

**THE EFFECTIVENESS OF THE TRENGGALEK REGENTS
REGULATION NUMBER 31 OF 2020 REGARDING THE COVID-19
PANDEMIC HEALTH PROTOCOL IN *SADDU AL-DZARI'AH*
PERSPECTIVE**

THESIS

by:

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NIM 17230059



CONSTITUTIONAL LAW (SIYASAH)

FACULTY OF SHARIA

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM

MALANG

2021

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Thesis

Submitted as a Final Project in the Context of Completion of a Bachelor of Law
Study

By:

Endah Trirahayu

NIM 17230059



CONSTITUTIONAL LAW (SIYASAH)

FACULTY OF SHARIA

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM

MALANG

2021

STATEMENT OF THE AUNTENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science,
the writer declares that thesis entitled:

**THE EFFECTIVENESS OF THE TRENGGALEK REGENTS
REGULATION NUMBER 31 OF 2020 REGARDING THE COVID-19
PANDEMIC HEALTH PROTOCOL IN *SADDU AL-DZARI'AH*
PERSPECTIVE**

Is truly writer's original work which can be legally justified. If this thesis
is proven result of duplication or plagiarism from another scientific work, it as
precondition of degree will be stated legally invalid.

Malang, 12 May 2021
Writer,



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REGULATION NUMBER 31 OF 2020 REGARDING THE COVID-19
PANDEMIC HEALTH PROTOCOL IN SADDU AL-DZARI'AH
PERSPECTIVE**

the supervisor stated that this thesis has met the scientific requirements to be
proposed and to be examined on the Assembly Board of Examiners.

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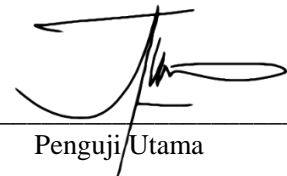
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MOTTO

"Allah bestows Al-Hikmah or (deep understanding of the Qur'an and As-Sunnah) to whom He wills. And whoever is given many gifts. And only intelligent people can take it from the Word of Allah SWT"

(Surah Al-Baqarah : 269)

INTRODUCTION

Assalamu'alaikum wr.wb .

Praise and gratitude are always offered to the presence of Allah SWT, as well as prayers and greetings to the prophet Muhammad SAW, because for the grace and pleasure of this thesis with the title "The Effectiveness Of The Trenggalek Regents Regulation Number 31 Of 2020 Regarding The Covid-19 Pandemic Health Protocol In *Saddu Al-Dzari 'ah*".

With humility it is acknowledged that this thesis still contains many weaknesses and shortcomings. All of that is due to the writer's lack of knowledge and experience, so please understand. For this good opportunity, the authors would like to thank all those who have provided encouragement and assistance, especially to:

1. Mr. Prof. Dr. H.Saifullaah, S.H. M.Hum as Dean of Faculty of Sharia UIN Malang.
2. Mr Dr. M. Aunul Hakim, S.Ag. MH as the Head of the Department of Constitutional Law, Faculty of Sharia, UIN Malang who has helped this thesis to completion.
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5. A big thank you to my parents and my two brothers who gave their support from almost all lines, both in morals, materials, prayers and many more which will never end to be mentioned one by one.
6. Thank you also to my friends who have also helped a lot, gave encouragement and motivation.
7. To all parties who helped in completing this thesis which I could not mention one by one.

Hopefully all the material and moral assistance that has made this thesis can be completed properly as one of the requirements for taking the thesis exam, hopefully Allah SWT will bestow merit and mercy on them.

Wassalamualaikum wr. wb.

Malang, 03 May 2021
Writer,



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TRANSLITERATION GUIDELINES

Guidelines for Latin Arabic Transliteration which are the result of a joint decision (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia Number: 158 of 1987 and Number: 0543b / U / 1987. Transliteration is intended to translate letters from one alphabet to another. The Arabic-Latin transliteration here is the copying of Arabic letters with Latin letters and their tools.

A. Consonants

List of Arabic letters and their transliterations into letters, Latin can be seen on the following page:

Table 1
Consonants

Huruf Arab	Nama	Huruf Latin	Keterangan
ا	Alif	Tidak dilambangkan	Tidak dilambangkan
ب	Ba'	B	Be
ت	Ta'	T	Te
ث	Sa'	Š	Es (dengan titik diatas)
ج	Jim	J	Je
ح	Ha'	Ḥ	Ha (dengan titik dibawah)
خ	Kha'	Kh	Ka dan Ha
د	Dal	D	De
ذ	Zal	Ž	Zet (dengan titik diatas)

ر	Ra'	R	Er
ز	Zai	Z	Zet
س	Sin	S	Es
ش	Syin	Sy	Es dan Ye
ص	Sad	Ṣ	Es (dengan titik dibawah)
ض	Dad	Ḍ	De (dengan titik dibawah)
ط	Ta'	Ṭ	Te (dengan titik dibawah)
ظ	Za'	Ẓ	Zet (dengan titik dibawah)
ع	'ain	‘	Koma terbalik diatas
غ	Gain	G	Ge
ف	Fa'	F	Ef
ق	Qaf	Q	Qi
ك	Kaf	K	Ka
ل	Lam	L	'el
م	Min	M	'em
ن	Nun	N	'en
و	Wawu	W	W
ه	Ha'	H	Ha
أ / ء	Hamzah	‘	Apostrof
ي	Ya'	Y	Ya

B. Singing Arabic

Singing Arabic, such as vocal Indonesian, consisting of a single vowel or monophthongal and double vowels or diphthongs

1. vocal single Arabic emblem a sign or a vowel, transliteration as follows:

Arabic alphabet	Name	Letters Latin	Name
َ	Fathah	A	A
ِ	Kasrah	I	I
ُ	Dammah	U	u

2. Vocal duplicate, vocal copies of Arabic emblem in the form of a combination of a vowel and a letter, in the form of a joint letter transliteration se like the following:

Arabic letters	Name	Letter Latin	Name
يَ...َ	Fathah and yes	Ai	a and u
وَ...َ	Fathah and wau	Au	a and u

Example:

- كَتَبَ *kataba*

- فَعَلَ *fa`ala*

C. Maddah,

maddah or the long vowel symbol in the form of dignity and letters, transliteration in the form of letters and signs, namely:

Harkat and letters	Name	And signs letter
ا / ي	<i>Fathah and alif</i>	Â
يَ	<i>Kasrah and ya</i>	I
يِ	<i>Dammah and wau</i>	Ū

Example:

- قَالَ qāla
- رَمَى ramā
- قِيلَ qīla
- يَقُولُ yaqūlu

D. *Tā'marbūṭa*

Transliteration for *tā' marbūṭa* two.

1. *Ta marbutah* (ة) lives, *Ta marbutah* who lives or gets the dignity of *fathah*, *kasrah* and *dammah*, the transliteration is t.
2. *Ta marbutah* (ة) dies, *Ta marbutah* who dies or gets the dignity of *fathah*, *kasrah* and *dammah*, the transliteration is h.

If at the end of a word whose letters *marbūṭa tā'* (ة) followed by the words using the word clothing al, as well as the second reading 32 words apart then *marbūṭa ta* it is transliterated with h.

Example:

- رَوْضَةُ الْأَطْفَالِ *raudah al-atfāl/raudahtul atfāl*
- الْمَدِينَةُ الْمُنَوَّرَةُ *al-madīnah al-munawwarah*
- طَلْحَةَ *talhah*

E. *Syaddah (Tasydid)*

Syaddah or tasydid which in Arabic is denoted by a sign, *syaddah* sign or tasydid sign, is transliterated with letters, which are the same letters as the letters marked with the *syaddah*.

Example:

- نَزَّلَ *nazzala*
- الْبِرُّ *al-birr*

F. **Said Clothing**

Clothing word in the Arabic writing system symbolized by the letter, namely ال but in this transliteration of the word clothing distinguished by:

1. The word clothing followed *syamsiyah* letter

Word clothing followed by a *syamsiyah* letter is transliterated according to its sound, that is, the letter "I" is replaced by a letter that immediately follows the article.

2. The article followed by the letter *qamariyah*.

The article followed by the letter *qamariyah* is transliterated according to the rules outlined in front and according to the sound.

Whether followed by *syamsiyah* or *qamariyah* letters, the article is written separately from the word that follows and is connected seamlessly.

Example:

- الرَّجُلُ *ar-rajulu*
- الْقَلَمُ *al-qalamu*
- الشَّمْسُ *asy-syamsu*
- الْجَالُ *al-jalāhu*

G. Hamzah

Hamzah transliterated as an apostrophe. However, this only applies to the hamzah which is located in the middle and at the end of the word. While the hamzah which is located at the beginning of the word is symbolized, because in Arabic it is alif.

Example:

- تَأْخُذُ *ta'khuẓu*
- شَيْءٌ *syai'un*
- النَّوْءُ *an-nau'u*
- إِنَّ *inna*

H. Writing Words

Basically, every word, both fails, as well as letters written isim separate. Only certain words that are written in Arabic characters are usually coupled with other words because there are letters or digits omitted, so the writing of the word is coupled with other words that follow it.

Although the Arabic writing system capital letters are not known, in this transliteration of the letters used as well. The use of letters capital like what applies in EYD, including: capital letters are used to write the first letter of the self's name and the beginning of the sentence. If the personal name is preceded by the article, then what is written in capital letters remains the initial letter of the personal name, not the initial letter of the article.

Example:

- وَ إِنَّ اللَّهَ فَهُوَ خَيْرُ الرَّازِقِينَ

Wa innallāha lahuwa khair arrāziqīn/Wa innallāha lahuwa khairurrāziqīn

- بِسْمِ اللَّهِ مَجْرَاهَا وَ مُرْسَاهَا

Bismillāhi majrehā wa mursāh

I. Capital letters

Capital letters for God only applies when the Arabic writing was complete so and if the writing was united with other words that there is a letter or vowel is omitted, the capital letters are not used.

Example:

- الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Alhamdu lillāhi rabbi al `ālamīn / Alhamdu lillāhi rabbil `ālamīn

- الرَّحْمَنُ الرَّحِيمُ

Ar-rahmānir rahim

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ABSTRACT

Trirahayu ,Endah , NIM 17230059, “Efektivitas Peraturan Bupati Trenggalek Nomor 31 Tahun 2020 Tentang Protokol Kesehatan Pandemi Covid-19 dalam Perspektif Saddu Al-Daria’ah”, Skripsi, Progam Studi Hukum Tata Negara (Siyasah), Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing Prayudi Rahmatullah,S.H., M.HI.

Keywords: Pandemic, Health Protocol, Trenggalek

Indonesia is one of the countries also affected by the coronavirus pandemic. The government in the face of the spread of coronavirus issued policies, ranging from the economy, education, and others. In preventing the Spread of Corona virus the government issued Presidential Instruction No. 6 of 2020 on Improving Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2020. Trenggalek in following up on the existing rules the Regent issued a policy in the prevention and control of coronavirus, namely The Regent of Trenggalek Regulation No. 31 of 2020 on Health Protocols Towards a New Normal Life Order That Is Productive and Safe During the Corona Virus Disease Pandemic 2019 (Covid-19).

This research uses a type of juridical legal research with a sociological approach and legislation or also called an approach to facts in the field. Sources of data used in this study are primary and secondary. Primary in the form of interviews, observations and documentation. Secondary data in the form of books, journals, and related in this research. The analytical method used is data reduction, data presentation, and conclusion drawing.

The conclusion of this study is that the Trenggalek Government has tried to deal with the pandemic by issuing the Perbub 31 of 2020 policy, and its implementation is still not effective because of the many violators of health protocols, one of which is not wearing masks. Implementation of prokes If in an Islamic perspective it is *Saddu al dzariah*, namely breaking the road of damage to avoid damage. So, to avoid the spread of the corona virus, it is permissible to keep a distance during worship, use hand sanitizer containing alcohol and others, this is a form of covering the damage.

مستخلص البحث

تريهايو ، إنداه ، نيم ١٧ ٢٣٠٠٥٩ "فعالية لائحة ترينجالك رقم ٣١ لعام ٢٠٢٠ بشأن بروتوكول الصحة الوبائي لفيروس كوفيد-١٩ في منظور سدو الدرعية" ، أطروحة ، برنامج دراسة القانون الدستوري (سياسة) ، كلية الشريعة ، جامعة مولانا مالك إبراهيم الحكومية الإسلامية ، مالانج ، المستشار برايو دي رحمة الله الماجستير

الكلمات المفتاحية: جائحة ، بروتوكول الصحة ، ترينجالك

إندونيسيا من الدول التي تأثرت أيضًا بوباء فيروس كورونا. وأصدرت الحكومة في التعامل مع انتشار فيروس كورونا سياسات تتراوح بين الاقتصاد والتعليم وغيرها. في منع انتشار فيروس كورونا ، أصدرت الحكومة التعليمات الرئاسية رقم 6 لعام ٢٠٢٠ بشأن تحسين الانضباط وإنفاذ القانون لبروتوكولات الصحة في الوقاية من مرض فيروس كورونا ومكافحته ٢٠٢٠. ترينجالك ، في متابعة اللوائح الحالية ، الوصي أصدر سياسة بشأن الوقاية من فيروس كورونا ومكافحته ، وهي لائحة رقم ٣١ لعام ٢٠٢٠ بشأن البروتوكولات الصحية نحو نظام معيشي طبيعي جديد منتج وآمن أثناء وباء فيروس كورونا ٢٠٢٠ إذا تم تحليلها في الإسلام ، يمكن رؤية شكل الوقاية من كوفيد في منظور صدو الضريح ، أي كسر طريق الضرر لتجنب الضرر.

تستخدم هذه الدراسة نوعًا من أبحاث القانون القضائي بمنهج اجتماعي وتشريعات أو تُعرف أيضًا بمقاربة الحقائق في هذا المجال. مصادر البيانات المستخدمة في هذه الدراسة أولية وثانوية. أساسي في شكل مقابلات وملاحظات وتوثيق. البيانات الثانوية في شكل كتب ومجلات وما يتعلق بها في هذا البحث. الطريقة التحليلية المستخدمة هي تقليل البيانات وعرض البيانات واستخلاص النتائج

استنتاج هذه الدراسة هو أن حكومة ترينجالك حاولت التعامل مع الوباء من خلال إصدار سياسة ترينجالك ريجنت اللائحة رقم ٣١ لعام ٢٠٢٠ ، ولا يزال تنفيذها غير فعال بسبب العديد من المخالفين للبروتوكولات الصحية ، أحدها ليس كذلك. ارتداء الأقنعة. تنفيذ النكات إذا كان من منظور إسلامي هو السد الجزري ، أي كسر طريق الضرر لتجنب الضرر. وذلك لتلافي انتشار فيروس كورونا ، يجوز الابتعاد أثناء العبادة ، واستخدام معقم اليدين المحتوي على الكحول وغيرها ، وهذا شكل من أشكال تغطية الضرر.

