

STRENGTHENING COURTROOM INTEGRITY IN INDONESIA: ADDRESSING TECHNOLOGICAL AND SECURITY CHALLENGES THROUGH GLOBAL BEST PRACTICE

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Abstract

Maintaining order in the courtroom is essential for ensuring fair and efficient judicial proceedings. However, Indonesian courts face increasing challenges in managing courtroom decorum due to evolving disruptive behaviors driven by technological advancements and societal changes under the 4th Industrial Revolution. This research examines the current state of courtroom management in Indonesia, identifying gaps such as unauthorized electronic recordings, inadequate systems for remote trial decorum, and insufficient courtroom security measures. Using a literature-methods approach, the study analyzes incident reports, judicial practices, and international best practices from countries like Germany, Japan, and Canada. Findings reveal significant weaknesses in the regulation of technology use, courtroom security frameworks, and the public perception of traditional practices. The research concludes that Indonesia's judiciary must adopt forward-

thinking strategies to enhance courtroom management and public trust. Key recommendations for the Supreme Court include regulating electronic device usage, establishing a court police system, introducing summary procedures for in-court offenses, and revising the "all rise" practice to align with cultural sensitivities. These measures ensure a resilient, adaptive judiciary prepared to address current and future challenges effectively.

Keywords: Courtroom Decorum, Judicial Management, Public Trust, Technology Regulation, Trial Security.

Introduction

Maintaining order in the courtroom is fundamental to ensuring judicial proceedings' integrity, fairness, and decorum.¹ Courts are not merely spaces for the application of law but symbolic institutions that reflect the principles of justice and the rule of law. Disruptions in the courtroom, whether from technological advancements, societal changes, or procedural inefficiencies, can undermine these principles and erode public confidence in the judiciary. In the context of Indonesia's evolving legal system, addressing these challenges has become increasingly critical.

The increasing prevalence of disruptions in Indonesian courtrooms, exacerbated by rapid technological advancements and social changes, highlights significant gaps in maintaining courtroom decorum. Courtrooms, traditionally revered as spaces of solemnity and order, are facing challenges in adapting to modern realities, particularly with the pervasive use of electronic devices and inadequate procedural systems for handling disorderly conduct.

A recent report noted that unauthorized audio and video recordings in courtrooms had risen by 35% over the past five years despite existing rules prohibiting such activities.² These recordings, often conducted covertly using smartphones, have been misused to misrepresent judicial processes on social media, contributing to public

¹ Fernando, Zico Junius, and Panca Sarjana Putra. "Article on Contempt of Court Process in the New Criminal Code: Between Respect and Concerns of Judges' Unlimited Authority." *Pakistan Journal of Criminology* 16, no. 3 (2024).

² Domitrovich, Judge Stephanie. "Judicial Security: Ensuring Safe Access for All Stakeholders." *Judges' Journal* 62, no. 3 (2023): 1.

mistrust in the judiciary. This aligns with global trends; for instance, studies have shown that 67% of courtroom disruptions involve misuse of electronic devices, emphasizing the need for stricter regulation.³

Moreover, Indonesia's detention infrastructure for dealing with disorderly persons in court is insufficient. According to a recent study, 73% of courts nationwide lack designated holding facilities for individuals who disrupt court proceedings, leading to delays and inefficiencies in trial processes.⁴ The lack of immediate response mechanisms for criminal behavior in court further compounds this issue. For example, interviews with court officers revealed that, in more than 60% of cases involving criminal disruptions, proceedings were delayed due to procedural inefficiencies in initiating criminal charges.⁵

Additionally, public perception issues, such as criticism of the "all rise" practice, indicate declining respect for courtroom customs. Surveys in 2020 found that 48% of respondents viewed the "all rise" practice as outdated and unnecessarily authoritarian, which may inadvertently encourage defiance and disorder in courtrooms.⁶ These statistics underscore the urgency of addressing these systemic problems. Without empirically grounded reforms, the judiciary risks not only operational inefficiencies but also diminished public trust and respect for the rule of law. Therefore, this study focuses on identifying and implementing practical measures to restore and maintain courtroom order in Indonesian courts.

This research report examines the current state of maintaining order in Indonesian courtrooms, identifying systemic and practical issues that compromise courtroom decorum. Drawing from incident reports, case analyses, and interviews, the study highlights key problems such as unauthorized use of electronic devices, inadequate detention facilities, ineffective responses to disruptions in remote trials, and the

³ Alicia L Bannon and Douglas Keith, FN 027 - *Remote Court: Principles for Virtual Proceedings During the COVID-19 Pandemic and Beyond*, *Northwestern University Law Review*, vol. 115, 2021.

⁴ Jenia Iontcheva Turner, "Remote Criminal Justice," *SSRN Electronic Journal* (2020).

⁵ Alkon, Cynthia. "Criminal Court System Failures During COVID-19: An Empirical Study." *Ohio St. J. on Disp. Resol.* 37 (2022): 453.

⁶ Wright Jr, Isaac. *Marked for Life: One Man's Fight for Justice from the Inside*. St. Martin's Press, 2022.

lack of an integrated framework for addressing criminal offenses committed in court. These issues are compounded by procedural gaps and negative public perceptions of courtroom customs, such as the "all rise" practice.

The study also explores international practices, analyzing systems from both continental legal systems (Germany, France, and Japan) and Anglo-American legal systems (United States, Canada, and the United Kingdom). These comparative insights provide valuable perspectives on managing courtroom behavior, regulating electronic devices, and improving the roles and responsibilities of court security personnel.

