

Analysis of the Court's Decision on Criminal Actions Harding Outbreak Management with Lawrence Friedman Theory Perspective



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ABSTRACT: The forced retrieval of the bodies of COVID-19 patients from the hospital occurred during the COVID-19 outbreak, such as the case that occurred in the Surabaya District Court Decision No. 1857/Pid.sus /2021/PN.Sby, in which the decision explains that the defendants forced the bodies of Covid-19 patients to be taken from the hospital and improperly managed the bodies, as in the decision the perpetrators who committed these acts by The panel of judges were declared legally and convincingly guilty of committing a crime: "Intentionally obstructing the implementation of epidemic control". This study is to find out the judge's considerations in imposing criminal penalties on perpetrators of crimes that hinder the prevention of epidemics in Decision No. 1857/Pid.sus/2021/PN. Sby and the analysis of the judge's decision were viewed from the perspective of Lawrence Friedman's Legal System Theory. Based on the results of the study, it is known that the judge's consideration in imposing a sentence on the perpetrator of a criminal act hinders the prevention of the epidemic in Decision No. 1857/Pid.sus/2021/PN. Sby is that the actions of the Defendants caused unrest in the community. According to Lawrence Meir Friedman, a legal sociologist from Stanford University, the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely: 1) the substance of the law, related to legislation; 2) the legal structure (structure of law), concerning law enforcement officers; 3) Based on the results of the study, it is known that the judge's consideration in imposing a sentence on the perpetrator of a criminal act hinders the prevention of the epidemic in Decision No. 1857/Pid.sus/2021/PN.Sby is that the actions of the Defendants caused unrest in the community. According to Lawrence Meir Friedman, a legal sociologist from Stanford University, the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely: 1) the substance of the law, related to legislation; 2) the legal structure (structure of law), concerning law enforcement officers; 3) Sby is that the actions of the Defendants caused unrest in the community. According to Lawrence Meir Friedman, a legal sociologist from Stanford University, the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely: 1) the substance of the law, related to legislation; 2) the legal structure (structure of law), concerning law enforcement officers; 3) Sby is that the actions of the Defendants caused unrest in the community. According to Lawrence Meir Friedman, a legal sociologist from Stanford University, the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely: 1) the substance of the law, related to legislation; 2) the legal structure (structure of law), concerning law enforcement officers; 3) Sby is that the actions of the Defendants caused unrest in the community. According to Lawrence Meir Friedman, a legal sociologist from Stanford University, the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely: 1) the substance of the law, related to legislation; 2) the legal structure (structure of law), concerning law enforcement officers; 3) legal culture (legal culture), is a living law (living law) that adopted in a society. The Judge's Decision Number: Number: 1857/Pid.sus/2021/PN. Sby is one of the efforts to carry out law enforcement so that it runs effectively and successfully.

KEYWORDS: Crime; Outbreak Management; Lawrence Friedman.

I. INTRODUCTION

The COVID-19 outbreak was first reported in Wuhan on December 30, 2019, with the death of the first COVID-19 patient on January 11, 2020. The spread of this disease occurred very quickly, starting from Wuhan, and then to the rest of the world. This spread happened so fast and spread to various countries that on March 11, 2020, WHO declared COVID-19 a pandemic because it had affected 114 countries on various continents. COVID-19 (short for Coronavirus Diseases 2019) is an infectious disease caused by a virus called SARS-CoV-2. COVID-19 is an acute respiratory infectious disease. Symptoms of COVID-19 are generally characterized by fever, cough, shortness of breath, and sore throat. (1)

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Other symptoms that can occur are fatigue, muscle pain in sputum production, headache, haemoptysis and diarrhoea. The clinical condition/form is characterized by CT scan results as pneumonia. A person is said to be a COVID-19 patient if the PCR laboratory test shows symptoms of this disease case even without any radiological manifestations. Many patients with confirmed COVID-19 show symptoms of fever and/or signs of respiratory illness as above, but the majority of patients have no symptoms at all or are sick with mild symptoms. The route of spread of COVID-19 in humans is mainly from the person-to-person transmission, although the original host of this coronavirus is bats.