ABSTRAK

Trirahayu ,Endah , NIM 17230059, “Efektivitas Peraturan Bupati Trenggalek Nomor 31 Tahun 2020 Tentang Protokol Kesehatan Pandemi Covid-19 dalam Perspektif *Saddu Al-Daria’ah*”, *Skripsi*, Progam Studi Hukum Tata Negara (Siyasah), Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing Prayudi Rahmatullah, S.H.,M.HI.

Kata Kunci : Pandemi, Protokol Kesehatan, Trenggalek

Indonesia merupakan salah satu negara yang juga terkena dampak pandemi virus corona. Pemerintah dalam menghadapi penyebaran virus corona mengeluarkan kebijakan, mulai dari ekonomi, pendidikan, dan lain-lain. Dalam mencegah penyebaran virus, maka Bupati Trenggalek mengeluarkan kebijakan di pencegahan dan pengendalian virus corona yaitu Peraturan Bupati Trenggalek nomor 31 Tahun 2020 tentang protokol kesehatan menuju Tatanan Hidup Normal baru yang produktif dan aman selama pandemi Corona Virus Disease 2019 (Covid-19). Jika dianalisis dalam islam maka bentuk pencegahan covid 19 bisa dilihat dalam Perspektif *Saddu al dzariah* yakni memutus jalan kerusakan untuk menghindari kerusakan. Tujuan Penelitian ini adalah untuk mengetahui efektifitas perub nomor 31 tahun 2020 dan efektivitas protocol kesehatan jika dalam perspektif *saddu al dzariah*.

Penelitian ini menggunakan jenis penelitian hukum yuridis dengan metode pendekatan sosiologis dan perundang-undangan atau disebut juga dengan pendekatan yang dilakukan terhadap fakta di lapangan. Sumber Data yang digunakan dalam penelitian berupa primer dan sekunder. Primer berupa wawancara, observasi dan dokumentasi. Data sekunder berupa, buku, jurnal, dan yang berkaitan dalam penelitian ini. Metode analisis yang digunakan ialah dengan Reduksi Data, Penyajian Data, dan Penarikan Kesimpulan.

Kesimpulan dari penelitian ini adalah, Pemerintah Trenggalek telah berupaya menangani pandemi dengan mengeluarkan kebijakan Perub 31 Tahun 2020, akan tetapi dalam penerapannya masih belum efektif karena banyaknya pelanggar protokol kesehatan, salah satunya tidak menggunakan masker. Penerapan prokes Jika dalam perspektif islam merupakan *Saddu al dzariah* yakni memutus jalan kerusakan untuk menghindari kerusakan. Jadi untuk menghindari penyebaran virus corona maka diperbolehkannya untuk menjaga jarak saat ibadah, menggunakan handsanitizer yang mengandung alcohol dan lainnya, hal tersebut merupakan bentuk untuk menutup kerusakan.

CHAPTER I

INTRODUCTION

A. Background

In early 2020 Indonesia even the world experienced a critical period caused by the Coronavirus disease infections in humans and animals.. If infected by humans it will cause infections of the respiratory tract, from the common cold to dangerous diseases such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). Coronavirus was discovered, in Wuhan China in December 2019, the discovery began from humans, which is likely from animal to human, the discovery was named Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV2), and resulted in Coronavirus Disease-2019 (COVID-19).¹

The Covid-19 pandemic has infected in various countries around the world, resulting in the World Health Organization stating that coronavirus infection is a pandemic.² The most positive confirmed cases on data on September 16, 2020 were the United States, which reached more than 6 million positive cases and 195.735 people who died. Indonesia ranks 20 with confirmed positive cases of 1,5 million people infected with Covid19 and 40.581 people died.³

¹Stoppneumonia.id, Coronavirus information, accessed March 17, 2021
<https://stoppneumonia.id/informasi-tentang-virus-corona-novel-coronavirus/>

² Putri Gloria "WHO Officially Called Corona Virus a Global Pandemic," *Kompas.com* accessed on 12 December 2020 <https://www.kompas.com/sains/read/2020/03/12/083129823/who-resmi-sebut-virus-corona-covid-19-as-pandemic-global?page=all>

³ <https://multimedia.scmp.com/widgets/china/wuhanvirus/> Accessed 16 September 2020

The Indonesian government, in preventing its wider spread, has made many changes to the state structure, which are followed by the local government. As is the case with the Trenggalek Regency Government which has implemented administrative sanctions for violators of health protocols according to Trenggalek Regent Regulation Number 31 of 2020 concerning Health Protocols Towards a New Productive and Safe Normal Life Order during the Pandemic *Corona Virus Disease 2019 (Covid-19)* which follows up on the Governor Regulation. 53 of 2020 concerning the Implementation of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 and Presidential Instruction Number 6 of 2020 concerning Increasing Discipline and Law Enforcement of Health Protocols in Prevention and Control of Corona Virus Disease 2020. The provisions of these sanctions are contained in the Regional Regulation of the Province of East Java Number 2 of 2020 concerning Amendments to the Regional Regulation of East Java Province Number 1 of 2019 concerning the Implementation of Peace, Public Order and Community Protection, a fine of IDR 50,000 is imposed.

To improve the order and certainty of the law in the community, law enforcement is required. One of them is by disciplining the functions, duties and authorities of the institutions in charge and enforcing the law in accordance with the rules as appropriate, and working well together so that the desired objectives are achieved. Systematic studies of law enforcement and justice must theoretically be carried out with 5 pillars of law in order to be carried out, whether the legal instrument, law enforcement officials, citizen factors affected by the scope of legal regulations, cultural or legal culture factors, factors of facilities and facilities that

can support the implementation of the law.

Health Protocol is carried out by all levels of society, contained in Article 2 paragraph (1) of The East Java Governor Regulation No. 53 of 2020 states that: individual; business actors; and managers, organizers, or persons in charge of public places and facilities.

Article 9 of East Java Governor Regulation Number 53 of 2020 states: (1) That any person who violates the obligation to apply health protocols, as in Article 5 paragraph (1) may be subject to administrative sanctions, which are: verbal reprimand, coercion, the coercion of the government consists of: the dissolution of the crowd, orders to leave the premises with or without a special ID, or security/confiscation of Identity Cards and/or other ID cards for a certain period of time, social work, or an administrative fine of Rp250,000.00 (two hundred and fifty thousand rupiahs).

Article 9 paragraph (2) Any business actor, manager, organizer, or person in charge of public places and facilities that violate the obligation to implement health protocols contained in Article 5 paragraph (2) may be subject to administrative sanctions in stages, in the form of: verbal reprimand/written reprimand, temporary suspension movement, action, administrative fines, and revocation of permissions.

The application of this health protocol discipline is carried out by tutor unit police assisted by polri and TNI based on Article 15 Governor Regulation Number 53 year 2020. Tutor unit Police in implementing administrative sanctions as

referred to in Article 9 can coordinate with: ⁴ Provincial COVID-19 Task Force, Indonesian National Army, Police of the Republic of Indonesia, device related areas, Regency/City Government; and/or society.

The function of law enforcement carried by the police can not be separated from its function. One of them is the police department functioning in the field of government as the maintenance of security and public order, law enforcement, protection, policing, and community service. Therefore, security in the context of the duties and functions of the police, namely security and public order. During the covid-19 pandemic, the police carried out the function of law enforcement which was affirmed through the information of the Police Chief No. Mak/2/III/2020 on the compliance of government policies in the handling of the coronavirus.⁵

Health is the need of every human being to live his life. Health is also very important because without good health, then every human being will be difficult in carrying out daily activities. " Healthy condition is where mentally, physically and socially everyone can live a productive life".⁶

In article 28 paragraph (1) states that everyone has the right to live prosperously Born and Inner, residing, getting a good environment, and entitled to health services, with the Covid 19 Pandemic this makes people who make a very changed life. Pandemic covid-19 an event that quickly infects in various countries

⁴ Article 9 of the Governor of East Java Number 53 of 2020 concerning the Implementation of Health Protocols in the Prevention and Control of Corona Virus Disease 2019

⁵ Information of the Police Chief No. Mak/2/III/2020 on the compliance of government policies in the handling of the coronavirus. information of the Police Chief No. Mak/2/III/2020 on the compliance of government policies in the handling of the coronavirus. [https://kuansing.go.id/uploads/files/MAKLUMAT_A3_\(edit\)_pdf.pdf](https://kuansing.go.id/uploads/files/MAKLUMAT_A3_(edit)_pdf.pdf)

⁶ Soemirat, *Environmental Health*. (Jakarta: Gadjah Mada University Press, 2011), 18.

in the world. Coronavirus infection first appeared in Wuhan Hubei Province of China, the virus is a new variant that sars-cov-2 was planted on December 1, 2019. Then the virus spread and infected in various countries, and on March 11, who designated the infection as a pandemic. Covid 19 is suspected to spread among people by splashing from the mouth produced during coughing, or sneezing. The spark can be produced from sneezing and normal breathing. The virus can also spread as a result of touching the surface of contaminated objects that then touch a person's face. An infected person will have signs, usually what often occurs in the respiratory tract such as coughs, colds and with serious conditions will result in fever.⁷ If analyzed in Islam, it can be seen in Saddu al Dariah's perspective, namely breaking the path of damage to avoid damage. Even though an action is free from the element of damage, but if the action is the way in which a damage occurs, it is better to prevent the act.

Efforts in preventing the spread of coronavirus are with travel restrictions, quarantine, curfew enforcement, delays and cancellations of events, as well as the closure of facilities and in Indonesia, especially in the Trenggalek district which experienced the second highest spike in COVID 19 cases in East Java. In the data as of January 2021, Trenggalek regency is the largest contributor of cases in East Java as many as 97 people confirmed positive. Data from trenggalek district as of March 2021 as many as 3,312 positively confirmed and as many as 242 died.⁸ To

⁷ Wikipedia, *Pandemic COVID-19*, 2020, accessed January 1, 2021 at https://id.m.wikipedia.org/wiki/Pandemi_COVID-19

⁸ Adhar Muttaqien, *Detik.com* Accessed February 16, 2021 <https://news.detik.com/berita-jawa-timur/d-5262227/spike-cases-covid-19-trenggalek-highest-to-2-in-East-Java>

implement health protocol then the government trenggalek refers to perbub number 31 year 2020, but in reality there are still many violators of health protocols that do not comply with existing regulations. In suppressing the spread of corona virus, the Government of Trenggalek made several check point posts spread at the main point of the border, namely Durenan District Bus Terminal and implement health protocol enforcement based on Trenggalek number 31 in 2020. From the description described above,, the author is very interested to write a study on the the effectiveness of the Trenggalek regents regulation number 31 of 2020 regarding the covid-19 pandemic health protocol in saddu al-dzari'ah perspective.

B. Problem Formulation.

Based on the background of the problem that has been described or that has been described above, the Problem Formulation in this study is:

1. How effectiveness of the Trenggalek regents regulation number 31 of 2020 regarding the covid-19 pandemic health protocol?
2. What government policy Trenggalek in handling covid 19 and reviewed from an saddu al-dariah perspective?

C. Purpose.

Every study has a goal to achieve. In this case the purpose of the research as the author intended is as follows:

1. To know effectiveness of the Trenggalek regents regulation number 31 of 2020 regarding the covid-19 pandemic health protocol.
2. To know government policy Trenggalek in handling covid 19 and reviewed from an *saddu al-dariah* Perspective.

D. Benefits

Based on the purpose of research and problem formulation, the benefits of research are:

1. Theoretical benefits of research results is expected to provide development of thinking, especially in the field of legal science in Indonesia which is about law enforcement in Indonesia.
2. Practical benefits this research can develop the thinking, reasoning of the author and to know the ability of the author in applying the obtained knowledge. And it is also expected that the results of this research can be used as a reference in the field of scientific work, as well as input materials for similar research in the future, and used as appropriate.

E. Systematics Discussion

The systematic purpose of the discussion is to get a clear picture of the entire content, the writing is divided into four chapters, namely in the form of introduction, library review, research and discussion, and closing using systematics as follows:

Chapter I This chapter contains about the background of the problem, problem formulation, research objectives, research benefits, research methods and systematic discussion. Chapter II The second chapter discusses the previous research of the Theoretical Framework and the Frame of Thought. Previous research has been conducted by researchers, either in the form of books, articles, journals that have been published or still in the form of dissertations or thesis that has not been published the study to avoid duplication and further explained the

keorisinilan research and differences with previous research. The theoretical framework contains the theory or juridical concept as a theoretical basis for the study and analysis of problems. The concept is used to analyze every problem in the study.

Chapter III Contains about research methods, The research method consists of several important things as follows: Research Type, Research approach, Research location, Type and data source, Data collection method, Data processing methods, Data analysis method. Chapter IV The essence of the research, the chapter will analyze the data either through primary, sequencing or tertiary data to answer the formulation of the problem that has been formulated. Chapter V The final part of the writing, which consists of conclusions and suggestions as an input and improvement of what has been obtained during the research.

CHAPTER II

LIBRARY REVIEW

A. Previous research

Previous Research can be used as a consideration and reference in the writing of current researchers, the author took several examples from previous related research, The following presented the results of previous research as a comparison to the author's research as follows:

The first research was conducted by Siti Khodijah, in the form of a journal in 2020 with the title *The Role of Religious Figures in breaking the chain of pandemic covid-19 in Indonesian Online Media*. This study uses normative research types. The difference from this study is that the authors use a statutory approach. The focus of the problem is more towards the perspective of religious figures and researching on social media. The result of the study is the role of religious figures in the pandemic covid 19 juga influential.⁹

The first research was conducted by Novita Listyaningrum, Rinda Philona (2020), in the form of a journal titled *Law Enforcement of Health Protocols During the Pandemic*.¹⁰ This study uses normative research type, and uses statute approach method that examines legislation relevant to the issue discussed and conceptual approach that examines the concept/concept or view of experts related

⁹ Siti Khodijah, "*Peran Tokoh Agama dalam memutus rantai Pandemi covid-19 di Media Online Indonesia*" *Journal Living Islam*, diakses 1 Mei 2021.

¹⁰ Novita, Rinda, "Law Enforcement of Health Protocols in a Pandemic Period" *binawakya ejurnal*, accessed March 14, 2021
<https://ejurnal.binawakya.or.id/index.php/MBI/article/view/943>

to the problem discussed in this study. The difference from this study is that the authors used this type of empirical research using field research methods. The result of this study is that the government with all its efforts has made policies to overcome the spread of the coronavirus so that solid cooperation between the central government and local governments is needed in an effort to overcome this virus through compliance with the policies that have been made.

The Second Research Conducted By Rossa Ilma, In the Form of Journal year 2020, With the Title flexibility of Islamic Law During the Covid-19 Pandemic, This Research Uses This Type of Research Using Normative Law Research. This Research Helps How Flexibility of Islamic Law In Indonesia. The Difference In This Study Is, These Researchers Only Focus On Discussing Islamic Law In The Pandemic Period. The results of the study Pandemic Covid-19 Form The Test of All People In The World, Who Need Energy In Overcoming It, Flexibility of Islamic Law In the Pandemic Covid 19 Is Still In Accordance With The Rules.

