

The Nature of Law Enforcement in Combating the Spread of Corona Virus Disease 2019 (Covid-19)

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ABSTRACT

The purpose of the study is to analyze the nature of law enforcement in overcoming the spread of Covid-19 and; to know and analyze the effectiveness of law enforcement to prevent the spread of Covid-19. The type of research that will be conducted is descriptive research with a combination of normative legal research and sociological legal research. The results of the study indicate that the nature of law enforcement in overcoming the spread of Covid-19 is to provide legal protection to the community. The essence of law enforcement departs from the principle of *Salus populi suprema lex* that the safety of the people is the highest law. The implementation of law enforcement in dealing with the spread of Covid-19 is less effective. Factors that influence the implementation of law enforcement in overcoming the spread of Covid-19, are the legal substance factor, the apparatus resource factor, the facility and infrastructure factor, the community legal awareness factor, and the community legal culture factor.

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I. Introduction

In early March 2020, the world was shocked by the emergence of the Covid-19 pandemic which changes almost the entire system of human life. The World Health Organization (WHO) has officially declared that COVID-19 become a global pandemic and asked all countries to make maximum efforts to limit the spread and number of Covid-19 cases.^[1]

In the 21st Century, Covid-19 brought about very significant changes to people's real lives. The outbreak of Covid-19 outbreak certainly has implications for various policies, both in the economic, political, legal, and health fields. 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, covid-19 itself first appeared in Wuhan, China on December 31, 2019, and spread rapidly various countries, including Indonesia.^[2]

This epidemic has claimed many human lives in various countries, people who are 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. In handling and preventing the spread of the virus, the government has issued several policies to put pressure on the community so that people do not violate the rules which result in the increasing number of victims of the coronavirus".^[3]

The Covid-19 pandemic has hit more than 200 countries, threatening the global and national economies, including Indonesia. As a formal legal state (*rechtstaat*), Indonesia requires legislation as a basis for acting to overcome it. Therefore, the Government of Indonesia has made several rules to deal with Covid-19, such as Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of *Corona Virus Disease* 2019 (Covid-19), Presidential Decree Number 11 of 2020 concerning Emergency Determination. Public Health *Corona Virus Disease* 2019 (Covid-19), Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of *Corona Virus Disease* 2019 (Covid-19). Finally, through Presidential Decree Number 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of *Corona Virus Disease* 2019 (Covid-19) as National Disasters.^[4]

The government's strategy in preventing the Covid-19 pandemic is to implement *social distancing* or *physical distancing* and the central government began implementing it on March 15, 2020. All of this was done to break the chain of the spread of the SARS-COV-2 virus that causes Covid-19.^[5] However, in reality, the number of cases or the number of deaths affected by the Covid-19 virus is increasing day by day. The Covid-19 virus spread significantly and rapidly to several areas, so the government again implemented Large-Scale Social

Restrictions (PSBB) on March 31, 2020. PSBB, which is defined as *lockdown*, is one of the government's interventions after previously urging the public to maintain *physical distancing*).

This policy limits people's mobility, including closing schools, and offices, restrictions on religious activities and restrictions on public transportation to break the chain of the spread of the SARS-COV-2 virus that causes Covid-19. However, there are still rules for the PSBB determination process in regions that must obtain approval from the central government through the Minister of Health, so several provinces that have applied for PSBB do not respond quickly given the requirements that must be met. Some local governments no longer support central policies. Regions are more focused on protecting their people, because sociologically and geographically local governments are in the regions and are closer to the community than the central government.^[6]

The government immediately acted to tackle the spread of Covid-19, starting from contact *tracking* of people who had contact with positive patients, setting up referral hospitals to treat and isolate patients, to making Wisma Atlet an emergency hospital.^[7] The construction of a special hospital for infectious diseases on Galang Island was also carried out. In addition, the government declared a health emergency and issued Government Regulation number 21 of 2020 concerning Large-Scale Social Restrictions. The Task Force for the Acceleration of Handling Covid-19 was also formed to determine strategic steps.

