

The Implementation of Sanctions as an Effort to Handle Covid-19 Pandemic in Medan City (Study on Covid-19 Handling Task Unit in Medan City)

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Abstract

The government has established a health protocol policy through 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 Prevention and Control of Corona Virus Disease 2019 (COVID-19). In supporting this policy, there are provisions of other laws and regulations that contain sanctions, both administrative sanctions and criminal sanctions. In theory, there are many views put forward by experts regarding the purpose of imposing criminal sanctions (sanctions). Based on existing criminal theories, criminal law enforcement policies will be analyzed in tackling the Covid-19 pandemic, especially in the city of Medan. This begins by identifying legal provisions regarding sanctions for violators of health protocols. Then analyze whether the legal provisions made for violators of the health protocol can achieve the expected sentencing goals. The research method used is normative legal-empirical law research (combined) using primary data and secondary data obtained through field research and library research. The field study was carried out at the Covid-19 Handling Task Force in Medan City. This study will explain the provisions of existing laws and regulations from the level of the Act to Regional Regulations that regulate sanctions for violators of health protocols.

Keywords

health protocol; law enforcement; purpose of sentencing



I. Introduction

March 2, 2021 is exactly 1 year of the spread of the Covid-19 Virus in Indonesia, starting from the first case announced by the president on March 2, 2019 in DKI Jakarta. Per 1 year of treatment, the number of patients who were confirmed positive for COVID-19 reached 1,341,314 cases with the development of patients recovering 1,151,915 people. East Java province occupies the top position with the highest number of deaths with 9,147 cases, followed by Central Java with 6,689 cases, and DKI Jakarta with 5,540 cases. (Saffir Maki, 2021) Based on data, as of September 25, 2021, it was recorded that Indonesia had a total of 4,206,253 confirmed cases with details of 4,020,801 recovered, 44,071 in treatment and 141,381 died. (KawalCovid19, 2021) Various efforts have been made by the government, starting from implementing large-scale social restrictions (PSBB), implementing restrictions on community activities (PPKM) and vaccinations that have been implemented since the beginning of the year. As of August 10, 2021, in particular the city of Medan itself has 33,484 positive confirmed cases, with details of 22,717 people recovering, 713 people dying

and 9,663 people being treated. which are spread over several districts including the district. Medan Helvetia, Kec. Medan Tuntungan, Kec. Medan Tembung, Kec. Medan Polonia, Kec. Medan Johor, Kec. Medan Area, and Kec. East Medan. (Pemko Medan, 2021) At this time, the city of Medan experienced a significant spike in cases, as seen from the number of cases being treated. Therefore, in August the city of Medan was in the imposition of community activity restrictions (PPKM) level 4.

In dealing with the Covid-19 Pandemic, of course, the government must be based on applicable legal regulations as a consequence of Indonesia being a country of law. The government has established a health protocol policy through 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 Prevention and Control of Corona Virus Disease 2019 (COVID-19). Sihombing (2020) state that Covid-19 pandemic caused everyone to behave beyond normal limits as usual. The outbreak of this virus has an impact especially on the economy of a nation and Globally (Ningrum, 2020). The problems posed by the Covid-19 pandemic which have become a global problem have the potential to trigger a new social order or reconstruction (Bara, 2021). To support this policy, there are also other legal provisions such as Law no. 16 of 2018 concerning Health Quarantine, PP No. 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). Furthermore, specifically for the City of Medan there are additional regulations in the form of Regional Regulations (Perda) such as the Regulation of the Governor of North Sumatra No. 1 of 2021 concerning Discipline Enforcement and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 (Covid-19) in North Sumatra Province, Medan Mayor Regulation No. 11 of 2020 concerning Health Quarantine in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19) in Medan City, Medan Mayor Regulation No. 38 of 2020 concerning Amendments to the Regulation of the Mayor of Medan Number 27 of 2020 concerning the Implementation of New Habits Adaptation to the Conditions of the Corona Virus Disease 2019 (Covid-19) Pandemic in the City of Medan and other regulations.