The second research was conducted by Luthviah Firman Annajmi, Dini Dewi Heniarti, Bandung Islamic University (2020) in the form of a Journal, with the title of criminal law enforcement research against the act of refusing burial of Covid-19 bodies based on health protocols.¹¹ Research is a normative juridical approach. While the authors use this type of juridical research with field studies. The result of this study is that the government has performed its role by

¹¹ Luthviah Firman Annajmi, Dini Dewi Heniarti "Criminal Law Enforcement Against Covid-19 Body Burial Based on Health Protocols" accessed March 13, 2021, *Unisba Scientific Work*, <http://karyailmiah.unisba.ac.id/index.php/hukum/article/view/24928>

implementing a policy of sanctions for citizens who are not disciplined health protocols but in that policy there are no sanctions on violators of the act of refusing the burial of Covid-19 bodies.

The third research was conducted by Ida Bagus Brahmmana, Faculty of Law of Udayana University (2020), in the form of a journal, with the title Crackdown on People Who Do Not Use Masks as the Implementation of New Health Protocols In Bali Province.¹² This study uses normative legal research. This research was conducted by empirical law research method, Writing and research is carried out by empirical law research method, so using sociological approach. These researchers both use empirical legal research methods. With the results of this study, the results of this study explain that the crackdown on people who do not use masks in accordance with governor regulation number 46 of 2020 on the application of discipline to health protocols as prevention and control of corona virus disease 2019 in the new era of life order has been implemented in early September to October.

Table 2
Research Result Table

Name Research	Methods Research	Results	Different	Novelty
Ida Bagus Brahmmana. (2020). Action Against People Who Do not Use Masks as	Normative legal research. This research was conducted using an empirical legal research	Action against people who do not use masks according to governor regulation	The differences in research by Ida Bagus's brother are researched in	researchers researched in Trenggalek district based on Trenggalek

¹² Ida Bagus Brahmmana, "Action Against People Who Do Not Use Masks as Implementation of New Health Protocols in Bali Province", E journal Law Science, accessed March 15, 2021, <https://ojs.unud.ac.id/index.php/kerthadesa/article/view/66715>

Implementation of the Protocol New Healthin Bali Province. (Journal)	method. The writing and research was carried out using an empirical legal research method, so that it used a sociological approach	number 46 2020 concerning the application of discipline to health protocols as prevention and control of corona virus disease 2019 in the New era life order has been carried out from early September to October 2020.	the Bali area and in the form of journals.	regent regulations
Luthviah Word Annajmi and Early Dewi Heniarti (2020). Enforcement Law Crime Against Actions Rejecting Burial body of Covid 19 Based on the Protocol Health. (Journal)	research is juridical normative research in the form of descriptive analytical and method of analysis in the form of qualitative juridical.	The Government has done its part by out policy of sanctions for people who do not discipline health protocols but the policy was not there are sanctions regarding the violators of the act refuse burial of Covid-19's body.	Lutviah's brother's research is a Journal, and focuses more on the criminal field, while the author, focuses more on the field of legislation.	researchers researched in Trenggalek district based on Trenggalek regent regulations
Novita Listyaningrum and Rinda Philona (2020). Enforcement Lawof Health Protocols During the Pandemic. (Journal) This 2020	type of research is normative, and uses a statute approach which examines the laws and regulations relevant to the issues discussed and the conceptual of the approach.	Government with all its efforts has made policies to overcome the spread of the corona virus. so it takes a solid cooperation between the central government and local governments in	The authors used a type of juridical research, while Novita's brother used normative research	researchers researched in Trenggalek district based on Trenggalek regent regulations

		an effort to tackle this virus through adherence to complying with the policies that have been made.		
Rossa Ilma, Journal (2020). Law Enforcement of Health Protocols During the Pandemic.	Type of Research Using Normative Law Research	The results of the study Pandemic Covid-19 Form The Test of All People In The World, Who Need Energy In Overcoming It, Flexibility of Islamic Law In the Pandemic Covid 19 Is Still In Accordance With The Rules.	The Difference In This Study Is, These Researchers Only Focus On Discussing Islamic Law In The Pandemic Period.	researchers researched in Trenggalek district based on Trenggalek regent regulations
Siti Khodijah, Journal (2020). The role of Religious Figures in breaking the chain of pandemic covid-19 in Indonesian Online Media.	This research uses normative research type, data obtained from journals, books and social media.	the role of religious figures in the pandemic covid 19 is also influential.	This study uses normative research types. The difference from this study is that the authors use a statutory approach.	researchers researched in Trenggalek district based on Trenggalek regent regulations

B. The theoretical framework

Theoretical is a framework related to theories or concepts that support in research that is used as a guideline in systematically compiling research. The following conceptual framework briefly based on the research topic as follows:

1. Law Effectiveness

Effectiveness in English is "efective" which is successfully obeyed. According to Amin Tunggal Widjaya is the result of decision making that directs a good thing, to help the desired process accordingly.¹³ According to Soerjono Soekanto The effectiveness of the law is effective or not a law is determined by five factors that affect, namely:¹⁴

- 1) The Legal Factor itself (Law)
- 2) Law enforcement factors, namely the parties that form or apply the law
- 3) Factors of facilities or facilities that support law enforcement
- 4) Community factors, namely the environment in which the law applies and applied
- 5) Cultural factors, namely as the result of work, copyright and taste based on human initiative in the association of life

¹³ Widjaya, Amin Tunggal, , Manajemen suatu pengantar cetakan pertama, (Jakarta : Rineka cipta jaya,1993) 32

¹⁴ Soerjono Soekanto, *Penegakan hukum*,(Bandung: bina cipta, 1993).80.

The issue that affects the effectiveness of written law is seen in terms of the apparatus depends on the following:¹⁵

- 1) The extent to which the officers are bound by the existing regulations
- 2) The limits of officers are exercised in discretion.
- 3) Examples given by officers to the community.
- 4) Synchronization of assignments given to officers so as to know their authority.

The theory of legal effectiveness that has been presented by Soerjono Soekanto is very relevant to the theory put forward by Romli Atmasasmita, which is a factor that can slow the effectiveness of law enforcement does not lie in the mental attitude of law enforcement officials such as Judges, Prosecutors, and Police but also lies in the socialization factor of law that is often underestimated. The law can be effective if the factors that affect the law can go well. The effectiveness or absence of a prevailing laws and regulations can be viewed from the behavior of the community. A regulation will be effective if the community behaves as desired by the rule, then the effectiveness of the law or legislation has been achieved.

¹⁵ Soerjono Soekanto, *Penegakan hukum*,(Bandung: bina cipta, 1993),82.

2. Saddu Al-Dzariah Perspective

According to Syatibi, dzariah is

إِنَّ حَقِيقَةَ قَاعِدَةِ الذَّرِيْعَةِ هِيَ التَّوَسُّلُ بِمَا هُوَ مِنْ لَحَةٍ إِلَى مَفْسَدَةٍ

In fact, the essence of the dzari'ah rule is that it connects something that is beneficial to mafsadat. Which means that someone does a job that is basically permissible because it contains a benefit, but the goal that he will achieve ends up being a harm.¹⁶

Sadd dzara'i means that it has become a designation for prevention of intermediaries/means to damage Ibn Qayyim (w: 751 H). He means sadd dzari'ah, namely "Forbidding and rejecting everything". which can be a means of prohibition, to prevent damage and danger.

The placement of dzari'ah is one of the arguments in establishing the law even though its use is disputed, even though the syara' does not clearly stipulate the law of an act, but the act is determined as a wasilah of an act that is clearly prohibited, then this becomes an indication or argument that Wasilah law is as stipulated by syara' for the main action.

The first recorded outbreak in Islamic history occurred during the prophetic period around the year 627-628 AD, known as the Shirawaih plague because it was attributed to the name of the king of the Persian

¹⁶ Yusuf Abdurrahman Al farat, Al tatbiqat al mu'asirat lisaddi-l-dzari'at, qahirah,(Daru-l-fikri al'arabi, 2003), 11

Sasanian Dynasty at that time Siroes (Kobad III) and first appeared in the city of Ctesiphon (Mada'in, Iraq). now). Siroes also died from this plague. This plague became one of the sources for the emergence of hadiths about plagues in the prophetic era, especially in Medina, where the Prophet emigrated in 622 AD. In the end, it entered the level of al-dharār yuzālu (damage must be removed). If all people can be disciplined in adhering to the above hadith and the rules taken from it, slowly but surely the chain of spreading the corona virus can be broken. To implement the above hadith, it is advisable to provide hand washing soap and running water in large crowds. If possible masks are also provided so that everyone who enters mosques, markets and places where people gather wears a mask.

3. Health Protocol

Health protocol is a rule and provision that needs to be followed by all parties in order to be able to do activities safely during the Pandemic COVID-19.¹⁷ People have a very important role in stopping the transmission of COVID-19, such as not causing new transmission / cluster by not crowding with many people without complying with health protocol provisions.

Health protocols must still be implemented by all people in the situation of the COVID-19 pandemic, and also by adapting to new healthier, cleaner, and more obedient habits implemented by the entire

¹⁷ Fatimah Mardiyah, "What is the Covid 19 Health Protocol?", *Tirto.id* accessed April 4, 2021 <https://tirto.id/f3W3> the

community. To stop the spread of COVID-19 (risk of contracting and transmitting) should be done by applying health protocols such as the following:¹⁸

a. Individual Health Protection COVID-19 transmission occurs through droplets that can infect humans with the entry of droplets containing Covid-19 virus into the body through the nose, mouth, and eyes. Measures to prevent transmission of COVID-19 in individuals can be done by avoiding the entry of the virus through the nose, mouth, and eyes can be through measures, such as:

- 1) Using personal protective equipment is to wear a mask that is the correct way is until the nose of the mouth to the chin covered with a mask, if you have to leave the house or communicate with others. Wear a cloth mask with a 3-layer material if the mask is made of fabric.
- 2) Hand cleaning is done by cleaning hands using soap and running water or using antiseptic liquids with alcohol content/handsanitizer. If it comes into contact with objects / people should not touch the eyes, nose, and mouth with unclean hands, because the hands are the source of the location of viruses that

¹⁸ Ministry of Health, accessed April 20, 2021, http://hukor.kemkes.go.id/uploads/produk_hukum/KMK_No_HK_01_07-MENKES-382_2020_ttg_Protokol_KHealth_Bagi_Masyarakat_di_Tempat_and_Facilities_Protocol_Dalam_Rangka_Prevention_COVID-19.pdf

may contain droplet.

- 3) Keep a distance of at least 1 meter with others to avoid exposure to droplet splashes from others such as from coughing, or sneezing, and avoid crowds. If it is not possible to keep a distance then it can be done by limiting the number of people, schedule settings, and so on.
- 4) Increase endurance by implementing Clean and Healthy Living Behaviors, such as consuming balanced nutrition, physical activity at least 30 minutes a day and adequate rest, sunbathing every morning to get vitamin D. Covid 19 should also be closely watched, one of which is people who have comorbidities / concomitant diseases / vulnerable conditions such as diabetes, hypertension, pulmonary disorders, heart disorders, kidney disorders, immunocompromised conditions / autoimmune diseases, and pregnancy factors, should people in that category should be more careful in activities in public places and facilities.

- b. Public Health Protection Public health protection is an action that must be taken by all communities to stop the spread of COVID-19.¹⁹
Public facilities have a high risk due to crowds, or interactions of

¹⁹ Decree of the Minister of Health of the Republic of Indonesia number Hk.01.07 / Menkes / 382/2020 concerning Health Protocols for Communities in Public Places and Facilities in the Context of Prevention and Control of Corona Virus Disease 2019 (Covid-19)

people who can cause physical contact without appropriate health protocols. In the protection of the community, the role of the organizer, or person in charge of public places and facilities is very important to implement as follows:

- 1) Elements of prevention (prevent)
 - a) health promotion activities (promote) can be done through socialization, education, and the use of various information media to provide understanding and understanding for all communities.
 - b) Protection activities can be done by providing handwashing facilities using soap and running water or using handsanitizer, as well as enforcing disciplinary on community behavior in the transmission and transmission of COVID-19 as well as crowding, not keeping distance, not using masks.
- 2) Element of case discovery (detect)
 - a) Facilitation in early detection in anticipation of the spread of COVID-19, can be done by coordinating health services or health care facilities.
 - b) Monitoring the health condition of symptoms to everyone in public places and facilities.
- 3) Elements of handling quickly and effectively (respond) In preventing the occurrence of a wider spread, can coordinate with

the health office to conduct close contact tracking, rapid test, antigen swab, and PCR swab. For the treatment of the deceased according to the applicable standards.

Prevention and control of covid 19 is also carried out in public facilities such as:

- a. Market, market is one of the places or interaction process of meeting a prospective buyer and seller to buy and sell goods or services.²⁰ The large number of people is a condition that should be a concern in the application of health protocols with a minimum distance of 1 meter. Applying distance keeping in the market area such as setting the distance between traders from one to the other, giving special marks to keep the distance placed on the market floor, and others, it is mandatory to provide handwashing facilities using soap that are easily accessible to traders and visitors and carry out regular cleaning and disinfection.
- b. Homestay / hotel is one that must be considered in the efforts to handle and control covid 19 such as paying attention to employees and visitors. The homestay/hotel must provide information related to health protocol, must provide handsanitizer, handwashing, and check body temperature in the entrance lobby.

²⁰ Algifari, *Microeconomics Theory and Case First Edition* (Yogyakarta: STIE YKPN, 2002), 92.

- c. Restaurant / food stall Must provide a means of hand washing using soap or provide handsanitizer at the entrance and other places that are easily accessible to visitors. Require workers to wear masks during work. Perform a body temperature check at the entrance. If found workers or visitors with a temperature of > 37.3 celsius (2 checks with a distance of 5 minutes) then it should not be allowed to enter.²¹ Apply distance in various ways such as:
- 1) Set a distance of at least 1 meter when queuing to enter restaurants / restaurants and the like, order, and pay at the cashier by giving a sign on the floor.
 - 2) Set the distance between seats 1 meter and do not face each other or the installation of partitions on the table.
- d. Station/airport, is a public place used to arrange arrivals, departures, boarding, and unloading of people and/or goods, as well as the transfer of modes of rail transportation/public transportation/ships/aircraft.²² the place becomes a gathering place for people to do activities by using land, air, and railway transportation modes that serve in the city, intercity, inter-provincial, inter-island, and between countries. The movement of

²¹ Decree of the Minister of Health of the Republic of Indonesia number Hk.01.07 / Menkes / 382/2020 concerning Health Protocols for Communities in Public Places and Facilities in the Context of Prevention and Control of Corona Virus Disease 2019 (Covid-19), 14.

²² KBBI, accessed April 12, 2021, at <https://kbbi.web.id/st>

people within the scope should be a concern in the application of health protocol principles at stations and airports.

