



Criminal law policies on activities obstructing the management of Infectious diseases

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ABSTRACT

The goals of the research include looking at (1) how criminal law approaches behaviors that impede the control of infectious disease epidemics and (2) how such activities are punished. Specifically, a normative statutory approach (statute approach) to legal research is used. Penulis gathers information for her studies by reading widely. Legal research is a method of inquiry that places a premium on statutory and regulatory texts as primary sources. Primary and secondary sources of information are used. Standardized research methodologies are used to evaluate the outcomes of literature reviews, which are then methodically organized and evaluated. The findings demonstrated that (1) Indonesian criminal law contains the criminal law policy towards activities to obstruct the control of infectious disease outbreaks in Law Number 4 of 1984 concerning outbreaks of infectious diseases and Law Number 6 of 2018 concerning health quarantine, and (2) activities to obstruct the management of the outbreak are punishable by imprisonment and fines under Law Number 4 of 1984 concerning infectious disease outbreaks. Overall, researching criminal law policies on activities obstructing the management of infectious diseases is urgent to enhance public health protection, prevent harm, promote behavior change, ensure effective response and preparedness, and address ethical and human rights considerations. The findings from this research can inform policymakers, legal professionals, public health authorities, and other stakeholders in developing and implementing evidence-based measures to safeguard public health during infectious disease outbreaks.

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1. INTRODUCTION

The law has a major impact on a person's health, quality of life and happiness which includes every health problem that the community is concerned about. The existence of a certain rule made in the interest of society is needed to overcome a situation that can be predicted or not. The sudden emergence of an unknown entity has an impact that often creates a real surprise (Colin, 2013). The shock given by this entity has a strong connection with the phenomenon of disease emergence in a society. The existence of a subject that causes illness for living things, especially humans, will certainly have a negative effect.

Diseases that can spread quickly require special controls immediately to prevent infectious entities from causing illness in other humans (Smith et al., 2005). The function of law as a control over people's behavior becomes an option that can be implemented by government agencies in formulating policies to control disease (O'Malley et al., 2009). However, the potential for community disobedience to existing rules can increase the intensity of transmission of infectious diseases which in turn causes outbreaks of infectious diseases. (Regmi et al., 2015).

Infectious illnesses that rapidly spread and severely impair human health might be considered a public health emergency. The declaration of an emergency and the subsequent involvement of national and international parties demonstrate that the spread of infectious illnesses ultimately becomes a public hazard. Infectious illnesses with a high rate of transmission may wreak havoc on communities. Infectious illnesses generate a state of sickness that has some of the same features as the loss: a general decline in people's health that in turn fuels social discontent. In 1996, Brazier and Harris found that.

Criminal law's contribution to prioritizing welfare above health is to act as a manager of public risk posed by an offender's potentially harmful actions. Criminal law may be utilized as an alternative to prevent and discourage offenders who breach public health protection laws set by the government. Criminals who violate rules meant to control the spread of contagious diseases are in the same boat. The Law of the Republic of Indonesia (hence referred to as UURI) was crafted as part of Indonesia's efforts to address infectious disease outbreaks as a unique kind of concern. That "everyone who does not comply with health quarantine regulations and causes a Public Health Emergency can be punished with imprisonment and/or a fine," as stated in Article 93 jo. Article 9 paragraph (1) of UU no. 4 of 1984 concerning Outbreaks of Infectious Diseases (hereinafter abbreviated as UURI WPM, There is a 2018 Health Quarantine UURI). UURI KK Regulations Article 93 jo., 2018. Article 9, subsection (1), states that a person who violates a health quarantine may be subject to criminal penalties. Due to the potentially devastating effects of contagious diseases, violating health quarantine regulations might be seen as intentionally inflicting harm on another person. A crime or delict may be defined as this kind of behavior.

