

Law Enforcement During The Covid-19 Pandemic In Indonesia

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Abstract : *Law enforcement is the process by which efforts are made for the establishment or functioning of legal norms as a real guide to behavior in traffic or legal relations in the life of society and the state. The community needs law enforcement for a sense of justice, legal certainty, and benefits in society. At this time the Covid-19 Pandemic spread throughout the country. Although there is still a Covid-19 Pandemic, law enforcement continues. Law enforcement is carried out by law enforcement agencies. Law enforcement agencies that continued to carry out law enforcement during the Covid-19 Pandemic period were the National Police, the Attorney General's Office, the Supreme Court (MA) and the KPK through law enforcement officials. Law enforcement continues to be carried out during the Covid-19 Pandemic. With the aim of maintaining a sense of justice, legal certainty, and benefits in the community during the Covid-19 Pandemic era. The National Police in enforcing the law during the Covid-19 Pandemic era by issuing a Secret Telegram (TR)) and the police crack down on crowds of citizens. In law enforcement during the Covid-19 Pandemic period, the Supreme Court tightened the work system in the judiciary. by issuing MA Circular Letter Number 1 of 2020 concerning Guidelines for Implementing Tasks During the Prevention Period of Covid-19 Distribution within the Supreme Court and its Judicial Bodies. During the Covid-19 Pandemic period the Attorney General's Office continued to carry out law enforcement, the prosecutor's examination process in a case continued during the Covid-19 Pandemic period and continued to carry out trials. In law enforcement during the Covid-19 Pandemic period, the Corruption Eradication Commission (KPK) prosecution such as investigators and prosecutors continued.*

Keywords: *Enforcement, Law, Covid-19 Pandemic Period, National Police.*

I. Introduction

1. Background

Law enforcement is the process by which efforts are made to uphold or properly functioning legal norms as guidelines for behavior in traffic or legal relations in the life of society and the state. From the point of view of the subject, law enforcement can be carried out by a broad subject and can also be interpreted as law enforcement efforts by the subject in a limited or narrow sense. In a broad sense, the process of law enforcement involves all legal subjects in every legal relationship. Anyone who runs a normative rule or does something or does not do something by basing himself on the norms of the rule of law, means that he runs or enforces the rule of law. In the narrow sense, in terms of the subject, law enforcement is only interpreted as an effort of certain law enforcement apparatus to guarantee and ensure that a rule of law runs as it should. In ensuring the enforcement of the law, if necessary, law enforcement officials are permitted to use force. law enforcement can also be viewed from the point of view of the object, namely in terms of the law. In this case also includes broad and narrow meanings. In a broad sense, law enforcement also includes the values of justice contained in the sound of formal rules and values of justice that live in society. However, in the strict sense, law enforcement only involves formal and written enforcement of regulations. In upholding the law in a country carried out by law enforcement in the country. Law enforcers in the country consist of police, prosecutors, judges and advocates or lawyers.¹

The Covid-19 Pandemic Era was a time of epidemics of the Covid-19 disease that was simultaneously contagious in various regions. The Covid-19 pandemic, also known as a coronavirus pandemic, is an ongoing coronavirus pandemic in 2019 (Covid-19), caused by acute acute coronavirus 2 (SARS-CoV-2) respiratory syndrome. The outbreak was first identified in Wuhan, China, in December 2019. The World Health Organization declared the outbreak as the Public Health Emergency of International Concern on January 30, and a pandemic on March 11. On June 8, 2020, more than 6.98 million COVID-19 cases were reported in more than 188 countries and territories, resulting in more than 401,000 deaths, more than 3.13 million people recovered.

¹Iksan Rosyada Parluhutan Daulay, 2006, *Mahkamah Konstitusi Memahami Keberadaannya Dalam Sistem Ketatanegaraan Republik Indonesia*, Cetakan Pertama, Jakarta: PT. Ribeka Cipta, 2006, P. 78.

