

# ISRG Journal of Arts, Humanities and Social Sciences (ISRGJAHSS)



## ISRG PUBLISHERS

Abbreviated Key Title: ISRG J Arts Humanit Soc Sci

ISSN: 2583-7672 (Online)

Journal homepage: <https://isrgpublishers.com/isrgjahss>

Volume – IV Issue -I (January- February) 2026

Frequency: Bimonthly



## Implementation of the Trilogy of Justice in Online Criminal Trials: A Prosecutorial Perspective from the Rote Ndao District Attorney's Office

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| Received: 06.01.2026 | Accepted: 10.01.2026 | Published: 12.01.2026

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## Abstract

This study examines the application of the principles of the simple, fast, and low-cost justice trilogy in online criminal trials, with a focus on the role of prosecutors at the Rote Ndao District Attorney's Office. Although online trials are intended to increase efficiency and keep pace with technological advancements, their practice faces various technical and legal challenges that impact the quality of substantive justice. Network disruptions, limited facilities, a lack of direct interaction, and difficulties presenting witnesses are the main obstacles for prosecutors in maintaining the smooth operation of trials. Furthermore, the absence of explicit regulations in the Criminal Procedure Code creates legal uncertainty regarding the mechanisms of electronic trials. Using empirical legal research methods and a descriptive qualitative approach, this study analyzes the experiences of prosecutors in light of Radbruch's theory of legal objectives. The research results show that online trials do not fully meet the principles of the trilogy of justice and still require strengthening of regulations, infrastructure, and capacity building of implementers. Furthermore, obstacles such as unequal access to technology, poor network quality, and suboptimal procedural adaptations hamper the effectiveness of the judicial process. These conditions have the potential to prolong trial times, increase costs, and reduce procedural and substantive justice. The ultimate impact is a decline in the effectiveness and public trust in the criminal justice system, which is considered inefficient and unable to guarantee the protection of litigants' rights fully.

**Keywords:** Trilogy of Justice; Courageous Trial; Prosecutor

## 1. Introduction

Criminal procedural law in Indonesia is the formal framework governing the conduct of the criminal justice process, from the investigation stage to the trial. All of these mechanisms are regulated in the Criminal Procedure Code as the primary guideline

that ensures a fair, transparent, and sustainable legal process (Waskito, 2018). The Criminal Procedure Code encompasses various fundamental principles that form the foundation for the administration of justice, including the principles of simplicity,

speed, and low cost (Ulfanora et al., 2022). These principles are designed to ensure that the judicial process is straightforward, efficient, and does not unduly burden all parties involved, including the defendant, the victim, and law enforcement officials. By implementing these principles, the judiciary is expected to deliver not only formal justice but also substantive justice that is genuinely felt by the community.

However, as it developed, the implementation of the principle of the trilogy of justice faced new challenges with the advent of technological innovation in the judicial process, particularly through online trials (Rustamaji, 2019). This technology-based trial model began to be widely implemented during the COVID-19 pandemic as an adaptive strategy to social restrictions and the implementation of health protocols. While it offers convenience in saving time and travel costs, the implementation of online trials raises questions about its effectiveness in supporting the principle of the trilogy of justice. On the one hand, technology can accelerate processes and lower operational costs. However, on the other hand, various obstacles arise, such as communication barriers, limited face-to-face interaction, and difficulties for judges in assessing the gestures, expressions, and body language of defendants or witnesses. This situation has given rise to widespread debate about the extent to which online trials can uphold the principles of simplicity, speed, and low cost without compromising the rights of defendants and the quality of substantive justice.

In practice, online trials have raised various legal and technical issues. Many legal practitioners argue that this trial model does not provide the whole experience of a face-to-face trial (Intihani et al., 2022). Judges often struggle to comprehensively assess the expressions and reactions of defendants or witnesses due to the limited visual display available on screens. Interaction between parties is also reduced, limiting the depth of fact-finding. Ultimately, substantive justice, the primary goal of the judicial process, is potentially diminished, even though formal legal procedures are still conducted digitally.

A concrete example occurred in an online trial of an assault case at the Central Jakarta District Court in 2021. In that case, the judge stated that it was difficult to fully capture the defendant's expression when giving testimony via video conference. The legal counsel also expressed objections because communication between the defendant and his legal counsel was limited due to the limited facilities in the correctional facility. This situation raised concerns that the defendant would not receive an optimal defense, and simultaneously threatened the principle of justice that should be reflected in the trial process.

Another case was discovered during the implementation of online criminal trials at the Pohuwato District Court in Gorontalo. During the case administration phase, the electronic trial presented several obstacles due to the limited facilities and infrastructure at the court, prosecutor's office, and correctional facilities. This situation hampered the process of seeking material truth and potentially thwarted the achievement of the objectives of criminal procedure law itself. Technical obstacles such as unstable networks, inadequate equipment, and limited dedicated space for online trials pose serious challenges to the implementation of digital-based justice.

In these various situations, the role of the prosecutor becomes very central (Sumantri, 2020). As the state's representative in prosecution, prosecutors are responsible for ensuring that the trial

process runs smoothly and efficiently, while still guaranteeing the rights of all parties. Prosecutors not only act as public prosecutors but also as controllers of the criminal justice process (Widodo, 2012). In the era of online trials, this role has become increasingly complex as prosecutors must manage technical coordination between courts, detention centers, witnesses, and other involved parties. Within the context of the principle of the trilogy of justice, prosecutors are required to ensure trials remain simple, expeditious, and cost-effective, while simultaneously maintaining the quality of evidence and protecting the defendant's rights.

One of the significant challenges prosecutors often face is the difficulty of summoning witnesses requested by the judge at short notice. Requests for additional witnesses are common in criminal trials, especially when legal facts need clarification. In in-person trials, witness summons can be arranged more quickly. However, in online trials, this process is more complicated because it depends on the availability of technology, internet connections, and inter-agency coordination. In geographically difficult-to-reach areas, this presents an unavoidable challenge.

Infrastructure limitations also pose a significant obstacle. In some cases, prosecutors have struggled to present witnesses living in remote areas, as was the case at the Sumbawa District Court. Due to a lack of internet access and inadequate transportation, trials had to be postponed for several days. These delays have profound implications for the principle of speed and simplicity. They not only hinder the legal process but also disadvantage defendants who demand a speedy resolution. This situation presents prosecutors with a dilemma, as they must maintain the quality of evidence while simultaneously overcoming technical obstacles beyond their control.

Furthermore, another challenge that arises is limited access to technology in correctional facilities or rural areas. Defendants or witnesses often experience difficulty hearing or providing testimony due to inadequate equipment and networks. This has the potential to hinder the defendant's right to defend themselves effectively, including the right to be tried in person and openly before a judge. In this context, online trials are considered to reduce the quality of interaction between the defendant, the judge, and legal counsel. From a regulatory perspective, the Criminal Procedure Code has not yet explicitly regulated the online trial mechanism (Hanafi et al., 2021). This normative vacuum has led to differences in interpretation and practice within the field.

Nevertheless, several regulations form the basis for online trials, such as Law Number 48 of 2009 concerning Judicial Power, which affirms the court's obligation to administer simple, expeditious, and low-cost trials (Adisti et al., 2021). The Electronic Information and Transactions Law acknowledges the validity of electronic information in legal proceedings, while Supreme Court Regulation Number 4 of 2020 and Supreme Court Circular Letter Number 1 of 2020 provide technical guidelines for conducting electronic trials. Furthermore, a 2020 cooperation agreement between the Supreme Court, the Attorney General's Office, and the Ministry of Law and Human Rights strengthened technical coordination through video conferencing.

Despite the existence of supporting regulations, the lack of clarity in the Criminal Procedure Code raises questions about legal certainty and the protection of the defendant's rights. This lack of norms could impact the principle of fair trial, particularly the defendant's right to appear in person before a judge and face

witnesses. Therefore, the implementation of online trials requires further study to ensure its consistency with the principles of the trilogy of justice, as well as the principles of justice, legal certainty, and human rights protection.

Research on this topic then focused on the Rote Ndao District Attorney's Office as the study location. The Rote Ndao region was selected due to its unique geographic characteristics and significant infrastructure challenges. As the southernmost region of Indonesia, access to technology and communications remains limited in some areas. This situation directly impacts the smooth running of online trials. Prosecutors in this region often face challenging situations when presenting witnesses from remote areas or when the internet connection is unstable. Through this experience, the research aims to delve deeper into how prosecutors overcome these challenges and the extent to which the principle of the trilogy of justice can be effectively implemented.

Thus, it is essential to investigate how the principles of the trilogy of justice are applied in online trials, particularly from the perspective of prosecutors, who are key actors in the prosecution process and criminal justice administration. This study aims to assess the extent to which online trials have met the principles of simplicity, speed, and low cost without compromising the rights of the accused or the quality of substantive justice expected in the Indonesian criminal justice system.

## 2. Method

This research uses an empirical legal research method with a qualitative, descriptive-analytical approach. Empirical legal research examines law in action, specifically how legal norms are implemented and function through the behavior of law enforcement officials, rather than just written provisions. In this context, the research focuses on online trial practices from the perspective of public prosecutors and the implementation of the principles of the judicial trilogy: simplicity, speed, and low cost. A qualitative approach was chosen because the data collected consisted of narrative descriptions, perspectives, and experiences of prosecutors, allowing for a deeper understanding of the context and meaning of practices in the field. This research also combined direct observation and in-depth interviews to explore the experiences and challenges faced by prosecutors in conducting online trials. As a descriptive analytical study, the empirical findings not only describe the facts but are also analyzed using Radbruch's theory of legal objectives and role theory to assess the extent to which the principles of the judicial trilogy are realized in online trial mechanisms.

## 3. Results and Discussion

### 3.1. Implementation of Online Trials in Criminal Cases Reviewed from the Principles of the Trilogy of Justice According to the Views and Experiences of Prosecutors.

The application of simple principles in online trials, as seen from the perspective and experience of prosecutors at the Rote Ndao District Attorney's Office, has demonstrated positive changes in the efficiency of case administration, despite still facing technical challenges and the need for cross-agency coordination. The existence of an online trial system helps streamline administrative processes that were previously carried out manually. Before the implementation of online mechanisms, sending case files took time because they had to be physically delivered between the prosecutor's office, the court, and the correctional institution. Now,

the entire process can be done electronically, from case registration to coordinating trial schedules. The use of digital systems accelerates the filing and distribution of documents, allowing previously time-consuming procedures to be completed in minutes. However, online trials often face technical challenges, such as unstable internet connections and limited equipment available at each agency. The most common obstacles are lost internet connections between the court, the prosecutor's office, and the prison, or delays in joining the virtual room. These incidents delay what should be efficient trials, resulting in delays in the procedural simplicity offered by technology. While the procedural simplicity offered by technology is not matched by substantive simplicity in implementation, online trials eliminate administrative complexity; however, they also introduce new complexities, such as network and device dependency.

When viewed from the framework of the principles of the judicial trilogy as stipulated in Article 4 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power, the principle of "simplicity" should encompass procedural and technical aspects that facilitate the judicial process for all parties. However, findings at the Rote Ndao District Attorney's Office indicate that the implementation of this principle remains uneven. Administrative simplicity has been achieved successfully; however, simplicity in trial implementation is still limited by the readiness of infrastructure and human resources.

Overall, the implementation of the simple principle in online trials at the Rote Ndao District Attorney's Office is partial. While the digital system has successfully simplified administrative and coordination processes, in practice, technical obstacles remain, rendering trials less than fully efficient. This situation emphasizes that the success of the simple principle in the context of online trials is determined not only by legal policy but also by technological factors, human resource capacity, and coordination across judicial institutions. This is reinforced by the fact that most informants acknowledged that, from an administrative and inter-agency coordination perspective, the online system has accelerated many aspects of the process.

Conceptually, the principle of speed as stipulated in Article 4, paragraph (2) of Law Number 48 of 2009 concerning Judicial Power demands that trials be carried out in an efficient and unprotracted manner. In the context of the Rote Ndao District Attorney's Office, this principle has begun to be realized through the application of information technology that reduces distance and time. However, its implementation is not yet entirely ideal because non-legal factors, such as limited internet networks, equipment availability, and a lack of technical personnel in the field, still often act as obstacles.

Despite this, the prosecutor's office remains firmly committed to continually improving its working mechanisms so that the expeditious principle is not merely normative, but is truly realized in modern judicial practices that are adaptive to technological advances. Therefore, the implementation of the expeditious principle at the Rote Ndao District Attorney's Office can be categorized as administratively and functionally successful, but still requires strengthening of technical aspects and human resources to ensure the smooth running of online trials in the future. Furthermore, the principle of low costs in the criminal justice system aims to ensure that the implementation of the judicial process does not burden the parties involved, both the state and the public seeking justice. In the context of online trials, this

principle is expected to be achieved through efficient transportation and accommodation costs, as well as more efficient use of resources compared to face-to-face trials.

Based on research conducted at the Rote Ndao District Attorney's Office, the implementation of the low-cost principle has yielded consistently positive results compared to the other two principles. However, some new cost aspects have arisen due to technological requirements. Therefore, the implementation of the low-cost principle in online trials is more consistently achieved than the fast and straightforward principle. Budget efficiency, resource savings, and improved administrative governance are the most tangible aspects of implementing the judicial trilogy at the Rote Ndao District Attorney's Office.

Furthermore, the implementation of online trials at the Rote Ndao Prosecutor's Office shows that the low-cost principle is the most consistently achieved aspect, followed by the expeditious principle. In contrast, the simple principle still faces technical and coordination challenges. This fact demonstrates that the successful implementation of judicial principles depends not only on formal regulations or policies but also significantly on the readiness of technological infrastructure and the competence of human resources.

The principle of low costs is the most visible aspect of its success. Online trials have successfully reduced various operational costs, such as transportation and escort of detainees, as well as the use of physical court facilities. However, this efficiency has also created new costs, namely investment in equipment and networks. In the prosecutor's view, these expenses are transitional and long-term, because once the infrastructure is in place, the online system will provide permanent efficiencies for the judicial system.

The role of prosecutors in online trials has significantly expanded compared to conventional face-to-face trials. Prosecutors are now tasked not only with prosecuting and proving cases before a judge, but also with adapting to information technology, mastering digital systems, and maintaining the integrity of the legal process in a virtual space. Researchers have observed that prosecutors are often directly involved in technical arrangements before a trial begins, such as ensuring a stable network connection, assisting witnesses or defendants in understanding online procedures, and adjusting camera positions to allow the judge to assess expressions and gestures clearly.

In the implementation of online trials at the Rote Ndao District Attorney's Office, the prosecutor's role is divided into three main dimensions. First, the legal role, which remains focused on the prosecutor's function as public prosecutor (Silangit & Tarigan, 2025). Prosecutors are responsible for ensuring that the evidentiary process remains objective and in accordance with criminal procedure law, even if conducted online. Prosecutors must also ensure that the defendant's rights are not violated and that the legal process is conducted fairly (Saputra et al., 2023). Second, the technical and administrative role of prosecutors is becoming increasingly important. Prosecutors not only serve as prosecutors but also must master the technology used in online trials. They ensure smooth technical processes, including the readiness of devices and internet connections, as well as coordination between the agencies involved in the trial. The success of online trials depends heavily on the prosecutor's readiness to manage these technical aspects. Third, the prosecutor's moral and substantive role is to ensure the values of justice and human rights are guaranteed

in online trials (Syaifulloh, 2019). Prosecutors must ensure that defendants have full access to communicate with their legal counsel and that their rights are respected in electronic judicial proceedings.

Overall, the role of prosecutors in online trials at the Rote Ndao District Attorney's Office demonstrates that prosecutors serve not only as public prosecutors but also as managers of technical processes and guardians of justice in the digital justice system. Prosecutors play a key role in ensuring that legal proceedings continue to run efficiently, fairly, and transparently, even through virtual platforms. According to Gustav Radbruch, law has three central fundamental values that serve as the objectives of its validity: justice (Gerechtigkeit), legal certainty (Rechtssicherheit), and utility (Zweckmäßigkeit) (Wijayanta, 2014). In the context of implementing online trials at the Rote Ndao District Attorney's Office, these three values can serve as a framework to assess the extent to which the application of the principles of simple, fast, and low-cost justice supports the achievement of overall legal objectives.

Online trials offer a new form of access to justice by enabling the judicial process to continue despite limitations on space and time, particularly in the post-pandemic era. This adaptation demonstrates the flexibility of the legal system in meeting the needs of modern society. However, challenges arise in substantive justice due to limited direct interaction between judges, prosecutors, and the judiciary. Defendants and witnesses can undermine the effectiveness of evidence, particularly when technical glitches occur or when it is challenging to accurately assess expressions and gestures. Consequently, even if procedural justice has been achieved, substantive justice remains suboptimal and requires improvement, particularly in improving the quality of technology and communication in online trials.

