



The Policy Formulation of Law and Regulations Concerning Law Enforcement Violators of Health Protocols in Preventing the Spread of Coronavirus Disease 2019 (Covid-19) in the South Minahasa Regency

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Abstract. This research is motivated by the fact that the national character of Indonesia's young generation is currently experiencing a decline due to the influence of culture and ideology from outside. Civic education is the name of a subject that focuses on improving three citizen competencies, namely: civic knowledge (citizen's knowledge), civic disposition (citizen's character), and civic skills (citizen's skills). Citizens who know their rights and can exercise them in line with Pancasila and the Indonesian Constitution of 1945, producing citizens who are knowledgeable, skilled, and role models. The purpose of this research was to analyze whether or not students' civic understanding increased after taking Civics classes. SMP Negeri 4 Tomohon is the site of this study. All pupils at SMP Negeri 4 Tomohon served as the population, and the seventh graders at the same school served as the sample, totalling 69 students. The method used is a survey method with a research instrument in the form of a questionnaire. With questions for Civics learning, as many as 15 and civic knowledge as many as 15 questions. Data analysis using simple regression or *r* test. The results showed that the effect of Civics Education Learning on improving Students' Civic Knowledge is 39.5%. In contrast, the rest is influenced by other variables.

Keywords: Civics Learning · civic Knowledge · Students

1 Introduction

Constitution of the Republic of Indonesia, Year 1945 Preamble, a high level of health is an element of a prosperous life. Health is a basic human need in addition to clothing, food, and shelter. A healthy life is everyone's dream because human life becomes meaningless without a healthy one. A healthy body has a strong soul, which underlies everyone to try to maintain their health to avoid various diseases. The various diseases today are caused by viruses and bacteria attacking the human body system, especially when the human body is in a bad state or condition. Currently, the world is being shocked by the spread

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of the Coronavirus Disease 2019 (Covid-19) outbreak caused by the coronavirus that enters the human body and attacks the respiratory tract. Everyone can contract covid-19 from other people infected with this virus. Covid-19 has claimed many lives in various countries. So all countries in the world are competing only to find vaccines to cure and prevent everyone who has been infected. Even those who have not been infected with this virus are competing to make regulations that are the basis for everyone to be disciplined in obeying health protocols to prevent the spread of the virus from one person to another.

According to Article 1 paragraph 3 of the country's 1945 constitution, the Republic of Indonesia is a constitutional monarchy. This indicates that the law is the highest authority in the land and is enforced to keep people from being violent with one another [1]. Therefore, There would be no orderly functioning of the nation and state without the rules and regulations that serve as the legal basis in Indonesia, serene, orderly, and peaceful life. Local governments can implement this by making regulations regarding law enforcement efforts to violate health protocols to prevent the spread of Coronavirus Disease 2019 (Covid-19) in the South Minahasa Regency. Covid-19 has brought about significant change in this world because countries are currently so fixated on the impact produced by the spread of this virus, especially in terms of the economy and social life of the people. During the Covid-19 pandemic, Indonesia needs various regulations that regulate the community's social life to be more resilient and disciplined in complying with established methods for controlling the covid-19 virus in the medical community. One of the efforts that must be made by the government and local governments to prevent the spread of covid-19 is to emphasize the obligation to comply with the Covid-19 health protocol. Based on data from the central and regional governments, North Sulawesi in February 2022 ranked 16th out of 34 provinces based on the highest number of positive cases of covid-19. South Minahasa Regency currently occupies the sixth rank with 56 cases based on the number of positive cases of covid-19 per regency/city in North Sulawesi Province.

The South Minahasa Regency, through the Manado City Government, in its rules were created as what were thought of as preventative precautions against the spread of covid-19 to all of its population. Measure 37 of 2020 of the Regent of South Minahasa Relating to the Enforcement of Sanitary Regulations for 2019, A Year for Prevention and Control of Coronavirus Disease. Policy formulation as one of the reasonable efforts in tackling crime through criminal politics is the most critical element in eradicating various forms of crime and violations, in addition to the application and execution policy. This policy formulation or legislative policy is a policy in establishing and formulating something in the laws and regulations to create good laws and regulations to be applied in society. However, every legislation in the formulation stage must meet the provisions for forming good laws and regulations as mandated by Law No. 12 of 2011 created a statutory framework for the creation of statutes and rules. Reforming criminal law rules is crucial to reducing crime, and as such deserves the attention of policymakers. Therefore, the politics of criminal law, or the policy of responding to criminal activity through criminal law, is likewise an element of the politics of criminal law.