Cases of human-to-human transmission are known based on cases of the first patients in Vietnam and the US who were infected while in Wuhan without having had physical contact with the Seafood Wholesale Market, which was the beginning of the spread of the SARS-CoV-2 virus. The spread of the virus from person to person occurs mainly through direct contact between family members or close people such as business partners. Spread can also be through the air when the patient speaks or through droplets that are spread from an infected person when coughing or sneezing. In addition, the spread can also occur when people touch an object or surface on which the virus is present and then touch their mouth, nose and/or eyes using contaminated hands. Patients with or without symptoms can spread the infection. Asymptomatic patients are very at risk of becoming a source of transmission because such patients are asymptomatic. The average incubation period for COVID-19 is 5 + 2-9 days from the onset of symptoms to detection, while the average time from the onset of symptoms to death is 9.5 + 4.8-13 days.

This year, Indonesia itself has been shocked by the presence of natural phenomena that have disturbed humans in various circles. COVID-19 is an excuse that is still difficult for the world community to accept as a threat to an economic crisis, food supplies, and even death. The increasing number of COVID-19 cases in Indonesia, which until July 2020 reached more than 86,000 cases, of which more than 4 thousand people died. The high number of deaths due to COVID-19 has caused turmoil in the community. Cases of forced retrieval of the bodies of COVID-19 patients occurred in several areas in Indonesia.

The Telegram letter was addressed to Kasatgas, Head of Subsatgas, Kaopsda, and Kaopsres Opspus Aman Nusa II 2020 to coordinate and cooperate with hospitals that are referrals for handling COVID-19 patients to immediately carry out swab tests for referred patients, especially patients who are hospitalized. already showing symptoms of COVID-19, have a history of chronic illness, or are in critical condition. With the enactment of the Telegram Letter, families can collect the PDP COVID-19 body with several conditions. So, if there are parties who take the bodies of COVID-19 PDP patients forcibly, they can be subject to criminal sanctions.

Throughout 2020, there have been many cases of forcible retrieval of bodies due to officials who did not allow it without a clear regulatory explanation to the people concerned, until finally, many cases ended up in court. If you refer to the Law of the Republic of Indonesia Number 6 of 2018 which regulates Health Quarantine, it is regulated that there are nomenclatures that are violated by the community and no one is aware of it. One of the most binding articles is article 9 paragraph 1 which reads, "Everyone is obliged to comply with the implementation of Health Quarantine." The interpretation referred to in the article is that all forms of rules issued by the government in the COVID-19 pandemic situation are legal and must be obeyed by all levels of society. However, it is unfortunate that the understanding of the community is not evenly distributed so that reports of quarantine crimes are widespread, in this case, the forcible taking of COVID-19 bodies so that they end up behind bars. A similar case occurred at the Surabaya District Court, East Java, where the panel of judges stated that the defendants had been legally and convincingly proven guilty of committing the crime: of "Intentionally obstructing the implementation of the epidemic control" ;

II. FORMULATION OF THE PROBLEM

Based on the description of the existing background, the authors formulate the problem as follows:

1. What are the considerations of the Surabaya District Court judge in Decision Number: 1857/Pid.sus/2021/PN?Sby?
2. How is the analysis of the judge's decision 1857/Pid.sus/2021/PN. Sby viewed it from the perspective of Lawrence Friedman's theory.

III. RESEARCH METHODS

Research is a human tool for strengthening, fostering, and developing knowledge. (2) Legal research is one method to obtain the rule of law, legal principles, and legal doctrines that aim to answer various legal issues being faced. (3) In the research method itself, there are types of research, approach methods, types and sources of legal materials, and techniques for collecting and analyzing legal materials themselves.

1. Type of Research

The type of research that the author uses is a type of normative legal research. Normative legal research is legal research by studying library materials. In this study, the law is conceptualized as what is written in the legislation or the norms of community behaviour. (4)

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2. Approach Method

The approach used by the author in this study is divided into two; first, the Statute Approach, which examines all regulations and laws related to related research. Second, using the Case Approach, which means that the author analyzes

and studies cases that have become final, legally binding decisions related to this research. (5) In this study, the author also does not forget to use the views and doctrines that are developing rapidly in legal science.

