

APPLICATION OF SANCTIONS FOR THE COMMUNITY FOR THE FORCED RETRIEVAL OF BODIES COVID-19 BASED ON THE POLICE CHIEF'S TELEGRAM NUMBER ST/1618/VI/OPS.2/2020 IN THE POLICE DEPARTMENT NORTH SUMATRA REGION

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ABSTRACT

In North Sumatra, as of December 2020 there are ± 16,174 Covid-19 cases, with the number of deaths due to Covid-19 in North Sumatra reaching ± 632 people. In North Sumatra, cases of forced retrieval of Covid-19 bodies occurred in several hospitals, including Madani Hospital, Pirngadi, Murni Teguh and Royal Prima. In the case of the number of cases of forced retrieval of patient bodies under Covid-19 supervision by families in various regions in Indonesia prompted the Indonesian Police to issue a telegram letter of the Chief of Police Number ST/1618/VI/Ops.2/2020. The research method used in this research is to combine library research with field research. The result of this study is that if there is a party that performs forced retrieval of Covid-19 patients' bodies in accordance with applicable procedures, it may be subject to criminal sanctions. The legal basis is Article 5 of Law Number 4 Year 1984 concerning Infectious Disease Outbreaks with the threat of one year in prison or a fine of up to Rp. 100 million as stipulated in Article 93 of Law Number 6 Year 2018 concerning Health Quarantine. In addition, parties who take the bodies of Covid-19 patients by force can also be subject to layered Article 212 of the Criminal Code jo Article 214 of the Criminal Code jo Article 216 of the Criminal Code jo Article 335 of the Criminal Code jo Article 336 of the Criminal Code jo Article 93 of Law Number 6 of 2018, with the threat of punishment of up to 7 (seven) years.

Keywords : Forced Retrieval , Covid 19 Corpse , The Police Chief's Telegram, North Sumatra

I. INTRODUCTION

When it was first announced as a global pandemic on March 11, 2020 by the World Health Organization, the number of Covid-19 infections worldwide has reached more than 126,000. As of December 2020, the number of Covid-19 cases worldwide has reached 63.7 million cases. In Indonesia alone, the number of Covid-19 cases as of December 2020 reaches 582,000 cases, of which there are 17,867 deaths due to Covid-19 (<https://www.covid19.go.id>).

The high case of death due to Covid-19 has caused turmoil in the community, especially the families of Patients Under Covid-19 Supervision. Cases of forced retrieval of Covid-19 patients' bodies occurred in several regions in Indonesia, including makassar. The family did not accept the bodies of relatives declared positive for Covid-19 and urged the hospital to show evidence of test results. Even the South Sulawesi Regional Police has named more than 35 suspects in the case of the forced retrieval of corona bodies.

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Later, a similar case also occurred at one of the hospitals in East Bekasi, which was forcibly picked up by his family. Then, in Penukal Abab Lematang Ilir Regency, there was a fall of bodies until they came out of the coffin during the funeral process using the Covid-19 protocol. The incident led to protests from the family. Moreover, the family also objected to the funeral process using the Covid-19 protocol because swab tests have not been carried out on patients. Other areas that also have cases of forced retrieval of Covid-19 patients' bodies are Surabaya, Mataram, Manado, Pamekasan, Medan to Ambon.

In the city of Medan itself, cases of forced retrieval of Covid-19 bodies, occurred in several hospitals, for example in Madani Hospital, Pirngadi, Royal and Murni Teguh Hospital. In fact, this case has been handled by the North Sumatra Regional Police for the Hospital Report in question.

The Indonesian Police has stated that the case of forced retrieval of bodies that are declared positive for Covid-19 is in violation of the prevailing laws and regulations because it will harm many parties, and this is a criminal act. In fact, many parties have been made suspects by the Police of the Republic of Indonesia. The Indonesian National Police has also issued regulations or instructions to resolve cases of forced retrieval of Covid-19 patients' bodies by issuing a telegram number ST/1618/VI/Ops.2/2020. Strong action is needed against those who are still taking covid-19 patients' bodies. Therefore, it is also necessary for the involvement of religious leaders, communities, culturalists, sociologists, anthropologists, to communicate and provide understanding to the public so that there should not be any more cases of forced retrieval of Covid-19 bodies.