The response to the phenomena of infectious illness outbreaks is shown by the corona virus pandemic that arose at the end of 2019. Because of its ease of transmission via intimate human contact, the Covid-19 pandemic has spread to almost every country in the globe. Because of the dangers it posed, the global society had a hard time accepting the pandemic outbreak. Covid-19's huge mortality toll has thrown society into disarray. Similar to how families in different parts of Indonesia were coerced into retrieving their loved ones' remains from Covid-19.

The Covid-19 corpse was rejected because the family did not believe their loved one was Covid-19 and they reasoned that the body could not have spread the virus to other people in the area. There are still many individuals who cannot accept this, which may lead to infractions and even resistance against authorities, even as the number of persons infected with this virus continues to rise at an alarming pace. Public compliance with health procedures is low even in the face of a pandemic, such as an epidemic of an infectious illness.

There have been many debates on how to best prevent the spread of infectious diseases due to the discrepancy between rules and people's behaviors. This is true on many levels, including the family's refusal to participate in the funeral procession and the community's obstruction of funeral authorities. A community member who intentionally obstructs the implementation of the prevention of epidemics as stipulated in this Law, shall be subject to imprisonment for a maximum of 1 (one) year and/or a maximum fine of IDR 1,000,000 (one million rupiah). This is stated in Article 14 paragraph (1) UURI No. 4 of 1984.

However, it is believed that the implementation of the Quarantine UURI would provide legal clarity for the management and prevention of major epidemic transmission, as well as the imposition of criminal consequences in the case of a health crisis. Existing epidemics inform the formation of laws, but regulations often face technological difficulties in their execution. Article 93 of UURI KK states as such: "Any person who does not comply with the implementation of Health Quarantine as referred to in Article 9 paragraph (1) and/or obstructs the implementation of Health Quarantine causing a Public Health Emergency is subject to criminal punishment maximum imprisonment of 1 (one) year and/or a maximum fine of IDR 100,000,000, or both.

When broken down, these clauses make it very evident that the article regulates and criminalizes two distinct behaviors. In the first place, there's "disobeying" the rules laid forth in (1) of Article 9 of the Health Quarantine Law. In terms of health quarantine, everything is covered in this page. Politically, all rules and regulations addressing infectious disease outbreaks and health quarantine are an endeavor by the state to make life more pleasant, peaceful, and wealthy for its citizens. In line with the words of LJ Van Apeldoorn, "The purpose of law is to regulate peaceful association of life," we see this happening. For this reason, Apeldoorn's perspective on law sees the presence of law as evidence of social stability (Moeljanto, 2018)

The act of obstructing the prevention of the spread of infectious disease outbreaks resulting in a public health emergency is a criminal act that must be held accountable by law. Criminal law as public law is a field that provides the function of social control as a form of protection for society by imposing penalties on violators (Donald & Frans, 2017). So it can be said that, the imposition of punishment given in the criminal realm as an effort to control the spread of infectious diseases is by sanctions so that someone can be deterrent and the spread can be controlled.

The formation of laws and regulations regarding the handling of infectious disease outbreaks, politically, is an attempt by the state to create a more comfortable, peaceful and prosperous society's life. Judging from the problems regarding infectious disease outbreaks, there are not a few people who carry out activities to prevent the prevention of infectious disease outbreaks which is an activity that has the potential to cause disease transmission. So the application of criminal law needs to be done because the law plays an important role in handling the spread of infectious disease outbreaks which are closely related to public health. If an epidemic spreads because the control of an infectious disease is not going well, it can expand the area of spread of the disease and become a pandemic.

Several studies on the Prevention of infectious disease transmission have been carried out. For example, a study by Umm ainah that discussed law enforcement and control factors for perpetrators of health quarantine crimes in Makassar City (Ainah, 2021). In addition, research by Natalia Setyawati discusses criminal sanctions for people who move outside the home during the Covid-19 pandemic (Setyawati, 2020). Based on the description, it can be seen a substantial difference between this study and previous studies. Moreover, this study contains different topics. Previous research has elaborated a complex study of the criminal law policy aspects of other cases. While in this study examines the policy of criminal law (criminalization policy) against the perpetrators hinder the Prevention of infectious disease outbreaks. Furthermore, it examines the punishment of perpetrators who prevent the Prevention of infectious disease outbreaks. Although in the second thesis both examine the violation of the control of infectious disease outbreaks, but it is quite different if examined in depth.