3. Types and Sources of Legal Materials

a) Primary legal materials are legal materials sourced from the Holy Scriptures, statutory regulations, MPR-RI stipulations, Government Regulations, Presidential Regulations, Provincial and Regency/City Regional Regulations, Ministerial Decrees, Governor Decrees, Jurisprudence, and so on. ⁹

The primary legal materials that the author uses in this research are the Criminal Code (KUH Pidana), the Criminal Procedure Code (KUHAP), the Book of Health Regulations Volumes 1-3, Law no. 4 of 1984 concerning Outbreaks of Infectious Diseases, Law of the Republic of Indonesia No. 23 of 1992 concerning Health, Law of the Republic of Indonesia No. 36 of 2014 concerning Health Workers, Law of the Republic of Indonesia No. 6 of 2018 concerning Health Quarantine, Decision of the Surabaya District Court Number: 1857/Pid.sus/2021/PN.Sby

b) Secondary legal materials are all references to scientific works in the field of law. ¹The secondary legal materials that the author uses in this research consist of books, journals or articles that contain material and are relevant to this research, as well as expert opinions.

c) Tertiary legal materials, namely complementary legal materials, complement the other two legal materials, namely primary legal materials and secondary legal materials tertiary legal material that the author uses is a legal dictionary.

4. Collection of Legal Materials.

a) Primary Legal Material

The collection of primary legal materials in this study was carried out with a legal approach. The author also conducted a study of documents such as material/brief criminal court decisions.

b) Secondary Legal Material

The collection of secondary legal materials in this study was carried out by literature study, the authors conducted searches related to books, journals and legal articles as well as various related literature.

c) Tertiary Legal Materials

In collecting tertiary legal materials in this study, the authors traced everything that became a guide to strengthen and clarify secondary data related to the issues raised in this study.

5. Analysis of legal materials

As for the legal materials above, the authors analyze by combining three approaches, namely the statutory approach, the case approach, and by using the doctrines that have developed in legal science so that they can give birth to interpretations and conclusions that can be used in answering the formulation of the problems in the law. study.

IV. DISCUSSION

1. Judge's Consideration on Decision Number: 1857/Pid.sus/2021/PN.

The Surabaya District Court after holding a series of hearings and hearing from the statements of witnesses and defendants and paying attention to the evidence of letters and evidence submitted by the panel of judges gave the following considerations:

Considering, that the statements of the Defendants have been heard at the trial both provided statements in essence as follows:

On May 25, 2020, Ms Hindun Juwarohmi experienced shortness of breath and was registered at the Surabaya City PHC Hospital then immediately treated at the emergency department, then on 26 May 2020 a Covid-19 PCR swab examination was carried out on Ms Hindun Juwarohmi in the Biomolecular Laboratory of the Surabaya City PHC Hospital, but at the same time Ms Hindun Juwarohmi was forced to return home by his family and the results of the Covid-19 PCR swab examination and Ms Hindun Juwarohmi cannot yet be identified, then on May 29, 2020, the results of the Covid-19 PCR swab examination and Ms Hindun Juwarohmi tested positive for Covid-19;

On June 1, 2020, at approximately 23:53 WIB, Ms Hindun Juwarohmi again experienced shortness of breath and was registered at the Surabaya City Lung Hospital for treatment;

On June 2, 2020, at around 06.00 WIB, Ms Hindun Juwarohmi entered the RIK ICU room at the Surabaya City Lung Hospital, after that on June 3, 2020, the Surabaya City Lung Hospital again conducted a Covid-19 PCR swab examination on Ms Hindun Juwarohmi and at that time the results of the Covid-19 PCR swab examination were not yet known;

¹Syahrudin Nawj, 2014, Normative Legal Research versus Empirical Legal Research, Ed. 2., Cet.2, PT Umitoha Ukhuwah Graphics, Makassar, p. 31.

