

## Conference

# Implementation of Law Enforcement and Disciplinary Policies in the Instruction of the Minister of Home Affairs No. 15 of 2021 in Banten

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**Abstract.** This research investigated the implementation of the law enforcement and disciplinary policies of the Governor's Instruction number 15 of 2021, focusing on the province of Banten, where during the pandemic period, law enforcement and discipline experienced many obstacles. George C. Edward's policy implementation theory was used, which examines four variables that affect the success of policy implementation, namely communication, resources, disposition, and bureaucratic structure. A qualitative research method was used and data were collected through literature studies, observations and interviews. Triangulation techniques were used. The results demonstrated that the central government's policy regarding emergency PPKM was only able to reduce in small quantities according to the target, due to the many inhibiting factors. The authors conclude that it may be time to focus on herd immunity, and that we must understand that to solve this problem we need to increase antibodies or community immunity, so the policies issued must lead to increasing these factors. The research also focused on helical trauma and the implementation of psychological treatment.

**Keywords:** policy implementation, law enforcement, COVID-19, PPKM

## 1. Introduction

The Covid-19 pandemic that has lasted for quite a long time in Indonesia has an impact on all sectors of people's lives, starting from the economy, social society, security and even the political sector. This pandemic is forcing the community to adapt to a new pattern of life (new normal). The Central Government to break the chain of the spread of Covid-19 has carried out / issued many policy measures as new variants of Covid-19 continue to emerge which have a much stronger transmission power than the previous variants. Regulatory products in the form of instructions also appear which are then followed up by the Regional Government issuing Instructions, Decrees or circulars to follow up on the mandate of policies from the Central Government, starting with the

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Published 15 March 2022

Publishing services provided by  
Knowledge E

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Selection and Peer-review under the responsibility of the IAPA Conference Committee.

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Enforcement of Large-Scale Social Restrictions (PSBB), Then Enforcement of Restrictions on Community Activities. Micro up to the Imposition of Restrictions on Emergency Community Activities.

The implementation of restrictions on emergency community activities is carried out in the form of the Instruction of the Minister of Home Affairs of the Republic of Indonesia (Inmendagri) Number 15 of 2021 concerning the Enforcement of Restrictions on Emergency Community Activities for Corona Virus Disease 2019 in Java and Bali, with coverage of 7 provinces and 124 regencies/cities. The determination of the classification of 7 Provinces and 124 City Regencies is based on the Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/Menkes/4805/2021 concerning Indicators of Adjusting Public Health Efforts and Social Restrictions in Overcoming the Corona Virus Disease Pandemic -2019 (Covid-19).

Inmendagri Number 15 of 2021 Then followed up by the Banten Provincial Government by issuing Banten Governor Instruction Number 15 of 2021 concerning the Enforcement of Restrictions on Emergency Community Activities for Corona Virus Disease 2019 in the Banten Province, where in this Governor's instruction it is explained that:

The Covid-19 Emergency PPKM in Regencies and Cities in the Banten Province with criteria for level 3 (three) and level 4 (four) is carried out by implementing the following activities:

- a) Implementation of teaching and learning activities (Schools, Universities, Academies, Places for Education/Training are conducted online;
- b) Implementation of activities in the non-essential sector applies 100% (one hundred percent) Work From Home (WFH);
- c) Implementation of activities in the sector:
  - 1) Essentials such as finance and banking, capital markets, payment systems, information and communication technology, non-COVID-19 quarantine handling hotels, export orientation industries are enforced by 50% (fifty percent) of maximum Work From Office (WFO) staff with health protocols strict;
  - 2) Essential in the government sector that provides public services whose implementation cannot be delayed shall apply 25% (twenty five percent) of maximum WFO staff with strict health protocols;
  - 3) Critical, such as energy, health, security, logistics and transportation, food and beverage industry and its support, petrochemicals, cement, national vital objects, disaster management, national strategic projects, construction, basic utilities (electricity and water), as well as industry needs fulfillment the daily