4. Corona Virus Disease 19

Coronavirus causes symptoms of mild to severe diseases in humans, such as fever, cough or cold. There are several viruses that can cause serious diseases such as MERS and SARS. Coronavirus is zoonotic (Transmission from animal to human). Research mentions that ²³ SARS-CoV is transmitted from civet cats (civetcats) to humans and MERS-CoV from human strands. For Covid-19 is suspected from animal to human, because the first discovery in Wuhan all have a history of contact with huanan animal market.

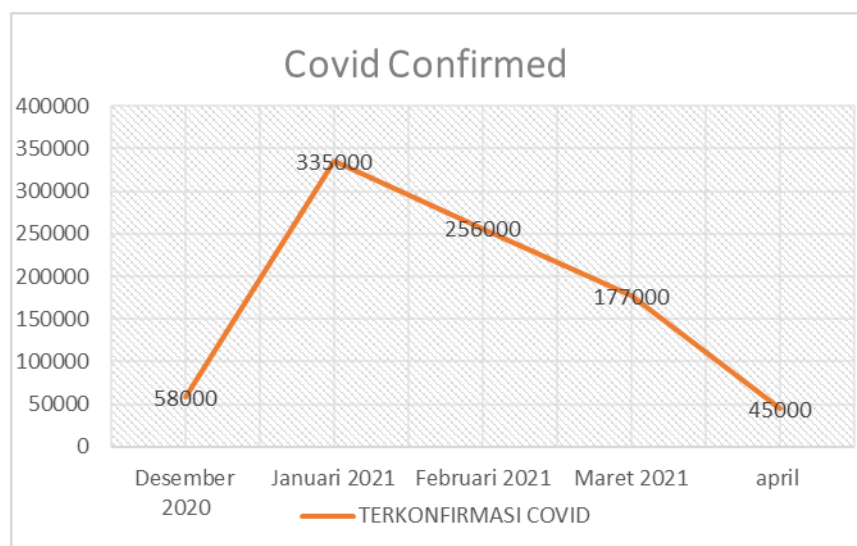
Clinical symptoms appear within 2 to 14 days after exposure.²⁴ It generally occurs if infected with coronavirus will experience such as respiratory distress, fever, cough and shortness of breath. If with a severe infection it can cause pneumonia, acute respiratory syndrome, kidney failure, and can lead to death . Severe cases are affected by endurance, age and pre-existing diseases (comorbid), such as hypertension, DM, asthma,

²³Ministry of Health, accessed April 20, 2021, [https://www.kemkes.go.id/resources/download/latest info / COVID19 / ABOUT% 20NOVEL% 20CORONAVIRUS.pdf](https://www.kemkes.go.id/resources/download/latest%20info%20COVID19%20ABOUT%20NOVEL%20CORONAVIRUS.pdf)

²⁴ Kementerian Kesehatan, “Kesiapan Kemenkes Dalam Menghadapi Outbreak Novel Coronavirus (2019-Ncov)” Accessed 17 Maret 2021, <https://www.papdi.or.id/pdfs/817/dr%20Siti%20Nadia%20-%20Kemenkes%20RI.pdf>

etc. Coronavirus can be transmitted through splashing when sneezing or coughing.

As cases in Indonesia increased, Indonesia ranked as the 18th most active cases in the world. Active cases are people who have been diagnosed with Covid-19, the person is receiving treatment and treatment in the hospital as well as who is undergoing self-isolation at home. Up to April 2021 data there were 1,672,888 cases of covid 19.²⁵



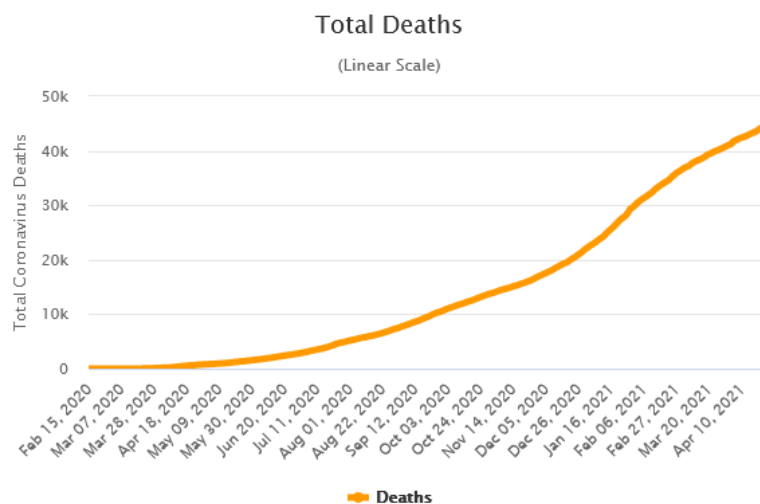
Graph 1 Covid 19 Confirmed Data
(Source: Task Force Covid 19)

In the graph above can be seen that the increase in cases of covid 19 is on Christmas Day. In Indonesia the death rate due to covid-19 had been the highest 17 during the last week in Asia.²⁶ Meanwhile, based on data

²⁵ Worldometers Indonesia, accessed April 13, 2021 <https://www.worldometers.info/coronavirus/country/indonesia/>

²⁶ Haryanti Puspa Sari, "TNI Commander: Death Rate due to Covid-19 in Indonesia Highest in Asia" *Kompas.com*, accessed February 20, 2021 <https://nasional.kompas.com/read/2021/01/30/13340461/panglima-tni-the-death-rate-from-covid->

from the Ministry of Health, the number of m eninggal due to covid increased by 25.3% compared to the previous.²⁷



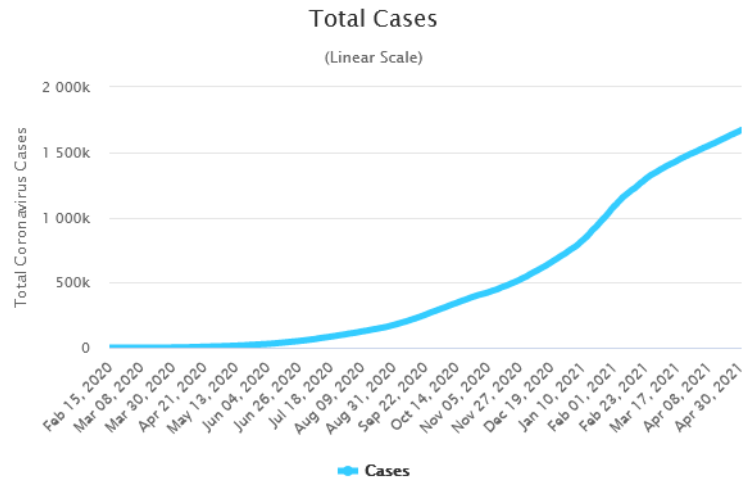
Graph 2 Total Covid deaths 19
(Source: *worldmetersindonesia*)

In the chart above is a high death rate along with continued increase in confirmed cases of covid 19. The highest number of deaths in January 2021 was 476. The total deaths from covid-19 infection in February 2021 amounted to 30,770 people. The increasing number of positive cases and deaths makes health workers become overwhelmed in the face of the increasing cases of covid-19 which results in health workers as the vanguard of fatigue, immunity decreases and becomes a high risk of transmission even to death. One Nurse in handling patients covid they can handle and supervise seven patients. Based on data on February 2, 2021,

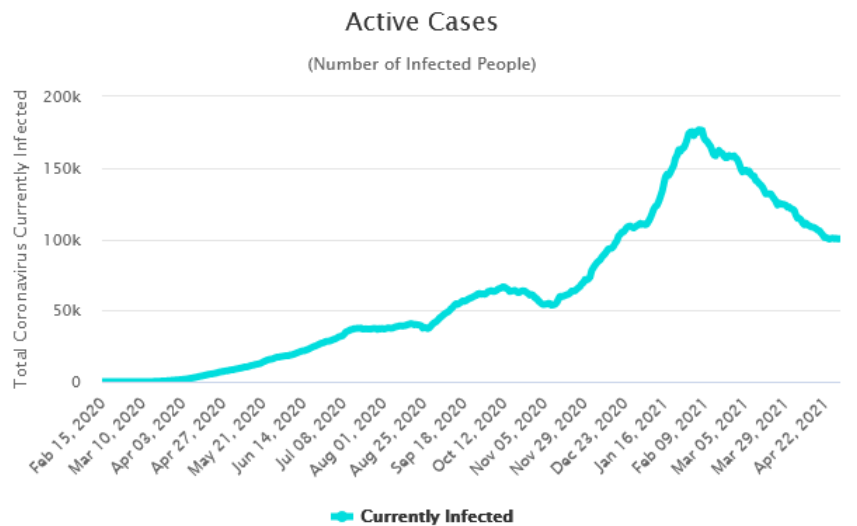
[19-in-Indonesia-the-highest-in-Asia](#)

²⁷ Covid 19, accessed February 14, 2021 <https://covid19.go.id/>

712 health workers died from Covid-19.²⁸



Graph 3 Covid Case 19
(Source: worldmetersindonesia)



Graph 4 Active Case of Covid 19
(Source: worldmetersindonesia)

²⁸ Health Workers Report Covid 19, accessed February 17, 2021 <https://nakes.laporcovid19.org/>

5. The implementation of restrictions on micro-based community activities (PPKM)

The implementation of restrictions on micro-based community activities (PPKM) is an action to break the chain of the spread of coronavirus. The PPKM regulates up to the level of neighboring Rukun (RT) and Rukun Warga (RW), which has the potential to cause transmission from coronavirus.

Micro PPKM can be done in the following criteria are as:²⁹

- a. Green Zone, with no cases in one RT then, control is carried out with active surveillance.
- b. Yellow Zone, if there are 1 to 5 houses with positive confirmed cases in one RT over the last 7 days, the control is to find the cadusus suspek and close contact tracking, and conduct self-isolation for positive patients and close kontak can be done with close supervision.
- c. Zona Orange, if there are 6 to 10 houses with positive confirmed cases in the last 7 days, the control is to find cases of suspek and close contact tracking, and conduct self-isolation and close contact, close places of worship, forging children's play, and other public

²⁹ Intruksi Menteri Dalam Negeri No. 5 Tahun 2021 Tentang Perpanjangan Pemberlakuan Pembatasan Kegiatan Masyarakat Berbasis Mikro Dan Pengoptiamalan Posko Penanganan Coronavirus Disease 2019 di tingkat Desa dan Kelurahan Untuk pengendalian penyebaran Coronavirus 19.

facilities.

- d. Red Zone, if there are more than 10 houses with positive confirmation, then the control is to find cases of suspek and close contact tracking, conduct self-isolation, close houses of worship, and public facilities, prohibit crowds of more than 3 people, restrict in and out of RT area at maximum at 20:00, and eliminate the social activities of the surrounding community.

Micro PPKM is carried out through coordination of all elements involved, ranging from RT / RW, Village Head, Community Protection Unit (Santinmas), Village Supervisory Officer (Babinsa), Pamong Praja Police Unit (SatpolPP), Integrated Service Post, and All communities involved.

6. Trenggalek Regency

Trenggalek is a district in East Java Province, Indonesia. The center of government is in Trenggalek District which is 180 km from Surabaya, the capital of East Java Province. It occupies an area of 1,205.22 km² occupied by \pm 700,000 inhabitants. Located on the south coast and has a northern boundary with Ponorogo Regency; east side with Tulungagung Regency; south with the Indian Ocean; and west of Pacitan Regency.

One of the famous figures in Trenggalek is Dyan Arya Menak Sopal or better known as Menak Sopal, one of the regents or rulers of Trenggalek. Official information about Menak Sopal has not been written much, but the site in the form of a tomb can be found in the hamlet of

Bagong, Ngantru village, Trenggalek District. Menak Sopal is known as a hero for the peasants in Trenggalek, his efforts to build a dam or reservoir along with irrigation channels developed into a legend that accompanies the tradition of alms of the earth that until now was carried out by the peasants in the village of Ngantru in Sela.

CHAPTER III

RESEARCH METHOD

Research method is a procedure that requires the mind to achieve a desired goal with various systems such as searching, recording, formulating, and analyzing until compiling a report.³⁰ The research methods used by the author in this study are as follows:

A. Types of Research

Research This research includes the type of empirical juridical research, namely examining legal provisions, and it happens in real terms in the community. Legal research regarding the enactment or implementation of normative legal provisions in action on certain legal events that occur in society.³¹ Or in other words, that is a research conducted on the actual situation or real conditions that occur in the community with the intention of knowing and finding the facts and data needed, after the data collected needed to be collected and then led to identification problems that ultimately lead to problem solving.³²

B. Research Approach

This research approach is a sociological approach or also known as an approach to facts or realities that exist in the field which is also supported by a juridical approach or also called an approach to legislation. The approach method

³⁰ Cholid Narbuko and Abu Achmadi, *Research Methodology*, (Jakarta: PT. Bumi Aksara, 2003), 1

³¹ Abdulkadir Muhammad, *Law and Legal Research*, (Bandung: Citra Aditya Bakti, 2004), 134.

³² Bambang Waluyo, *Legal Research in Practice* (Jakarta, Sinar Graphic, 2002), 15

used in this research is a sociological juridical approach. The sociological juridical approach is to identify and conceptualize law as a real and functional social institution in a real life system.³³ The legal approach (status approach) is a study of a legal product that has been made,³⁴ and Conceptual approach (Conceptual Approach), is an approach that does not exist and there is no rule of law on the problem faced.³⁵

C. Research Location

This research was conducted in Trenggalek Regency, East Java. The reason the researcher chose this location was because there was a spike in the most cases in East Java. The center of government is in Trenggalek District which is 180 km from capital of east Java. the capital city of East Java Province. This regency occupies an area of 1,205.22 km² which is inhabited by ± 700,000 people.³⁶

D. Data collection techniques

Data for a study is the material that will be used to answer research problems. Therefore, data must always be there so that the research problem can be solved. In this study, the types of data collected consisted of primary, secondary, and tertiary data. Primary data is data that is directly obtained from field research. This primary data was obtained by using questionnaires, interviews, and

³³ Soerjono Soekanto, *Introduction to Legal Research*, (Jakarta: Publisher University of Indonesia Press, 1986),51.

³⁴ Peter Mahmud Marzuki. *Metode Penelitian Hukum*. (Jakarta: Kencana, 2010),93.

³⁵ Johnny Ibrahim, *Teori &Metedologi Penelitian Hukum Normatif*. (Malang:Banyumedia,2007) 306.

³⁶ Wikipedia, accessed 27 February https://id.wikipedia.org/wiki/Kabupaten_Trenggalek

observations.

In this section, the researcher obtains accurate and authentic data because it is done by collecting data sources, both primary and secondary data, which are adapted to the research approach. The primary data collection techniques and secondary data used are:

Direct Interview Interview is a face-to-face interpersonal role situation, when someone, namely the interviewer, asks questions designed to obtain relevant answers. with research problems to respondents.³⁷ An interview is the process of asking each other and answering verbally in which two or more people come face to face by listening directly to the information needed. Interviews are conducted freely openly using a list of questions that have been prepared in accordance with the required problem answers without closing the possibility to add other questions that are spontaneous in relation to the answers given by the respondent.

