

# Law enforcement regarding health protocols during the covid-19 pandemic in Indonesia

*by* Edi Purwanto, Endi Arofa

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## Law enforcement regarding health protocols during the covid-19 pandemic in Indonesia

Edi Purwanto<sup>1,2</sup>, Endi Arofa<sup>3</sup>

<sup>1</sup> Postgraduate student, Faculty of Law, Pamulang University, South Tangerang, Indonesia

<sup>2</sup> Dr. in Development Studies, Assistant Professor, Department of Management and Jaya Lunch Pad, Universitas Pembangunan Jaya, South Tangerang, Indonesia

<sup>3</sup> Dr. in Law, Lecturer at Faculty of Law, Pamulang University, South Tangerang, Indonesia

### Abstract

The purpose of this study is to attempt to examine the impact of law implementing and enforcing health protocols during the pandemic from the lens of Emile Durkheim's sociology theory of law regarding the four categories of Durkheim's suicide, egotistical, altruistic, anomic, and fatalistic suicide in the Indonesian context. This research method uses empirical juridical research methods related to the effectiveness of the law in the implementation and enforcement of government policies related to health protocols during the pandemic. This study indicates that (1) Law enforcement coupled with public education is necessary to prevent potential selfish suicides. (2) Law enforcement coupled with public education is also essential to prevent the potential for altruistic suicide. (3) Supremacy and consistency in applying the law are necessary to prevent potential anomic suicides. (4) Fair law enforcement is also essential to prevent the potential for fatalistic suicide. The potential for suicide or refusal to comply with Indonesian government regulations regarding health protocols during the Covid-19 pandemic greatly depends on communication and government policy as law enforcers (mechanical solidarity) and solid social cohesion (organic solidarity) among people.

**Keywords:** coronavirus; law enforcement; health protocols; emile durkheim; sociological theory of law

### Introduction

The number of people taking their own lives due to the pandemic is increasing in Japan. According to the Japanese Ministry of Health and Welfare, as reported by *CNBC Indonesia*, 20,919 people died of suicide in 2020. Coronavirus is considered the main factor causing the increase in suicide rates<sup>[1]</sup>, from Japan to America. *Viva Military* wrote that 114 American soldiers committed suicide due to stress due to Covid-19<sup>[2]</sup>. Then heading to India, it was also reported that many people committed suicide due to the Covid-19 pandemic<sup>[3]</sup>. Finally, although not significant compared to these countries, a number of news about suicides due to Covid-19 were also reported in Indonesia<sup>[4]</sup>.

The online newspaper *CNN Indonesia* reported that a Corona patient committed suicide by jumping from the Wisma Atlet Hospital Jakarta<sup>[5]</sup>. The online newspaper *Suara Jakarta* reported that due to stress, a Covid-19 patient committed suicide by jumping from the window of an inpatient room on the 13th floor of the University of Indonesia Hospital, Depok<sup>[6]</sup>. The online newspaper *Detik News* reported that a housewife in Tangerang was suspected of committing suicide after testing positive for Covid<sup>7</sup>. Of course, there is still some other news related to suicide due to the Covid-19 pandemic in some places<sup>[4]</sup>.

Suicide due to Covid-19 is global, and of course, there must be many efforts to stop it. Although the cases in Indonesia that have been published are relatively small compared to the issues in Japan, there must be prevention not to increase—knowing the problem of how Covid-19 impacts

suicides are the first step to prevent these cases from arising<sup>[4]</sup>. Patel and Kumar from the School of Law, Alliance University, Bangalore, India, have published the results of their research related to suicide cases in India as a result of Covid-19. They used the theory of suicide popularized by Emile Durkheim's *Suicide* to become his scalpel<sup>[3]</sup>.

Emile Durkheim popularized the theory of the four types of suicide. First, egoistic suicide is committed by someone unable to integrate himself with society as a broader social unit. The low level of integration is the cause—the second, altruistic suicide, which is the opposite of the first type. Precisely because a person's social integration is solid with his group, he is willing to die for the sake of defending the honor of his group. So, the high level of integration is the cause. Third, anomic suicide. This type is caused by low regulation in society which causes chaos and legal uncertainty. Fourth, fatalistic suicide is the opposite of the third type, namely that suicide is caused by high law. Individuals can no longer stand the pressure of regulations and disciplines that are applied in society<sup>[4]</sup>.

