



© Copyright Kemala Publisher  
All rights reserved

Science, Engineering and Social Science Series  
ISSN/e-ISSN: 2541 – 0369/2613 – 988X  
DOI: -  
Vol. 5, No. 2, 2021, Printed in the Indonesia

# Law Enforcement Analysis Against the Night Entertainment Business Owner During Covid-19 Pandemic

Parman. Bm. Nainggolan<sup>1,\*</sup>, Markoni<sup>1</sup>, and Wasis Susetio<sup>1</sup>

<sup>1</sup>Faculty of Law, Esa Unggul University, Jakarta

Indonesia was declared as a health emergency state, due to the Covid-19 pandemic in March 2020. Here, the Indonesian government and both central and regional, was taken a policy by issuing new regulations that limit community interaction and productivity with aimed to accelerating the response to covid-19, however the impact on the weakening of the community's economic development. Night entertainment business actors who were directly affected by the covid-19 virus, during the covid-19 pandemic had closed their businesses for about 4 months, and laid off their employees by cutting salaries / wages by 50% and some even did not provide salaries / wages until the employee is re-employed. Thus, to cover expenses or to keep earning income, there are nightlife business actors who secretly open their businesses such as karaoke in rooms, restaurants / cafes with virtual music while still providing alcoholic drinks in the Regional Regulations who allow a trading alcoholic drink. The trading situation it makes no legal certainty in the night entertainment business community to run their business because there are no definite new rules for carrying out their business. Thus, in the Covid-19 pandemic, which until now is still increasing who are exposed and on the other hand the nightlife business actors must continue their business while maintaining to avoid the spread of Covid-19, it is necessary to have binding and strict legal rules, so that laws or regulations against night entertainment business actors during the Covid-19 pandemic can be enforced.

**Keywords:** Covid-19 pandemic, Regulations, Night entertainment business actors

## 1. INTRODUCTION

Corona virus disease (covid-19) is a disease that is very rapidly transmitted and hit almost all countries in the world including Indonesia. Positive cases of Covid-19 in Indonesia were first detected on March 2, 2020 until now the number of covid in Indonesia continues to increase. This situation forces the Indonesian government, both central and regional, to take policies issue regulations due to limit community interaction and productivity, thereby affecting the community's economy, including night entertainment business actors. Since March, when victims who were exposed to the covid-19 virus were detected, night entertainment business actors have closed their businesses and most of their employees have been dismissed with 50% salaries and some are not paid by agreement when covid-19 has been resolved, the -

\*Email Address: [parmangolan@gmail.com](mailto:parmangolan@gmail.com)

employees will reinstated. For a three months from the beginning of March to June 2020 all entertainment venues are not operating and must be temporarily closed. Thus, the refreshing place namely nightclubs, discotheques, steam baths, massage houses, stand-alone bars or in night clubs, billiards or billiards that come in. in a discotheque or other entertainment venue. Then after the existence of a policy with the issuance of Health Protocols for the Community in Public Places and Facilities in the Context of Prevention and Control of Corona Virus Disease 2019 (COVID-19) which is regulated in the Decree of the Minister of Health Number HK.01.07 / MENKES / 382/2020. Here, the several entertainment business actors who start operating by imposing health protocols, this has led to interpretation of the law and has created jealousy among night entertainment business actors who are partly unable to open their business. The conduct of raids by law

enforcers, both Satpol PP and Polri, by imposing sanctions on the closure of business premises (sealing) if they are still carrying out activities during the PSBB (Large-Scale Social Restrictions) period, this makes night entertainment entrepreneurs even more depressed financially.

The research on law enforcement analysis of night entertainment with business actors during the Covid-19 pandemic, also studied with a scope in the Kelapa Dua sub-district, Tangerang Regency, Banten Province. It's important to studied in connection with the Covid-19 outbreak has not yet ended and the community's economy, especially night entertainment business actors. Thus, the remain operational so that legal rules are needed as a legal basis for running the business. In terms of law enforcement for night entertainment business actors, which agency is authorized to implement it, so that there is legal certainty and justice for night entertainment business actors, while still prioritizing accelerating control of the Covid-19 pandemic, so that public health is maintained and is also maintained moving the community's economy.