The problem in this study is first, to look at the Legal Sanctions for People Who Perform Forced Retrieval of Covid-19 Bodies In the North Sumatra Regional Police Area and secondly, to find out the Causes Or Factors of The Number of Cases of Forced Retrieval of Covid-19 Bodies.

II. LITERATURE REVIEW

A. Understanding Covid-19

Covid-19 is a disease caused by sars-cov-2 virus infection, first identified in wuhan city, in China's Hubei province in December 2019. Covid-19 has spread to various countries around the world, including Indonesia. Covid-19 was formerly known as Novel 2019 Novel Coronavirus (2019-nCoV) respiratory disease, before the World Health Organization (WHO) declared its official name as Covid-19 in February 2020 (<https://www.kompas.com>).

The SARS-CoV-2 virus belongs to a family of viruses called coronaviruses, which also include viruses that cause the common cold, and viruses that cause more serious infections such as acute respiratory syndrome (SARS), caused by SARS -CoV in 2002, and Middle East respiratory syndrome (MERS), caused by MERS-CoV in 2012. Like other coronaviruses, the SARS-CoV-2 virus mainly causes respiratory infections, and the severity of Covid-19. diseases can range from mild to fatal. Serious infectious diseases are caused by the onset of pneumonia and acute respiratory distress syndrome (SARS).

Covid-19 transmission occurs through droplets (droplets of liquid) from the nose or mouth that spread when the carrier of the Covid-19 virus coughs, sneezes or drools. The droplets of liquid will stick to the surrounding objects or surfaces. And then it goes into the mouth, nose or eyes. Or touch the surface of the former exposed to the grain of liquid with the hands and hands rubbing the mouth, nose or eyes. This is why it is important to wash your hands frequently and not to touch your face with your hands. The most common symptoms of Covid-19 are dry cough, fever, and shortness of breath. It is thought that symptoms may appear between 2-14 days

after exposure although there are isolated cases that suggest this may be longer. If experiencing symptoms, we must stay at home to prevent the spread of the disease to the community. Wearing a face mask will help prevent the spread of the disease to others.

According to recent research published in *Annals of Internal Medicine* (March 10, 2020), the average incubation period is estimated to be 5 days, and almost all (98%) patients who have been infected will experience symptoms within 12 days. The SARS-CoV-2 virus is thought to spread from person to person through: transmission of droplets (large respiratory droplets of people sneezing, coughing or droplets), aerosol transmission (when a person coughs or sneezes indoors), contact transmission (touching contaminated surfaces then touching the mouth, nose or eyes, and direct transmission (kissing, shaking hands, and others).

B. Implementation of the Chief of Police Telegram No.ST/1618/VI/OPS.2/2020 on June 5, 2020

In the case of the rise of cases of forced retrieval of bodies of patients under covid-19 (coronavirus) surveillance by families in various regions in Indonesia prompted the Indonesian Police to issue a telegram number ST/1618/VI/Ops.2/2020 dated June 5. The Telegram letter is addressed to kasatgas, Kasubsatgas, Kaopsda, and Kaopsres Opspus Aman Nusa II 2020 to coordinate with each other and work with hospitals that are referrals for the treatment of Covid-19 patients to immediately carry out swab tests on referred patients, especially patients who have shown symptoms of Covid-19, have a history of chronic diseases, or are in critical condition. In addition, the Telegram Also instructed the Kasatgas, Kasubsatgas, Kaopsda (Kapolda), and Kaopsres (Kapolres) Opspus Aman Nusa II 2020 to coordinate and cooperate with the Covid-19 referral hospital to ascertain the cause of death of patients whether or not Covid-19 is really (<https://www.bbc.com>)

If the body in question has been confirmed positive for Covid-19, then the funeral process must be carried out according to Covid-19 procedures. The swab test must be done so that the patient can know the positive or negative infected with Covid-19. Thus, there will be no doubt from the family to the hospital in the process of handling patients.

With the enactment of Telegram Letter number ST/1618/VI/Ops.2/2020 that allows families to take the bodies of Patients Under Covid-19 Supervision with a number of conditions can calm public concerns. This is certainly expected to answer the concerns of residents who have just lost their family members because of the corona, as well as society in general.

