



THE ROLE OF DITRESKRIMUM OF THE CENTRAL JAVA REGIONAL POLICE IN TACKLING HOARDING OF MASKS DURING THE COVID-19 PANDEMIC

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Abstract: The public's obligation to wear masks during the Covid-19 pandemic has caused the demand for masks in the market to increase. Some people use this to seek economic benefits by hoarding masks and reselling them at high prices, causing people to experience difficulties and panic in getting masks to protect themselves from exposure to the coronavirus. In this study, problems were formulated about how the roles and obstacles faced by Ditreskrimum at the Central Java Regional police were developed in overcoming the hoarding of masks during the Covid-19 pandemic. The approach method used is empirical juridical. The research specification is descriptive-analytical. The data used are secondary data and primary data as a complement, obtained from literature studies and interviews, then analyzed qualitatively. The theoretical foundations used are role theory, countermeasures theory, discretionary concept, hoarding theory, public welfare theory, and the Ditreskrimum role. The study results are that the Ditreskrimum acts as a law enforcement institution above the community and can create a conducive security and social order situation during the Covid-19 pandemic. There is no legal basis for investigators to ensnare hoarders who claim that masks are necessities or essential items that should not be stockpiled during the Covid-19 pandemic as a recommendation is that the government make new regulations in the form of laws, Presidential Regulations, and related Ministerial Regulations which contain the determination of the status of specific goods that are considered essential and needed by many people during an emergency to become necessities or essential goods to strengthen the law that previously existed so that the perpetrators of hoarding can be charged with criminal provisions.

Keywords: Covid-19; Pandemic; Hoarding Masks; Indonesian National Police Role

Abstrak: Kewajiban masyarakat akan masker pada masa pandemi Covid-19 menyebabkan permintaan masker di pasar menjadi meningkat. Hal ini dimanfaatkan oleh beberapa oknum untuk mencari keuntungan ekonomi dengan lakukan penimbunan masker dan dijual kembali dengan harga tinggi sehingga menyebabkan masyarakat mengalami kesulitan dan kepanikan dalam mendapatkan masker guna menjaga diri dari paparan virus corona. Dalam penelitian ini dirumuskan permasalahan tentang bagaimana peran dan kendala yang dihadapi oleh Ditreskrimum Polda Jateng dalam penanggulangan penimbunan masker di masa pandemi Covid-19. Metode pendekatan yang digunakan adalah yuridis empiris, spesifikasi penelitian adalah deskriptif analitis. Data yang dipergunakan adalah data sekunder dan data primer sebagai pelengkap, yang didapatkan dari studi kepustakaan dan wawancara, lalu dianalisa secara kualitatif. Landasan teori yang digunakan adalah teori peran, teori penanggulangan, konsep diskresi, teori penimbunan barang, teori kesejahteraan masyarakat dan peran Ditreskrimum. Hasil penelitian adalah Ditreskrimum berperan sebagai institusi penegak hukum yang berada diatas masyarakat, memiliki kewenangan untuk menciptakan situasi kamtibmas yang kondusif di masa pandemi Covid-19 serta tidak adanya dasar hukum bagi penyidik untuk menjerat pelaku penimbunan yang menyatakan bahwa masker sebagai barang kebutuhan pokok ataupun barang penting yang tidak boleh ditimbun pada masa pandemi Covid-19. Sebagai rekomendasi adalah agar pemerintah membuat

peraturan baru baik berupa undang-undang, Peraturan Presiden, maupun Peraturan Menteri terkait yang berisi tentang penetapan status barang tertentu yang dipandang penting dan dibutuhkan orang banyak pada masa darurat menjadi barang kebutuhan pokok ataupun barang penting guna memperkuat undang-undang yang telah ada sebelumnya sehingga para pelaku penimbunan dapat dijerat dengan ketentuan pidana.