The Covid-19 pandemic has caused global social and economic disruption, including the biggest global recession since the Great Depression. This has caused delays or cancellations of sporting, religious, political and cultural events, widespread shortages of supply exacerbated by panic purchases, and reduced emissions of pollutants and greenhouse gases. Schools, universities and colleges have been closed both nationally and locally in 172 countries, affecting about 98.5 percent of the world's student population. Misinformation about viruses has been circulated through social media and mass media. There is discrimination against people who are considered Chinese or come from areas with high infection rates.²

Recommended precautions include washing your hands, covering your mouth when coughing, keeping your distance from others, wearing masks in public places, and monitoring and isolating yourself for people who suspect they are infected. Authorities around the world have responded by implementing travel restrictions, locking, controlling hazards at work, and closing facilities. Many sites also work to increase testing capacity and track the contact of infected people. Law enforcers participated in preventing the spread of Covid-19 during the Covid-19 Pandemic.

In order to maintain a sense of justice, legal certainty and usefulness in society when the Covid-19 Pandemic still existed, law enforcement continued. There are law enforcement agencies that continued to carry out law enforcement during the Covid-19 Pandemic, namely the National Police, the Attorney General's Office, the Supreme Court, and the Corruption Eradication Commission, through law enforcement officials in the law enforcement agencies. Law enforcement officers in law enforcement agencies who continued to carry out law enforcement during the Covid-19 Pandemic period were police, prosecutors and judges.

II. Formulation Of The Prpblem

How was law enforcement during the Covid-19 Pandemic in Indonesia?

B. Discussion

Law Enforcement During the Covid-19 Pandemic Period in Indonesia

Law enforcement is the process by which efforts are made to uphold or properly functioning legal norms as guidelines for behavior in traffic or legal relations in the life of society and the state. In law enforcement efforts during the period of preventing the spread of corona virus outbreaks in various regions of Indonesia during the Covid-19 Pandemic period, the National Police Chief issued a number of Secret Telegram. The Secret Telegram issued by the National Police Chief contained law enforcement efforts during the period of preventing the spread of the corona virus outbreak. One of the Telegram Letters issued by the National Police is Telegram Letter Number ST / 1100 / IV / HUK.7.1 / 2020 concerning insults to the president and state officials. Especially for this telegram, there was a lot of criticism from a number of people. According to the National Police Chief the law enforcement process is not to satisfy everyone. This means that if there is someone who doesn't like it, there is a separate mechanism that must be taken, one of which is pretrial.³

The National Police Chief issued a number of Secret Telegram regarding law enforcement efforts during the period of preventing the spread of Covid-19. The Secret Telegram consists of. First, TR Number 1098 regarding the handling of potential crimes that occur during the Large-Scale Social Restrictions. Secondly, Secret Telegram Number 1099 regarding the handling of crimes in the provision of staples. Third, Secret Telegram Number 1100 regarding handling crimes related to situations and opinions in cyber space. Fourth, Secret Telegram Number 1101 regarding the handling of potential crimes during the Large-Scale Social Restrictions. implementation period. The fifth, Secret Telegram Number 1102 about newly arrived passengers or migrant workers from countries that are endemic or countries that have contracted Covid-19.⁴

In applying its Secret Telegram, the police are guided by Article 14 paragraph (1) and paragraph (2) of Law Number 4 of 1984 concerning Communicable Disease Outbreaks; Article 93 of Law Number 6 Year 2018 concerning Health Quarantine; Article 212, Article 214 paragraph (1) and 2, Article 216, and Article 218 of the Criminal Code relating to the dispersal of the crowd by officers. Overall, the Secret Telegram was issued to provide guidelines for the implementation of duties during the period of preventing the spread of Covid-19, especially in the implementation of police duties in the field of law enforcement carried out by the Criminal detective function and its ranks. In this context, law enforcement carried out by the National Police during the deployment of Covid-19 is in principle a last resort or *Ultimum Remedium*, in which the National Police prioritizes preventive and preemptive measures.⁵

²*Ibid*, P. 80.