Fine sanctions are seen as criminal sanctions in reducing a person's rights as a citizen due to regulation violations, so fines are imposed under the law. Judicial power can only be exercised by a court that has the right to declare a person guilty of an offense or not, and

the execution of such sanctions shall be carried out by the authorities law enforcement, in this case, the prosecutor's office as executory. It can cause debate among the public, especially among legal scholars, because it will lead to an understanding that this fine cannot be applied. After all, the executory power against these sanctions is fragile. Their absorption will also be viewed as contrary to higher laws and regulations.

In fact, In an in a The Regent of South Minahasa has issued Article 37 of the Health Care and Institutional Facilities Act of 2020 mandates the discipline and legal enforcement of health procedures in a Reg. No. 37 of 2020 was issued by the South Minahasa Regent for the purpose of enforcing measures for the suppression of and intervention in the coronavirus sickness In 2019, administrative fines for violation of health protocols to stop covid-19 have been implemented [2].

Based on the things described above, the author is policy formation of laws interested in undertaking research and regulations concerning law enforcement violators of health protocols in the context of preventing the spread of Coronavirus Disease 2019 (Covid-19) in the South Minahasa Regency.

2 Method

This research is descriptive qualitative research, where the data from literature research and field research are carried out descriptively and analyzed qualitatively by drawing deductive conclusions. The research subject is on law enforcement officers violating covid-19 health protocols in South Minahasa Regency, the South Minahasa Regency Government and the South Minahasa Regency DPRD, and the community.

This research is carried out in the following stages: The preparation stage starts with collecting literature related to the problem under study. Then implementation and completion stage.

3 Results and Discussion

1. Covid-19 Distribution Map in SouthMinahasa District.
2. Efforts of the Manado City Government and law enforcement officials to enforce laws violating the Covid-19 health protocol in Manado City.

The Big Dictionary of Indonesian defines policy as "a statement of ideas, goals, principles, or intents as a guidance for management to achieve goals;" the "outline and basis of the job, management, and behavioral implementation planning" (within a government, organization, bow line [4].

Policy formulation is part of the legal policy, in this case, criminal law. The definition of criminal law policy or politics can be seen in legal and criminal politics. Legal politics is the pursuit of excellent regulations appropriate to the time and place, as well as a state policy implemented by bodies with the authority to settle down the desirable rules that can be employed in society to achieve the intended ends [5].

Lawrence M. Friedman stated that whether the success and efficiency of law enforcement is dependent on three facets of the legal system: the structure of the system, the

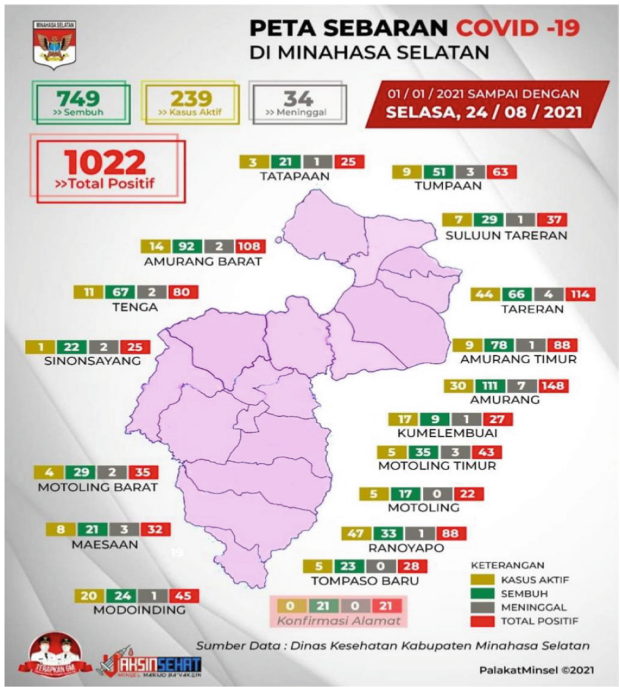


Fig. 1. Map of the Spread of Covid-19 in South Minahasa Regency as of August 24, 2021[3].

substance of the law, and the culture around the law. Friedman emphasized that law enforcement depends on the performance aspects of the law as well as the legal facilities and infrastructure itself, the substance of the law, and the legal culture that concerns behaviour [6].