Empirical data shows that in 2021, in South Sulawesi Province as many as 79,075 people were confirmed positive, as many as 77,431 people recovered and 1,613 people died. While people who have completed Vaccination 1 are 5,078,503 people and Vaccination 2 are 2,894,520 people.

Based on the data above, it is emphasized that the handling of the South Sulawesi Covid-19 Pandemic has not been carried out properly as mandated in the legislation, because there are still many people who violate PSBB activities. Although it is very clear that there are criminal sanctions that can be imposed for those who commit violations. Under such circumstances, the Central Government and Regional Governments should ensure real disclosure of public information to be able to find out the chain of the spread of the virus and must be able to guarantee and ensure that especially the lower middle class can fulfil their needs to guarantee the right to life of their people and nothing is reduced. the dignity of the people (according to the mandate of the 1945 Constitution of the Republic of Indonesia) and the need for the public's role in protecting each other, reminding each other, and helping each other.

II. Research Methods

This type of research is a combination of normative legal research and *sociological research*. Normative legal research is intended to examine and examine legal norms. Meanwhile, empirical legal research is intended to examine and examine the implementation of criminal law policies to overcome Covid-19. This research was carried out in South Sulawesi Province and specifically selected and determined, namely: Makassar, Bulukumba, Bone, Palopo, and Pare-Pare. The five regencies/cities were chosen because they are regencies/cities as representatives of the South Sulawesi Province.

III. Discussion

Law Enforcement to Overcome the Spread of Covid-19

1. Law enforcement at the Police Institution The National

Police are not only servants, protectors, and protectors, but often have to carry out their duties as law enforcers so that the community can be protected from Covid 19. The Police must also be able to carry out their duties as a helper to the community. Then, in 2021, the National Police and the TNI are again busy with the implementation of vaccinations so that the government's program to provide vaccinations to the entire community can be completed immediately and the entire community can be protected from Covid.

The function of law enforcement in the PSBB carried out by the National Police is inseparable from its function as regulated in Law no. 2 of 2002 concerning the Police.^[8] Article 2 of this law states that one of the functions of the police is the function of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community. Based on these regulations, the term security in the context of the duties and functions of the National Police is "public security and order," this term contains two meanings:

- a. as a dynamic condition of society, as one of the prerequisites for the implementation of national development as a national goal marked by the assurance of security, order, the rule of law, and the establishment of peace;
- b. security is the ability to foster and develop the potential and strength of the community in warding off, preventing, and overcoming all forms of law violations and other forms of disturbance that may disturb the public.

During the Covid-19 Pandemic, the role of the Police is more emphasized in the second sense because, during the PSBB period, the Police carried out the function of law enforcement which was reaffirmed through the

Decree of the Chief of Police No. Mak/2/III/2020 concerning Compliance with Government Policies in Handling the Corona Virus. The announcement is an initiative of the National Police in supporting PP No. 21 of 2020 concerning PSBB and Permenkes No. 9 of 2020.

In Presidential Instruction No. 6 of 2020 concerning Improvement of Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 in Second Point number 5, the President specifically instructs the Head of the State Police of the Republic of Indonesia to:

- a. provide support to governors, regents/mayors by mobilizing the strength of the Indonesian National Police to supervise the implementation of health protocols in the community;
- b. together with the Commander of the Indonesian National Armed Forces and other agencies in an integrated manner with the local government to intensify patrols for the implementation of health protocols in the community;
- c. conduct community development to participate in efforts to prevent and control Covid-19; and
- d. streamlining law enforcement efforts against health protocol violations.