- basics of the community are applied 100% (one hundred percent) to a maximum of Work From Office (WFO) staff with strict health protocols;
- 4) For supermarkets, traditional markets, grocery stores and supermarkets that sell daily necessities, operating hours are limited to 20.00 local time with a visitor capacity of 50% (fifty percent); and
  - 5) For pharmacies and drug stores can be open for 24 hours,
- d) The implementation of eating/drinking activities in public places (restaurants, restaurants, cafes, street vendors, hawker stalls) both those located in separate locations and those located in shopping centers/malls only accept delivery/take away and do not accept meals on the spot (dine -in);
  - e) Activities at shopping centers/malls/trading centers are temporarily closed unless access to restaurants, supermarkets and supermarkets can be allowed by observing the provisions in the THIRD dictum points c.3 and d;
  - f) The implementation of construction activities (construction sites and project sites) operates 100% (one hundred percent) by implementing stricter health protocols;
  - g. places of worship (mosques, prayer rooms, churches, temples, temples and pagodas as well as other public places that function as places of worship) are temporarily closed;
  - g) Public facilities (public areas, public parks, public tourist attractions and other public areas) are temporarily closed;
  - h) Arts, culture, sports and social activities (locations of arts, culture, sports facilities and social activities that can cause crowds and crowds) are temporarily closed;
  - i) Public transportation (public vehicles, mass transportation, taxis (conventional and online) and rental/rental vehicles) is enforced with a maximum capacity setting of 70% (seventy percent) by implementing stricter health protocols;
  - j) the wedding reception is attended by a maximum of 30 (thirty) people by implementing stricter health protocols and not eating at the reception, the provision of food is only allowed in a closed place and to be taken home;
  - k) Domestic travelers using private cars, motorbikes and long-distance public transportation (airplanes, buses, ships and trains) must:
    - 1) show a vaccine card (at least the first dose of vaccination);
    - 2) show H-2 PCR for aircraft and Antigen (H-1) for private cars, motorcycles, buses, trains and ships;

- 3) the provisions as referred to in number 1) and number 2) only apply to arrivals and departures from and to Java and Bali and do not apply to transportation within the agglomeration area for example for the Jabodetabek area; and
  - 4) Drivers for logistics and other goods transportation vehicles are exempt from the provision of having a vaccine card.
- l) Continue to wear a mask correctly and consistently when carrying out activities outside the home and it is not allowed to use a face shield without wearing a mask; and
- m) The implementation of the Micro PPKM in the RT/RW of the Red Zone is still in effect.

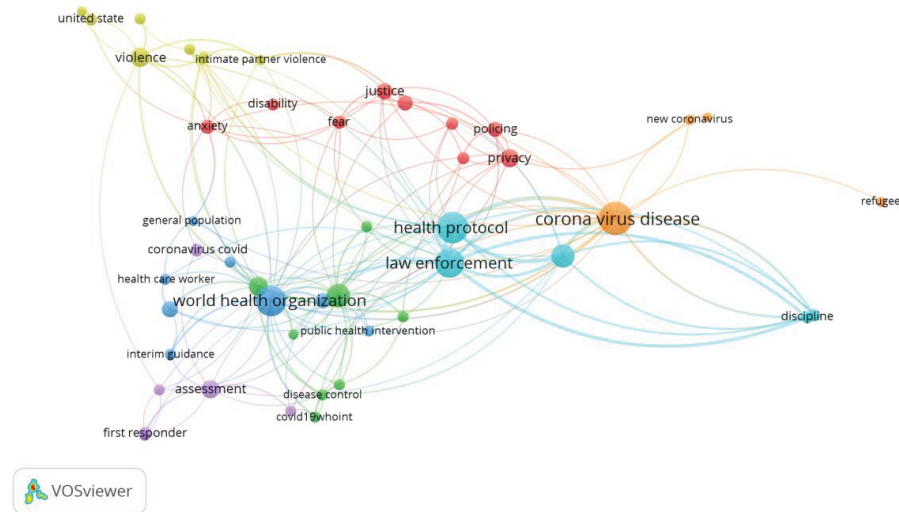
The follow-up to this is through the Banten Province Covid-19 Handling task force team in the field of law enforcement and discipline consisting of elements of the Provincial and City Regency Civil Service Police Units, elements of the TNI/police, the Prosecutor’s Office, courts and elements of the Transportation Service, carrying out control operations. and dissemination of compliance with both the community and business actors in Banten Province.

