



## **The Role Of E-Berpadu In Addressing The Lex Imperfecta Of Article 143 Paragraph (4) Of The Indonesian Criminal Procedure Code: A Study At The Kotamobagu District Court**

**Riska Pratiwi Djaman<sup>1</sup>, Jemmy Gerardus Mokoagow<sup>2</sup>, Hajim Lasabuda<sup>3</sup>, Eldy Satria Noerdin<sup>4</sup>.**

<sup>1</sup>Universitas Dumoga Kotamobagu, Kotamobagu, Indonesia, [mmnlawfirm@gmail.com](mailto:mmnlawfirm@gmail.com).

<sup>2</sup>Universitas Dumoga Kotamobagu, Kotamobagu, Indonesia, [jemmymokoagow87@gmail.com](mailto:jemmymokoagow87@gmail.com).

<sup>3</sup>Universitas Dumoga Kotamobagu, Kotamobagu, Indonesia, [jimhajim3@gmail.com](mailto:jimhajim3@gmail.com).

<sup>4</sup>Universitas Dumoga Kotamobagu, Kotamobagu, Indonesia, [eldysatria@udk1.ac.id](mailto:eldysatria@udk1.ac.id).

\*Corresponding Author: [mmnlawfirm@gmail.com](mailto:mmnlawfirm@gmail.com)

**Abstract:** This study examines the role of the e-Berpadu system in addressing the lex imperfecta nature of Article 143 paragraph (4) of the Indonesian Criminal Procedure Code (KUHAP), which obliges prosecutors to provide case files to suspects or their legal counsel but prescribes no sanction for non-compliance. The research was conducted at the Kotamobagu District Court using a qualitative approach that combined interviews, observations, document analysis, and focus group discussions. The findings reveal that e-Berpadu enables digital access to case files for legal counsel and supports the fulfillment of the right to information. No significant technical barriers were identified in its implementation. However, the case file access feature is neither a core component of the system's design nor emphasized in its official dissemination, leaving many defense lawyers unaware of its availability. The study concludes that although e-Berpadu can function as a supplementary tool to ensure access to case files, it cannot substitute the prosecutor's mandatory obligation under KUHAP.

**Keyword:** e-Berpadu; Lex Imperfecta; Criminal Procedure Law; Case File Access; Rights of the Suspect.

### **INTRODUCTION**

In legal doctrine, the enforceability of a norm is generally determined by the presence of a sanction or legal consequence attached to it (D'almeida, 2022). This makes law coercive and capable of being enforced through compulsion (Ladavac, 2016). One of the persistent issues in Indonesia's criminal justice system is the existence of norms classified as lex imperfecta. Donald A. Rumokoy and Frans Maramis distinguish between *lex perfecta*, which refers to legal norms accompanied by explicit sanctions for violations, and *lex imperfecta*, which refers to norms that have no legal consequences if violated. In the case of *lex imperfecta*, the regulation contains a prohibition or mandatory order but is not accompanied by a sanction, so its violation

does not automatically give rise to enforceable legal consequences (Rumokoy and Maramis, 2016).

This phenomenon is clearly reflected in Article 143 paragraph (4) of the Indonesian Criminal Procedure Code (KUHAP), which explicitly obliges prosecutors to deliver case files to suspects or their legal counsel at the time the case is registered in court. However, the article does not provide for any sanction or legal consequence if this obligation is not fulfilled. The absence of a coercive mechanism creates procedural impunity and legal uncertainty, which in turn has the potential to diminish the rights of suspects who are to be tried as defendants in preparing an adequate defense (Noerdin, 2025a).

Thus, Article 143 paragraph (4) of KUHAP can theoretically be classified as a *lex imperfecta*, namely a norm that establishes an obligation without attaching a sanction for its violation. In such a context, the legal norm loses its coercive force, making its implementation entirely dependent on the voluntary compliance of law enforcement officials. When there is no corrective mechanism to address the neglect of the norm, the fulfillment of a suspect's rights becomes uncertain.

Within the context of the judiciary's digital transformation, the Supreme Court has introduced the e-Berpadu system (*Elektronik Berkas Pidana Terpadu* or Integrated Electronic Criminal Case File System) as an effort to integrate the work of law enforcement agencies (Candra et al., 2024). This system promises efficiency in managing criminal cases, including the electronic submission of documents and requests. Based on preliminary reviews and informal communications with judicial officers, it was found that e-Berpadu not only provides administrative services such as visitation permits for detainees or requests to borrow physical evidence, but also allows direct access to criminal case files for legal counsel. This makes e-Berpadu relevant as a functional instrument with the potential to fill the gap in Article 143 paragraph (4) of KUHAP.

A previous study has highlighted the problem of Article 143 paragraph (4) of KUHAP from various perspectives. Research published in *Jurnal Hukum Lex Generalis* emphasized that in practice, prosecutors often provide only the indictment without the complete case file, and any objection to such violations is hindered by procedural limitations, such as the Constitutional Court Decision No. 102/PUU-XIII/2015 and the restricted scope of preliminary objections under Article 156 paragraph (1) of KUHAP (Noerdin, 2025a). Meanwhile, Candra et al. examined the role of e-Berpadu in expediting criminal case bureaucracy but did not connect it to the fulfillment of a suspect's rights or the problem of *lex imperfecta* (Candra et al., 2024). Similarly, Singarimbun and Pakpahan focused on the implementation of digital systems in case file management without exploring their legal implications for the prosecutor's normative obligations (Singarimbun and Pakpahan, 2024). Therefore, this study fills a gap in the literature by directly linking the e-Berpadu system as a potential solution to the *lex imperfecta* provisions in Article 143 paragraph (4) of KUHAP, through an interdisciplinary approach combining normative analysis with empirical observations.

This research raises three main questions: First, to what extent can e-Berpadu guarantee the fulfillment of legal counsel's right to access case files? Second, what are the legal implications of using this digital system for the interpretation of Article 143 paragraph (4) of KUHAP? Third, what operational challenges are encountered in the implementation of e-Berpadu at the district court level?

The urgency of this study lies in the pressing need to address a long-standing normative gap that has hindered Indonesia's criminal justice system. This study is expected to make both conceptual and practical contributions to the design of a technology-based criminal procedural law framework that better guarantees defendants' rights. The Kotamobagu District Court was chosen as the focus of this study to capture the dynamics of judicial digitalization in a regional

context, given that its jurisdiction covers one city and four regencies and that it has actively implemented e-Berpadu (Pengadilan Negeri Kotamobagu, n.d.).

This research also contributes to the national legal reform agenda as stated in the Seventh Pillar (*Asta Cita Ketujuh*) of the 2025–2029 National Medium-Term Development Plan (RPJMN) (Peraturan Presiden, 2025), particularly in the reform of technology-based criminal justice systems. Furthermore, it supports the achievement of the Sustainable Development Goals (SDGs), especially SDG 16 on Peace, Justice, and Strong Institutions (United Nations 2015). In this context, providing case file access through a transparent and inclusive digital system becomes an essential element in strengthening accountable judicial institutions.

## METHOD

This study employs a juridical-normative approach combined with a limited empirical approach within a qualitative framework (Muhammad Rudi Syahputra, 2024; Wiraguna, 2024). The juridical-normative approach is used to examine the provisions of Article 143 paragraph (4) of KUHAP in relation to the doctrine of *lex imperfecta* and to compare it with the formulation contained in the 2025 Draft Criminal Procedure Code (RUU KUHAP). Meanwhile, the limited empirical approach is conducted through direct observation, analysis of court administrative documents, as well as interviews and focus group discussions (FGDs). The normative approach serves as the primary foundation, while the empirical approach is applied to test the practical application of the norm and to identify gaps in its implementation. The research site was selected because the Kotamobagu District Court has implemented the e-Berpadu system, which is the focus of this study as part of the digital transformation of the judiciary at the regional level (Pengadilan Negeri Kotamobagu, n.d.).

The data collection techniques include separate interviews with legal counsel and court officials, direct observation of e-Berpadu's use in practice, the study of legal documents such as Supreme Court regulations, KUHAP, and the e-Berpadu User Guide, as well as a limited offline FGD involving resource persons from the judiciary, the prosecution, and academia, including a legal scholar who also practices as an advocate.

Primary data consist of the results of interviews, observations, and FGDs, while secondary data are drawn from statutory documents and previous legal studies. Data analysis is conducted thematically using a triangulation approach to enhance validity by cross-verifying findings from various complementary sources (Hanson-DeFusco, 2023). The purpose of this method is to obtain a comprehensive and contextual understanding of the effectiveness and legal limitations of e-Berpadu's implementation in relation to Article 143 paragraph (4) of KUHAP.

## RESULTS AND DISCUSSION

### Effectiveness of e-Berpadu in Ensuring Legal Counsel's Right to Access Case Files

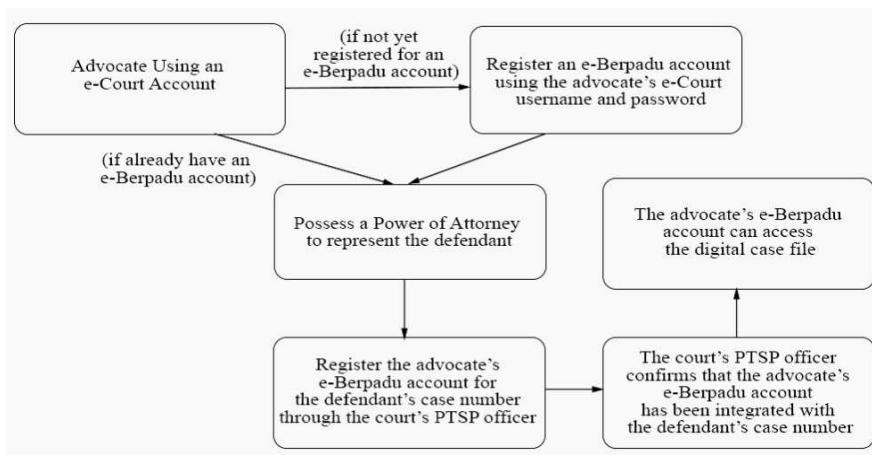
One of the fundamental principles of the criminal justice system is the defendant's right to know and understand the charges brought against them, as part of the principle of due process of law (Deva Dwi Chandra et al., 2025; Zappalà, 2010). In the Indonesian context, Article 143 paragraph (4) of KUHAP stipulates that the submission of case files by the prosecutor to the suspect or their legal counsel is a formal requirement for the registration of a case in court (Marbun et al., 2021). However, this provision is imperative in nature without any accompanying sanctions, so in practice it is often disregarded without legal consequences. Such a norm is referred to in legal doctrine as *lex imperfecta*, namely a legal norm that imposes an obligation but is not accompanied by an enforcement mechanism (sanction) to ensure compliance (Rumokoy & Maramis, 2016).

In this framework, the introduction of e-Berpadu as a digital service system developed by the Supreme Court of the Republic of Indonesia has created new opportunities for legal

counsel to access case files electronically. Based on field observations, every advocate can register and activate an e-Berpadu account, as most advocates are already registered users of the Supreme Court's e-Court system (Sundusiyah and Hariyanto 2022). To access e-Berpadu, advocates simply use the username and password associated with their e-Court account

E-Court and e-Berpadu are both systems developed by the Supreme Court, but they differ in terms of their service scope. e-Court is an electronic court system focused on case administration and online hearings, including case registration, payment (*e-Payment*), electronic summons (*e-Summons*), and electronic trials (*e-Litigation*) (Ariwijaya & Samputra, 2021; Simanungkalit & Debora, 2024). The use of e-Court is primarily in civil cases.

Meanwhile, e-Berpadu (*Elektronik Berkas Pidana Terpadu*) is a system that integrates criminal case files among law enforcement agencies (Candra et al., 2024). However, for advocates, access to case files in e-Berpadu is not automatic. An advocate must first submit an activation request to court staff via the One-Stop Integrated Service (*Pelayanan Terpadu Satu Pintu* or PTSP) by providing a power of attorney that specifies the case number of the defendant they represent. Once verified, the e-Berpadu account will be linked to the relevant case, and all available case documents can be accessed.



Source: Field observation documentation using the author's e-Berpadu account

**Figure 1. Case File Access Procedure for Advocates through the e-Berpadu System**

This practice shows that e-Berpadu has functionally helped bridge the gap in the implementation of Article 143 paragraph (4) of KUHAP, particularly in cases where the defendant is represented by legal counsel. Before the introduction of this system, advocates generally obtained only the indictment from the defendant, which was provided by the prosecutor without the accompanying case file (Noerdin, 2025a). Now, various documents in the case file can be accessed through the system, provided they have been verified by court staff. This represents significant progress in terms of transparency of case information and the fulfillment of defendants' rights.

However, the effectiveness of e-Berpadu cannot be measured solely by its technical functionality. In practice, there are still legal counsel who do not use this service. Depanan Simangunsong, an advocate in Kotamobagu, stated during an interview that he only learned through this study that e-Berpadu could be used to access criminal case files. This lack of awareness is not entirely due to low digital literacy but rather to the fact that public information, official dissemination, and the e-Berpadu user guide issued by the Supreme Court for the public and advocates emphasize features such as visitation permits for detainees and requests to borrow physical evidence (Tim-IT Development MA RI, 2022). As a result, some advocates are unaware that, through a certain procedure, they can in fact obtain electronic access to case documents via e-Berpadu.

Moreover, the system does not cover defendants who are not represented by legal counsel. e-Berpadu accounts are available only to law enforcement officials. Consequently, defendants without legal representation, especially those in detention, have no access to their case files. In the context of procedural justice, this situation poses a distinct challenge, not due to any inherent weakness in the e-Berpadu system itself, but because prosecutors neglect their obligation to directly provide case files to the suspect. Therefore, the potential for unequal access remains.

### **Implikasi Hukum terhadap Penafsiran Pasal 143 Ayat (4) KUHAP**

Article 143 paragraph (4) of KUHAP contains a clear normative mandate: the public prosecutor is obliged to deliver the case file to the suspect or their legal counsel at the time the case is registered in court. However, this provision does not prescribe any sanction if it is ignored. In criminal law doctrine, this condition is classified as a *lex imperfecta*, namely a legal norm that loses its effectiveness due to the absence of an enforcement mechanism (sanction) (Rumokoy & Maramis, 2016). Law without sanctions cannot fully function as a legal norm in the juridical sense because it contains only a moral or administrative obligation without generating enforceable legal consequences. In a coercive legal system, the existence of a sanction is an essential requirement for the enforceability of a norm. Sanctions are the actualization of legal norms, serving both as a threat and as an expectation of compliance (Galih Orlando, 2022).

In the practice of criminal proceedings, the consequences of this imperfect provision are very real. Based on interviews with two advocates who actively handle criminal cases on a pro bono basis at the Kotamobagu District Court, it was revealed that prosecutors almost never physically deliver the case file. Both advocates stated that in practice they only receive the indictment without the supporting case documents.