On the other hand, Sudarto argued that criminalization is the determination of an act that was not originally a criminal offense into a criminal offense. The process ends with the formation of a law that threatens the act with criminal sanctions. It can be seen that the criminalization policy is also part of the criminal policy by using the means of Criminal Law approach, so it is also part of the Criminal Law Policy (Handoko, 2016).

Based on the description of this background, the authors formulate the problems that are the core of the study in this thesis research, namely: (1) What is the criminal law policy in regulating acts that hinder the prevention of infectious disease outbreaks? And (2) How is the punishment for perpetrators who commit criminal acts hindering the control of infectious disease outbreaks?

Criminal law policies aimed at addressing activities that obstruct the management of infectious diseases can have implications for the field of science. Here are a few ways in which these policies can impact scientific research. First, research regulation, Criminal law policies may lead to stricter regulations and oversight of scientific research, especially in areas related to infectious diseases. These policies could require researchers to comply with specific protocols and guidelines to ensure the safety of individuals and prevent the spread of diseases. Second, compliance and enforcement, Criminalizing certain behaviors related to infectious diseases may lead to enhanced enforcement efforts by authorities. This could involve increased monitoring of

research activities, compliance checks, and penalties for non-compliance. Scientists and researchers may need to be aware of these legal frameworks and ensure they adhere to them

2. RESEARCH METHOD

The research method used is normative. Where normative is a method aimed at written regulations (Irwansyah, 2020). For normative legal research, scholars use primary and secondary sources. Using an assessment of the study's secondary data. In this study, the statutory approach was used as the research methodology. The crux of this strategy is a comprehensive review of all applicable rules and regulations that bear on the matter at hand. Both primary and secondary data were employed to complete this investigation. Laws and judicial rulings are based primarily on primary legal sources including statutes, official documents, and treatises. All non-official legal publications are considered secondary resources. Several books, documents, laws and regulations, scientific articles, literature from the internet, and others that are linked and support this inquiry were collected, studied, and traced as part of this investigation. In order to better understand the connections between the law and the events seen in the field, this research employs a qualitative descriptive analytical approach applied to data gathered from primary and secondary legal sources. The collected data will be processed, and findings will be drawn and presented in a descriptive format.

3. RESULTS AND DISCUSSIONS

Criminal Law Policy Against Activities Hindering the Prevention of Outbreaks of Communicable Diseases.

Criminal law is all of the orders and prohibitions imposed by the state and is threatened with a (criminal) misery whoever disobeys it, all of the rules that determine the conditions for the consequences of that law and all of the rules for carrying out (convict) and carry out the sentence (Martin, 2016). Eko Soponyono in his book argues that the Criminal Law Policy in it there is a linkage with the policy of the penal system which is an attempt to realize criminal legislation in accordance with the circumstances and the situation at a time and for the future. So that the penal system policy is also included as part of Criminal Law Reform (Soponyono, 2012).

Delik in Dutch is called *strafbaar feit*, which consists of 3 (three) words namely straf, baar, and feit. Where these three words have the following meanings: a) Straf is defined as criminal and legal, b) Baar is defined as able and allowed, c) Feit is defined as an act, event, violation and deed (Ilyas, 2012).

Health is a human right and one of the elements of general welfare that must be realized by the State as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia. The role of criminal law in the realization of welfare for health is as a public risk manager in the form of someone's dangerous behavior (Cross, 2009). Efforts to deal with outbreaks of infectious diseases as a form of problem in Indonesia have also created a special regulation, namely the Law on Outbreaks of Infectious Diseases. The crime of obstructing the prevention of an epidemic is one of the crimes listed in Law no. 4 of 1984 concerning Outbreaks of Infectious Diseases, as well as acts of obstructing the control of infectious epidemics in Indonesia, are included in the category of non-violent crimes, because the purpose of carrying out these acts of obstruction is very much contrary to the livelihood of the people in order to avoid outbreaks of infectious diseases. While in the regulation of Law Number 6 of 2018 concerning Health Quarantine. In this case there are at least two laws, namely Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases and Law Number 6 of 2018 concerning Health Quarantine. Regulate epidemic control in Indonesia.