Below is a table about the number of legal basis for implementing emergency PPKM and its extension at the Banten Province level:

TABLE 1: Number of Violators of Health Protocols During Emergency PPKM in Regencies/Cities in Banten Province Until July 23, 2021

NO	Province/ District/ City	written warning	verbal warning	Criminal confinement/fines/ confiscation/sealing	Sanksi Sosial/Fisik
1	Tangerang	1023	267	11 ID card confiscation 14 fines, 1 sealing	121
2	Tangerang	1541	8	105 fines for business actors 122 individual fines 27 Confiscation of goods 14 sealing	63
3	Tangerang Selatan	276	159	11 confiscations, 1 sealing, 9 confinement	463
4	Lebak	336	275		9 swab
5	Serang	1014	13	16 fines, 24 imprisonment	75
6	Cilegon	41	33	28 Fines for business actors	41
7	Serang	162	98	167	66
		<b>4393</b>	<b>853</b>	<b>522</b>	<b>838</b>
			<b>TOTAL :</b>	<b>6606 violator</b>	

Source : Satuan Polisi Pamong Praja Banten Province, 2021



**Figure 1:** Visualization of Data Results Network Visualization Searching Past Research Regarding the Enforcement of Covid-19 Health Protocols. ( Source : Processed by researchers, 2021)

Below is a table about the number of violators of the emergency PPKM policy and its extension in the Banten Province:

TABLE 2: The number of offenders compared to the population Until July 23, 2021

No	Regency/city	Total population (2020)	violators of health protocols	Percentage
	Lebak	1.402.324	2741	0,19 %
	Serang	1.622.620	1880	0,11 %
	Tangerang	3.909.002	919	0,02 %
	Tangerang	2.273.600	620	0.02 %
	Tangerang Selatan	1.354.350	1142	0,08 %
	Serang	699.100	143	0,0002 %
	Cilegon	442.800	493	0,1113 %

Source : Satuan Polisi Pamong Praja Banten Province, 2021

The emergency PPKM policy in the Banten province, this has prompted the Banten Province Covid-19 task force team to continue to carry out enforcement operations to make the people of Banten comply with the policies issued. Of course, a policy issued cannot satisfy all parties, and this is felt by the business actors who are affected by this policy. This phenomenon occurs in all corners of the Java-Bali region which is considered to be included in the category of emergency PPKM, the conflict of interest is marked by a lot of resistance from business actors and the community against the officers on duty, not to mention other problems related to worship where places of worship are not allowed for congregation.

TABLE 3: Number of confirmed Covid-19

NO	DATE	CLOSE CONTACT	SUSPEC CASE	PROBABLE CASE	CASE CONFIRMATION
	JULY 3, 2021	122.919	49.107	57	62.328
	JULY 4, 2021	123.268	49.209	57	62.844
	5 JULY 2021	123.737	49.226	59	63.496
	JULY 7 2021	125.208	49.269	59	65.324
	8 JULY 2021	125.713	49.680	59	66.338
	10 JULY 2021	126.501	49.707	59	68.444
	JULY 13, 2021	127.187	49.969	59	73.529
	16 JULY 2021	127.892	49.988	60	81.296
	JULY 25 2021	129.656	50.393	60	1.251
	26 JULY 2021	129.815	50.493	60	1.245
	29 JULY 2021	130.119	50.438	60	104.915
	AUGUST 1, 2021	13.0863	50.792	61	111.369

Source: Banten Province Health Office 2021

Then, based on the results of previous research using Vosviewer through Google Scholar, it was found that research on the enforcement of Covid health protocols was mostly privacy, disease control, public health intervention, health care workers, intimate partner violence, justice, refugee and temporary health protocols related to enforcement. The health protocol is still not specific with legal issues in the field. (1–3)

Table 1.3 shows that there is a confirmed increase in daily data, although it is not proportional to the number of close contacts, while the provisions in the Ministry of Home Affairs and Ingub that 1 person is confirmed must at least trace 15 people who are in close contact, This makes it difficult to break the chain of the spread of Covid-19.