The requirements for retrieving the bodies of patients under Covid 19 supervision are: the existence of a polymerase chain reaction (PCR) examination certificate that is declared negative. After being declared dead, the family of the body had to wait for 4-5 hours approximately, for an examination in advance. In addition, the telegram also instructed the police to coordinate and cooperate with the referral hospital (<https://www.republika.id>).

In the case of handling the bodies of patients under Covid-19 supervision, the thing to note is if the body in question has been confirmed positive for Covid-19, then the funeral process must be carried out according to the Covid-19 protocol. However, if the body proves negative covid-19, then the funeral process can be done in accordance with the sharia or the provisions of their respective religions. Nevertheless, he appealed to the family that the funeral and funeral process continue to implement health protocols, ranging from wearing masks to keeping distance.

C. State Responsibility for Covid-19 Patient Costs

In Presidential Decree No. 12 of 2020 concerning Determination of Non-Natural Disasters of Corona Virus Disease 2019 (Covid-19) As a National Disaster, non-natural disasters caused by the spread of Covid-19 are designated as national disasters. So, according to the

provisions of Article 82 of Law Number 36 Year 2009 concerning Health that regulates health services at the time of disaster, that the central government, local government, and the community are responsible for the availability of resources, facilities, and the implementation of health services as a whole and sustainable in disasters.

The government guarantees the financing of health services derived from the state budget, local revenue and expenditure budget, or public assistance in accordance with the legislation. In addition, in Article 5 paragraph (1) letter b of Law No. 4 of 1984 concerning Infectious Disease Outbreaks, it is confirmed that one of the efforts to combat the outbreak is the examination, treatment, treatment, and isolation of sufferers, including quarantine measures.

Such efforts are the responsibility of the government. All costs incurred in the efforts to combat the outbreak are charged to the budget of each related agency as explained in Article 30 paragraph (1) of Government Regulation No. 40 of 1991 on The Prevention of Infectious Disease Outbreaks. So in this case, the government is also responsible in providing medical devices and personal protective equipment in order to carry out health services to overcome the spread of Covid-19.

Based on the Decree of the Minister of Health Number HK.01.07/Menkes/104/104/2020, for patients suspected of contracting coronavirus, the cost of handling patients can be directly borne from the referral hospital that has been determined by the Ministry of Health. In this case it is confirmed that the cost of treatment related to covid-19 cases will be borne by the state since the patient is designated as a person in monitoring. The status of the person in monitoring is the earliest status, before ascending to the patient under supervision, suspect, and positive Covid-19. Be it People Under Surveillance, Patients Under Surveillance and suspect all costs are borne by the state, but as long as it is related to the case of Covid-19 (<https://nasional.kompas.com>).

The differences are people in monitoring (ODP), patients in supervision (PDP) and suspects. that is, people who are under monitoring have not shown symptoms of illness. But people in this category had traveled to the corona epicenter country or had contact with corona positive patients. While the patient under supervision is a person who has already shown symptoms of contracting Covid-19 such as fever, cough, runny nose and shortness of breath. The suspect is a person who has already shown symptoms of covid-19 and is also suspected to have made contact with corona positive patients. Once declared suspect, an examination (specimen) is carried out, confirm not. If confirmed, positive Covid-19. The rights of Covid-19 patients, in general, have been regulated in Article 32 of Law No. 44 of 2009 on Hospitals.

The government through the Ministry of Health on April 24, 2020 has issued Circular Letter Number HK.02.01/Menkes / 295/2020 which regulates claims for reimbursement of Covid-19 patient care costs by hospitals. The claim refers to the applicable provisions in the Decree of the Minister of Health Number HK.01.07/Menkes / 238/2020 concerning Technical Guidelines for Claims for Reimbursement of Treatment Costs for Patients with Certain Emerging Infectious Diseases for Hospitals That Provide Covid-19 Services. The cost of treating all Covid-19 patients in Indonesia is charged to the budget of the National Disaster Management Agency (BNPB). If the patient pays, the hospital must return it to the patient.

How to claim hospital treatment for Covid-19 patients should pay attention to the following in accordance with the Decree of the Minister of Health Number HK.01.07/238/2020, namely: (<https://www.kemenkeu.go.id>)

- 1) Claims for Covid-19 patient care costs can be submitted by referral hospitals and other hospitals collectively to the Director General of Health Services cq. Director of Health Services Referral Ministry of Health penetrated to the Social Security Administering Body (BPJS) Health for verification and district health office / city by email.

