Implementation of Administrative Sanctions Against Violations of Health Protocol Covid-19 in Central Lampung

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Abstract
In 2019, the world was hit by a pandemic that changed all the habits of the world's people. The pandemic was caused by the emergence of a virus that could threaten a person's life and not a few died due to the virus, namely Covid-19. The Indonesian government, both central and regional, has created a policy to limit the spread of the virus. But of course, the implementation does not always match what has been expected. Therefore, on this occasion, the author wants to research how to implement administrative sanctions for violations of the Covid-19 health protocol by people in Central Lampung. This research uses normative juridical research methods and is also assisted by empirical legal research in Central Lampung Regency. In general, research activities are carried out by collecting sources from reading materials such as books and laws and regulations, as well as conducting several interviews. The results obtained from this study are that the implementation of the Covid-19 health protocol in Central Lampung has been carried out appropriately, both by law enforcement and the community. In this case, the Central Lampung Regency Government has carried out its duties well and followed the instructions set by the President.
namely Presidential Instruction No. 6 of 2020. At the regional level, the regional government has also made a policy, one of which is Regional Regulation No. 10 of 2020. The implementation of administrative law against health protocol violations has also been maximally carried out in Central Lampung Regency. Law enforcers give verbal warnings first before giving other administrative sanctions such as fines if they continue to violate or violate again. Then business actors are given administrative sanctions in the form of fines for revocation of permits, but in this case, the punishment of revocation of permits is very rarely carried out.

A. Introduction

The origin of the emergence of Covid-19 is known to have come from an animal market in the Wuhan area originating from China. Then the virus began to spread in 2019 until now, and became a pandemic in almost all countries in the world. At the beginning of the emergence of Covid-19, the world community became afraid and carried out a lock-down to minimize the possibility of spreading. Indonesia did not escape from the virus attack, even Indonesia was once the top 5 countries with the highest cases in the world.1

Based on data from the Indonesian Covid-19 Handling Task Force on July 31, 2020 at 12.00 WIB, the number of people exposed to Covid-19 in Indonesia was recorded with positive confirmations of 108,376 (+2,040), recovered 65,907 (+1,615) and deaths 5,131 (+73). The spread of Covid-19 has entered 34 provinces and 476 regencies/cities throughout Indonesia since the confirmation of the first case in Indonesia was announced. Based on updates on exposure to Covid-19 in the world, Indonesia is ranked 24th out of 216 countries and regions/territories that have been exposed to this virus.

The Indonesian government has created various policies that can help and reduce the spread of the virus. Indonesia as a country that has many regions gives authority to regional leaders such as governors, regents and mayors to be able to make policies for their respective regions so that they can help the central government. Lampung is one of the provinces in Indonesia, where Central Lampung is one of the districts in Lampung.

Currently, both the central and local governments are implementing a policy in the form of adapting new habits, which are based on Presidential Instruction No. 6 of 2020 concerning Discipline Improvement and Law Enforcement of Health Protocols in the Prevention and Control of COVID-2019. The Presidential Instruction also regulates the granting of authority to local governments, namely Governors, Regents, and Mayors to make policies or regulations for each region they lead in order to reduce and avoid the spread of Covid-19. The regulations made by these local governments can bind the entire community of the area, both for individuals and for business actors.2

Like the rules in general, every rule there must be someone who intentionally or unintentionally violates or violates these rules. In order to support the acceleration of handling Covid-19, the government established a Task Force for the Acceleration of Handling Covid-19 or what is now often referred to as the Covid-19 Task Force. The Covid-19 Task Force has several tasks that have been regulated in Presidential Decree No. 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019. In this law, the regulation regarding each task held by the Covid-19 Task Force is regulated in Article 5 and Article 6, one of its duties is to coordinate, control, and carry out supervision in order to accelerate the handling of Covid-19.