Patel and Kumar's research results show that 122 suicides as a result of Covid-19 in India were caused by: (1) 12.3% being positive for Covid-19, (2) 20.49% due to fear of being infected with Covid-19, (3) 15.57% because isolation and quarantine, (4) 10.66% due to forced migration as a result of Covid-19, (5) 18.85% of the economic crisis during the Covid-19 period, (6) 8.2% work stress due to Covid-19, and (7) 13.93% due to personal and family matters<sup>[3]</sup>. These causative factors cannot be separated from legal aspects of enacting government policies and regulations related to the

spread of covid-19 during the pandemic. If preventive prevention is not implemented, sociologically lockdown policies or large-scale social restrictions can also potentially influence suicides during a pandemic. This paper tries to look at the potential impact of the large-scale social restrictions policy in Indonesia from the lens of Emile Durkheim's sociological theory of law.

Based on the above background, the formulation of the research problem is: (1) How is the thesis of the sociology of law from Emile Durkheim? (2) How is the concept of Emile Durkheim's sociology theory of law in his work entitled *suicide*? (3) How is the social impact of the large-scale social restrictions policy in Indonesia from the perspective of Emile Durkheim's sociology theory of law?

### Methods

This research method uses empirical juridical research methods related to the effectiveness of the law in the implementation and enforcement of government policies related to health protocols during a pandemic. According to Zainuddin Ali, empirical juridical research on the effectiveness of a law is related to how the law operates in society. The regulations themselves, law enforcement officers or enforcers, law enforcement facilities, and public awareness are essential factors in how the law functions<sup>[8]</sup>. This research will focus on the effectiveness of law enforcement related to health protocols by law enforcers and public awareness. According to Zainudin Ali, the primary data in legal research are (1) statutory regulations, (2) official records and minutes of making statutory regulations, and (3) judges' decisions<sup>[8]</sup>. The primary data of this study are government regulations related to health protocols. Secondary data on legal research, according to Zainuddin Ali, are all publications on law, which can consist of: (1) textbooks on law, (2) legal dictionaries, (3) legal journals, and (4) comments on the judge's decision<sup>[8]</sup>. Secondary data mainly used in this study are textbooks on law, legal journals, and expert comments regarding the enforcement of health protocols in the mass media.

### Results

Durkheim, the French sociologist, proved that there is a correspondence between restrictive law and mechanical solidarity, between restorative law and organic solidarity. Repressive sanctions (restraint) and the accompanying criminal law protect the ultimate in social equality. The restrained evil is a break from mechanical solidarity, an insult to the collective consciousness and ideal that is identical to all. The more powerful mechanical insecurity is in society, the more integrated the individual is in a homogeneous society, the more repressive laws become more powerful than restitutive laws. Durkheim's thesis is that the older a society is, the more repressive or restrictive it is, the more severe and severe the sanctions. Then, the higher the level of development of a society, the lighter the punishment, so that restraint is almost completely replaced by restoration.

### *Emile Durkheim's Sociology of Law*

Durkheim found the answer to his curiosity about the question, "Why do humans tend to want to live in society even though they are born individually?" Durkheim saw that the basis for the formation of human society was the concept of solidarity. Durkheim then emphasized that it is

primarily social, not individuals. The primary of the social is a concept that encourages each individual to form society<sup>[9]</sup>. According to Durkheim, the law appears as a specialized institution that is part of a social differential process<sup>9</sup>. Durkheim views that society as a moral phenomenon, namely the moral sphere that surrounds the individual. Social commitment is the basis of social cohesion for collective well-being. At the same time, the law is an "index" that is visible to the invisible moral reality so that different kinds of law express different cohesion<sup>[10]</sup>.

Durkheim explained that the law used by society corresponds to the type of community solidarity which consists of two types, namely: (1) mechanical solidarity and (2) organic solidarity. Mechanical solidarity refers to bonds that are mechanical in society. On the other hand, organic solidarity provides leeway for each community member to establish relationships freely<sup>[9]</sup> freely.