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On June 4, 2020, at approximately 05.30 WIB, Mr Hindun Juwarohmi was declared dead and at the same time the results of the Covid-19 PCR swab examination by the Lung Hospital of Surabaya City against Ms Hindun Juwarohmi tested positive for Covid-19, then the Surabaya City Lung Hospital carried out procedures for handling bodies infected with Covid-19 on Ms Hindun Juwarohmi, namely by spraying disinfectant liquid, coating the body with plastic, then wrapping the body using a shroud and putting it in a body bag, after the body is put in a body bag then the body is placed in the morgue while waiting for the family to be explained that the body has been infected with COVID - 19 and there must be a special funeral, but around 10 o'clock. 00 am The Defendants went to Pam Hospital, Surabaya City and met and shouted at witness Fathul Alim a nurse in the RIK ICU room asking for the whereabouts of Ms Hindun Juwarohmi, while witness Fathul Alim showed the location of the morgue when they arrived at the morgue the defendants shouted at witness Fathul Alim again to unlock the morgue, then witness Fathul Alim unlocked the morgue and the defendants took out Ms Hindun Juwarohmi and the body bag then the defendants pushed the corpse wrapped in only a shroud using a hospital bed outside and the Surabaya City Lung Hospital to Jalan Wonokusumo No 118 RT 001/RW 011, Pegirian Village, Semampir District, Surabaya City;

That when they arrived at the place, the defendants opened the shroud and plastic covering the body of Ms Hindun Juwarohmi then after that, the defendants and their corpses went to a public cemetery located on Jalan Wonokusumo Kidul Surabaya to carry out a funeral procession, but when they arrived at the public cemetery, the public cemetery officer refused to carry out a funeral for the body. Mrs Hindun Juwarohmi knows that the body has been declared infected with Covid-19 so it must be buried according to the Covid-19 protocol;

Whereas the defendants, accompanied by the head of the RT and Babinsa, made an application to the Surabaya City Lung Hospital regarding the funeral of Ms Hindun Juwarohmi and then at the same time at around 14.30 WIB the Surabaya City Lung Hospital carried out the funeral of Ms Hindun Juwarohmi with the covid-19 protocol at the Keputih public cemetery;

Whereas the Defendants pleaded guilty and promised not to repeat their actions;

Considering, whereas in court the evidence in the form of:

- 1 (one) bundle of medical and hospital records.PHC Surabaya Patient an. HindunJuwarohmi ;
- 1 (one) bundle of medical and hospital records. Patient's Lung. Hindung Juwarohmi;
- 1 (one) flash disk containing CCTV when the perpetrator took the action;
- 1 (one) patient bed;

To the witnesses as well as to the Defendants and the evidence has been recognized or recognized;

Considering, whereas based on the statements of witnesses, expert statements, statements of the Defendants and the evidence presented by the Public Prosecutor at the trial, after being linked to one another, they are mutually compatible and the Panel of Judges will then consider whether based on the legal facts mentioned above, The defendant can be declared proven to have committed a crime as charged by the Public Prosecutor to him;

Considering, whereas the Defendants have been indicted by the Public Prosecutor: with indictments prepared alternatively, namely:

First: violating Article 214 paragraph (1) jo. Article 212 of the Criminal Code, or; Second: violating Article 14 paragraph (1) of Law no. 4 of 1984 concerning Infectious Disease Outbreaks jo. Article 55 paragraph (1) of the 1st Criminal Code, or; Third: violating Article 93 jo. Article 9 paragraph (1) of Law No. 6 of 2018 concerning Health Quarantine jo. Article 55 paragraph (1) 1 of the Criminal Code;

Considering, whereas since the indictment of the Public Prosecutor is prepared alternatively, the Panel of Judges will consider the indictment of the Public Prosecutor directly on the facts revealed in court;

Considering, that after the Panel examined the indictment of the Public Prosecutor about the facts revealed at the trial, the Assembly thinks that the indictment of the Public Prosecutor by the facts is the second indictment, as regulated and threatened in Article 14 paragraph (1) of Law no. 4 of 1984 concerning Infectious Disease Outbreaks jo. Article 55 paragraph (1) 1 of the Criminal Code, the elements of which are as follows:

1. every person ;
2. Those who commit, who order to do it, and those who participate in doing the deed intentionally hinder the implementation of the countermeasures plague.;

