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Law Enforcement of Health Protocol In the Administration City of West Jakarta Region

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This study aims to determine the law enforcement of health protocols and also to determine the factors of implementation influence on health protocol law enforcement in the administrative city of West Jakarta. The formulation in this study such as: How to obtain enforcement of health protocol laws in the administrative city area of West Jakarta. Here, the several factors that influence the efforts to enforce the health protocol law in the administrative city of West Jakarta using empirical data. Here, the data was collected by using field research and literature study as well as interviews from correspondent with qualitative data. The results show the implementation of health protocol law enforcement in the administrative city of West Jakarta has a reference, namely based on statutory regulations both central government regulations and regional head regulations with other regulations on decisions issued by each agency. Based on Governor Decree No. 1023, the implementation of health protocol law enforcement affairs is carried out by public police (PP) with cooperation Indonesian National Army (TNI) and Indonesian National Police (POLRI). While the factors that influence the implementation of health protocol law enforcement where the supporting factor is the implementation of Governor Regulation No. 79/2020 concerning Increasing Discipline and Law Enforcement of Health Protocols as Efforts to Prevent and Control COVID-19 in DKI Jakarta Province as a legal basis for implementing sanctions, progressive in the form of regulatory support. Meanwhile, the factor of constraint is the factor of law enforcement due to the insufficient number of Satpol PP personnel of the West Jakarta administration city. The conclusion of this study is that law enforcement of health protocols as an effort to prevent and control COVID-19 by the West Jakarta administration city government is carried out in accordance with the duties and functions of the administrative city, which is to assist the Governor in carrying out general government affairs in his area. Whereas the suggestion from this research is that in the future the DKI Jakarta Provincial government should make policies in efforts to prevent and control COVID-19 in the form of Regional Regulations as a stronger legal basis, in order to bring better changes and provide legal certainty for the community and law enforcers. And in the future, in implementing law enforcement, it is necessary to build partnerships with related agencies through integrated coordination and increase preventive efforts by involving many stakeholders.

Keywords: Law Enforcement, Health Protocol, public police (PP).

1. INTRODUCTION

The Provincial Government of the Special Capital Region of the City of Jakarta or, hereinafter abbreviated as a Province of DKI Jakarta, is a special government unit in its position as the capital of the Unitary State of the Republic of Indonesia. DKI Jakarta Province as an autonomous region has an important function and role in supporting the administration of the Unitary State of the Republic of Indonesia based on the 1945 Constitution of the Republic Indonesia area. For this reason, the Central Government issued Law Number 29 of 2007 concerning -

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Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia (State Sheet 2007 No. 93; Supplement to State Sheet 4744). This Law regulates the specificity of the DKI Jakarta Province as the Capital City of the State. Regulations as an autonomous region at the provincial level and so on are still bound by the laws and regulations on regional government [1, 2, 3].

In order to improve public services, the Provincial Government of DKI Jakarta has delegated part of its authority and government affairs to the city administration / administrative district, sub-district, and

village governments [4, 5, 6]. Thus, the types of authority and functions delegated, among others, the scope and procedures for delegation are regulated and stipulated in regional regulations. As an autonomous regional government, Jakarta must certainly be a barometer in the implementation of regional autonomy. In carrying out its government, the DKI Jakarta government still has to prioritize the interests of the central government's authority policies, including in the prevention and control of the 2019 Corona Virus Pandemic or abbreviated as COVID-19 [7, 8, 9]. Here, the COVID-19 is a respiratory tract infection caused by the severe acute respiratory syndrome Corona 2 Virus (SARS-Cov-2) which has become a global pandemic based on the determination of the World Health Organization (WHO). Thus, as an implementation of Law Number 6 of 2018 concerning Health Quarantine. On March 31, 2020, President Joko Widodo issued Government Regulation Number 21 of 2020 concerning PSBB in the Context of Accelerating Handling of COVID-19. Whereas Large-Scale Social Restrictions (PSBB), must be approved by the minister in charge of government affairs in the health sector, the Regional Government can carry out PSBB or restrictions on the movement of people and goods for a certain province or regency / city [10, 11]. Furthermore, the considerations are epidemiological, threat magnitude, effectiveness, resource support, technical operations, political, economic, social, cultural, defense and security considerations. The regulation also states that the restrictions on activities to be carried out include at least school and work resignation, restrictions on religious activities and / or restrictions on activities in public places or facilities [12, 13].