Kata Kunci: Covid-19; Pandemi; Penimbunan Masker; Peran Polri

A. Introduction

At the end of 2019, the world was shocked by the discovery of a virus which in 2020, became an epidemic in all corners of the world. (Rothan and Byrareddy 2020) The virus is a new type of coronavirus that first hit Chinese citizens in Wuhan, which spread to almost all corners of the world, including Indonesia, and is currently a severe problem in Indonesia. (Syandri and Akbar 2020) This new type of coronavirus was later named by the World Health Organization (WHO) with the name Coronavirus Disease 2019 (Covid-19), which hit the world to a pandemic level. Covid-19 initially attacked humans in terms of health through the rapid and undetected spread. Still, in its development, it was in the health sector and impacted various aspects of life, including social, political, economic, cultural, and religion. The World Health Organization (WHO) has officially issued an appeal for physical distancing, which means maintaining physical distance in a social environment or staying at home to prevent the coronavirus and ensure that Covid-19 does not spread. (Yuliana 2020)

The Indonesian government followed the WHO recommendation by instructing the public also to implement physical distancing. On April 13, 2020, the President of the Republic of Indonesia issued Presidential Decree (Keppres) No. 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster. (Herdiana and Nurul 2020)

One way to limit the spread of the coronavirus apart from carrying out physical distancing is to use a mask every time you do activities outside the home and activities related to other people. (Margianto 2020) With the importance of using masks and the existence of regulations that require wearing masks, and people increasingly know that masks are one method that can overcome and prevent the spread of the coronavirus, the need for masks in the community is very high. This causes many people who take advantage of the situation to seek economic benefits by buying and storing/hoarding medical masks in large quantities, which later when there is a shortage of medical masks in the market, they will be sold again at a significantly higher price than the original purchase price. Due to rampant hoarding of masks, many shops selling medical masks have run out of stock. This causes a shortage of medical masks in the market, and people who really need masks panic because it is difficult to get masks that comply with health standards.

The Indonesian National Police (Polri) seriously addresses and handles cases of hoarding masks throughout Indonesia's territory. Therefore, many cases of hoarding of masks have been dealt with firmly by the Police. However, in handling hoarding masks, there are obstacles because masks do not include basic necessities and essential goods. Therefore, the application of the article in the investigation process is not based on solid law.

The Indonesian National Police have to overcome this matter where the National Police is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, shelter, and service to the community. (Alfian 2020) The Central Java Regional Police have taken several actions to deal with cases of hoarding masks, one of which is by using the role of the Directorate of General Criminal Investigation (Ditreskrim) to take some firm action against unscrupulous hoarders of masks during the Covid-19 pandemic and based on this, the authors are interested in researching how do the police play a role in handling cases of hoarding masks that the government has not regulated in official regulations.

B. Formulation of the Problem

1. What is the role of the Central Java Regional Police Ditreskrim in tackling the hoarding of masks during the Covid-19 pandemic?
2. What are the obstacles faced by the Central Java Regional Police Ditreskrim in tackling the hoarding of masks during the Covid-19 pandemic?

C. Discussion

1. The Role of the Ditreskrim in Tackling the Hoarding of Masks

The role played by the Ditreskrim of the Central Java Regional Police in tackling the hoarding of masks during the Covid-19 pandemic is to try to enforce the law as fairly as possible to the perpetrators of hoarding masks following the regulations and laws that apply in Indonesia to ensure equitable justice and bring a sense of security and peace in the community to create and maintain a conducive situation of the security and public order in the country. (Arafat Juanda, Asrullah, and Pratiwi 2020)

The role of the police by the Ditreskrim Central Java Regional Police in law enforcement is carried out aiming to ensure that the fulfillment of the interests of the people of Central Java Province in terms of health needs can be carried out and to provide a sense of security and peace in the community to create a situation of the security and public order in Central Java that is conducive in Covid-19 pandemic. In line with this, based on Article 5 of Law Number 2 of 2002 concerning the Indonesian National Police (Polri), which states that the National Police is an instrument of the state/institution that has a role in maintaining security and public order, enforcing the law, and providing protection for the community in the context of preserving domestic security, (Danendra 2012) then the police action that the Ditreskrim Central Java has taken Police is following the elaboration of the said article.

The Ditreskrim carries out police action, namely tackling the hoarding of masks by taking firm action against the perpetrators of hoarding and/or selling masks at high prices to carry out their role as maintainers of security and order society. Suppose there is still a lot of hoarding and/or selling of masks at high prices, and they are left alone. It will create a feeling of insecurity and comfort that can create panic in the community because they cannot easily obtain masks and can potentially become a source of disturbance of security and order in society. These actions are carried out in order to build the rule of law that prioritizes the interests and welfare and provides protection and justice for the community. With the hoarding of medical masks, which

resulted in the supply of masks in the market being empty, people felt insecure and anxious because they felt threatened due to not getting masks to protect themselves from the coronavirus outbreak.

