# Implementation Of Sanctions For Violators Of The Coronavirus Disease 2019 Community Activity Restrictions

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#### Abstract.

Restriction of Community Activities is an effort made by the Government to limit activities carried out by the community in interacting with other citizens, to prevent the possible spread of coronavirus disease 2019 (COVID-19) outbreak that uses public spaces, public transportation modes, and public buildings. Restriction of Community Activities is carried out with several supervision and enforcement activities. The research method used to compile this scientific work uses normative juridical research, namely by analyzing secondary data in the form of legal materials, especially primary legal materials and secondary legal materials, by understanding the law as a set of favorable rules or norms in the system of legislation governing human life. Violations committed by the community whether it is necessary to apply criminal sanctions for Perpetrators of Violations of Community Activity Restrictions, this certainly needs attention from the government and the need for equal perceptions about the application of criminal acts for perpetrators of violations of community activity restrictions and standards of prosecution. The function of sanctions in criminal law is not merely to scare or threaten the violators. However, more than that, the existence of sanctions must also educate and improve the perpetrator. The sanctions can be applied to violators of health protocols, especially for those who do not wear masks and do not heed the advice of physical distancing by being given administrative sanctions in the form of verbal reprimands, social sanctions, administrative sanctions, and fines.

Keywords: Sanctions, Violations, Restrictions on Community Activities, Covid-19

## I. INTRODUCTION

Health is a human right [1] and one of the elements of welfare that must be realized by the ideals of the Indonesian nation as referred to in Pancasila and the Opening of the Constitution of the Republic of Indonesia in 1945 [2]. At this time, the health condition since the end of 2019 is experiencing severe problems in the human population around the world. The threat starts from discovering the coronavirus identified as zoonotic transmission occurs between animals and humans. Coronavirus Disease 2019 (Covid-19) is caused by the SarsCoV-2 virus[3]. The spread of Covid-19 is relatively fast between humans to humans through droplets and not through the air. Symptoms experienced in acute respiratory disorders include fever, cough, and shortness of breath. The average incubation period of the virus is 5-6 days, and the most extended incubation period is found to be 14 days.[4] Indonesia is also one of the countries severely affected by the spread of covid-19. Data from the Task Force on Accelerating the Handling of Covid-19 showed that as of July 24, 95,418 people tested

positive for Covid-19 infection, with the death toll reaching 4,665. Since the beginning of 2020, the Government of Indonesia has been trying to issue policies to be implemented by the community to prevent the spread of Covid-19 cases.

The threat arising from this pandemic impacts the health and social, economic, and welfare aspects of Indonesian society.[5] The situation of the spread of COVID-19 that has almost reached all provinces in Indonesia with the number of cases or the number of deaths is increasing and has an impact on political, economic, social, cultural, defense, and security aspects, as well as the welfare of the people in Indonesia, the Government of Indonesia has established Presidential Decree No. 11 of 2020 on the Determination of Public Health Emergency Corona Virus Disease 2019 (Covid-19 [6]. The Presidential Decree establishes Covid-19 as a type of disease that causes Public Health Emergencies and stipulates Covid-19 in Indonesia, which the laws and regulations must do.In tackling the COVID-19 pandemic, Indonesia has implemented various public health measures, with Minister of Health Regulation Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions (PSBB) in the Context of Accelerating Handling of Corona Virus Disease 2019 (COVID-19) [7], such as closing schools and businesses, restrictions on movement or population mobilization, and restrictions on international travel.[8]For example, Central Java Province, especially in the area of the Kudus Regency Government, implemented stricter restrictions on community activities (PKM) in order to prevent the spread of transmission of the new type of coronavirus disease (Covid-19), with the issuance of Kudus Regent Regulation Number 41 of 2020 concerning Implementation Discipline and Law Enforcement of Health Protocols as an Effort to Prevent and Control Covid-19.