Criminal and repressive laws, according to Durkheim, express and guarantee what is called mechanical solidarity. If this mechanical solidarity dominates in society, then law and religion work together and are often indistinguishable, between protecting and expressing beliefs or attempting to unite the community to not deviate from shared values. If this mechanical solidarity is strong, then there can be no individuality, individual rights, and individual justice<sup>[10]</sup>. A society with mechanical solidarity will have repressive laws<sup>[11]</sup>. Supposedly, repressive sanctions (restrain) and criminal law are used to protect the essential social equations and restore society's differentiation in small groups and individual personal activities<sup>[12]</sup>.

On the other hand, according to Durkheim, organic solidarity is social cohesion which is not based on uniformity of values or views among community members, but there is functional independence from different groups in society, and individually each member of society has a particular position or social role<sup>[10]</sup>. For people who have organic solidarity, the law is restitutive<sup>[11]</sup>. The restitutive law is associated with a more flexible collective ideal, which allows specificity<sup>[12]</sup>. Then Durkheim explained that law is an integrative mechanism in society to reconcile universal values together. That is what is known as cohesive moral regulation or social cohesion. Law is also a regulation that must exist because a social control cannot stand alone but requires regulation to regulate the complexity of social life itself<sup>[10]</sup>.

### *Emile Durkheim's Suicide Theory*

Emile Durkheim popularized the theory of four types of suicide in his work entitled *suicide*<sup>[13]</sup>. The four types of suicide are related to Durkheim's concept of repressive law and restitutive law associated with the concept of regulation and social integration. The four types of suicide are referred to as *egoistic suicide*, *altruistic suicide*, *anomic suicide*, and *fatalistic suicide*. First, *egoistic suicide* is committed by someone unable to integrate himself with society as a broader social unit. The low level of integration is the cause. When an individual cannot interact well in a social unit or is weak in integrating himself with his society, it will give rise to a feeling that he is not part of that society, marginalized and outcast. Unfortunately, because he cannot integrate himself well, the community he lives in will also not accept him because he does not have solidarity. According to Durkheim, this fact can encourage the individual to experience mental stress and even decide to end his own life



[14, 4, 15].

The second is altruistic suicide, which is the opposite of the first type. Precisely because a person's social integration is solid with his group, he is willing to die for the sake of defending the honor of his group. So the high level of integration is the cause. According to Durkheim, people who chase martyrdom, die in defense of their religious beliefs, fall into this category of altruistic suicide [13]. The terrorists who carry out suicide bombings in the name of religion and their groups, according to Ritzer and Goodman, are also classified as altruistic suicide [14, 4, 15].

Third, anomic suicide is caused by weak regulation in society, causing chaos and legal uncertainty. The word anomic itself is taken from the term in Greek, 'a' means 'without' and 'nomos,' which means 'law.' Anomic = 'lawless.' When regulations that should be able to protect society so as not to deviate from shared values become weak, mechanical solidarity is weakened, so society considers that law no longer works in society (anonymous) [14, 4, 15]. The impact is chaos in society, and individuals who are weak and unable to deal with the chaos can experience inner turmoil and even decide to take their own lives.

Fourth, fatalistic suicide is the opposite of the third type, namely that suicide is caused by high regulation. Individuals can no longer stand the pressure of regulations and discipline applied in society. Fatalistic suicide occurs when regulation increases [12]. The classic example is the slaves who committed suicide because they could no longer stand the rules and oppression imposed on them [14, 4, 15].

#### ***Social Impact of the Implementation of the Large-Scale Social Restrictions Regulation***

The Large-Scale Social Restriction Regulations imposed by the Indonesian government during the Covid-19 pandemic, especially those recently also limiting the homecoming (*mudik*) flow during Eid al-Fitr, reap pros and cons in society. There are community groups who support the policy, but also not a few who criticize it. Some see inconsistency in its application. For example, the community is prohibited from going home, but tourist attractions are opened. Through the lens of Emile Durkheim's theory of sociology of law and theory of regulation and integration, this paper is a study of the phenomenon of government regulatory policies related to Large-Scale Social Restriction and its implementation.