In the provisions of these laws and regulations, there are sanctions that are regulated in the form of administrative sanctions and criminal sanctions. In theory, there are many views put forward by experts regarding the purpose of imposing criminal sanctions (sanctions). According to the absolute theory, the legal basis for the imposition of a crime is the crime itself. This theory focuses on punishment / punishment as an absolute requirement to take revenge against people who have committed evil deeds. (Marlina, 2011) According to the deterrence theory, he views that punishment has another purpose that is more meaningful than the goal of retaliation, namely community protection and crime prevention, both general prevention and special prevention. The purpose of punishment for general prevention is expected to give a warning to the public so as not to commit a crime, while for special prevention it is aimed at preventing the criminal from repeating the crime. Based on existing criminal theories, criminal law enforcement policies will be analyzed in tackling the Covid-19 pandemic, especially in the city of Medan. This begins by identifying legal provisions regarding sanctions for violators of health protocols. Then analyze whether the legal provisions made for violators of the health protocol can achieve the expected sentencing goals.

II. Research Methods

In this study using a combined legal research. Normative legal-empirical law research (combined), namely legal research that examines the factual implementation or implementation of positive legal provisions (laws) in every particular legal event that occurs in society. (Abdulkadir Muhammad, 2004) This study uses primary data and secondary data. Primary data, namely, research materials in the form of empirical facts as human behavior, both real verbal behavior, and behavior documented in various behavioral results or records. While secondary data is legal material obtained from literature study consisting of primary legal materials, secondary legal materials and non-legal materials. (Mukti Fajar and Achmad Yulianto, 2015). Data collection methods were obtained by means of field studies (field research) and library research (library research). The data obtained were then analyzed using a qualitative approach to answer the questions in the formulation of the problem.

III. Discussion

3.1 Legal Arrangements Regarding Sanctions for Violators of the Covid-19 Health Protocol in Medan City

The law is a rule of the game that will prevent or prevent rulers and ordinary people from doing arbitrarily. Law is the boundaries of individuals and authorities in every social interaction so that the law is a protection for public peace and justice in the context of realizing the welfare of the people. Without the enactment of the law, it will lead to chaos and arbitrariness, whether it is carried out by the state or by individuals. (Abdul Manan, 2018) As a state of law, Indonesia through the government in carrying out government affairs must be based on legal rules. In the face of the Covid-19 pandemic, The government has issued legal provisions through Presidential Decree Number 12 of 2020 concerning the Designation of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as National Disasters. With the stipulation as a national disaster, a number of policies (rules of law) will be created to support the resolution of the disaster.

In order to deal with the pandemic, the Government has established a health protocol policy through 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 Prevention and Control of Corona Virus Disease 2019 (COVID-19). 19). In the health protocol, it is explained the rules that need to be carried out by all parties who are in public places or facilities such as markets and the like, shopping centers/malls/shops and the like, hotels/inns/homestays/dormitory and the like, restaurants/restaurants. and the like, sports facilities and activities, modes of transportation, stations/terminals/ports/airports, tourist attraction locations, beauty/hair care services and the like, creative economy services (architecture, photography, advertising, publishing, television, etc.) others), religious activities in houses of worship, event/meeting organizing services. At each of these locations, the health protocol rules are intended for three parties, namely the manager or organizer, the seller or worker, and the visitor or guest. Each party has its own role so that the rules for each party have been adjusted. In general, the rules for each party have in common with each other, namely:

- 1) The manager or organizer
 - a. Pay attention to the latest information as well as the appeals and instructions of the central government and local governments regarding COVID-19 in their area. This is important so that all important things can be organized and monitored.

- b. Forming a COVID-19 Prevention Team in their respective locations to assist managers in handling COVID-19 and other health problems.
 - c. Always apply social distancing at each location in various ways, such as setting the queue distance, giving special distancing signs placed on the floor, and so on.
 - d. Conduct socialization and education to sellers or workers about preventing the transmission of COVID-19.
- 2) The seller or worker
- a. Make sure you are in good health before leaving for trade/work.
 - b. When traveling and during work always wear a mask, keep a distance from other people, and avoid touching the face area. If you have to touch your face, make sure your hands are clean by washing your hands with soap and running water or using a hand sanitizer.
 - c. Carry out cleaning of each work area before and after work.
 - d. Increase endurance by implementing PHBS such as consuming balanced nutrition, physical activity for at least 30 minutes a day and adequate rest with at least 7 hours of sleep, as well as avoiding disease risk factors.
- 3) Visitors or guests
- a. Make sure you are in good health before leaving the house. If you experience symptoms such as fever, cough, runny nose, sore throat, and/or shortness of breath, stay home.
 - b. Must wear a mask
 - c. Apply the principle of social distancing
 - d. Bring personal tools including your own worship equipment such as prayer tools.

