

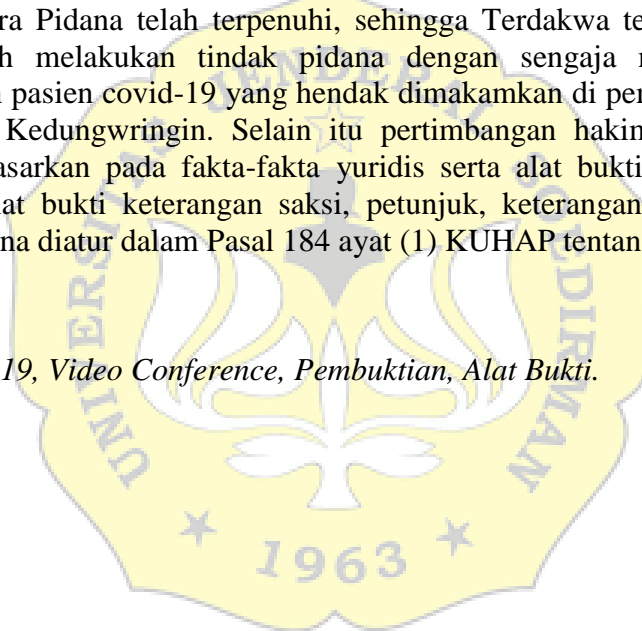
ABSTRAK

Pandemi Covid-19 menyebabkan Pengadilan harus menyesuaikan yang diantaranya melalui sidang elektronik sehingga dalam pemeriksaan sidang pengadilan menggunakan teknologi di bidang komunikasi dan informasi seperti video conference dimana seseorang yang memberikan keterangan terhadap suatu tindak pidana untuk kepentingan pemeriksaan pengadilan dilakukan melalui sarana video akibat adanya suatu halangan yang timbul, termasuk dalam hal ini adalah karena terjadinya wabah virus Covid-19.

Penelitian ini bertujuan untuk mengetahui dan menganalisis penerapan unsur-unsur Pasal 14 Ayat (1) Undang-Undang RI Nomor 4 Tahun 1984 tentang Wabah Penyakit Menular dan Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana dan dasar pertimbangan hukum hakim dalam menjatuhkan putusan terhadap Terdakwa dalam Putusan Pengadilan Negeri Nomor 72/Pid.B/2020/PN.Bms. Metode pendekatan yang digunakan adalah yuridis normative.

Hasil penelitian terhadap Putusan Pengadilan Negeri Banyumas Nomor 72/Pid.B/2020/PN.Bms bahwa unsur-unsur Pasal 14 Ayat (1) Undang-Undang RI Nomor 4 Tahun 1984 tentang Wabah Penyakit Menular dan Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana telah terpenuhi, sehingga Terdakwa terbukti secara sah dan meyakinkan bersalah melakukan tindak pidana dengan sengaja melakukan penolakan terhadap pemakaman pasien covid-19 yang hendak dimakamkan di pemakaman milik Pemda Banyumas di Desa Kedungwringin. Selain itu pertimbangan hakim dalam menjatuhkan putusan telah mendasarkan pada fakta-fakta yuridis serta alat bukti yang terdapat dalam persidangan yaitu alat bukti keterangan saksi, petunjuk, keterangan ahli, dan keterangan Terdakwa sebagaimana diatur dalam Pasal 184 ayat (1) KUHAP tentang alat-alat bukti.

Kata Kunci : *Covid-19, Video Conference, Pembuktian, Alat Bukti.*



ABSTRACT

The Covid-19 pandemic has caused Courts to have to adjust, including through electronic hearings so that during court hearings they use technology in the field of communication and information such as video conferencing, where someone who provides information on a crime for the sake of court examination is carried out through video facilities due to an obstacle. arise, including in this case due to the outbreak of the Covid-19 virus.

This study aims to identify and analyze the application of the elements of Article 14 Paragraph (1) of the Republic of Indonesia Law Number 4 of 1984 concerning Infectious Disease Outbreaks and Law Number 8 of 1981 concerning the Criminal Procedure Code and the basis for the judge's legal considerations in making decisions against The defendant in the District Court Decision Number 72/Pid.B/2020/PN.Bms. The approach method used is normative juridical.

The results of the research on the Banyumas District Court Decision Number 72/Pid.B/2020/PN.Bms that the elements of Article 14 Paragraph (1) of the Republic of Indonesia Law Number 4 of 1984 concerning Infectious Disease Outbreaks and Law Number 8 of 1981 concerning The Criminal Procedure Code has been fulfilled, so that the Defendant is proven legally and convincingly guilty of committing a criminal act by deliberately refusing the funeral of a Covid-19 patient who was about to be buried in a cemetery belonging to the Banyumas Regional Government in Kedungwringin Village. In addition, the judge's considerations in making the decision have been based on juridical facts and evidence contained in the trial, namely evidence of witness statements, instructions, expert statements, and statements of the Defendant as regulated in Article 184 paragraph (1) of the Criminal Procedure Code regarding evidence.

Keywords: *Covid-19, Video Conference, Evidence, Evidence*

