

### *Abstract*

This research have to purpose to prescriptively analyze the urgency and implementation of the realize penal and non-penal policies in the Health Quarantine Law No. 6 of 2018 in the case of vaccine jockeys and quarantine jockeys. We all know that there are many cases of violation of Health protocols and so many way how to punishment. Crime case of the law against the health quarantine law no. 6 of 2018 which is related to the infectious disease outbreak law no. 4 of 1984, the law guide whoever are a person or legal entity that hinders made mental health nationally. Currently, in the case of vaccine jockeys and quarantine jockeys in law enforcement during the COVID-19 pandemic, there are two possible ways of law enforcement through penal and non-penal way. In difficult situation like this the using law enforcement and application is something that can result in orderly and chaotic conditions in Indonesia in wipe out the decrease COVID-19 cases, therefore the author focuses on the study of the urgency and implementation of penal and non-penal policies in Law no. 6 of 2018 concerning health quarantine in the case of vaccine jockeys and quarantine jockeys. The method in this study is normative legal research by focusing on secondary and tertiary materials such as the Health Quarantine Act No. 6 of 2018 and the Law of Infectious Diseases No. 4 of 1984 and something like that as well as relevant cases regarding vaccine jockeys and quarantine jockeys. In the results of this study, it was found the need for law enforcement on violations of Health protocols in cases of vaccine jockeys and quarantine jockeys based on penal and non-penal policies, the implementation of which was adjusted to the urgency of its application so that not only fair laws and ideals could be realized but also humane and orderly society. which is preventive and not always on the action.

**Keywords:** Penal Policy, Non Penal Policy, