

Law Enforcement as Indonesian Relief Commandment in the Transition from the Covid-19 Crisis



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ABSTRACT: This study aims to find out and analyze law enforcement against health protocol violations during the covid-19 pandemic in Indonesia and to find out and analyze the application of sanctions for health protocol violations committed by the community during the covid-19 pandemic in Indonesia. This research was conducted by using a normative juridical research using a statutory approach, a concept analysis approach that is descriptive qualitative analysis. The results of this study indicate that law enforcement against violations of health protocols during the covid-19 pandemic in Indonesia is carried out based on statutory regulations, by conducting Community Activity Restrictions (PKM), Large-Scale Social Restrictions (PSBB) as a form of law enforcement against health protocol violations during the COVID-19 pandemic in Indonesia through socialization in preventing the spread of the COVID-19 virus and Large-Scale Social Restrictions (PSBB) by imposing sanctions on violators. However, law enforcement against health protocol violations has not been implemented properly. This is because there are still violations of health protocols carried out by the community.

KEYWORDS: Law Enforcement, Rescue Commander, Covid - 19

A. INTRODUCTION

Law is a set of guidelines for life, which regulates the order in a society. The association of life as an orderly society is something from the law that is visible from the outside, but the law is also grouped into a system that is deliberately arranged and should be obeyed by the members of the community concerned.¹ Thus, individual freedom as the main driving force of the social adjustment process, and modern criminal and criminal law policies mean that every social adaptation treatment must be directed at improving self-control.²

Recently, there has been a lot of discussion about the decline in legal awareness. The view of the decline in legal awareness is caused by the occurrence of violations of the law and legal disobedience. Even more sad is that there are not a few people who become role models, people who know the law are the ones who break the law. In fact, the increase in crime is not only in quantity and volume, but also in quality or intensity and type.

The law must be in accordance with the legal awareness of the community, meaning that the law must follow the will of the community. A good law is a law that is in accordance with the legal feelings of humans (individuals). The meaning is the same, only if legal awareness is associated with society, while legal feelings are associated with individual humans, so it can be said that legal awareness is actually a generalization of legal feelings.³

Efforts to prevent and break the chain of spread of COVID-19 in Indonesia require discipline in many aspects, especially the social life of the community. In a pandemic situation, very strict discipline is needed on people's social life in the form of physical distancing. This method is considered the most effective effort to prevent and reduce the number of spread of this virus.

The government strengthens physical distancing obligations through Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) and Ministry of Health Regulation (Permenkes) No. 9 of 2020. This rule must be complied with and to ensure compliance, the National Police are at the forefront. In this context, apart from medical personnel, the National Police can be called the front line in efforts to prevent the spread of COVID-19. The success of the PSBB does depend on the awareness and discipline of the community, but to ensure that both work, the role of the National Police is needed⁴. The government has made

¹Apeldoorn, LV, & Van, LJ (2009). Introduction to Legal Studies, translated by Oetarid Sadino. Jakarta: Pradnya Paramitha, p. .6

²Arief, BN (1997). Several aspects of criminal law enforcement and development policies. Bandung: Citra Aditya Bakti, p. 43.

³Fuady, M. (2007). Sociology of Contemporary Law, Interaction of Power, Law, and Society, Bandung: Citra Aditya Bakti, p. 75.

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adequate rules and policies as well as implementing regulations in all ministries so that they become a reference for regional governments to deal with the Covid-19 pandemic. In law enforcement,⁴.

Law enforcement aims to achieve legal goals. Through law enforcement, it is hoped that the objectives of the law can be achieved so that the law can function properly⁵. Law enforcement is the process of making efforts to enforce or actually function legal norms as guidelines for behavior in traffic or legal relationships in social and state life.⁶.