According to Awi Setiyono, Head of the Public Information Bureau, the Public Relations Division of the Indonesian National Police (Polri), the Presidential Instruction contains four points that are specifically directed to the Police:

- a. President Jokowi ordered the National Police to provide support by supervising the implementation of health protocols;
- b. Polri is asked to synergize with the Indonesian National Army (TNI) and the Regional Government (Pemda) in conducting patrols;
- c. The National Police is directed to guide the community with the aim that the community participates in preventing the spread of Covid-19 in Indonesia;
- d. Effectiveness of law enforcement related to health protocol violations.

At the time, Idham Azis was serving as the National Police Chief, a telegram had been issued relating to the enforcement of health protocols amid Covid-19. The telegram numbered ST/3220/XI/KES.72020, dated November 16, 2020, was signed by the Head of the Criminal Investigation Department, Komjen Listyo Sigit Prabowo. One of the orders in the letter is for the police to enforce the law indiscriminately against violators of health protocols who disturb public security and order. If in the enforcement of regional regulations/regulations regarding the implementation of the Covid-19 health protocol, it is found that there are efforts to refuse, disobey or other efforts that cause public unrest and disrupt the stabilization of public order and security, then take strict law enforcement efforts against anyone.

Since the beginning of the Covid-19 Pandemic, the Police have played a very active role in helping the Government overcome the Covid-19 pandemic. During the transition to the New Normal life, the Police were also very quick to carry out the President's orders to guard them.

The National Police carries out the function of law enforcement which was reaffirmed through the Decree of the Chief of Police No. Mak/2/III/2020 concerning Compliance with Government Policies in Handling the Corona Virus. The announcement is an initiative of the Indonesian National Police in supporting Government Regulation No. 21 of 2020 concerning PSBB and Minister of Health Regulation No. 9 of 2020. The function of law enforcement carried out by the Indonesian National Police is inseparable from its function as regulated in Law no. 2 of 2002 concerning POLRI. Article 2 of this law states that one of the functions of the police is the function of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community. Explicitly, this statement was reaffirmed as the duties and authorities of the POLRI as regulated in Article 13 of Law no. 2 of 2002 concerning POLRI. Throughout 2020, the Indonesian National Police is committed to preventing the spread of Covid-19 from expanding by enforcing the law in as many as 34 cases of violations of health protocols (prokes) throughout Indonesia, of which 91 suspects have enforced laws related to health protocol violations. Law enforcement in cases of violation of health protocols is considered important to be carried out so that it will be continued until the pandemic ends so that the transmission of the spread of Covid-19 in Indonesia can be controlled properly and public health can be well maintained.

Police carry out the following efforts:

- a. Preventive: issuing a Secret Telegram Letter to guide members in carrying out actions during the pandemic and the New Normal transition period, Binmas, Sabhara, Traffic and other work units are actively involved in providing information and raising awareness to the public. Together with the Regional Government to maintain security and public order by utilizing technology, for example, CCTV, drones, and online applications. Embrace the community with humanity, so that people affected by Covid-19 both healthily and economically can survive.
- b. Preemptive: conducting patrols and raids to prevent crime.
- c. Law enforcement is a last resort for people who resist even if they violate them, including ordering motorbikes and car drivers to turn back due to the ban on going home for Eid

. During the transition to the New Normal life, the National Police also carry out the President's orders to guard. The National Police carry out preemptive measures by conducting patrols and raids to prevent crime.

The National Police has prioritized humane actions during the pandemic by prioritizing preemptive and preventive actions. Pre-emptive activities include socialization, mobile lighting, sympathetic, humanist, dialogical and educative counselling to urge/invite the public to be orderly in traffic and comply with the Covid-19 health care protocol. To maximize this appeal, the police together with Forkopimda routinely carry out coordination and communication steps with the community, both virtual and face-to-face.

If the police's persuasive steps are not heeded, Ibrahim ensures that the authorities will process the organizers who violate the health protocol rules by the applicable law. The Indonesian National Police stated that law enforcement related to efforts to prevent the spread of Covid-19 was a last resort. According to the Head of the Public Information Section (Kabagpenum) of the Public Relations Division of the National Police, KBP. Asep Adi Saputra "Law enforcement carried out by the National Police during the period of preventing the spread of Covid-19, in principle, is the last resort or ultimum remedium. Efforts that are prioritized are preemptive and preventive.

