

THE APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IS REVIEWED FROM THE IMPLEMENTATION OF CROWD PUNISHMENT DURING THE COVID-19 PANDEMIC (CASE STUDY OF DECISION NUMBER 221/PID. SUS/2021/PN. JKT. TEAM)

Bustomy ¹, Chairul Aman ², Jamilah ³

¹ STIH Painan, Banten. Indonesia. Email Achmadbustomi568@gmail.com

² STIH Painan, Banten. Indonesia. Email chairulaman@gmail.com

Corresponding Author. Email Achmadbustomi568@gmail.com



DOI: 10.33603/responsif.v15i2.9849

Abstract. *The Covid-19 pandemic has had a significant impact on various aspects of life, including law enforcement in Indonesia. One of the problems that emerged was the application of the legal principle of equality before the law. This study aims to analyze the application of the principle of equality before the law during the Covid-19 pandemic still has weaknesses reviewed from Law Number 6 of 2018 concerning Health Quarantine, by taking a Case Study of Decision Number 221/Pid.Sus/2021/PN. Jkt. Team involving Habib Rizieq Shihab. The research method used is a qualitative approach with the type of case study research. Data were collected through document studies, interviews, and participatory observations. The analysis was carried out using content analysis techniques to identify problems with the effectiveness of law enforcement in cases of crowd crimes during the pandemic. The results of the study show that there is legal uncertainty in the enforcement of crimes against crowd violations during the pandemic. This uncertainty is caused by inconsistencies in the application of the law, lack of transparency in the law enforcement process, and differences in legal interpretation at various levels of court. The case of Habib Rizieq Shihab revealed that there was different treatment in law enforcement, which caused a perception of injustice in society. This study suggests several steps to apply the principle of equality before the law for violators of criminal sanctions. First, consistent and indiscriminate law enforcement is needed to maintain public trust in the legal system. Second, transparency in the law enforcement process must be improved, including the delivery of clear information regarding detention procedures and sanctions given. Third, the government and related institutions need to increase public awareness of the importance of complying with health protocols through effective education campaigns. Fourth, evaluation and revision of policies related to the handling of crowd crimes must be carried out periodically to adjust to the current situation and conditions and accommodate inputs from various parties, which is expected to increase the accuracy in criminalizing crowds during the Covid-19 pandemic, so as to create justice and legal certainty.*

Keywords: *Application, Legal Principles of Equality Before The Law, criminal implementation, health protocols.*

INTRODUCTION

Indonesia is a country based on law (*rechtsstaat*) and not based on power (*machstaat*). Therefore, the law should be used as a basis for solving various problems that drive the progress of society, nation, and state with the aim of achieving a safe, orderly, prosperous, and just life in the context of the state and law.

The State of Indonesia, which is a state of law, is as stated in Article 27 paragraph (1) of the 1945 Constitution, namely "All citizens have the same position in the law and government and are obliged to uphold the law and government without exception".¹

Criminal law, when viewed from a material perspective,² plays a central role in the Criminal Justice System, since its main task is to resolve conflicts that arise with the aim of protecting and improving the welfare of society. The importance of criminal law, both now and in the future, lies in its function as a social control that aims to prevent social disturbances, especially as a crime control mechanism.³ This shows that the provisions of material law, in this context criminal law, should not be interpreted arbitrarily because they can cause legal uncertainty (*rechtonzekerheid*). If the rules regulated in the criminal law are violated, then it can result in chaos in the legal system.

An ideal law must be rooted in the principle of justice, followed by utility, and then legal certainty. Justice in criminal law has been considered to have been achieved if the perpetrator of a criminal act, after going through the judicial process, is sanctioned in accordance with the provisions of the applicable criminal law. This view is inseparable from the dominance of the Retributive Justice paradigm in the formation and application of criminal law.