Efforts to assert the right to obtain the case file through a *praperadilan* (pretrial motion) are not possible because they are blocked by the limitations of pretrial object jurisdiction and the time restrictions in Article 82 paragraph (1) letter d of KUHAP, as interpreted restrictively by Constitutional Court Decision No. 102/PUU-XIII/2015. Even during trial, objections or preliminary pleas (*eksepsi*) regarding the failure to deliver the case file are declared inadmissible on the grounds that they do not fall within the scope of preliminary objections under Article 156 paragraph (1) of KUHAP. This condition shows that the norm is not only unenforced but also has no legal corrective mechanism in the current criminal justice system (Noerdin, 2025a).

The emergence of the e-Berpadu system as part of the Supreme Court's digital reform offers an alternative channel for the electronic distribution of case documents. The question then arises: from a legal standpoint, can such digital access be qualified as the fulfillment of the mandate in Article 143 paragraph (4) of KUHAP? To date, there is no positive legal norm that explicitly states that the uploading of case files by prosecutors into the e-Berpadu system substitutes the physical delivery requirement. In this context, e-Berpadu cannot yet be regarded as an implementing regulation (*regeling*) of the KUHAP provision.

According to FGD analysis and interview results, both judges and prosecutors understand e-Berpadu as an administrative service system, not as a legal instrument. One judge stated that because Article 143 paragraph (4) of KUHAP regulates an administrative procedural obligation to the suspect, and does not fall within the scope of pretrial (coercive measures) or preliminary objections, the court has no jurisdiction to assess its legal implementation. The resource persons also confirmed that, to date, there is no operational rule explicitly stating that e-Berpadu constitutes compliance with that provision.

In Ronald Dworkin's theoretical framework, law is not merely composed of formal rules but also encompasses moral and justice principles that underlie the validity of a norm (Munir,

2022). The suspect's right to obtain the case file is an expression of the principle of due process of law, which, in Dworkin's view, should not be overridden merely due to the absence of sanction provisions in legislation. Therefore, the fulfillment of this right should remain a fundamental obligation of the state through its law enforcement officers, even in the absence of explicit technical rules or sanction mechanisms. In this context, e-Berpadu can be seen as an administrative instrument filling a procedural gap, but it still requires normative legitimacy so as not to rely solely on institutional policy.

According to the theory of responsive law developed by Nonet and Selznick, a modern legal system must not only establish normative obligations but also create mechanisms that are responsive to social needs (Antasari, 2019). In this context, e-Berpadu may be understood as an institutional response to the ineffectiveness of Article 143 paragraph (4) of KUHAP in practice. Therefore, it is important to emphasize that e-Berpadu is not a substitute for the prosecutor's normative obligation to deliver the case file to the suspect or their legal counsel. This obligation is imperative and derives directly from KUHAP, not replaceable by administrative policy or digital systems.

A review of the official e-Berpadu user guidelines issued by the Supreme Court (for investigators, prosecutors, advocates, as well as detention center and correctional facility officers) reveals no explicit feature granting legal counsel the right to access case files (Pengadilan Negeri Sanana, n.d.). In fact, in the user guide for advocates (and the general public), the available services are limited to visitation permits for detainees and requests to borrow physical evidence, both of which can in principle be accessed directly without logging into an e-Berpadu account.

The feature enabling advocates to access case files in e-Berpadu appears to have emerged as a technical consequence of system integration or internal administrative policy, rather than as part of the system's normative design. In other words, the ability of legal counsel to obtain case files through e-Berpadu is more a functional effect than a juridical implementation of Article 143 paragraph (4) of KUHAP. This finding reinforces the conclusion that e-Berpadu does not yet have legitimacy as a formal substitute for the prosecutor's obligation as mandated by KUHAP, even though in practice it may fill the gap left by the *lex imperfecta* norm.

This situation illustrates the tension between institutional innovation and legislative stagnation. e-Berpadu was created as part of the judiciary's digital transformation, yet it has not been accompanied by updates to procedural law norms that explicitly regulate its role and status. In Lawrence Friedman's theory of the legal system, law consists of three elements: substance, structure, and legal culture (Pahlevi, 2022). When innovation occurs only at the structural level (such as administrative digitalization) without corresponding reforms to the substance (legal norms) and culture (judicial practice), dissonance and friction in implementation are inevitable.

In other words, e-Berpadu currently functions as a functional substitute for the implementation of Article 143 paragraph (4) of KUHAP, but not as formal legitimacy for fulfilling the prosecutor's legal obligation. Violations of this KUHAP provision should still give rise to clear legal consequences, even when digital access is available. This situation demonstrates that reforming the criminal justice system cannot be achieved solely through the development of digital applications but also requires legal norm reform through primary legislation, particularly in the revision of KUHAP. Therefore, while e-Berpadu can serve as an administrative instrument that facilitates access, its use should not be construed as justification for neglecting the prosecutor's formal obligation as mandated by KUHAP. The obligation to deliver the case file remains an imperative mandate that must be enforced juridically.

