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## Certainty of law enforcement against violations of health protocol covid-19 in Banda Aceh city

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### Abstract

The purpose of this thesis research is to find out and explain the implementation of law enforcement against violations of the Covid-19 Health Protocol in Banda Aceh City and to find out and explain the obstacles in law enforcement against the Covid-19 health protocol in Banda Aceh City. The method used in this research is the juridical-empirical research method, namely research by conducting a comprehensive study by conducting direct observations and interviews at the research location. The enforcement of the Covid-19 Health Protocol is based on the Banda Aceh Mayor's Instruction Number 17 of 2021 concerning the Enforcement of Community Activity Restrictions (PPKM) level 3 (three) Corona Virus Disease in the Banda Aceh City Region. Constraints in Law Enforcement Against the Covid-19 Health Protocol in Banda Aceh City, namely firstly, the absence of training or guidance for members of the Covid-19 task force, support and public awareness in complying with the Covid-19 health protocol, whose awareness level is still low. Third, Coordination Problems with Related Agencies in Handling Covid-19, and Fourth, Policy Crisis in Dealing with the Covid-19 Pandemic.

**Keywords:** world pandemic, COVID-19

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### Introduction

The COVID-19 pandemic is a non-natural disaster that is global and national in nature, so to be able to control the pandemic and the social impacts it causes, strategic steps from both the government and elements of society are needed. COVID-19 itself first occurred in China, precisely in the Wuhan area at the end of 2019 and has triggered a global pandemic. This virus suddenly became a terrible scourge for the whole world. Even the World Health Organization (WHO) in mid-December has warned the whole world that Covid-19 has been designated a Public Health Emergency. Since it first broke out in Wuhan, WHO has firmly reminded the world that this virus has the potential to spread quickly. (Listyanigrum & Rina Philona, 2021) <sup>[12]</sup>

COVID-19 has spawned a governance crisis and policies for handling pandemics in various countries. Almost all countries regardless of the status of economic and technological progress, as well as reliability in the health service sector, are facing uncertainty and uncertainty in dealing with COVID-19. In this case, Indonesia is also experiencing a similar challenge, even exacerbated by the nuances of the politicization of the pandemic. (Ridwan Saragih & Rahmat, 2020) <sup>[14]</sup>

Various steps have been carried out systematically and massively by incurring large costs, including from people's taxes, including socialization efforts to wear masks, regulation of social distancing, provision of hand washing facilities and efforts to prevent crowds from occurring. Likewise, efforts have been made to increase the capacity of 3T (Testing, Tracking, and Treatment) (Edie Haryanto, et.al, 2020) <sup>[1]</sup>. For this reason, several regions have set strategies including Large-Scale Social Restrictions (PSBB) which include preventing large-scale crowds including law enforcement measures. (Ida Bagus Brahmin, 2020).

From the beginning of its existence until now, Covid-19 has caused panic. Approaching the end of 2020, the Covid-19 transmission rate is not sloping and has actually increased (Kaskodjo Adi, 2020) <sup>[13]</sup>. In order to overcome this problem, the Government of Indonesia has issued a Presidential Instruction no. 6 of 2020 concerning Discipline Improvement and Law Enforcement of Health Protocols in the Prevention and Control of Covid-19. In the Presidential Instruction it is explained that the Governor, Regent, and/Mayor are ordered to draft and stipulate governor/regent and/mayor regulations that contain policies to comply with health protocols and contain sanctions for violations of health protocol implementation. (Tri Wahyuni, 2020) <sup>[16]</sup>.

In the Police Chief's Secret Telegram Letter Number ST/3220/XI/KES.7./2020 (STR) the National Police stated that in law enforcement the Covid-19 health protocol. Strict legal action will be taken against anyone. The decisive action is in accordance with Article 65, Article 212, Article 214 paragraphs (1) and (2), Article 216, and Article 218 of the Criminal Code, in conjunction with Law Number 2 of 2002 concerning the Indonesian National Police, Article 84 and Article 93 of the Law. Law Number 6 of 2018 concerning Health Quarantine.