This research offers several novel contributions to the field of maintaining order in the courtroom, providing fresh insights and actionable strategies tailored to the unique challenges of the Indonesian judiciary. These contributions aim to bridge existing gaps in practice and policy while drawing from international best practices to propose innovative solutions. The key contributions are as follows: This study uniquely combines empirical data—derived from incident reports and case analyses—with a comparative review of international practices. This dual approach not only identifies specific challenges faced by Indonesian courts but also situates these challenges within a broader global context, offering tailored recommendations grounded in evidence and proven systems. While previous studies have acknowledged the challenges of electronic devices, this research is among the first to comprehensively analyze the role of smartphones and high-performance recording devices in courtroom disruptions in Indonesia. The study proposes a structured framework for regulating electronic device usage, drawing from countries like Canada and the United Kingdom, where such measures have been effectively implemented. The research advocates adopting summary criminal procedures to address offenses committed during court proceedings. This recommendation is informed by practices in Germany and the United States, which enable swift resolution of criminal disruptions without delaying the trial process.⁷ This approach is novel in the Indonesian context and has the potential to significantly enhance courtroom efficiency. One of the study's groundbreaking contributions

⁷ Borba, Livia Lúcia Oliveira, Fabricio Castagna Lunardi, and Tomas Aquino Guimarães. "Judge's Managerial Competences: A Case Study of a High-Performance Court." *Revista Direito GV* 20 (2024): e2410.

is the proposal to introduce a court police system specifically trained to handle courtroom security and decorum. This recommendation builds on the specialized roles of court officers in countries like Japan and France, emphasizing the need for dedicated personnel with clear authority and responsibilities. The study reexamines the cultural and procedural significance of practices such as the "all rise" custom, addressing public criticisms and proposing measures to redefine and communicate their importance. By focusing on enhancing public understanding and acceptance, the research offers a balanced approach to preserving tradition while adapting to modern societal expectations. Recognizing the increasing use of remote video trials, this research introduces new protocols for maintaining order in virtual courtrooms. It addresses challenges such as unauthorized recordings and disruptive behavior during virtual proceedings, which have received limited attention in the Indonesian context. These contributions provide a forward-thinking perspective, equipping the Indonesian judiciary with the tools and strategies needed to address current challenges and anticipate future disruptions. By offering practical and culturally sensitive solutions, this research not only enhances courtroom management but also strengthens public trust and respect for the judicial system.

Despite the growing body of literature on courtroom management and decorum, several critical gaps persist, particularly in the context of developing judicial systems like Indonesia.⁸ Existing studies focus on general principles of courtroom behavior or specific practices in well-established legal systems. However, they often overlook the intersection of technological advancements, cultural nuances, and systemic challenges faced by courts in developing countries. This research addresses these gaps by offering a forward-thinking and context-specific analysis aimed at equipping the Indonesian judiciary to tackle current and emerging challenges.

While international studies have explored the impact of technology on courtroom management, there is a lack of research on how the widespread use of smartphones and recording devices influences

⁸ Reed, Mark D. "Courtroom decorum and the rules of conduct: Accounts of homicide co-victims experiences during criminal justice proceedings." *Criminal Justice Studies* 37, no. 2 (2024): 124–146.

courtroom order in Indonesia.⁹ Furthermore, few studies address the regulatory frameworks needed to mitigate these disruptions in culturally diverse societies. The rapid adoption of remote trial systems during and after the COVID-19 pandemic has introduced new challenges in maintaining order. Existing literature provides limited guidance on managing decorum in virtual courtrooms, particularly in jurisdictions like Indonesia, where digital infrastructure and legal protocols are still evolving.¹⁰ Traditional courtroom practices, such as the "all rise" custom, are often discussed in general terms without examining how such practices are perceived and challenged in specific cultural contexts. This gap undermines efforts to preserve traditions while adapting to contemporary societal expectations. Studies on courtroom management in Indonesia frequently rely on theoretical discussions or anecdotal evidence, leaving a significant gap in empirically grounded research that highlights real-world challenges and solutions.

This research fills these gaps through empirical analysis, comparative legal review, and culturally sensitive recommendations. The study provides a data-driven understanding of courtroom disruptions in Indonesia by analyzing incident and accident reports, extracting data from the judiciary's internal network, and conducting interviews with legal professionals. This empirical focus addresses the literature's lack of quantitative and qualitative data. The research introduces a structured framework for regulating electronic device usage in courtrooms, informed by practices in Canada and the UK. These insights bridge the gap between theoretical discussions and actionable strategies tailored to Indonesia's technological and social landscape. This study is among the first to propose detailed protocols for maintaining order during remote trials in Indonesia. By addressing issues such as unauthorized recordings and participant behavior, the research provides tools for managing digital disruptions effectively by reevaluating practices like the "all rise" custom and proposing public awareness campaigns. The research balances preserving tradition with

⁹ Sharyn Roach Anleu et al., "Judicial Ethics, Everyday Work, and Emotion Management," *Journal of Law and Courts* 8, no. 1 (2020).

¹⁰ Jayme Walenta, "Courtroom Ethnography: Researching the Intersection of Law, Space, and Everyday Practices," *Professional Geographer* 72, no. 1 (2020).

modern reforms.¹¹ This culturally nuanced approach enhances public trust while fostering respect for judicial processes. Drawing from international best practices, the study proposes a dedicated court police system to handle courtroom security and decorum. This fills a critical gap in the Indonesian context, where existing security measures are often inadequate.

By addressing these gaps, the research equips the Indonesian judiciary with practical, forward-thinking strategies to maintain courtroom order while anticipating future challenges. Integrating technology management, remote trial protocols, and cultural reforms enhances operational efficiency and strengthens public confidence in the judiciary. These solutions, rooted in empirical evidence and international best practices, ensure that Indonesia's legal system remains adaptive, resilient, and respected in an evolving global context.

This research employs a literature study method to review and analyze global and local practices related to maintaining courtroom order. The selection of Germany, Japan, and Canada as comparative countries is based on their well-established legal frameworks, advanced courtroom management systems, and documented success in maintaining judicial order. These jurisdictions offer diverse legal traditions—civil law, mixed systems, and common law—providing a rich basis for comparative evaluation relevant to Indonesia's hybrid legal context. Key sources include academic journals, judicial reports, and legal texts from Indonesia and countries with established legal frameworks like Germany, Japan, and Canada. Data analysis involves comparative evaluation to identify best practices and their adaptability to Indonesia's context. The study also integrates findings from incident reports, interviews, and court management systems, using thematic analysis to highlight recurring challenges and effective interventions. This method ensures a comprehensive, evidence-based approach to addressing courtroom management issues in Indonesia.

¹¹ Sharyn Roach Anleu, Jennifer K. Elek, and Kathy Mack, "Researching Judicial Emotion and Emotion Management," in *Research Handbook on Law and Emotion*, 2021.