The DKI Jakarta Provincial Government is the first province to implement this policy, with a proposal to be approved on April 6, 2020 and set four days later. The Ministerial Decree (Kepmenkes) numbered HK.01.07 / Menkes / 239/2020 concerning Stipulation of Large-Scale Social Restrictions in the DKI Jakarta Province in the Context of Accelerating Handling of COVID-19 [14, 15, 16]. There are four things that are decided in the Decree of the Minister of Health, namely PSBB in the DKI Jakarta Province in the Context of Accelerating Handling of COVID-19. The Provincial Government of DKI Jakarta is obliged to implement Large-Scale Social Restrictions as referred to in the First Dictum in accordance with the provisions of laws and regulations and consistently encourage and disseminate a clean and healthy lifestyle to the public. PSBB as referred to in the Second Dictum, is carried out during the longest incubation period and can be extended if there is evidence of dissemination. This Ministerial Decree comes into force on the date of stipulation [17, 18, 19]. To accelerate the handling of the COVID-19 virus in the DKI Jakarta area. The Provincial Government (Pemprov) of DKI Jakarta issued Governor Regulation (Pergub) Number 33 of 2020 concerning Implementation of PSBB in Handling COVID-19 in DKI Jakarta Province. "In this Pergub, it is

stipulated, in principle, for all Jakarta people, over the next two weeks, It is expected to be indoors, and reduce or even eliminate activities outside. The goal is to cut the chain of transmission of COVID-19, save ourselves, family, neighbors, colleagues, so that we can control this virus," said Anies, quoted from the broadcast. press PPID DKI Jakarta Province [20, 21].

Currently, Indonesia has entered a new era in handling COVID-19 which is better known as the new normal. This is a condition where people can carry out activities as usual, be it work, worship, and other things. However, this condition is always implemented with a new custom design (new normal). Here, the community has an important role in breaking the chain of transmission of COVID-19 so as not to cause new sources of transmission / clusters in places where the movement of people, interactions between humans and many people gather, the community must be able to carry out activities again in the COVID-19 pandemic situation, with adapt to new habits that are healthier, cleaner, and more obedient, which are implemented by all components in the community and empower all existing resources [22, 23]. The role of the community in being able to break the chain of transmission of COVID-19 (risk of contracting and transmitting) must be implemented by implementing health protocols. In an effort to prepare for the new normal era and ensure that the general public is safe and productive in activities held in public places and facilities by minimizing the spread of the COVID-19 disease. The Minister of Health issues a Circular Number. HK.01.07 / MENKES / 382/2020 concerning Health Protocols for Communities in Public Places and Facilities in the Context of Prevention and Control of COVID-19 [25, 26, 27]. Thus, the preventive steps in accordance with the circular from the Ministry of Health are socialization of physical distancing, avoiding crowds, Clean and Healthy Living Behavior (PHBS) with, washing hands using soap, masks, disinfectants spraying every three days, giving masks to the public, and complying with health protocol. Therefore, after considering this background, the authors feel the need for more in-depth research on the enforcement of the COVID-19 health protocol law in the West Jakarta Administrative City area. Here, the things like further analyzed related to how the law is enforced and the views of the legislation and what factors influence the implementation of health protocol law enforcement efforts [28, 29]. So, we are interested in discussing entitled: "Law Enforcement of Health Protocol in the Administration City of West Jakarta Region".