Meanwhile, legal certainty has gained a normative basis through Supreme Court Regulation No. 4 of 2020 and cooperation between law enforcement agencies, thereby providing apparent legal legitimacy for the implementation of electronic criminal trials (Hidayat et al., 2020). However, this certainty has not been fully realized in the field due to differences in the quality of infrastructure and procedures between agencies and between regions, thus giving rise to inconsistencies in practice.

The utility aspect of online trials offers significant time and cost efficiencies, in line with the principle of low costs (Simbolon, 2023). However, these benefits are primarily administrative in nature and have not yet fully delivered a substantive impact on the pursuit of justice. According to Radbruch, legal benefits ideally contribute to social order and well-being, so online trials still need to be improved to ensure not only technical efficiency but also a sense of security, comfort, and satisfaction with justice for the parties.

Overall, the implementation of online trials at the Rote Ndao District Attorney's Office has progressed in a positive direction, achieving legal objectives particularly in terms of expediency and legal certainty. However, substantive justice remains a primary concern that needs to be strengthened through technological advancements and improved communication mechanisms between parties involved in online trials.

### 3.2. Practical Obstacles Faced by Prosecutors in Implementing Online Trials at the Rote Ndao District Attorney's Office

Obstacles faced by prosecutors in implementing online trials at the Rote Ndao District Attorney's Office include limited technological infrastructure, which directly impacts the smooth running of online trials. These limitations include not only the hardware used, such as computers, cameras, and microphones, but also unstable internet connections in various locations involved in the trial process, whether in court, the prosecutor's office, or correctional facilities. Although the hardware used is sometimes adequate, poor internet signal quality is one of the main obstacles that disrupts smooth communication between parties involved in the trial. This statement indicates that, despite the availability of technological devices to support online trials, limited network infrastructure often remains a significant limitation that cannot be easily overcome. Unstable internet signals can disrupt communication between parties or cause delays in trials, which in turn delay the judicial process. These infrastructure limitations also impact the quality of interactions during the trial. While online trials offer ease of access in many cases, such as reducing transportation and logistics costs, the issues of unequal access and technological limitations demand more effective solutions.

This also highlights the need for increased investment in the technology used by law enforcement agencies, particularly the Prosecutor's Office and courts, as well as correctional institutions and District Courts involved in online trials. Without improved technical facilities and regular equipment maintenance, the implementation of online trials will continue to face technical obstacles that impact the smooth running of the judicial process. To enhance the effectiveness of online trials, updates and improvements to the existing infrastructure are necessary, encompassing hardware, software, and network quality (Gracia & Ronaldo, 2021). This will ensure that online trials can be conducted smoothly, in accordance with the principles of simplicity, speed, and low cost, which underlie the objectives of criminal procedural law. Delays caused by technical and infrastructure issues can compromise the effectiveness of the justice system. In the context of the principles of simplicity and speed, delays and uncertainty in trial schedules not only hinder the smooth operation of the judicial process but can also erode public confidence in the legal system itself. When technical glitches disrupt the judicial process, they can undermine the public's perception of the effectiveness and seriousness of law enforcement agencies in upholding justice. In other words, these technical issues impact not only time and costs but also the quality of substantive justice received by defendants, witnesses, and the public as a whole.

The inability to overcome technical barriers can lead to discriminatory access to justice, where certain parties, particularly defendants or witnesses hindered by technological limitations, are denied the opportunity to participate in the trial process fully. Defendants, who have the right to be treated fairly and have the opportunity to defend themselves, may be hampered by limited access to communication tools and their defense during online proceedings.

The second obstacle identified was limited accessibility for parties involved in online trials, including defendants, witnesses, and legal counsel. Accessibility in this context refers to the ability of these parties to access the necessary technological devices, such as computers, smartphones, and a stable internet connection, to participate in online trials. This accessibility issue affects procedural fairness, a fundamental principle of criminal procedure

law. The success of the justice system depends heavily on equal access for all parties involved in the trial. Defendants who are unable to attend in full or arrive late to the trial due to technological limitations will lose the opportunity to fully defend themselves, which can undermine substantive fairness in the trial process. Similarly, witnesses may be unable to testify effectively because they lack adequate access to virtual court proceedings. This poses significant risks to the evidentiary process, as witnesses are a key element in establishing the truth in criminal cases. If witnesses cannot testify in person, the integrity of the legal process is jeopardized. Sometimes, witnesses who need to testify in court are unable to appear because they lack adequate devices or internet connections. This, in turn, hinders procedural fairness. This demonstrates that despite efforts to implement online trials nationwide, inequality in access to technology remains an unresolved issue.

