

Law Enforcement for Culinary Business Actors for Violations in Obligations in Implementing Education and Protocol of Covid-19 Prevention in Jakarta



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Law Enforcement for Culinary Business Actors for Violations in Obligations in Implementing Education and Protocol of Covid-19 Prevention in Jakarta

Wahyu Nugroho

ABSTRACT. The Special Capital Region of Jakarta (Indonesian: Daerah Khusus Ibukota/DKI Jakarta) has various regulations in enforcing the health protocol law, imposing sanctions on culinary business actors for various violations committed, in terms of not carrying out educational obligations and Covid. -19 prevention protocols. The problems in this research are first, how is law enforcement for culinary business actors who violate the obligation to implement education and Covid-19 prevention protocols in Jakarta? and second, does the imposition of sanctions for culinary business actors have a deterrent effect and can increase awareness in conducting education regarding the Covid-19 prevention protocol? Normative and empirical juridical research methods. Data collection techniques through document/library studies and interviews. Qualitative juridical analysis is based on primary data and secondary data. The results of the first study and conclusions, Law enforcement for culinary business actors are carried out by the Civil Service Police Unit (Indonesian: Satuan Polisi Pamong Praja/Satpol PP) by involving several relevant agencies, as the party overseeing culinary business licensing. Law enforcement is carried out through administrative sanctions ranging from written warnings, and fines, to freezing and revocation of permits. Second, the imposition of various sanctions for culinary business actors can increase awareness in conducting education regarding the Covid-19 prevention protocol, have new habits, and provide a deterrent effect. His advice is that corrective action is needed on policies to handle COVID-19 in the culinary business sector and evaluation of culinary licensing in Jakarta.

KEYWORDS. Law Enforcement, Culinary Business Actors, Covid-19 Prevention Protocol

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Wahyu Nugroho*

Introduction

Law is seen not only as a normative device to organize human life, but also must contain values as what is considered good by most people to do.² Values are built by a series of interactions between humans over a long period to an agreement about what should be (*das sollen*). The COVID-19 pandemic is not only a health problem but has caused distortions to welfare through various fields which have caused the welfare law state model to be in a crisis condition and experience anomaly so that the welfare law state can no longer

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² Soerjono Soekanto, *Pokok- Pokok Sosiologi Hukum*, Jakarta, PT RajaGrafindo, 2004, p. 32.

carry out its primary function to provide welfare.³This welfare is realized through the efforts of the government and local governments during the COVID-19 pandemic, issuing various regulatory and policy products related to the economy and health, to create legal order in society.

Economic actors or business actors are greatly affected by covid-19, so it takes the participation of business actors in various sectors to build an awareness value of behaving according to health protocols in the context of preventing covid-19, as well as trying to educate the public as an effort to prevent the transmission of covid-19. Business actors engaged in the culinary sector have been affected by COVID-19 through various policies and regulations that change from closing culinary business activities, limiting operating hours, and maintaining social distance to tightening health protocols when eating and drinking and various other regulations related to obligations. implementation of education and protocols for preventing covid-19 in the culinary area.

The Regional Government of DKI Jakarta Province is the epicenter of the transmission of Covid-19 with one of the causes, namely the culture of crowding in work, and social and economic activities. Business activities often ignore or do not comply with health protocols and education on the importance of preventing the transmission of covid-19, so that it is directly proportional to the increase in the number of patients who are positive for COVID-19 and the increasing number of deaths. This is where the importance of the law as an instrument of prevention as well as law enforcement is when various violations are committed by the community, especially business actors in DKI Jakarta.⁴Regulations are said to be effective if one of them is the imposition of strict sanctions for anyone, especially business actors who violate the refusal to carry out educational efforts and Covid-19 prevention protocols.

With these conditions, local governments need to take quick steps in handling Covid-19, various regulations are enforced from existing laws to

³ Eman Suparman & Nugraha Pranadita, "Pandemi Covid-19 dan Distorsi Kesejahteraan dalam Perspektif Krisis Negara Hukum Kesejahteraan", Segi Hukum terhadap Implikasi Covid-19 di Indonesia, Jakarta, Kencana, 2020, p. 457.

⁴ Dimas Choirul, Pelaku Usaha Kuliner di Jakbar Jalani Sidang Yustisi. Jakarta: Sindonews.com. Accessed on September 03, 2021. <https://metro.sindonews.com/read/522078/171/langgar-prokes-covid-19-saat-ppkm-31-pelaku-usaha-di-jalani-sidang-yustisi-1629907711>, <https://megapolitan.kompas.com/read/2021/08/25/16234141/31-pelaku-usaha-di-jakarta-barat-jalani-sidang-yustisi-pelanggaran-prokes>.

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newly formed regulations related to COVID-19. In DKI Jakarta, there is a Provincial Regulation of the Special Capital City Region of Jakarta Number 2 of 2020 concerning the Prevention of Corona Virus Disease 2019. In Article 11 paragraph (1) of Regional Regulation No. 2 of 2020, one of the elements of society stated that business actors must carry out public health protection in carrying out work activities, one of which is in the form of education and Covid-19 prevention protocols. This obligation is then followed by administrative sanctions as regulated in Article 11 paragraph (2) of the provision, that one element of the business actor who does not carry out the obligation to protect public health is subject to administrative sanctions in the form of a. written warning; b. administrative fines; c. disbandment of activities; d. temporary suspension of activities; e. temporary suspension of permits; and/or f. license revocation. In the implementation of the regional regulation, the Governor of the Special Capital Region of Jakarta Regulation Number 3 of 2021 was issued regarding the Implementation Regulation of Regional Regulation Number 2 of 2020 concerning the Prevention of Covid-19.