2. METHODOLOGY

In this study, we use scientific activity in order to find, develop or test the truth of a knowledge carried out systematically and methodologically. Methodological means using a method that is scientific in nature, whereas systematic means that it is in accordance with the guidelines and rules that apply to a scientific subject.

Here, in conjunction with the problems that have been formulated previously, this type of research uses empirical legal research methods, namely research in the form of empirical studies to find theories about the process of occurrence and about the process of working of law in society. In this study, the descriptive aspect was used. Translated through exposure and explanation of data concerning the results of the interaction between legal supporters and the applicable law and the institutions and officials who carry it out, followed by a contextual discussion. The location of the research in the making of this thesis was carried out in the West Jakarta Administration Mayor's Office and in the West Jakarta Administration City Satpol PP office in accordance with the research that the author compiled so that it made it easier for the author to find data and the time is in September-December 2020 [30, 31]. In this study, the observation data was proposed into two type data's, as follows:

a. Primary data

Primary data is data obtained directly from field data sources by conducting direct interviews with respondents at the research location.

b. Secondary Data

Secondary data is data in the form of data from the literature in the form of documents, papers, archives, and books related to the problem under study. Consists of 3 (three) legal materials, namely:

- i. Primary legal materials, namely binding legal materials such as: UUD 1945, Law No. 23 of 2014 concerning Regional Government, Law No. 6 of 2018 concerning Health Quarantine, Law No. 9 of 2007 concerning Jakarta as a Special Capital Region, Government Regulation No. 21 regarding PSBB, Governor Regulation No. 79/2020 concerning Increasing Discipline and Law Enforcement of Health Protocols in the DKI Jakarta area
- ii. Secondary legal materials in the form of legal materials that provide an explanation of primary legal materials such as literature books, scientific journals and scientific writings related to the research material discussed in this thesis.
- iii. Tertiary legal materials are those that provide instructions or explanations for primary legal materials and secondary legal materials in the form of a legal dictionary or encyclopedia.

In order to obtain the result, the data taken from both a community or from the literature was processed in this study. The data is directly from the community is called primary data, while data obtained from literature is called secondary data. Data obtained from literature, in this case

consisting of written material or previously existing documents, in the form of laws and regulations, official government documents, the results of previous researchers and opinions of legal experts, are called secondary data. In this study, we use several the data collection methods as follows:

- i. Field research (Field Research), namely research conducted by the author in the field by directly reviewing objects that are directly related to this writing. In addition, the authors conducted direct interviews with the Regional Apparatus Work Unit (UKPD) which has the authority to enforce the health protocol law in the administrative city of West Jakarta.
- ii. Through library research, which is research that uses written legal sources in the form of laws and regulations, books, newspapers, or mass media, and writings that are considered to have something to do with the issues to be discussed.

Here, the analysis data taken from processing data over organizing and sorting data into patterns, categories, and basic descriptions. So that, a working hypothesis can be formulated as suggested by the data. Here, the data obtained is systematically compiled and then analyzed qualitatively in order to obtain clarity on the problems to be discussed. A qualitative data analysis is a research method that produces descriptive analytical data, that is, what the respondent says in writing or orally as well as his real behavior is researched and studied as something intact.

3. RESULT AND DISCUSSION

A. West Jakarta Administrative City Profile

Administrative City is the division of Administrative regions in Indonesia. DKI Jakarta Province is divided into 5 Administrative Cities namely West Jakarta, East Jakarta, North Jakarta, South Jakarta, Central Jakarta and Administrative Districts namely the Thousand Islands. Unlike other cities in Indonesia, administrative cities are not autonomous regions. The City Administration is led by a mayor and assisted by a deputy mayor who is appointed by the Governor from among the Civil Servants (PNS). The administrative city apparatus consists of the City Administration Secretariat, Sub-Department, other technical institutions, Districts, and Village. West Jakarta Administrative City has an area of 12,615.14 Ha and is located between 106-48 East Longitude, 60-12 North Latitude and is limited by the following areas:

- a. South side: Administrative City of South Jakarta and South Tangerang City
- b. West side: Tangerang Municipality and Tangerang Regency
- c. East side: Administrative City of East Jakarta and

Bekasi Regency

- d. North: Administrative City of North Jakarta and Bekasi Regency

The motto of West Jakarta Administrative City is responsibility and love of the citizens of the West Jakarta Administrative City which is manifested by the participation and close and integrated cooperation between the government, the private sector and the public in advancing urban development in all fields for the welfare of all people. including working together to maintain and create a safe, healthy and productive environment. The West Jakarta Administration City Government has 59 Regional Work Units (UKPD) which assist in government administration in the West Jakarta area. One of them is the Communication, Informatics and Statistics Office which is located at the West Jakarta Mayor's Office, Jalan Kembangan Raya No. 2 Kembangan Utara, Kembangan District, West Jakarta, 11610. Government Regulation Number 25 of 1978, the DKI Jakarta area is divided into 5 (five) administrative city areas. The West Jakarta Administrative City area is one of the parts that has the same level as the Municipality Level II. The mayor is directly responsible to the Governor of DKI Jakarta Based on Presidential Decree No.2 of 1961 concerning the Government of DKI Jakarta and the Elucidation of Law No. 5 of 1974 concerning the principles of government in the regions, that the duties, powers and obligations of the Mayor is to carry out the Government of development and community development in the region.

These tasks include the fields of government, peace and order, social welfare, socio-politics, religion, labor, education, youth and sports. Economic population and physical development of environmental infrastructure as well as other fields determined by the Governor of the Head of the Special Capital Region of Jakarta.

B. Duties and Functions of West Jakarta City Administration

The Administrative City has the task and function of assisting the Governor in carrying out general government affairs in its territory, coordinating the implementation of apparatus duties in its territory, fostering sub-districts and sub-districts and carrying out other tasks ordered by the Governor. In carrying out the tasks referred to, the Administrative City carries out the following tasks and functions:

- a. Compilation of strategic plans and work plans and budget of the City Administration;
- b. Implementation of strategic plans and implementation documents of City Administration budgets;
- c. Determination of operational tactical decisions for the implementation of government tasks in the Administrative City area;

- d. Carrying out general government affairs in its territory;
- e. Implementing community institutional empowerment in the area;
- f. To coordinate efforts to organize public order and peace;
- g. Coordinating the implementation and enforcement of Regional Regulations and Governor Regulations;
- h. To coordinate the maintenance of public service infrastructure and facilities;
- i. Coordinating the implementation of government activities carried out by Regional Apparatus at the City Administration level;
- j. Guidance and supervision of the implementation of sub-district and sub-district activities;
- k. Implementation of all government affairs that are not under the authority of the Region and are not carried out by vertical agencies;
- l. Monitoring and mapping of the situation and conditions of the City Administration area;
- m. Implementation and facilitation of the regional leadership coordination forum at the Administrative City level;
- n. Coordinating with the City Council;
- o. Management of personnel, finances, and City Administration goods;
- p. Administration and household management of City Administration;
- q. Management of archives, data, and information of the City Administration; and
- r. Reporting and accountability for the implementation of the duties and functions of the City Administration.

C. Vision and Mission of West Jakarta Administrative City

The realization of West Jakarta Administrative City as a comfortable and prosperous service city such as West Jakarta Mission; Building good governance in order to realize it as a city of cultural and historical services and tourism; Improve the quality of a sustainable urban environment; Empowering the Community by developing social values, norms and institutions; and Improving the Quality of Community Services.

D. Destination of West Jakarta Administrative City

The objectives of the West Jakarta Administrative City are as follows: Improve Professional Apparatus. Improving the Quality of the Residential Environment. Increase the Capacity of Social Institutions and encourage community participation. Realizing Excellent Service that touches the lives of all levels of society. Here, west Jakarta Administrative City is divided into 8 sub-districts, such as Cengkareng District, Grogol Petamburan District, Tambora District, Tamansari District, Kebon Jeruk District, Palmerah District, Kalideres District.

Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship of values that are described in solid and embodied rules and attitudes as a series of defining the final stage of values, to create, maintain, and maintain a peaceful social life. This concept, which has a philosophical basis, requires further explanation, so that it will appear more concrete.

Efforts that are usually made to ensure that members of the community obey the rule of law are to include the sanctions. These sanctions may be in the form of negative sanctions or social sanctions, which is means to stimulate people to avoid committing despicable acts or committing commendable acts. There are views that suggest that severe negative sanctions will prevent violations from occurring. However, there are those who argue that sanctions are not enough, so that other efforts are needed. The various steps taken by the West Jakarta administration city government in realizing regional autonomy and carrying out its function as an administrative city that has the task of carrying out provincial government policies during the COVID-19 pandemic and government decentralization in carrying out the arrangement, authority, organization of city apparatus and structuring the relocation of personnel as a follow-up to the Regional Government Law no. 23/2014, the West Jakarta administration city government strives to create a sense of security, health, and productivity during the COVID-19 pandemic through the duties and authorities of its Regional Apparatus Work Unit (UKPD). The Satpol PP activities in order to anticipate the spread of COVID-19 in the West Jakarta Administrative City area (see Table I).

Table I. Public police (Satpol PP) activities During PSBB on West Jakarta Region

No	Activities	Information
1	Provide education to people use loa / loudspeaker, installation banners and social media (Youtube, IG, Facebook and Print Media) on the Dangers and Spread of COVID-19) at Administrative City Territory West Jakarta.	1. 1. Satpol PP members conduct patrols every day and appeal to the public to use masks when leaving the house for the spread of COVID-19. 2. 2. Satpol PP Members Put Up Educational Banners to the Public about the Dangers and Spread of COVID-19 3. 3. Satpol PP Members Documenting every activity during the pandemic 4. 4. Provide information to the public regarding COVID-19.
2	Give Written Warning and Administrative Penalty to Business Place That Hasn't Been Implementing the Health Protocol, Jakarta.	Satpol PP of the Jakarta Administrative City West provides socialization and administrative fines to business premises when enforced PSBB by the Governor of DKI Province
3	Giving Written Warning and Administrative Fines to Residents Not Using Masks	West Jakarta Administrative City Satpol PP carried out socialization and administrative fines to the place of business at the time the PSBB was enforced
4	Temporary sealing of the place of business to the place of business that has committed a violation during the PSBB	West Jakarta Administrative City Satpol PP seals the business premises that commit violations and are not allowed to carry out temporary business activities.
5	Monitoring and Supervision Market in West Jakarta Administrative City Region.	Municipal Satpol PP Jakarta Administration West Doing Supervision and Monitoring of Market and Do Actions against Sellers, Buyers who do not comply with health protocols.

E. Influencing Efforts Factors to Implement the Law Enforcement of the COVID-19 at West Jakarta

The essence of law enforcement actually lies in the factors that might influence it. These factors have neutrality, so that the positive or negative impact lies in the content of these factors. Law enforcement of the COVID-19 health protocol is carried out in order to increase public discipline and obedience to regional head regulations, but this action is limited to administrative sanctions for business activities that violate governor regulations regarding health protocol regulations and social sanctions for violations of the use of masks in individual. Meanwhile, the final decision on the violation is the authority of the competent agency or official.

