



## Obstacles to the Prosecution Process of Criminal Acts during the Covid-19 Period at the Belawan State Prosecutor's Office

**Jerri Habeahan<sup>1</sup> Jogi Silalahi<sup>2</sup>, Marolop Butarbutar<sup>3</sup>**

<sup>12</sup>Fakultas Hukum,

<sup>12</sup>Universitas Prima Indonesia Jl. Sampul No.4, Sei Putih Bar., Kec. Medan Petisah,  
Kota Medan, Sumatera Utara 20118, Indonesia

Email: [habeahan.jer@gmail.com](mailto:habeahan.jer@gmail.com)<sup>1</sup>, [silalahijogi8@gmail.com](mailto:silalahijogi8@gmail.com)<sup>2</sup>,  
[marolopbutarbutar18@gmail.com](mailto:marolopbutarbutar18@gmail.com)<sup>3</sup>

### Abstract

Covid-19 or commonly known as Corona Virus Disease abbreviated as COVID is an infectious disease which due to its rapid spread has had a very large impact on an international scale. The purpose of the study was to find out how the process of prosecuting criminal acts at the Belawan District Attorney's Office during the covid-19 period, to find out the obstacles faced by the prosecutor's office and to find out the efforts made by the prosecutor's office. The research method in analyzing this research uses empirical methods. Namely an analysis of the obstacles to prosecuting criminal acts during the Covid-19 period at the Belawan District Attorney. Results Based on research in the field, the highest crimes are crimes in drug cases, theft and violence.

**Keywords:** COVID-19; Prosecution; Attorney's.

### A. Introduction

The emergence of the corona virus (COVID-19) is an obstacle in every human activity, especially in handling cases in the prosecution of criminal acts at the Belawan State Prosecutor's Office, where the prosecutor's office is constrained in handling cases due to the Covid-19 Virus. The Covid-19 virus is an infectious disease that due to its spread so quickly resulted in a very large impact not only in the country of Indonesia and even the world is also affected by the emergence of the virus. Covid-19 or commonly known as Coronavirus Disease abbreviated as COVID, the virus that has an impact on the field of law enforcement, economic, social, and health fields is certainly a serious problem internationally not only nationally where the symptoms caused by the coronavirus are cough, fever, loss of taste buds and also quickly tired. It looks like a mild illness but who would have thought that Coronavirus Disease became a disaster for everyone where the number of fatalities died and poverty increased. For this reason, the government implements restrictions on community activities or commonly called PPKM to reduce the spread of covid-19 and use masks during activities. In the legal scope of the impact of Covid-19 is also very influential, of the many prosecutors affected we chose the Belawan State Prosecutor's Office for us to conduct research, where the process of solving criminal cases becomes not in accordance with the rules. According to a Prosecutor who we interviewed on behalf of Mr. Bastian S.H said one of

the obstacles is when the call of witnesses who are outside the city is hampered because of roadblocks so that the prosecution process is carried out online with zoom.

## **B. Research Methods**

The research method in analyzing this research is to use empirical methods. Namely analyzing the obstacles to the criminal prosecution process during the Covid-19 period at the Belawan state prosecutor's office. Research using primary data methods. Primary data is a research material in the form of empirical facts about the duties and obligations of the prosecutor as a prosecutor in criminal cases. Primary data obtained directly from the research site by means of a direct interview with a prosecutor and observations directly at the Belawan state prosecutor's office.

This research was conducted at the Belawan state prosecutor's office, Jl. Raya Pelabuhan Belawan, Bagan Deli, Medan Belawan city, Medan City, North Sumatra 20411. The primary data was conducted by a direct interview to the Belawan state prosecutor and direct observation at the Belawan state prosecutor's office. The data obtained is then analyzed using qualitative descriptive methods. That the crime rate after Covid-19 increased by 50% in 2020/2021 on the theft rate, 80% on the drug crime rate and 70% on the crime rate of ganging. The data collection techniques used in this study are in literature and by means of interviews and documentation. In this study, the compiler used the interview method, which was an interview conducted against one of the prosecutors at the Belawan state prosecutor's office.