## 2. METHODOLOGY

The method used in this study is the Normative legal research method where primary data in this study were obtained from interviews and observations of the object under study. In addition, the secondary data of this study consisted of Primary legal materials for research, namely Law no. 6 of 2018 concerning Health Quarantine and Law number 2 of 2002 concerning the Indonesian National Police, Law No. 23 of 2014 concerning Regional Government and Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHP) while Secondary Legal Materials research as follows:

- a) Government Regulation No.21 of 2020 concerning Large-Scale Social Restrictions (PSBB)
- b) Presidential Decree no.11 of 2020 concerning the determination of the public health emergency for the corona virus disease 2019 (covid-19)
- c) Minister of Health Regulation No.9 of 2020 concerning PSBB Guidelines in the context of Accelerating the handling of Covid-19
- d) Decree of the minister of health of the republic of Indonesia number hk.01.07 / Menkes / 382/2020 concerning health protocols for the public in public places and facilities in the context of preventing and controlling the corona virus disease 2019 (covid-19) Stipulated in Jakarta on 19 June 2020.

- e) Governor Regulations and Regent Regulations.

Furthermore, this research is descriptive in the nature, namely research that aims to describe or explain more deeply about the rules or provisions that become the basis for night entertainment business actors in operating their business and describe, explain the main tasks and functions of each agency for law enforcement to night

entertainment business actors whose business must be kept. Thus, the operates during the Covid-19 pandemic and is to reinforce the existing hypothesis. By using descriptive research, the researcher intends to make a systematic, actual and accurate description of the roles, duties and responsibilities of the facts, characteristics and relationships between agencies in handling criminal acts related to Criminal Offenses and Criminal Crime committed by the perpetrator. night entertainment business during the covid-19 period. Collection tools in the form of document studies where the data analysis method is used quantitative method to analyze related to the role of the police in law enforcement against night entertainment business actors during the Covid-19 pandemic and the role of *Satpol PP* in law enforcement against night entertainment business actors during the COVID-19 pandemic. Thus, the hypothesis in this study as flows: *For night entertainment business players during the Covid-19 pandemic, they are encouraged to follow the regulations that have been set by the government, presidential decrees, health minister regulations, governor regulations and follow law no. 6 of 2018 concerning health quarantine to prevent the spread of covid-19 which is increasing. If it violates the policies that have been set, it will be subject to administrative and criminal sanctions.*

## 3. RESULT AND DISCUSSION

### A. Regulations for night entertainment in the two districts. Tangerang.

Provisions for establishing an entertainment business night or night entertainment business is part of the tourism industry which is regulated in Law no. 10 of 2009 concerning Tourism, then in order to implement the provisions of Article 15 paragraph (2) of Law Number 10 of 2009 concerning Tourism, a Regulation of the Minister of Culture and Tourism concerning Business Registration Procedures for Organizing Entertainment and Recreation Activities is stipulated. Here, the regulation of the minister of culture and tourism number pm.91 / hk.501 / mkp / 2010 concerning procedures for business registration for organizing entertainment and recreation activities. Tourism business registration aims to ensure legal certainty in running a tourism business for entrepreneurs; and provide a source of information for all interested parties regarding matters listed in the Tourism Business Register. The types of night entertainment business include sub-types of businesses:

- a) Night club;
- b) Discotheque;
- c) Pubs; and
- d) Other sub-types of business of the type of night entertainment business are stipulated by the Regent, Mayor and / or Governor.

The types of massage parlors include the following sub-types of businesses:

- a. Massage parlors; and
- b. Other sub-types of business of the massage parlor business type are determined by the Regent, Mayor and / or Governor.

After the discovery of the first case of the Covid-19 virus in Indonesia, namely in March 2020, which then spread very quickly throughout Indonesia, so that the Central Government, in this case the President, took a policy by issuing a statement that the State was in a state of health emergency so that the Presidential Decree of the Republic of Indonesia was issued. number 11 of 2020 concerning the determination of the public health emergency of the corona virus disease 2019 (covid-19) With the Determination of the Corona Virus Disease 2019 (Covid-19) Public Health Emergency in Indonesia, prevention efforts must be made in accordance with statutory provisions, namely Law no. 6 of 2018 concerning Health Quarantine. Here, public Health Emergencies are public health events of an extraordinary nature characterized by the spread of infectious diseases and / or events caused by nuclear radiation, biological pollution, chemical contamination, bioterrorism, and food that cause health hazards and have the potential to spread across regions or across countries.

To carry out the implementation of the central government policy, namely the presidential decree of the republic of Indonesia number 11 of 2020 concerning the determination of the public health emergency for the corona virus disease 2019 (covid-19), then the decree of the President of the Republic of Indonesia number 7 of 2020 was issued regarding a task force to accelerate the handling of the corona virus disease (covid). -19), then from the central government level to the sub-district level and even to the RW level, a cluster unit to accelerate the handling of Covid-19 was formed for fast, precise, focused, integrated, and synergistic steps between ministries / agencies and local governments. In order to accelerate the handling of Covid-19 in Law no.6 of 2018 concerning Health Quarantine, the government adopted a PSBB (Large-Scale Social Restriction) policy, so that the enforcement of PSBB in each region in Indonesia varies according to the number of cases that have occurred by submitting regional heads to Minister of Health.

The governor / regent / mayor in submitting an application for Large-Scale Social Restrictions to the Minister must be accompanied by the following data:

- a. Increase in the number of cases over time;
- b. Distribution of cases according to time; and
- c. Local transmission events.

To comply with the provisions of Article 60 of Law no. 6 of 2018 concerning Health Quarantine, then a Government Regulation issued by the government of the Republic of Indonesia number 21 of 2020 concerning large-scale social restrictions in order to accelerate the handling of the corona virus disease 2019 (covid-19), which was then issued a regulation of the minister of health on guidelines for large-scale social restrictions large in order to accelerate the handling of the corona virus disease 2019 (see Table II).

Table I. Impact of regulation law

No.	Regulation Law	Response
1.	Pm.91 / hk.501 / mkgp / 2010	Has been successful socialized 100% by government

A. *Decree of the president of the republic of Indonesia number 11 of 2020 concerning the determination of the public health emergency for the corona virus disease 2019 (covid-19).*

With reference to Law no.6 of 2018 concerning Health Quarantine, the Central Government in this case the President as the Head of the central government issues a determination of the Coronavirus Disease 2019 (Covid-19) Public Health Emergency, and with all considerations so that the policy taken is the imposition of Social Restrictions Large-Scale (PSBB), with the meaning of Large-Scale Social Restrictions, is the limitation of certain activities of residents in an area suspected of being infected with Corona Virus Disease 2019 (COVID-19) in such a way as to prevent the possible spread of Corona Virus Disease 2019 (COVID-19). In implementing health quarantine in the region, Indonesia has taken a policy to implement Large-Scale Social Restrictions which in principle are implemented to reduce the spread of COVID-19, which is increasingly widespread, which is based on epidemiological considerations, the size of the threat, effectiveness, resource support, technical operations, economic considerations, social, cultural, and security. This policy is in the form of Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (COVID-19).

B. *Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (COVID-19).*

To implement Large-Scale Social Restrictions which in principle are implemented to reduce the spread of COVID-19, which is based on epidemiological considerations, the size of the threat, effectiveness,

resource support, technical operations, economic, social, cultural and security considerations, a Regulation is issued. Government Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (COVID-19). Thus, for the handling of corona virus disease 2019 (Covid-19), the policy taken by the government is centralized and implemented by the local government is Large-Scale Social Restrictions (PSBB), not locking down or stopping community activities or productivity. Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (COVID-19) regulates that the Minister of Health establishes Large-Scale Social Restrictions based on the recommendation of the governor / regent / mayor or the Chief Executive of the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (COVID-19), with defined criteria. In this Government Regulation, Large-Scale Social Restrictions cover at least school and work vacations, restrictions on religious activities, and / or restrictions on activities in public places or facilities. In the event that Large-Scale Social Restrictions have been stipulated by the Minister, the Regional Government is obliged to implement and observe the provisions of Law Number 6 of 2018 concerning Health Quarantine.

To implement Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (COVID-19), guidelines for the implementation of Large-Scale Social Restrictions are required which regulate more technically the criteria for Large-Scale Social Restrictions to be determined as well as for each. technical implementation. Given that during the COVID-19 pandemic, it is likely that many people have been infected or have not been detected, or are in the incubation period, to prevent the spread of spread in an area through personal contact, it is necessary to limit large-scale social activities in the area. The limitation of certain activities in question is to limit the gathering of people in large numbers at a certain location. The activities referred to include school, office and factory work, religion, meetings, wedding parties, recreation, entertainment, festivals, sports competitions and other gathering activities that use public or private facilities.

*C. Regulation of the Minister of Health of the Republic of Indonesia number 9 of 2020 concerning guidelines for large-scale social restrictions in order to accelerate the handling of the corona virus disease 2019 (covid-19)*

In the implementation of large-scale social restrictions (PSBB), the Minister of Health determines guidelines for large-scale social restrictions. Since the central government determined that the country is in a health

emergency by issuing Presidential Decree No.11 of 2020 concerning the Determination of the Corona Virus Disease 2019 (COVID-19) Public Health Emergency on March 11, 2020, the Government has taken a policy to implement Large-Scale social restrictions (PSBB) as an option to accelerate the prevention of covid-19 transmission, the legal basis for which is Law no. 6 of 2018 concerning Health Quarantine. March 2020, night entertainment business actors in the Kelapa Dua sub-district of Tangerang Regency are not allowed to operate their business, this is regulated in the Tangerang regent regulation number 36 of 2020 concerning guidelines for large-scale social restrictions in accelerating the handling of corona virus disease 2019 (covid-19) in the Tangerang district area. The PSBB implementation policy is to implement the provisions of Banten Governor Regulation Number 28 of 2020 concerning Guidelines for Large-Scale Social Restrictions in Handling Corona Virus Disease 2019 in Tangerang Regency, Tangerang City, and South Tangerang City, night entertainment business venues such as bars, lounges, karaoke, massage parlors in the Kelapa Dua sub-district, during the PSBB period continued to operate their business so that the Tangerang Regency Satpol PP without being accompanied by the Police or the TNI took law enforcement actions by sealing several nightlife business places such as entertainment venues in Gading Serpong Compact quietly operating. Here, even though the Tangerang Regency Satpol PP has issued Circular Letter (SE) No: 301/293 / SPPP / 2020 regarding the Temporary Closure of Tourism Industry Operational Activities in Efforts to Be Alert Against COVID-19 Infection. The SE greeting explained that night entertainment places include night clubs, discos, karaoke, bars, massage parlors, spas, cinemas, billiards and internet cafes, as well as tourist attractions to close all operational activities. If the manager of the place violates, it is certain that they can take action according to the applicable regulations by the Tangerang Regency Government. Furthermore, the open During PSBB, Karaoke Place in Kelapa Dua is sealed by *Satpol PP*.

#### 4. CONCLUSION

Tangerang regency regulation number 6 of 2014 concerning the registration of tourism businesses is a legal basis for establishing a nightlife business consisting of night clubs, discos and pubs, massage parlors, karaoke, which are included in the category of organizing entertainment and recreation activities, and are regulated in article 25 of Tangerang Regency regional regulation number 6 of 2014 concerning the sign of a list of tourism businesses. Legally, the night entertainment business actors complete the licensing requirements stipulated in the Tangerang Regency regional regulation. As an entrepreneur who organizes entertainment and recreation activities that support tourism, the implementation of its operations will be supervised by the Tangerang Regency

Satpol PP as the enforcer of regional regulations. In March 2020, the first time Indonesian citizens were tested positive for the covid-19 virus, with this incident the Central Government, namely the President as Head of Government, declared the State in a state of health emergency by issuing Presidential Decree number 11 of 2020 concerning the determination of the corona public health emergency virus disease 2019 (covid-19), by implementing Law no.6 of 2018 concerning Health Quarantine, then the Government issued Government Regulation of the Republic of Indonesia number 21 of 2020 concerning Large-Scale Social Restrictions in order to accelerate the handling of corona virus disease 2019 (covid-19)

The policy to implement Large-Scale Social Restrictions (PSBB) which refers to Article 59 of Law No.6 of 2018 concerning Health Quarantine, then for the guidelines for implementing Large-Scale Social Restrictions (PSBB), the Minister of Health as an institution with a competency in the health sector issued a regulation of the Minister of Health of the Republic of Indonesia number 9 of 2020 concerning guidelines for large-scale social restrictions in order to accelerate the handling of the corona virus disease 2019 (covid-19). Thus, the consideration that the community must be able to return to activities in the COVID-19 pandemic situation by adapting to new habits that are healthier, cleaner, and more obedient, which are implemented by all components in society and empower all existing resources, the government will return. take a policy by stipulating the Decree of the Minister of Health of the Republic of Indonesia number hk.01.07 / menkes / 382/2020 concerning health protocols for the community in public places and facilities in the context of preventing and controlling the corona virus disease 2019 (covid-19), which was stipulated in Jakarta on the date of June 19, 2020, after 3 months of the Covid-19 pandemic that occurred in the territory of Indonesia. The large-scale social restrictions (PSBB) remain in effect and are implemented throughout Indonesia by prioritizing health protocols, which are given the authority to regional heads to submit to the Minister of Health. In the implementation of the PSBB, the regional head of Tangerang Regency determines a policy to close the operations of the night entertainment business, and is supervised by the Satpol PP as law enforcer of regional regulations.

Furthermore, the implementation of the Large-Scale Social Restriction (PSBB) policy, in Kelapa Dua Subdistrict, is ineffective as evidenced by the fact that night entertainment business operations are still carried out, although secretly, this is due to prioritizing Satpol PP as law enforcer of regional regulations, which by means of sealing actions will be resolved. by payment of a fine. Law enforcement during the Covid-19 pandemic with the Large-Scale Social Restrictions (PSBB) policy is the National Police and PPNS investigators who have been determined in the health sector by applying the criminal

provisions in Law no.6 of 2018 concerning Health Quarantine. The Large-Scale Social Restrictions (PSBB) provisions do not mean stopping the operation or productivity of night entertainment businesses, but limiting their activities by implementing Health protocols, so that they do not have an impact on social problems, namely the dismissal of employees at night entertainment establishments. By applying seals to night entertainment business actors who violate PSBB provisions during the Covid-19 period, it is not effective because it is considered to be the enforcement of regional regulations that prioritize administrative sanctions, and are implemented by the Satpol PP, so that law enforcement against night entertainment business actors during the Covid-19 period does not has a deterrent effect. During the Covid-19 pandemic by implementing a Large-Scale Social Restriction (PSBB) policy, it did not mean stopping the operation or productivity of night entertainment businesses, but in terms of limiting or reducing their productivity so as to avoid gathering crowds that could become a place of transmission of the covid-19. virus. Stopping night entertainment business operations will have a social impact, namely unemployment as a result of being dismissed by the night entertainment business owner. Thus, the decree of the Minister of Health of the Republic of Indonesia number hk.01.07 / menkes / 382/2020 concerning health protocols for the public in public places and facilities in the context of prevention and control of the corona virus disease 2019 (covid-19), which was stipulated in Jakarta on 19 June 2020, These regulations were established after 3 months of the Covid-19 pandemic occurring in the territory of Indonesia, resulting in a legal vacuum for night entertainment business actors in operating their businesses, so that the Government needs to be firm in providing a legal basis for night entertainment business actors in operating their businesses. And a regional regulation is needed during the Covid-19 pandemic that regulates the implementation of night entertainment business operations.