In principle, both the central and local governments have made many efforts to reduce and prevent the spread of the virus. However, in its implementation there are still many violations for various reasons. As is the case with some of the people who live in Central Lampung, they still often violate the regulations made and carry out daily activities without implementing the Covid-19 health protocol that has been created by the government. Therefore, the Regent of Central Lampung as the regional leader formed a regulation to strengthen and bind the community more to comply with all appeals from the government, the regulation is the Regional Regulation of Central Lampung Regency No. 10 of 2020 Regarding Guidelines For Adapting New Habits In The Prevention And Control Covid-19.3

Violators of the regulations that have been created by the government are not only carried out by ordinary people, the deputy regent as one of the most important elements in the government is also a violator of these regulations, he should set a good example by obeying the rules, not breaking them. As has been done by the Deputy Regent of Central Lampung, namely Ardito Wijaya. Based on the information he gave while attending the trial held at the Gunung Sugih District Court, he admitted that he had violated health protocols by not wearing a mask while attending the wedding reception of one of his relatives. The decision given to the Deputy Regent of Central Lampung was in the form of administrative sanctions in the form of social work. 4

In criminal law, the principle of subsidarity is known, criminal sanctions are given if other sanctions such as administrative sanctions are no longer effective. Therefore, this research will focus more on discussing the implementation of administrative sanctions against violators of the Covid-19 health protocol, especially in the Central Lampung area. This research uses normative juridical methods and is also assisted by empirical legal research. In conducting the research, the authors collected sources from reading materials such as books and laws and regulations, and conducted several interviews.

In this research, the author explains about the implementation of administrative sanctions for violations of the Covid-19 health protocol in Central Lampung Regency. After the spread of Covid-19 in various countries around the world, including Indonesia, the central government has set various policies for handling Covid-19. One of these policies is the application of administrative sanctions which are centrally regulated in the Presidential Instruction. Then, based on these instructions, the local government implements it through local regulations and other policies, one of which is in Central Lampung Regency.

The novelty of this research will contribute to the local government of Central Lampung Regency and law enforcement officers, where the implementation of the Covid-19 administrative sanctions has been carried out appropriately and well by stakeholders, law enforcement officers and the community itself. Appropriate and proper implementation regarding the implementation of the Covid-19 administrative sanctions can also set an example for local governments in other districts or cities in Indonesia, especially districts or cities in the province of Lampung.

B. Discussion

The emergence of the Covid-19 virus as a pandemic in almost all countries in the world is a problem in the health sector. Both national and international have regulated the right of every individual to obtain health. In international regulations, for example, there are Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and in national law in particular Indonesia also has a similar arrangement because it has ratified several of these international regulations. In international law long before the pandemic, it has mandated all countries that are parties to the Ecosob Covenant to be able to prevent, provide medicine, and strive to control all types of infectious, endemic and other diseases. In this case, Covid-19 is included in the type of disease that is contagious and even becomes a pandemic.

Meanwhile, regarding special arrangements for Indonesia related to Covid-19, one of which is regulated in Presidential Instruction No. 6 of 2020 enacted the Presidential Instruction covering the entire territory of Indonesia. There is also a policy issued by the government in the form of PSBB or Large-Scale Social Restrictions, which requires all office activities to be carried out at home or often also referred to as WFH (Work From Home) supported by the issuance of Minister of Health Regulation No. 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions.

Central Lampung as one of the regions in Lampung Province, also seeks to implement, support, and assist the central government to achieve their goals, namely in the form of minimizing and preventing the transmission of the Covid-19 Virus. One of these efforts can be seen from the protection carried out by the Central Lampung government against migrants, both those who have a Central Lampung ID card and those who do not. Every citizen who will visit Central Lampung if he has a Central Lampung KTP then he is required to self-quarantine, while for those who come from outside Lampung, the Central Lampung Regional Government has prepared a place that can be used for quarantine. The Central Lampung Regional Government has prepared 2 main hospitals that can be used as Covid-19 referrals.