## Challenges in the Implementation and Institutional Aspects of e-Berpadu

Although the e-Berpadu system has provided a technical channel for fulfilling the right of access to case files, its implementation in practice still faces several challenges in operational, institutional, and dissemination aspects. These findings reveal a gap between the system's design and its actual use, particularly by legal counsel.

The first challenge relates to the case activation procedure. Access to case files in e-Berpadu is not automatic. An advocate must first have an e-Court account, then submit a case integration request accompanied by a power of attorney to the PTSP officer. Once verified, the system allows the advocate to view and download case documents associated with the submitted case number. Although this procedure is quick and straightforward, in practice it still requires administrative and digital literacy that may not be possessed by all users, particularly those unfamiliar with electronic systems in their daily work.

FGD results confirm that some legal counsel are unaware that this system provides access to case files. This is not solely due to low literacy but also because the document access feature is neither a core component in the system's initial design nor part of its official dissemination. In the e-Berpadu user guide for advocates and the general public, the primary services mentioned are limited to requests for visitation permits and borrowing physical evidence. Consequently, most advocates recognize e-Berpadu only for those administrative purposes. This lack of integrated information limits optimal system utilization and indirectly creates a digital divide between active and passive users (Lythreatis et al., 2022).

It was also found that e-Berpadu still contains case files in draft form without signatures, making it uncertain whether they are identical to the physical documents. In some cases, the uploaded files do not include documents typically found in the complete case bundle, such as police reports and witness examination minutes. The FGD confirmed that at the Kotamobagu District Court, the system for transferring criminal case files through e-Berpadu only became mandatory in 2025, even though e-Berpadu was launched in 2022. Court operators are tasked with verifying document completeness, and if the documents do not meet the requirements, the prosecutor's registration of the criminal case must be completed before it can proceed.

Furthermore, the system does not reach defendants who are not represented by legal counsel in their legal proceedings. Since e-Berpadu accounts are available only to law enforcement officials, including registered advocates, investigators, prosecutors, and detention center or correctional facility officers, suspects without legal representation still have no access to their case documents.

According to official information on the e-Berpadu website, the system was essentially designed as a means of digitalizing administrative processes among law enforcement agencies to expedite the bureaucracy in handling criminal cases (Mahkamah Agung RI 2022). Its main features include requests or approvals for seizure, search, detention extension, suspension of detention, visitation permits, borrowing physical evidence, and requests for diversion orders. No explicit description is provided regarding a feature for legal counsel to access case files. However, in practice, such access may occur as a consequence of system integration between a verified advocate account and a specific case number registered in court.

Interestingly, the main page of e-Berpadu also states that the system is an integration of criminal cases among law enforcement agencies, explicitly referring to the police, the prosecutor's office, the Corruption Eradication Commission, and the Directorate General of Corrections (Jusafri, Alimuddin, and Chairunnas 2024). There is no mention of advocates as part of the system's primary user group. Thus, the existence of a case access feature for legal counsel appears to be the result of system integration and court technical policy, rather than part of the system's original normative design.

Within the framework of due process of law, which emphasizes equal access to information and the right to defense at every stage of judicial proceedings (Chaerudin et al.,

2025), this situation raises a critical question: has a digital system such as e-Berpadu, designed specifically for law enforcement agencies, been accompanied by supporting policies to ensure equal access to case files, especially for defendants without legal counsel? Since only advocates with accounts can access the criminal case feature, the system cannot yet reach the full spectrum of suspect or defendant rights protection needs, and it risks reinforcing structural inequalities in the criminal justice process.

In this context, the future development of e-Berpadu should include affirmative policies that enable limited access to case files for defendants without legal representation. This could be done, for example, through digital document copy services at legal aid posts (*Pos Bantuan Hukum* or Posbakum) using the account of the on-duty Posbakum advocate. Document printing services could also be provided by detention center or correctional facility staff if the suspect is in custody, as these officers are also recognized as e-Berpadu service users.

From an institutional perspective, the e-Berpadu system was designed primarily to facilitate administrative processes among law enforcement agencies, particularly in transferring criminal cases from the prosecutor's office to the court. Prior to the system, prosecutors had to physically bring the entire case file to the court and register it at the service counter. Now, with the e-Transfer (*e-Pelimpahan*) feature in e-Berpadu, the process can be carried out entirely online from the prosecutor's office without physical presence. In this respect, e-Berpadu serves as an administrative efficiency tool, not as a mechanism for fulfilling the suspect's right to access the case file.

However, it is noteworthy that the system allows legal counsel to access digital case files if their account is integrated into a client's (defendant's) case number through a power of attorney. This opens up the functional use of e-Berpadu to help bridge the gap in the implementation of Article 143 paragraph (4) of KUHAP. Nevertheless, because this function is not a core system feature and is not explicitly regulated in official guidelines, its utilization remains highly dependent on court administrative policy and the initiative of advocates themselves.