- 2) The covid-19 patient care reimbursement claim file that can be submitted by the hospital is for patients treated since January 28, 2020.
- 3) Claims file submitted by the hospital in the form of soft copy scanning / file photo claims (hard copy claims file stored in the hospital) to be uploaded online.
- 4) Claims can be submitted by the hospital every 14 working days
- 5) Social Security Administering Body (BPJS) Health issued a news event verifying the payment of service bill claims no later than seven working days since the claim was received by BPJS health.
- 6) The Ministry of Health will pay to the hospital within three working days after the receipt of the news of the verification of claims from BPJS health.
- 7) Dispute cases will be clarified and re-verified.

III. RESEARCH METHODOLOGY

This research uses a combination of normative juridical research or also called doctrinal research and empirical juridical research or non doctrinal research. Normative juridical law research or literature law research is legal research conducted by examining library materials or secondary data. While sociological or empirical law research is legal research conducted by examining primary data (Soerjono Soekanto dan Sri Mamudji, 2003).

The use of normative juridical law research was carried out to look at the rule of law applicable in the case of forced retrieval of Covid-19 bodies. Normative juridical research is also called literature research (Ronny Hanitijo Soemitro, 1998). Sociological or empirical research was conducted to see the implementation of the National Police Telegram Letter Number ST/1618/VI/OPS.2/2020, especially in the North Sumatra Regional Police area.

Furthermore, primary data is collected through interview questionnaires with selected respondents. While secondary data is collected through the study of documents on literature materials and documents related to the main problem of this research. The place and location of this research will be conducted in the North Sumatra Regional Police. In addition, as research supporting data, this research will also be conducted in several hospitals in medan.

While this research is descriptive analytical, analytical descriptive method is a method that serves to describe or give an overview of the object studied in a complete, accurate, thorough and systematic. In other words, descriptive analytical research takes problems or focuses on problems as they are when the research is carried out, the results of which are then processed and analyzed for conclusions (Sugiyono, 2009).

Techniques and data collection in this research was conducted in 2 (two) ways of research, namely literature research (Library Research) and both field research in the form of interviews using interview guidelines.

IV. RESULT AND DISCUSSION

A. Legal Sanctions for People Who Forcibly Retrieved Covid-19 Bodies In North Sumatra Regional Police Area

Specifically in North Sumatra, as of December 2020 there are ± 16,174 Covid-19 cases (sixteen thousand one hundred and seventy-four), where the number of victims

who have died due to Covid-19 in North Sumatra reaches \pm 632 (six hundred and thirty-two) people.

With the large number of deaths caused by Covid-19, it causes a phenomenon where the bodies of patients under surveillance related to the Covid-19 coronavirus are forcibly taken by their family members. Tragically, not a few bodies were finally declared positive for Covid-19 after the swab test results came out. While the family did not bury the body in accordance with health protocols to prevent Covid-19. The incidents occurred in a number of areas, including in North Sumatra (Medan), South Sulawesi (Makassar), Jakarta, West Java (Bekasi), East Java (Surabaya), and in North Sulawesi (Bone Bolango, Gorontalo, and Manado).

In North Sumatra, cases of forced retrieval of Covid-19 bodies occurred in several hospitals, including Madani Hospital, Pirngadi, Murni Teguh and Royal Prima. According to the Spokesperson of the Task Force for the Acceleration of Handling Covid-19 North Sumatra, Mr. Whiko Irwan said that the forced retrieval of Covid-19 patients' bodies, even by the family, was a serious violation. Mr. Whiko explained that the act of forcibly taking the bodies of Covid-19 patients, as happened in some places in North Sumatra, to be buried normally could lead to two serious problems. First, it can cause contagion to others. Second, violate Law No. 6 of 2018 on Health Quarantine. Furthermore, he said, the transmission of Covid-19 from exposed bodies can occur because there is direct contact, both body and fluids, to people around them. Because although the transmission of liquids or droplets is no longer the case, but the contaminated liquid in the body can transmit the virus.