#### ***Implementation of the Law Coupled with Education is Needed to Prevent the Potential of Egoistic Suicide***

Patel and Kumar reported that 36 people, or 29.51% of the 122 suicides in India, were selfish. The two main factors of selfish suicide are caused by not being able to live in isolation while undergoing quarantine and family problems. Those infected and undergoing quarantines fear being seen as a disgrace to the family and experiencing rejection from society. He was afraid that after leaving quarantine, he would be rejected by society and even his family's disgrace. It caused stress that prompted them to decide to end their own life [3]. Their research was conducted between March and July 2020 for data collection. Socialization and education that positive Covid is not a disgrace are still minimal. During these months in Indonesia, there was also a public rejection of Covid patients and their families. There is even resistance from residents to medical in hospitals that serve Covid-19 sufferers who live in their neighborhood.

Reflecting on the results of this research, and using the lens of Emile Durkheim's sociological theory of law, there is an important lesson that enforcing strict and strong regulations or policies without being accompanied by legal socialization in good communication can have the potential for less able members of society to integrate themselves to do so. Suicide because they feel rejected by society. Regulations related to quarantine or isolation for individuals infected with Covid-19 can cause those who are isolated in quarantine but without being accompanied by a psychologist to feel abandoned, alone, and feel that they do not belong to anyone also have the potential to commit suicide. Suppose the Large-Scale Social Restriction regulation creates a stigma for individuals infected with Covid-19 and their families as citizens who must be shunned. In that case, this has the potential for them to be afraid to go home even after being discharged from the hospital or isolated after being declared negative because the community considers it a disgrace and still endangers others. Such feelings can potentially encourage them to commit suicide.

Therefore, as the maker of laws and regulations, the government needs to wisely, together with the stipulation and implementation of the Large-Scale Social Restriction, must also conduct socialization and education to the wider community. With the public becoming more depressed to accept that positive Covid-19 is not a disgrace and patients who have been declared negative after undergoing isolation or quarantine can return to society without worrying that they will still transmit Covid-19.

#### ***Implementation of the Law Coupled with Education is also Needed to Prevent the Potential for Altruistic Suicide***

Patel and Kumar reported that 40 people, or 32.79% of the 122 suicides in India, were a form of altruistic suicide. There have been many cases of patients infected with Covid-19 in India who committed suicide because they feared returning home would cause their family members to become infected<sup>3</sup>. He thought that to save his family members. He would have to end his own life.

Using the lens of Emile Durkheim's sociological theory of law, the strong solidarity of those infected with Covid-19 with their family members will cause them to fear returning home after coming out of isolation or quarantine for fear of infecting their families. It can also have the potential for them to commit suicide to maintain the safety and safety of their family. Then related to the regulations implemented by the government, their strong solidarity with their groups will get impact. Because there are groups opposed to government policies, they will resist or violate the Large-Scale Social Restriction regulations. They think these regulations are part of the government's efforts to reduce their activities (for example, religious activities) without paying attention to the danger of covid-19 transmission that threatens them. It can be classified under the type of altruistic suicide. Opposition groups may think that the Large-Scale Social Restriction regulation during the pandemic is an act of oppressing those who want to carry out religious or cultural demands, for example, going to hometown (*mudik*) during Eid Mubarak. When some influential people from certain groups call to oppose the policy or regulation, the group members with solid solidarity with their group will voluntarily violate the prohibition of government regulations at any risk. They don't take the risk of being arrested by the police. But

including endangering themselves himself was exposed to covid-19, which threatened his life and his family. It can be classified under the type of altruistic suicide.

Therefore, along with the Large-Scale Social Restriction policy implementation, the government must also continue to educate the public and call on respected community leaders to educate the public on the importance of protecting themselves and their families from being exposed to Covid-19. Good communication from the government is needed to convince the public that regulation during a pandemic is solely for maintaining the community's safety. Government leaders must build their integrity to launch the regulation. Then the regulations can be well accepted by the community and understood by the community as regulations for the good and safety of the people.

#### ***Supremacy and Consistency in the Application of Laws Are Needed to Prevent Potential Anomic Suicide***

Patel and Kumar reported that 46 people, or 37.70% of the 122 suicides in India, were anomic suicide. Pandemics that occur suddenly and unexpectedly have changed many things in society and the economy, causing chaos in people's lives. Restrictions or lockdowns have negatively impacted the number of people losing their jobs, cutting wages so that people cannot meet their needs as before. It creates high stress among those who feel the impact and increases the suicide rate<sup>[3]</sup>.