Within Lawrence Friedman's theory of legal culture, the success of legal reform depends not only on written rules (legal substance) or institutional structures (legal structure) but also on the attitudes, values, and behavior of legal actors themselves (Flora et al., 2023). A system such as e-Berpadu will struggle to achieve substantial effectiveness if it is not accompanied by changes in institutional culture, both within the prosecutor's office, the courts, and among legal counsel. In other words, legal technology will remain a superficial layer of change if it is not accompanied by the internalization of values of justice and transparency of information by all stakeholders.

## **Relevance of Reformulation in the Draft KUHAP to the Role of e-Berpadu**

As discussed in the preceding sections, Article 143 paragraph (4) of KUHAP constitutes a positive right of the suspect to obtain the case file, yet it is not accompanied by any legal sanction for its violation. In the framework of procedural law, such a right is not merely a formal provision, but a substantive guarantee intended to ensure that the suspect or defendant can prepare an adequate and informed defense. The monograf *Lex Imperfecta dalam KUHAP* emphasizes that the absence of sanctions renders this provision a *lex imperfecta*, which in practice can only be addressed through judicial interpretation, one possible method being the application of the doctrine of substantial nullity as explained by G.J.M. Corstens in *Het Nederlands Strafprocesrecht* (Noerdin, 2025b). Under this doctrine, a violation of the suspect's right to obtain the case file should lead to the annulment of the indictment as a safeguard of the fair trial principle. However, this approach has not become common practice in Indonesia's criminal justice system, reflecting both the inertia of judicial application and the lack of legislative reinforcement.

What is noteworthy, and perhaps troubling, is that Article 71 paragraph (6) of the Draft KUHAP (RUU KUHAP) appears to reinforce the *lex imperfecta* status by merely adopting the wording of Article 143 paragraph (4) of KUHAP, without including the explanatory note that previously stipulated that the transfer of a case must be accompanied by the delivery of both the indictment and the case file to the suspect or their legal counsel (DPR RI, 2025). A closer comparison of the texts reveals that the RUU KUHAP removes the normative emphasis that existed in the explanatory section of the current KUHAP, replacing it with the generic statement “sufficiently clear.” While the substance of the right remains mentioned, the strength of its normative affirmation is weakened. As a result, the assurance of the right to obtain a case file once again depends on institutional interpretation, which is prone to inconsistency and variation across jurisdictions.

**Table 1.** Comparison of KUHAP and Draft KUHAP 2025 Provisions on the Delivery of Case Files

| Aspect                      | Article 143 paragraph (4)<br>KUHAP                                                                                                   | Article 71 paragraph (6)<br>Draft KUHAP                                                                    |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Main content of the article | Copies of the case transfer letter and indictment are delivered to the suspect or their legal counsel as well as to the investigator | Copies of the case transfer letter and indictment are delivered to the investigator, suspect, and advocate |
| Documents delivered         | Case transfer letter, indictment, and case file (based on the article’s explanatory note)                                            | Only the case transfer letter and indictment                                                               |
| Explanatory note            | States explicitly that the transfer includes the case transfer letter, indictment, and case file                                     | Explanatory note states “sufficiently clear”                                                               |
| Sanctions for violation     | Not regulated ( <i>lex imperfecta</i> )                                                                                              | Not regulated ( <i>lex imperfecta</i> )                                                                    |

Source: KUHAP, Draft KUHAP 2025, and author’s analysis.

Finally, it should be noted that the main issue in the implementation of Article 143 paragraph (4) of the existing KUHAP lies not in the e-Berpadu system itself, but in the absence of sanctions within the legal norm and the lack of any corrective mechanism for its violation. As illustrated in Table 1, even the Draft KUHAP 2025 fails to address this weakness and instead removes the normative emphasis from the explanatory section of the article. In this context, e-Berpadu emerges as an institutional innovation with the potential to functionally fill this gap, although its role remains supplementary rather than a formal substitute for the prosecutor’s legal obligation.

## CONCLUSION

This study finds that the e-Berpadu system has provided significant digital access for legal counsel to obtain criminal case files, particularly after their accounts have been verified and integrated with the case numbers they handle. This feature is highly beneficial in practice, especially when prosecutors fail to deliver case files as mandated by Article 143 paragraph (4) of KUHAP. However, e-Berpadu is not specifically designed to fulfill that provision and, to date, lacks an explicit legal basis recognizing it as a formal substitute for the prosecutor’s obligation. Accordingly, Article 143 paragraph (4) of KUHAP remains a *lex imperfecta*, as it has no sanction and no corrective mechanism for its violation.

From an operational perspective, e-Berpadu has proven effective for advocates who are familiar with the system and actively use it. Nevertheless, because the case file access feature is not explicitly mentioned in the official guidelines and is not part of the primary dissemination, some advocates remain unaware of its existence. This limits optimal system utilization and further reinforces the digital divide. Moreover, the system cannot yet reach

defendants who are not represented by legal counsel, raising concerns about equality of access to the right to case documents. In this regard, strengthening the role of legal aid posts (Posbakum) as digital access points through the accounts of on-duty legal aid advocates could serve as a transitional solution, ensuring that defendants still obtain their right to case information even without legal representation.