Based on data from the Task Force for the Acceleration of Handling Covid-19, the cumulative number of positive cases of Covid-19 until Friday (17/7) reached 83,130. With that number, Indonesia is ranked 26th in the world based on Worldometers data. China is ranked 25th with a cumulative number of 83,6228, with an addition of 1,000 cases per day in Indonesia, while China - the first country to report cases of Covid-19 - only increased by less than 100 cases a day, it is certain that Indonesia's ranking is above China. This number will increase significantly to above 100,000, even 200,000 cases, if the peak of Covid-19 in Indonesia occurs in August or September 2020.

It is not surprising that President Joko Widodo (Jokowi) has several times highlighted people's indiscipline in implementing health protocols. Earlier this week at the Merdeka Palace in Jakarta, Jokowi said the government would impose sanctions for violators of health protocols. Jokowi cited the results of a survey in one province which showed that around 30% of residents did not comply with health protocols. In fact, 70% of residents do not wear masks.

B. RESEARCH METHOD

This research is a normative research. The problem approach used in this study is to use a statutory approach and a conceptual approach to obtain accurate data, so this study uses primary and secondary data. The data and legal materials obtained through this research are then identified and collected based on the problems formulated and classified according to their sources and levels in a complete and comprehensive manner to be analyzed and discussed. the data obtained in this study is secondary data, namely data obtained from library research and documentation, which is the result of research and processing of other people, which is already available in the form of literature or documentation.

C. DISCUSSION

Definition of Law Enforcement

Law enforcement is the process of making efforts to enforce or actually function legal norms as guidelines for behavior in traffic or legal relations in social and state life. Viewed from the point of view of the subject, law enforcement can be carried out by a broad subject and can also be interpreted as an effort to enforce the law involving all subjects.

Law enforcement is an attempt to make the ideas of justice, legal certainty and social benefits a reality.⁷ The enforcement of criminal law is an attempt to realize the ideas of justice in criminal law in legal certainty and social benefits into legal reality in legal certainty and social benefits into legal reality in every legal relationship.⁸

According to Andi Hamzah, the term law enforcement is often misunderstood as if it only operates in the field of criminal law or in the field of repression. The term law enforcement here includes both repressive and preventive ones. So it has more or less the same meaning as the Dutch term *rechtshandhaving*. In contrast to the term law enforcement, which is now given a repressive meaning, while preventive ones in the form of providing information, persuasion, and instructions are called law compliance, which means the fulfillment and arrangement of the law. Therefore, it is more appropriate to use the term legal handling or legal control.⁹

According to Satjipto Rahardjo, law enforcement is an attempt to turn ideas and concepts into reality. Meanwhile, according to Soerjono Soekanto, conceptually, the essence of the meaning of law enforcement lies in harmonizing the relationship of values described in solid rules and final attitudes to create, maintain and maintain peaceful social life.¹⁰

Covid 19

The Covid-19 virus pandemic is still spreading and infecting humans all over the world. In anticipation of its spread, WHO and the Government of the State of Indonesia itself have made efforts and appeals to anticipate the spread of this virus. Some that the WHO and the Government have urged to prevent transmission are, First, not to contact objects that are often touched. This means that objects that are often touched by many people are indicated by a lot of bacteria attached to the objects they touch. So it is feared that

⁴ Very, Health Protocol Made for Public Health and Safety from the Covid-19, Outbreak, *Indonews.id*, <https://indonews.id/article/29311/Protocol-Kesehatan-Dibuat-for-Kesehatan-dan-KecepatanMasyarakat-dari-Wabah-Covid-19/>, (Accessed 9 November 2020).

⁵Arief, BN (1997). *Several aspects of criminal law enforcement and development policies*. Bandung: Citra Aditya Bakti, p. 43.

⁶Sunarso, S. (2005). *Law Enforcement Insights in Indonesia*. Bandung: Citra Aditya Bakti, p. 10.

⁷Satjipto Rahardjo. 1987. *Law Enforcement Issues*. Bandung : New Light. p.15

⁸Peter Mahmud, Marzuki. 2012. *Introduction to Legal Studies*. Jakarta: Kencana Prenada. p.15

⁹Andi Hamza. 2005. *Important Principles in Criminal Procedure Law*. Surabaya : University Faculty of Law. p. 2

¹⁰Soerjono Soekanto. 1983. *Factors Affecting Law Enforcement*. Jakarta: Rajawali. p. 24.