Various explorations in pre-research activities stated that the implementation of law enforcement by the Civil Service Police Unit (Indonesian: Satuan Polisi Pamong Praja/Satpol PP)⁵ DKI Jakarta Province, including prosecution for violations of the use of masks and guest book data collection, and other forms of PSBB violations, such as violations in restaurants/restaurants, as well as violations of offices, business premises, and industrial premises. The sanctions imposed are in the form of social work, fines, temporary suspension of activities, to revocation of business licenses. Based on the daily report of the DKI Jakarta Provincial Satpol PP on July 17, 2021, at 18.00 WIB, control has been carried out, consisting of mask operations, control at restaurants, restaurants, food stalls, and cafes, as well as in offices, workplaces, and business places with a total a fine of IDR

⁵ The legal basis for the Civil Service Police Unit (Satpol PP) as an element of law enforcement is Law Number 23 of 2014 concerning Regional Government and its derivative regulations through Government Regulation Number 16 of 2018 concerning Civil Service Police Units. Satpol PP is a regional apparatus formed to enforce Regional Regulations and Regional Head Regulations, maintain public order and peace, and provide community protection.

2,550,000. In addition, there are 9 restaurants, restaurants, food stalls, and cafes which have been temporarily suspended, as well as 9 offices,⁶

About various regulations and policies by the DKI Jakarta Provincial Government in the context of the obligation to implement the Covid-19 prevention protocol in the culinary business area, both food stalls, restaurants, cafes, and the like, there is a gap between understanding related to education related to health protocols, and their implementation in the culinary business sector, as well as law enforcement. This is the main study in this research, so the scope of this article is related to aspects of law enforcement for culinary business actors for violations in the obligation to implement education and Covid-19 prevention protocols in DKI Jakarta and the implications in imposing sanctions for culinary business actors who correlated with a deterrent effect and awareness in carrying out education related to the covid-19 prevention protocol.

The problems in this study are first, how is law enforcement for culinary business actors for violations of the obligation to implement education and Covid-19 prevention protocols in DKI Jakarta? and second, does the imposition of sanctions for culinary business actors have a deterrent effect and can increase culture or awareness in conducting education regarding the COVID-19 prevention protocol?

This study aims to analyze the factors that influence law enforcement for culinary business actors for violations of the obligation to implement education and Covid-19 prevention protocols in DKI Jakarta, and analyze the implementation of sanctions for culinary business actors oriented to health education/education, the effects of a deterrent, and affect the culture of awareness of education and protocols for the prevention of COVID-19.

The benefits of this research are obtaining information related to policy evaluation and some variables that influence law enforcement for culinary business actors for violations of the obligation to implement education and Covid-19 prevention protocols in DKI Jakarta, and obtaining a measure of the success of the DKI Jakarta Provincial Government in implementing sanctions for culinary business actors that correlate with a deterrent effect

⁵ Aldi Geri Lumban Tobing, Development of COVID-19 Cases and Vaccination Data in Jakarta as of July 18, 2021. Jakarta: Beritajakarta. id, accessed on September 4, 2021. <https://www.beritajakarta.id/read/90790/perkembangan-data-case-dan-vaccination-covid-19-di-jakarta-per-18-july-2021#.YTbPk50zbZY>.

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and increase awareness of education and compliance with health protocols at culinary business locations.

In this study, the legal system theory used by Lawrence M. Friedman, in his book "American Law An Introduction", states that the legal system includes: first, the legal structure component, relating to institutional arrangements and institutional performance, along with their apparatus in implementing and enforcing the law. ; second, the legal substance component, which relates to various legal rules, both written and unwritten law, to court decisions as guidelines for the community and government; and third, the cultural component (community legal culture), related to the values and attitudes and behavior of community members in legal life, reflected in the behavior of state officials and society.⁷In addition, Roscoe Pound's social engineering theory is used, that law is a tool/means to carry out social engineering,⁸and developed by Mochtar Kusumaatmadja with the theory of development law.

Method

The method in this study, uses a normative juridical research method through an inventory and review of various regulations in DKI Jakarta related to the prevention of covid-19, supported by empirical data on the implementation of law enforcement against culinary business actors for violations of the obligation to implement education and covid prevention protocols. -19 in DKI Jakarta. In addition, empirical juridical research is also carried out, which is research that includes research on legal identification and research on legal effectiveness.⁹Empirical research is also carried out for an in-depth examination of the legal facts, and then seeking a solution to the problems that arise in the phenomenon concerned.¹⁰

In collecting data, the study of documents or library materials, observations or observations, and interviews or interviews were used. Documentation studies are the first step of any legal research, both

⁷ Lawrence M. Friedman, *American Law: An Introduction*, New York, 1984, p. 16.