Therefore, reformulation in the Draft KUHAP is needed to ensure the right to case files is guaranteed more effectively, both normatively and through digital implementation. Although the Supreme Court can issue technical regulations as part of its administrative support for judicial digital transformation, the role of e-Berpadu in this context remains supplementary and cannot replace the prosecutor's normative obligation. This study provides an initial contribution in showing that digital systems such as e-Berpadu have the potential to bridge normative gaps, yet they still require more explicit normative recognition so that their use is formally acknowledged as fulfilling legal rights in the criminal justice system.

Future research could be directed toward comparative cross-jurisdictional studies to examine how other legal systems regulate and implement the right to access case files in the context of digitalized judicial administration. Such an approach could enrich normative perspectives while offering alternative, more comprehensive policy models, including the integration of technology with effective oversight and sanction mechanisms. In addition, in-depth studies on the use of e-Berpadu in various jurisdictions, both in first-class and second-class courts, would help identify variations in practice, region-specific challenges, and opportunities for procedural standardization at the national level.

## ACKNOWLEDGMENTS

The author gratefully acknowledges the support provided by the Directorate of Research and Community Service, Directorate General of Research and Development, Ministry of Higher Education, Science, and Technology of the Republic of Indonesia through the 2025 Beginner Lecturer Research Grant Scheme, under Master Contract Number 137/C3/DT.05.00/PL/2025 dated May 28, 2025. Appreciation is also extended to Universitas Dumoga Kotamobagu for its institutional and administrative support during the research process. Special thanks are extended to the Kotamobagu District Court and all resource persons who contributed to the data collection process through observations, interviews, and focus group discussions.

## REFERENCES

Antasari, R. R. (2019). Telaah Terhadap Perkembangan Tipe Tatanan Hukum di Indonesia Perspektif Pemikiran Nonet-Selznick Menuju Hukum yang Berkeadilan. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 19(1), 103–118. <https://doi.org/10.19109/nurani.v19i1.3344>

Ariwijaya, A. R., & Samputra, P. L. (2021). Jurnal Hukum & Pembangunan Mahkamah Agung Republik Indonesia. *Jurnal Hukum & Pembangunan Volume*, 51(4), 1104–1122. <https://doi.org/10.21143/jhp.vol51.no4.3303>

Candra, A., Danil, E., Elvandari, S., & Robensyah, A. (2024). Efektivitas Sistem E-Berpadu Dalam Perkara Pidana Sebagai Upaya Mewujudkan Peradilan Cepat. *UNES Law Review*, 6(3), 9278–9283.

Chaerudin, M. A. Y. C., Maskur, A., & Adila, A. H. (2025). Prinsip Keadilan Prosedural Sebagai Landasan Pertimbangan Hakim Dalam Kasus Pencurian Ayam. *Jurnal USM Law Review*, 8(1), 509–529. <https://doi.org/10.26623/julr.v8i1.11770>

D'almeida, L. D. (2022). Wrongs and Sanctions in the Pure Theory of Law. *Ratio Juris*, 35(3), 247–257. <https://doi.org/10.1111/raju.12356>

Deva Dwi Chandra, Alfaroq, M. I. R., Afifky, I. B., Petra Alfa, A., & Sitepu, S. (2025). Tinjauan Yuridis Terhadap Pelaksanaan Due Process Of Law sebagai Elemen Fundamental untuk Melindungi Hak dalam Sistem Peradilan Pidana di Indonesia. *Jurnal Hukum Dan Kebijakan Publik Volume*, 7(2), 188–203. <https://journalversa.com/s/index.php/jhkphh>

DPR RI. (2025). *Rancangan Undang Undang Republik Indonesia tentang Hukum Acara Pidana*.

Flora, H. S., Thuong, M. T. H., & Erawati, R. D. (2023). the Orientation and Implications of New Criminal Code: an Analysis of Lawrence Friedman'S Legal System. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(1), 113–125. <https://doi.org/10.29303/ius.v11i1.1169>

Galih Orlando. (2022). Efektivitas Hukum dan Fungsi Hukum di Indonesia. *Tarbiyah Bil Qalam : Jurnal Pendidikan Agama Dan Sains*, 6(1), 49–58. <https://doi.org/10.58822/tbq.v6i1.77>

Hanson-DeFusco, J. (2023). What data counts in policymaking and programming evaluation – Relevant data sources for triangulation according to main epistemologies and philosophies within social science. *Evaluation and Program Planning*, 97(January), 102238. <https://doi.org/10.1016/j.evalprogplan.2023.102238>

Jusafri, Alimuddin, N. H., & Chairunnas, A. (2024). Disrupsi Teknologi Digital dalam Pelaksanaan Sistem Peradilan Pidana dan Pemenuhan Keadilan di Indonesia. *Jurn Jurnal Kolaboratif Sains*, 7(9), 3551–3560. <https://doi.org/10.56338/jks.v7i9.6212>

Ladavac, N. (2016). Coercion and Sanctions as Elements of Normative Systems. In C. B. & N. L. (Eds.) (Ed.), *The Force of Law Reaffirmed* (Vol. 117, pp. 73–96). Springer, Cham. [https://doi.org/10.1007/978-3-319-33987-0\\_5](https://doi.org/10.1007/978-3-319-33987-0_5)