³<https://www.liputan6.com/news/read/4222134/penegakan-hukum-saat-pandemi-covid-19-dikritik-ini-tanggapan-kapolri>

⁴<https://www.cnnindonesia.com/nasional/20200406180649-12-490913/5-telegram-kapolri-jadi-pedoman-tindak-kasus-era-corona>

⁵Syahrani, Riduan, 1991, *Rangkuman Inti Sari Ilmu Hukum*, Jakarta : PT Raja Grafindo Persada, P. 38.

If preventive and preventive efforts are ineffective, law enforcement efforts are taken with the intention of providing legal certainty to lawbreakers who have committed legal actions. The Secret Telegram issued by the National Police Chief is a guide for investigators in conducting law enforcement efforts and is an important note, this law enforcement effort by the Indonesian National Police is the most recent effort after preventive and preemptive efforts have been made.⁶

During the Large-Scale Social Restrictions era in the Covid-19 Pandemic era, the National Police assumed a law enforcement function that was affirmed through the Police Chief's Decree No. Mak / 2 / III / 2020 concerning Compliance with Government Policies in Handling Corona Virus. The announcement was an initiative of the National Police in supporting PP No. 21/2020 on PSBB and Permenkes No. 9 of 2020. The Indonesian Police Chief's announcement stated that the National Police fully supported government policies regarding the handling of COVID-19 and broke the chain of corona outbreaks in Indonesia through taking action against people who were still gathered. In taking action against residents who are still gathered, the police make an appeal or secure the crowds of citizens. The purpose of this step is to break the chain of transmission of the corona virus. The police can crack down on residents who refuse to disperse while swarming in the middle of the Covid-19 pandemic.

Enforcement can be carried out even though the Regional Government has not determined the status of large-scale social restrictions for the provincial, district and city areas. The police have been able to take action against crowds of people before the Regional Government establishes the Large-Scale Social Restrictions because, the police have patrolled the residents who gathered before the Large-Scale Social Restrictions. Enforcement against citizens who refuse to dissolve themselves has a legal basis, namely Law Number 6 of 2018 concerning Health Quarantine and Article 212 of the Criminal Code, 216 of the Criminal Code, and 218 of the Criminal Code. Before securing crowds of residents, the police first made a persuasive effort in the form of appeals to disperse. If the residents refuse to be disbanded or try to fight the officers when the residents are gathered, then the police are not reluctant to take action against residents who are swarming according to applicable law.⁷

If residents have heeded it three times, the police wear Article and Article 212 of the Criminal Code, 216 of the Criminal Code, and 218 of the Criminal Code. The basis (action) for those who heed (the appeal of the police) is the KUHP article and the Health Quarantine Law. Residents who refuse to disperse themselves can be charged with a year prison sentence and a maximum fine of Rp. 100 million. This is stated in Article 93 of Law Number. 6 of 2018.

In Article 93 of Law Number. 6 of 2018 reads "every person who does not comply with the implementation of health quarantine as referred to in Article 9 paragraph (1) and / or hinders the implementation of health quarantine so as to cause public health emergencies, shall be liable to a maximum imprisonment of 1 (one) year and / or a maximum fine of Rp 100,000,000 (one hundred million rupiah) ". Meanwhile, Article 9 Paragraph 1 reads, "Everyone is required to comply with the implementation of health quarantine.

Not only ensnared by the Health Quarantine Law, residents who are determined to gather can also be charged with criminal acts, namely Article 212 of the Criminal Code, 216 of the Criminal Code, and 218 of the Criminal Code. These three articles regulate criminal threats for those who oppose and do not comply with the police's appeal. In Article 212 of the Indonesian Criminal Code it states that anyone with violence or threat of violence against an official who is carrying out a legitimate duty, or someone who according to legal obligations or at the request of the official gives help to him, is threatened because he is against an official, with a maximum imprisonment of one a four-year year or a maximum fine of Rp 4,500.