At the time, General (Pol) Idham Azis served as the National Police Chief, he had issued five telegrams that served as guidelines for investigators in the field of law enforcement amid the Covid-19 outbreak this telegram is a guide for the ranks below him to enforce the law, namely:

- 1) The first Telegram letter numbered ST/1098/IV/HUK.7.1/2020 regarding the handling of crimes that could potentially occur during Large-Scale Social Restrictions (PSBB).
- 2) Telegram letter with the number ST/1099/IV/HUK.7.1/2020 regarding the handling of crime in the availability of basic materials.
- 3) Telegram letter numbered ST/1100/IV/HUK.7.1/2020 regarding handling crimes related to situations and opinions in cyberspace.
- 4) Telegram letter numbered ST/1101/IV/HUK.7.1/2020 regarding the handling of crimes that have the potential to occur during the PSBB implementation period.
- 5) Telegram letter numbered ST/1102/IV/HUK.7.1/2020 regarding the handling of newly arrived passengers or TKI from endemic countries or countries infected with Covid-19.
- 6) A Telegram letter with the number ST/183/II/Ops.2/2021 ordering Opspus Aman Nusa II-2021 and Opsda Aman Nusa II 2021 to take several steps to strengthen the handling of the Covid-19 pandemic.

This Telegram letter is the latest from the National Police in the tenure of the National Police Chief Listyo Sigit. There are two telegrams that the author highlights here. Namely in the Telegram Letter Number: ST/1100/IV/HUK.7.1/2020 essentially emphasizes the Criminal Investigation Unit regarding the development of the situation and opinions in cyberspace and cybercrime law enforcement are:

- 1) Carry out coordination with internet service providers in their respective areas;
- 2) Help provide access to internet service providers who will carry out routine and incidental maintenance;
- 3) Provide support to the Public Relations function to disseminate information to the public related to the central government's policies in dealing with Covid19.

Broadly speaking, several criminal acts targeted by the police in the telegram include those who resisted officers, hoarders of staples and insulted President Joko Widodo and other government officials in dealing with Covid-19 on social media.

Next up is the latest telegram from the National Police Chief Listyo Sigit. That is a telegram with the number ST/183/II/Ops.2/2021, the points of which are described as follows:

- 1) Analyze and evaluate the handling of Covid-19 with Forkompinda, particularly related to the effectiveness of the PPKM implementation that has been carried out to maintain public health and safety.
- 2) Communication, cooperation, and collaboration with local governments, the TNI, hospitals, and other stakeholders to increase the capacity of treating and isolating Covid-19 patients, as well as prioritizing treatment in special hospitals for critical patients.
- 3) Conduct massive education and socialization so that the community is disciplined about health protocols, especially 5M (wearing masks, washing hands, maintaining distance, avoiding crowds, and reducing mobilization).
- 4) Guide to building strong archipelago villages in their respective regions so that they can contribute significantly to preventing the spread and provide protection to the community.
- 5) Cooperating with local government (Satpol PP), TNI, and other stakeholders.
- 6) Study, guide, and implement in the field all the telegrams of the National Police Chief regarding the handling of Covid-19 and their application according to conditions in each region

. new crimes and other crimes that are increasing in number. The instructions from the National Police Chief provide guidelines for its members in taking actions and decisions both in handling violations related to the Covid-19 health protocol and for criminal acts that arise as a result of the pandemic. This of course cannot be

separated from the participation of the community and other agencies who have come together to free Indonesia from the Covid-19 virus pandemic.