Law No. 4 of 1984 concerning Outbreaks of Communicable Diseases

An outbreak of an infectious illness in a community when the number of afflicted persons is unusually large and has the potential to cause widespread destruction. According to Infectious Disease Outbreaks Law 4 of 1984, an outbreak occurs when the number of people infected with a disease increases dramatically from what would be expected for that place and time period. Law number. 4 of 1984 on Infectious Disease Outbreaks lays forth the overarching strategy for eliminating such illnesses. Within Indonesian territory, locations that are classified as epidemic areas and areas that are already epidemic free are defined in Article 4 of this Law, while Article 3

specifies that the Minister of Health decides the sorts of illnesses caused by epidemics. Policies enacted by the Indonesian government are meant to regulate measures to prevent and control infectious disease outbreaks in Indonesia.

This includes issuing mandates for certain behaviors to curb the spread of disease. Another rule stipulates that anybody who becomes aware of an infectious illness epidemic must notify it to the authorities without delay. This is done so that appropriate actions may be taken swiftly to stop the spread of illness by authorities. The purposes of disease prevention and control are laid out in detail in Law No. 4 of 1984, which is cited in Article 5, paragraph 1. There are two primary goals of epidemic control: (1) reducing the death toll via treatment, and (2) limiting the disease's spread so that the number of victims and the geographic scope of the epidemic do not grow. Overcoming an infectious disease epidemic is a compelling endeavor that requires community engagement. Community outreach is defined as a persuasion-based kind of communication in the explanatory notes to Article 5 of Law no. 4 of 1984. informative about infectious illnesses that may spread, so that those at risk can take precautions against contracting them and those who have been exposed to it can rest easy knowing they won't spread it to others.

Article 5 of Law No. 4 of 1984 specifies the provision of counseling to encourage community participation in the fight against the epidemic. Article 6 adds that there can be no compulsion in community involvement, and that it must be accompanied with knowledge and a spirit of mutual collaboration. In this way, the strategy to eliminate contagious illnesses does appeal to community participation. Negligence may be a major roadblock in the fight to eliminate infectious illnesses. Criminal penalties for those who are careless during a disease epidemic are outlined in Law No. 4 of 1984. Interfering on purpose with efforts to contain an outbreak is illegal. Quarantine, used to limit the spread of contagious diseases, is likewise governed by certain requirements. The goal of quarantine is to prevent the spread of an infectious illness by isolating a person or group of individuals who are suspected of having the disease. Hospitals and government-provided quarantine facilities are two examples of the kinds of settings where isolation may be necessary.

Law Number 6 of 2018 concerning Health Quarantine

Another regulation that is also relevant is Law Number 6 of 2018 concerning Health Quarantine. Similar to the Law on Outbreaks of Infectious Diseases, the Law on Health Quarantine also does not recognize the term social distancing. Public health is protected from diseases and/or public health risk factors that have the potential to cause Public Health Emergencies by Quarantine administrators, and the objectives of Health Quarantine, the responsibilities of the Central Government and Regional Governments in this regard, the forms of Community Rights and Obligations in Health Quarantine, investigations, and criminal provisions for violators are all regulated by Law No. 6 of 2018. According to Law No. 6 of 2018 concerning Health Quarantine, quarantine is the limitation of activities and/or separation of a person who has been exposed to infectious diseases in accordance with laws and regulations even if they have not shown symptoms or are in the incubation period, and/or the separation of containers, means of transportation, or any goods that are suspected of being contaminated from people and/or goods that contain disease-causing agents or other sources.