Based on article 84 of Law No.6 of 2018, the concerning health quarantine, investigations are determined, namely in addition to investigating officers of the State Police of the Republic of Indonesia, certain civil servant officials within the ministry that administer government affairs in the health sector are given special authority as investigators as referred to in the Law. The law which regulates criminal procedure law to carry out criminal investigations in the field of Health Quarantine. Then the criminal provisions regulated in article 93 of the Law. No.6 of 2018 concerning health quarantine, namely Every person who does not comply with the implementation of Health Quarantine as referred to in Article 9 paragraph (1) and / or obstructs the implementation of Health Quarantine so as to cause a Public Health Emergency shall be sentenced to imprisonment of 1 (one) maximum year and / or a fine of

not more than IDR 100,000,000.00 (one hundred million rupiah). By applying the criminal provisions in law no. 6 of 2018 concerning health quarantine and prioritizing investigators of the National Police and PPNS Health quarantine will have a deterrent effect on night entertainment business actors who violate the provisions of the rules during the Large-Scale Social Restrictions (PSBB) period, so that the implementation of accelerated handling of Covid-19 can be effective without having to stop productivity nightclub business.

## References

- [1]. Law of the Republic of Indonesia number 6 of 2018 concerning health quarantine
- [2]. Government Regulation of the Republic of Indonesia number 21 of 2020 concerning Large-Scale Social Restrictions in order to accelerate the handling of the corona virus disease 2019 (covid-19)
- [3]. Decree of the President of the Republic of Indonesia number 11 of 2020 concerning the determination of the public health emergency for the corona virus disease 2019 (covid-19)
- [4]. 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 the handling of the corona virus disease 2019 (covid-19)
- [5]. Decree of the minister of health of the republic of Indonesia number hk.01.07 / menkes / 382/2020 regarding health protocols for the public in public places and facilities in the context of preventing and controlling the corona virus disease 2019 (covid-19)
- [6]. Law of the Republic of Indonesia number 23 of 2014 concerning regional governance
- [7]. Law Number 10 of 2004 concerning the Formation of Laws and Regulations
- [8]. Law of the Republic of Indonesia number 10. Year 2009 regarding tourism
- [9]. Tangerang Regency Regional Regulation No.6 of 2014 concerning Tourism Business Registration Certificates.
- [10]. Republic of Indonesia Government Regulation number 16 of 2018 concerning civil service police units
- [11]. [https://id.wikipedia.org/wiki/Otonomi\\_daerah](https://id.wikipedia.org/wiki/Otonomi_daerah)
- [12]. Regulation of the Minister of Culture and Tourism Number PM.91 / HK.501 / MKP / 2010 concerning procedures for business registration for organizing entertainment and recreation activities
- [13]. Dr. Agus Rusianto, S.H., M.H. (2016). Crime & Criminal Liability
- [14]. L.J. Van Apeldorn. (1982). Introduction to Legal Studies. Jakarta: Pradnya Paramita.
- [15]. John Rawls. (1971). A Theory of Justice. Harvard University Press, Cambridge.
- [16]. E.Y. Kanter and S.R. Sianturi. (2002). Principles of Criminal Law and Its Application. Jakarta: Stora Grafika.
- [17]. Dr. Oksidelfa Yanto., S.H., M.H. The rule of law, certainty, justice, and legal benefits.
- [18]. Budiono Kusumohamidjojo. Legal theory, the dilemma between law, and power.

Received: 24 February 2021, Accepted: 25 April 2021