Social restrictions also undermine the solidarity within society which is organically entrenched in the life of a collectivistic culture. At the boundaries of gathering places such as markets, supermarkets, places of worship, and tourist places, social life is disrupted and increases stress, leading to the suicide rate<sup>[4]</sup>.

Using the lens of Emile Durkheim's sociological theory of law, enforcing regulations firmly and strongly is important so that every member of society does not leave the rails or laws or regulations that must be accepted by all members of society, because being a citizen means that they have found themselves in a contract. Social with all the legal regulations in the country. To avoid the potential for anomic suicide in society, the government needs to uphold the rule of law, the integrity of leaders, and consistency in applying the law. Because when there are people who see the government's inconsistency in implementing and enforcing the law, it will cause chaos in society. People live as if in the middle of a country where the law is not enforced relatively or, worse if there are people who see that there is no law that must be respected anymore (anomic). In the community, there have been many debates on the implementation of the PSBB policy. Voices were saying, "Go back to hometown for Eid Mubarak together parents and relatives is prohibited, malls are opened, foreign workers are allowed to enter, tourism destinations are opened." Such expressions indicate an assessment from some people that the Large-Scale Social Restriction policy or regulation is not fairly enforced. People who consider this have the potential to rebel and violate health protocols and take the risk of being arrested by the police or exposing themselves to exposure to Covid-19, which threatens their lives. It can be categorized under the type of anomic suicide. So good political communication is essential for the government to convey. Of course, the government has reasons to allow malls to open and tourism destinations to open based on national economic considerations. Foreign workers who enter are

accepted because they are experts who are needed and require them to be quarantined. Again, the integrity of leaders and good political communication need to be owned by the government as a maker and enforcer of the law so that society can accept it well. Because if there are members of society who cannot see that, they will judge the government as law enforcers to be unfair, the rule of law is doubtful. If they come to believe that the law no longer exists (anomic), they can endanger themselves to be exposed to Covid-19, which could endanger their lives. That is why it can be categorized as a potential anomic suicide.

#### ***Fair Law Enforcement is Needed to Prevent Potential Fatalistic Suicide***

Patel and Kumar did not discuss fatalistic suicide. There may not have been this case at the time of the research. But seeing that the pandemic has been going on for a year and there is no sign of it ending, and governments in various countries continue to impose social restrictions, it can make certain people unable to endure the various rules that are applied. In addition, many hoaxes say the pandemic is a conspiracy theory. Hoaxes about vaccines and so on can cause high stress due to various regulatory rules related to Covid-19.

Using the lens of Emile Durkheim's sociological theory of law, law enforcement or the application of solid regulations can cause members of the public who feel unable to obey them to have the potential to commit suicide. In the case of law enforcement related to health protocols during a pandemic, on the one hand, it needs to be firm, but on the other hand, it also needs to be done wisely. People are depressed due to economic conditions that have deteriorated as a result of the pandemic. People who have lost their jobs still have to suffer again as the impact of the Large-Scale Social Restriction policy will suffer even more if the enforcement of laws against people like this is carried out firmly. Those who believe that they are persecuted people have the potential to endanger themselves by violating health protocols, risking their own lives to be exposed to Covid-19. Even those who can no longer endure suffering and stress have the potential to commit suicide in a literal sense.

#### **Conclusion**

Based on the analysis results above, it can be concluded that: First, Emile Durkheim's thesis of legal sociology is centered on mechanical solidarity related to regulation or law and organic solidarity related to the ability of community members to create social cohesion with their communities. Second, Emile Durkheim's concept of sociology of law in his work entitled *suicide* classifies four potential suicides caused by weak regulation and integ<sup>3</sup>ion, or mechanical solidarity and organic solidarity. The four types of suicide are egoistic suicide, altruistic suicide, anomic suicide, and fatalistic suicide. Then, thirdly, the implementation and enforcement of laws related to the Large-Scale Social Restriction policy during a pandemic can result in the four categories of suicide if not carried out fairly and wisely. Therefore, the suggestions from the results of thi<sup>4</sup> analysis are: (1) Implementation of law coupled with public education is essential to prevent the

potential for egoistical suicide. (2) Law enforcement coupled with public education is also essential to prevent the potential for Altruistic suicide. (3) Supremacy and consistency in applying the law are necessary to prevent potential anomic suicides. (4) Fair law enforcement is also essential to prevent the potential for fatalistic suicide.

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