. The Retributive Justice paradigm perceives crime as an issue between the state and the individual offender, as the perpetrator has transgressed the laws established by the state to uphold public order, peace, and security.⁴ From this viewpoint, the perpetrator's accountability is established through the enforcement of criminal penalties. The victim's loss or suffering is deemed compensated, paid, or recovered by the culprit through the criminal process. ⁵

Nonetheless, some perspectives assert that the enforcement of criminal punishments, including both the substance and methods for addressing criminal offenses through existing

¹ Constitution of the Republic of Indonesia Year 1945

² Bambang Waluyo, *Crime and Punishment*, Jakarta; Sinar Grafika, 2008, p. 5.

³ Muhari Agus Santoso, *New Paradigm of Criminal Law*, Malang; AverroesPress, 2002, p. 12.

⁴ G. Widiartana, *Victimization Perspective in Crime Management*, UAJY, Yogyakarta, 2013, p. 102

⁵ Ateng Sudibyo and Aji Halim Rahman, *Deconstruction of the Principle of Legality in Criminal Law*, *Journal of Presumption of Law* 3 (1), 2021, p. 75

legal frameworks, yields minimal advantage for alleviating victims' suffering. Criminal sanctions have thus far been perceived primarily as "payment or atonement" to the state for the perpetrator's transgressions, rather than as a means of accountability for the perpetrator's wrongful actions against the victim. Indeed, individuals who directly endure harm or sustain losses as a result of the crime are the victims, rather than the state.

For example, the Retributive Justice paradigm that dominates our criminal law system tends to ignore the needs of victims to get adequate recovery. The main focus is more on the punishment of perpetrators, who are considered to have paid their guilt to the state, while the needs of victims are often ignored. This system confirms that by serving a sentence, the perpetrator has atonemented for their mistakes, but this is not always in line with the real recovery required by the victim of the crime. Therefore, a review of a more victim-oriented approach to criminal law and a balance between justice for the perpetrator and redress for the victim is very important.⁶

Moving from Indonesia as a country of law, there is also an equally important problem that is being faced by the world today, namely the Covid-19 Pandemic outbreak. Corona virus disease that emerged in 2019 (Covid-19) is a big problem that spreads around the world, including in Indonesia. The spread of this infection generally takes place between individuals and other individuals through droplets that come out of the mouth and nose when an infected person coughs or sneezes. The way it spreads is similar to the spread of flu viruses in general. Infected fluid can fall, stick, or stick to other people's body parts that are close to each other, and can even enter another person's lungs through the nose. Patients infected with the coronavirus need medical treatment to relieve the condition and eliminate the signs of this disease. The issuance of several regulations to deal with the outbreak of infectious diseases is one of the government's policies to make the law a form of protection for the interests of the community.⁷ Therefore, positive law in an area is influenced by the structure and conditions of the society there. In fact, the existence of law does not always ensure the creation of order in a country, and can even be an obstacle to the creation of that order. Therefore, the application of law in a country is always related to legal power and political power.⁸

⁶ *Ibid* p.109.

⁷ Merry Dame Cristy Pane, *Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)*, (Alodokter March 1, 2021), accessed February 2024.

⁸ Firdaus Level. "Criminal Law Policy as an Effort to Overcome the COVID-19 Emergency". In *National Law Magazine* Vol 50 No. 2 of 2020

The COVID-19 pandemic has forced governments around the world, including Indonesia, to impose various strict regulations to control the spread of the virus. One of the regulations implemented is the restriction of crowds, the violation of which can be subject to criminal sanctions. In Indonesia, the legal basis used to crack down on this violation includes Law No. 6 of 2018 concerning Health Quarantine and Government Regulation in Lieu of Law (Perppu) Number 1 of 2020. Article 93 of the Health Quarantine Law, for example, stipulates that any person who does not comply with or obstructs the implementation of health quarantine so as to cause a public health emergency can be sentenced to a maximum of one year in prison or a fine of up to Rp100,000,000.00.⁹

During the pandemic, several cases, including the case of Habib Rizieq Shihab, showed the application of this rule. Decision Number 221/Pid.Sus/2021/PN. The team involved Habib Rizieq Shihab and was related to violations of health protocols during the Prophet's Birthday event and his daughter's wedding in Petamburan in November 2020. In this verdict, Habib Rizieq was found guilty and sentenced to eight months in prison.¹⁰