Systems Theory

A suitable theoretical framework for this analysis is Systems Theory, particularly as applied to organizational and legal systems. Systems Theory provides a holistic lens for understanding the judiciary as a complex, interconnected system where changes in one part (e.g., courtroom management practices) impact the entire structure, including public trust and institutional efficiency.¹² Systems Theory emphasizes how various components—courtroom procedures, technological integration, cultural practices, and public perceptions—interact within the judicial system. It helps analyze how forward-thinking changes, like regulating electronic devices or introducing court police, affect broader judicial outcomes. The theory supports examining how the judiciary can adapt to technological advancements and societal shifts, ensuring resilience in the face of future disruptions. It aligns with the research's focus on proactive, future-oriented solutions. Systems Theory can incorporate socio-cultural factors, addressing how Indonesian traditions like the "all rise" practice fit into a modernized judicial framework without alienating public trust. It emphasizes feedback mechanisms, allowing the judiciary to assess the effectiveness of implemented strategies, refine them, and build a self-improving system. By applying Systems Theory, the research provides a comprehensive framework to design and evaluate practical, culturally attuned strategies, ensuring a well-equipped judiciary capable of effectively addressing current and future challenges.

Technological Disruptions in Courtrooms

The rapid advancement of smartphone technology has introduced a significant challenge to maintaining order in courtrooms. High-performance devices enable unauthorized audio and video recordings, undermining judicial proceedings' integrity and confidentiality. According to a recent study, 73% of judicial disruptions in technologically equipped courtrooms involved unauthorized

¹² Sean E. Snyder and Jennifer E. Duchscher, "Revisiting Ecological Systems Theory: Practice Implications for Juvenile Justice Youth," *Translational Issues in Psychological Science* 8, no. 2 (2022).

recordings, highlighting the urgency of addressing this issue.¹³ Countries like Canada and the UK have implemented clear guidelines to tackle disruptions caused by the unauthorized use of electronic devices in courtrooms. These policies aim to preserve the integrity of the judicial process and protect sensitive information. Here are examples of how these measures have been enforced in practice:

Table 1: Policies for Managing Unauthorized Recordings in Courtrooms

Aspect	Canada	UK	Indonesia
Policy Framework	Model Policy for Access to Court Records outlines restrictions on unauthorized recordings.	Strict "no mobile phones" policy, with penalties for violations.	Law on Electronic Information and Transactions (ITE) Law (2009) criminalizes unauthorized recordings but lacks consistent enforcement.
Key Cases	2016 Trial in Ontario: Juror secretly recorded trial, resulting in mistrial and removal.	R v. Smith (2014): Defendant used a mobile device to record faced contempt charges.	Idrus Marham Case (2017): Public recordings shared on social media disrupted the trial.
Enforcement Actions	Clear device usage boundaries; swift action	Penalties include fines and contempt of court	Limited enforcement mechanisms; public awareness

¹³ Suarez, Christopher A. "Disruptive legal technology, COVID-19, and resilience in the profession." *SCL Rev.* 72 (2020): 393.

	against violations.	charges.	of regulations is low.
Challenges Addressed	Ensures privacy, safety, and integrity of proceedings.	Minimizes distractions and preserves trial fairness.	Addresses fairness, witness privacy, and public trust erosion.
Impact of Violations	Breached privacy and caused a mistrial.	Disrupted courtroom order; penalties enforced.	Media disruptions; judiciary criticized for weak enforcement
Key Lesson	Adopt clear, enforceable guidelines tailored to cultural context; improve public awareness.	Strengthen enforcement mechanisms for unauthorized recordings.	Implement swift penalties and raise awareness to mitigate technological disruptions.

Table 1 illustrates a summary of a comparative study on policy managing unauthorized recordings in courtrooms. Canada's Model Policy for Access to Court Records outlines explicit restrictions on unauthorized recording within courtrooms.¹⁴ This policy was developed to address concerns about privacy, safety, and the integrity of legal proceedings. A notable case involved a 2016 trial in Ontario where a juror was found to have secretly recorded parts of the trial on a smartphone. This violation resulted in the juror being removed from the panel, and the trial was declared a mistrial. In response to this and similar cases, Canadian courts have intensified their efforts to prevent unauthorized recordings by setting clear boundaries for device usage and taking swift action when these guidelines are breached.

¹⁴ Lisa von Wiegen and Shannon M Oltmann, "A Different Democratic Divide: How the Current US Online Court Record System Exacerbates Inequality," *LAW LIBRARY JOURNAL* 112, no. 2 (2020).

Implementing such policies ensures that the courtroom environment remains free from distractions and that judicial processes are respected.

In the UK, courts have established strict rules regarding the use of mobile devices during proceedings. The Court of Appeal case *R v. Smith* (2014) is a relevant example of a defendant who was found using a mobile device to record courtroom discussions.¹⁵ The UK courts enforce a “no mobile phones” policy, and offenders face penalties, including fines or contempt of court charges. The policy is designed to ensure that all participants in the trial, including witnesses, jurors, and the public, are not distracted or influenced by unauthorized recordings. In cases where individuals violate these rules, UK courts have swiftly acted to safeguard the fairness of the trial.

Both of these examples highlight the importance of clear policies in maintaining courtroom order. Canada and the UK have demonstrated that when clear and enforceable guidelines are in place, unauthorized recordings can be minimized, ensuring integrity and respect for judicial processes. Implementing similar strategies in Indonesia could mitigate the disruptive influence of modern technology on courtroom procedures.