## **C. Results and Discussion**

### **1. Criminal prosecution process at belawan State Prosecutor's Office during the COVID-19 pandemic**

The Belawan state prosecutor's office is one of the ranks of two prosecutors, one of which is the Medan State Prosecutor's Office. Belawan state prosecutor's office is located at Jl. Raya Belawan Port, Bagan Deli, Medan Belawan city, Medan City, North Sumatra 20411. For this reason, we are interested in conducting research at the Belawan State Prosecutor's Office by taking the title of Obstacle to the Criminal Prosecution Process during the Covid-19 Period at the Belawan State Prosecutor's Office. For the process of prosecuting criminal acts against criminals, it is certainly one of the rights of the prosecutor's office regarding the prosecution of criminal acts, especially in the Belawan State Prosecutor's Office contained in Article 1 paragraph 3 of Law 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The increase in crime during the Covid-19 pandemic with various factors is certainly the focus of the Belawan state prosecutor's office, therefore the belawan state prosecutor's office needs a process in dealing with crimes in the Covid-19 era.

In the Prosecutor's Law in the scope of criminal, the prosecutor has the authority and duties including:

a. Prosecute.

In performing its duties and authority in the prosecution is the action of the public prosecutor to submit the case to the competent district court in the case and in

accordance with the manner stipulated in the Criminal Procedure Law with a request that it be examined and decided by the judge at the court hearing.

- b. Carry out a fair judge's decision in accordance with what is contained in the law.
- c. Supervise the application of criminal convictions against perpetrators of crimes under fixed laws.
- d. Carry out checks on certain delik based on applicable law.
- e. Fulfill the case file to be able to carry out the analysis before being submitted to the court and in its assignment is coordinated with the investigator.

In article 2 paragraph 1 mentioned the prosecutor is a government agency that exercises state power in the field of prosecution and other authorities based on the law.

[2] In carrying out his duties and authorities, the Prosecutor also on the law by heeding religious norms, decency, decency, and is obliged to explore and uphold the values of humanity that live in society, and always maintain the honor and dignity of his profession this is contained in article 8 paragraph 4 in the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor of the Republic of Indonesia.

[3]

During the Covid-19 pandemic, the criminal prosecution process became different from before, where previously the prosecution hearing through face-to-face switched through zoom while the face-to-face hearing the number of people who participated in the trial was limited and required to use masks. Therefore, the prosecutor's office conducted the prosecution process using health protocols, the use of PPE (personal protective equipment) in the pick-up of perpetrators and using a full mask when conducting investigations. This certainly hinders the course of the prosecution process in solving cases in the Belawan state prosecutor's office, while the covid pandemic as an obstacle to the process, the prosecutor's office is still trying to find a solution in carrying out its duties.

## **2. Obstacles in the prosecution of criminal acts in the Belawan State Prosecutor's Office due to Covid-19**

According to prosecutor Bastian Sihombing, S.H as a prosecutor at the Belawan state prosecutor's office said the criminal prosecution process is increasingly taking longer because of the obstruction of pick-up of perpetrators caused by roadblocks. Prosecutor Bastian Sihombing S.H said that crimes in the covid pandemic are increasing where the crime rate after Covid-19 in 2020/2021 increased by 50% in the theft rate, 70% in the gang crime rate and 80% on the drug crime rate. For the examination of the criminal process, the most impactful thing is the summoning of witnesses who are outside the city. With this, the prosecutor's office conducts some investigations through virtual and for examination and trial at the prosecutor's office, of course, they must comply with health protocols such as using masks, washing hands, maintaining distance and using hand sanitizer.

Some obstacles in the prosecution of criminal acts in the belawan state prosecutor's office, namely:

- a. The scheduled trial time is not appropriate due to the difficulty of bringing witnesses due to roadblocks and large-scale social restrictions (PSBB).
- b. The implementation of the trial conducted online did not run smoothly due to internet network disruption.

- c. In connection with the examination of witnesses carried out on a zoom basis which means the existence of witnesses when examined not in front of the trial that can be supervised directly by the assembly but the examination is carried out through zoom therefore witnesses often do not have ethics in giving their testimony, and the prosecutor also cares in the ethical supervision of witnesses because of online examination or zoom and who is responsible for ethics. The trial is an assembly.
- d. When the trial takes place the obstacles faced in this case are lights out and the network is cut off.