In assessing law enforcement, the theory of law enforcement effectiveness is used as a several factors that can influence it. The following is a further explanation of the factors that influence the enforcement of health protocol laws in the West Jakarta Administrative City area as follows:

a. Legal Factors

As stated in the Constitution of the Republic of Indonesia in article 1 paragraph (3), Indonesia adheres to the principle of being a rule of law, thus meaning that every act of organizing the state and society must be carried out based on and not out of the corridor of law, all citizens are based on rights, obligations, and conceptual authority. One of the functions of law, both as a rule and as an attitude of action or regular behavior, is to guide human behavior, so that it also becomes one of the scopes of scientific study of law. The study of the law scientifically by itself studies the extent to which the law affects human attitudes or behavior.

b. Law Enforcement Factors

One of the factors that can make a rule a success is law enforcement, to carry out law enforcement, it is necessary to enforce the law, namely an institution that is given the authority whose power is recognized according to law in accordance with its duties and authorities. The implementation of Health Protocol Law Enforcement affairs in the West Jakarta Administrative City area is carried out by Satpol PP in accordance with Governor Regulation Number 79 of 2020 Article 18 paragraph 2 in CHAPTER IV concerning Supervision and Enforcement. And based on the Governor's Decree Number 1023 of 2020 concerning the Task Force for Handling COVID-19 in the Province of DKI Jakarta. The DKI Jakarta Civil Service Police Unit is one of the Regional Apparatus Work Units included in the COVID-19 Task Force in the Legal and Disciplinary Sector which has a job description, one of which is to enforce the health protocol law, both justifiably and non-just sally for health protocol

violators.

The Satpol PP of DKI Jakarta is an element implementing government affairs in the field of public order and peace as well as protection of the community in the sub-affairs of the peace and public order sector. In essence, a member of the Satpol PP is a police officer, who therefore can and should even be said to be part of the law enforcement apparatus (law enforce). As a law that has become the basis of a juridical basis in terms of maintaining domestic security, it has provided the possibility of the establishment of this institution, as stipulated in article 3 paragraph (1c) of law No.2 of 2002 concerning the Indonesian National Police which states that the bearer of the police function is the Police Republic of Indonesia, which is assisted by Special Police, Civil Servant Investigators, Self-contained forms of security.

c. Community Factors

One of the other factors that influence the functioning of the applicable law is the existence of legal awareness from the public, the people of West Jakarta City Administration since the beginning of the pandemic have been educated about the dangers and impacts of COVID-19 through mass media, print and electronic media. So, it has been embedded in the minds of the public to take part in maintaining and complying with the COVID-19 health protocol. However, as of this writing, it was noted that positive patients who were exposed to COVID-19 were increasing (see Figure 1).

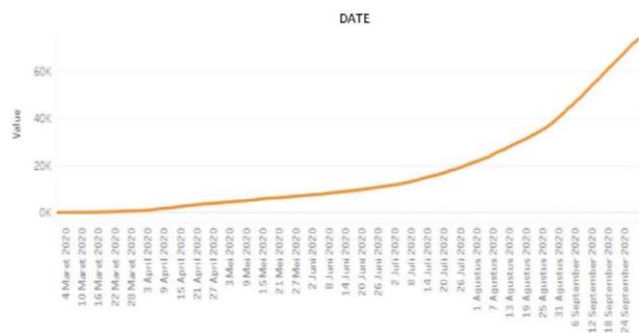


Figure 1. Graph of Positive Cases in DKI Jakarta Province

Figure 1 shows the increase in positive cases increased sharply from several month. The number of positive patients was recorded as many as 73,309 people. If seen from the trend, the types of violations from September 1 to September 14 2020 were quite volatile. During the first six days the number of violations was stable enough not to exceed 250 violations. However, since the seventh day there has been a significant increase until its peak on September 9, 2020, totaling 1,523 violations (see Figure 2).

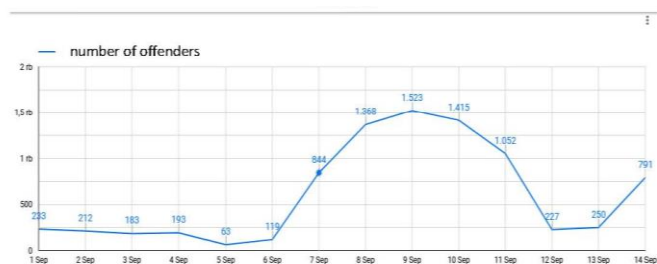


Figure 2. Trends in Number of Violations from 1 September 2020 to 14 September 2020

In addition, if it is seen from the time of the violation, the most violations were committed during working hours with a peak at 12:00 WIB with violations reaching 89 times (see Figure 3).