Top down perspective policy implementation model developed by George C. Edward III. Edward III in (4) calls his public policy implementation model Direct and Indirect Impact on Implementation. In this theoretical approach there are four variables that affect the success of implementing a policy, namely: 1. Communication; 2. Resources; 3. Disposition; and 4. Bureaucratic structure can be described as follows :

1. Communication

The first variable that affects the successful implementation of a policy according to George C. Edward III in is communication. Communication, according to him, will determine the success of achieving the goals of implementing public policy. Effective implementation occurs when decision makers already know what they are going to do. Knowledge of what they will do can work if communication goes well, so that every policy decision and implementation regulation must be transmitted (or communicated) to the appropriate personnel department. In addition, the policies communicated must be precise, accurate, and consistent. Communication (or transmission of information) is

needed so that decision makers and implementers will be more consistent in implementing every policy that will be implemented in society. There are three indicators that can be used to measure the success of communication variables, namely:

a) Transmission; channeling good communication will be able to produce a good implementation as well. Often what happens in the distribution of communication is a misunderstanding (miscommunication).

b) Clarity; communication received by policy implementers (street-level-bureuarats) must be clear and not confusing (unambiguous/ambiguous) ambiguity of policy messages does not always hinder implementation, at a certain level, implementers need flexibility in implementing policies. But at another level, this will actually distort the objectives to be achieved by the policies that have been set.

c) Consistency; the orders given in carrying out a communication must be consistent and clear to be implemented or carried out. Because if the orders given change frequently, it can cause confusion for implementers in the field.

## 2. Resources

The second variable that affects the successful implementation of a policy is resources. Resources are another important thing in implementing policies, according to George C. Edward III in (Agustino, 2008). The resource indicator consists of several elements, namely:

a) Staff; the main resource in policy implementation is staff. One of the failures that often occur in policy implementation is due to insufficient, adequate, or incompetent staff in their fields. The addition of the number of staff and implementers is not enough, but it is also necessary to have sufficient staff with the necessary skills and abilities (competent and capable) in implementing the policy or carrying out the tasks desired by the policy itself.

b) Information; In policy implementation, information has two forms, namely the first information related to how to implement the policy. Implementors must know what to do when they are given an order. Second, information on compliance data from implementers to established government rules and regulations. Implementers must know whether the people involved in implementing the policy comply with the law.

c) Authority; In general, authority must be formal in order for orders to be carried out. Authority is the authority or legitimacy for implementers in carrying out politically determined policies. When the authority is nil, then the power of the implementers in the eyes of the public is not legitimized, so that it can thwart the policy implementation process. But in other contexts, when formal authority exists, errors often occur in seeing the effectiveness of authority. On the one hand, effectiveness will decrease when the

authority is abused by the implementers for their own interests or for the interests of their groups.

d) Facilities; physical facilities are also an important factor in policy implementation. Implementors may have sufficient staff, understand what must be done and have the authority to carry out their duties, but without supporting facilities (infrastructure) the implementation of the policy will but it won't work.

### 3. Disposition

The third variable that affects the success of policy implementation is disposition. Important things that need to be observed on the disposition variable, according to George C. Edward III in (Agustino, 2008), are:

a. Appointment of bureaucrats; the disposition or attitude of the implementer will create real obstacles to policy implementation if the existing personnel do not implement the policies desired by high officials. Therefore, the selection and appointment of personnel implementing policies must be people who are dedicated to the policies that have been set.

b. Incentive; Edward stated that one of the suggested techniques to overcome the problem of propensity of implementers is to manipulate incentives. Therefore, in general, people act according to their own interests, thus manipulating incentives by policy makers to influence the actions of policy implementers.

4. Bureaucratic structure According to Edward III in (Agustino, 2008), what influences the success of public policy implementation is the bureaucratic structure. Even if the resources to implement a policy are available, or policy implementers know what should be done, and have the desire to implement a policy, it is possible that the policy cannot be implemented or realized because of weaknesses in the bureaucratic structure. Such a complex policy requires the cooperation of many people, when the bureaucratic structure is not conducive to the available policies, this will cause resources to become ineffective and hinder the course of the policy. The bureaucracy as the implementer of a policy must be able to support the policies that have been decided politically by coordinating well. Two characteristics, according to Edward III, can boost the performance of the bureaucratic/organizational structure towards a better direction, namely by doing:

a) Standard Operating Procedures (SOP); is a routine activity that allows employees (or policy implementers/administrators/bureaucrats) to carry out their daily activities in accordance with established standards or required minimum standards.

b) Fragmentation; is an effort to spread responsibility for employee activities or activities among several work units.