This is in line with the theory of public welfare, where hoarding masks can interfere with the community's welfare because people feel insecure and insecure physically and mentally not to fulfill their physical and social needs. Ditreskrimum is involved in overcoming hoarding masks, where the authority to act on economic crimes is not owned by the Ditreskrimum itself. (Juaningsih 2020)

The participation of the Central Java Regional Police Ditreskrimum in dealing with the hoarding of masks that occurred during the Covid-19 pandemic cannot be separated from the role of the Central Java Regional Police Chief, as the highest leader of the police institution in Central Java Province who gave direct orders through the Director of Ditreskrimum who was strengthened by a warrant to take part in the case. The action of the Central Java Regional Police Chief can be categorized as police discretion because it is in line with the concept of police discretion which refers to Law Number 2 of 2002 concerning the Indonesian National Police and National Police Chief Regulation Number 1 of 2009 concerning the Use of Force in Police Actions. (Ansori 2005) The Central Java Regional Police Chief has his assessment of the people in great panic due to not being able to get masks that follow the health standards issued by the Minister of Health to protect themselves from exposure to the coronavirus.

2. Ditreskrimum Efforts in Tackling Hoarding of Masks

The efforts made by the Central Java Regional Police Ditreskrimum in tackling the hoarding of masks are as follows:

a. Pre-emptive

1) Socialization

The socialization activity aims to provide education and knowledge to the general public about the dangers of the coronavirus and also convey that hoarding and/or selling masks at high prices during the Covid-19 pandemic can be subject to strict police action because it has caused the general public to feel restless, unsafe and not prosperous because of the difficulty of getting personal protective equipment to protect themselves from exposure to the coronavirus.

2) Mobilization

Officers also mobilize all elements of the general public to invite them to become the eyes and ears of officers in the community, both in the real world and the virtual world (internet), and by actively participating in providing information if they know of actions and locations for hoarding and/or selling masks at a high price to police officers so that they can be followed up as quickly as possible so as not to cause panic and unrest in the community.

b. Preventive

1) Patrol

In practice, officers carry out patrols by visiting pharmacies and medical device shops in Semarang City and the Central Java Regional Police jurisdiction. Patrols to pharmacies and medical device shops aim to prevent malicious intent and opportunities from potential perpetrators to buy medical masks in large quantities, which are then collected or stockpiled and then sold at prices that have been increased many times to gain economic benefits.

2) Supervision

Officers supervise the distribution flow of medical masks, and if deviations are found, they will be processed following applicable laws and regulations.

c. Repressive

1) Checking

In this case, officers check the availability of masks in pharmacies and medical device shops in the jurisdiction of the Central Java Regional Police every day to ensure that the supply of medical masks remains in sufficient quantity to be sold to the public and if supplies run low or empty, the officers ordered pharmacies and medical equipment shops ask for medical masks to be sent to anticipate the scarcity and hoarding of masks.

2) Visiting the location

Visiting the location is carried out by the Ditreskrimum officers themselves, who are members of the warrant or together with police officers from other functions to back up the implementation of checks at the location.

3) Confiscating masks as evidence

In this case, the officers visit a location that has been suspected of being a place for hoarding or selling masks at high prices and then checking the alleged site. If it is true that there is a hoarding practice and/or selling masks at an unreasonably high price, the Ditreskrimum officers will secure the location, then confiscate the masks.

4) Checking the perpetrator

In this case, the officer brought the hoarding and/or selling perpetrator to be asked for further information regarding the motive and why the perpetrator carried out hoarding and/or selling masks at high prices during the Covid-19 pandemic.

3. Obstacles in Overcoming Hoarding of Masks

The description of the obstacles faced are as follows:

1. Internal Constraints

- a) Factors Human Resources (HR) or personnel experiencing problems, the number of personnel who specifically handle problems related to the economy is minimal. This is also experienced by the Ditreskrimum of Central Java Regional Police. The limited number of personnel and the large number of cases being handled and the situation and environmental conditions during the Covid-19 pandemic have limited the community's activities, including the Ditreskrimum officers themselves.
- b) Factors of facilities and infrastructure, namely operational vehicles. The Ditreskrimum does not yet have a vehicle for field operations. There are only official operational vehicles for crucial officials and special vehicles. The limited support for official operational vehicles also affects and hinders the performance of investigators in overcoming the hoarding of masks because they still have to find their own means of transportation in carrying out their duties.