In light of the above, it is reasonable to conclude that the purpose of quarantine is to stop the spread of illness. It is required that "everyone is obliged to comply with the implementation of health quarantine" under Article 9, paragraph 1 of the Health Quarantine Law (the aforementioned legal rule referenced in Article 93). Therefore, anybody who violates Health Quarantine regulations is subject to the sanctions outlined in that section. Both preventative and punitive measures may be used to control the spread of infectious illnesses. The primary focus of crime prevention efforts is to eliminate the conditions that give rise to criminal behavior. Among other things, these enablers focus on societal issues and situations that might lead to or encourage criminal behavior. Prevention is preferable than attempting to rehabilitate offenders (Primary, 2021).

It's not the same as the repressive effort, which is an after-the-fact mental battle against crime. The goal of repressive countermeasures is to punish criminals for their deeds and instill in them an understanding that their actions are wrong and harmful to society, so that they will not repeat them and others will not follow suit, in light of the severe penalties they will have to face. Forceful measures of therapy and punishment were used in its execution.

When it comes to punishing criminals, the emphasis is on repressive features like repression, annihilation, and destruction. Penalties are used in law enforcement, hence criminal law rules are also included in this realm. In addition to judges, the criminal justice system consists of police, prosecutors, judges, and corrections institution officers who work from the time a crime is committed through the various stages of the criminal justice process, including investigation, arrest, detention, prosecution, and trial (Yulianti, 2022).

Conditional intent, also known as *dolus eventualis*, may be at play when infectious disease epidemics are prevented. Intended yet unwelcome outcomes are examples of conditional intent. *Dolus eventualis*, like the conditional discrepancy, is a what-is-you-can-do hypothesis in which the actor intentionally avoids any and all legal repercussions for his or her actions. The offender is obligated to shoulder the risk, regardless of whether or not the unintended consequences materialize (Damayanti, 2021).

This implies that the police, prosecutors, and courts may be involved in the prevention of infectious disease epidemics by handling instances of criminal activities that arise in compliance with relevant legislative regulations. According to the theory of punishment, criminal punishments should serve as a deterrence to would-be offenders. In the context of this topic, criminal law prohibits and offenders do not want health crises that might hurt the larger community and even the state.

Punishment for activities that hinder the prevention of infectious disease outbreaks.

According to Darmaidi Darmawan, infectious diseases have three main groups or groups, namely: a) A dangerous disease because the mortality rate is quite high, b) Certain infectious diseases can give rise to death and disability, although their consequences are milder than the first, c) Infectious diseases that rarely cause death and disability but can plague that cause losses (Armaidi, 2012).

Sanctions are intrinsically linked to the law, which makes sense given that laws are inherently regulatory and coercive. Limitations are inherent in every regulatory legislation. Sanctions may be imposed in the event of a violation of a ban. The coercive nature of the law ensures that the orderly will respond negatively to behavior that is seen to be harmful to society as a whole. Coercion is the practice of subjecting someone to pain against their will (Soekanto, 2015).

According to Anselm von Feuerbach's view in relative theory, the definition of criminal penalties is that they are not meant as revenge but to accomplish a goal or aim of the punishment, and this theory is known as the objective theory. Punishment serves practicality as well as the goals of deterring criminal behavior and rehabilitating offenders. Criminals are those who commit crimes and are subsequently punished for doing so. The notion of sentencing goals, which seeks rationale for punishment in an attempt to make punishment more useful, is particularly relevant with respect to sentencing as one of the core concerns of criminal law.

A retaliatory measure is a kind of retribution levied by one nation or organization on another for wrongdoing. There are two sorts of penalties in the criminal law system that are equivalent to one another: criminal sanctions and action sanctions. When deciding how to punish someone after committing a crime, criminal penalties are the most common option (Buchori et al., 2021).

Sanctions are defined as obligations, actions, punishments to force people to comply with agreements or comply with statutory provisions. Criminal sanctions are a form of misery or suffering inflicted on someone who is guilty of committing an act prohibited by criminal law, with the existence of these sanctions it is hoped that people will not commit crimes. According to Andi Hamza, the purpose of sentencing is determined as follows: a) Preventing criminal acts by enforcing legal norms for the protection of society, b) Socializing convicts by holding coaching so that they become good and useful people, c) Resolving conflicts caused by criminal acts, restoring balance, and bringing a sense of peace in society, d) Release the guilt of the convict, e) Punishment is not intended to suffer and humiliate human dignity.