Legal culture according to Lawrence M Friedman (2001:8) is the human attitude towards the law and the legal system-beliefs, values, thoughts, and expectations. Legal culture is the atmosphere of social thought and social forces that determine how the law is used, avoided, or abused. Legal culture is closely related to public legal awareness. The higher the legal awareness of the community, a good legal culture will be created and can change people's mindsets about the law so far. In simple terms, the level of community compliance with the law is one indicator of the functioning of the law.

Before Covid-19 entered Indonesia, there was no sense of crisis that threatened to slow down decision making. Weak inter-stakeholder coordination, especially between the central government and local governments. This lack of coordination has resulted in the control of the corona virus being adrift. Residents' indifference or disobedience to government advice. As a result, the handling effort has stalled because it is not supported by the wider community. The combination of these three factors complicates the government's efforts.

Substantially, the legal structure and legal culture of course the legal products issued by the Banten Provincial government can be implemented properly, supported by the credibility of the apparatus that implements them and the seriousness of the stakeholders in their implementation. In general, studies related to law enforcement can be broken down into the following matters:

1. Legal factors. Which include the concept of law are all regulations, norms and rules that community members use as a benchmark for interacting with the creation of public order and peace, in this case limited to laws which in a material sense are regulations written generally applicable and made by the Central Government or Regional Government. Thus, the law in a material sense includes:

- Central regulations that apply to all citizens or only certain groups or generally apply to parts of the country
- Regional regulations (Perda) or regional head regulations (Perkada) which only apply to the general public in a certain place or area.

In the law enforcement process, there are usually weaknesses and shortcomings inherent in the law itself which are the source of the failure of the law enforcement process. It is not impossible to happen, because sometimes there are formulations or legal rules that are not clear and open up opportunities for different interpretations, based on one legal rule to another, regarding the same thing that is contradictory. Such legal attitude often raises doubts about legal subjects. If there is no problem with the legal factor, then the applicable law is considered good. This is where the role of law enforcement or apparatus comes in.

2. Factors of facilities or facilities. Without certain facilities or facilities, it is impossible for law enforcement to take place smoothly. The facilities or facilities, among others,

include educated and skilled human workers. Good organization, adequate equipment, sufficient finances, and so on. In addition to the incomplete or non-existent facilities or facilities, it will be possible for law enforcement to harmonize its supposed role with the actual role.

3. Community factors. Law enforcement is carried out by officials with the aim of achieving peace and public order in society. Community participation or participation in the process of understanding and active socialization as well as moral and moral support from the community is important in the implementation of a legal policy.

4. Legal Discretion Factor. In Law Number 30 of 2014 concerning Government Administration, it is regulated how government officials take discretion.

Discretion can only be exercised by authorized Government Officials, every use of Government Officials' Discretion aims to expedite the administration of government; fill legal voids; provide legal certainty; and overcome the stagnation of government in certain circumstances for the benefit and public interest.

Government Officials' discretion includes:

- a. making decisions and/or actions based on the provisions of laws and regulations that provide a choice of decisions and/or actions.
- b. making decisions and/or actions because the laws and regulations do not regulate;
- c. Decision-making and/or Actions because the laws and regulations do not complete or unclear.
- d. decision-making and/or action due to government stagnation for the wider interest.

Discretion is a solution if there is a vacuum or overlapping of laws, as well as when there is an emergency the government and the community are still unable to adapt to the situation, ideally what applies in an emergency is emergency law and vice versa, it will be difficult to condition if an emergency situation is carried out by law In addition, discretion can also be used when there is a delay in the process of making temporary rules requiring urgent matters in the field. The four factors mentioned above are closely related, because they are the main essence of law enforcement, and are also a measure of the effectiveness of law enforcement.

## 2. Method

This study uses a descriptive method with a qualitative approach as the author's effort to further explore the relevant informants and the researcher wants to understand more deeply about the phenomena that the authors examine, especially regarding the process. The data collection techniques carried out consisted of literature studies and field research. The technique of determining informants is using triangulation

techniques. With this research method, it is hoped that the author can explore in depth the implementation of this topic.

### 3. Results And Discussion

The Minister of Home Affairs Instruction Policy regarding the Implementation of Emergency Community Activity Restrictions (PPKM) in its implementation is carried out actively through virtual work meetings from the central government with the Regional Government, involving all stakeholders and making reporting applications and enforcement mechanisms, this is done so that there is no misperception in the implementation of policies in Java and Bali, this is important because at the same time there is also the implementation of micro-scale PPKM.