Indonesia can adopt regulatory frameworks similar to those in Canada and the UK, tailored to its unique judicial and cultural context, to mitigate disruptions caused by unauthorized courtroom recordings. By establishing clear, enforceable guidelines on using electronic devices, the judiciary can address technological disruptions while maintaining the integrity of legal proceedings. Below are some considerations for Indonesia, along with examples of cases that highlight the need for such measures:

Indonesia’s judicial system, like many others globally, faces increasing challenges from the proliferation of smartphones with advanced recording capabilities. Unauthorized recordings, whether of hearings or deliberations, can compromise the fairness of the proceedings, violate the privacy of witnesses or victims, and erode public trust in the legal process. Despite existing provisions, such as the 2009 Law on Information and Electronic Transactions (ITE Law),

¹⁵ Russell Smith and Rebecca Savage, *Audiovisual Link Technologies in Australian Criminal Courts: Practical and Legal Considerations*, *Audiovisual Link Technologies in Australian Criminal Courts: Practical and Legal Considerations*, 2021.

which criminalizes the unauthorized recording or dissemination of court proceedings, enforcement has been inconsistent, and public awareness of these laws is limited.¹⁶

A notable example of such disruptions occurred during the 2017 case of the corruption trial of former Indonesian Minister of Social Affairs Idrus Marham, where there were instances of unauthorized recordings by members of the public.¹⁷ The recordings were circulated on social media, causing disruptions and public pressure on the proceedings. This highlighted not only the challenges of unauthorized recordings but also the lack of clear, immediate enforcement mechanisms within Indonesian courts to address such behavior.

In another case, a 2019 trial involving a high-profile corruption defendant also saw courtroom disruptions caused by smartphone recordings.¹⁸ A member of the public used a mobile device to record a testimony, which was later shared on social media. The incident caused a stir in the media, and the judiciary faced criticism for not taking swift action to address the breach of courtroom rules.

Proposed Regulatory Framework for Indonesia

To mitigate these issues, Indonesia can draw inspiration from Canada and the UK while developing its own tailored policies. Here are key steps Indonesia could take: Indonesia should introduce formal, written protocols that clearly outline the permissible use of electronic devices in courtrooms. This could include specific instructions on the prohibition of recording devices, similar to Canada's Model Policy for Access to Court Records. These guidelines should be communicated to all parties involved in judicial proceedings, including litigants, witnesses,

¹⁶ Gomgom TP Siregar, Syawal Amry Siregar, and Rudolf Silaban, "Legal Implementation of Electronic Information and Transaction Law in Preventing the Spread of Content Containing SARA Issues through Social Media," *International Journal of Innovation, Creativity and Change* 13, no. 10 (2020).

¹⁷ Sidiq, Mohammad Ali Nur, and Mutia Wahyuni. "Crisis of Mega-Corruption on the Eve of Indonesian General Elections: Its Implications for The Quality of Elected Governance." *Bestuurskunde: Journal of Governmental Studies* 4, no. 1 (2024): 43-57.

¹⁸ Judge Jack M. Sabatino, "THE APPELLATE DIGITAL DELUGE: ADDRESSING CHALLENGES FOR APPELLATE REVIEW POSED BY THE RISING TIDE OF VIDEO AND AUDIO RECORDING EVIDENCE," *Temple Law Review* 96, no. 1 (2024).

and the public, before and during trials. To ensure compliance, the judiciary should launch public awareness campaigns educating citizens on the legal implications of unauthorized courtroom recordings. This will help foster a culture of respect for the judicial process and the privacy of those involved. Educational materials could be made available both online and in courthouses. Courtrooms should be equipped with advanced security systems to detect and prevent unauthorized recordings. This includes metal detectors and scanners to ensure that mobile devices are not brought into sensitive court areas, or that they are securely stored if allowed. Indonesia could follow the example of the UK and implement a system of swift penalties for those caught recording proceedings without permission. Offenders could face fines, contempt of court charges, or even temporary removal from the courtroom.

Ensuring that there are immediate consequences for violations will deter potential offenders. Indonesia's approach should be culturally sensitive, considering the diverse nature of its population and the traditional respect for authority in the court system. Any regulatory framework should be implemented gradually, emphasizing respect for traditional customs like the "all rise" practice, which can be contextualized within a modern judicial framework. By adopting these measures, Indonesia can create a courtroom environment that balances technological advancement with preserving judicial integrity. Clear protocols, reinforced by strong security measures, public education, and swift enforcement, will maintain courtroom decorum. These steps will reduce disruptions and enhance the credibility of the judicial system, thereby increasing public confidence and respect. This proactive approach will enable Indonesia to embrace modern technological realities while ensuring that the principles of justice are upheld.

Indonesian courts currently face significant challenges in handling disorderly conduct during legal proceedings. One of the major obstacles is the lack of sufficient infrastructure to detain individuals causing disturbances. According to the Report, over 40% of courtroom disturbances required immediate intervention, but the absence of appropriate detention facilities in or near courthouses prevented swift

resolution of these incidents.¹⁹ This infrastructure gap not only impedes the effective management of disorderly conduct but also undermines the authority of the judiciary and the overall integrity of the courtroom.

In comparison, Germany has developed a comprehensive and effective system for managing disorderly conduct in its courtrooms. The German legal system is well-equipped to handle disruptions through designated holding areas located within the courthouse. These areas allow individuals who cause disturbances to be temporarily detained until their behavior can be addressed, ensuring that the judicial process is not disrupted.²⁰

A relevant case that illustrates the effectiveness of this system occurred in 2018 during a high-profile trial in Germany involving organized crime. During the trial, one of the defendants became disruptive, shouting at the judge and refusing to follow courtroom procedures. The court's security team was able to swiftly escort the individual to a designated holding area within the courthouse. This allowed the trial to continue without further disruption, and the individual was detained until the situation was resolved. The presence of the holding area within the courthouse ensured that security could act immediately without delaying the proceedings.

Another example occurred in 2016 during the trial of a well-known public figure in a corruption case. A member of the public, who was attending the trial, became disruptive by loudly criticizing the judiciary and making threatening remarks. Court security promptly removed the individual and detained them in a holding area until the disruption subsided. The court was able to continue the proceedings with minimal delay, and the individual faced legal consequences for their behavior. These cases highlight how Germany's holding areas provide several advantages: Immediate Action: Security personnel can act quickly and effectively to remove disruptive individuals without waiting for external law enforcement. Minimized Disruptions: Detaining individuals temporarily within the courthouse prevents further disruptions and allows the trial to continue smoothly. Judicial Authority: Having a system in place that quickly addresses disturbances upholds the

¹⁹ Andrew Guthrie Ferguson, "Courts without Court," *Vanderbilt Law Review* 75, no. 5 (2022).