The Covid-19 Task Force Team in the Kudus Regency, Central Java, noted that the number of residents infected with the coronavirus in the local area continued to grow. According to the latest data, positive cases reached 3,014 patients. "The number of Covid-19 cases is data as of December 14, 2020 after there were additional new cases of 53 confirmed positive cases of Covid-19," Spokesperson for the Covid-19 Handling Task Force of Kudus Regency Andini Aridewi in Kudus, while the number of patients who are still undergoing treatment, as many as 148 people were treated, while the isolation was 227 people, while cases of death were recorded as many as 322 people.[9]The Kudus Regency Government, it is necessary to carry out law enforcement efforts to limit community activities in the prevention and control of Covid-19 in Kudus Regency, will expand the health protocol retributive justice operation involving the TNI, Polri, and Satpol PP, in order to suppress the spread of Covid-19, especially in the area of Kudus Regency, Central Java imposes restrictions on community activities (PKM). In the circular, restaurant operations are limited, including implementing a curfew starting at 19.00 WIB. The decision has just been regulated in Circular Number 800/024/26.00/2021 regarding the implementation of

restrictions on community activities to control the spread of COVID-19 in Kudus Regency, including:

- 1. The tourism sector temporarily closed all tourist attractions in Kudus, both managed by the Kudus government, private sector, and community. They were not temporarily holding art, cultural and sporting performances.
- 2. Restrictions on on-site restaurant activities are imposed by 25 percent, and for food and beverage services via home delivery messages are still permitted according to restaurant operating hours until 19.00 WIB.

For business actors, not all heed the restrictions on community activities. Applying restrictions on community activities (PKM) gives leeway to the community's economic activities, but with restrictions on operating hours. Pamong Praja Police Unit noted the penalty of fines for violators of health protocols in the district since the enactment of Regulation No. 41 of 2020 on the Implementation of Discipline and Law Enforcement of Health Protocols, efforts to Prevent and Control Covid-19 until now reached Rp 100 million. "The most fines come from offenders who do not use masks," The administrative fine of Rp 100 million covers individual violations amounting to Rp 94 million from 1,880 violations. In contrast, violations from business actors amount to Rp 6 million, with the number of violations as many as 29 offenders. The total violations of health protocols from August 26, 2020, to November 6, 2020, reached 16,658 violations, while the operation activities recorded as many as 1,983 operations.[10] Violations that occur are not only about the public's obligation to wear masks but for business places; it can be related to the application of health protocol rules at their place of business, such as providing handwashing places, hand sanitizers to physical distancing rules between visitors.

As for the sanctions given, not all of them are in fines or social sanctions, but some are still limited to reprimands [11]. Violations that have occurred so far include verbal warnings as many as 662 cases, written warnings as many as 66 cases, and social work as many as 14,035 cases; the rest are administrative fines for individuals and business actors. In the application of sanctions, it is to provide suffering that is given or inflicted intentionally by someone after a violation, crime, and error has been committed by someone as a way of disciplinary action.[12] The integrated team involved in implementing health protocols includes Pamong Praja Police Unit, Resort Police, District Military Command, Transportation Office, and health department. With the enforcement of these rules, it is expected that public awareness to comply with health protocols becomes higher [13]. The targets of the operation, namely people who do not carry masks, people who carry masks but wear them in a way that is not right, as well as businesses or public places that do not provide handwashing, body temperature checks, do not apply distance and do not limit the amount of capacity of visitors, as for the penalty of fines given to individuals amounting to Rp 50,000. In contrast, for business people with micro-levels, the fine is Rp 200.000,-, small

businesses amounting to Rp 400.000,-, medium businesses amounting to Rp 1 million, and large businesses amounting to Rp 5 million.

#### II. METHODS

The research method used is normative juridical, namely by analyzing secondary data in the form of legal materials, especially primary legal materials and secondary legal materials, by understanding the law as a set of positive rules or norms in the system of legislation that regulates human life. Normative legal research is research conducted by researching library materials. This normative or literature legal research includes (1) research into legal principles; (2) research into legal systematics; (3) research on the level of vertical and horizontal synchronization; (4) legal comparison; and (5) legal history. The nature of research used is descriptive, a research model that refers to current events, both naturally and with the help of humans, with the form of explanations that provide an overview of exposure to the subject and object of the research as the results of the research conducted. This research was conducted using a qualitative approach.