Considering that the Panel of Judges considers these elements as follows:

Ad.1. Elements of "Everyone" ;

Considering, according to the decision of the Supreme Court of the Republic of Indonesia No. 1398 K/Pid/1994 dated June 30, 1995, it is stated: the word "everyone" is the same as the terminology of the word "whoever". So what is meant by everyone here is every person or individual who is a legal subject who commits a criminal act or is the subject of a perpetrator rather than a criminal act that can be held accountable for all his actions; a formal offence regulated in the law;

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Considering, that the element of each person is only related to the subjective element of the formulation of the offence, therefore for the Panel of Judges what is important is that the Defendant is the person who is brought to trial by the Public Prosecutor because he has been suspected or accused of having committed a criminal act and the intended name is I. Moch. Isrofil Ramadhan Bin Muhammad Choiri, II. Moch. Angga Dwi Saputra Bin Muhammad Choiri, III. Moch. Kemal Afkar Bin Muhammad Choiri and IV. Moch. Bagas Putra Pamungkas Bin Muhammad Choir with a complete identity as mentioned above so that there is no mistake about the subject of the perpetrator of the crime referred to by the Public Prosecutor in his indictment;

Considering, whereas, during the examination of this case, the Defendants were in good physical and mental health so that they could be held criminally responsible for the criminal acts suspected or indicted against the Defendants;

Considering, that with the submission of Defendant I. Moch. Isrofil Ramadhan Bin Muhammad Choiri, Defendant II. Moch. Angga Dwi Saputra Bin Muhammad Choiri, Defendant III. Moch. Kemal Afkar Bin Muhammad Choir and Defendant IV. Moch. Bagas Putra Pamungkas Bin Muhammad Choir, in this case, whose complete identity is as clearly and completely stated in the Public Prosecutor's indictment which has been confirmed by the witnesses as well as the confessions of the Defendants themselves at trial, the Panel of Judges thinks that the element of "everyone" has been proven according to law;

Ad 2. The element "Those who do, who order to do, and who participate in doing the deed deliberately hinder the implementation of the epidemic control"

Considering, that on May 25, 2020, Ms. Hindun Juwarohmi experienced shortness of breath and was registered at the Surabaya City PHC Hospital and was immediately treated at the emergency department, then on May 26, 2020, a Covid-19 PCR swab examination was carried out on Ms. Hindun Juwarohmi in the Biomolecular Laboratory of the Surabaya City PHC Hospital, but at the same time Ms. Hindun Juwarohmi was forced to return home by his family and the results of the Covid-19 PCR swab examination and Ms. Hindun Juwarohmi cannot yet be identified, then on May 29, 2020, the results of the Covid-19 PCR swab examination and Ms. Hindun Juwarohmi was tested positive for Covid-19 and on June 1, 2020 at around 23.53 WIB, Mr. Hindun Juwarohmi again experienced shortness of breath and was registered at the Surabaya City Lung Hospital for treatment, but on June 2, 2020 at around 06.00 WIB, Ms. Hindun Juwarohmi entered the RIK ICU room at the Surabaya City Lung Hospital, after that on June 3, 2020, the Surabaya City Lung Hospital again conducted a Covid-19 PCR swab examination on Ms. Hindun Juwarohmi and at that time the results of the Covid-19 PCR swab examination were not yet known;