The case highlights several important aspects, such as the violation of rules during the COVID-19 pandemic that caused crowds, which is considered to increase the risk of spreading the virus. In addition, there is a polemic regarding the detention procedure that is considered not in accordance with the provisions of the law, where the detention of Habib Rizieq was extended by the DKI Jakarta High Court even though there was no detention order from the East Jakarta District Court.¹¹

Furthermore, in a legal context, this decision emphasizes the importance of compliance with health protocols and legal rules during the pandemic, and highlights the potential for legal uncertainty in the detention process at a higher court level.

Consistent law enforcement is essential to maintain public trust. Cases of violations of health protocols must be handled fairly regardless of the status or social position of violators. Legal certainty refers to the firmness and clarity of the law so that it can be understood and relied on by the public. In the context of crowd crimes, legal certainty is essential to ensure that all parties understand the consequences of violating health protocols.¹²

⁹The legislation in question is Law Number 6 of 2018 concerning Health Quarantine

¹⁰ Teguh Suhendro, East Jakarta District Court Decision Number 221/Pid.Sus/2021/PN Jkt.Team
<https://putusan3.mahkamahagung.go.id/direktori/putusan/zaece647d8236794aa07313635343338.html>

¹¹ Surya Kharisma, The Government's Firm Stance in Efforts to Sanction Violators of COVID-19 Health Protocols, *Ganesa Civic Education Journal* 3(1) 2021, p. 30.

¹² Mustika Prabaningrum Kusumawati, Juridical Review of Legal Protection for Workers Who Were "Laid Off" Due to the Covid-19 Pandemic, *Journal of Legal Literacy* Vol 5, No 1 (2021), , p.128.

The handling of these cases must be carried out transparently and fairly to prevent public distrust of the legal system and government. The case of Habib Rizieq highlights the need for clearer and more consistent standards in law enforcement during the pandemic. This reflects the importance of clear regulations and consistent law enforcement so that the public understands and complies with existing rules, maintains public order and health.

Upholding the principle of equality before the law and the government must ensure that no criminal defendant is given special treatment compared to other perpetrators detained by the Court (Judge), including in the implementation of Crowd Criminal Sanctions During the Covid-19 Pandemic. This is based on RI Law Number 6 of 2018 concerning Health Quarantine.¹³

This legislation concerning Health Quarantine encompasses regulations pertaining to the duties of the Central and Regional Governments, rights and obligations, Public Health Emergency Situations, the execution of Health Quarantine at entry points, regional Health Quarantine implementation, Health Quarantine documentation, resources, information, oversight and supervision, investigations, and stipulations for criminal offenses.

The problem of law enforcement in Indonesia related to Health Quarantine can be seen in one of the cases that occurred, namely the difference in the views of law enforcement officials on violations of the Covid-19 Health Protocol carried out by Gibran Rakabuming Raka and President Jokowi's son-in-law, Bobby Nasution, during the implementation of the 2020 regional elections, which were fought in the Medan Regional Election. The exit of the Akhyar Nasution-Salman Alfarisi camp participated in the event with volunteers at the Three-Wheel Cafe on Jalan Sei Serayu Medan. They sang together without masks. Meanwhile, the challenger, Bobby-Aulia, held a statement of support for her brother, Bobby-Aulia Rahman, at Coffee D'kedan on the same day. The room was filled with supporters who were present.¹⁴

If Muhammad Habib Rizieq Shihab is proven to have violated the law, then Gibran and Bobby Nasution must be punished and wear prisoner clothes because of their actions that have violated the law deliberately. There is no legal concept of firm downward and weak upward. Celebrating victory in a way that violates health protocols is very dangerous.

The enforcement of law in Indonesia concerning the effectiveness of the legal principle of equality before the law, particularly regarding the application of criminal sanctions for

¹³ RI Law Number 6 of 2018 concerning Health Quarantine.