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these objects could be the cause of the transmission of the Covid-19 virus. Second, must always maintain hand hygiene (washing hands with soap or antiseptic) and the surrounding environment. Third, Maintain cleanliness after traveling (bath) regularly and shower after traveling. Fourth, Practice coughing and sneezing etiquette by wearing a mask. Fifth, Always keep a distance from many people and stay away from crowds. Sixth, self-isolate after traveling from areas where there is a pandemic. Seventh, Have and understand knowledge about the Covid-19 Virus¹¹.

Law Enforcement Against Violations of Health Protocols During the Covid 19 Pandemic In Indonesia

The end of 2019 became an unexpected time, a threat to public health emerged where this outbreak was first discovered in Wuhan and named Corona Virus Disease 2019, it didn't take long before a pandemic developed throughout the world so that the World Health Organization (WHO) declared Covid-19 as a pandemic on March 11, 2020. Officially in Indonesia President Joko Widodo declared Covid-19 a non-natural national disaster on April 13, 2020 through Presidential Decree no. 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (COVID-19) as National Disasters¹².

It is interpreted as a pandemic of the development of this virus in accordance with the conditions in the field today, where the corona virus has hit some people in various regions around the world so rapidly. The meaning of the word pandemic itself comes from the Greek words "pan", which means all, and "demo", which means people. The term pandemic is enforced and legalized because of its rapid transmission. This term does not refer to skills and abilities as well as the increase in the death toll, but the period of development and distribution. However, this does not mean that the corona virus always ends in death. The status of the pandemic is an outbreak of a corona virus disease that has reached a critical point, because it has spread to several countries so rapidly accompanied by the deaths of thousands of people.¹³

One of the impacts of the Covid-19 pandemic, which as of this writing is still experiencing an increase in the number of Covid-19 patients from all regions in Indonesia. The government as a policy maker has made Covid-19 a non-natural national disaster. The very fast spike in cases has sparked public concern, the higher the number of cases has prompted the government to immediately take steps to make anticipatory policies to deal with the corona virus in Indonesia. The President of the Republic of Indonesia and the Regional Government and related institutions jointly make policies as a tactical step in efforts to prevent COVID-19. Starting from the central government, ministers to regional heads of provinces, districts and even city governments¹⁴.

Not apart from the impact of the very fast spread of the corona virus abroad and domestically, it has changed all areas of life, one of which is the economy. The World Bank predicts that Indonesia's economic development will be depressed by 2.1 percent. The economic growth projection predicted by Bank Indonesia, which usually reaches above 5%, is now only around 2.5%.¹⁵

In an effort to speed up the handling of COVID-19, the government also passed the Minister of Health Regulation No. 9 of 2020 regarding the guidelines for Large-Scale Social Restrictions (PSBB) as a continuation of Government Regulation No. 21 of 2020 concerning PSBB. With the implementation of the PSBB, all office activities have been suspended. This is done by the government as a strategy to break the chain of distribution to certain areas, of course, by first looking at the economy as the main consideration. This policy will certainly not succeed if there is no contribution from the community, so public awareness is needed to obey the regulations so that the spread of COVID-19 can be cut off and protect people from contracting this virus.¹⁶ This effort is certainly done to prevent and ward off the entry and exit of the virus from one region to another.¹⁷

There are two references to laws that are used by the state/government to address the COVID-19 problem, legal instruments in the health sector, namely Law no. 6 of 2018 concerning Health Quarantine and legal instruments in the field of disaster management, namely Law no. 24 of 2007 concerning Disaster Management. Its derivative health sector is in the form of PSBB, its derivative disaster sector is in the form of a Task Force.