Coronavirus Disease 2019, better known by its abbreviation, namely covid-19, has attacked various countries worldwide, including Indonesia. Currently, globally, the number of covid-19 cases reaches 603,711,760 cases, and 6,387,944 confirmed positive covid-19 cases in Indonesia [3].

The world is currently struggling not only to stop the spread of covid-19 but also to cure the world community from covid-19. So, countries around the world are making all efforts, one of which is by creating various regulations to regulate their countries, especially their people, to beat covid-19 or maybe stop it from spreading. Indonesia has taken steps to combat and including the release of Presidential Instruction Number 6 of 2020 addressing the increased discipline and law enforcement of health protocols for the prevention and control of coronavirus disease in 2019, to stop the spread of covid-19. Law enforcement operations to prevent and restrict the spread of covid-19 in all regions of Indonesia are based on Presidential Order Number 6 of 2020.

Manado City, as one of the areas affected by the transmission of covid-19, has made various efforts, one of which is the promulgation of the South Minahasa Regent Coronavirus Disease Prevention and Control Act of 2020, Regulation No. 37 Discipline and Legal Enforcement of Health Protocols 2019 [2]. According to Bonny Mawitjere

as the Head of the DRPD, Trial Section of South Minahasa Regency, South Minahasa Buapti Regulation Number 37 of 2020 is the basis for the implementation of various activities such as patrolling with law enforcement officials in this case, the TNI, Police and Satpol PP, conducting socialization regarding the prevention of covid-19 outbreaks, and various other activities that aim at the prevention and handling of covid-19 in the South Minahasa Regency.

3. In the framework of containing Coronavirus 2019 (Covid-19), the drafting of rules and regulations pertaining to law enforcement personnel who violate health procedures currently and in the future.

Law Number 12 of 2011 on the Establishment of Laws and Regulations [7] consists of the cornerstone of Indonesian legal system. As mentioned in Article 72's Explanation, this hierarchy is built on the premise that lower laws and regulations must not conflict with higher laws and regulations. As used here, the term "hierarchy" refers to a certain classification of laws." "The formation of legislation requires a plan from the lawmaker regarding what will be done in the face of specific problems and how to do or implement something that has been planned or programmed, which in legal terms is known as policy formulation. Policy Formulation is a policy in formulating something in one form of legislation. The policy formulated in a law contains law enforcement efforts so that something planned or programmed can be carried out in an orderly manner.

Reducing 2019's risk of contracting the Coronavirus and ultimately defeating it (Covid-19) virus is one of the things the government is programming at the moment. The World Health Organization (WHO) has designated the respiratory illness brought on by the coronavirus that circulates in 2019 as Covid-19. Two of the most dangerous respiratory illnesses that the corona can cause are Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS) has been linked to in humans (SARS). As of 30 November 2021, the number of verified positive covid-19 cases in Indonesia is at 6,387,944, according to data compiled from Google News and the official government website [3].

Indonesia, in its efforts, has made various regulations related to covid-19, both in terms of economic regulation and in the discipline of complying with health protocols to prevent the spread of covid-19. The government regulates various covid-19 prevention measures in the form of regulations (Regeling), decisions (Beschikking), and policy regulations that are not categorized as laws and regulations (Beleidsregel). It is made so that the Indonesian people are disciplined in implementing health protocols.

Presidential Instruction No. 6 of 2020 Relating to Stricter Compliance with Public Health Protocols for the 2019 Prevention and Control of Coronavirus Disease [8] is one of the government's efforts to increase public discipline in complying with health protocols in preventing the spread of covid-19. The President of Indonesia has issued an order mandating action to be taken against COVID-19. This order is addressed to Indonesia's top-tier ministers, the cabinet secretary, the head of the Indonesian military, the head of the Indonesian police, the governors, the regents, and the mayors of Indonesia. A Governor Regulation/Regent/Mayor Regulation containing rules addressing the requirement to comply with health protocols in conducting social interactions with other people whose health status is unknown is mandated in Dictum No. 6 of the Second Dictum masks,

sticking their hands out, and maintaining distance. When carrying out social activities, especially outside the home, this Presidential Instruction allows regional heads to apply sanctions, one of which is the imposition of administrative fines for people who are not disciplined or violate the matters instructed in this Presidential Instruction.