Direct interviews in collecting social facts as material for empirical legal studies are carried out by means of direct question and answer where all questions are arranged in a systematic, clear and directed manner in accordance with the legal issues raised in the research. This direct interview is intended to obtain true and accurate information from previously determined sources. In the interview, all information obtained regarding what is desired is recorded or recorded properly.³⁸ Interviews were conducted to obtain information orally in order to achieve the goal

³⁷ Amiruddin, *Pengantar Metode Penelitian Hukum.* (Jakarta: PT Raja Grafindo Persada: 2006). 82.

³⁸ Sudarto, *Metodologi Penelitian Filsafat,* (Jakarta: Raja Grafindo Persada, 2002).71.

of obtaining accurate information from competent sources. The data processing was traced and obtained through direct interviews to:

- 1) Head of the Trenggalek Regency Satpol PP
- 2) Damri Sutrasno, SH, M.SI and 3 Pillars health protocol enforcement officer Sri Puji Rahayu.
- 3) Prokes Violators

Documentation techniques are data collection techniques in the form of data sources written or picture. Written or image, books, magazines, archives, personal documents, and photos related to research problems.³⁹

E. Types and sources of Data

Data used in this study consisted of three types, namely as follows: Primary data is obtained directly from the first source related to the problem to be discussed and researched. Secondary Data are data obtained from books as complementary data for primary data sources. The sources secondary data of this research are data obtained by conducting a literature review such as scientific books, research results and so on.⁴⁰ Secondary data includes documents, books, research results in the form of reports, and so on.⁴¹

F. Data Processing Methods

Data analysis is the process of grouping and sorting data into patterns, into categories and basic descriptions so that themes are found and can be formulated

³⁹ Sudarto, *Philosophical Research Methodology*, (Jakarta: Raja Grafindo Persada, 2002).71.

⁴⁰ Marzuki, *Research Methodology*, (Yogyakarta: PT. Hanindita Offset, 1983). 56.

⁴¹ Soerjono Soekanto, *Introduction to Legal Research*, 12.

working hypotheses. So in data analysis aims to organize the data that has been obtained from the field. then the author will manage and analyze the data using qualitative descriptive analysis. Qualitative data analysis can be done using data, organizing data, and sorting it into manageable units, intensifying it, searching and finding patterns, discovering what is important and what is learned, and finding what can be told to others.⁴²

Qualitative data analysis is a technique that describes and interprets the data that has been collected, in order to obtain a general and comprehensive picture of the actual situation.

Data reduction, the data obtained at the research location (field data) are included in a complete and detailed report. Field reports are re-processed, then filtered with the core and important things, then searched for themes or patterns. Furthermore, when data collection tookstage was place, a data reductionheld, then summarized, coded, traced themes, made clusters and wrote memos. The following is one of the data reduction activities carried out by researchers when researchers conducted interviews with one of the Traffic Traffic Units. The presentation of data is useful to make it easier for researchers to see the points as a whole or a particular part of the research. The presentation of data is manifested in the form of descriptions, and photos. The form for presenting the data in this study is by narrative text. Conclusions (*concluding drawings*) that is to verify repeatedly and

⁴² Lexy J. Moleong, *Qualitative Research Methodology*, (Ed. Rev, Jakarta: Teen Rosdakarya, 2010). 248

always update to get conclusions, namely from the beginning of entering the research location and during the data collection process. Researchers look for patterns, themes, similarities, things that often arise, which are outlined in conclusions. In this study, conclusions are drawn by taking the essence of a series of research results categories based on observations, interviews and documentation of research results.

CHAPTER IV

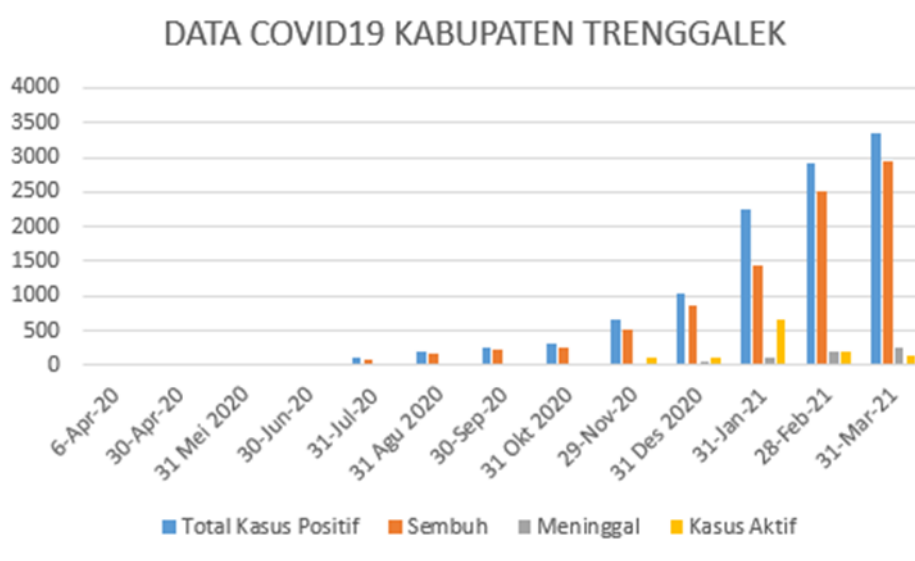
DISCUSSION

A. Effectiveness of the Trenggalek regents regulation number 31 of 2020 regarding the covid-19 pandemic health protocol

The government in overcoming the Covid 19 pandemic has issued policies, one of which is Presidential Instruction Number 6 of 2020 concerning Discipline Improvement and Law Enforcement of Health Protocols in Prevention and Control of Corona Virus Disease 2020. Then followed up by the respective regional heads, such as in the East Java region, the Governor of East Java inhibit the development and preventing the spread of Covid 19 issued Governor Regulation Number 53 of 2020 concerning the Implementation of Health Protocols in the Prevention and Control of Corona Virus Disease 2019. Then in the application of the sanctions provisions, it is contained in the East Java Provincial Regulation Number 2 of 2020 concerning Amendments to the East Java Provincial Regulation Number 1 of 2019 concerning the Implementation of Peace, Public Order, and Community Protection. Trenggalek Regent Regulation Number 31 of 2020 concerning Health Protocols Towards a New, Productive and Safe Normal Life Order During the Pandemic. Covid-19.

Trenggalek Regency is a Regency located in the southern part of the East Java Province, a regency with a dominance of mountainous and hilly areas in the southern coastal area of Java Island, directly adjacent to the Indonesian Ocean. Trenggalek Regency with an area of 126,140 Ha.

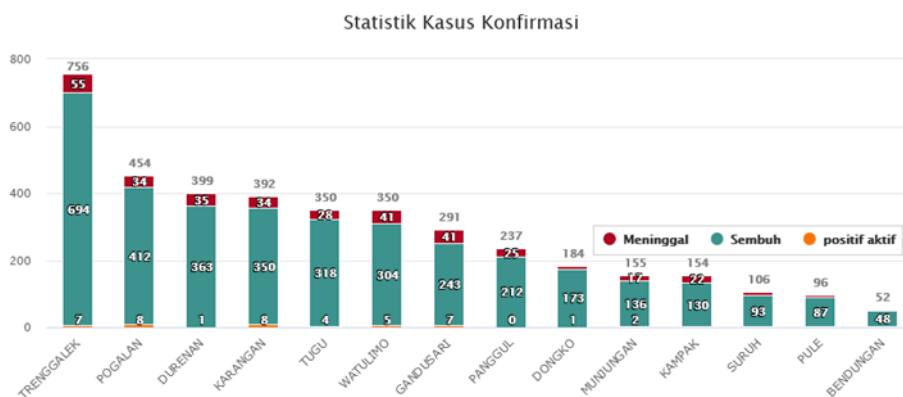
The development of the Covid 19 virus that continues to soar has made the Trenggalek Regency government alert in overcoming and controlling the spread of COVID 19. In early 2021 Trenggalek district became one of the regions in East Java Province with the highest Covid cases.⁴³



Graph 5 Trenggalek Regency Covid 19
(Source: Trenggalek Regency Health Office)

The graph above shows that the increase in positive cases of COVID-19 from early January 2021 to March 2021 experienced a very drastic spike. The death rate due to COVID-19 also increased which resulted in the enactment of PPKM.

⁴³ Fatimatuzzahro, Kasus Baru Covid 19 di Jatim Tembus 1056 Terbanyak dari Trenggalek Meninggal 71 Orang, *Surya.co.id*, accessed April 2021
<https://surabaya.tribunnews.com/2021/01/22/kasus-baru-covid-19-di-jatim-sehari-tembus-1056-terbanyak-dari-trenggalek-meninggal-71-orang>



Graph 6 Confirmation case statistics
(Source: Trenggalek Regency Health Office)

The areas in Trenggalek Regency that occupy the highest cases listed in the graph above are Trenggalek District, Pogalan and then Durenan. Along soaring cases of COVID-19 in Trenggalek and entering the red zone, the Trenggalek government then implemented a micro-scale Community Activity Restriction (PPKM) policy. This policy is in accordance with the instructions of Permendagri number 23 of 2021.

Trenggalek Regent, Mochamad Nur Arifin explained the mechanism for implementing this micro PPKM. In general, according to him, after the implementation of PPKM for approximately 1 month⁴⁴, Trenggalek Regency has experienced a decrease in the number of active cases from January to February. The number of cures is also getting higher, although the death rate is still high, above

⁴⁴ Nanang Masyari, Mulai Berlakukan PPKM Skala Mikro, Begini Penjelasan Bupati Trenggalek, *Berita Jatim.com*, accessed, 13 Maret 2021, <https://beritajatim.com/politik-government/mulai-berlaku-ppkm-skala-mikro-begini-pencepatan-regent-trenggalek/>

the average nationwide. Even though the healing rate has increased in value, the Trenggalek cure rate is still below the national average.

The application of Trenggalek Regent Regulation Number 31 of 2020 concerning Health Protocols Towards a Productive and Safe New Normal Life Order During the Pandemic Covid-19 as a form of prevention and control of Covid-19 is a process of realizing awareness about discipline and law enforcement protocols health that is not easy to obey. Abnormal behavior is shown by the people of Trenggalek Regency. During the covid 19 pandemic in Indonesia which increasingly shows positive cases, people seem unafraid and choose to go to tourist attractions, spend time walking in shopping centers, hold large tablighs, and other activities carried out in crowds. This is not in accordance with the government's call for social distancing and staying at home.⁴⁵

East Number 1 of 2019 concerning the Implementation of Peace, Public Order, and Community Protection. Trenggalek Regent Regulation^{Number} 31 of 2020 concerning Health Protocols Towards a Productive and Safe New Normal Life Order During the Pandemic Covid-19.

Law enforcement of health protocols for the control and prevention of covid 19 continues to be intensified in various areas in Trenggalek^{Regency} with reference to one of them in Perbub No. 31 of 2020. The regulation is intended as a reference for implementing health protocols for Stakeholders towards a New, Productive and

⁴⁵ Harirah MS, Zulfa 2020, *Responding to State Policy Reasons in Dealing with the Covid 19 Pandemic in Indonesia* Indonesian, Journal of Economics and Public Policy: Volume 7, No. 1, May 2020 ISSN: 2442-741, downloaded 23 October 2020

Safe Normal Life Order during the Pandemic COVID-19. This Regent Regulation aims to increase the participation of all Stakeholders in breaking the chain of transmission of COVID-19.

Article 6 paragraph (1) Perbub Trenggalek no. 31 of 2020 explains that⁴⁶:

(1) Health protocols towards a newnew normal life , productive and safeduring the Corona Virus Disease 2019 (COVID-19) pandemic must be implemented in public places and facilities, including:

- a. market, auction place and the like;
- b. grocery stores and the like;
- c. modern shops, shopping centers, malls and the like;
- d. hotels, inns, home stays and the like;
- e. restaurants, restaurants and the like;
- f. facilities for sports activities and the like;
- g. modes of transportation;
- h. terminals and ports;
- i. tourist attraction locations;
- j. hair beauty care services and the like;
- k. creative economy services;
- l. religious activities and places of worship;
- m. organizing events/meetings/celebrations;

⁴⁶ Article 6 paragraph (1) Perbub Trenggalek no. 31 of 2020 concerning Health Protocols Towards a New Normal Life Order that is Productive and Safe During thePandemic *Corona Virus Disease* 2019

- n. schools, educational institutions and skills, and the like; and
- o. public places and facilities.

Sanctions obtained by violators of the health protocol based on article 11 paragraph (2) Perbub Trenggalek no. 31 of 2020 as follows:

Article 11 paragraph (2) Managers/persons in charge of activities, business actors and individuals/groups as visitors or employees who do not implement the health protocols as stated in the Appendix which is an integral part of this Regent Regulation, will be subject to sanctions. gradually in the form of:

- a. verbal warning;
- b. written warning;
- c. cessation of activity; specifically for violations of the obligation to comply with health protocols for organizing events/meetings/celebrations, sanctions are imposed on activity cessation;

Article 9 of the East Java Governor Regulation Number 53 of 2020 concerning the Implementation of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 reads:⁴⁷

Article 9 paragraph (1) Anyone who violates the obligation to implement the health protocol as referred to in Article 5 paragraph (1) is subject to administrative sanctions, in the form of:

- a. verbal warning;

⁴⁷ Article 9 East Java Governor Regulation Number 53 of 2020 concerning the Application of Health Protocols in the Prevention and Control of Corona Virus Disease 2019

b. government coercion consists of:

- 1) crowd disbanding;
- 2) an order to leave the place with or without a special identification mark;
or
- 3) security/confiscation of Identity Cards and/or cards other identity for a certain period of time;

c. social work; or

d. administrative fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah).

Article 9 paragraph (2) Every business actor, manager, organizer, or person in charge of public places and facilities violating the obligation to implement health protocols as referred to in Article 5 paragraph (2) be subject to administrative sanctions in stages, in the form of:

- a. verbal warning/written warning;
- b. temporary suspension of action;
- c. administrative fines; and
- d. license revocation.