Article 212 of the Criminal Code regulates resistance to officials who are carrying out their duties. The article stipulates, Whoever by force or threat of violence against an official who is carrying out his legal duties, or a

person who according to the law or at the request of an official provides assistance to him, is threatened with fighting an official, with a maximum imprisonment of one year and four months or a maximum fine of Rp. 4,500.

The cumulative cases of Covid-19 in Aceh on 19 February 2021 have reached 9,448 people. As for the details, 1,315 people have been treated, those who have recovered accumulatively have reached 7,753 people, and 380 people have died. Meanwhile, suspected cases in Aceh today have reached 6,933 people. From this number, 6,798 have been isolated, 84 people are in isolation at home, and 51 people are isolated in hospitals. 11977 positive cases of Covid-19 cumulatively, and as many as 984 people died.

The graph of Covid-19 cases in Aceh, especially Banda Aceh City, continues to climb. Considering this, Forkopimda Banda Aceh decided to carry out intensive raids to take action against prokes violators. When the socialization and education period is over, it's time to take action. The team in the field already has a legal umbrella, namely the Banda Aceh Perwal Number 51 of 2020.

Perwal Banda Aceh Number 51 regulates the Implementation of Discipline and Law Enforcement of Health Protocol, which requires everyone to be obliged to carry out 4M activities. One of them is that everyone must wear a mask when leaving the house. Individuals who violate Perwal Number 51 will be subject to sanctions in the form of social work, namely cleaning public facilities and places of worship, for a maximum of two hours and/or subject to a fine of Rp. 100,000.00, - (one hundred thousand rupiah). Besides that, there are also customary sanctions, which are implemented by the Gampong Government in terms of violations of health procedures in places of worship and public facilities. The sanctions in this case are in the form of reciting and memorizing short letters, calling the call to prayer at places of worship for one week for male violators and attending recitations in the village for four consecutive days, while for non-Muslims it is adjusted.

Efforts to prevent and break the chain of the 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 and enforcement of health protocols. (Sarah Nuraini Siregar, 2021)

Considering that the case of Covid-19 transmission in Banda Aceh City has increased, therefore a formulation is needed to overcome it. The problem identification in this research is how to implement law enforcement against the Covid-19 Health Protocol Violation in Banda Aceh City.

### **Material and Methods**

The method used in this research is the juridical-empirical research method, namely research by conducting a comprehensive study by conducting direct observations and interviews at the research location (Suteki & Galang Taufani, 2018). To complete this research, a literature review was also carried out, such as reviewing several statutory regulations related to the problem under study which became secondary material in this research.

### **Results and Discussion**

Prevention and breaking the chain of spread of Covid-19 in Indonesia requires 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 spread of this virus (Sherly Adam, *et al*, 2021) <sup>[15]</sup>.

The government in dealing with the epidemic of the spread of Covid-19 has taken various steps ranging from predicting the dangers and impacts since the first spread in the global environment to the spread of the epidemic to Indonesia. The general handling carried out by the government is by forming a Task Force for the Acceleration of Handling Covid-19 (Covid-19 Task Force). The establishment of the Task Force aims to increase national resilience in the health sector, accelerate the handling of Covid-19, accelerate the handling of Covid-19 through synergies between ministries/agencies and local governments, increase synergies in operational policy making and increase readiness for capabilities in preventing, detecting and responding to COVID-19.

Based on Presidential Decree Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19), the purpose of this task force is to provide direction in accelerating the handling of Covid-19 and to monitor/evaluate the implementation of the acceleration of handling Covid-19. The Implementing structure in the Task Force for the Acceleration of Handling Covid-19 has the following duties, namely: Establishing and implementing an operational plan for the acceleration of handling Covid-19, Coordinating and controlling the implementation of activities to accelerate the handling of Covid-19, Supervising the implementation of the acceleration of handling Covid-19, Deploying resources for the implementation of activities to accelerate the handling of Covid-19 and Report the implementation of the acceleration of handling Covid-19 to the President and the Steering Committee.