¹⁴ Felix Nathaniel, The process leading up to the 2020 Regional Elections was colored by violations of health protocols. But there is not much the government can do to overcome it. <https://tirto.id/gagap-pemerintah-paksakan-pilkada-2020-karena-terbelit-visi-sendiri-f368>, accessed on February 20 2024.

crowds during the Covid-19 pandemic as stipulated in Law Number 6 of 2018 on Health Quarantine, requires further scrutiny. This is due to the frequent occurrence of inequality in practical implementation, resulting in the inconsistent and unjust application of laws in Indonesia, especially in relation to crowd-related criminal sanctions during the pandemic.

DISCUSSION

State of Law Theory

The term state as it is known today began to arise during the *Renaissance* in Europe in the 15th century. At that time, the term "*Lo Stato*" was used by people which came from the Italian language which later became the word "*L'Etat*" in French, "*The State*" in English, or "*Der Staat*" in German, and "*De Staat*" in Dutch.¹⁵

A.V.Dicey mentioned three important characteristics of *The Rule of Law*, namely:¹⁶ Supremacy of Law, Equality Before The Law, Due Process Of Law. This study will discuss it further related to Equality Before The Law. According to Yogi Natanael Christanto (2023), the principle of equality before the law requires that every individual be treated equally before the law or judges without any difference in treatment.¹⁷ The principle of *Equality Before The Law* is part of the rule of law or translated as the state of law.

The theory of *equality before the law* according to the 1945 Constitution is a series of obligations and rights that must operate in accordance with their respective positions. Equality under the law means that all the country's population must be judged fairly by law enforcement officials and the government. From the perspective of state law, every government agency, especially law enforcement, is bound by constitutional principles that demand the application of justice in practice.¹⁸

If we talk about *Equality before the law* at this time, which is the period of the COVID-19 pandemic with Law Number 6 of 2018 concerning Health Quarantine where, the Government emphasizes not to crowd.

. In its formative phases, the notion of the rule of law was initially introduced by Plato via the concept of *Nomoi*. Plato posits that an effective organization is founded on appropriate legal

¹⁵ C.S.T Kansil, and Christine S.T. Kansil, *Constitutional Law of the Republic of Indonesia*, (Jakarta: Rineke Citpa, 2000), p. 1.

¹⁶ A. V. Dicey, *Introduction to study of the Law of the Constitution*, Tenth Edition, (London: Macmilan Education LTD, 1959).

¹⁷ Yogi Natanael Christanto, *The Gap in the Application of the Death Penalty in Law Enforcement in Indonesia*, (Indramayu: Adab, 2023), p. 35.

¹⁸ Amran Suadi, *Sociology of enforcement law, reality, and value of legal morality*, (East Jakarta: Prenadamedia Group, Kencana Division), p. 233

control. This concept was endorsed by Aristotle in his work *Politica*, where he asserted that a commendable state is one controlled by law and adheres to the rule of law.¹⁹

A law-based state is characterized as a nation that operates in compliance with legal frameworks to avert capricious activities by the government and the populace against their desires. The fundamental concept of a legal state is the acknowledgment of human rights that the government must safeguard, together with the assurance of the separation of powers.

In addition, the concept of the state of law is also related to the use of the term *Nomocratie*, which describes that law is decisive in exercising state power. According to Stahl, the principle of the state of law or *rechstaat* consists of four main elements, namely:²⁰ protection of human rights, division of authority, government based on law, state administrative courts. A state based on law actually includes a broader understanding that includes justice. The state's duty is not only to maintain order by applying the law, but also to ensure the welfare of the community as a manifestation of justice. (*Welfarestate*).