The funeral process with health protocols is to break the chain of Transmission of Covid-19 between the bodies of sufferers and people around. So that the grieving families and people who are usually crowded can avoid contagion. The rule applies to both deceased and supervised positive patients. patients under supervision have not been confirmed positive until the results of swab polymerase chain reaction (PCR) examination. However, patients under supervision who died before the release of pcr swab test results will still be carried out covid-19 corpse repatriation protocol.

With the case of forced retrieval of the patient's body under Covid-19 supervision by the family, the Indonesian police requested that the patient swab test be expedited, the instruction is stated in the National Police Chief's Telegram Letter Number ST/1618/ VI/Ops.2/2020 dated June 5, 2020.

The Telegram letter is addressed to kasatgas, Kasubsatgas, Kaopsda, and Kaopsres Opspus Aman Nusa II 2020 to coordinate with each other and work with hospitals that are referrals for the treatment of Covid-19 patients to immediately carry out swab tests on referred patients, especially patients who have shown symptoms of Covid-19, have a history of chronic diseases, or are in critical condition. The requirements for retrieval of patients' bodies under Covid-19 supervision are: the existence of a polymerase chain reaction (PCR) examination certificate that is declared negative. After being declared dead, the family of the body had to wait for approximately 4-5 hours, for an examination in advance. If there is a party that collects the bodies of patients under the supervision of Covid-19 by force may be subject to criminal sanctions.

The Indonesian National Police has also stated that if there is a party that forcibly retrieves the bodies of Covid-19 patients in accordance with applicable procedures, it may be subject to criminal sanctions. In fact, there are enough suspects in the case. The determination of suspects by the police is one of them aims to prevent the re-occurrence of cases of forced retrieval of Covid-19 patients' bodies by the family.

The regional police in North Sumatra said that the actions of families who do not comply with the protocol (forced retrieval of bodies) can be fatal and criminally threatened. The criminal sanctions governing the matter are in the Penal Code article 212, 214 and 216, concerning against authorized officers or officials, in this case hospital officers. Furthermore Article 335 paragraph (1) and Article 336 of the Criminal Code and Article 93 of Quarantine Law No. 6 of 2018 with the threat of one year in prison or a maximum fine of Rp100 million. (Sholehuddin, 2003).

Several cases of forced retrieval of Covid-19 bodies that occurred in several hospitals in North Sumatra have been handled by the North Sumatra Regional Police and are already under investigation, with reports submitted by the hospital, the task force and from the community. The North Sumatra Regional Police has also secured a party suspected of provoking the family to bring home the bodies of Covid-19 patients.

The constraints of the north Sumatra regional police in cracking down on the forced retrieval of Covid-19 bodies are due to limited evidence and also reports obtained, especially from the hospital. Where there is a rule of medical code of conduct that governs that doctors must maintain the confidentiality of the patient's medical records. Whereas there has been an Instruction from the Governor of North Sumatra Number 188.54/4/INST/2020 concerning Procedures for Handling Patients of Corona Virus Disease 2019 Outbreak in North Sumatra Province, so that hospitals should be able to cooperate well in carrying out the crackdown on the forced taka covid-19 bodies.

So that with the telegram letter of the Police Chief Number ST/1618/VI/Ops.2/2020, if there is still a party that collects the bodies of patients under the supervision of Covid-19 by force can be subject to criminal sanctions. The basis is Article 5 of Law Number 4 Year 1984 concerning Infectious Disease Outbreak with the threat of one year in prison or a fine of up to Rp. 100 million as stipulated in Article 93 of Law Number 6 Year 2018 concerning Health Quarantine. In addition, parties who take the bodies of Covid-19 patients by force can also be subject to layered Article 212 of the Criminal Code jo Article 214 of the Criminal Code jo Article 216 of the Criminal Code jo Article 335 of the Criminal Code jo Article 336 of the Criminal Code jo Article 93 of Law Number 6 of 2018, with the threat of punishment of up to 7 (seven) years.