1. The nature of Law Enforcement at the Attorney

of the Republic of Indonesia has issued instructions through Letter Number: B-132/A/SKJA/06/2021 dated June 30, 2021, essentially ordering the Heads of the High Prosecutor's Office and the Head of the District Attorney's Office to:

- a. Take the necessary steps by their duties, functions, and authorities to provide support for the implementation of the Emergency PPKM policy.
- b. Coordinate with the Covid-19 Task Force, Police, Regional Government / Civil Service Police Units, and the Court in conducting judicial operations to enforce the Emergency PPKM disciplinary law.
- c. Ensure that every violator of the health protocol is subject to strict and indiscriminate sanctions and ensure that the sanctions imposed can provide a deterrent effect to both the perpetrators and other members of the community.
- d. Ensuring that every procurement and distribution of goods related to the handling of the Covid-19 pandemic runs smoothly and takes firm action on any efforts that have the potential to hinder or thwart the procurement and distribution of the goods in question.
- e. Coordinate with the local Covid-19 task force to organize vaccination programs for employees, families, and communities in their respective jurisdictions.

Instruction of the Attorney General of the Republic of Indonesia Number 5 of 2020 concerning Policies for the Implementation of Duties and Handling of Cases During the Prevention of the Spread of Covid-19 in the Prosecutor's Office of the Republic of Indonesia. The Instruction of the Attorney General of the Republic of Indonesia, in particular Point Two number 5, take the necessary steps in the context of handling cases, including:

- a. Reschedule the trial of criminal cases in cases in which the accused are being detained and whose detention cannot be extended during the period of preventing the spread of Covid-19.
- b. Postpone the process of handling cases and trials of suspects/defendants whose legal handling and detention are still reasonable to be extended or suspended.
- c. Optimizing case settlement by using the Brief Examination Procedure (APS) such as but not limited to the application of Articles 212, 216, and 218 of the Criminal Code or developing the use of teleconference facilities during the trial.
- d. Optimizing the approach in resolving cases so that it does not drag on while still paying attention to justice for the litigants.
- e. For cases whose handling period is limited by laws and regulations, the submission of suspects and evidence from investigators is postponed, adjusted to the conditions of the Covid-19 distribution area.

The Prosecutor's Office continues to consistently apply the provisions of the health protocol and will prosecute the perpetrators to the maximum as the Prosecutor's commitment to law enforcement and certainty as well as to create a deterrent effect as well as a warning to other people not to do the same thing or try to violate the health protocol regarding prevention and control. Covid-19 pandemic.

About the duties and functions in the field of Prosecution and handling of cases in the field of Special Crimes as well as law enforcement against violations during the Emergency PPKM period, the Attorney General ordered:

- 1) To coordinate with the Police, Courts, Correctional Institutions, BAPAS, Legal Advisors and other parties in terms of carrying out prosecution duties in handling general criminal cases, carrying out duties and functions in special crimes as well as in the intelligence and civil and administrative fields so that the implementation of tasks can continue implemented properly, smoothly, without problems during the implementation of Emergency PPKM;
- 2) Carry out coordination in the context of optimizing law enforcement against violations of Emergency PPKM with related parties. Sanctions given to violators of health protocols must be able to provide a deterrent effect so that there are no more people who ignore health protocols.
- 3) Supervise the Emergency PPKM programs that use the APBN and APBD, do not hesitate to take repressive efforts through taking action against anyone or the K/L/Local Government if some aim to take illegal opportunities and benefits for themselves amid difficult conditions. like this.
- 4) There are still violations of alleged criminal acts of corruption and other criminal acts related to the misuse of Covid-19 medical devices by certain individuals and the crowd, it is recommended to be prosecuted to the fullest against the perpetrators concerned so that this can provide a deterrent effect for the perpetrators and as a warning so that no perpetrators are found. -Other actors have sprung up.