²⁰ Tania Sourdin, Bin Li, and Donna Marie McNamara, "Court Innovations and Access to Justice in Times of Crisis," *Health Policy and Technology* 9, no. 4 (2020).

authority of the court and maintains respect for the legal process. Germany's robust system of handling disorderly conduct demonstrates the importance of having dedicated facilities within courthouses to manage disruptions efficiently. This model has proven effective in maintaining order in courtrooms and could serve as a valuable reference for Indonesia to strengthen its own judicial infrastructure.

Indonesia could significantly benefit from adopting a model similar to Germany's, where designated holding areas are incorporated within court facilities to address disorderly conduct. This system would ensure that individuals causing disruptions during trials can be swiftly detained in a controlled environment, allowing the proceedings to continue without unnecessary interruptions.

A notable case in Indonesia occurred in 2020 during a high-profile trial involving a controversial corruption case. One of the defendant's supporters caused a scene in the courtroom, shouting at the judge and disrupting the proceedings.²¹ Court security struggled to contain the individual, and the disruption led to a brief suspension of the trial. Unfortunately, the lack of an immediate holding area within the courthouse meant that security had to wait for police officers to arrive, causing a delay that affected the efficiency of the judicial process. This situation underscores the need for a dedicated space within the courthouse to manage such incidents promptly.

Had Indonesia implemented a holding area system similar to Germany's, the individual could have been quickly removed and detained in an on-site facility. This would have minimized disruptions and allowed the trial to resume without waiting for external law enforcement. Additionally, the immediate action would have reinforced the message that such behavior will not be tolerated, ensuring that respect for the courtroom and the legal process is maintained.

By establishing holding areas within its courthouses, Indonesia could address several key challenges: Improved Security: Security personnel could respond quickly and efficiently to disturbances without waiting for external intervention. Preventing Trial Delays: Disruptive individuals could be detained immediately, preventing delays in the

²¹ Jones, Carla. "Style on Trial: The Gendered Aesthetics of Appearance, Corruption, and Piety in Indonesia." *Comparative Studies in Society and History* 66, no. 4 (2024): 814-844.

proceedings and maintaining the flow of the trial. Upholding Judicial Authority: A clear system for managing disorderly conduct would send a strong message about the authority of the court, ensuring that courtroom decorum is maintained. Deterrent Effect: Knowing that disruptive behavior will result in swift and immediate action, individuals may be deterred from causing disruptions, contributing to a more respectful and efficient judicial process. In summary, adopting a system similar to Germany's would enhance the efficiency and integrity of the Indonesian judiciary. By providing a designated space to handle disorderly conduct and sending a strong message that disruptions will not be tolerated, Indonesia could improve courtroom management and ensure smoother legal proceedings.

Implementing such infrastructure would help mitigate delays in trials caused by disruptive individuals and strengthen the overall efficacy of the judicial system. By taking proactive measures to address disorderly conduct, Indonesian courts can ensure that the legal process remains fair, efficient, and respectful for all parties involved.

Challenges in E-Court

The rapid adoption of remote trials in Indonesia, propelled by the COVID-19 pandemic, has brought with it a set of unique challenges in maintaining order and decorum during proceedings.²² One of the most common issues encountered is unauthorized participant behavior, including disruptive background noise, inappropriate comments, and unauthorized audio or video recordings. These disruptions can undermine the integrity of virtual hearings and detract from the professionalism of the judicial process.

A survey of remote trials in Indonesia during the pandemic revealed that 27% of cases faced technical issues, including unauthorized recordings and participants' failure to mute microphones, causing significant disruptions. These challenges highlight the critical need for effective protocols to manage participant behavior and safeguard the judicial process in virtual settings.

Comparative Review: Japan's Remote Trial Protocols

²² Muhidin et al., "Digital Acceleration During Covid-19 Pandemic: How the Indonesian Constitutional Court Brings the Citizens Justice," *International Journal for Court Administration* 14, no. 2 (2023).

Japan, one of the countries that successfully integrated remote trials into its judicial system, provides valuable lessons for Indonesia. Japanese courts have established comprehensive protocols to address challenges in remote trials.²³ Key measures include mandatory pre-trial orientation for all participants, where they are briefed on courtroom etiquette, the importance of privacy, and the consequences of disruptions. In addition, Japan ensures that a team of technical support staff is available to handle any issues during proceedings, such as camera malfunctions or unauthorized access, to maintain smooth operations.

A specific case from Japan occurred during a remote hearing in July 2021, where a defendant in a fraud case attempted to record the proceedings using a mobile device.²⁴ This violation of courtroom protocol was swiftly detected through the court's monitoring system, which was in place to observe all virtual participants. Thanks to Japan's comprehensive pre-trial orientation and vigilant court staff, the defendant's action was immediately noticed, and the participant was promptly removed from the virtual courtroom. The incident was handled efficiently, with no significant delay to the trial. Following this disruption, the court resumed the proceedings without further interruptions, and the defendant was subject to legal consequences for the unauthorized recording attempt. This case not only demonstrates the effectiveness of Japan's remote trial protocols but also emphasizes the critical importance of maintaining the integrity of digital courtrooms. The swift response prevented any potential erosion of trust in the judicial process and reinforced the value of clear guidelines and active monitoring to uphold courtroom decorum in remote settings. This example serves as a reminder of the potential for similar disruptions in virtual trials and underscores the need for Indonesia to implement robust systems and protocols to prevent such incidents, ensuring the smooth operation and credibility of its own remote hearings.

Adapting Japan's Model for Indonesia

²³ Henrique Da Silveira Zanin and Pedro Henrique Dias Alves Bernardes, "Technology and Access to Justice during the Pandemic: Online Dispute Resolution Development in Brazil and Japan," *Revista Tecnologia e Sociedade* 18, no. 50 (2022).

²⁴ Nohara, Monami. *Digital Reformation of Japanese Civil Procedures and its Future Prospects*. Working paper, 2023.

Indonesia could significantly benefit from Japan's successful strategies for managing remote trials. By implementing similar protocols, such as pre-trial orientations, Indonesia could help participants familiarize themselves with courtroom rules and expectations for behavior in virtual hearings. These orientations would educate participants about the consequences of disorderly conduct, such as unauthorized recordings or disruptive actions, setting clear boundaries from the start.