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Table 1. Covid-19 situation in Lampung Province as of February 4, 2022

<table>
<thead>
<tr>
<th>County/City</th>
<th>Confirmed Cases Per 100,000 Population/Week</th>
<th>Hospital Inpatient Per 100,000 Population/Week</th>
<th>Dies Per 100,000 Population/Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kota Bandar Lampung</td>
<td>20.60</td>
<td>2.80</td>
<td>0.09</td>
</tr>
<tr>
<td>Pringsewu</td>
<td>8.31</td>
<td>1.22</td>
<td>0.00</td>
</tr>
<tr>
<td>Kota Metro</td>
<td>8.03</td>
<td>1.15</td>
<td>0.00</td>
</tr>
<tr>
<td>Lampung Selatan</td>
<td>5.20</td>
<td>0.19</td>
<td>0.00</td>
</tr>
<tr>
<td>Pesirir Barat</td>
<td>5.06</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Lampung Utara</td>
<td>4.97</td>
<td>1.12</td>
<td>0.00</td>
</tr>
<tr>
<td>Lampung Tengah</td>
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<td>1.22</td>
<td>0.00</td>
</tr>
<tr>
<td>Pesawaran</td>
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<td>0.22</td>
<td>0.00</td>
</tr>
<tr>
<td>Lampung Timur</td>
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<td>0.28</td>
<td>0.00</td>
</tr>
<tr>
<td>Way Kanan</td>
<td>1.51</td>
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</tr>
<tr>
<td>Tulang Bawang Barat</td>
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<td>0.00</td>
</tr>
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</tr>
<tr>
<td>Mesuji</td>
<td>0.00</td>
<td>0.49</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Source: Lampung Province Covid-19 Task Force

Regarding the implementation of health protocols, the Central Lampung Regional Government has also created a regional regulation to support the form of affirmation of central regulations. One of these regulations is the Central Lampung Regency Regional Regulation No. 10 of 2020 concerning Guidelines for Adapting to New Habits in the Prevention and Control of Covid-19, Central Lampung Regent Regulation Number 36 of 2020 concerning Guidelines for Adapting New Habits Towards Productive and Safe Communities Corona Virus Disease 2019 (Covid-19) in Central Lampung Regency, and Central Lampung Regent Regulation Number 40 of 2021 concerning Providing Incentives to Vaccination Service Providers Corona Virus Disease 2019 (Covid-19) in Central Lampung Regency. The establishment of these regulations has the same goal, namely to protect the public from the Covid-19 attack.

However, in implementing the regulation, it was found that many people, especially the people of Central Lampung, did not understand the importance of implementing the health protocols that had been determined by the government. Therefore, the government also creates an effort that can provide a deterrent effect for the community so that they will not violate the health regulations or protocols. These efforts are in the form of administrative sanctions to people who violate. The following are administrative sanctions that are often used by the government for these violators:11

1. Reprimand both oral and written;
2. Provision of social work;
3. Administrative fines;
4. Temporary cessation of activities that are being carried out;
5. Temporary suspension of a permit until the revocation of a permit.

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Before discussing the implementation of administrative sanctions for the Covid-19 health protocol, it is necessary to first understand what a health protocol is.\textsuperscript{12} The health protocol is a regulation that requires all people to wear masks, avoid crowds, wash hands regularly, do physical distancing, and implement a clean and healthy life.\textsuperscript{13} Although the government has established a health protocol with the aim of protecting the community itself, in its implementation not a few people violate the protocol. Protocol violations that are often carried out, especially the people of Central Lampung, are in the form of not wearing masks, not implementing physical distancing and crowding. The crowd often occurs because the community organizes a musical orchestra, causing a crowd. Therefore, to support the implementation of health protocols properly, supervision is also needed from local officials, such as the police, village heads, and others to be able to supervise the local community.\textsuperscript{14}

In addition to the community as individuals, the protocol also binds business actors, based on Regional Regulation no. 10 of 2020, the maximum administrative fine that can be given to the person in charge of a business if he violates it is a fine of 5 million rupiah and can also be subject to a maximum imprisonment of 1 month.\textsuperscript{15} In administrative sanctions, it creates a relationship between the community and the government, this relationship does not involve a judicial body.\textsuperscript{16} Punitive sanctions as well as reparatory sanctions are administrative sanctions classifications based on their targets. An attempt to return something to its original condition is an understanding of reparatory sanctions, while those aimed at providing a deterrent effect or punishment are punitive sanctions, administrative fines are one example.\textsuperscript{17}