General Theories About Legal Certainty

Legal certainty is a fundamental objective of law to achieve justice. A tangible manifestation of legal certainty is the application or enforcement of law against an action, irrespective of the nature of the act's aim. In Indonesia, all individuals can be held legally accountable for their actions with certainty. Legal certainty seeks to uphold the ideal of equality before the law, free from prejudice.²¹

Peter Mahmud Marzuki asserts that legal certainty manifests as a tangible embodiment of legal norms, encompassing both codified and uncoded regulations that provide overarching guidelines for societal conduct. Regulation serves as a constraint and benchmark for the community in addressing other entities. The presence and enforcement of such regulations constitute legal certainty.²²

Certainty is an intrinsic value of the law, particularly with stated legal rules. The law devoid of the principle of certainty is rendered meaningless, since it fails to serve as a reference and direction for individuals' lives. Certainty is a legal objective pertinent to the establishment

¹⁹ M. Tahir Azhary, *The State of Law: A Study on Its Principles* (Jakarta: Bulan Bintang, 1992), p. 66.

²⁰ Jimly Asshiddiqie, *Indonesian Constitution & Constitutionalism*, First Edition, (Jakarta: Constitutional Court of the Republic of Indonesia and Center for Constitutional Law Studies, Faculty of Law, University of Indonesia, 2004), p.122.

²¹ Jaka Mulyata, *Justice, Certainty and Legal Consequences of the Decision of the Constitutional Court of the Republic of Indonesia Number 100/PUU-X/2012 concerning Judicial Review Article 96 of Law Number 13 of 2003 concerning Manpower*, (Faculty of Law, Sebelas Maret University, Surakarta, 2015), p.24.

²² Peter Mahmud Marzuki, *Introduction to Law*, (Jakarta: Kencana, 2008), p. 158

of a communal order. Order is fundamental to certainty, since it enables individuals to live with assurance and effectively engage in their social activities.²³

Legal certainty is closely related to the principle of truth, which is something that can be closely syllogized in formal legality. Positive legal standards serve as major premises, while specific events function as minor premises in deductive reasoning. A conclusion will be derived by a closed logical system. Conclusions encompass all that may be anticipated, hence everyone is obliged to stick to them. With this handle or reference, everyone will be orderly. So in this case, legal certainty will lead the community to be orderly.²⁴

Lon Fuller stated that several things must be met to determine the law to run effectively in society. These things are:²⁵

Prospectivity or the law does not apply retroactively; *Promulgation* or law must be announced; *Clarity* or law must be clear; *Generality* or law is general; *Consistency or avoiding contradiction*; *Possibility of obedience or must be enforceable*; *Constancy through time or avoidance of frequent change*; *Congruence between official action and declared rules*.

General Theories Regarding Legal Effectiveness

Legal Effectiveness is an act that allows the understanding of the desired effect or effect and leads to the result or result that achieves the goal in a field. According to Zainuddin Ali, the effectiveness of the law means studying the rule of law and meeting the conditions, namely juridical validity, sociological validity, and philosophical validity.²⁶

Examining the effectiveness of law and regulation (in general) basically compares legal reality with legal ideals. Although the law is fictitious in the sense that the public is considered to know about the law so that in the occurrence of a violation a person should not make excuses on the grounds that he does not know.²⁷

According to R. Soeroso, the interests of each individual are not the same, and it is not uncommon for them to face each other or oppose each other, and to reduce the resulting chaos, it is the law that regulates and protects the interests of each other.²⁸

²³ Jaka Mulyata, *Op.cit.*, p. 26.

²⁴ Shidarta, *Law of Reasoning and Legal Reasoning*, (Yogyakarta: Genta Publishing, 2013), p. 8.

²⁵ Gunawan Widjaja, *Lon Fuller Law Making and Legal Interpretation*, Law Review, Faculty of Law, Universitas Pelita Harapan, Vol. VI. No 1 July 2006

²⁶ Zainuddin Ali, *Sociology of Law*, (Jakarta: Sinar Grafika, 2012), p. 62.

²⁷ Kansil and Christine, *Constitutional Law of the Republic of Indonesia 1*, (Jakarta: Rineka Cipta, Jakarta, 2000), p.33

²⁸ R. Soeroso, *Introduction to Law*, (Jakarta: Sinar Grafika, 2013), p. 49.