⁸ Lily Rasjidi, *Dasar-Dasar Filsafat Hukum*, Bandung, Citra Aditya Bakti, 1990, p. 27.

⁹ Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif*, Malang, Pustaka Pelajar, 2005, p. 52.

¹⁰ Agus Budiono, *Bahan Kuliah Metode Penelitian Hukum di Magister Kenotariatan Universitas Pelita Harapan*, Jakarta, UPH Press, 2016, p. 12.

normatively and sociologically¹¹. In this case the study of documentation with data collection techniques through library research. Library research by conducting an inventory of laws and regulations related to the prevention of COVID-19, and other library sources. The next technique is field research, namely field research through in-depth interviews with stakeholders of the Civil Service Police Unit (Satpol PP) within the DKI Jakarta Provincial Government.

The analytical method used in this study is an analysis of qualitative data¹², and in the context of legal research, namely qualitative juridical analysis, by analyzing various primary and secondary data, as well as primary legal materials, secondary legal materials, and tertiary legal materials.¹³This qualitative data analysis technique follows the conceptual approach given by Miles and Huberman.¹⁴Activities in qualitative data analysis are carried out continuously at each stage of the research until it is complete and the data is saturated. The process of collecting and analyzing information includes data reduction,¹⁵data display¹⁶ and conclusion/verification data.¹⁷

¹¹ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta, PT RajaGrafindo, 2010, p. 12.

¹² Masri Singarimbun dan Sofyan Effendi, *Metode Penelitian Survey*, Jakarta, LP3ES, 1989, p. 41; Lexy J. Moleong, *Metodologi Penelitian kualitatif* (Bandung, PT Remaja Rosda Karya, 2006, p. 35.

¹³ Soerjono Soekanto, dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta, PT RajaGrafindo Persada, 2003, p. 16.

¹⁴ Matthew B. Miles – A. Michael Huberman, *Analisis Data Kualitatif*, Terjemahan Tjetjep Rohendi Rohidi, Jakarta, Universitas Indonesia, 1992, p. 84.

¹⁵ Data Reduction is the process of selecting, focusing on simplification, abstracting, and transforming 'rough' data that emerges from written records in the field. Researchers will summarize, code, explore themes, and write memos according to the problems, objectives, benefits of research, and the framework of thought that has been set previously.

¹⁶ Data Display or data presentation is a structured collection of information that gives the possibility of drawing conclusions and taking action. The presentation of this data will provide in-depth information about what happened, what to do, analyze, and take action to answer research questions. The presentation of this data is in the form of a narrative.

¹⁷ Conclusion/Verification, where the researcher records all patterns, explanations, configurations, causal flows, and proportions provided by the informants or their supporting documents. After being well organized, the researcher will conclude with an answer to the questions that have been set previously.

Literature Review Related to Law Enforcement and Legal Functions

Law enforcement is a process to make legal wishes come true. The legal wishes in question are the thoughts of the law-making body that are formulated in legal regulations. The rule of law. The formulation of the thoughts of lawmakers as outlined in legal regulations will also determine how law enforcement is carried out.¹⁸ According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are spelled out in solid rules and attitudes of action as a series of final value translations. To create, maintain and maintain a peaceful social life.¹⁹

In enforcing the law three elements must be considered, namely: 1. Legal certainty (*rechtssicherheit*): The law must be implemented and enforced. Everyone hopes that the law can be enacted in the event of a concrete event. How the law must apply, basically must not deviate fiat justitia et perat mundus (even though the world will collapse, the law must be enforced). That is what legal certainty wants. Legal certainty is a justifiable protection against arbitrary actions, which means that a person will get something that is expected in certain circumstances. 2. Benefits (*zweckmassigkeit*): The community expects benefits in the implementation or enforcement of the law. Law is for humans, so the implementation of law or law enforcement must provide benefits or benefits for the community. Do not just because the law is implemented or enforced create unrest in the community. 3. Justice (*gerechtigkei*t): The community is very concerned that in the implementation or enforcement of the law justice is considered so that the implementation and enforcement of the law, must be fair and achieve justice.²⁰

The law that has been made has a function to help the community run the role of the law, such as issuing regulations, resolving disputes, and so on so that it can lead the community to develop. Broadly speaking, the function of law can be classified into three stages, namely: 1. The function of law as a tool for public order and order. This is possible because of the nature and

¹⁸ Satjipto Rahardjo, *Penegakan Hukum Sebagai Tinjauan Sosiologis*, Yogyakarta, Genta Publishing, 2009, p. 42.

¹⁹ Soerjono Soekanto, *Faktor-faktor Yang Mempengaruhi Penegakan Hukum* Jakarta, PT Rajawali Pers, 1983, p.8.