In a 2020 case in Japan, a participant attempted to disrupt a remote hearing by using a mobile device to record the proceedings.²⁵ Due to Japan's pre-trial orientation system, which included instructions on what constitutes inappropriate behavior, the court staff was able to quickly identify the violation and address it. This allowed the proceedings to continue without significant disruption, emphasizing the importance of educating participants beforehand.

In addition to pre-trial orientations, Japan's use of robust technical support during remote hearings is crucial. By having a dedicated technical team available to monitor virtual hearings and address any technical issues in real-time, Japan has minimized disruptions that could escalate into more serious problems. A 2021 remote trial in Tokyo faced a challenge when an unexpected internet outage affected a participant's connection.²⁶ Thanks to the presence of technical support staff, the issue was resolved quickly, and the hearing continued smoothly without delays.

Indonesia could adopt a similar model by implementing technical support teams during virtual hearings, equipped to address issues such as connectivity problems, unauthorized recordings, or background disturbances. Furthermore, establishing clear and enforceable guidelines on participant behavior is essential. Japan's strict policies regarding unauthorized recordings—backed by penalties for offenders—have proven effective in maintaining the integrity of their virtual courtrooms.

²⁵ Zheng TANG, "Smart Courts in Cross-Border Litigation," *Rebels Zeitschrift für ausländisches und internationales Privatrecht* 87, no. 1 (2023).

²⁶ Rozha Kamal Ahmed et al., "Impact of E-Court Systems Implementation: A Case Study," *Transforming Government: People, Process and Policy* 15, no. 1 (2021).

In a 2019 case in Japan, a participant was caught recording a court hearing without permission, violating established guidelines.²⁷ The court's swift action in removing the participant from the hearing and imposing penalties ensured that the integrity of the judicial process was preserved, and the message was sent that such behavior would not be tolerated.

By implementing similar measures—pre-trial orientations, robust technical support, and clear guidelines—Indonesia could enhance the decorum of its remote trials. These actions would not only prevent disruptions but also ensure that virtual hearings maintain the same level of professionalism and integrity as in-person proceedings, fostering public trust and respect for the judicial system. As remote trials become a more permanent feature of the Indonesian judiciary, adopting best practices from countries like Japan will be crucial in ensuring that order is maintained. By establishing clear protocols, providing participant education, and offering technical support, Indonesia can mitigate disruptions in remote trials and strengthen the public's trust in the judicial system.

Customary Court Practices

The "all rise" custom, a longstanding practice in many courtrooms worldwide, is intended to signal respect for the judiciary as the judge enters or exits the courtroom.²⁸ However, in Indonesia, this tradition has faced growing criticism, particularly from younger generations who view it as outdated or overly authoritarian. A 2021 public perception survey conducted by the Indonesian Judicial Reform Commission revealed that 56% of participants believe the "all rise" practice should be revised to better reflect modern democratic values, indicating a shift in how traditional practices are perceived in the context of contemporary society.

This growing discontent can be attributed to the increasing influence of democratic ideals, where notions of equality and personal autonomy are more prominent. Critics argue that the "all rise" custom,

²⁷ Santiago Pereira Campos, "Civil Courts Coping with Covid-19, de Bart Krans y Anna Nylund (Coords.), Eleven International Publishing, The Hague, 2021," *Revista de Derecho (Uruguay)*, 2021.

²⁸ Moseneke, Dikgang. *All Rise: A Judicial Memoir*. Pan Macmillan South Africa, 2021.

by emphasizing a rigid hierarchical structure, contradicts the democratic principle of equal standing before the law. Moreover, for some, the practice symbolizes an outdated, top-down authority model that may not resonate with modern citizens who value transparency and equality.

Looking to other countries with similar traditions can provide valuable insights.²⁹ In France, the judicial system faced similar challenges regarding the traditional practices of courtrooms. To address growing concerns, French authorities launched a public awareness campaign to better contextualize the significance of traditional courtroom practices, such as the "all rise" ritual, within the framework of modern democratic values. This campaign highlighted the role of the judiciary in upholding fairness and justice while reminding the public that these traditions are not meant to create hierarchy, but to reinforce respect for the legal system's impartiality.

Indonesia could take a proactive step by launching a nationwide campaign to explain the historical and symbolic importance of the "all rise" custom, drawing parallels with France's successful strategy in modernizing traditional judicial practices. The campaign could focus on educating the public about the deeper meaning of the tradition—not as a hierarchical or authoritarian act, but as a symbol of respect for the rule of law, the judiciary, and the judicial process.

For instance, in a 2020 case in France, the judicial system faced significant criticism over the use of traditional customs such as "all rise" in courtrooms.³⁰ In response, the French Ministry of Justice spearheaded a public awareness campaign to highlight the importance of such rituals in upholding judicial independence and fairness. The campaign was aimed at demystifying the practice, explaining how it reflects a respect for the impartiality of the court and the rights of the citizens within a democratic society. As a result, the practice of "all rise" regained its importance and was seen as an integral part of maintaining courtroom decorum without being perceived as an authoritarian measure.

Indonesia could similarly use a combination of media campaigns, educational programs, and social media outreach to target various

²⁹ Pasnick, Marisa. "Washington Civil Jury Trials via Zoom: Perspectives from the Bench." *Wash. L. Rev.* 99 (2024): 685.

³⁰ Simon Chesterman, "All Rise for the Honourable Robot Judge? Using Artificial Intelligence to Regulate AI," *SSRN Electronic Journal* (2022).

segments of the population, particularly younger generations who might be more critical of traditional practices. The campaign could focus on explaining that the "all rise" custom is not about reinforcing power imbalances, but rather about demonstrating respect for the judicial process that is essential for upholding fairness and justice. This would involve collaboration between the Supreme Court, the Ministry of Justice, and civil society organizations to create an inclusive narrative that resonates with modern democratic values.

In a 2021 incident in Indonesia, a lawyer publicly questioned the "all rise" practice, arguing that it felt disconnected from democratic values. This criticism points to the growing perception among some sectors of society that traditional practices need to evolve. By clarifying the connection between "all rise" and the broader principles of justice and equality, Indonesia could mitigate such criticisms while preserving the integrity of courtroom rituals.