The series of health protocols that have been set by the government aim to minimize the risk of spreading the Covid-19 virus in the daily lives of people who carry out economic activities. In supporting the health protocol policy, there are legal provisions regarding sanctions for parties who violate and hinder the enforcement of health protocols. Law Number 6 of 2018 concerning Health Quarantine regulates in Chapter XIII concerning Criminal Provisions.

Article 90

“The skipper who unloads or raises people and/or goods before obtaining the Health Quarantine approval based on the results of the Health Quarantine supervision as referred to in Article 19 paragraph (3) with the intention of spreading disease and/or health risk factors causing a Public Health Emergency shall be punished with imprisonment for a maximum of 10 (ten) years or a maximum fine of Rp. 15,000,000,000.00 (fifteen billion rupiah).”

Article 91

“A pilot captain who unloads or raises people and/or goods before obtaining a Health Quarantine Approval based on the results of the Health Quarantine supervision as referred to in Article 30 paragraph (1) with the intention of spreading disease and/or health risk factors that cause a Public Health Emergency shall be punished with imprisonment a maximum of 10 (ten) years or a maximum fine of Rp. 15,000,000,000.00 (fifteen billion rupiah).”

Article 92

"Drivers of land vehicles who unload or raise people and/or goods before the Health Quarantine supervision is carried out as referred to in Article 35 paragraph (21) with the intention of spreading disease and/or health risk factors that cause a Public Health Emergency shall be punished with imprisonment for a maximum of 10 (ten)) years or a maximum fine of Rp. 15,000,000,000.00 (fifteen billion rupiah).”

Article 93

"Everyone who does not comply with the implementation of the Health Quarantine as referred to in Article 9 paragraph (1) and/or obstructs the implementation of the Health Quarantine so as to cause a Public Health Emergency shall be sentenced to a maximum imprisonment of 1 (one) year and/or a maximum fine of IDR 100,000,000.00 (one hundred million rupiah)."

Article 94

- 1) "In the event that the criminal acts as referred to in Article 90, Article 91, and Article 92 are committed by a corporation, criminal liability shall be imposed on the corporation and/or its management.
- 2) Corporations are subject to criminal liability for an act committed for and/or on behalf of the corporation if the act is included in the scope of its business as specified in the articles of association or other provisions applicable to the corporation concerned.
- 3) Criminals are imposed on corporations if the crime:
 - a) carried out or ordered by the controlling personnel of the corporation;
 - b) carried out in the context of fulfilling the purposes and objectives of the corporation;
 - c) carried out in accordance with the duties and functions of the perpetrator or the giver of orders; and/or
 - d) carried out with the intention of providing benefits to the corporation.
- 4) In the event that a criminal act is committed or ordered by the controlling personnel of the corporation as referred to in paragraph (3) letter a or the management of the corporation, the main punishment imposed is a maximum imprisonment and a maximum fine, each of which is added with a penalty of 2/3 (two thirds)).
- 5) The main punishment imposed on corporations is a maximum fine plus a 2/3 (two-thirds) weighting sentence."