²⁰ Sudikno Mertokusumo, *Mengenal Hukum*, Yogyakarta, Liberty, 1999, p. 16.

character of the law that provides guidelines and instructions on how to behave in society. Shows what is good and what is bad through its norms. 2. The function of law as a means to realize inner and outer social justice. Law with its nature and character among others has binding power both physically and psychologically. 3. The function of law as a means of driving development. One of the binding and coercive powers of the law, it can also be exploited or exploited to drive development. Law as a means of development is a tool for authorities to bring society in a more advanced direction.²¹

The usefulness of law enforcement is something that cannot be separated from measuring the success of law enforcement in Indonesia. According to Utilitarianism, law enforcement has a purpose based on certain benefits (benefit theory or theory of objectives), and is not just to avenge the actions of criminals, not just to retaliate or reward people who commit crimes, but has certain useful purposes. Benefit here is defined as happiness (happiness). A good law is a law that brings happiness to many people.²²

Data on Regional Legal Products related to the Covid-19 Prevention Protocol in DKI Jakarta

Based on data from the DKI Jakarta Provincial Government related to various regional legal products on policies for implementing education and Covid-19 prevention protocols in DKI Jakarta, including the Provincial Regulation of the Special Capital Region of Jakarta Number 2 of 2020 concerning Corona Virus Disease Handling 2019. In the provisions of Article 11 paragraph (1) Regional Regulation No. 2 of 2020 has regulated various elements of society, including business actors. The business actors in this provision are still general. In this study, the focus is on culinary business actors in the DKI Jakarta area, both restaurant and cafe businesses. One of the obligations carried out by culinary business actors is to provide education and protocols for preventing Covid-19.

Based on the provisions of Article 11 paragraph (2) of the DKI Jakarta Regional Regulation Number 2 of 2020 concerning the Prevention of Corona

²¹ Soedjono Dirdjosisworo, *Pengantar Ilmu Hukum*, Jakarta, Rajawali, 2007, p. 23.

²² Hasaziduhu Moho, "Penegakan Hukum di Indonesia Menurut Aspek Kepastian Hukum, Keadilan dan Kemanfaatan." *Jurnal Warta* 13 (1), 2019, 10.

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Virus Disease 2019, it is stated that one element of business actors who does not carry out the obligation to protect public health is subject to administrative sanctions in the form of: a. written warning; b. administrative fines; c. disbandment of activities; d. temporary suspension of activities; e. temporary suspension of permits; and/or f. license revocation. About the imposition of sanctions, it has been further regulated in the Regulation of the Governor of the Special Capital Region of Jakarta Number 3 of 2021 concerning Implementing Regulations of Regional Regulation Number 2 of 2020 concerning Covid-19 Management, which is stated in Article 28 paragraph (1) that:

Business actors, managers, organizers, or persons in charge of restaurants, cafes, or restaurants who do not carry out their obligations to protect public health are subject to administrative sanctions in the form of:

- a. written warning;
- b. administrative fines;
- c. disbandment of activities;
- d. temporary suspension of activities;
- e. temporary suspension of permits; and/or
- f. license revocation.

The implementation of administrative sanctions against business actors, managers, organizers, or persons in charge of restaurants, cafes, or restaurants, is carried out in stages, from written warnings to revocation of permits. This is stated in Article 28 paragraph (2) of Governor Regulation Number 3 of 2021, that:

- a. if a violation of public health protection is found, a sanction is given in the form of a written warning;
- b. if he repeats the violation of public health protection after being given a written warning as referred to in letter a, he shall be subject to an administrative fine of a maximum of Rp. 50,000,000.00 (fifty million rupiahs);
- c. if the violation of public health protection is repeated after being imposed with an administrative fine as referred to in letter b, the activity is subject to dissolution;
- d. if he repeats the violation of health protection after being subject to the dissolution of the activity as referred to in letter c, then the activity is suspended;

- e. if he repeats the violation of health protection after being subject to a temporary suspension of activities as referred to in letter d, the permit is temporarily suspended; and
- f. suppose he repeats the violation of health protection after being subject to a temporary suspension of the permit as referred to in letter e. In that case, he shall be subject to revocation of the permit.

Law enforcement for violations of the obligation to provide education and Covid-19 prevention protocols by business actors is carried out by the DKI Jakarta Satpol PP, based on Regional Regulation No. 2 of 2020 concerning the handling of covid-19 and the provisions of Article 6 paragraph (2) of the Governor of the Special Capital Region of Jakarta Number 3 of 2021 concerning the Implementation Regulation of Regional Regulation Number 2 of 2020 concerning the Handling of Covid-19, that:

The implementation of the imposition of sanctions as referred to in paragraph (1) is carried out by the Satpol PP with assistance from the relevant Regional Apparatus and may be accompanied by elements of the Police and/or TNI.

Another regional law product as a more technical follow-up carried out by the Civil Service Police Unit in DKI Jakarta in the context of law enforcement, is the Decree of the Head of the DKI Jakarta Provincial Civil Service Police Unit Number 121 of 2021 as an Amendment to the Decree of the Head of the DKI Jakarta Provincial Civil Service Police Unit. Number 80 of 2021 concerning Implementing Regulations for Governor Regulation Number 3 of 2021 concerning Implementing Regulations of Regional Regulation Number 2 of 2020 concerning Covid-19 Control in the DKI Jakarta Provincial Civil Service Police Unit.