Furthermore, correctional institutions also face accessibility issues related to limited technological facilities. Often, available devices are limited to a single access point, requiring defendants to share devices with multiple people or even rely solely on volatile internet connections. Limited access to prisons is a crucial issue because defendants who cannot fully participate in court proceedings may not have the same opportunities as those who can physically attend in-person hearings. This potentially violates a fundamental principle of justice, namely the defendant's right to a fair and open trial.

Furthermore, legal counsel also faces similar challenges in terms of accessibility, such as difficulty accessing documents in real time or disruptions in online communication, which can disrupt the legal defense process for the accused. This could also harm the accused's rights, which are supposed to be guaranteed by the principle of a fair trial. The limited accessibility faced by some parties in online trials has a significant impact on procedural and substantive justice. From a procedural justice perspective, the principle that every party should have an equal opportunity to participate in the trial process is undermined when one party is unable to access the necessary technology. Substantive justice is also threatened, as unequal access results in the inability of some parties to participate fully in the trial, ultimately reducing the quality of the judicial decision.

Another challenge faced in conducting online trials is adapting to legal procedures. Although regulations governing online trials exist, such as Supreme Court Regulation No. 4 of 2020, practice in the field shows that implementation still faces uncertainty and difficulties in adapting procedures that are not yet fully optimized. Coordination between the institutions involved and the management of electronic evidence are significant challenges. Furthermore, existing regulations do not fully accommodate the technical requirements of conducting online trials, which can impact the effectiveness of the criminal justice system as a whole. For example, managing legal and valid electronic evidence is often a challenge, as clear standards for submitting evidence online have not been fully established. Furthermore, coordination issues between courts, prosecutors, correctional institutions, and legal counsel frequently result in trial delays.

When analyzed using John Rawls' Theory of Justice, the online trial conducted at the Rote Ndao District Attorney's Office appears to have been conducted fairly. Rawls proposed two main principles: the principle of equal liberty and the principle of difference. The principle of equal liberty requires that every

individual have equal access to fundamental liberties, including a fair opportunity in the judicial process. In the context of online trials, this means all parties must have equal access to technology. However, research shows that inequality in access persists, particularly for defendants and witnesses who experience network and device constraints. This inequality hinders their full participation, thus threatening procedural and substantive justice.

Meanwhile, the difference principle states that inequality can only be justified if it benefits the least advantaged. In practice, technological inequalities in online trials actually exacerbate the position of already marginalized groups, such as witnesses from remote areas or defendants in correctional facilities with limited facilities. Rather than providing benefits, online trials actually increase their barriers to accessing justice. Thus, based on Rawls's two principles, the implementation of online trials in Rote Ndao has not fully met the standards of justice that support equality and the protection of the most vulnerable.

#### 4. Conclusion

The implementation of the principles of the judicial trilogy in online trials, from the perspective of prosecutors at the Rote Ndao District Attorney's Office, has shown positive progress. However, improvements in technological infrastructure, procedural consistency, and capacity building are still needed to ensure the values of simplicity, speed, and low cost can be achieved in a balanced manner without compromising the rights of defendants and the quality of substantive justice. Furthermore, practical obstacles to implementing online trials that impact their effectiveness in the criminal justice system include limited technological infrastructure, uneven accessibility, and suboptimal procedural adaptations. Technical issues such as poor network quality, device delays, and the inability of some parties to access necessary technology disrupt the smooth running of court proceedings, prolong trial times, and increase costs. Furthermore, unequal access to technology for defendants, witnesses, or legal counsel in remote areas or correctional institutions also reduces procedural and substantive fairness. Although regulations regarding online trials exist, procedural uncertainty and difficulties in inter-agency coordination, as well as the management of electronic evidence, hamper the effectiveness of justice. The implications of these obstacles are a decline in the effectiveness of the criminal justice system, as they slow down the legal process, increase costs, and undermine public confidence in a justice system perceived as inefficient and not entirely fair.

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