Health quarantine as referred to in this law is an effort to prevent and prevent the entry or exit of diseases and/or public health risk factors that have the potential to cause public health emergencies. Based on this understanding, the implementation of health protocols can be interpreted as an effort to implement health quarantine. However, the obstacle to the use of Article 93 for law enforcement of the Covid-19 health protocol in people's lives today is the element "must cause a public health emergency" which requires time and money to prove this element. A public health emergency is an extraordinary public health event marked by the spread of infectious diseases and/or events caused by nuclear radiation, biological pollution,

Other legal provisions that can be used especially in Medan City are:North Sumatra Governor Regulation Number 1 of 2021 concerning Discipline Enforcement and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 (Covid-19) in North Sumatra Province. This provision does not only regulate criminal sanctions but also administrative sanctions. The administrative sanctions are as follows:

Article 12

- 1) Everyone who violates the health protocol will be subject to administrative sanctions.
- 2) Administrative sanctions imposed on health protocol violators who do not wear masks include:
 - a) For individuals:
 1. verbal reprimand;
 2. written warning;
 3. Social work;

4. The fine in the form of Rp. 100,000.00 (one hundred thousand rupiah)
- b) For business actors, managers, organizers or persons in charge of public places and facilities:
 1. verbal reprimand;
 2. written warning;
 3. Termination or temporary closure of business operations and/or administrative fines in the form of a maximum of Rp. 50,000,000.00 (fifty million rupiah)

In addition to administrative sanctions, the Regional Regulation also regulates criminal sanctions as follows:

Article 13

- 1) Every person, business actor, manager, organizer or person in charge of public places and facilities who still violates the health protocol may be subject to criminal sanctions
- 2) The criminal sanction as referred to in paragraph (1) is in the form of a maximum imprisonment of 6 (six) months and a maximum fine of Rp. 50,000,000 (fifty million rupiah)

The Regional Regulation regulates that criminal sanctions can be imposed if the administrative sanctions that have been imposed are not obeyed or violated more than once so that everyone who is subject to criminal sanctions must first receive administrative sanctions in the form regulated in Article 12. Apart from the Governor Regulation, other administrative sanctions also regulated in Medan Mayor Regulation No. 38 of 2020 concerning Amendments to the Regulation of the Mayor of Medan Number 27 of 2020 concerning the Implementation of New Habits Adaptation to the Conditions of the Corona Virus Disease 2019 (Covid-19) Pandemic in the City of Medan.

Article 30

- 1) Any person and/or person in charge of business actors and/or activities violating the provisions of this Mayor shall be subject to administrative sanctions.
- 2) The imposition of administrative sanctions as referred to in paragraph (1) is in the form of:
 - a. verbal reprimand;
 - b. written warning;
 - c. Temporary detention of identity cards;
 - d. crowd dispersal;
 - e. Social work;
 - f. Administrative fines;
 - g. Temporary closure;
 - h. Other actions aimed at stopping the violation and/or remedying; or
 - i. License revocation

Then if the efforts to enforce the health protocol law are blocked/interrupted by irresponsible people, the articles stipulated in the Criminal Code (KUHP) can be imposed.

Article 212

"Anyone who by force or threat of violence against an official who is carrying out his legal duties, or a person who according to statutory obligations or at the request of an official provides assistance to him, is threatened for fighting an official, with a maximum imprisonment of one year and four months."

Article 216

"Whoever intentionally disobeys orders or requests made according to the law by an official whose job is to supervise something, or by an official based on his duties, as well as those who are authorized to investigate or examine criminal acts; Likewise, whoever intentionally prevents, hinders or thwarts an action to carry out the provisions of the law carried out by one of these officials, is threatened with a maximum imprisonment of four months and two weeks."

Article 218

"Whoever, when the people come together, deliberately does not leave immediately after being ordered three times by or on behalf of the competent authority, is threatened for participating in a group with a maximum imprisonment of four months and two weeks."

In this case, the official carrying out the tasks as referred to in Articles 212, 216 and 218 is the Provincial/Regency/City Covid-19 Handling Task Force. The organizational structure is as follows:

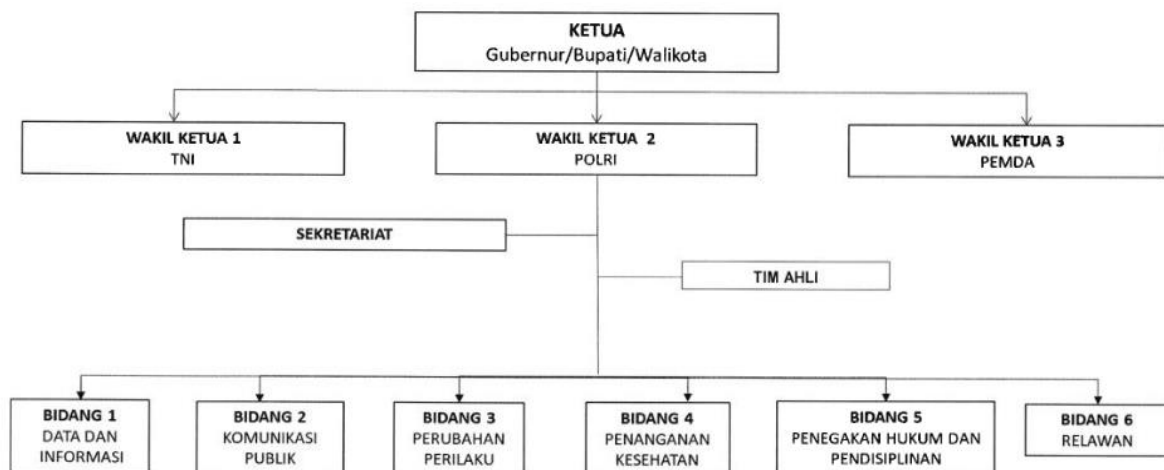


Figure 1. Organizational Structure of the Provincial/Regency/City Covid-19 Handling Task Force

The task force is given the authority by laws and regulations to control the spread of the Covid-19 virus in their respective areas so that if there are parties who hinder/obstruct/oppose the officers who have been given the authority, they can be subject to the articles contained in the Criminal Code. In contrast to the provisions in the Regional Regulation which imply the existence of administrative sanctions in advance, the provisions in the Criminal Code can be immediately imposed without any administrative sanctions in advance.

3.2 Application of Sanctions for Violators of the Covid-19 Health Protocol in Medan City in Achieving the Goal of Sentencing

The imposition of sanctions in each of the provisions of the above laws and regulations is intended to support a series of government policies, both central and local governments in suppressing the spread of the Covid-19 virus. Theoretically, there are several views of punishment regarding the purpose of imposing sanctions (criminals) in a statutory regulation. These views will be broken down in the following theories:

1) Retributive Theory (absolute)

According to the retributive (absolute) theory, the legal basis for the imposition of a crime is the crime itself. Retributive theory legitimizes punishment as a means of retaliation for crimes that have been committed by someone. Crime is seen as an immoral and immoral act in society, therefore the perpetrator of the crime must be retaliated by imposing a sentence. The purpose of punishment is detached from any purpose, so that punishment has only one goal, namely retaliation.

2) Relative Theory (deterrence)

The purpose of sentencing as a deterrence effect is divided into two, namely general prevention and special prevention. The purpose of punishment for general prevention is expected to give a warning to the public not to commit a crime. This general prevention according to van Veen has three functions, namely upholding the authority of the government, enforcing norms and forming norms. Special prevention is intended that the sentence imposed will provide a deterrence effect to the perpetrator so that he does not repeat his actions again. Meanwhile, the protection function for the community allows that with the criminal revocation of freedom for some time, the community will be protected from crimes that may be committed by the perpetrators.

3) Treatment Theory

Treatment theory states that punishment is very appropriate to be directed at the perpetrators of crimes, not at their actions. However, the punishment intended by this school is to provide treatment and rehabilitation to criminals as a substitute for punishment. This positive flow argument is carried out on the reason that the perpetrators of crimes are sick people so they need treatment and rehabilitation.

4) Social Defense Theory (Protection of Society)

This view is divided into two, namely the radical and the moderate. A radical view argues that social protection law must replace the existing criminal law. The main purpose of social protection law is to integrate individuals into social order and not to punish their actions. According to a moderate view, every society requires the existence of social order, namely a set of rules that are not only in accordance with the needs for living together but in accordance with the aspirations of citizens in general. Therefore, the large role of criminal law is an unavoidable necessity for a legal system.