¹¹ Siti Rahma Harahap, The Process of Social Interaction Amid the Covid 19 Virus Pandemic. AL-HIKMAH: Media of Da'wah, Communication, Social and Culture Volume 11 Number 1 (2020)

¹²Saragih, NI, Hartati, V., & Fauzi, M. (2020). Trends, Challenges, and Perspectives in the Logistics System in the Period and Post (New Normal) of the Covid-19 Pandemic in Indonesia. *Journal of Industrial Systems Engineering*, 9(2), 77-86. DOI: <https://doi.org/10.26593/jrsi.v9i2.4009.77-86>

¹³Masrul, M., Tasnim, JS, Daud Oris Krianto Sulaiman, CP, Purnomo, A., Febrianty, DHS, Purba, DW, & Ramadhani, YR (2020). *The COVID-19 Pandemic: Issues and Reflections in Indonesia*. Medan: Our Writing Foundation, p. 45

¹⁴Zahrotunnimah, Z. (2020). The local government's tactical steps in preventing the spread of the Corona Covid-19 virus in Indonesia. *SALAM: Social and Cultural Journal of Syar-I*, 7(3), 247-260. DOI: <https://doi.org/10.15408/sjsbs.v7i3.15103>.

¹⁵Juaningsih, IN, Consuello, Y., Tarmizi, A., & NurIrfan, D. (2020). Optimizing Government Policies in handling Covid-19 for the Indonesian people. *SALAM: Journal of Social and Cultural Affairs Syar-i*, 7(6), 509-518. DOI: <https://doi.org/10.15408/sjsbs.v7i6.15363>

¹⁶Nasruddin, R., & Haq, I. (2020). Large-scale social restrictions (PSBB) and low-income communities. *SALAM: Shari'a Social and Cultural Journal*, 7(7), 639-648. DOI: <https://doi.org/10.15408/sjsbs.v7i7.15569>.

¹⁷Made, IL (2020). Significance of the Effect of Sentiment on the Implementation of PSBB on the Economic Aspect: Effect on the Rupiah Exchange Rate and Stock Return (Case Study of the Covid-19 Pandemic). *Journal of Accounting Development*, 7(2), 223-239. DOI: <https://doi.org/10.52859/jba.v7i2.98>.

Application of Sanctions for Violations of Health Protocols During a Pandemic In Indonesia

Since the Corona virus has spread in a number of countries, the word Corona or Covid-19 is increasingly being heard in the public's ears. So far, Corona or Covid-19 is still being discussed in a number of countries because the cases are increasing until the World Health Organization (WHO) has declared the virus to be a pandemic. Covid-19 is an infectious disease outbreak that is currently engulfing various countries, including the State of Indonesia, the transmission of the outbreak from cities to villages cannot be separated from the target for transmission, covid19 itself first appeared in Wuhan, China on December 31, 2019 where the outbreak spread to quickly to various countries, including Indonesia. This epidemic has claimed many lives in various countries. People exposed to the virus will experience several symptoms including body temperature above 38 degrees Celsius, fever, and shortness of breath. The elderly are easy targets for covid-19, because the body's immunity is not strong anymore¹⁸.

The Indonesian government itself has determined the corona virus as a type of disease that causes a public health emergency. Therefore, in order to inhibit the spread of the corona virus, the Government has taken steps by establishing the corona virus pandemic as a national disaster and urging the public to practice physical distancing and study/work from home (work from home).¹⁹. The invitation often conveyed by state leaders to unite or fight together against Covid-19 can also be read as a very great national moral message, which shows that there is nothing impossible that cannot be overcome or solved if it is done by prioritizing joint or united spirit and action. In diversity to protect the rights of diversity, especially in the face of the Covid-19 attack²⁰.

The implementation of the Covid-19 prevention and control policy is a process of realizing awareness about discipline and law enforcement of health protocols that are not easy to comply with. Abnormal behavior is shown by the Indonesian people. In the midst of the COVID-19 pandemic in Indonesia which is increasingly showing positive cases, people seem not to be afraid and choose to take vacations, go to shopping centers, hold tabligh akbar, and other activities carried out in groups. This is of course contrary to the government's call for social distancing and staying at home²¹.