## III. RESULT AND DISCUSSION

Law is a reflection of the life of the people of a country [14], so it can be said that law is part of the nature of the nation that cannot be separated from public awareness. In addition, the law is also helpful in channeling the community's will towards the realization of the ideals of the community itself. Therefore, law and society cannot be separated because they influence each other [15]. Criminal law provides guidelines if in solving social problems involving criminal sanctions, it is necessary to pay attention to social protection plans in the broader scope. Sudarto reminded that if criminal law is to be involved in efforts to overcome the negative aspects of community development/modernization (among other things, crime prevention), it should be seen in the overall relationship between criminal politics or social defense planning, and this must also be an integral part of the development plan.[16] Community Activity Restriction is an effort made by the Government to limit activities carried out by the community in interacting with other community citizens to prevent the possible spread of coronavirus disease 2019 (Covid-19) outbreak that uses public spaces, public transportation modes, and public buildings. PKM or Restriction of Community Activities is carried out with several supervisory activities. This policy is carried out supervision, such as the mandatory use of masks when out of the house for residents.

This is supervised because using this mask can minimize the transmission of Covid-19. Furthermore, in the implementation of health protocols, each person or citizen of the community must apply health protocols, including in the form of using personal protective equipment in the form of masks that cover the nose and mouth to the chin, if you have to leave the house or interact with others who are not known

health status, then wash their hands regularly using soap with running water or hand Restriction of physical interaction (physical distancing), and increase endurance by applying Clean and Healthy Living Behavior (PHBS). Business actors, managers, organizers, or people in charge of public places and facilities must implement health protocols in the form of socialization education, and use various information media to provide understanding and understanding about the prevention and control of Covid-19, the provision of handwashing facilities using soap that is easily accessible and meets the standards or provision of hand sanitizer, identification efforts (filtering) and health monitoring for each people who will be active in the work environment, efforts to maintain distance, clean and disinfect the environment periodically, discipline enforcement on the behavior of people who are at risk in the transmission and contracting of Covid-19, and facilitation of early detection in handling cases to anticipate the spread of Covid-19. Consistency to improve the control of the spread of the Covid-19 pandemic, taking into account the provisions of the laws and regulations, rapid, appropriate, focused. Integrated steps are needed between the Central Government and Local Governments. Regional heads can conduct monitoring and coordination meetings with all relevant stakeholders, periodically, daily, weekly, and monthly, to limit community activities and disease prevention efforts infectious.

Because infectious diseases are still a public health problem that causes high pain, death, and disability, they must implement countermeasures through effective and efficient prevention, control, and eradication efforts. For example, the Kudus Regency Government is serious about preventing the spread of the coronavirus (Covid-19). This effort is proven by forming the Coronavirus (Covid-19) Prevention Task Force in Kudus; it is hoped that the effort to prevent the spread of Covid-19 will be maximized. This means not only as a compliment, let alone just a formality. Preventive measures must be implemented and understood by the Kudus community. For example, prevention efforts through the socialization of washing hands with soap and practicing a healthy lifestyle in daily life. Regional Head Regulation regulates the limitation of the said Community Activities up to explicitly regulating the application of sanctions. For this reason, the issuance of the Kudus Regent's Regulation on Restricting Community Activities in Kudus Regency in the context of accelerating the handling of Covid-19 is the best step to take because the main focus, apart from providing education, is also to instill discipline and honesty for the residents of Kudus City. Corona Virus Disease 2019 (Covid-19) outbreak in Kudus Regency and due to its rapid transmission, in the framework of handling Covid-19 together with involving the participation of the community, the Regent as Chairman of the Task Force on Accelerating the Handling of Corona Virus Disease 2019 (COVID-19) in Kudus Regency based on:

1. Kudus Regent Regulation Number 41 of 2020 concerning the Implementation of Discipline and Law Enforcement of Health Protocols as an Efforts to Prevent and Control Covid-19.