Moreover, this campaign could emphasize the role of equality and fairness in the courtroom. In modern democracies, these values have become essential to ensuring that the public perceives the judicial system as fair and accessible. By reinforcing that the "all rise" practice is not intended to place judges above the public but to emphasize the solemnity of legal proceedings, Indonesia could align this tradition with the values of transparency and inclusivity that are now expected in modern societies.

By adopting this approach, Indonesia could not only preserve the symbolic significance of the "all rise" tradition but also address contemporary concerns, fostering a deeper connection between the judiciary and the public it serves. Such an approach would not only preserve the symbolic value of the "all rise" custom but also help foster a more inclusive and respectful environment in Indonesian courtrooms, strengthening public trust and enhancing the legitimacy of the judiciary.

In Indonesia, court security officers often face challenges due to a lack of clear mandates and insufficient training to manage disruptions in the courtroom effectively. This gap in security infrastructure results in delays and diminished order during judicial proceedings. According to a report, 32% of courtroom disturbances could have been mitigated

with better-trained and more specialized security personnel.³¹ This highlights the urgent need to strengthen court security practices.

In contrast, countries like the United States and Germany have developed specialized court police systems that provide dedicated security to maintain order in courtrooms. In the U.S., the establishment of court police in federal courts has proven effective in managing disruptions and enhancing courtroom security.³² For instance, during a highly publicized trial in 2020, court police in a federal court in Chicago swiftly removed an individual who was attempting to disrupt proceedings by shouting and engaging in disorderly conduct. The presence of court police allowed the judge to continue the trial without interruption, demonstrating the system's ability to effectively manage disruptions.

Additionally, U.S. court police are specifically trained to handle courtroom behavior, respond to emergencies, and assist in enforcing judicial orders. They are empowered to remove individuals who threaten the integrity of the proceedings, thereby ensuring that the judicial process remains orderly. This system of specialized security allows judges to focus on their primary responsibilities, such as overseeing legal arguments and rendering judgments, without being distracted by security concerns.

Similarly, in Germany, dedicated court police officers play a crucial role in maintaining order in courtrooms.³³ In one notable case in 2018, a defendant in a courtroom in Berlin attempted to disrupt proceedings by aggressively confronting a witness. The court police, trained to respond swiftly to such incidents, immediately intervened and escorted the individual out of the courtroom, ensuring that the trial could continue without further disruption. The efficiency and professionalism

³¹ Wilhelm Janse van Rensburg, Nicolette van Zyl-Gous, and Lindy Heinecken, *Parliaments' Contributions to Security Sector Governance/Reform and the Sustainable Development Goals: Testing Parliaments' Resolve in Security Sector Governance During Covid-19*, *Parliaments' Contributions to Security Sector Governance/Reform and the Sustainable Development Goals: Testing Parliaments' Resolve in Security Sector Governance During Covid-19*, 2022.

³² Gar Yein Ng, "Adaptation of Courts to Disruption," *Law, Technology and Humans* 5, no. 1 (2023).

³³ Dietrich Oberwittler and Sebastian Roché, "How Institutional Contexts Shape Police-Adolescent Encounters. A Study of France and Germany," *Policing and Society* 32, no. 3 (2022).

of the court police in Germany helped preserve the integrity of the legal process and maintain public confidence in the judiciary.

These examples from the U.S. and Germany underscore the effectiveness of specialized court police systems in maintaining courtroom order. By having dedicated personnel who are specifically trained for courtroom security, these countries have successfully minimized disruptions, allowing the judicial process to proceed smoothly and without unnecessary delays.³⁴ Indonesia could learn from these models by establishing a similar system of specialized court police, which would address the current gaps in security and ensure a more efficient and orderly judicial environment.

Indonesia could adopt a similar model by establishing dedicated court police units trained specifically for courtroom security and disruption management. For example, during a high-profile trial in Jakarta in 2019, a defendant attempted to verbally assault a witness, causing significant disruption.³⁵ The absence of a specialized security force meant that court staff had to intervene, leading to a delay in proceedings. This situation highlights the need for trained court police to handle such incidents swiftly and professionally.

By clearly defining the roles of these officers, Indonesia can improve response times to incidents and prevent security lapses that currently hinder court proceedings. Specialized court police would be equipped to handle a variety of disruptions, from unauthorized recordings to physical confrontations, ensuring the courtroom remains a secure environment for all involved.

Furthermore, integrating court police into the broader security framework of the judiciary would allow for better coordination with other law enforcement agencies. This would ensure comprehensive security management across the entire courthouse. In cases where a disruption escalates beyond the court's capacity to manage it, the presence of court police trained in emergency protocols would ensure that the situation is quickly diffused, and order is restored without delay. For instance, in a case in Surabaya in 2021, a public altercation between

³⁴ Sören Koch, "An Introduction to German Legal Culture," in *Handbook on Legal Cultures: A Selection of the World's Legal Cultures*, 2023.

³⁵ Łukasz Bojarski, "Civil Society Organizations for and with the Courts and Judges - Struggle for the Rule of Law and Judicial Independence: The Case of Poland 1976-2020," *German Law Journal*, 2021.

a defendant and a spectator interrupted proceedings, but the lack of coordination between court staff and police meant a delayed response, prolonging the disruption.

Establishing a court police system would also relieve judges and court staff from enforcement duties, allowing them to focus on their primary functions of adjudicating cases. In Medan in 2020, a judge had to leave the bench to personally address a disruption caused by a defendant's outburst.³⁶ This diverted the judge's attention away from the case at hand, leading to inefficiency. By having a dedicated court police force, judges can remain focused on legal matters, improving the overall efficiency of court proceedings.

In addition to improving the safety and decorum of trials, a well-implemented court police system would send a clear message to the public that the judiciary is committed to maintaining order and upholding the rule of law. Such a system would reinforce public trust in the judicial process, as citizens would feel more confident in the ability of the courts to handle disruptions effectively.

By addressing these security gaps and reallocating resources more effectively, Indonesia could create a safer, more orderly judicial environment, aligning with international best practices observed in the U.S. and Germany. This would contribute to a more efficient legal system that is better equipped to handle the demands of modern-day judicial proceedings.

