spaces in detention centers without dedicated rooms. This not only reduces the formal atmosphere but also opens up opportunities for intimidation of the defendant and disruption of legal processes. The ethical challenges, communication quality, and protection of defendants' rights underline that virtual criminal trials cannot fully replace face-to-face formats.

Nonetheless, most informants support the use of technology as a supplement to the justice system, especially for civil cases and administrative stages. In this context, the hybrid trial model—combining on-line and offline processes selectively—is seen as a realistic and adaptive solution. Judge D stated:

"I support virtual trials, but it has to be hybrid. For example, evidence presentation should be physical. Administrative trials can be online."

Lawyer 3 added:

"We shouldn't be anti-technology. But we need to be ready. Don't let technology harm the defendant."

Fig. 2 illustrates the distribution of trial format preferences—physical, virtual, or hybrid—according to different case types, based on interviews with seven informants. All informants expressed strong support for physical trials in criminal cases, particularly those involving witness examination and sentencing, citing concerns about fairness, intimidation risks, and communication quality. For administrative and civil cases, informants generally supported virtual or hybrid formats, highlighting their practicality and time-efficiency. The hybrid model was preferred for stages that involved document verification, initial hearings, or preliminary motions. These preferences indicate a cautious but strategic openness to technological integration, provided that it does not compromise the core values of justice, procedural integrity, and defendants' rights. These findings confirm that the virtual trial format holds potential, but its implementation must be selective, based on the context of the case, and supported by policies and serious infrastructure investments. The hybrid model emerges as a transitional approach that can accommodate efficiency without sacrificing substantive justice principles.

4. Discussion

The findings in this study confirm that, although virtual trials in Indonesia were implemented to maintain the continuity of the judicial system and uphold the principle of efficient justice, their practice has led to unintended consequences, particularly in criminal cases. These findings strengthen theoretical insights from symbolic interactionism (Goffman, 1959) and ritual communication theory (Carey, 1989), which emphasize the performative and symbolic dimensions of interactions in the courtroom—dimensions largely lost in virtual environments.

From a communication theory perspective, the trial process is multimodal and ritualistic. The transition to a digitally mediated environment has disrupted this complex semiotic space. Nonverbal communication—vital for assessing credibility and maintaining courtroom decorum—has significantly deteriorated in the virtual format. This loss aligns with findings by Johnson & Wiggins (2006), who show that remote legal settings create perceptual and interpretive gaps, especially for marginalized defendants.

In addition to technical problems, this study reveals that confidentiality is compromised in virtual trials, particularly when defendants are located in shared detention rooms without privacy safeguards. This lack of confidential space increases psychological vulnerability and raises concerns about the integrity of testimony. The absence of personal presence in a formal courtroom setting also reduces the psychological weight ("personal pressure") typically experienced in physical trials, potentially affecting sincerity, emotional expression, and behavioral restraint among defendants and witnesses.

In terms of power relations, this study illustrates how virtual trials can exacerbate existing inequalities. Defendants appearing from detention centers without direct legal representation face potential intimidation, lack of privacy, and surveillance by state authorities. This aligns with Foucault's concept of disciplinary power, where visibility and control become tools of domination. The absence of legal counsel physically by the defendant not only reduces their confidence but also disturbs the procedural balance in an adversarial legal system.

Additionally, this study highlights the infrastructure gaps between institutions—showing that digital inequalities further exacerbate communication imbalances. Courts may have sophisticated technology, but detention facilities often lack basic equipment, threatening the standard of fair justice. This technological inequality further

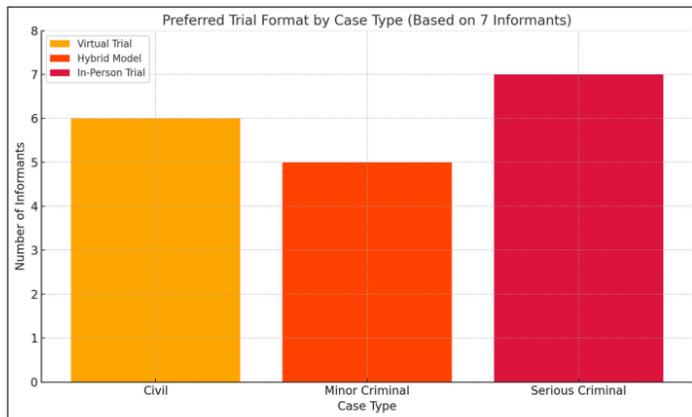


Fig. 2. Preferences for Trial Formats by Case Type (based on 7 informants).

marginalizes vulnerable groups, as pointed out by Reiling (2020) and Zalnieriute & Bell (2019).

Therefore, while technical disruptions (e.g., unstable signals, poor audio) hinder procedural flow, issues related to psychological insecurity, power domination, and the absence of confidential legal space play a more critical role in undermining fairness and equality in virtual criminal trials. These psychosocial dimensions, although less visible than technical barriers, hold greater implications for perceived justice and defendants' agency, as emphasized by both judges and lawyers in this study.

The principle of "fast, cheap, and simple", which is a cornerstone of Indonesia's legal philosophy, has only been partially realized. While the administrative aspect benefits from digitalization, the procedural and substantive dimensions of justice have regressed. This aligns with concerns raised by the UNODC (2021), that a digital justice system implemented without adequate protection risks becoming a mere procedural formality without substantial legitimacy.