As explained above, that law experiences dynamics along with the development of society. No exception in the context of the penal system, as in Andi Sofyan and Nur Azisa's book, describes several theories of sentencing, including (Sofyan & Azisa, 2016): a) Retribution Theory, b)

Deterrence Theory, c) Rehabilitation Theory, d) Incapacitation Theory, e) Resocialization Theory, f) Theory of Reparations, Restitution and Compensation, g) Integrative Theory.

According to the principle of psychological coercion, individuals should be deterred from criminal behavior by the mere knowledge that they would be punished severely if they are caught. As a result, the primary goal of punishment is to use psychological coercion to keep citizens from engaging in illegal behavior (Suhariyono, 2018).

Based on this, Anselm von Feuerbach argues that an important principle for imposing criminal threats is that every sentence imposed by a judge must be a legal consequence of a provision according to law with the intention of guaranteeing the rights that exist in everyone. The law must provide a criminal threat in the form of suffering to everyone who violates the law (Sinaulan, 2016).

Negligence may be a major roadblock in the fight to eliminate infectious illnesses. Interfering on purpose with measures used to stop the spread of illness is illegal. Infectious disease epidemics may have far-reaching effects on people's health and the economy, thus any acts taken to impede control efforts are very counterproductive. Because of the significance of avoiding the transmission of contagious diseases and protecting public health, it is crucial that those who take action to impede their prevention be punished for their actions.

Sanctions are imposed in the criminal justice system to discourage the transmission of contagious illnesses and slow its rapid development. In order for the government to give a reward or consequence for those who do not carry out official directions, including the application of criminal penalties for offenders. Sanctions will be applied according to the statute's requirements. The penalties for breaking the rules for infectious disease outbreaks are laid out in Article 14 of the Law on Outbreaks. Everyone was required to comply with regulations for the disposal of bodies during infectious disease epidemics, as was the case when such regulations were in place. In cases when this is one of the steps used to stop the spread of a disease. Refusing to bury deceased patients who have been identified as having an infectious disease is a form of the crime of obstructing the prevention of infectious disease outbreaks, as the perpetrators of these actions did not reflect an effort to support the government in tackling infectious disease outbreaks. One of the reasons why individuals shouldn't dare break the law is because of the penalties laid forth in Article 14. However, in practice, there are still some who breach these norms, despite the fact that doing so is one approach to stop the spread of contagious illnesses.

Using public trials to enforce the law against illegal behaviors that obstruct efforts to control the spread of contagious diseases. Criminal law is vigorously enforced against anyone responsible for actions that impede efforts to avoid infectious disease epidemics, with the expectation that this will serve as a deterrent to others. Any person who does not comply with the implementation of the health quarantine and/or obstructs the implementation of the health quarantine in such a way that it causes a "Public Health Emergency" is subject to a maximum fine and/or imprisonment of 1 year, as stated in Article 93 of Law Number 6 of 2018. Rp. 100,000,000. The topic of discussion shifted to the enforcement of KUHP Articles 212, 216, and 218, particularly Article 216's restriction on mass gatherings. Resisting, defying, or attempting to block the activities of authorities who are carrying out their authorized responsibilities is prohibited under these three articles and has a maximum punishment of 1 year and 4 months in jail or a maximum fine of Rp. 4.50 million.