In the context of law enforcement by involving other agencies, each member of the Covid-19 Task Force coordinates with other agencies, both with the Head of the District Attorney's Office, the Head of the Regional Office of the Ministry of Law and Human Rights and the Head of the District Court for the legal area of the Task Force. Law enforcement measures to support government policies in the field of finance as stated in Perpu no. 1 of 2020 concerning State Money Policy and Financial System Stability to Overcome the Accelerated Handling of Covid-19 and Its Economic Impact for the State.

Based on the Banda Aceh Mayor's Instruction Number 17 of 2021 concerning the Enforcement of Level 3 (three) Corona Virus Disease Restrictions in the Banda Aceh City Region, in following up on the Instruction of the

Minister of Home Affairs Number 48 of 2021 concerning the Enforcement of Level 4 Community Activity Restrictions, Level 3, Level 2, and Level 1 as well as optimizing the Covid-19 Handling Command Post at the village and sub-district level to control the spread of the Covid-19 virus in Sumatra, Nusa Tenggara, Kalimantan, Sulawesi, Maluku, and Papua Regions, Aceh Governor Instruction Number 21 of 2021 concerning the Enforcement of Restrictions on Micro-Based Community Activities Level 4, Level 3, Level 2 and optimizing the Covid-19 handling post at the Gampong level or by other names for Controlling the Spread of Corona Virus Disease 2019 in Aceh in accordance with the decision of the Banda Aceh City Forkopimda meeting on October 6, 2021 and taking into account local wisdom and current conditions, the implementation of the Pe the limitation of Micro-Based Community Activities is extended. The implementation of PPKM in Banda Aceh City.

The Covid-19 protocol in Banda Aceh City is implemented by tightening educational activities with the principle of understanding the most contagious Covid-19 in closed conditions, long meetings (more than 15 minutes), close interaction, crowds, activities with strong breathing such as singing, laugh and don't wear a mask like when eating together.

The correct and consistent use of masks is the most minimal Health protocol that must be applied to everyone. Furthermore, washing hands with soap after touching objects touched by others (such as doorknobs or stair railings), touching the face area with hands can be avoided. A good type of mask will protect you more, the use of two layers of masks is a good choice. Masks should need to be replaced after more than four hours of use. Based on this, the implementation of the Health protocol is carried out by considering the interaction distance, duration, and air ventilation factors to minimize the risk of transmission in activities.

Violation of health protocol rules can lead to an increase in the spread of Covid-19. In Indonesia, a new variant has been entered

The more dangerous Covid-19, namely the D614G, B117, N439K, E484K, B1525, B1617, and B1351 variants. The government has set various provisions related to health protocols so that the spread of Covid-19 can be controlled, but their implementation is often ignored. People often ignore the provisions regarding health protocols. This is a separate problem, because the spread of Covid-19 will never end if health protocols are not followed. Violation of health protocols can also endanger a person's health and soul. Law enforcement is the key to overcoming the spread of Covid-19, but if law enforcement over the implementation of health protocols is not heeded, efforts to overcome Covid-19 will be in vain. Law enforcement can be influenced by several factors that cause law enforcement to not work well.

Presidential Instruction No. 6 of 2020 states that governors, regents and mayors prepare and stipulate governor/regent/mayor regulations, one of which contains sanctions for violations of the implementation of health protocols in the prevention and control of Covid-19 carried out by individuals, business actors, managers, administrators. or the person in charge of public places and facilities. Based on this, the regions of Indonesia that implement the PSBB then make rules regarding the implementation of the PSBB and the sanctions. Sanction rules for violating health protocols already exist, but in daily implementation, violations of health protocols still occur in various places, especially in shopping markets in Banda Aceh City. Law enforcement has not run optimally, because there are still many people who are not aware of the importance of implementing health protocols. For more details, the following describes the Covid-19 violations based on regional origin in Aceh Province:

**Table 1:** Cases of Violation of the Covid-19 Health Protocol by Regional Origin, Data from Satpol PP/WH in Banda Aceh City for 2020-2021

No.	Region	Total Cases
1	Banda Aceh	1900
2	Aceh Besar	1339
3	Pidie	184
4	Pidie Jaya	63
5	Bireun	96
6	Lhokseumawe	50
7	Aceh Utara	146
8	Aceh Timur	73
9	Aceh Tenggara	28
10	Aceh Barat	31
11	Aceh Jaya	59
12	Aceh Selatan	87
13	Aceh Tenggara	13
14	Abdya	38
15	Aceh Singkil	9
16	Aceh Tamiang	31
17	Sabang	25
18	Langsa	18
19	Simeulue	34

20	Gayo Lues	6
21	Nagan Raya	24
22	Bener Meriah	18
23	Subussalam	14
24	Luar Aceh	228
	Total Violations/Cases	4514

Based on these data, it is known that Banda Aceh City is the area with the most cases of violation of Health protocols in Aceh Province with 1900 cases, followed by the second largest Aceh Besar with 1339 cases and the third most Pidie District with 184 cases. Regarding this data, Nur Bayti as the Head of the Civil Service Police Unit and Wilayatul Hisbah of Banda Aceh City explained that the high number of violations of the Covid-19 protocol was caused by the unpretentious attitude of the people of Banda Aceh City to the Covid-19 protocol, such as discipline in using masks, washing hands and keeping a distance (Nur Bayti, 2021). In terms of imposing sanctions on perpetrators of violating Health protocols, they are divided into two types, namely administrative sanctions in the form of fines and also social sanctions.

**Table 2:** Case Data Based on Sanctions, Data from Satpol PP/WH in Banda Aceh City for 2020-2021

No.	Types of Sanctions	Cases	Total Fine
1	Denda administratif	716	Rp. 37.350.000,00-
2	Kerja sosial	3798	
	Total Cases	4514	

It is known that the imposition of sanctions on perpetrators of violating the Covid-19 Health protocol in Banda Aceh City has not created a deterrent effect on the perpetrators, nor has it provided a lesson to the community. In this case, the purpose of punishment in giving sanctions to the perpetrators has not been achieved. It is known that the purpose of punishment is as a reward for the perpetrator and also as a lesson to the community so as not to commit a crime.

Based on data on cases of violation of Health protocols in the Banda Aceh Police area during 2021, there were as many as 1 (one) case of violation of Health protocols that reached the investigation level. As for the chronology of the case, the charity concert which was held at a café (in this case a cafe soho) violated the Covid-19 Health protocol. It is known that joint officers consisting of TNI/Polri as well as Satpol PP and WH finally sealed the cafe. The suspects in this case are Gun as the owner or owner of the cafe and MFM as the chairman of the charity concert committee. They were declared by investigators to have sufficient evidence and elements related to the crowd case during the Covid-19 pandemic when they held a fundraising event for flood victims in NTT. It is known that the case has been P-21 and has been carried out in phase II by the investigators of the Tipidter Sat Reskrim Polresta Banda Aceh.

In this case the two suspects above have violated the provisions of the Health Quarantine crime as referred to in Article 14 paragraph (1) and paragraph (2) of the RI Law of 1984 concerning disease outbreaks and Article 93 of the Republic of Indonesia Law number 6 of 2018 concerning Health Quarantine in connection with the Report. Police number: LPA / 85 / IV / RES.5.7 / 2021 / Sat Reskrim, April 22, 2021, on behalf of the suspect and evidence. Gun and MFM suspects are subject to Article 14 paragraph (1) of Law Number 4 of 1984 concerning Infectious Disease Outbreaks and Article 93 of Law Number 6 of 2018 concerning Health Quarantine with a threat of 1 (one) year in prison.