Based on these sentencing theories, the most appropriate theory regarding the application of criminal sanctions for violators of health protocols is the relative theory (deterrence). The theory divides the purpose of punishment into 2, namely general prevention and special prevention. General prevention emphasizes that through criminal sanctions the community does not violate these rules, while special prevention focuses on perpetrators so that through criminal sanctions they have a deterrent effect for perpetrators and through criminal sanctions the community is also protected from harmful acts of perpetrators. Likewise with the application of criminal sanctions for violators of health protocols. Perpetrators are punished not because of retaliation for the disgraceful act they have done as in retributive theory, but to cause a deterrence effect for the perpetrator and also other people. The provision of criminal sanctions is aimed at making the public comply with the health protocols set by the government as stipulated in 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 Framework of Prevention and Control of Corona Virus Disease. 2019 (COVID-19), with the ultimate goal of suppressing the spread of the Covid-19 Virus as much as possible. Based on data obtained through the

Covid-19 Handling Task Force in Medan City until September 5, 2021, the number of cases of violating health protocols that have been tried in Medan City is as follows:

Table 2. Number of Cases of Violating Health Protocols Tried in Medan City

No	Jurisdiction	Individual Case	Case Businessmen	Amount
1	Medan Police Station	9	32	41
2	Belawan Harbor Police	20	0	20
Total				61

In the city of Medan, the jurisdiction of law enforcement is divided into 2, namely the Medan Polrestabes and the Belawan Harbor Police. In the jurisdiction of the Medan Polrestabes there were 41 cases that were tried with details of 9 individual cases and 32 business actors. The trial was held at the Medan City PKK Office, Jalan Rattan, Medan Petisah. All of these cases were sentenced to imprisonment for 2 days with a probationary period of 14 days (conditional punishment) and a fine. Conditional punishment in essence is that a person is sentenced, but the sentence does not need to be carried out, unless later it turns out that the convicted person before the expiration date has tried to commit a criminal incident or violated the agreement made by the judge to him, so the decision to impose a sentence remains, only the execution of the sentence is not carried out. done. (Soesilo, 1995) Meanwhile, the fines varied from Rp. 100,000, - (one hundred thousand rupiah) to Rp. 300,000, - (three hundred thousand rupiah). The total fine is Rp. 8,300,000,- (eight million three hundred thousand rupiah).

In the jurisdiction of the Belawan Harbor Police, there are 20 cases, all of which are individual cases. The trial was held at the Medan Labuhan sub-district office. In general, the violation is not wearing a mask. The penalties imposed range from warnings, imprisonment and fines. The average imprisonment imposed is 1-2 days with a probationary period of 3-14 days, while the fine starts from Rp. 5,000, - (five thousand rupiah) to Rp. 200,000, - (two hundred thousand rupiah). The total fine is IDR 2,080,000 (two million and eighty thousand rupiah).

Based on the results of an interview with a member of the Covid-19 Handling Task Force in Medan City, all cases that were sentenced to criminal sanctions had received warnings not only once but many times. This is as regulated in North Sumatra Governor Regulation Number 1 of 2021 concerning Discipline Enforcement and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 (Covid-19) in North Sumatra Province that the imposition of criminal sanctions must be preceded by administrative sanctions. All of these cases were tried using the provisions contained in the Regional Regulation, none of them used the provisions in the Criminal Code or the Health Quarantine Law, although in reality there were people who opposed the officers when they wanted to enforce them. The resistance carried out by the community is often carried out by business actors/managers. Based on data obtained through the Medan City Covid-19 Handling Task Force until September 15, 2021, there are 1,260 sanctions warning letters that have been given to business managers in Medan City.

Table 3. Data on Sanctions of Warning Letters to Business Managers in Medan City

No	Subdistrict	Amount	No	Subdistrict	Amount
1	Labuhan Field	13	12	East Medan	83
2	Overview	63	13	Belawan Field	10
3	Tebung Field	24	14	Helvetia Field	26

4	Deli	42	15	Battlefield	41
5	West Medan	93	16	Sanding Field	275
6	Terrain Area	42	17	Battlefield	53
7	Marelan Field	32	18	Maimun Field	34
8	Medan Denai	102	19	Polonia Field	34
9	Medan Johor	67	20	New Terrain	59
10	Sunggal Field	88	21	City Terrain	56
11	Lucky Field	23		Total	1260