Furthermore, Article 216 of the Criminal Code paragraph (1) reads Whosoever deliberately does not obey orders or requests carried out according to the Law by officials whose job is to supervise something, or by officials based on their duties, as well as those who are authorized to investigate or investigate criminal acts, likewise whoever deliberately prevents, obstructs or thwarts actions to carry out the provisions of the Act carried out by one of these officials, is threatened with a maximum imprisonment of four months and two weeks or a maximum fine of Rp 9,000. Meanwhile, Article 218 of the Criminal Code states whoever when the people come together deliberately does not immediately leave after being ruled three times by or on behalf of the authorities, threatened by participating in grouping with imprisonment for a maximum of four months and two weeks or a maximum fine of Rp. 9,000.

In addition to taking action against crowding citizens, the National Police also focuses on handling potential crimes that occur when implementing PSBB, such as street crime, resistance to officers, issues of availability of staple goods, and cyber crime. To support the enforcement aspects, the National Police is holding

⁶*Ibid*, P. 43.

⁷Jimly Asshiddiqie, 2006, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi*, Cetakan Kedua (Cetakan Pertama Februari 2006), Jakarta: Konstitusi Press Kerja, P. 56.

a Safe Nusa II contingency operation 2020. This operation will take place from March 19 to April 17, 2020. The operating period can be extended based on the development of the situation on the ground. This task force has several subsatgas. First, the General Criminal Subsatsgas (Pidum) is tasked with cracking down conventional crimes (theft, looting, robbery, criminal acts of natural disasters, as well as health quarantine crimes). Second, the Economic Subsatsgas is tasked with overseeing and cracking down on hoarding foodstuffs and medical devices, cracking down on antiseptic exporters, mask raw materials, personal protective equipment (PPE) and masks, as well as repression of drugs or medical devices that are not in accordance with the standard / distribution permit. Third, the Siberian Subsatsgas took action against provocateurs and the spread of hoaks related to handling COVID-19. In upholding the law in the Covid-19 Pandemic era, the Supreme Court tightened the work system in the judiciary. The Supreme Court tightened the working system in the judiciary by issuing MA Circular Letter No. 1 of 2020 concerning Guidelines for Performing Duties During the Prevention Period for the Distribution of Covid-19 within the Supreme Court and its Judicial Bodies. This circular was signed on March 23, 2020.⁸

In the MA Circular Letter No. 1 of 2020, trials of criminal, military criminal, and jinayat cases continue to be carried out specifically for cases where the accused is being detained and their detention cannot be extended further during the period of preventing the spread of covid-19. In addition, trials of criminal cases, military crimes, jinayat against defendants who legally detained are still reasonable to be extended, postponed until the end of the period of preventing the spread of covid-19 within the Supreme Court and the lower judicial body. Postponement of a trial can be carried out with a single judge.

For handling cases that are limited by the time of the hearing, the Judge may postpone the examination even though the examination period is limited by statutory regulations with an order to the substitute registrar to record in the minutes of the hearing that there are exceptional circumstances based on this circular. If the case is not possible to be postponed and must be tried, the Supreme Court asks four things to consider. Matters that need to be considered are requested by the Supreme Court if the case is not possible to be postponed and must consist of. First, the postponement of the trial and the limitation of visitors to the hearing are the authority of the judges to determine. Second, the panel of judges can limit the number and safe distance between visitors to the hearing (social distancing).⁹

Third, the panel of judges may order the detection of body temperature checks and prohibit physical contact such as shaking hands for those who will be present or present at the hearing. Fourth, the panel of judges or parties in the trial can use protective equipment in the form of masks and medical gloves according to the conditions and situation of the trial. In upholding the law during the 19th Covid Pandemic Attorney General's Office ensured that the law enforcement process continued in the midst of the corona virus pandemic. The examination process carried out by prosecutors in a case continued under the Pandemic Covid-19 era. The inspection is carried out by paying attention to a number of security protocols such as, maintaining distance, using masks and hand sanitizers. In law enforcement the Attorney General conducts online trials during the Covid-19 Pandemic period. Implementation of online court proceedings via teleconference.