In some areas, sanctions are now being applied to residents who violate the discipline of health protocols. The forms of sanctions also vary from light things to fines. However, it is not uncommon for some areas to intentionally display coffins by the roadside to remind many people about the impact of the dangers of contagion of Covid-19. Basically, the Government has and always urges all Indonesians to remain disciplined in maintaining health and living a healthy lifestyle. The government also reminded the public to continue to practice physical distancing and follow various health protocols to prevent the transmission of the Covid-19 virus. The Central Government through the Task Force for the Acceleration of Handling COVID-19 made four strategies to strengthen the physical distancing policy as a basic strategy to overcome the COVID-19 Corona Virus pandemic, one of which was the use of masks. People are required to wear masks when in public spaces or outside their homes. It is hoped that by wearing a mask the chain of transmission of COVID-19 can be prevented and its development can be minimized and even destroyed.

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D. CLOSING

Law Enforcement Against violations of health protocols during the COVID-19 pandemic in Indonesia carried out based on statutory regulations, by implementing Community Activity Restrictions (PKM), Large-Scale Social Restrictions (PSBB) as a form of law enforcement against health protocol violations during the COVID-19 pandemic in Indonesia. through socialization in preventing the spread of the covid 19 virus and Large-Scale Social Restrictions (PSBB) by imposing sanctions on violators. However, law

¹⁸Riyadi, RR Legal Due to the Covid-19 Outbreak with the Enactment of Article 28 Number 8 of Law Number 2 of 2020 Regarding Village Fund Budget Allocation. *Dynamics: Scientific Journal of Law*, 27(2), 206-219.

¹⁹Randi, Y. (2020). The Corona Pandemic as a Reason for Termination of Worker Relations by the Company is Linked to the Manpower Act. *Jurisprudence Journal of the Faculty of Law, Islamic University of Malang*, 3(2). DOI: <http://dx.doi.org/10.33474/yur.v3i2.6709>.

²⁰Wahid, A., Sunardi, S., & Kurniawati, DA (2020). Masification of Constitutional Education as Protection of the Rights of Diversity in the Era of the Covid-19 Pandemic. *Jurisprudence: Journal of the Faculty of Law, Islamic University of Malang*, 3(2), 150-161. DOI: <http://dx.doi.org/10.33474/yur.v3i2.6737>.

²¹Harirah, Z., & Rizaldi, A. (2020). Responding to State Policy Reasons in Dealing with the Covid 19 Pandemic in Indonesia. *Indonesian Journal of Economics and Public Policy*, 7(1). DOI: <https://doi.org/10.24815/ekapi.v7i1.17370>

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enforcement against health protocol violations has not been implemented properly. This is because there are still violations of health protocols carried out by people in Indonesia. The recommendations from the results of this study include, public awareness and compliance are needed to comply with the health protocol rules that have been regulated in the legislation. The application of strict sanctions still needs to be carried out for violators of the health protocol so that it provides a deterrent effect and can limit community activities so that they can break the chain of the spread of COVID-19. In addition, cooperation is needed between the Ambon City Government (Transportation Service and Satpol PP) accompanied by the police and TNI and the community to prevent the spread of the COVID-19 virus and break the chain of the spread of COVID-19. The application of strict sanctions still needs to be carried out for violators of the health protocol so that it provides a deterrent effect and can limit community activities so that they can break the chain of the spread of COVID-19. In addition, cooperation is needed between the Ambon City Government (Transportation Service and Satpol PP) accompanied by the police and TNI and the community to prevent the spread of the COVID-19 virus and break the chain of the spread of COVID-19. The application of strict sanctions still needs to be carried out for violators of the health protocol so that it provides a deterrent effect and can limit community activities so that they can break the chain of the spread of COVID-19. In addition, cooperation is needed between the Ambon City Government (Transportation Service and Satpol PP) accompanied by the police and TNI and the community to prevent the spread of the COVID-19 virus and break the chain of the spread of COVID-19.

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