Article 15 East Java Governor Regulation Number 53 of 2020 concerning the Application of Health Protocols in the Prevention and Control of Corona Virus

Disease 2019 Satpol PP in implementing administrative sanctions as referred to in Article 9 can coordinate with:⁴⁸

- a. Provincial COVID-19 Task Force;
- b. Indonesian national army;
- c. Indonesian republic police;
- d. related regional apparatus;
- e. Regency/City Government; and/or
- f. The People

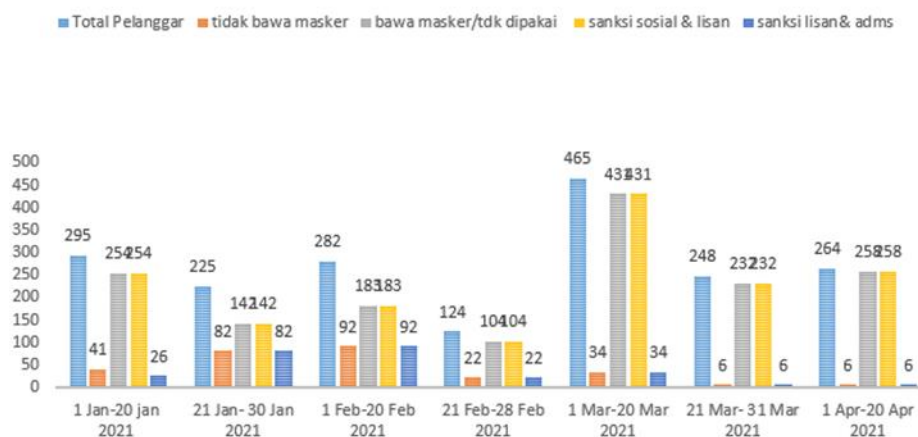
Implementation of health protocol enforcement in Trenggalek Regency is carried out together with 3 Pillars, namely the combined elements of the Civil Service Police Unit (SATPOL PP), Police, Army and Transportation.⁴⁹ Preventive efforts 3 pillars for preventing and protecting citizens from the spread of Covid-19, apparently continues to be carried out in various areas in Trenggalek Regency. With the regulation of Perbub 31 of 2020 and others, it seems that it is still not effective in its application as can be seen in the graph below, there are still many health protocol violators. The most frequent violation is not wanting to wear a mask even though carrying a mask. Most of the prokes violators do not want to wear masks because they forget and are not used to it or are tight when wearing masks. In the

⁴⁸ Article 15 of the East Java Governor Regulation Number 53 of 2020 concerning the Application of Health Protocols in the Prevention and Control of Corona Virus Disease 2019

⁴⁹ Halo Trenggalek, Unsur 3 Pilar Beri Edukasi Prokes Dan Bagikan Masker Di Jalur Antar Kecamatan, Haalo Trenggalek.com, accessed, 20 Maret 2021, [http://hallopolisi.com/elemen-3-pilar-beri-edukasi-prokes-dan-bagikan-masker-di-inter-district line/](http://hallopolisi.com/elemen-3-pilar-beri-edukasi-prokes-dan-bagikan-masker-di-inter-district-line/) accessed 12 April 2020

data of violators below, the increase occurred in early March 2021, which reached 465 violators of the health protocol.

DATA PELANGGAR PROKES TRENGGALEK



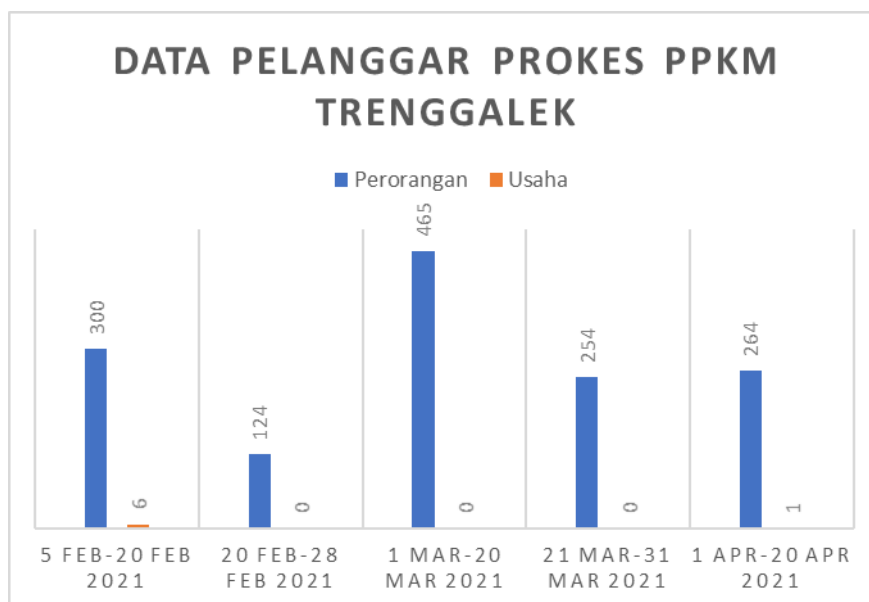
Graph 7 Trenggalek Prokes Violators Data
(Source: Trenggalek Regency SatpolPP)

Table 3
Data Of Covid 19 Case Of Trenggalek District

Date	Total Case Positif	Recovered	Dead	Case Aktif
6-Apr-2020	1	0	0	1
30-Apr-2020	2	1	0	1
31 Mei 2020	9	4	0	5
30-Jun-2020	27	19	0	8
31-Jul-2020	103	67	1	35
31 Agu 2020	192	162	4	26
30-Sep-2020	242	224	8	10
31 Okt 2020	305	267	12	26

29-Nov-2020	662	528	21	113
31 Des 2020	1039	872	46	121
31-Jan-2021	2237	1445	119	673
28-Feb-2021	2905	2507	188	210
31-Mar-2021	3341	2945	245	151

(Source: Dinkes Trenggalek)



Graph 8 Data on PPKM Prokes Violators
(Source: Trenggalek Regency SatpolPP)

Due to the soaring number of *COVID-19* cases, the Trenggalek government has imposed micro-scale Community Activity Restrictions (PPKM). This policy is in accordance with the instructions of Permendagri number 23 of 2021 from February 9 to February 22, 2021. This handling priority is according to the instructions of the Minister of Home Affairs. In Trenggalek Subdistrict there are Surondakan, Sumbergedong, Karangsoke, Ngantru, Tamanan, Kelutan, Parakan,

Rejowinangun and also Ngares. Pogalan sub-districts have Gumbleb, Ngadirenggo, Ngetal and Bendorejo. In Watulimo District there are Tasikmadu, Prigi and Watulimo.

In Gandusari District there is Sukorejo Village, Karangasari District is Karangasari Village. Tugu sub-districts have Sukorejo, Tumpuk, Gondang and Dermosari villages. Dongko is in Dongko Village and Panggul is in Wonocoyo Village. These villages are expected to apply a handling scenario in accordance with the instructions of the Minister of Home Affairs, where red zone areas are tightened, implementing a night curfew in each RT at 20.00 WIB. Then in the area around self-isolation, around areas of positive cases, close contacts, and so on, a limited area quarantine is applied. No one is allowed in and out of the neighborhood. People who are in the environment may not go out without permission by the local task force with permission.

Meanwhile, the needs of the people in the quarantined zone will be fulfilled by the district government and village government, including the logistics of basic necessities starting from carbohydrates, proteins and so on as well as needs such as animal feed during the quarantine period. must apply the same protocol. For the extended time limit which was previously curfew at 19.00, according to the instructions of the Minister of Home Affairs, it is enforced until 21.00. Then the capacity of the restaurant which was previously 25%, all restaurants must be installed at 50% capacity and the tables are given a table divider. Because the most risky is when eating together and all waiters please wear masks or other protective equipment.

Below are also some results of direct interviews from several respondents from the 3 pillars law enforcers who work in Trenggalek As stated by:

Head of Regional Legislation Enforcement Damri Sutrasno, SH, M.SI⁵⁰

"Health Protocol is a way to prevent, carried out by individuals or groups. One of the procedures that must be implemented is wearing a mask, washing hands, and maintaining a minimum distance of 1 meter. The COVID-19 pandemic is a contagious virus, to prevent and control the virus, you must comply with health protocols. Not crowding, and gathering mobs of more than 20 people. Trenggalek Regency in enforcing the Health protocol refers to the Governor's Regulation Number 53 of 2020 concerning the Application of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 Regional Regulation of the Province of East Java Number 2 of 2020 concerning Amendments to the Regional Regulation of the Province of East Java Number 1 of 2019 concerning the Implementation of Peace , Public Order, and Community Protection. Trenggalek Regent Regulation Number 31 of 2020 concerning Health Protocols Towards a Productive and Safe New Normal Life Order During the Pandemic Covid-19. With this legal basis, the Trenggalek district government together with 3 joint pillars namely SatpolPP, Police, TNI and transportation carry out judicial operations for prokes enforcement throughout the Trenggalek Regency area, including roads, markets, shops and other public facilities."

⁵⁰ Damri Sutrasno, *Wawancara Langsung*, 30 April 2021

Health Protocol Enforcer Sri Puji Rahayu also said⁵¹ “The sanctions for violating health protocols are social, verbal and administrative sanctions. The sanctions are in the form of sweeping, singing the compulsory anthem, Pancasila. For administrative fines determined by the trial by the prosecutor, violators can be subject to administrative sanctions if they do not use masks when leaving the house. Social and verbal sanctions can apply if violators bring masks but masks are not worn. There are also prokes violators who are not cooperative, many prokes violators violate it because they don't want to use it, because they forget, and are not used to it. With the Perbub 31 of 2020 and the underlying regulation, this regulation is actually more effective than before, which did not exist, but there are still people who underestimate and only want to wear masks when there are health protocol raids.”

The author also interviewed one of the health protocol violators, named Agung, who revealed that "the reason for not wearing a mask is forgetting because he is used to not wearing a mask before. Wear a mask only when crossing the road. Even though they are aware of the health protocol regulations, they have not implemented them yet.”

The above description is the result of direct interviews with the informants.

Based on the analysis of the theory of Legal Effectiveness by Soerjono Soekanto The effectiveness of the law whether or not a law is effective is determined by the factors that influence it :

⁵¹ Sri Puji Rahayu, *Wawancara Langsung*, 30 April 2021

- a. Legal Factors Own In general, it can be said that good legal regulations are legal regulations that apply juridically, sociologically, and philosophically. Where the better a legal regulation is enforced, the more likely it is to enforce it. On the other hand, the poorer the law is, the more difficult it is to enforce it. In this case, the Trenggalek government has been selective by issuing selective regulations for the prevention of COVID-19 in Trenggalek Regency.
- b. Law Enforcement Factors The parties directly involved in the law enforcement process, namely the police, prosecutors, courts, advocates, and correctional facilities have a very important and decisive role in the success of law enforcement efforts in society.
- c. Factors of facilities or facilities that support law enforcement. In law enforcement, the Trenggalek health protocol includes skilled law enforcers with adequate equipment and supported by well-supported institutions.
- d. Community factors, namely the environment in which the law applies and is applied. In the enforcement of this health protocol, there is still a lot of public awareness that is still low, many people only bring masks but do not wear them.
- e. Cultural factors, namely as a result of work, creativity and taste based on human initiative in social life. Culture is one of the most important in law enforcement in society. the number of people who still underestimate the virus has created a new culture for the community so they don't want to use masks according to good and correct health protocols.

B. Government policy Trenggalek in handling Covid 19 and reviewed from an Saddu Al-Dzari'ah Perspective

1. Health Protocol Law Enforcement Policy in an effort to handle and control Covid-19.

In early 2020, countries in the world were shocked by the discovery of a virus originating from Wuhan China, namely Corona Virus disease 19. In overcoming the transmission and control of the virus, the government issued policies to control the covid. one of them was when the government ordered the Indonesian embassy in China to pay attention to Indonesian citizens who were isolated in Wuhan. In early February 2020 the Indonesian government evacuated 245 Indonesian citizens who were in Wuhan to be brought back to Indonesia. The Indonesian citizens were immediately quarantined for 14 days for further observation on Natuna Island.⁵²

The Indonesian government has said it is conducting surveillance at airports, airports and across land borders. The surveillance is carried out so that areas that have direct access to China can be detected, especially in 19 areas, big city namely Jakarta, Bandung, Palembang, Denpasar, Surabaya, Batam. In early March 2020, the first positive confirmation case was found in Indonesia when it was initiated by two residents of Depok, West Java.⁵³

⁵² Singgih Wiryono, "Evacuation of 245 Indonesians in Wuhan, Arrived in Indonesia Immediately Quarantined in Natuna" *Kompas.com*, accessed February 18, 2021, <https://nasional.kompas.com/read/2020/02/02/08010851/evakuasi-245-wni-di-wuhan-sudden-in-Indonesia-direct-quarantine-in-natuna?page=all>

⁵³ Rindi Nuris "A Flashback of the Chronology of the Emergence of the First Case of Covid-19 in Indonesia" *Megapolitankompas.com*, accessed March 15, 2021 <https://megapolitan.kompas.com/read/2021/03/02/05300081/kilas-balik-chronology-of-the>

who worked as dance party dancers at the Paloma and Amigos Clubs in Jakarta. At the event the participants involved in it were not only Indonesian citizens but also from abroad.

As time goes by, soaring of confirmed cases of COVID-19 is increasing. This has caused panic among the people of Indonesia. One of those affected is in the economic sector. The impact will be very widespread, starting from politics, economy, social, culture, and community welfare. In this case, Indonesia cannot rely solely on health workers and infrastructure, but must also involve the community and a supportive health system.

The total closure of the tourism sector has paralyzed tourism and the economy in Indonesia. Closure of crowded centers such as shopping centers, recreation parks, sports centers, and so on. The paralysis of various sectors of state revenue and the circulation of state finances resulted in a drastic decline in the Indonesian economy. This decline resulted in many companies losing money and had to lay off their employees. Not only in the economic sector, but it also affects the education sector, which results in students and students doing online learning. By being online, students become less effective.

The government in overcoming and controlling the COVID-19 issued its policies, namely in early March 2020 limiting foreign nationals who would visit Indonesia. Through the Ministry of Foreign Affairs announced to limit the arrival of foreigners by suspending visa-free (169 countries), visa-

on-arrival, and diplomatic visa-free. This is a continuation of the ban on the arrival of people from corona-endemic countries, such as China and South Korea. The entry ban to Indonesia was also given to travelers from eight other countries.⁵⁴

The spread of covid-19 has spread in various countries, as a result in March 2020 WHO determined this infection to be a pandemic.⁵⁵ With this status, the Government issued new rules related to the Covid-19 Pandemic. The implementation of government authority in the form of these policies must of course also be accompanied by considerations regarding the steps and consequences that may arise.

It is hoped that the policies taken can be implemented with measurable steps and can result in cause inhibition spread of Covid-19 in Indonesia. The global pandemic indicates covid-19 infection is so rapid that almost all countries cannot prevent coronavirus.

As a result of the increasingly widespread spread of Covid-19 in Indonesia, the government has taken a policy to deal with it. Policy setting is an important factor for the state to achieve its goals. This policy is then

⁵⁴ Femi Diah, “Government Restricts Foreigners from Entering Indonesia Starting Today”, Detik.com, accessed 23 April 2021, <https://travel.detik.com/travel-news/d-4946519/government-limit-orang-asing -enter Indonesia-start-today>

⁵⁵ Gita Laras, “WHO Defines COVID-19 As A Global Pandemic, What Does It Mean?”, Natinal Geographic, accessed April 4, 2021 <https://nationalgeographic.grid.id/read/132059249/who-tetap - covid-19-as-a-global-pandemic-what-means The>

followed and implemented by the actors (stakeholders) in order to solve a particular problem.⁵⁶

To prevent the spread, the government addressed it by using a large-scale Social Restriction system, which started from several regions, such as DKI Province, have been started from April 10, 2020 to April 23 2020, and then followed by Provinces and regencies/ other cities, such as Banten Province in Tangerang Regency, and Tangerang City. In Province West Java, starting from Bogor City, Bekasi City, and Depok City.