There has been an increase in the number of confirmed cases of covid-19 in Manado City, Indonesia. Great and relevant legislation is needed to help the government and law enforcement in Manado City organize the public and reduce the number of people who test positive for covid-19. Law No. 12 of 2011 on the Establishment of Laws and Regulations, as amended by Law No. 15 of 2019, must be taken into account [7] [9] Criminal provisions may only be included in Laws, Provincial Regulations, or Regency/City Regional Regulations; therefore, in order to prevent the spread of covid-19 in Manado City, it is necessary to formulate Laws and Regulations, in this case, Regional Regulations that provide the basis for law enforcement for violators of health protocol.

The policy of formulating laws and regulations in order to prevent the spread of covid-19 is one of the rational efforts that the Government of South Minahasa Regency can carry out currently has a South Minahasa Regent Regulation Number 37 of 2020 when carrying out social activities outside the home, especially the imposition of sanctions for anyone who violate health protocols when doing activities outside the home. In the Regulation of the Regent of South Minahasa Number 37 of 2020, in Article 7 paragraph (1), it is regulated that individuals who violate the provisions as referred to in Article 4 paragraph (1) are subject to administrative sanctions in the form of a. verbal reprimand; b. written reprimand; c. social work; and/or administrative fines of up to Rp. 100,000. According to Andi Hamzah in his book *Criminal Law Terminology*, sanctions can be interpreted as punishment for violators of the provisions of the law. Sanctions are also defined as a reduction in the rights of a person or citizen so that the products used to apply sanctions must be produced by the government together with representatives of the people in this is the DPRD Kabupaten Minahasa Selatan.

Criminal provisions may only be included in Laws, Provincial Regulations, or Regency/City Regional Regulations, as stated in Article 15 paragraph (1) of Law No. 12 of 2011 on the Establishment of Laws and Regulations, as amended by Law No. 15 of 2019 on Amendments to Law No. 12 of 2011 on the Establishment of Laws and Regulations; this is further supported by Articles 233–238 of Law No. 23 of 2014 on the Concerning the Establishment of Laws and Regulations (Perda). As a result, municipal laws should make room for the enforcement of monetary consequences for those who disregard covid-19 health guidelines.

The Government through the President issued In response to Presidential Instruction No. 6 of 2020, In an effort to presidential directive 2020–6, Earlier this year, the Ministry of the Interior issued Instruction No. 4 of 2020, Technical Guidelines for the Preparation of Regional Head Regulations within the Context of Implementing Discipline and Law Enforcement of Health Protocols, to help prevent and control coronavirus disease. The adagium “*Lex Superior Derogat Legi Inferior*” is reflected in Article 7 paragraph 1 of Law Number 12 of 2011 establishing laws and regulations (2). As the people’s representative, the Regional People’s Representative Council (DPRD), in the author’s view, needs to exercise control in order to be effective, content material connected to fines should only be governed under Regional Regulations at the regional level. The competent authority,

in this case the prosecutor's office, is tasked with enforcing fines once they have been determined in a court of law following a brief hearing at which the judge examines and rules on the matter.

The author contends that the Manado City Regional Government, as the regency capital, can use Article 15 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations as a starting point for formulating regulations concerning law enforcement violating health protocols in preventing the spread of covid-19 in the regency. Regional Regulation of Manado City Applies to All of South Minahasa. In the context of preventing the spread of COVID-19 in South Minahasa, the author thinks that this work provides a solid foundation on which to build a Regional Regulation on the implementation of health protocol laws. Laws 4 (1984) on Infectious Disease Outbreaks, 36 (2009) on Health, and 6 (2018) on Health Quarantine constitute the Regency.

4 Conclusion

This research concludes that the South Minahasa Regent Coronavirus Disease Prevention and Control Act of 2020, Regulation No. 37 Discipline and Legal Enforcement of Health Protocols 2019 is a basis for carrying out law enforcement efforts to violate the covid-19 health protocol which includes a penalty, and that penalty is a monetary one, is an administrative fine, is considered inappropriate. It is according to Law No. 12 of 2011 on the Establishment of Laws and Rules, only laws, province regulations, and District/City Regulations may include criminal penalties. Fines are seen as criminal sanctions by reducing a person's rights as a citizen due to violations of regulation, resulting in the imposition of fines under the law. The judiciary power can only be exercised by a court that has the right to declare a person guilty of an offense or not, and the execution of the sanction shall be carried out by law enforcement officials, in this case, the prosecutor's office as executor. Therefore, South Minahasa Regency needs local laws and ordinances upon which municipal administrations and police forces must operate officials to organize the people of the South Minahasa Regency to be more disciplined in implementing health protocols.

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