- 2. Decree of the Regent of Kudus Number 360/47 /2020 concerning the Determination of the Emergency Response Status for the 2019 Corona Virus Disease (COVID-19) in Kudus Regency;
- 3. Decree of the Regent of Kudus Number 360/52/2020 concerning the Establishment of the Task Force for the Acceleration of the Handling of Corona Virus Disease 2019 (COVID-19) in Kudus Regency;
- 4. Circular of the Minister of Home Affairs dated March 29, 2020 Number 440/2622/SJ concerning the Establishment of the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (COVID-19);
- 5. Instructions from the Governor of Central Java as Chair of the Task Force for the Acceleration of Handling COVID-19 of Central Java Province Number 1 of 2020 concerning Community Empowerment in Accelerating Handling of COVID-19 at the Level of Community Units (RW) through the establishment of the "Jago Tonggo Task Force"; and
- 6. Forkopimda meeting as the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (COVID-19) in Kudus Regency on May 15, 2020,

NO TYPE OF VIOLATION TOTAL NUMBER OF TOTAL FINAL **VIOLATIONS SANCTIONS** Individual Not wearing a mask 1.880 Rp 94.000.000 1 2 Businessmen Rp 6.000.000 1.909 Rp 100.000.000 **TOTAL** 

Table 1. Application of Sanctions

Data Source: Covid-19 Prevention Task Force Kab. Kudus

Based on the table above, it shows that the Covid-19 Prevention Task Force in the Kudus Regency area is working in real terms, preventive measures must be implemented and can be understood by the Kudus community. The integrated team involved in controlling health protocols includes Satpol PP, Polres, Kodim, Dishub and Health Office. Of the many sanctions that have been included in each policy, the goal is for violators to feel the deterrent effect of their actions. In general, sanctions in laws and regulations, including administrative sanctions, are usually associated with or as a consequence of a norm that is formulated in the form of a prohibition, command (must), or obligation (obligation). A norm that contains a prohibition, command (must) or obligation (obligation) will generally have difficulty in enforcing it if it is not accompanied by sanctions. [17] The violators found mostly gave the excuse that they forgot to bring their masks, left them elsewhere, and the air was stuffy/crowded when wearing masks. However, for the sake of enforcing health protocols for mutual safety, officers provide direction and understanding about the dangers of not wearing masks in public. However, when the violation can no longer be tolerated, the officers do not hesitate to give administrative sanctions to the violators.

From this it should be emphasized that there is a difference between the judicial operation and the judicial trial operation. The judicial operation was carried out

by the ranks of the Covid-19 Task Force in Kudus Regency by means of patrols and the sanctions were in the form of verbal warnings, social and physical sanctions. While the judicial trial operation is carried out by the Covid-19 Task Force and Judges, in its implementation, violators are immediately subject to a minor criminal offense (Tipiring) with a fine and a trial on the spot. Violators who still violate health protocols certainly have certain reasons. From these reasons, it can be concluded that these are the factors that cause people to violate Government policies regarding physical distancing and the use of masks in the midst of the Covid-19 pandemic.In its implementation, these sanctions can already be applied, as conveyed by Mrs. Farida, she said that "for violators of health protocols, especially those who do not wear masks and do not heed physical distancing recommendations will be given administrative sanctions in the form of verbal warnings, social sanctions, administrative sanctions and fines. Verbal reprimand in the form of warnings and giving masks for free if you don't use a mask.

Then for social sanctions, usually push ups, sing the Indonesia Raya anthem and clean the sidewalks where we are carrying out operations. Furthermore, administrative sanctions, this sanction is actually not confiscation of the ID card, but temporarily taking the ID card in question then the next day the person concerned is told to take the ID card at the Satpol PP Office, there he will be given further education and understanding about Covid-19, after that the ID card can be obtained taken." Furthermore, he added an explanation regarding the fine sanctions, namely "for the imposition of fines, it is given to violators by attending a hearing on the spot, our judges will be brought to the operation site along with the prosecutor's office. There the violators will be tried and it will be decided the amount of the fine that must be paid, according to the guardian for the subject of individual arrangements, the maximum is Rp. 100,000.00 (one hundred thousand rupiah), so it does not have to be that amount. In the field there is also a decision to be fined Rp. 20,000.00 (twenty thousand rupiah) of Rp. 30,000.00 (twenty thousand rupiah) and so on. Unlike a civil servant, if a civil servant is caught in violation, he will be given a fine and disciplined by the state civil apparatus.