The PSBB policy itself refers to Law Number 6 of 2018 concerning Health Quarantine. To support its implementation, the government released two derivative regulations, namely Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions and Presidential Decree on Health Emergencies. With the existing regulations, the President asked regional heads not to make their own policies and to remain coordinated with the central government through the Chair of the Task Force.

The PSBB can be proposed by the governor/mayor to the Minister of Health with the consideration of the Chair of the Task Force, or it can be proposed by the Chair of the Task Force to the Minister of Health. At the same time, the public is also asked to maintain a safe distance to prevent the spread of the virus. Maintaining a safe distance between people (social

⁵⁶ Akib, H. *Implementation of the Makassar Non Rantasa (MTR) Program Policy in Makassar City*. Scientific Journal of Public Administration, 24.

distancing) and limiting all access in and out of and from an area is considered influential in handling the spread of Covid-19.

The government has apply a PSBB policy to prevent the spread of Covid-19 transmission. Technical details and requirements regarding PSBB are stated in the Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020 concerning Guidelines forScale Social Restrictions Large-in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19) which was signed by the Minister of Health of the Republic of Indonesia. PSBB is a restriction on certain activities of residents in an area suspected of being infected with the 2019 corona virus disease (Covid-19) in such a way as to prevent the possibility of its spread. The Covid-19 pandemic can be categorized as a public health emergency, which is an extraordinary public health event marked by the spread of infectious diseases and/or events caused by nuclear radiation, biological pollution, chemical contamination, bioterrorism, and food that poses a health hazard and has the potential to spread. across regions or across countries.⁵⁷

President Joko Widodo issued a Presidential Instruction regarding the Implementation of the Covid-19 Health Protocol. This policy is stated in Presidential Instruction Number 6 of 2020 concerning Discipline Improvement and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019, necessary for the prevention and

⁵⁷ Article 1 paragraph 2 of Law Number 6 of 2018 concerning Health Quarantine.

control of Covid-19. This Presidential Instruction is intended for all provinces, regencies/cities and all regions of Indonesia. Law enforcement is a rule that mandatory for the community to carry out life.

Law enforcement is not solely on the implementation of legislation or in the form of judges' decisions. Law enforcement is also inseparable from the main problems that hit, namely there are factors that influence it either directly or indirectly. These factors have a neutral meaning so that they can cause both positive and negative impacts. Factors according to Soerjono Soekanto law enforcement, as follows :⁵⁸

- a. Legal Factors Itself In general, it can be said that good legal regulations are legal regulations that apply juridically, sociologically, and philosophically. Where the better a legal regulation is enforced, the more likely it is to enforce it. On the other hand, the poorer the existing legal regulations, the more difficult it is to enforce them.
- b. Law Enforcement Factors The parties directly involved in the law enforcement process, namely the police, prosecutors, judiciary, advocates, and correctional institutions have a good contribution and decisive role in the success of enforcement efforts. law enforcement in society. In the enforcement of discretionary law, law enforcement officers are very important, because:in society.

⁵⁸ Soerjono Soekanto. *Factors Affecting Law Enforcement*. (Jakarta: Raja Grafindo, 1983, 15.

- 1) There is no legislation that is so complete that it is able to regulate all human behavior
- 2) There is a delay in adjusting the legislation to developments in society, resulting in legal uncertainty
- 3) Lack of cost to implement legislation as required by lawmakers
- 4) There are individual cases that require special handling

In ensuring Presidential Instruction No. 6 of 2020 concerning Improving Discipline and Law Enforcement Health Protocol in Corona Virus Prevention and Control Virus Disease 2019 is going well, it needs involvement from all parties so that law enforcement from Presidential Instruction Number 6 of 2020 is in line with expectations. Muhadjir Effendy as the Coordinating Minister for Human Development and Culture (Menko PMK) explained, the Presidential Instruction was issued to emphasize and signal to the public that health protocols are serious matters to be obeyed, therefore the government is taking more serious steps by making efforts to enforce health protocols are institutionalized in the form of an Inpres.⁵⁹

The Presidential Instruction is something that must be done in a condition where the government asks the public to comply with health protocols, if they want to reduce risk. In one of its provisions, Presidential

⁵⁹ JDIH Kemenkop, Inpres nomor 6 Tahun 2020, accessed, 20 Maret 2021
<https://jdih.kemenkopmk.go.id/berita-article/inpres-nomor-6-tahun-2020-confirming-the-protocol-kesehatan-hal-serius-untuk-dipatiuhi>

Instruction No. 6 of 2020 instructs regional heads to make derivative regulations related to the obligation to comply with health protocols for individuals, business actors, managers, organizers, or owner's head of public places and contains sanctions for violations of the application of protocols Covid-19 control.

The description of a structured implementation planning related to the actors and work procedures in Presidential Instruction No. 6 of 2020, should also be contained in the regional head regulation, even if possible, the regional head regulation as a derivative rule, should be more detailed than what is stated in the Presidential Instruction. Thus, in the regional head regulation, it must regulate which actors are involved in implementing regional head regulations, as well as how to design operational policies that must be carried out. It must be clearly described in the regional head regulations regarding what preventive and repressive measures must be regulated, from the conceptual to operational levels.

Referring to Presidential Instruction Number 6 of 2020 concerning Discipline Improvement and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019, all regional heads in Indonesia, both governors and regents/mayors, have issued policies to improve protocol discipline in preventing and controlling Covid-19 according to the conditions of each region. These policies are, of course, in accordance with the Presidential Instruction delivered through Presidential Instruction Number 6 of 2020 concerning Improving Discipline and Law Enforcement

of Health Protocols in the Prevention and Control of Corona Virus Disease 2019.

Presidential Instruction on the Law of Health Protocols in the Prevention and Control of Corona Virus Disease 2019, also instructs the provision of hand washing facilities with soap that are easily accessible and meet standards or the provision of hand sanitizer in public places, efforts to maintain social distance, and periodic environmental cleaning and disinfection. In its application, nowadays we have encountered many hand washing facilities in almost every place, whether in public places such as parks, markets, shopping centers, as well as offices and schools. But not infrequently there are still many places that do not have a place to wash hands.

In an effort to regulate distance, it has been carried out in every public place such as parks and shopping centers such as malls and supermarkets, while for public places such as the market itself it is still not optimal in the effort to implement this distance. Meanwhile, periodic environmental cleaning and disinfection have been carried out in accordance with the instructions. However, in recent months, people are starting to be careless and no matter the harmful impact of Covid-19.

This can be found number of people who do not use masks in public places, and do not even keep their distance in the crowds. This identifies that no matter how good the regulations made by the government, as well as no matter how firm law enforcement officers are in carrying out the applicable

regulations, if they are not supported by public awareness in protecting themselves, there will never be a law enforcement as desired.

Following up on the promulgation of Presidential Instruction no. 6 of 2020 later in regional areas, one of which is in the province of East Java to follow up. This then On 7 September 2020 the governor of East Java signed Governor Regulation No. 53 Years concerning the Implementation of Health Protocols in the Prevention and Control of Corona Virus Disease 2019.⁶⁰ Which was then followed up by the respective regional heads in the province of East Java, one of which was Trenggalek Regency. Trenggalek Regency in following up on the Regional Regulation then issued a policy in Regent Regulation No. 31 of 2020 concerning Health Protocols Towards a Productive and Safe New Normal Life Order safety the Pandemic Covid-19).

From these policies, law enforcement also refers to the East Java Regional Regulation No. 2 of 2020 concerning Amendments to the East Java Provincial Regulation No. 1 of 2019 concerning the Implementation of Peace, Public Order, and Community Protection. One of the regional regulations is that it contains sanctions for violators of the health protocol.

Trenggalek Regency is one of the regions in East Java that experienced the highest spike in COVID-19 cases, with positive confirmed status experiencing a very drastic increase, the local government officially

⁶⁰ Dinkes Jawa Timur, Peraturan Gubernur Jtim nomor 53 Tahun 2020 , accessed 18 April 2021 <https://dinkes.jatimprov.go.id/userfile/document/PERGUB-JATIM-53-THN-2020-PROTOCOL-HEALTH.pdf>

imposed the Implementation of Micro-scale Community Activity Restrictions (PPKM) from 9-22 February 2021. Micro PPKM This will take place in 24 villages spread across eight sub-districts, in Trenggalek Regency.⁶¹

In an effort to reduce the number of infected, various policies available in the Act have been selectively tried by the Government, including the Large-Scale Social Restrictions (PSBB). However, the implementation of PSBB is considered ineffective in controlling the outbreak, which is why the Government initiated the implementation of the Implementation of Community Activity Restrictions (PPKM) which in the Instruction of the Minister of Home Affairs is called PPKM in order to control the spread of Covid-19. The policy was first enacted by the Government through the Instruction of the Minister of Home Affairs No. 01 of 2021 concerning the Enforcement of Activity Restrictions for the Implementation of Activity Restrictions to Control the Spread of Covid-19. The PPKM policy is considered by the Government to be far more effective in tackling the development of the Covid-19 virus compared to the PSBB policy.

Several countries, including Spain, France, Germany and Italy, have implemented total area restrictions, known as *lockdowns*.⁶² The Indonesian government, both at the central and regional levels, often uses a variety of

⁶¹ Aflahul Abidin, Trenggalek Resmi ikut menerapkan PPKM Mikro, Pemkab Akan ikut Kebijakan seperti ini, *Surya.co.id*, accessed 14 Maret 2021, <https://surabaya.tribunnews.com/2021/02/09/trenggalek-resmi-ikut-apply-ppkm-mikro-pemkab-akan-laksana-policy-like-ini>

⁶² Kai Wang et al., "Modelling the Initial Epidemic Trends of COVID-19 in Italy, Spain, Germany, and France," *PLoS ONE* 15, no. November 11 (2020): 1–14, <https://doi.org/10.1371/journal.pone.0241743>.

different terms in each issued regulation. These various terms include Large-Scale Social Restrictions (PSBB), Local-Scale Social Restrictions (PSBL), Transitional PSBB, and most recently, the Enforcement of Community Activity Restrictions (PPKM). This PPKM policy is one of the policies to overcome the Covid-19 Pandemic outbreak which does not have a clear legal position, this is because the phrase Enacting Activity Restrictions for Controlling the Spread of Outbreaks is not contained in Law no. 6 of 2018 concerning Health Quarantine. UU no. 6 of 2018 only recognizes the terms Large-Scale Social Restrictions (PSBB), Home Quarantine, Regional Quarantine and Hospital Quarantine.

2. Prevention and Control of Covid 19 According to the Saddu Al-Dzari'ah Perspective

Sadd dzara'i means that it has become a designation for prevention of intermediaries/means to damage Ibn Qayyim (w: 751 H). He means sadd dzari'ah, namely "Forbidding and rejecting everything". which can be a means of prohibition, to prevent damage and danger. As is the case in dealing with the COVID-19 pandemic, the government prohibits Friday prayers, maintains a distance when praying because to avoid the spread of the virus. The placement of dzari'ah is one of the arguments in establishing the law even though its use is disputed, even though the syara' does not clearly stipulate the law of an act, but the act is determined as a wasilah of an act that is clearly prohibited, then this becomes an indication or argument that Wasilah law is as stipulated by syara' for the main action.

Logically, when a person allows an action, he should also allow anything that will lead to it. Vice versa, If someone forbids an action, then he should also prohibit everything that can be done lead to the action. This is in line with the expression of Ibn Qayyim (tt) in the book *A'lâm al-Mûqi'în*: "When Allah forbids a thing, then Allah will prohibit and prevent all roads and intermediaries that can lead to him. That matter to strengthen and confirm the prohibition. But if Allah allows of all these avenues and intermediaries, of course this is contrary to the prohibition that has been established."

Judging from the object or aspect of the consequences, Ibn al-Qayyim (2010: 496) classifying *adz-dzari'ah* into four kinds, namely:

- a. An act that is basically bound to cause damage (*mafsadah*). Thing This is for example consuming liquor which can lead to drunkenness and adultery which leads to the ambiguity of the origin of the lineage.
- b. An act that is basically allowed or recommended (*mustahab*), but deliberately used as an intermediary for something bad to happen (*mafsadah*). For example marry a woman who has been divorced three times so that the woman may be married (*at tahlil*). Another example is buying and selling in a certain way which results in the element of usury appears.
- c. An act that is basically allowed but is not intentional to cause har a bad thing (*mafsadah*), and in general the bad thing still happens even though it doesn't happen intentional. The harm (*mafsadah*) that is likely to occur is greater as a result than the good (*maslahah*)

achieved. An example is berating idols who worshiped by the polytheists.

- d. An act that is basically permissible but sometimes can cause evil (mafsadah). The good that is caused is greater than the consequences its bad. For example, seeing a woman who is being proposed to and criticizing the leader despot.

The Increasing number of people infected with the corona virus (Covid-19) certainly makes most people feel anxious and restless. However, as a religious community the Covid-19 pandemic has actually become an opportunity to gain various main deeds, not only worshiping God but also kindness towards fellow human beings. As exemplified by the Prophet Muhammad SAW when in his time there was also a pandemic that infected many people.

Prophet Muhammad SAW also once warned his people not to be close to areas that were affected by the plague. On the other hand, if you are in a place affected by the epidemic, you are prohibited from going out As narrated in the following hadith⁶³: "If you hear of a plague in an area, then do not enter it. But if a plague occurs where you are, then do not leave that place." (Narrated by Bukhari).

At the time of the caliph Umar bin Khattab there was also a outbreak disease. In a hadith narrated, Umar was on his way to Sham and he received

⁶³ Khasah Islam, Berbagai Wabah Zaman Nabi Muhammad SAW dan Penanggulannya, Dompot Dhuafa.org, accessed 21 Maret 2021, <http://dompetdhuafa.org/en/berita/detail/wabah-zaman-nabi>

news about a disease outbreak. The hadith narrated by Abdullah bin 'Amir said, Umar then did not continue the journey with the hadith ⁶⁴:

"Umar was on his way to Sham, when he arrived at a region called Sargh. At that time Umar received news of an epidemic in the area of Sham. Abdurrahman bin Auf then told Umar that the Prophet Muhammad had said, "If you hear of a plague in an area, then do not enter it. But if there is a plague where you are, then don't leave that place." (Bukhari).

In the same hadith, Abdullah bin Abbas narrated and narrated by Imam Malik bin Anas, Umar's decision was doubted by Abu Ubaidah bin Jarrah. He was the leader of the group. which was brought by Caliph Umar. According to Abu Ubaidah, Umar should not return because it was against Allah's orders. Umar replied that he did not run away from Allah's provisions, but went to His other provisions. Abdurrahman bin Auf's answer helped strengthen the caliph's decision not to continue the journey due to disease outbreaks.