Considering, that on June 4, 2020 at approximately 05.30 WIB, Ms. Hindun Juwarohmi was declared dead and at the same time the results of the Covid-19 PCR swab examination by the Lung Hospital of Surabaya City against Ms. Hindun Juwarohmi tested positive for Covid-19, then the Surabaya City Lung Hospital carried out procedures for handling bodies infected with Covid-19 on Ms. Hindun Juwarohmi, namely by spraying disinfectant liquid, coating the body with plastic, then wrapping the body using a shroud and putting it in a body bag, after the body is put in a body bag then the body is placed in the morgue while waiting for the family to be explained that the body has been infected with COVID - 19 and a special funeral must be carried out, However, at around 10.00 am, the Defendants came to the Pam Hospital in Surabaya City and met and shouted at witness Fathul Alim as a nurse in the RIK ICU room asking for the whereabouts of Ms. Hindun Juwarohmi, while witness Fathul Alim showed the location of the morgue, when they arrived at the corpse, the defendants shouted again at Witness Fathul Alim to unlock the morgue, then witness Fathul Alim unlocked the morgue and the defendants took out Ms. Hindun Juwarohmi and body bags, then the defendants pushed the body wrapped in only a shroud using a hospital bed outside and the Surabaya City Lung Hospital to Jalan Wonokusumo No 118 RT 001/RW 011, Pegirian Village, Semampir District, The city of Surabaya and when they arrived at the place the defendants opened the shroud and plastic wrap that wrapped the body of Ms. Hindun Juwarohmi then bathed the corpse in an Islamic way and prayed for the corpse, after that the defendants and the bodies went to a public cemetery located on Jalan Wonokusumo Kidul Surabaya to carry out a funeral procession, but when they arrived at the public cemetery, the public cemetery officials refused to carry out the funeral procession. funeral of the body of Ms Hindun Juwarohmi knowing that the body has been declared infected with COVID-19 so that it must be buried according to the Covid-19 protocol, then the defendants accompanied by the head of the RT and Babinsa made an application to the Surabaya City Lung Hospital regarding the funeral of Ms Hindun Juwarohmi and then at the same time at around 14.30 WIB the Surabaya City Lung Hospital carried out the funeral of Ms Hindun Juwarohmi with the covid-19 protocol at the Keputih public cemetery;

Considering, that based on the considerations above, the elements of ad. 2 have been fulfilled; Considering, that based on the overall considerations above, it turns out that all elements of Article 14 paragraph (1) of Law no. 4 of 1984 concerning Infectious Disease Outbreaks jo. Article 55 paragraph (1) 1 of the Criminal Code as charged by the Public Prosecutor in the Second Indictment has been fulfilled;

Considering, that during the trial, in this case, the Panel of Judges did not find any grounds that could eliminate the nature of criminal responsibility for the actions of the Defendants, either in the form of justification or forgiving reasons, therefore the Defendants must be found guilty and should be sentenced as the form of accountability for his actions (the principle of Geen staff Zonder schuld);

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Considering that before the Panel of Judges imposes a sentence on the defendant, it is necessary to first consider the aggravating and mitigating circumstances for the defendant as follows: Aggravating circumstances:

- The actions of the Defendants caused public unrest.

Mitigating circumstances:

- The defendants were polite and admitted frankly their actions to facilitate the examination of the case.
- The Defendants regret their actions and promise not to do it again his actions.
- The Defendants have never punished.

Considering, whereas regarding the evidence submitted in court, its status will be stated in the verdict.

Considering, whereas because the defendant was found guilty and sentenced to a crime, the defendant must also be burdened with paying the costs of this case.

Given Article 14 paragraph (1) of Law no. 4 of 1984 concerning Infectious Disease Outbreaks jo. Article 55 paragraph (1) 1 of the Criminal Code and Law Number 8 of 1981 concerning the Criminal Procedure Code and other legal regulations related to this case:

Judge:

1. Stating Defendant II. Moch. AnggaDwi Saputra Bin Muhammad Choiri, Defendant III. Moch. Kemal Afkar Bin Muhammad Choir and Defendant IV. Moch. Bagas Putra Pamungkas Bin Muhammad Choir, has been legally and convincingly proven guilty of committing a criminal act: "Intentionally obstructing the implementation of epidemic control";

2. Sentencing Defendant II. Moch. AnggaDwi Saputra Bin Muhammad Choiri, Defendant III. Moch. Kemal Afkar Bin Muhammad Choiri and Defendant IV. Moch. Bagas Putra Pamungkas Bin Muhammad Choiri, therefore each with a prison sentence of() months;

3. Determine evidence in the form of:

- 1 (one) bundle of medical records and RS.PHC Surabaya Patient an. HindungJuwarohmi ;
- 1 (one) bundle of medical and hospital records. Patient's Lung. Hindu Juwarohmi;
- 1 (one) flash disk containing CCTV when the perpetrator took the action; Stay attached to the file case ;
- 1 (one) patient bed; Returned to witness Fahtul Alim;

4. Charged the Defendants to pay court fees of Rp. 2,000 each,- (two thousand rupiah) ;

2. Analysis of Judge's Decision Number: 1857/Pid.sus/2021/PN.Sby from the perspective of Lawrence Friedman's theory

Lawrence Meir Friedman, a legal sociologist from Stanford University suggests that the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely:

- a. legal substance (the substance of the law), related to statutory instruments;
- b. the legal structure (structure of law), concerning law enforcement officers; and
- c. Legal culture is a living law that is embraced in a society.