Meanwhile, Pandeglang Regency implements Micro PPKM Meanwhile, based on the Minister of Home Affairs Number 22 of 2021 and the instructions of the Governor of Banten Number 22 of 2021 the level in the province of Banten has changed as follows:

TABLE 4: Level of PSBB in Banten Province

Level 4	Level 3
Tangerang Regency	Lebak Regency
Tangerang City	Pandeglang Regency
Tangerang Selatan City	Serang Regency
Serang City	
Cilegon City	

Source : Satpol PP Banten province, 2021

The level above shows what can be done and what can't be done. Law enforcement and discipline are carried out in the corridor of the Covid-19 handling task force at the Banten Province level, carried out jointly and in an integrated manner between the TNI, POLRI, prosecutors, Satpol PP, BPBD and the Department of Transportation. The implementation of the task can be fully understood by the task executors, but in its implementation there is a tug of war of authority, because it concerns the Regional Regulations the position of the TNI and Polri is to fully support and assist the implementation of enforcement activities, but on the other hand the role of the Police and the Prosecutor's Office is also required to be able to enforcing higher regulations in this case is Law Number 6 of 2018 concerning Health Quarantine and the Criminal Code, and in the field not a few have encountered things where the violators in addition to violating Regional Regulation Number 1 of 2021 concerning Covid-19 Management but also violates higher laws and regulations, but at the reality in the field is that only a few are subject to criminal penalties related to higher laws and regulations, for example, fighting officers while carrying out their duties they are minimal, because the Satpol

PP is not equipped with adequate budget and facilities and infrastructure, this affects the optimization of task execution, of course it becomes ambiguous when the behavior change and law enforcement team is the spearhead of handling but does not receive attention. more related to facilities and infrastructure.

The placement of employees in accordance with their abilities and competencies is the main thing in carrying out tasks, this is related to the implementation of standard operating procedures, where the implementing apparatus must understand the laws and regulations and orders from the heads of each unit and organizational orders, of course rewards and punishment are needed in this case. In this case, implementing officials who carry out their duties well are given rewards and punishments are given for those who do not carry out their duties properly.

Regarding incentives for implementing law enforcement officials in Banten Province, the budget support is still minimal and can be said to be disproportionate to the risks they will face in the field.

Regarding the bureaucratic structure in supporting law enforcement and disciplinary activities, Standard Operating Procedures (SOPs) have been made and are covered by the Covid-19 Handling Task Force, although in practice the budget allocation for handling COVID-19 is not based on the task force and is still based on the budget of the device organization. area (OPD) of Banten Province. The implementation of activities is still carried out individually in the areas of handling and is not actively managed by the secretariat which should be able to make operational plans for activities complete with budgeting, and become the policy product of the task force chairman.

Departing from what was stated above, law enforcement and discipline which should be carried out in an integrated manner are constrained by situations including:

1. Limited activity budget
2. Lack of coordination between sectors
3. The slowness of derivative rules/regulations
4. The budget is not based on the task force
5. Assistance or donations from other parties are not based on the task force
6. Lack of functioning of the role of the task force secretariat.

In the context of law enforcement, it can be seen that the implementation of law enforcement and discipline has not been optimal in suppressing the spread of Covid-19, which is indicated by the relatively large number of confirmed people, this happens because:

1. Lack of community compliance in implementing Health protocols
2. The spread of the delta variant which is extraordinarily easy to spread even though it is easy to heal

3. Tracing is not maximal for the confirmed so that it cannot prevent the spread.
4. Lack of budget for supporting activities.

## 4. Conclusion

No matter how good the policy will be tested by time, whether it will be right on target or will not produce anything, the central government's policy regarding emergency PPKM is only able to reduce a small amount not maximally according to the target due to the many inhibiting factors. Now is the time for us to focus on Herd Immunity where we must understand that the end of solving this problem is how to increase antibodies or community immunity, so the policies issued must lead to increasing antibodies or community immunity, by understanding what things can be done. increasing it, including focusing on the implementation of helical trauma and psychological treatment of people who like it or not at this time give suggestions of fear, both from Covid-19 and from policies issued

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