Law enforcement according to Soerjono Soekanto can be influenced by several factors, namely legal factors, law enforcement, facilities or facilities, society, and culture. Legal factors, namely laws and regulations governing health protocols such as Law no. 6 of 2018, Presidential Instruction No. 6 of 2020, as well as governor/mayor/regent regulations regarding PSBB. The set of rules for implementing law enforcement on the implementation of health protocols already exists, but its implementation is not yet optimal. Sanctions given to violators of health protocols are currently limited to administrative sanctions and social work sanctions.

Based on the opinion of H.C Kelman that someone's obedience is compliance, that is, someone obeys a rule only for fear of being sanctioned. Based on what was stated by H.C. Kelman, it can be said that currently the public's legal awareness to implement health protocols is still limited to compliance. The public will obey the rules when meeting with the police, Satpol PP, or other Covid-19 Task Forces. However, if they do not meet with law enforcement, the public will tend to ignore the rules of the Health protocol (Denico Doly, 2021).

Law enforcement factors, namely law enforcement apparatus, namely the police and Satpol PP. one of the instructions given in Presidential Instruction No. 6 of 2020 to the Chief of the Indonesian National Police, namely to streamline law enforcement against violations of health protocols. In addition, in order to enforce regional regulations, regional officials such as the Satpol PP are tasked with implementing health protocol rules. Law enforcement on the implementation of health protocols can currently be said to be declining. The Ministry of Home Affairs said there were several reasons for the decline in health protocol discipline, namely the saturation of the community and officers and the easing of procedures.

Factors of facilities or facilities, such as a place to wash hands and directions for circulation in and out of visitors. In this regard, the Minister of Trade of the Republic of Indonesia has issued Circular Letter Number 12

of 2020 concerning the Recovery of Trading Activities Conducted During the Corona Virus Disease 2019 (Covid-19) Pandemic. Based on the Circular, malls or shopping centers are required to implement strict health protocols, including setting a circulation and time limit for visits and a maximum number of visitors of 35%, requiring the use of masks, face shields, and gloves, providing hand washing facilities, limiting distance at most as little as 1.5 meters, and others. Based on this, the owner of the shopping center is obliged to provide facilities for washing hands and directions for the circulation of visitors in and out.

Community factors, namely factors that have a strong influence in the implementation of law enforcement. This factor is important because of the increasing public awareness of the laws and regulations. Another factor is the cultural factor. Cultural factors are important to implement, because culture serves as a guide for people to act, act, and determine their attitudes. A culture of obedience to laws and regulations needs to be built so that people understand that rules are formed so that people feel safe and comfortable. The culture of enforcing health protocol rules by the community means that the community participates in preventing the spread of Covid-19 in Banda Aceh City.

### Conclusions

Constraints in Law Enforcement Against the Covid-19 Health Protocol in Banda Aceh City, namely: First, there is no training or guidance for members of the Covid-19 task force, it is necessary to have training or guidance for members to improve their abilities related to knowledge of Covid-19, the level of danger and how to act. This is the right way to carry out active security for the community in order to anticipate the spread of Covid-19. Second, Public Support and Awareness in Obeying the Covid-19 Health Protocol in Banda Aceh City, whose awareness level is still low and the community's response to the risk of spreading Covid-19 is still varied in line with the level of individual interviews and support from the surrounding environment. In addition to those who support the call for Physical Distancing, Work from home (WFH) and Stay at Home, it turns out that there are also those who don't care, make cynical comments and even reject and oppose the actions taken by the Police, especially at the time of mass gathering. Third, the Coordination Problem of Related Agencies in Handling Covid-19. Coordination between responsible institutions is a fundamental point that can minimize the bad risk of the spread of the pandemic. Coordination is the key to resolving the Covid-19 conflict. And fourth, the Policy Crisis in Dealing with the Covid-19 Pandemic. Observing the situation in various regions affected by a number of regions also shows nervousness and uncertainty regarding what kind of confectionary policy should be taken, there is no single model or guide that can be used, so that each -each region conducts policy trial and error.

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