Furthermore, the findings must be interpreted within Indonesia's cultural context, which is characterized by a high power distance and hierarchical communication norms (Arrindell, 2003). In such settings, legal authority is often perceived as sacred and unquestionable, and courtroom rituals reinforce the symbolic dominance of the state over individuals. When trials shift to virtual settings, the physical markers of hierarchy—such as the judge's elevated position, courtroom layout, and ceremonial gestures—are diminished, potentially weakening the perceived legitimacy and seriousness of legal proceedings. For defendants, especially those appearing from detention centers, the virtual environment reinforces disciplinary surveillance rather than protective legal symbolism, further amplifying vulnerability and psychological pressure. Thus, virtual trials in Indonesia not only disrupt procedural justice but also challenge culturally embedded expectations of legal authority, respect, and ritualized fairness.

Nonetheless, this study also finds opportunities for reform. The majority of participants acknowledged the potential of digital tools for civil cases and administrative processes. The hybrid model—which combines both online and offline elements, emerges as the most contextual solution, capable of maintaining efficiency without sacrificing symbolic authority and fair legal standards.

## 5. Theoretical contributions

This study enriches legal communication scholarship by demonstrating how digitally mediated trials disrupt the ritualistic and symbolic nature of courtroom communication, as emphasized by Goffman (1959) and Carey (1989). The findings further contribute to power dynamics theory in courtroom settings by highlighting how virtual trials intensify disciplinary power mechanisms (Capodivacca & Giacomini, 2024) particularly in situations where defendants are placed in detention environments without direct legal support. Additionally, the findings validate and extend existing theories of digital inequality (Baraka, 2024), demonstrating how infrastructural disparity between courts and detention centers shapes perceived legitimacy and fairness in virtual judicial processes.

## 6. Practical implications

The findings call for policy reform in the implementation of virtual trials, particularly by ensuring (1) adequate technological infrastructure in detention centers, (2) mandatory presence (physically or virtually) of legal counsel alongside defendants, (3) improved audiovisual quality to support credibility assessment, and (4) stricter protocols for ensuring privacy and protection from intimidation. The endorsement of a hybrid trial system by practitioners suggests that virtual hearings may remain viable for procedural or administrative matters, whereas full face-to-face hearings remain crucial for criminal cases that require symbolic authority and psychological safeguarding of defendants.

## 7. Limitations

This study is limited by its relatively small sample size, which includes only seven legal practitioners from specific institutional contexts. While appropriate for qualitative depth, this scope may limit generalizability across broader judicial settings in Indonesia. Furthermore, the research did not include prosecutors, defendants, or courtroom clerks, whose perspectives could provide a more holistic understanding of communication inequalities in virtual trials. Observations were also limited to a single court setting, which may not fully represent variations in infrastructural conditions across different regions.

## 8. Directions for future research

Future research should consider expanding participant diversity by incorporating defendants, prosecutors, courtroom clerks, or legal aid organizations. Comparative studies between urban and rural courts would also be beneficial to assess digital inequality more comprehensively. Additionally, future studies could explore psychological dimensions of perceived intimidation, stress, and participation in virtual trials through mixed-method or phenomenological approaches. Finally, cross-country comparative research may reveal cultural influences on virtual courtroom power relations, especially in high power distance societies like Indonesia.

## 9. Conclusion

This study reveals that the implementation of virtual criminal trials in Indonesia presents significant challenges in terms of communication, power balance, and legal symbolism. Virtual hearings not only introduce technical barriers but also have the potential to undermine substantive justice principles and procedural equality. In the context of criminal cases, virtual trials have not yet been able to guarantee a fair and dignified legal process.

However, technology still holds great potential in supporting judicial efficiency, especially if implemented selectively and contextually. The hybrid format represents a transitional alternative that can accommodate the need for efficiency without compromising justice. It is essential to invest in infrastructure, human resource training, and inter-institutional coordination policies to ensure that virtual trials can function as a complement, not a complete replacement, for a fair and meaningful legal process.

## CRedit authorship contribution statement

Aan Widodo: Writing – review & editing, Writing – original draft, Methodology, Funding acquisition, Formal analysis, Data curation. Wa Ode Sitti Nurhaliza: Writing – original draft, Visualization, Project administration, Investigation. Moh Rifaldi Akbar: Writing – review & editing, Writing – original draft, Methodology, Investigation, Conceptualization.

## Data availability statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

## Ethical statement

This study was conducted in accordance with the Guidelines for Research and Community Service 2024 issued by the Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia. In line with these guidelines, the research adhered to the core ethical principles of beneficence, non-maleficence, respect for human dignity, and justice.

The study did not require formal institutional ethical approval, as it

involved only non-sensitive interviews and courtroom observations with adult participants. All participation was voluntary, with informed consent obtained after participants were provided with clear explanations regarding the purpose and scope of the study.

To ensure confidentiality, no personal or identifiable information was disclosed. Pseudonyms (e.g., Lawyer 1, Lawyer 2, Judge A, Judge B) were used for all informants, and locations were generalized (e.g., a district court in West Java) to prevent any possibility of identification.

#### Declaration on the use of AI

AI tools were used exclusively for technical data classification purposes during the research process. All interpretation, writing, and conclusions presented in this manuscript were solely developed by the authors.

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#### Declaration of competing interest

The Author declares that there are no known competing financial or personal.

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