For on-site trials or judicial hearings, he explained: "actually the judicial operation is the same as a fine by Polantas, only if the trial is different, namely the judicial operation trial is carried out at the place where the judicial operation was held, so far there have been 4 judicial operations that have been carried out, namely the first was held at Pos 90 Alun-alun Kudus Regency, the second was also held there, the third was held at Pasar Kudus, carried out in front of tourist attractions in Kudus City, all of which were immediately held on the spot.For violators caught red-handed / netted a mask raid then a direct trial will be held with a warning letter given by a Civil Servant Investigator (PPNS) from a member of the Satpol PP, directly before the judge, clerk and representative of the prosecutor's office. a judicial operation was held, after which the judge decided on the amount of the fine, then the violators immediately paid for

them as well. However, if the violator has not been able to pay, the violator's ID card will be temporarily taken to be redeemed with the fine money at the prosecutor's office. In the context of implementing criminal sanctions for perpetrators of violations of restrictions on community activities, there are several things that should receive attention from the authorities, the need for a common perception of criminal acts for perpetrators of violations of restrictions on community activities and the standard of punishment in criminal cases for perpetrators of violations of restrictions on community activities.

The need for a common perception means that efforts to increase enforcement of criminal acts are especially important for those who violate restrictions on community activities. The function of sanctions in criminal law is not merely to frighten or threaten violators, but more than that, the existence of these sanctions must also be able to educate and improve the perpetrators. Policies regarding the application of various sanctions for violations of health protocols, especially those related to limiting community activities using masks, maintaining distance, and preventing crowds actually have sufficient arguments. The policy information used is that using masks, maintaining distance, and preventing crowds are considered effective in preventing the transmission of Covid-19. The facts on the ground state that the community's discipline in implementing the protocol is still very low. An appeal does not seem adequate to "force" people to comply with the new way of life. Therefore, the government as a policymaker views that sanctions for violators will streamline the implementation of health protocols. In short, a rule is considered to be more effective if it has sanctions consequences as a control.

These policies have been incorporated into legal products and legislation at the central and regional levels. Presidential Instruction Number 6 of 2020, dated August 4, 2020, among others, ordered the Governor/Regent/Mayor to stipulate regulations that contain provisions for sanctions in the form of verbal or written warnings.In the practice of applying sanctions to violators of health protocols, especially restrictions on Covid-19 community activities, officers in the field should act proportionally and stick to the rules. The dynamics in the field often occur and require flexibility, but the officers should pay attention to the corridors of the applicable regulations. Punishment or sanctions against society in any form and light are a reduction of a person's (human) rights which of course is not liked by the person concerned. The most important thing and a common goal are for the community to effectively implement health protocols to prevent coronavirus transmission. Persuasive action by officers is highly recommended wherever possible. The legislation described above provides for alternative sanctions marked with an 'or' link to become an opportunity for officers to be wiser and wiser. Borrowing the principle of ultimum remidium criminal law, presumably sanctions such as social work or administrative fines that burden residents financially in this difficult time are only implemented as an alternative to verbal or written warnings, no sanctions are applied at all.

The obstacles faced by the Task Force Team for handling restrictions on community activities in the prevention and control of COVID-19 are as follows:

- 1. The lack of medical facilities and infrastructure for handling Covid-19 is faced by the local government.
- 2. There are people / residents who do not care about the dangers of Covid-19.
- 3. Limited personnel of the Covid-19 prevention and control team in the regions. Efforts to overcome that the government has put forward an evidence-based approach and cultural-based behavior change include:
  - 1. The need for additional health facilities and infrastructure.
  - 2. Recruitment of volunteers to help prevent and control covid-19.
  - 3. Conducting socialization to the community about preventing and controlling Covid-19.

## IV. CONCLUSION

The application of sanctions for violators of restrictions on community activities on implementing discipline and law enforcement of health protocols is an effort to prevent and control Corona Virus Disease 2019. The application of sanctions can be applied, for violators of health protocols, especially for those who do not wear masks and do not heed the advice of physical distancing by providing administrative sanctions in the form of verbal reprimands, social sanctions, administrative sanctions, and fines.

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