B. The Cause Or Factor of The Number of Cases of Forced Retrieval of Covid-19 Bodies

The Covid 19 pandemic has changed the normality of handling the bodies of people suspected and confirmed to be infected with Covid 19. The situation shocked some people because they could not see closely the burial of those closest to them. Visually, the funeral of the bodies of people infected with Covid 19 looks empty, deserted, without the atmosphere of crowds and grief as is usually the case. Because the literacy protocol for handling bodies related to Covid 19 has not been evenly

distributed in the community, some of them without personal protective equipment desperately took the bodies in the hospital. They dismantled the coffin for normal burial. This action took place in Makassar last June, Medan, Payakumbuh, Surabaya and in Pasuruan Regency. Such problems will potentially continue because, according to the latest survey of the Central Statistics Agency, about 45 million people (17% of the total population) of Indonesia do not believe in Covid 19. Because they do not believe, it is likely that they ignore the application of health protocols to avoid coronavirus (<https://nasional.kompas.com>)

Based on interviews with the family of Covid-19 patients' bodies at Madani Medan General Hospital, the family stated that they do not accept if the bodies of their relatives are cremated based on The Covid-19 protocol. The family does not believe the hospital's statement that the body of the relative died because of Covid-19 positive. Even the family thought that the procedure was deliberately carried out to take advantage of the situation and take advantage.

The Provincial Government of North Sumatra, also issued a policy of every Covid-19 patient to be treated at the referral hospital is required to make a statement, if the patient dies will be buried in accordance with the Covid-19 protocol. The policy was issued to avoid the forced retrieval of Covid-19 bodies.

Based on qualitative research, with a sample of six clerics from various Islamic organizations of North Sumatra level such as majelis Ulama Indonesia, Muhammadiyah, Al-Wasliyah and Nahdhatul Ulama, showed the socialization of procedures for handling bodies during the pandemic in the community that is not optimal causing some people to forcibly take bodies and reject the procedures of funeral protocol Covid 19. Respondents suggested that there needs to be coordination between local governments, religious leaders and the public in disseminating information on procedures for handling bodies with the Covid 19 protocol. This is important so that the management of the bodies is not at risk of transmitting coronavirus that has not been controlled until now (Nurhayati dan Tri Bayu Purnama). The Indonesian Ulema Council (MUI) has also established fatwa No. 18 of 2020 concerning Guidelines for The Management of Muslim Bodies infected with Covid 19 dated March 27, 2020.

The method of religious approach, through religious leaders, can be effective in increasing public knowledge about the management of Covid 19 patients' bodies that are safe from the medical side and can still carry out religious orders. Some research results show that the opinion of scholars become considerations in the decision making of health. In the context of Covid 19, some scholars understand that The Covid 19 procedure in the management of bodies can reduce the potential for disease transmission. In the perspective of Islamic teachings, Covid 19 patients should be treated specially.

Religious leaders argue that the uncontrolled psychological condition of the families of the bodies and the cultural value that has been entrenched in the community in the repatriation of corpses triggers the public to reject the repatriation of bodies with the Covid 19 procedure. This is exacerbated by the practice of repatriation of bodies in Indonesia that is carried out independently in diverse communities and influenced by perceptions and sources of information that are not appropriate.

Ilimiah's research on the knowledge of the management of bodies in the community and mosques shows that many administrators do not yet understand how to prevent Covid 19 in the process of bathing bodies during the Covid 19 pandemic. Bodies with Covid 19 procedures taken forcibly by the family will be carried out the repatriation of the bodies through the caretaker of the body in general (<https://theconversation.com>).

According to dr Wijaya Juwana, Chairman of the Indonesian Doctors Association (IDI) Medan Branch, the importance of the funeral process of Covid 19 patients' bodies in accordance with protocol, is due to avoid the potential transmission of Covid 19 through corpses.

The importance of wrapping the body so that there is no leakage. By the time the patient is declared dead, the central nervous system, cardiovascular system, and respiratory system are indeed shown to have stopped permanently (somatic death). But the death of cells in organs and tissues of the body does not occur simultaneously, so there are still cells that are still alive until a few hours after a person is declared dead and the virus can still potentially replicate in those cells. The post-mortem decomposition process will form gases inside the body cavity, starting in the stomach and intestines, resulting in increased pressure in the abdominal cavity and discharge from the mouth, nose, and other body holes, and the fluid has the potential to be contaminated by the virus.

Precautions and vigilance are the best priorities that can be implemented. Empirical evidence indicates that standard disinfection/decontamination efforts can significantly reduce sars-cov infectivity, and efforts to wrap up as much as possible to prevent leakage of bodily fluids. The safety and health of everyone near the body is a priority. After the procedure is carried out carefully and appropriately, then the potential transmission of the virus through the corpse can be minimized.

