

PENEGAKAN SANKSI PIDANA ADMINISTRASI TERHADAP PELAKU PELANGGARAN ATURAN *NEW NORMAL* PADA SAAT WABAH COVID-19

ABSTRAK

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Dengan mewabahnya virus Covid-19 di Indonesia, Pemerintah Indonesia menetapkan wabah Covid-19 sebagai bencana nasional. Dalam menangani wabah Covid-19, penegakan hukum menjadi salah satu langkah yang juga dipilih pemerintah. Pasca pemberlakuan PSBB dengan kondisi pandemi COVID-19 yang masih berlangsung, perlu dilakukan upaya mitigasi dan kesiapan tempat kerja seoptimal mungkin sehingga dapat beradaptasi melalui perubahan pola hidup pada situasi Covid-19 atau New Normal. Tujuan dari penelitian ini adalah : Untuk menganalisis pengaturan hukum positif yang mengatur terhadap pelaku pelanggaran aturan new normal pada saat wabah virus Covid-19; Untuk menganalisis pelaksanaan hukum pidana/penegakan hukum pidana terhadap pelaku pelanggaran aturan new normal pada saat wabah virus Covid 19; Untuk menganalisis hambatan yang dihadapi dalam penegakan hukum pidana pada saat di berlakukannya new normal. Analisa data dilakukan secara kualitatif dengan mengumpulkan bahan hukum primer, sekunder dan tersier yang berkaitan dengan penelitian. Hasil analisis diperoleh sebagai berikut: Hukum positif yang mengatur terhadap pelaku pelanggaran aturan new normal pada saat wabah virus Covid-19 di atur pada Peraturan Pemerintah Nomor: 21 Tahun 2020 tentang Pembatasan Sosial Berskala Besar dalam Rangka Percepatan Penanganan Corona Virus Disease 2019 (Covid-19), Peraturan Menteri Kesehatan (Permenkes) Nomor : 9 Tahun 2020 Tentang Pedoman PSBB Dalam Rangka Menangani Virus Corona, Pasal 212 sampai dengan Pasal 218 KUHP dan menghalangi pelaksanaan penanggulangan wabah penyakit sebagaimana Undang-Undang RI Nomor : 4 Tahun 1984 tentang Wabah Penyakit Menular Pasal 14 ayat (1) dan (2), serta KUHP Pasal 65, Pasal 212, Pasal 214 ayat (1) dan (2), Pasal 216 dan Pasal 218; Pelaksanaan hukum pidana/penegakan hukum pidana terhadap pelaku pelanggaran aturan new normal pada saat wabah virus Covid 19 berdasarkan peraturan gubernur yang berisikan sanksi administratif teguran tertulis, sanksi sosial berupa membersihkan sarana fasilitas umum dengan mengenakan rompi, sanksi denda administratif; Hambatan yang dihadapi dalam penegakan hukum pidana pada saat di berlakukannya new normal adalah faktor hukumnya, faktor penegak hukum, faktor sarana atau fasilitas, faktor masyarakat dan faktor kebudayaan. Berdasarkan hasil analisis, maka saran yang diberikan adalah : Diharapkan agar pembuat-pembuat peraturan perundang-undangan dapat membuat aturan yang benar-benar berisikan aturan-aturan sesuai dengan substantif pelanggaran yang dilakukan dan tidak mencari kesalahan atau pelanggaran akibat melawan penegakan hukum itu agar tidak terjadi pertentangan norma-norma hukum positif serta agar tidak meluasnya penyebaran wabah virus covid-19, masyarakat diharapkan mengikuti protokol kesehatan dan mematuhi setiap kebijakan aturan yang dibuat agar tidak terpapar virus covid-19

Kata Kunci : Sanksi Pidana Administratif, New Normal, Wabah, Covid-19

ENFORCEMENT OF ADMINISTRATIVE CRIMINAL SANCTIONS AGAINST PERPETRATORS OF VIOLATIONS OF NEW NORMAL RULES AT THE TIME OF THE OUTBREAK

ABSTRACT

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With the outbreak of the Covid-19 virus in Indonesia, the Government of Indonesia designated the Covid-19 outbreak as a national disaster. In dealing with the Covid-19 outbreak, law enforcement is one of the measures also chosen by the government. After the implementation of PSBB with the covid-19 pandemic condition that is still ongoing, it is necessary to make mitigation efforts and workplace readiness as optimal as possible so that it can adapt through changes in lifestyle in the situation of Covid-19 or New Normal. The purpose of this study is: To analyze positive legal arrangements governing against perpetrators of violations of new normal rules at the time of the Covid-19 virus outbreak; To analyze the implementation of criminal law / criminal law enforcement against perpetrators of violations of new normal rules at the time of the Covid 19 virus outbreak; To analyze the obstacles faced in the enforcement of criminal law at the time of the enactment of the new normal. Data analysis is conducted qualitatively by collecting primary, secondary and tertiary legal materials related to research. The results of the analysis were obtained as follows: Positive laws governing perpetrators of violations of new normal rules at the time of the Covid-19 virus outbreak are set out in Government Regulation Number: 21 Of 2020 on Large-Scale Social Restrictions in order to Accelerate the Handling of Corona Virus Disease 2019 (Covid-19), Regulation of the Minister of Health (Permenkes) Number: 9 Year 2020 On PSBB Guidelines in Order to Handle Corona Virus, Article 212 to Article 218 of the Criminal Code and hindering the implementation of disease outbreak management as the Law of the Republic of Indonesia Number : 4 Year 1984 on Infectious Disease Outbreaks Article 14 paragraphs (1) and (2), as well as the Criminal Code Article 65, Article 212, Article 214 paragraphs (1) and (2), Article 216 and Article 218; Implementation of criminal law / criminal law enforcement against perpetrators of violations of new normal rules at the time of the Covid 19 virus outbreak based on the governor's regulations that noisy administrative sanctions written reprimand, social sanctions in the form of cleaning public facilities by wearing vests, administrative fines sanctions; Obstacles faced in the enforcement of criminal law at the time of the enactment of the new normal are legal factors, law enforcement factors, factors of facilities or facilities, community factors and cultural factors. Based on the results of the analysis, the advice given is: It is expected that lawmakers can make rules that actually contain rules in accordance with substantive violations committed and do not look for mistakes or violations due to the enforcement of the law so that there is no conflict of positive legal norms and so as not to spread the spread of the covid-19 virus outbreak, the public is expected to follow health protocols and comply with every policy rules made so as not to be exposed to the covid-19 virus.

Keywords: *Administrative Criminal Sanctions, New Normal, Outbreak, Covid-19*