In the technical instructions for the Implementation of Governor Regulation Number 3 of 2021 concerning Implementing Regulations of Regional Regulation Number 2 of 2020 regarding Covid-19 Response, there are changes to the technical instructions as outlined in Attachment I to the Decree of the Head of the DKI Jakarta Provincial Civil Service Police Unit Number 121 of 2021 as Amendment to the Decree of the Head of the DKI Jakarta Provincial Civil Service Police Unit Number 80 of 2021, dated September 17, 2021. There are several additions to the change, including additions to the operational technical instructions from Article 27 of

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Governor Regulation Number 3 of 2021 regarding violations of health protocols in businesses food stalls, namely:

- 1) Not implementing the COVID-19 prevention protocol by the applicable Governor's decision, including:
 - a. operational time
 - b. space capacity limitation
 - c. dine-in time
 - d. etc
- 2) Do not check vaccinations with the Care Protect application.

In addition to the additions in the operating instructions of Article 27 to the criteria for food stalls, there are also additions to the operational guidelines in Article 28 on the criteria for restaurants, restaurants, cafes, and the like. The additions are:

Violations of health protocols in restaurants, cafes, and similar businesses include:

- 1) Not implementing the Covid-19 prevention protocol by the applicable governor's decision, including:
 - Operational time
 - Space capacity limitation
 - Dine-in time
 - Etc
- 2) Not checking vaccinations with the Care Protect application

Other additions are found in the provisions for taking action against violations by giving sanctions:

- 1) Temporary suspension of activities
 - a. 3 x 24 hours
 - b. Awarded on the first offense
- 2) Temporary suspension of activities and administrative fines
 - a. 7 x 24 hours
 - b. The maximum administrative fine is 50,000,000.00 (fifty million rupiahs)

Based on the characteristics of various regional legal products, in law enforcement, the imposition of sanctions for violations of educational obligations and the Covid-19 prevention protocol to culinary business actors in DKI Jakarta, is more directed to administrative sanctions, rather than criminal sanctions. The imposition of administrative sanctions has an

educational purpose and there is an opportunity for culinary business actors to improve and provide awareness regarding the importance of educational obligations and Covid-19 prevention protocols so that in the long term, the goal is the participation of business actors and adaptation of new habits in opening culinary businesses, as well as changes in lifestyle and attitudes shown by business actors.

Observing the characteristics of the various legal products of the COVID-19 prevention protocol in DKI Jakarta with the imposition of administrative sanctions, according to Wicipto Setiadi, there are several purposes for including and implementing the provisions of sanctions in-laws and regulations, including administrative sanctions.²³ *First*, as an effort to enforce the provisions of the legislation. The provision of sanctions will facilitate the enforcement of these norms, and the effectiveness/effectiveness of the use of the laws and regulations can be seen, and the provisions of the laws and regulations can be complied with. *Second*, to provide punishment for anyone who violates a statutory norm. People who violate a norm should indeed be given punishment according to the severity of the violation. *Third*, deter someone from violating the law again. With the imposition of sanctions, it is hoped that people will not repeat violations. *Fourth*, prevent other parties from violating the law. With the threat of sanctions, it is hoped that people will not violate the law.

Analysis of law enforcement for culinary business actors for violations in the obligation to implement education and Covid-19 prevention protocols in Jakarta

In law enforcement related to the obligation to implement education and protocols for preventing covid-19 in DKI Jakarta, it is part of the implementation of various provisions relating to the prevention of COVID-19 and its sanctions. Law enforcement related to compliance with the COVID-19 prevention protocol has the function of educating and sensitizing

²³ Wicipto Setiadi, "Sanksi Administratif Sebagai Salah Satu Instrumen Penegakan Hukum Dalam Peraturan Perundang-Undangan". *Jurnal Legislasi Indonesia* 6 (4), 2009, 606-607.

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the culinary business community and the visitor community so that they are always obedient and obedient to the COVID-19 prevention protocol.

Based on Law Number 23 of 2014 concerning Regional Government, the Civil Service Police Unit was formed to enforce Regional Regulations and Regional Regulations, maintain public order and peace and provide community protection. To implement the provisions of Article 256 paragraph (7) of the law, it is necessary to stipulate a Government Regulation concerning the Civil Service Police Unit. In the provisions of Article 1 point 1 of Government Regulation Number 16 of 2018 concerning Civil Service Police Units, the meaning of Civil Service Police Units, hereinafter referred to as Satpol PP are regional apparatuses established to enforce Regional Regulations and Regional Head Regulations, maintain public order and peace and provide protection public. Apart from Satpol PP, it also involves several agencies, the Department of Investment and One-Stop Integrated Service (Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu), the Department of Tourism and Creative Economy (Dinas Pariwisata dan Ekonomi Kreatif), and the Department of Industry, Trade, Cooperatives, and Small and Medium Enterprises (Dinas Perindustrian, Perdagangan, Koperasi, dan Usaha Kecil dan Menengah).