Soeroso argues that some of the functions of law are described below:²⁹

- a. As a tool to regulate discipline in public relations

The law in social life shows what is good and what is bad and shows what is allowed and what is not allowed, so that everything can run in order. All of this is possible because the law has properties that can regulate human behavior and has the characteristics of ruling and prohibiting. Likewise, the law can force the law to be obeyed by the community.

- b. As a means of realizing social justice is born inside

The law can provide justice, meaning it can determine what is right or wrong and also the law can punish anyone who is guilty. The law can force that the rules be obeyed and those who violate the rules are sanctioned.

- c. As a driver of development

The alluring power of the law is used to drive development. Here the law is used as a tool to lead in a more advanced direction.

- d. Critical functions of the law

Nowadays, a view/perspective is growing that the law has a critical function, which is the working force of the law that does not solely supervise the government apparatus but also the law enforcement apparatus, including it.

Legal Principles of *Equality Before The Law*

The existence of the state in Indonesia is inextricably linked to the legal framework that governs the entirety of national and state affairs. Indonesia is a nation governed by law. The 1945 Constitution designates Indonesia as a rule of law state (*rechtsstaat*). The clauses in the preamble, text, and explanation of the 1945 Constitution substantiate that, as articulated in Article 27, paragraph (1), all citizens possess equal standing before the law and government and are obligated to uphold the law and government without exception.³⁰

The principle of equality before the law asserts that all individuals are subject to the same legal standards without exception. The notion of legal equality can serve as a benchmark to empower marginalized groups or minorities. Conversely, because to disparities in resources like as power, capital, and information, this principle is frequently employed by governments and investors to safeguard their property and authority.

²⁹ *Ibid.* p. 54.

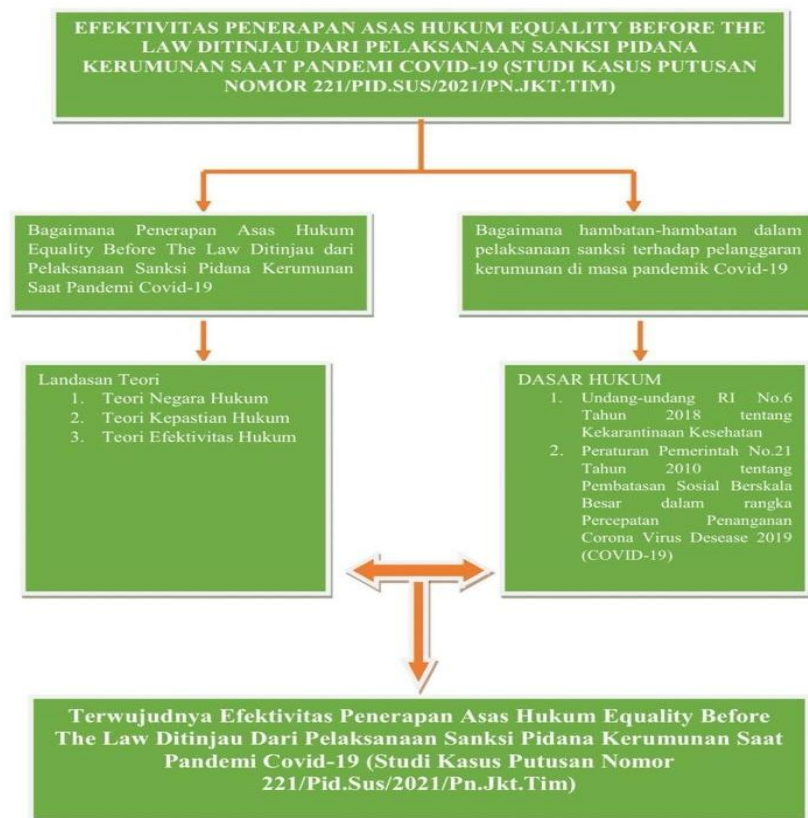
³⁰ Yasir Arafat. *The 1945 Constitution of the Republic of Indonesia and its amendments*, (Permata Press). p. 26.