2. External Constraints

Juridical factors or legal instruments related to the laws and regulations used by the Ditreskrimum in the process of overcoming the hoarding of masks during the Covid-19 pandemic have become the main problems that have prevented full law enforcement from being carried out from the stages of the investigation, prosecution, and sentencing. The reference is the instructions and directions that have been given by the Head of the Indonesian National Police (Kapolri) through the Criminal Investigation Agency (Bareskrim) through the National Police Chief's Telegram Letter, namely:

- a. The National Police Chief's Telegram Letter Number: ST/1099/IV/HUK.7.1./2020 concerning the Availability of Basic Materials, regulates the handling of cases and guidelines for implementing the criminal justice function regarding the availability and distribution process of primary materials, which contains instructions regarding the use of articles to be applied in the case of hoarding masks. Forms of violations or crimes that may occur in the availability of essential commodities and their distribution include playing prices and hoarding by referring to Article 29 and Article 107 of Law Number 7 of 2014 concerning Trading.
- b. The National Police Chief's Telegram Letter Number: ST/1101/IV/HK.7.1./2020 regarding Guidelines for the Implementation of the Tasks of the Criminal Investigation Unit, regulates the guidelines for the implementation of the duties of the Crime Investigation Unit regarding the need for personal protective equipment (PPE). Forms of violations or crimes that may occur related to the need for personal protective equipment, hand sanitizers, and other medical devices are price-playing, hoarding, blocking, and hindering the distribution channel of medical devices by referring to Article 29 and Article 107 of Law Number 7 of 2014 concerning Trading and Article 98 of Law Number 36 of 2009 concerning Health.

Article 29 of Law Number 7 of 2014 concerning Trade cannot be used because if you refer to Presidential Regulation Number 59 of 2020 as one of the types of necessities or essential goods, the word mask is not found grammatically, and in Law Number 36 of 2009 concerning Health does not mention personal protective equipment, namely masks as one of the objects regulated in it. Hence, masks are not a type of pharmacy and medical equipment.

In the absence of words that mention masks in the laws, Presidential Regulations and related Ministerial Regulations, the instructions given by the Chief of Police's Telegram Letter cannot be used because the basis for categorizing masks as necessities or essential goods does not exist legally, so this is not legal. This causes doubts in the investigators to continue the case of hoarding the masks to the investigation stage. Then also, until now, there has been no related Ministerial Regulation which states that masks can be classified as one type of primary goods or essential goods. Investigators also did not use Article 14 of Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases because the intention and motive of the perpetrators of hoarding masks were economic. There was no intention of the perpetrators to hinder the prevention of the outbreak.

D. Closing

1. Conclusions

The efforts that have been referred to Article 5 of Law Number 2 of 2002 concerning the Indonesian National Police, regarding the role of the police, namely as law enforcers, to bring a sense of security and peace in the community to create and maintain a conducive situation of the security and public order in the country. The Ditreskrim has a position and role as a law enforcement institution in the community above the community as a state instrument that has the authority to create a conducive security and public order situation during the Covid-19 pandemic.

The obstacles faced are: 1) the lack of personnel which can lead to unfocused personnel assigned to tackling the hoarding of masks because there have been so many case-solving tasks that have been handled; 2) the lack of official vehicle facilities as a means of transportation to support the implementation of personnel duties in overcoming the hoarding of masks; 3) the absence of an appropriate legal basis stating that masks are necessities or essential items that should not be stockpiled during the Covid-19 pandemic for investigators to ensnare hoarders, whether in the form of laws, Presidential Regulations, or related Ministerial Regulations so that investigators can not continue the case to the investigation stage and the hoarder is only subject to coaching to provide a deterrent effect.

2. Suggestions

The Ditreskrim Polda Central Java does not only carry out efforts as law enforcers that are oriented towards giving punishment to perpetrators but also consider early prevention by actively providing socialization about laws and prohibitions as well as penalties for hoarding masks during the Covid-19 pandemic to the public and involving all elements of society to participate in providing information about hoarding masks actively.

The Ditreskrim Polda Central Java can increase the number of personnel, apply for additional official vehicles to the relevant sections and coordinate with relevant government institutions so that they can make new regulations in the form of laws, Presidential Regulations, and related Ministerial Regulations containing the determination of the status of specific goods that considered essential and needed by many people during an emergency to become necessities or essential goods to strengthen the existing laws so that the hoarders can be charged with criminal provisions.

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