

CHAPTER V

CLOSING

A. Conclusion

Based on the results of research and discussion, it can be concluded as follows:

1. Proof of the crime of falsifying the COVID-19 rapid test certificate in Court Verdict Number 140/Pid.B/2021/PN.Clp is carried out by presenting witness statements, letters and statements from the defendant on the basis of the evidentiary parameter used is negative *wetelijk bewijs* theorie, which means the basis of evidence according to the judge's belief that arises from the evidence in the law negatively as applied by Article 184 of the Criminal Procedure Code, so that the evidence presented at trial has the power of proof based on the judge's belief and can be used to prove cases of criminal acts of falsification of certificates a doctor in the form of a fake or falsified COVID-19 rapid test result.
2. The legal considerations (*ratio decidendi*) of the panel of judges in deciding the case for falsification of letters in Verdict Number 140/Pid.B/2021/PN.Clp are carried out based on juridical considerations and non-juridical considerations which include philosophical and sociological aspects that are in accordance with Article 50 Law Number 48 of 2009 concerning judicial power. Juridical considerations are obtained based on legal considerations in court decisions of the first instance which refer to

facts at trial obtained from the evidentiary process, namely the fulfillment of the elements in Article 268 Paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) to 1 of the Criminal Code Law. number 1 of 1946 concerning the Criminal Procedure Code.

B. Suggestion

Based on the results of the research that has been carried out, according to the authors, the judge should be more sensitive to the condition of the defendants who are faced with a pandemic situation so that the judge should also give consideration in terms of mitigating the defendants seen according to the defendant's condition in a pandemic situation so that the judge can reduce the sentence imposed on him. the defendants.