The notion of legal equality functions within the context of a unified and comprehensive legal system. The distinctiveness of law achieves a comprehensive integration with other social dimensions, including economic and societal factors. The notion of "only" equality before the law suggests that individuals are socially and economically incapable of attaining true equality. The disparity in "equal" treatment across jurisdictions, social spheres, and economic sectors undermines the idea of equality before the law within socio-economic dynamics.

The principle of equality before the law, as articulated in Article 27, paragraph (1) of the 1945 Constitution Amendment, serves as the foundation for safeguarding the rights of citizens to receive equal treatment under the law and by the government.

The objective is for all individuals to get equal treatment inside the legal system. The principle of Equality before the law can be succinctly defined as the uniformity of individuals in relation to legal statutes. The notion of equality before the law is essential in contemporary jurisprudence. This notion is a fundamental component of the Rule of Law doctrine that has proliferated in developing nations like Indonesia. The principle of equality before the law, a manifestation of the rule of law (*rechtstaat*), mandates that every individual be treated equally under the law (equality before the law).³¹

³¹ Lilik Mulyadi, *Criminal Procedure Law*, (Jakarta: Citra Aditya Bakti, 2007), p. 20.



CONCLUSION

Following the research conducted on the Application of the Legal Principle of Equality Before the Law, particularly in relation to the Enforcement of Criminal Sanctions for Crowds During the Covid-19 Pandemic, as exemplified by decision number 221/Pid.Sus/2021/PN. Jkt.Tim, the following conclusions can be derived:

1. **Application of the Legal Principle of Equality Before The Law:** The application of the Legal Principle of Equality Before The Law in the case of crowd crimes during the Covid-19 pandemic in Indonesia still shows inconsistency in law enforcement. The case of Habib Rizieq Shihab, who was sentenced to eight months in prison for violating health protocols, highlights the discrepancy in the application of sanctions.
2. **Barriers to Law Enforcement:** Major obstacles to enforcement of crowd criminal sanctions during the pandemic include inappropriate detention procedures, as well as inconsistencies in the application of the law at various levels of court. This inconsistency can reduce public trust in the legal system.
3. **The Importance of Health Protocol Compliance:** This case underscores the importance of health protocol compliance during the pandemic. Violations of health

protocols not only increase the risk of spreading the virus but also create legal uncertainty that negatively impacts public confidence in law enforcement.

Based on these conclusions, some suggestions to improve equality and justice in the enforcement of crowd criminal sanctions during the Covid-19 pandemic are as follows: First, consistent law enforcement is needed regardless of the status or social position of violators to maintain public trust in the legal system. This consistency is important so that all parties feel treated fairly before the law. Second, the law enforcement process must be carried out in a transparent and fair manner, with the delivery of clear information regarding detention procedures and sanctions given. This transparency aims to avoid misunderstandings and increase public trust in the ongoing legal process. Third, the government and related institutions need to increase public awareness about the importance of complying with health protocols through effective education campaigns. Good education can help people understand the impact of breaking rules and the importance of maintaining health together. Finally, policies related to handling crowd crimes during the pandemic need to be evaluated and revised periodically to adapt to the current situation and conditions and accommodate input from various parties. This evaluation and revision is needed so that the policy remains relevant and effective in overcoming existing challenges. The implementation of these suggestions is expected to increase the effectiveness of law enforcement against crowd crimes during the Covid-19 pandemic, so as to create better justice and order in society.