For the implementation of the mandate of the Law on the Prosecutor's Office with the ability to be fully involved in the development process, among others, to contribute to creating conditions that support and secure the implementation of development to create a just and prosperous society based on Pancasila, as well as the

obligation to participate in maintaining and upholding the authority of the government and the state and protecting the interests of the community. The Attorney General of the Republic of Indonesia also ordered, as follows:

- 1) The Head of the High Prosecutor's Office, the Head of the District Attorney's Office and the Head of the District Attorney's Branch provide full support to Regional Heads in coordinating and supervising the implementation of the Covid-19 Emergency PPKM;
- 2) Provide legal assistance, and legal opinions to regional heads who experience regulatory obstacles directly related to Emergency PPKM such as rescheduling of program and activity achievements to prioritize the use of budget allocations for certain activities and/or changes in budget allocations as well as utilizing available cash through changes to Regional Head Regulations concerning APBD, Implementation of Social Assistance financed by APBD, etc.
- 3) Increase public awareness in complying with health protocols through social media owned by the Prosecutor's Office and personally to continue campaigning massively in the implementation of health protocols (5M Campaign: Wearing Masks, Keeping a Safe Distance, Washing Hands, Avoiding Crowds and Limiting Mobility and Interaction) and healthy living culture.

2. The Nature of Law Enforcement in Judicial Institutions

To prevent and break the chain of the spread of Covid-19 which continues to potentially increase through human mobility or travel of people in the working area of the district courts of each district/city in South Sulawesi Province, the Courts play an active role together with the Government Regions carry out judicial operations for violations of Health protocols.

The basis for implementing law enforcement for health protocol violators is Instruction Number 05 of 2020 concerning Enforcement of Health Protocols in the Context of Increasing Discipline and Law Enforcement of Corona Virus Disease (Covid 19) Prevention Protocols. In the Instruction of the General Judiciary Body of the Supreme Court, directions were given to all Judges and Court apparatuses to provide full support to the Disciplinary Enforcement Team who mobilized strength in carrying out their duties to optimize discipline improvement and law enforcement against violations of the Covid-19 Prevention Protocol.

The application of sanctions imposed on violators of health protocols based on Perwali No. 20 of 2020, namely written warnings, and administrative sanctions. Forms of decisive action, namely, by making a ticket to the *angkot* that will then follow the trial for minor crimes or *Tipiring* in the District Court (PN). Officers who went down immediately took action on several traffic users and residents who did not comply with health protocols, either in the form of wearing masks or carrying passengers more than 50 per cent. And for people who are not wearing masks, are ordered to do push-ups. The sanctions given involve elements of the TNI/Polri and state civil apparatus (ASN) to carry out judicial operations as a form of implementation of Presidential Instruction Number 6 of 2020 concerning increasing discipline and law enforcement of health protocols in the prevention and control of Covid-19.

In this case, the judge's decision to give a criminal verdict in the case of violating the Covid-19 protocol has shown that basically, the sentencing aspect is the "peak" of the criminal justice system, namely the judge's decision. The punishment of violators of health protocols is part of the positive law that applies in Indonesia by taking into account the time of the Covid-19 pandemic, and the place and circumstances of its occurrence, which contains the basics and provisions regarding prohibited actions or mandatory actions and against the violators (person/ legal entity) is punishable by a criminal offence. It also determines when and in what cases the perpetrators of the health protocol violation are held accountable, as well as the provisions regarding the rights and methods of investigation, prosecution, criminal prosecution and criminal execution in the name of the law that focuses on justice.

In some cases related to violations of health protocols handled by judges that violation is a lesser offence than a crime. Violations are not punished in principle. Article 54 of the Criminal Code states that trying to commit a violation is not criminal. This departs from the philosophy that the Criminal Code does not want to limit or deprive individuals of their independence if it is not necessary. Only crimes can be punished.

Article 93 of Law No. 16 of 2018 concerning Health Quarantine, which *expressly verbis* states:

".....and/or obstructs the implementation of health quarantine to cause a public health emergency, shall be punished with imprisonment for a maximum of one (1) years and/or a maximum fine of Rp. 100,000.00 (one hundred million rupiahs)".