Based on the results of the author's discussion and interview with one of the Satpol PP in DKI Jakarta, it was stated that culinary business actors and the end of compliance in carrying out educational obligations and Covid-19 prevention protocols in DKI Jakarta, which are regulated in various legal products in Jakarta, have begun to understand well because the Covid-19 pandemic has been running for the last 2 (two) years. Nevertheless, there are still several violations committed by several culinary business actors, so administrative actions are carried out. Satpol PP always educates, especially in the field of supervision and control in the business sector daily, namely restaurant, restaurant, and cafe business premises with a random system and division of tasks. The task of the Satpol PP is to supervise the implementation of health protocols, However, if the place of business is not by the health protocol, education will still be carried out. In addition, they also provide updated information regarding regulations that they currently need to understand, because regulations are always changing and are continuously evaluated.²⁴

²⁴ Interview with Ms. Nunung Suyatno, Functional Position of Civil Service Police (Young Expert), Supervision and Control Division (Indonesian: Pengawasan dan

In carrying out its duties and functions, Satpol PP involves several related agencies in the DKI Jakarta Province Regional Apparatus Work Unit (Satuan Kerja Perangkat Daerah/SKPD), including the Department of Industry, Trade, Cooperatives, Small and Medium Enterprises (Dinas Perindustrian, Perdagangan, Koperasi, Usaha Kecil dan Menengah), and the Department of Manpower and Transmigration (Dinas Tenaga Kerja dan Transmigrasi). Tourism and Creative Economy, as the parties that issue permits for the various culinary businesses to be followed up with supervision. In addition, it also involves elements of the TNI and Polri, so that joint supervision is carried out, but for law enforcement, it is carried out by the DKI Jakarta Provincial Government Satpol PP. The Satpol PP and the joint team of the DKI Jakarta Covid-19 Task Force, if they have conducted education, but later on, violations are found by culinary business actors, then enforcement is carried out.²⁵

The results of the supervision found that various violations were committed, then a written warning would be imposed, accompanied by educative and persuasive directions, not by repressive means. In enforcing the law on restaurant or cafe/cafe businesses, the DKI Jakarta Satpol PP always reminds us that there must be a physical distancing sign or a cross sign on every dining table, a place for washing hands, a hand sanitizer, and officers to measure the body temperature of each visitor. The problem is that if the visitors are family, it will be difficult to maintain a distance at the restaurant/culinary area, and there are no officers on duty at the front to measure the temperature of each restaurant/cafe visitor who comes.²⁶

The sanctions that have been applied so far in DKI Jakarta are mostly administrative, not even criminal sanctions. In imposing more technical sanctions, the Head of Satpol PP has issued a decree as a legal basis for the

Pengendalian/Wasdal) for Business Places, DKI Jakarta Provincial Government Civil Service Police Unit, on Tuesday, January 11, 2022, 10:00, in the Meeting Room DKI Jakarta Provincial Government Civil Service Police Unit (Jakarta, 2022).

²⁵ The results of the author's interview with Mrs. Nunung Suyatno, Functional Position of Civil Service Police (Young Expert), Supervision and Control Division (Wasdal) for Business Places, Civil Service Police Unit of DKI Jakarta Provincial Government, on Tuesday, January 11, 2022, 10:00, in Room Meeting of the Civil Service Police Unit of the DKI Jakarta Provincial Government (Jakarta, 2022).

²⁶ The results of the author's interview with Mrs. Nunung Suyatno, Functional Position of Civil Service Police (Young Expert), Supervision and Control Division (Wasdal) for Business Places, Civil Service Police Unit of DKI Jakarta Provincial Government, on Tuesday, January 11, 2022, 10:00, in Room Meeting of the Civil Service Police Unit of the DKI Jakarta Provincial Government (Jakarta, 2022).

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application of sanctions and law enforcement of Health protocols, namely the Decree of the Head of the DKI Jakarta Provincial Civil Service Police Unit Number 121 of 2021 as an Amendment to the Decree of the Head of the DKI Provincial Civil Service Police Unit. Jakarta Number 80 of 2021 concerning Implementing Regulations of Governor Regulation Number 3 of 2021 concerning Implementing Regulations of Regional Regulation Number 2 of 2020 concerning Covid-19 Response in the DKI Jakarta Provincial Civil Service Police Unit. In these provisions, there are various types of sanctions based on the stages of imposition of sanctions, from written warnings, administrative fines, freezing of business activities, temporary cessation of business activities, up to the revocation of business licenses.²⁷

Based on the findings of an in-depth discussion with one of the DKI Jakarta Satpol PP, Mrs. Nunung Suyatno, it was revealed that culinary business actors commit repeated violations, and the application of sanctions will be higher so that sanctions are applied gradually and of course, the violations are very severe. For example, a culinary business place was once sealed, then repeated violations were made, which was initially 1x24 hours, to 3x24 hours, up to 7x24 hours, until the permit was suspended. If it is 3x24 hours, it will be subject to a maximum fine of 50 million. In DKI Jakarta, for example, the holy wings cafe business located in the Kemang area, Mampang Prapatan, South Jakarta, was imposed with a suspension of its business license and a fine of 50 million.²⁸ Currently, the holy wings business is not

²⁷ The results of the author's interview with Mrs. Nunung Suyatno, Functional Position of Civil Service Police (Young Expert), Supervision and Control Division (Wasdal) for Business Places, Civil Service Police Unit of DKI Jakarta Provincial Government, on Tuesday, January 11, 2022, 10:00, in Room Meeting of the Civil Service Police Unit of the DKI Jakarta Provincial Government (Jakarta, 2022).