Based on the regulations of the Central Lampung Regency Government, administrative sanctions have been applied without the need for criminal sanctions. This is considered more effective and can also reduce the density of prisons that have exceeded their capacity.\textsuperscript{18} In this study, the author also conducted interviews with several parties or officials who have a role in handling Covid-19, especially in Central Lampung. Based on interviews that the author has conducted with a resource person named Senna Indiarto Rajasa Putra\textsuperscript{19}There are several factors that cause people to violate the health protocol, including:

1. A society that lacks discipline;
2. Lack of public awareness of the importance of complying with the Covid-19 health protocol;
3. With new habits such as wearing masks, people often forget because they are not used to it;
4. Many people think that Covid-19 doesn't really exist.

\textsuperscript{19} Berdasarkan hasil wawancara dengan IPTU Senna Indiarto Rajasa Putra, S.Tr.K., M.H., selaku KBO Sat Reskrim Polres Lampung Tengah, pada tanggal 16 Januari 2022 via google form.
A part from Senna Indiarto Rajasa Putra, Ibrahim also expressed his opinion regarding the inhibiting factors for imposing sanctions for violating the Covid-19 health protocol, according to him, these factors are divided into internal factors and external factors. Internal factors, one of which is caused by the Pramong Praja Police Unit or abbreviated as Satpol PP as the executor when in the field, has an increased workload, then lacks facilities and facilities that can support it. The next is from external factors, although socialization has been carried out regarding the importance of implementing the Covid-19 health protocol which can not only protect oneself but also others, but in reality it has not been effective in providing understanding to the public. The awareness of the people of Central Lampung regarding the law and the importance of implementing the Covid-19 health protocol is still low. The community is the most important factor in preventing the spread of Covid-19, because without their awareness, of course, prevention will be difficult to do.

Then regarding the administration of administrative sanctions, based on the narrative of Ibrahim, he explained that administrative sanctions were given to business actors, while for individuals, verbal warnings were given to social sanctions.\(^{20}\) Administrative sanctions given to business actors will involve policy makers because this can take the form of revocation of permits, so the police often assist the process.\(^{21}\) The police as one of the important figures in monitoring and preventing the spread of Covid-19 also requires discipline in implementing health protocols, therefore The National Police Chief General Idham Azis issued a telegram with the number ST/3220/XI/KES.72020. Based on the telegram, he appealed to the police to be able to enforce the rule of law regardless of who violated the law.

In the application or administration of administrative sanctions, in this case based on interviews that have been conducted, there are 2 differences of opinion. The first opinion views that the provision of non-penal sanctions is considered more prospective, but on the other hand, the view that penal sanctions are more prospective. Nurmalina Hadjar supports the first opinion and Ibrahim supports the second opinion. Meanwhile, Senna Indiarto Rajasa Putra combines the two sanctions, according to him, a penal sanction may be given when a non-penal sanction has been given but the violator still commits a violation.

According to Desrio, the policies issued by the Central Lampung Regional Government are in accordance with the instructions from the Presidential Instruction issued by the president. However, the low awareness of the community is the most important factor. Cases regarding Covid-19 had decreased until a new virus species emerged, namely Omicron. According to him, people are also tired of implementing health protocols and want to carry out activities like normal times. We can see this from the number of people who have started not wearing masks, not doing physical distancing and crowding is more common.\(^{22}\) However, the Regional Government of Central Lampung Regency, of course, does not give up and continues to make efforts with the aim of prevention, here are some of these efforts:

1. Coordinate with several related agencies in Central Lampung to support efforts to prevent the spread of Covid-19;
2. Calling on the public to always comply with health protocols;
3. Take preventive and repressive efforts. Preventive efforts are carried out by providing socialization and reminding the importance of healthy living and implementing health

\(^{20}\) Berdasarkan hasil wawancara dengan Ibrahim selaku Kepala seksi Penyidik dan penyelidikan Kantor Satuan Polisi Pamong Praja Lampung Tengah, pada tanggal 10 Januari 2022 via google form.