There is no phrase "potential" before the phrase "cause" in the Health Quarantine Law which is *a role mode* in controlling the Covid-19 pandemic in Indonesia. In the criminal law doctrine, the phrase "cause" describes the qualification of the formulation of the offence as a material offence which requires certain consequences to occur. It is different from the phrase "potential", describing the qualification of the formulation of the offence as a trial offence (*poging offence*). If the conditions in question do not occur (*in casu* crowds, or health emergencies), then the offence has not been completed or does not exist.

According to Article 53 of the Criminal Code, as long as there are no crowds, or health emergencies, then there will only be *poging*. Once again, attempts to violate are not criminalized (Article 54 of the Criminal Code).

The purpose of this judicial operation is to ensure legal certainty, strengthen efforts and increase the effectiveness of the prevention and control of Covid-19 as well as enforcement of discipline and law enforcement against violations of Health protocols. The Trial of Light Crimes (*Tipiring*) is carried out based on the respective regional regulations and law enforcement will be carried out against citizens who do not comply with the Covid-19 prevention protocol. One of them is not wearing a mask when outdoors during activities. In this case, the trial procession will be carried out through a process of examining the witnesses from the Resort Police and the defendant, by the law that regulates.

In line with legal developments during the Covid-19 pandemic, as per Presidential Instruction No. 6 of 2020 concerning Improvement of Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019, administrative sanctions are also applied to violators of health protocols. The administrative sanctions are in the form of a written warning and a fine of a sum of money that must be paid if there are parties who violate the process. In theory, administrative sanctions are *bestuursdwang*, namely government coercion to implement laws and regulations that do not only provide suffering such as the application of criminal sanctions. administrative sanctions are also more effective than criminal sanctions because they can be applied directly by administrative officials without waiting for a court decision with permanent legal force, provided that there are actions that do not comply with or violate administrative policies. Administrative sanctions also in this case have the following objectives:

- 1) As an effort to enforce the law against prokes violations;
- 2) The party who violates the provisions contained in other rules such as the Governor's Regulation;
- 3) Provide a deterrent effect on the community so as not to repeat violations of the law;
- 4) Prevent other parties from violating the provisions in the Governor's Regulation".

The effectiveness of the deterrent value in making violators not repeat acts to violate the prokes through the application of administrative sanctions is a decisive step to bring order to the community, because administrative sanctions are not only punishing, but also as an effort to restore the situation as before. Administrative sanctions are also mentioned in Appendix II of Law No. 12 of 2011 concerning the Establishment of Legislation which consists of revocation of permits, dissolution, supervision, temporary dismissal, administrative fines, or police coercion. When viewed from all types of administrative sanctions, these sanctions can also be effective in controlling the implementation of the Covid-19 process.

The philosophy of law enforcement should not only be aimed at revenge but to provide justice for victims so fines should be an alternative to imprisonment. Given the overcapacity capacity of correctional institutions *and* also to prevent the spread of COVID-19 in prisons, criminal sanctions should begin to be minimized immediately for prokes violators. It is logically impossible to apply imprisonment or confinement to so many people just because they do not comply with the regulations to fulfil the prokes. If it focuses on the nature of coercion, it is made by the authorities, contains orders and prohibitions, and regulates community rules. These are all part of the universal legal definition so that not only criminal law is of this nature, but administrative law also has these criteria. In Presidential Instruction No. 6 of 2020, the local government is given the flexibility to enforce regulations to bring order to the people who are within the scope of the regional government. Therefore, within the scope of state administration, there is already a legal essence material that creates a relationship between the community and the local government for the sake of the existence of the order.

IV. Conclusion

Law enforcement in dealing with Covid-19 to provide legal protection to the community. The essence of law enforcement departs from the principle of *salus populi suprema lex* that the safety of the people is the highest law. Therefore, disciplinary enforcement of health protocols is carried out firmly. The implementation of law enforcement carried out by police investigators, Public Prosecutors (JPU), and judges in the trial process for handling Covid-19 is still ineffective.

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