²⁸ Yustinus Paat, Repeated Violations, Holywings Cafe Fined IDR 50 Million. Jakarta: Beritasatu.com, accessed on January 20, 2022. <https://www.beritasatu.com/megapolitan/824001/violation-repeat-kafe-holywings-didena-rp-50-juta>. <https://www.tribunnews.com/nasional/2021/09/06/kafe-holywings-kemang-ternyata-already-3-kali-langgar-prokes-dan-aturan-operational>; Holywings Kemang Cafe Turns Out to have Violated Prokes and Operational Rules 3 times. Jakarta: Tribunnews.com, accessed on January 20, 2022. Holywings permit frozen and fine of Rp50 million, these are the Cafe Health Protocol Rules during PPKM Level III 7-13 September. Jakarta: Bisnis.com, accessed on January 20, 2022. <https://jakarta.bisnis.com/read/20210907/77/1439048/izin-holywings-dibekukan-dan-denda-rp50-juta-ini-aturan-protokol-kesehatan-kafe-saat-ppkm-level-iii-7-13-september>.

operating but sells to its place business to new place business with new management and a new business name.²⁹

About Friedman's legal system theory from a legal culture perspective, culinary business actors in Jakarta already have knowledge and understanding regarding the procedures that must be followed during the COVID-19 pandemic, from the application of PSBB to PPKM at every level, from business activities. culinary delights that do not operate at all, until the application of restrictions on operating hours. The pandemic that has been going on for 2 (two) years, culinary business actors have learned from these times and have begun to understand it. The Satpol PP, in carrying out their duties and authorities in the field, always reminds them of the various rules governing education and implementation of the Covid-19 health protocol, both those that are no longer valid and the latest regulations or changes from previous rules.

The findings of the study revealed that in the context of the effectiveness of the implementation of various regional regulations in law enforcement of health protocols for culinary business actors in DKI Jakarta, over time it has been very effective, with various administrative sanctions based on existing regulations, from administrative fines to sanctions. temporary closure of culinary business activities.³⁰Based on data obtained from the Data and Information Center of the Civil Service Police Unit of the DKI Jakarta Provincial Government during the 2020 Large-Scale Social Restrictions (Pembatasan Sosial Berskala Besar/PSBB), and the Enforcement of Restrictions on Community Activities (Pemberlakuan Pembatasan Kegiatan Masyarakat/PPKM) in 2021, related to law enforcement and the implementation of administrative sanctions to business actors. restaurants/cafes, respectively, can be seen in table 1 and table 2 below:

²⁹ The results of the author's interview with Mrs. Nunung Suyatno, Functional Position of Civil Service Police (Young Expert), Supervision and Control Division (Wasdal) for Business Places, Civil Service Police Unit of DKI Jakarta Provincial Government, on Tuesday, January 11, 2022, 10:00, in Room Meeting of the Civil Service Police Unit of the DKI Jakarta Provincial Government (Jakarta, 2022).

³⁰ The results of the author's interview with Mrs. Nunung Suyatno, Functional Position of Civil Service Police (Young Expert), Supervision and Control Division (Wasdal) for Business Places, Civil Service Police Unit of DKI Jakarta Provincial Government, on Tuesday, January 11, 2022, 10:00, in Room Meeting of the Civil Service Police Unit of the DKI Jakarta Provincial Government (Jakarta, 2022).

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Table 1³¹
Recapitulation of Results of Supervision and Enforcement of Health Protocols in DKI Jakarta in 2020

NO	BULAN	INDIVIDU (PERORANGAN)				RESTORAN, KAFE DAN RUMAH MAKAN			
		Kerja Sosial	Denda Administratif	Jumlah	Jumlah Denda	Penutupan Sementara	Denda	Jumlah	Jumlah Denda
1	MARET	0	0	0	Rp -	0	0	0	Rp -
2	APRIL	0	0	0	Rp -	0	0	0	Rp -
3	MEI	4.723	1.210	5.933	Rp 146.050.000	0	34	34	Rp 138.500.000
4	JUNI	16.189	1.718	17.907	Rp 297.510.000	0	23	23	Rp 50.450.000
5	JULI	38.938	5.292	44.230	Rp 731.390.000	1	32	33	Rp 119.000.000
6	AGUSTUS	65.368	7.142	72.510	Rp 1.056.120.000	16	80	96	Rp 407.250.000
7	SEPTEMBER	50.854	3.489	54.343	Rp 618.375.000	436	59	495	Rp 80.800.000
8	OKTOBER	30.592	1.333	31.925	Rp 223.720.000	208	17	225	Rp 40.050.000
9	NOVEMBER	36.215	1.468	37.683	Rp 228.880.000	92	6	98	Rp 8.000.000
10	DESEMBER	42.365	1.566	43.931	Rp 235.800.000	440	13	453	Rp 123.100.000
	JUMLAH	285.244	23.218	308.462	Rp 3.537.845.000	1.193	264	1.457	Rp 967.150.000

Source: Civil Service Police Unit of the Provincial Government of the Special Capital Region of Jakarta in 2022.