Picture : Funeral of Covid 19 Patient's Body In Accordance with Protocol



V. CONCLUSION

1. In North Sumatra, as of December 2020 there are $\pm 16,174$ Covid-19 cases, with the number of deaths due to Covid-19 in North Sumatra reaching ± 632 people. In North

Sumatra, cases of forced retrieval of Covid-19 bodies occurred in several hospitals, including Madani Hospital, Pirngadi, Murni Teguh and Royal Prima. With the case of forced retrieval of Covid-19 patients' bodies by the family, the Indonesian police issued a Telegram Letter of the Chief of Police Number ST/1618/ VI/Ops.2/2020 dated June 5, 2020. The requirements for retrieval of Covid-19 bodies are: the existence of a polymerase chain reaction (PCR) examination certificate that is declared negative. After being declared dead, the family of the body had to wait for approximately 4-5 hours, for an examination in advance. If there is a party that forcibly retrieved the bodies of Covid-19 patients, they may be subject to criminal sanctions. The forcibly retrieval of covid 19 patients' bodies may be subject to criminal sanctions, the legal basis of which is Article 5 of Law Number 4 Year 1984 concerning Infectious Disease Outbreaks with the threat of one year in prison or a fine of up to Rp. 100 million as stipulated in Article 93 of Law Number 6 Year 2018 concerning Health Quarantine. In addition, parties who take the bodies of Covid-19 patients by force can also be subject to layered Article 212 of the Criminal Code jo Article 214 of the Criminal Code jo Article 216 of the Criminal Code jo Article 335 of the Criminal Code jo Article 336 of the Criminal Code jo Article 93 of Law Number 6 of 2018, with the threat of punishment of up to 7 (seven) years. Several cases of forced retrieval of Covid-19 bodies that occurred in several hospitals in North Sumatra have been handled by the North Sumatra Regional Police and are already under investigation, with reports submitted by the hospital, the task force and from the community. The North Sumatra Regional Police has also secured a party suspected of provoking the family to bring home the bodies of Covid-19 patients. The constraints of the north Sumatra regional police in cracking down on the forced retrieval of Covid-19 bodies are due to limited evidence and also reports obtained, especially from the hospital. Where there is a rule of medical code of conduct that governs that doctors must maintain the confidentiality of a patient's medical record.

2. Based on interviews with the family of Covid-19 patients' bodies at Madani Medan General Hospital, the family stated that they do not accept if the bodies of their relatives are cremated based on The Covid-19 protocol. The family does not believe the hospital's statement that the body of the relative died because of Covid-19 positive. Even the family thought that the procedure was deliberately carried out to take advantage of the situation and take advantage. Then the socialization of procedures for handling bodies during the pandemic in the community that is not optimal caused some people to forcibly take the bodies and reject the procedures for funeral protocol Covid 19. According to dr Wijaya Juwana, Chairman of the Indonesian Doctors Association (IDI) Medan Branch, the importance of the funeral process of Covid 19 patients' bodies in accordance with protocol, is due to avoid the potential transmission of Covid 19 through corpses.

VI. REFERENCES

- Ronny Hanitijo Soemitro. (1998). *Metodologi Penelitian Hukum dan Jurimetri*, Semarang : GHalia Indonesia

Soerjono Soekanto dan Sri Mamudji. (2003). *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta : RajaGrafindo Persada

Sugiyono. (2009). *Metode Penelitian Pendidikan: Pendekatan Kuantitatif, Kualitatif*, Bandung: Alfabeta

Sholehuddin. (2003). *Sistem Sanksi Dalam Hukum Pidana, Ide Dasar Double Track System dan Implementasinya*, Jakarta : Raja Grafindo

Nurhayati dan Tri Bayu Purnama, *Perception and Response of Religious Leaders in Precaution Transmission of COVID-19 Through Handling and Burial of Dead Bodies in Indonesia*, Artikel researchsquare.com

Internet Source:

<https://www.covid19.go.id>

<https://www.kompas.com>

<https://www.bbc.com>

<https://www.republika.id>

<https://nasional.kompas.com>

<https://theconversation.com>

<https://www.kemenkeu.go.id>