

UPNVJ Law Faculty Lecturer Beniharmoni Harefa: Criminal Sanctions for PSBB Violators Are Ineffective

Friday, 15 May 2020 12:34 WIB



HumasUPNVJ - Reporting from KoranJakarta.com Beniharmoni Harefa, a criminal law observer who is also a lecturer at the Faculty of Law, UPN Veterans Jakarta, expressed his opinion regarding the imposition of criminal sanctions for PSBB violators which he felt were less effective.

Criminal sanctions for violators of the Large-Scale Social Restrictions (PSBB) rules to reduce the spread of Covid-19 are considered ineffective and should be avoided. The PSBB, which was originally created to tackle the spread of Covid-19, has instead become a means of punishment for the community.

"Our current philosophy of criminal law is no longer retributive, but more towards corrective, rehabilitative and restorative. So understanding and awareness is the most important. Laws are made for humanity. People who are still stubborn can be subject to alternative sanctions," said UPN Veteran Jakarta FH criminal law observer, Beniharmoni Harefa to Koran Jakarta, Monday (4/5). For this reason, added Beniharmoni, alternative sanctions are an option and criminal sanctions are the last resort for violators. However, before imposing alternative sanctions, the government must properly socialize the PSBB policy.

"If you violate it, you have to be given sanctions in the form of warnings, warnings, and other alternative sanctions. Alternative sanctions include social work, supervision, fines, and fulfillment of customary obligations," said Beni. Regarding social work sanctions, said Beni, violators do social work such as spraying disinfectants, social work distributing masks. Supervision sanctions, such as helping to distribute groceries for underprivileged people affected by Covid-19. Then, with fines, violators pay a sum of money to buy personal protective equipment (PPE) for medical personnel or buy a number of masks or basic needs (groceries) for the poor.

"Sanctions for fulfilling customary obligations can also be applied, depending on the customs prevailing in the area where the PSBB violation occurred. So that the criminal sanction of imprisonment, as far as possible, does not need to be taken," said Beni. For your information, sanctions are regulated in Law Number 6 of 2018 concerning Health Quarantine. Where, there is a maximum prison sentence of 1 year and/or a maximum fine of 100 million rupiah. Several regions in Indonesia, including DKI Jakarta, have implemented PSBB policies.

*Source ; <http://www.koran-jakarta.com/sanctions-pidana-for-offenders-psbb-not-effective/>