Corona virus outbreak that occurs today, if seen from the history of the prophet is an outbreak that has occurred with almost the same conditions, so the handling is the same. Therefore, to overcome the outbreak, one of them is to apply quarantine or isolation to sufferers. Then the Apostle commanded not to go near or see the lepers. Thus, quarantine methods have been applied since the time of the Prophet to prevent infectious disease outbreaks from

⁶⁴ Enslikopedia Hadith, accessed March 12, 2021

spreading to other regions. To ensure the order was implemented, the Apostle built a wall around the plague area. The Prophet also warned his people not to approach the area that is being affected by the plague. Conversely, if they are in a place affected by the plague, they are forbidden to go out. Special quarantine and isolation policies that are far from residential in the event of an infectious disease outbreak. When isolated, the sufferer is examined in detail. Then the treatment measures are carried out with close monitoring. During isolation, a qualified medical officer is provided and able to provide appropriate treatment to the sufferer. Isolation officers are given special security to avoid contracting it. The central government continues to provide food supplies to isolated communities.⁶⁵

As a Muslim, it is better to do also this quarantine or "social distancing" endeavor, so improve our spiritual. If you can travel further, as a Muslim all this plague is a mercy, to continue to make it as a way to continue to draw closer to God Almighty, so that when the level of submission is high it will be felt calmness and salvation also to Allah Almighty, by always involving Him, and hope all these plagues will end, and can also be found soon the cause He is the All-knowing, the All-knowing Creator.⁶⁶ Thus, lockdown and social distancing is one of the best choices used by MUI to

⁶⁵ Mukharom, Havis Aravik. "*Kebijakan Nabi Muhammad SAW. Menangani Wabah Penyakit Menular Dan Implementasinya Dalam Conteks Menanggulangi Coronavirus Covid-19*". Jurnal Sosial & Budaya Syar-i FSH UIN Syarif Hidayatullah Jakarta Vol. 7 No. 3 (2020).

⁶⁶ Indriya. "*Konsep Tafakkur Dalam Al-Quran Dalam Menyikapi Coronavirus (Covid 19)*". Jurnal Sosial & Budaya Syar-i FSH UIN Syarif Hidayatullah Jakarta Vol. 7 No. 3 Tahun 2020

inhibit the development of the covid-19 virus. It is not permissible for us to pray in the mosque, nor is it forbidden to gather in the congregation, but merely to protect ourselves and others from the dangers of the Covid-19 virus.

Covid-19 that is spreading in Wuhan and has now spread around the world allows for human actions, therefore Muslims need to pay attention to the teachings of Islam related to this outbreak. There are many other evidences in the Qur'an that can be learned to take important lessons for mankind. In addition, there is an important prophet's words that also become the center of attention of Muslims addressing the problem of plague. The evidence can be described below:

وَلَنَبْلُوَنَّكُمْ بِشَيْءٍ مِّنَ الْخَوْفِ وَالْجُوعِ وَنَقْصٍ مِّنَ الْأَمْوَالِ
وَالْأَنْفُسِ وَالْثَّمَرَاتِ ۗ وَبَشِّرِ الصَّابِرِينَ

The translation; "And we will surely test you with a little fear and hunger and lack of wealth, lives and fruits. And give glad tidings to the patient." Qs. Al-Baqarah [2]: 155)⁶⁷

As for the things related to Covid-19, we can find several fatwas mui and religious organizations, among others:

- a. Replacing Friday Prayer with Duhur Prayer in the house of Friday Prayer is an obligation for Muslims, fardlu 'ain for balligh men, sized, healthy (not sick or not hindered udzur), muqim (not on the way. But when there is a Covid-19 outbreak that is transmitted very

⁶⁷ Al-Qur'an dan Terjemahnya (Jakarta: Depag RI, 1995), hlm. 39

quickly when there is a crowd, then the obligation becomes haraam, if it is sick. As the Hadeeth of the Prophet (peace and blessings of Allaah be upon him) said: "Let not the sick mix with the healthy" (HR. Bukhari Muslim)⁶⁸

- b. Leaving Friday prayers many times hadith of the Prophet (s): "Whoever leaves Friday prayers three times without udzur, he will be classified as a munafiq". So if you leave Friday prayer with disdain and without excuse, then it is haraam to do so. However, the outbreak of Covid-19, this situation falls into the category of Udzur. Some of the excuses that allow not to pray Friday include: heavy rains that if it can wet his clothes and cause pain, fears of the safety of life, self-respect and safety of his property.⁶⁹
- c. The prayer line is away, Ulama' Madzhab Hanafi, Maliki, Shafi'i and Hambali state that the ruling on taswiyah shufuf is mustahab (not obligatory), so leaving the neatness of shaf (prayer line) does not cancel the prayer. So performing the congregational prayer with a distance of 1 meter is still valid to pray.⁷⁰ Because maintaining safety and health is a goal that should not be ignored in Islam.

⁶⁸ Faried F. Saenong, dkk, Fikih Pandemi: Beribadah di masa wabah, (Jakarta: Nuo Publishing 2020), hlm., 15

⁶⁹ Faried F. Saenong, dkk, 2020, Fikih Pandemi: Beribadah di masa wabah, hlm 17.

⁷⁰ Faried F. Saenong, dkk, 2020, Fikih Pandemi: Beribadah di masa wabah, hlm 22.

- d. Closing the mosque to migrants, Hadith of the Prophet (s): "If you hear the news of the outbreak of tha'un in a region, do not enter it. And if you are in it, do not go out of it. (HR. Bukhari and Muslim). This hadith becomes the grip of citizens and even the government in deciding the policy of Lockdown or PSBB (Large-Scale Social Restrictions) for areas classified as The Red Zone of Covid-19.⁷¹
- e. Wearing a mask during the prayer of Imam Nawawi in al-Majmoo' states makruh using litsam (mask) on the evidence that "The Messenger of Allaah forbids anyone to pray by covering their mouth". (Narrated by Abu Dawood). The situation of the Covid-19 pandemic, which is transmitted through the mouth and nose, while it is uncertain whether the place of prostration has been sterile from the virus, it is permissible to wear a mask because of the emergency. Because the principle of the fiqhiyah rule of rejecting madurot takes precedence over taking advantage. However, it is preferable not to wear a mask, but by bringing your own prayer mat from home. Moreover, if it can be ensured that the place of prostration has been sterile, then it is not recommended to wear a mask.
- f. Using Hand Sanitizer made from alcohol active ingredients that in kalagan ulama' states that alcohol is unclean, including fragrances.

⁷¹ Riadi Jannah, Fiqih Ibadah Perspektif covid19, Kemenag.go.id, accessed 20 Maret 2021
<https://bdkjakarta.kemenag.go.id/berita/fiqih-ibadah-perspektif-covid-19>

Imam Ash Shaukani is one who states not unclean. Mui fatwa in 2009 states that in principle alcohol law depends on the manufacturing process. If it is made or produced from unclean material, then the ruling is haraam to use, especially during prayer. If it is made of material that is not unclean, then it can be used. On that basis, it is permissible to use a hand sanitizer, especially if it is difficult to find water to wash.⁷²

⁷² Faried F. Saenong, dkk, *Fikih Pandemi: Beribadah di masa wabah*,(Jakarta 2020), 22.

CHAPTER V

CLOSING

A. Conclusion

1. The results of this study explain that the action against people who do not use masks and do not apply health protocols in accordance with Trenggalek Regent Regulation Number 31 of 2020 concerning Health Protocols Towards a Productive and Safe New Normal Life Order During the Pandemic Covid-19. Based on the analysis of the theory of Legal Effectiveness by Soerjono Soekanto The effectiveness of the law whether or not a law is effective is determined by the factors that influence it Community factors, namely the environment in which the law applies and is applied. In the enforcement of this health protocol, there is still a lot of public awareness that is still low, many people only bring masks but do not wear them. Cultural factors, namely as a result of work, creativity and taste based on human initiatives in social life. Culture is one of the most important things in law enforcement in society. The number of people who still underestimate the virus creates a new culture for the community so they don't want to use masks according to good and correct health protocols. So in Trenggalek Regent Regulation No. 31 of 2020 can be concluded that it has not been effective when viewed from these two factors.
2. The Saddu dzari'ah is one of the arguments in establishing the law even though its use is disputed, even though the syara' does not clearly stipulate the law of an act, but the act is determined as a wasilah of an act that is clearly

prohibited, then this becomes an indication or argument that Wasilah law is as stipulated by syara' for the main action. If everyone can be disciplined in obeying the hadith above and the rules taken from it, slowly but surely the chain of spreading the corona virus can be broken. To implement the above hadith, it is possible to provide hand soap and running water en masse. If possible, masks are also provided so that everyone who enters mosques, markets and community gathering places wears a mask.

B. Suggestions

Based on the conclusions above, there are suggestions as follows:

1. It is hoped that the government will continue to make policies for the good of the country and also the community, according to the development of Covid-19 in Indonesia.
2. It is also hoped that all Indonesian people, especially the people of Trenggalek, will continue to comply with health protocols to prevent the spread of Covid-19.

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ATTACHMENT



Interview with Resource Person



Interview with Resource Person



verbal sanctions for violators



verbal sanctions for violators



administrative sanctions for violators



3 pillars of law enforcement

ATTACHMENT



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341)559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 723 /F.Sy.1/TL.01/04/2021
Hal : **Pemohonan Izin Penelitian**

Malang, 22 April 2021

Kepada Yth.
Kepala Kesbangpol Kabupaten Trenggalek
Jl. HOS Cokroaminoto No.1, Krajan, Surodakan, Kec. Trenggalek, Kabupaten
Trenggalek, Jawa Timur 66316

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : ENDAH TRIRAHAYU
NIM : 17230059
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
**Implementasi Penegakan Hukum Terhadap Pelanggar Protokol Kesehatan di Masa
Pandemi Covid 19 Di Kabupaten Trenggalek**, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Tembusan :
1. Dekan
2. Ketua Prodi Hukum Tata Negara
3. Kabag. Tata Usaha

Picture 1 Research permit application



PEMERINTAH KABUPATEN TRENGGALEK
SATUAN POLISI PAMONG PRAJA DAN KEBAKARAN
Jl. A. Yani No. 07 Telp (0355) 7983113
TRENGGALEK

SURAT KETERANGAN

Nomor : 890/209/406.013/2021

Yang Bertanda Tangan dibawah ini :

Nama : DAMRI SUTRASNO,SH,M.Si
NIP : 19640609 199003 1 008
Jabatan : Kabid Penegakan Perundang – Undangan Daerah

Menerangkan dengan sesungguhnya bahwa :

Nama : ENDAH TRIRAHAYU
NIM : 17230059
Prodi : Hukum Tata Negara
Fakultas : Syariah Universitas Islam negeri Maulana Malik Ibrahim Malang

Bahwa yang bersangkutan telah melaksanakan Penelitian dan pengambilan data Pelanggar Prokes di Wilayah Kabupaten Trenggalek di Satuan Polisi Pamong Praja dan Kebakaran kabupaten Trenggalek pada tanggal 22 April 2021.

Demikian Surat Keterangan ini diberikan untuk dapat dipergunakan sebagaimana mestinya.

A.n KEPALA SATUAN
POLISI PAMONG PRAJA DAN KEBAKARAN
KABUPATEN TRENGGALEK
Kabid Penegakan Peraturan Perundangan – Undangan
Daerah



DAMRI SUTRASNO,SH,M.Si
7 Rambu
NIP. 19640609 199003 1 008

Picture 2 Admission of Research permits



PEMERINTAH KABUPATEN TRENGGALEK
KANTOR KESATUAN BANGSA DAN POLITIK
Jln. HOS. Cokroaminoto No. 1 Telp. (0355) 796547
T R E N G G A L E K Kode Pos. 66316

Nomor : 070/179/406.030/2021
Sifat : Biasa
Lampiran : -
Perihal : Penelitian/Survey/Research

Trenggalek, 23 April 2021
Kepada :
Yth. Kasatpol PP Dan Kebakaran Kab. Trenggalek
di
TRENGGALEK

Menunjuk surat : Universitas Islam Negeri Maulana Malik Ibrahim Malang
Nomor : B-723/F.Sy.1/TL.01/04/2021
Tanggal : 22 April 2021

Bersama ini memberikan Rekomendasi kepada :

Nama : ENDAH TRIRAHAYU
Alamat : RT 017 RW 007 Ds. Widoro Kec. Gandusari
Kab. Trenggalek
Pekerjaan : Pelajar /Mahasiswa
Kebangsaan : WNI

Bermaksud mengadakan Penelitian/Survey/Research:

Judul : IMPLEMENTASI PENEGAKAN HUKUM TERHADAP
PELANGGAR PROTOKOL KESEHATAN DI MASA PANDEMI
COVID-19 DI KABUPATEN TRENGGALEK
Bidang Penelitian : Hukum Tata Negara
Tujuan : Penyusunan Skripsi
Status Penelitian : Swadaya
Penanggung Jawab : Badruddin
Pengikut : -
Waktu : 26 s/d 30 April 2021
Lokasi : Kantor Satpol PP Dan Kebakaran Kab. Trenggalek

Sehubungan dengan hal tersebut, diharapkan dukungan dan kerjasama pihak terkait untuk memberikan bantuan yang diperlukan. Adapun kepada peneliti agar memperhatikan hal-hal sebagai berikut :

1. Berkewajiban menghormati dan mentaati peraturan dan tata tertib yang berlaku di lokasi penelitian/survey/research;
2. Pelaksanaan penelitian/survey/research agar tidak disalahgunakan untuk tujuan tertentu yang dapat mengganggu kestabilan keamanan dan ketertiban di lokasi penelitian/survey/research;
3. Melaporkan hasil penelitian dan sejenisnya kepada Kantor Kesbangpol Kabupaten Trenggalek.

Demikian untuk menjadi maklum.

a.n. Plt. KEPALA KANTOR KESATUAN BANGSA DAN POLITIK
KABUPATEN TRENGGALEK
Kasubbag. Tata Usaha



Tembusan:
Yth. 1. Dekan Bidang Akademik
Universitas Islam Negeri
Maulana Malik Ibrahim
Malang;
2. Yang bersangkutan.

Picture 3 Admission of Research permits Kesbangpol

BIODATA



Nama : Endah Trirahayu
Tempat /Tanggal Lahir : Trenggalek, 03 Maret 1999
Jenis Kelamin : Perempuan
Kewarganegaraan : WNI
Alamat Rumah : Dsn, Tambakboyo Ds. Widoro
Kec. Gandusari Kab. Trenggalek
E-mail : endahtrirahayu1999@gmail.com
Riwayat Pendidikan

1. TK Dharma Wanita
2. SDN 2 Widoro
3. SMPN 2 Gandusari
4. MAN 1 Trenggalek
5. UIN Maulana Malik Ibrahim Malang