Table 2³²
Recapitulation of Results of Monitoring and Enforcement of Health Protocols in DKI Jakarta in 2021

NO	BULAN	INDIVIDU (PERORANGAN)				RESTORAN, KAFE DAN RUMAH MAKAN			
		Kerja Sosial	Denda Administratif	Jumlah	Jumlah Denda	Penutupan Sementara	Denda	Jumlah	Jumlah Denda
1	JANUARI	54597	1381	55978	Rp 209.675.000	262	15	277	Rp 17.000.000
2	FEBRUARI	56129	1270	57399	Rp 192.300.000	139	3	142	Rp 18.500.000
3	MARET	60933	1218	62151	Rp 178.500.000	216	8	224	Rp 66.500.000
4	APRIL	48453	937	49390	Rp 124.400.000	187	3	190	Rp 7.000.000
5	MEI	40624	789	41413	Rp 105.050.000	33	4	37	Rp 4.000.000
6	JUNI	71145	1207	72352	Rp 161.550.000	768	26	794	Rp 146.700.000
7	JULI	46812	561	47373	Rp 89.350.000	564	15	579	Rp 28.000.000
8	AGUSTUS	44840	441	45281	Rp 58.400.000	57	4	61	Rp 13.500.000
9	SEPTEMBER	44685	768	45453	Rp 98.030.000	164	6	170	Rp 147.000.000
10	OKTOBER	43975	777	44752	Rp 76.208.000	66	6	72	Rp 131.000.000
11	NOVEMBER	41970	582	42552	Rp 56.610.000	22	0	22	Rp 16.000.000
12	DESEMBER	39165	542	39707	Rp 51.300.000	22	0	22	Rp -
	JUMLAH	593328	10473	603801	Rp 1.491.373.000	2500	90	2590	Rp 595.200.000

Source: Civil Service Police Unit of the Provincial Government of the Special Capital Region of Jakarta in 2022

³¹ Center for Data and Information, Recapitulation of Results of Supervision and Enforcement of Health Protocols in DKI Jakarta in 2020 and 2021 (Jakarta, 2022).

³² Center for Data and Information, Recapitulation of Results of Supervision and Enforcement of Health Protocols in DKI Jakarta in 2020 and 2021 (Jakarta, 2022).

The Satpol PP and related agencies carry out surveillance related to physical distancing/maintaining distance from visitors in restaurants/restaurants/cafes and ensure that culinary business actors have given a 'cross' sign on the bench because there are restrictions on the number of visitors. However, the obstacle or inhibiting factor in law enforcement is if the visitors are family, it will be difficult to keep a distance. Most of the violations are issues of visitor capacity, social distancing, and culinary business operating hours. The various violations were, for the first time, subject to a written warning, as well as providing education to culinary business actors.

Based on the results of the study, can be analyzed based on the legal system theory by Lawrence M. Friedman that *first*, in legal substance, legal certainty has been obtained through various legal products of the DKI Jakarta province related to the implementation of education and protocols for preventing covid-19, especially in the business sector. culinary. *Second*, the various regulations, local governments as part of the legal structure of institutions that carry out regulations, especially Satpol PP in the context of law enforcement. The government and elements of law enforcement officers in it must also conduct socialization and provide education or persuasive directions to culinary business actors so that there is a forced effort through law enforcement to impose administrative sanctions on culinary business actors.

Furthermore, *thirdly*, in the context of legal culture or through legal awareness of culinary business actors and visitors as well as the community, it can increase after sanctions or educative and persuasive appeals are given, so that there are positive and reciprocal effects from culinary business actors and the community from various provisions of the Covid-19 prevention protocol in the culinary area. About the legal function proposed by Roscoe Pound as a means of social change, or a means of social engineering, so that law is a means of engineering society (a tool of social engineering).³³Pound's thinking was later developed by Mochtar Kusumaatmadja, that the conception of law as a means of community renewal. In the context of various policies carried out by the DKI Jakarta Provincial Government, in dealing with COVID-19 in the culinary business sector, it is part of the means for

³³ Munir Fuadi, *Teori-Teori Besar (Grand Theory) Dalam Hukum*, (Jakarta: Kencana, 2013), 38; Munir Fuady, *Sosiologi Hukum Kontemporer "Interaksi Hukum, Kekuasaan, dan Masyarakat"*, (Bandung: Citra Aditya Bakti, 2011), 64.

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social engineering or social engineering of the community, especially culinary business actors in DKI Jakarta and visitors.

Conclusion

Based on the results of the research and discussion above, the authors can conclude that: *first*, law enforcement for culinary business actors for violations in the obligation to implement education and Covid-19 prevention protocols in DKI Jakarta is carried out by Satpol PP by involving several related agencies in the Device Work Unit. The region is the party that supervises the various culinary business permits and involves elements of the TNI and Polri. In law enforcement, the DKI Jakarta Provincial Government Satpol PP imposes administrative sanctions according to the level and number of violations, from written warnings, and fines, to permit suspension and revocation of culinary business permits. Law enforcement that is used with an educational and persuasive approach, so that it is effective, is directly proportional to the minimum number of violations committed; and *second*, the imposition of various sanctions for culinary business actors has positive implications, namely, it can increase awareness in conducting education regarding the Covid-19 prevention protocol, provide a deterrent effect for these business actors, and form new habits in every culinary business activity.

Suggestion

The suggestions and recommendations from this research are: first, the DKI Jakarta Provincial Government needs to evaluate and corrective actions on policies and law enforcement in the obligation to implement education and protocols for preventing covid-19 for culinary business actors, as well as law enforcement that is humane, educative, and persuasive; and secondly, the DKI Jakarta Provincial Government needs to consider various culinary business permits that have been subject to administrative sanctions in the operation of further business activities.

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