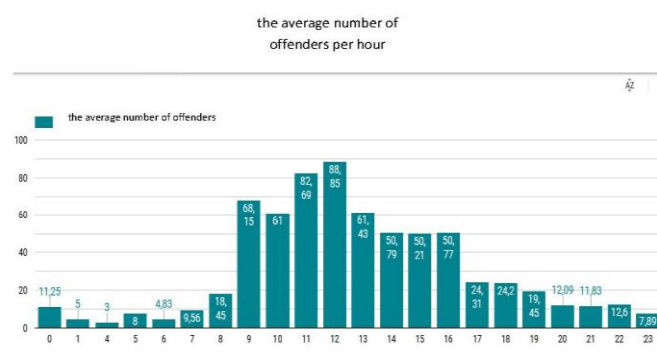


Figure 3. Average Number of Offenders per Hour

d. Cultural Factors

The more compatibility between laws and regulations and the culture of society, the easier it will be to enforce them. Conversely, if a statutory regulation is not in accordance with or contradicts the culture of the community, it will be increasingly difficult to implement or enforce the legal regulation in its intended purpose. Here, a cultural factor is actually integrated with community factors. Legal culture (system) basically includes values which are abstract conceptions of what is considered good (so that it is adopted) and what is considered bad (so that it is avoided). The culture of the people still thinks that the law only exists if there are officers and prominent community orders that they can more accept in obeying the rules. It is hard to deny, the COVID-19 pandemic has affected human culture. On the other hand, cultural factors also influence people's response to it. Now, a policy formula for community recovery using a cultural approach is needed as a support and impetus. Indonesia and the world will soon enter a new normal era (new normal or adaptation to new habits) that were never imagined before. So, it is the task of the West Jakarta Administration City Government to break the chain of COVID-19, to embrace local community leaders in socializing these changes during the COVID-19 pandemic.

4. CONCLUSION

This study has been successfully studied. Based on the result, we obtain a several condition at West Jakarta region, as during COVID-19 pandemic such as Law enforcement of health protocols as an effort to prevent and control COVID-19 by the West Jakarta Administrative City Government, is carried out in accordance with the duties and functions of the Administrative City, namely assisting the Governor in carrying out general government affairs in his area. As well as referring to statutory regulations both central and local government regulations as well as other regulations issued by the respective agencies in the DKI Jakarta Provincial Government. In terms of implementing discipline and enforcement of health protocol laws, the Mayor delegates his authority to the West Jakarta Administrative City Satpol PP. This is in accordance with the Governor's Decree regarding the COVID-19 Task Force at the City Administration level while in terms of enforcing the health protocol law in the administrative city area of West Jakarta, there are several factors that influence it, perhaps positive or negative. These factors, namely: legal factors, law enforcement factors, facilities and facilities factors, community factors and cultural factors. Of the five factors, the most dominant is law enforcement. This is because the number of Satpol PP personnel is not proportional to the area and population in the administrative city of West Jakarta. Thus, in near future, the DKI Jakarta Provincial Government should make policies in efforts to prevent and control COVID-19 in the form of Regional Regulations (*Perda*) as a stronger legal basis, in order to bring better change and provide legal certainty for the community and other law enforcers in DKI Jakarta and its surroundings. Here, it takes a firm attitude from the authorities in enforcing the health protocol law. And in the future, in implementing health protocol law enforcement to build partnerships with related agencies through integrated coordination, joint operations and increasing preventive efforts by involving many stakeholders, community leaders and community organizations in disseminating regulations to the community.

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