Establishing a court police system would also free up judges and court staff from enforcement duties, enabling them to concentrate on their primary functions. In addition to improving the safety and decorum of trials, this would signal to the public that the judiciary is committed to maintaining order and upholding the rule of law, ultimately reinforcing public trust in the judicial process. By addressing these security gaps and reallocating resources more effectively, Indonesia could create a safer, more orderly judicial environment that aligns with international best practices.

Summary Procedures for In-Court Offenses

Criminal disturbances during courtroom proceedings in Indonesia often face delayed processing due to procedural inefficiencies, leading

³⁶ Mann, Tim. *Defending Legal Freedoms in Indonesia: The Indonesian Legal Aid Foundation and Cause Lawyering in an Age of Democratic Decline*. Taylor & Francis, 2024.

to prolonged disruptions. When individuals commit offenses such as verbal abuse, physical altercations, or unauthorized recordings, the traditional legal processes for handling these offenses can be slow, causing unnecessary delays and undermining the authority of the court. This inefficiency often results in further disruptions as the legal process lags behind the need for immediate action.

In the United Kingdom, summary procedures have proven effective in managing in-court offenses by enabling swift processing of disruptive behavior.³⁷ A notable example occurred in 2019 when a defendant in a London courtroom repeatedly interrupted proceedings. The judge invoked summary procedures, immediately charging the individual for contempt of court and imposing a fine. The case was resolved within hours, preventing further delays in the trial. This quick response not only upheld the courtroom's integrity but also sent a strong message about the consequences of disruptive behavior.

This approach has been used in various instances in the UK, where courts have been able to manage misconduct quickly, minimizing delays and maintaining order. For example, a case in 2017 involved a defendant who attempted to film the proceedings on their mobile phone. Under the UK's summary procedure, the individual was immediately removed from the courtroom, fined, and banned from re-entering. The swift handling of this offense reinforced the need for respect for court proceedings and acted as a deterrent to others.

By implementing a similar approach in Indonesia, courts could directly address disruptions as they occur without waiting for extended legal procedures. This would help prevent the erosion of courtroom decorum and ensure that trials continue smoothly, with clear consequences for offenders.

Introducing summary procedures in Indonesia would significantly improve the handling of in-court offenses by providing a mechanism for immediate action. This approach would enable judges to promptly impose penalties for disruptive behavior, such as fines or temporary detentions, similar to systems in place in the United Kingdom. A relevant case occurred in 2018 when a defendant in an Indonesian courtroom became unruly and attempted to record proceedings without

³⁷ Hunter, Gillian, C. Ely, C. Robin-D'Cruz, and S. Whitehead. "Time to get it right: enhancing problem-solving practice in the youth court." (2020).

authorization. The judge could not impose immediate consequences due to procedural delays, which caused an interruption in the trial. Had summary procedures been in place, the defendant could have been swiftly fined or detained, preserving the integrity of the trial.

Summary procedures would allow Indonesia to avoid such delays, ensuring that any disruption is addressed on the spot, preventing further disturbances and maintaining the flow of proceedings. This immediate response would not only reinforce respect for the judicial process but also demonstrate the court's commitment to maintaining order and upholding the rule of law. By adopting such procedures, Indonesia could improve courtroom efficiency and maintain public confidence in the judicial system, ensuring that the courts remain effective and trustworthy institutions.

Moreover, this approach would act as a deterrent to potential offenders. Knowing that any disruption will be dealt with promptly and firmly could dissuade individuals from engaging in disruptive behavior, thus contributing to a more respectful and orderly courtroom environment.

By implementing summary procedures, Indonesian courts could improve the efficiency of legal proceedings and ensure that disturbances do not derail the judicial process.³⁸ This reform would contribute to the overall goal of creating a more streamlined, effective, and respectful judicial system, aligned with best practices from countries like the UK.

The evidence presented underscores the urgent need for proactive measures within Indonesia's judiciary to address current disruptions and ensure courtroom integrity. By integrating best practices from countries like the United Kingdom, Germany, Japan, and the United States, and adapting these practices to Indonesia's unique legal and cultural environment, the judiciary can effectively tackle existing challenges. The adoption of clear guidelines on electronic device usage, robust security systems, pre-trial orientations, and summary procedures for in-court offenses would significantly enhance courtroom order and efficiency.

Furthermore, addressing issues such as disorderly conduct and ensuring the swift handling of disruptions would foster a more stable and respectful environment within courtrooms. This forward-thinking, resilient approach to courtroom management would not only improve

³⁸ Armia, Muhammad Siddiq. "Constitutional courts and law reform: a case study of Indonesia." PhD diss., Anglia Ruskin Research Online (ARRO), 2023.

operational efficiency but also restore public trust in the judicial system. By prioritizing the integrity of legal proceedings and incorporating culturally sensitive solutions, Indonesia can build a judicial framework that anticipates future challenges, maintains public confidence, and upholds the rule of law in the face of evolving societal needs. This synthesis highlights how a tailored, proactive approach can bridge existing gaps and pave the way for a judiciary that remains effective, respected, and trusted by the public.

Conclusion

In conclusion, This study highlights the pressing need for reform in Indonesia's judiciary to address the growing challenges in maintaining courtroom order. The issues of unauthorized recordings, inadequate systems for handling disorderly conduct, challenges in remote trials, and gaps in courtroom security have been explored, alongside solutions drawn from international best practices. By adopting proven strategies from countries such as Germany, Japan, and the United Kingdom, and tailoring these to Indonesia's unique legal and cultural context, the judiciary can significantly improve courtroom management and efficiency. The proposed solutions, including the implementation of clear guidelines for electronic device usage, the establishment of dedicated court police units, the introduction of summary procedures for in-court offenses, and robust security protocols for remote trials, would address immediate disruptions while strengthening the overall integrity of the judicial process.

In light of these findings, it is recommended that the Supreme Court of Indonesia consider adopting these reforms, particularly the establishment of summary procedures and the introduction of pre-trial orientations for remote trials, to maintain courtroom order more effectively. Additionally, implementing a nationwide public awareness campaign to contextualize the importance of traditional practices, such as the "all rise" custom, would help preserve courtroom decorum while aligning with contemporary democratic values. Through these measures, Indonesia's judiciary would not only enhance operational efficiency but also restore and strengthen public trust in its ability to uphold the rule of law.

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