About the legal structure Friedman explains:

The structure of the legal system consists of the following elements, the number and size of courts, their jurisdiction (including the types of cases they are authorized to hear), and the procedure for appeals from court to court. The structure also means how the legislature is organized, what the president can and cannot do, the procedures the police follow and so on. So the structure (legal structure) consists of existing legal institutions intended to carry out existing legal instruments. The structure is a pattern that shows how the law is carried out according to its formal provisions. This structure shows how the courts, lawmakers and legal entities and processes operate and are carried out. In Indonesia, for example, if we talk about the structure of the Indonesian legal system,

Legal substance according to Friedman: Another aspect of the legal system is its substance. What is meant by substance is the rules, norms, and patterns of real human behaviour in the system. So the substance of the law concerns the applicable laws and regulations that have binding power and become guidelines for law enforcement officers. As for legal culture, Friedman argues: Legal culture concerns legal culture which is human attitudes (including the legal culture of law enforcement officers) towards the law and the legal system. No matter how good the arrangement of the legal structure to carry out the stipulated legal rules and no matter how good the quality of the legal substance that is made without being supported by legal culture by the people involved in the system and society, law enforcement will not run effectively.

Law as a tool to change society or social engineering is nothing but ideas that the law wants to realize. To guarantee the achievement of the legal function as community engineering towards a better direction, it is not only necessary to have the availability of law in the sense of rules or regulations, but also to guarantee the realization of these legal rules into legal practice,

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or in other words, guarantees of law enforcement. law enforcement) is good. So the operation of the law is not only a function of the legislation alone but the activities of the implementing bureaucracy.

Based on the legal system theory according to Lawrence Meir Friedman above, law enforcement in the judicial process against criminal acts "deliberately acts to hinder the implementation of epidemic control" in Indonesia 3 (three) factors have been formed. The activities of law enforcers themselves, namely judges in court, in carrying out their duties and functions must be able to move effectively and optimally. All powers that have been granted by the legislation must be utilized. Meanwhile, in terms of legal culture, which incidentally is the general public, actually already has an understanding that as Indonesian citizens (in a state of law) it is obligatory to obey the orders of laws and regulations and how these regulations should apply in society. Especially in helping the government carry out the handling of the Covid-19 outbreak. Therefore, these law enforcement factors become a fairly fundamental theory in the legal framework of the judiciary in enforcing the law.

V. CONCLUSION

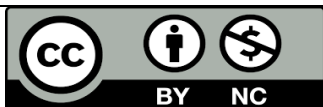
From the discussion that has been described, conclusions can be drawn:

- a) The legal basis for the judge's consideration in imposing the Decision Number:: 1857/Pid.sus/2021/PN. Sby Stated that the Defendants have been legally and convincingly proven guilty of violating Article 14 paragraph (1) of Law no. 4 of 1984 concerning Infectious Disease Outbreaks jo. Article 55 paragraph (1) 1 of the Criminal Code and Law Number 8 of 1981 concerning the Criminal Procedure Code as well as other legal regulations related to the case, namely committing a crime: "Intentionally committing an act to hinder the implementation of epidemic control".
- b) Lawrence Friedman argues that the effectiveness and success of law enforcement depend on 3 (three) elements of the legal system, namely:
 - legal substance (the substance of the law), related to statutory instruments;
 - the legal structure (structure of law), concerning law enforcement officers; and
 - Legal culture is a living law that is embraced in a society.

The Judge's Decision Number: Number: 1857/Pid.sus/2021/PN. Sby is one of the efforts to carry out law enforcement so that it runs effectively and successfully.

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