\(^{22}\) Berdasarkan hasil wawancara dengan Desrio Aref Yuga Saputra selaku Kepala Bidang Lalu Lintas Dinas Perhubungan Kabupaten Lampung Tengah, pada tanggal 18 Januari 2022.
protocols, then repressive efforts are carried out by giving sanctions if the community has violated the protocol.\textsuperscript{23}

In addition to the several factors above, there are also several factors that can be used as a reference so that the public is willing to comply with the regulations, in this case the Covid-19 health protocol:

1. Community compliance due to a reward that will be given if they comply with the regulation;
2. There is a good relationship between the community and law enforcement and policy makers;
3. There is a guarantee that the interests of the community will be met.\textsuperscript{24}

There is a difference between traditional society and modern society in obeying the rules. In modern society they obey the rules because they have legal awareness and self-awareness also understands the impact that will arise if they violate these regulations. Whereas in traditional societies they obey the rules not because of legal awareness and self-awareness but because of coercion to comply with these regulations.\textsuperscript{25} In order to create legal awareness in the community so that they are willing to voluntarily comply with regulations, especially in this case the Covid-19 health protocol, according to the author, the following are some steps that can be taken:

1. In the legal field, this can be done by continuing to supervise, reprimand the violators, and if they continue to violate they can be given sanctions in the form of administrative sanctions which can be in the form of fines, social work to confinement as was given to the deputy regent of Central Lampung when he committed a violation.
2. In the field of facilities and infrastructure, the Central Lampung Regency Government can repair public facilities such as places to wash hands, provide hand sanitizer at every point, check temperature when in public places, attach posters, banners, and banners regarding information on preventing the spread of Covid-19 in public areas, public places or strategic places. Regularly spraying disinfectants in public places and public facilities in Central Lampung.
3. In the field of knowledge, it can be done by providing socialization to the people of Central Lampung regarding the Covid-19 health rules and protocols, providing direction and motivation to the people of Central Lampung so that people do not have excessive fear because this can also affect public health, and supervise community activities. so there is no crowd.

Based on the data above, it can be seen that the implementation of the Covid-19 health protocol in Central Lampung has been carried out appropriately, both by law enforcement and the community, although there are still some violations committed by the community. The Central Lampung Regency Government in this case has done its job well and followed the instructions set by the president, namely Presidential Instruction No. 6 of 2020. At the regional level, the regional government has also made a policy, one of which is Regional Regulation No. 10 of 2020. The implementation of administrative law for violations of health protocols has also been carried out optimally. They give a verbal warning first before giving other administrative sanctions such as fines if they continue to violate or commit violations again. Then for business actors are given administrative sanctions in the form of fines to revocation of permits, but in this case the punishment of revocation of permits is very rarely carried out.

\textsuperscript{23} Ibid.
\textsuperscript{24} Ibid.
C. Conclusion

The implementation of the Covid-19 health protocol in Central Lampung has been carried out appropriately, both by law enforcement and the community, although there are still some violations committed by the community. The Central Lampung Regency Government in this case has done its job well and followed the instructions set by the president, namely Presidential Instruction No. 6 of 2020. At the regional level, the regional government has also made a policy, one of which is Regional Regulation No. 10 of 2020. The implementation of administrative law for violations of health protocols has also been carried out to the maximum, they give verbal warnings before giving other administrative sanctions such as fines if they continue to violate or violate again.

In order to support the implementation of the Covid-19 health protocol, it is necessary to have joint awareness both by the central and regional governments as well as the community to be able to work together in avoiding the spread of the virus. The government as a policy maker must think about the best steps, the community as a policy implementer must comply with the policies or regulations that are made and law enforcement officers such as the police as law enforcers must carry out their duties in terms of supervising and providing sanctions without any differences.

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