Prosecutor Bastian Sihombing S.H., gave one example of a case during the Covid-19 pandemic, namely the case of ganging in the framework of the August 17 ball tournament from riau islands where the suspect came from Riau Islands while the victim was from Belawan. This became one of the obstacles to the prosecutor's office in handling the case, because the suspect who was in the Riau Islands area was blocked by roadblocks when the suspect picked up.

### **3. Belawan state prosecutor's efforts to overcome obstacles to the prosecution process during covid-19**

In the prosecution process, the Belawan state prosecutor's office has made various efforts in overcoming obstacles caused by covid-19 including:

- a. The prosecutor's office which is a prosecutor's team consisting of several people with different networks" team provides wifi in the office and provides internet packages.
- b. The prosecutor's office, especially the public prosecutor, reprimands and advises witnesses to answer the assembly's questions directly to the material in question and to maintain ethics with respect to the trial.
- c. The use of generators during power outages in ongoing trials.
- d. In entering the territory of the public prosecutor's office or employees are not allowed to enter when not wearing masks.

## **D. Conclusion**

Based on the results of existing research and discussions, the authors concluded that:

1. That the process of prosecuting criminal acts by the Belawan state prosecutor during the covid period remains guided by the provisions of the prosecutor's law and the provisions of the criminal procedure law.
2. That the obstacles experienced by the Belawan state prosecutor's office during the Covid-19 period are:
  - a. The scheduled trial time is not appropriate due to the difficulty of bringing witnesses due to roadblocks and large-scale social restrictions (PSBB).
  - b. The implementation of the trial conducted online did not run smoothly due to internet network disruption.
  - c. In connection with the examination of witnesses carried out on a zoom basis which means the existence of witnesses when examined is not in front of the trial that can be supervised directly by the assembly but the examination is carried out through zoom therefore witnesses often have no

- ethics in giving their testimony, and the prosecutor is concerned in the ethical supervision of witnesses because the responsible in the ethics of the trial is the assembly.
- d. When the trial takes place the obstacles faced in this case are lights out and the network is cut off.
3. That the efforts made by the Belawan state prosecutor to deal with obstacles during the Covid-19 period are among others:
- a. The Belawan State Prosecutor's Office was forced to pick up the perpetrators by speeding up the time no longer as before covid.
  - b. If witnesses are difficult to bring in, the Belawan State Prosecutor's Office in its examination conducts a zoom examination at the witness' residence.
  - c. In the case or obstacles of internet interference, the Belawan State Prosecutor's Office always provides different internet packages
  - d. On the matter of good faith from witnesses in connection with the panel of judges is elsewhere, the Belawan State Prosecutor's Office recommends, reprimanding witnesses to maintain the ethics of the trial
  - e. In the obstacles when PLN is cut off which causes the internet network to also be cut off, the Belawan State Prosecutor's Office always provides a source of electricity flow through generators

## **References**

- Dasar-Dasar Hukum Pidana di Indonesia by Dr. Fitri Wahyuni., S.H., M.H. (z-lib.org)  
Hukum Pidana Dasar-Dasar Hukum Pidana Berdasarkan KUHP dan RUU KUHP by Sudaryono Natangsa Surbakti (z-lib.org).  
Jurnal Skripsi koordinasi Kepolisian dan Kejaksaan dalam Penyelesaian Perkara Pidana Pada Tahap Prapenuntutan. Oleh ANGGA NUGRAHA.  
Melihat Covid 19 dari Perspektif Hukum Adat by Hermansyah (editor) (z-lib.org).  
Peraturan pemerintah Nomor 21 Tahun 2020 tentang pembatasan social berskala besar (PSBB).  
Rampai Kejaksaan Republik Indonesia by Tim MaPPI-FHUI (z-lib.org)  
Undang-undang nomor 4 Tahun 1984 tentang wabah penyakit menular.  
Undang-undang Nomor 6 Tahun 2018 tentang kekarantina kesehatan.  
Yang Bergerak dan Yang Terpapar di Masa Pandemi Suara Disabilitas dari Indonesia by Jaringan DPO respon Covid-19 Inklusif (z-lib.org).