Lythreatis, S., Singh, S. K., & El-Kassar, A.-N. (2022). The digital divide: A review and future research agenda. *Technological Forecasting and Social Change*, 175, 121–359. <https://doi.org/10.1016/j.techfore.2021.121359>

Mahkamah Agung RI. (n.d.). *Tentang e-Berpadu*. Retrieved 3 July 2025, from <https://eberpadu.mahkamahagung.go.id/>

Marbun, R., Oedoyo, W., & Sinaga, D. M. (2021). Logika Monolog Dalam Trikotomi Relasi Pada Proses Pra-Adjudikasi. *Jurnal Usm Law Review*, 4(1), 1–26. <https://doi.org/10.26623/julr.v4i1.3308>

Muhammad Rudi Syahputra. (2024). Metodologi Penelitian Hukum dalam Menyelesaikan Problematika Hukum Kontemporer. *Jurisprudensi: Jurnal Ilmu Hukum*, 1(2), 89–106. <https://doi.org/10.70193/jurisprudensi.v1i02.08>

Munir, M. (2022). Ronald Dworkin's Theory of Integrity, Constructive Interpretation, and the Right Answer Thesis: An Overview. *SSRN Electronic Journal*, 1–17. <https://doi.org/10.2139/ssrn.4098344>

Noerdin, E. S. (2025a). Asimetri Perlindungan Hak Tersangka dalam Penerimaan Berkas Perkara Menurut Pasal 143 ayat (4) KUHAP. *Jurnal Hukum Lex Generalis*, 6(7), 1–26. <https://doi.org/10.56370/jhlg.v6i7.753>

Noerdin, E. S. (2025b). *Lex Imperfcta dalam KUHAP*. Madza Media.

Pahlevi, S. F. (2022). Pemberantasan Korupsi di Indonesia Perspektif Legal System Lawrence M. Freidmen. *Jurnal El-Dusturie*, 1(1), 23–43. <https://doi.org/10.21154/eldusturie.v1i1.4097>

Pengadilan Negeri Kotamobagu. (n.d.). *Wilayah Yuridiksi Pengadilan Negeri Kotamobagu*. Retrieved 13 June 2025, from [https://pn-kotamobagu.go.id/index.php?option=com\\_sppagebuilder&view=page&id=66&Itemid=572](https://pn-kotamobagu.go.id/index.php?option=com_sppagebuilder&view=page&id=66&Itemid=572)

Pengadilan Negeri Sanana. (n.d.). *Petunjuk Teknis e-BERPADU untuk APH dan Umum Advokat*. Retrieved 15 June 2025, from <https://web.pn-sanana.go.id/pengumuman/petunjuk-teknis-e-berpadu-untuk-aph-dan-umum-advokat/>

Peraturan Presiden Nomor 12 Tahun 2025 Tentang Rencana Pembangunan Jangka Menengah Nasional Tahun 2025 - 2029, Pub. L. No. 12 (2025).

Rumokoy, D. A., & Maramis, F. (2016). *Pengantar Ilmu Hukum* (Cet. 3). Rajawali Pers.

Simanungkalit, I. H., & Debora. (2024). Implementasi E-Court sebagai Upaya Modernisasi Administrasi Peradilan di Indonesia. *Pakuan Law Review*, 10(4), 176–190. <https://doi.org/10.33751/palar.v10i4>

Singarimbun, D. A., & Pakpahan, K. (2024). Implementation of the Electronic Criminal Case File Transfer System. *YURISDIKSI : Jurnal Wacana Hukum Dan Sains*, 20(1), 58–65. <https://doi.org/10.55173/yurisdiksi.v20i1.229>

Sundusiyah, S., & Hariyanto, E. (2022). Implementasi Peraturan Mahkamah Agung Tentang E-Court Untuk Mewujudkan Asas Sederhana, Cepat Dan Biaya Ringan Di Pengadilan Agama Pamekasan. *Arena Hukum*, 15(3), 471–498. <https://doi.org/10.21776/ub.arenahukum.2022.01503.2>

Tim-IT Development MA RI. (2022). *Buku Panduan Sistem Elektronik Berkas Pidana Terpadu*. [https://pn-sanana.go.id/wp-content/uploads/2022/10/4.Pengguna-Rutan-Lapas\\_e-BERPADU.pdf](https://pn-sanana.go.id/wp-content/uploads/2022/10/4.Pengguna-Rutan-Lapas_e-BERPADU.pdf)

United Nations. (2015). *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*. <https://sdgs.un.org/goals/goal16>

Wiraguna, S. A. (2024). Metode normatif dan empiris dalam penelitian hukum: Studi eksploratif di Indonesia. *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum*, 3(3), 57–65. <https://doi.org/10.59818/jps.v3i3.1390>

Zappalà, S. (2010). The Rights of Victims v. the Rights of the Accused. *Journal of International Criminal Justice*, 8(1), 137–164. <https://doi.org/10.1093/jicj/mqq001>