The Sungliat District Court's Decision No. 405/Pid.Sus/2021/PN Sgl, regarding a defendant guilty of committing a crime to intentionally impede the implementation of epidemic control, provides a concrete example of the application of punishment for obstructing the control of an infectious disease outbreak. The offender in this case was charged with violating Article 14 paragraph (1) Number 4 of 1984's regulations on the reporting and investigation of infectious disease outbreaks. It is clear that the defendant committed the crime of intentionally obstructing the implementation of epidemic control, as defined by Article 14 paragraph (1) of Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases, based on his actions as determined by the judge and the evidence presented. Instances when the criminal is required to answer for his or her acts. Because the consequences of an illegal conduct might put many others at jeopardy. The trouble started when the inmate refused to believe that the body should be disposed of in accordance with standard health policy and instead insisted on taking it with him. The inmate's

relatives then entered the isolation unit's front yard, where they were persuaded by both the inmate and his relatives to continue transporting Achmad Mawardi's corpse. Following is the verdict: "Declaring that the Defendant Muhammad Anwar Zain Bin Abd Rasyid has been legally and convincingly proven guilty of committing a criminal act by deliberately obstructing the implementation of the epidemic response; a) Sentenced to the defendant Muhammad Anwar Ali Zain Bin Abd Rasyid mentioned above with imprisonment for 2 (two) months, b) State the evidence in the form of: (one) Flashdisk containing a video recording of 0.28 seconds duration, shall be confiscated for destruction, c) Charge court costs to the Defendant at both levels of justice which at the appeal level amount to Rp. 5000.00 (five thousand rupiahs)".

The judge's ruling that resulted in the conviction was in line with paragraph one of Article 14 of Law No. 4 of 1984, which addresses epidemics of infectious diseases. Here, the Law on Outbreaks of Communicable Diseases explains the consequences of interfering with efforts to curb the spread of illness. Because the defendant's actions caused widespread public unrest during the outbreak of infectious diseases, the judge imposed criminal sanctions and fines in accordance with legal considerations. The defendant himself had found no justifiable or excusable circumstances to absolve him of criminal responsibility. The ultimate and most essential purpose of the law is to ensure justice. It's as difficult to discuss justice as it is to discuss the law. Justice, as a concept, is also subjective. This is due to the fact that different people's conceptions of justice are informed by the different philosophies they follow. The concept of justice will be interpreted differently by people who subscribe to individual views and those who adhere to collective ideas (Ravena, 2017).

The judge's perspective may be inferred from the factors that weigh into the decision-making process. In addition to considering the severity of the offense, it is crucial to consider the intended consequence while making a choice. The crime of a convict who hinders the government's ability to prevent and combat epidemics is one that causes widespread disruption in the community and does not lend support to the government's efforts in these areas. In reality, when comparing legal certainty and legal fairness, the two concepts typically diverge. This is because, on the one hand, the norms of legal certainty are often disregarded (Ramadhani, 2017).

The purpose of the crime according to Plato and Aristotle, that the punishment is imposed is not because he has committed a crime, but so that no crime is committed, this is a fact that criminal law is preventive in nature or prevention so as not to commit a crime or violation. Likewise, Herbert L. Packer argues that the level or degree of discomfort or cruelty is not a distinguishing feature between punishment and treatment.

4. CONCLUSION

A criminal law policy has been established to provide for the welfare and justice of the community through legally enforceable steps determined by the government in response to infectious disease outbreaks, particularly activities that hinder the prevention of infectious disease outbreaks. defined by Law No. 4 of 1984 on Epidemics of Communicable Diseases and Law No. 6 of 2018 on Health Quarantine. To make sure that those who wish to reject the prevention of the epidemic think twice before not doing so, the government should be able to develop criminal policies connected to criminal actions of impeding epidemic control in the form of new rules.

In order to prevent future actions that hamper the management of infectious disease epidemics, it is crucial that proper information be disseminated to the whole community via ongoing socialization efforts. Offenders who impede efforts to contain infectious disease outbreaks will be held legally responsible for their conduct and punished accordingly. Offenders subject to criminal punishments and fines for actions that impede efforts to control epidemics.

In summary, research on criminal law policies related to activities obstructing the management of infectious diseases can contribute to the development of legal frameworks, inform evidence-based decision making, support public health education, foster international collaboration, address ethical considerations, and evaluate the enforcement of these policies. These contributions can ultimately enhance public health protection and improve the effectiveness of disease management efforts.

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