Based on the number of sanctions in the form of warnings to business managers in Medan, it can be concluded that there are still many people who do not have legal awareness. In simple terms it can be said that the degree of community compliance with the law is one indicator of the functioning of the law concerned. (Zainuddin Ali, 2019) Many factors cause people in Medan City to not comply with health protocol policies. The most frequently used factor is the economic factor. The health protocol policy, especially during the implementation of PPKM level 4, had a very large impact on the economic activities of the residents. Many businesses such as tourism, fitness centers to entertainment venues had to close. Food and beverage businesses such as stalls, cafes, restaurants are also not allowed to eat in and operating hours are limited. These things make people desperate to violate these provisions. Finally, law enforcement officers take law enforcement actions every day.

Based on the results of an interview with a member of the Covid-19 Handling Task Force in Medan City, law enforcement is often a dilemma. On the one hand, the law must be strictly enforced for those who violate it, but on the other hand there are social factors that cannot be ruled out. If put aside, this social friction will have undesirable consequences, such as clashes between officers and residents or demonstrations that cause crowds. Law enforcement should also take into account the condition of the community. Law enforcement through this regional regulation is directed more at places where people congregate, such as entertainment venues, restaurants and so on, not to individuals because the goal to be achieved is to reduce crowds. In imposing criminal sanctions, it also pays attention to the ability of the perpetrators, for example in imposing fines, the amount varies from Rp. 5,000, - (five thousand rupiahs) to Rp. 300,000, - (three hundred thousand rupiahs). The confinement sentence is also replaced with a conditional sentence so that it does not need to be carried out. It also prevents crowds in the detention house.

With the current conditions, in the context of handling the Covid-19 Pandemic in Medan City, the punishment as expected in the relative theory (deterrence) has not been achieved as expected. However, currently the spread of the Covid-19 virus in the city of Medan has been successfully suppressed. Based on data obtained through the Medan City Health Office, as of November 2, 2021, the number of confirmed positive cases was 48,014 people with details as many as 46,987 people recovered, 917 people died and 110 people were being treated. The city of Medan has succeeded in suppressing the spread of the Covid-19 virus. This can be seen through the number of people being treated, which decreased from 9,663 to 110 people. PPKM status also decreased to level 2. In addition to criminal law enforcement, other policies such as vaccination.

IV. Conclusion

4.1 Conclusion

The conclusions in this study are as follows:

- 1) Violators of the health protocol in Medan City may be subject to sanctions in the provisions of Article 90-94 of Law Number 6 of 2018 concerning Health Quarantine, Articles 12-13 North Sumatra Governor Regulation Number 1 of 2021 concerning Discipline Enforcement and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 (Covid-19) in North Sumatra Province, Article 30 of Medan Mayor Regulation No. 38 of 2020 concerning Amendments to the Regulation of the Mayor of Medan Number 27 of 2020 concerning the Implementation of New Habits Adaptation to the Conditions of the Corona Virus Disease 2019 (Covid-19) Pandemic in the City of Medan and Articles 212, 216, 218 of the Criminal Code. However, in practice in the city of Medan, all health protocol violators are tried using North Sumatra Governor Regulation Number 1 of 2021.
- 2) Based on the results of research with the current conditions in the city of Medan, the imposition of crimes as expected in the relative theory (deterrence) has not been achieved as expected because the level of community compliance with the law is still very low. The impact of the theory of general prevention and special prevention has not yet been felt in the city of Medan, so law enforcement officers must take enforcement actions every day. However, the ultimate goal in suppressing the spread of the Covid-19 virus in the city of Medan is experiencing good progress. This can happen because it is assisted by other policies.

4.2 Suggestion

The suggestions in this research are as follows:

- 1) Law enforcement for violators of health protocols should be aimed at rogue businesses that do not comply with health protocols. Sanctions for individuals are considered less effective because the source of crowd problems does not come from visitors but from business activities carried out without complying with health protocol rules.
- 2) With the condition of the community's low level of compliance with the law, law enforcement officers should more often take action against crowds while still prioritizing a humanist and educative approach.

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