BIBLIOGRAPHY

- Bambang Waluyo, *Crime and Punishment*, Jakarta; Sinar Grafika, 2008, p. 5.
- Muhari Agus Santoso, *New Paradigm of Criminal Law*, Malang; AverroesPress, 2002, p. 12.
- C.S.T. Kansil, and Christine S.T. Kansil, *Constitutional Law of the Republic of Indonesia*, (Jakarta: Rineke Citpa, 2000), p. 1.
- Jimly Asshiddiqie, *Indonesian Constitution & Constitutionalism*, First Edition, (Jakarta: Constitutional Court of the Republic of Indonesia and Center for Constitutional Law Studies, Faculty of Law, University of Indonesia, 2004), p.122.
- Jaka Mulyata, *Justice, Certainty and Legal Consequences of the Decision of the Constitutional Court of the Republic of Indonesia Number 100/PUU-X/2012 concerning Judicial Review Article 96 of Law Number 13 of 2003 concerning Manpower*, (Faculty of Law, Sebelas Maret University, Surakarta, 2015), p. 24.
- Peter Mahmud Marzuki, *Introduction to Law*, (Jakarta: Kencana, 2008), p. 158.
- Shidarta, *Law of Reasoning and Legal Reasoning*, (Yogyakarta: Genta Publishing, 2013), p. 8.
- Gunawan Widjaja, *Lon Fuller Law Making and Legal Interpretation*, Law Review, Faculty of Law, Universitas Pelita Harapan, Vol. VI. No 1 July 2006.
- Zainuddin Ali, *Sociology of Law*, (Jakarta: Sinar Grafika, 2012), p. 62.
- Kansil and Christine, *Constitutional Law of the Republic of Indonesia 1*, (Jakarta: Rineka Cipta, Jakarta, 2000), p.33

- R. Soeroso, *Introduction to Law*, (Jakarta: Sinar Grafika, 2013), p. 49.
- Yasir Arafat. *The 1945 Constitution of the Republic of Indonesia and its amendments*, (Permata Press). p. 26.
- Lilik Mulyadi, *Criminal Procedure Law*, (Jakarta: Citra Aditya Bakti, 2007), p. 20.
- Amran Suadi, *Sociology of enforcement law, reality, and value of legal morality*, (East Jakarta: Prenadamedia Group, Kencana Division), p. 233.
- M. Tahir Azhary, *The State of Law: A Study on Its Principles* (Jakarta: Bulan Bintang, 1992), p. 66.
- A. V. Dicey, *Introduction to study of the Law of the Constitution*, Tenth Edition, (London: Macmilan Education LTD, 1959).
- Yogi Natanael Christanto, *The Gap in the Application of the Death Penalty in Law Enforcement in Indonesia*, (Indramayu: Adab, 2023), p. 35.
- G. Widiartana, *Victimization Perspective in Crime Management*, UAJY, Yogyakarta, 2013, p. 102.
- Ateng Sudibyo and Aji Halim Rahman, *Deconstruction of the Principle of Legality in Criminal Law*, *Journal of Presumption of Law* 3 (1), 2021, p. 75.
- Merry Dame Cristy Pane, *Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)*, (Alodokter March 1, 2021), accessed February 2024.
- Firdaus Level. "Criminal Law Policy as an Effort to Overcome the COVID-19 Emergency". In *National Law Magazine* Vol 50 No. 2 of 2020.
- Surya Kharisma, The Government's Firm Stance in Efforts to Sanction Violators of COVID-19 Health Protocols, *Ganesa Civic Education Journal* 3(1) 2021, p. 30.
- Mustika Prabaningrum Kusumawati, Juridical Review of Legal Protection for Workers Who Were "Laid Off" Due to the Covid-19 Pandemic, *Journal of Legal Literacy* Vol 5, No 1 (2021), , p.128.
- RI Law Number 6 of 2018 concerning Health Quarantine.
- The legislation in question is Law Number 6 of 2018 concerning Health Quarantine
- Felix Nathaniel, The process leading up to the 2020 Regional Elections was colored by violations of health protocols. But there is not much the government can do to overcome it, <https://tirto.id/gagap-pemerintah-paksakan-pilkada-2020-karena-terbelit-visi-sendiri-f368>, accessed on February 20, 2024.
- Teguh Suhendro, East Jakarta District Court Decision Number 221/Pid.Sus/2021/PN Jkt.Team<https://putusan3.mahkamahagung.go.id/direktori/putusan/zaece647d8236794aa07313635343338.html>