In online trials through teleconferences conducted by that, there were no more physical direct meetings between prosecutors, defendants and judges. Prosecutors, defendants and judges conduct hearings at their respective locations. For the permanent prosecutor in the District Attorney's office, the defendant remains in the Penitentiary, and the judge remains in the District Court. The Supreme Court (MA) has allowed trials online. The hearing will be conducted by teleconference in accordance with 3 laws that have been determined. The law consists of Law Number 402 / DJU / HM.01.1 / 4/2020, Number KEP-17 / E / Ejp / 04/2020, and PAS-08.HH.05.05 of 2020.

In law enforcement during the Covid-19 Pandemic period, the Corruption Eradication Commission (KPK) prosecution such as investigators and prosecutors continued as usual. Prosecutions such as investigators and prosecutors continue to work as usual because the Acts are related to the completion of case files that are limited by laws and regulations. The hearing at the hearing will also be carried out as effectively as possible so that the facts of the trial will still be explored, even though the examination will be short.

⁸Soekanto, Soerjono, 2008, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta : PT Raja Grafindo Persada, P. 47.

⁹<https://mediaindonesia.com/read/detail/299160-penegakkan-hukum-selama-pandemi-covid-19-harus-selaras>

C. CLOSING

III. Conclusions

Law enforcement efforts during the period of preventing the spread of corona virus outbreaks in various regions of Indonesia during the Covid-19 Pandemic period, the National Police Chief issued a number of Secret Telegram. The Secret Telegram issued by the National Police Chief contains law enforcement efforts during the period of preventing the spread of the corona virus outbreak. In its application of the Secret Telegram, the police are guided by Article 14 paragraph (1) and paragraph (2) of Law Number 4 of 1984 concerning Plague Infectious Diseases, Article 93 of Law Number 6 Year 2018 regarding Health Quarantine, Article 212, Article 214 paragraph (1) and 2, Article 216, and Article 218 of the Criminal Code related to the dispersal of the crowd by officers. Polri in law enforcement in the Covid-19 Pandemic era, the police took action against crowding citizens. In taking action against residents who are still gathered, the police make an appeal or secure the crowds of citizens. The aim of the action of residents who are clustered is to break the chain of transmission of the corona virus. Enforcement against citizens who refuse to dissolve themselves has a legal basis, namely Law Number 6 of 2018 concerning Health Quarantine and Article 212 of the Criminal Code, 216 of the Criminal Code, and 218 of the Criminal Code. In upholding the law in the Covid-19 Pandemic era, the Supreme Court tightened the work system in the judiciary. The Supreme Court tightened the working system in the judiciary by issuing MA Circular Letter No. 1 of 2020 concerning Guidelines for Performing Duties During the Prevention Period for the Distribution of Covid-19 within the Supreme Court and its Judicial Bodies. In upholding the law in the Covid-19 Pandemic era, the judge continued to conduct trials on cases that still existed during the Covid-19 Pandemic era. Prosecutors in law enforcement in the Covid-19 Pandemic era. The examination process carried out by prosecutors in a case is still ongoing and is conducting online trials through teleconferences. In the online trial through the teleconference, there were no more physical face-to-face meetings between prosecutors, defendants and judges. Prosecutors, defendants and judges conduct hearings at their respective locations. For the permanent prosecutor in the District Attorney's office, the defendant remains in the Penitentiary, and the judge remains in the District Court. Actions such as investigators and prosecutors continue as usual.

2. Suggestions

Law enforcement policies in the Covid-19 Pandemic era were in harmony with law enforcement agencies. Publish technical provisions related to law enforcement so that there is no variety of responses from officials related to the administration of law to the public. Policies issued by the government must be consistent so that prosecutors, police, and judges who are law enforcement are considered professional.

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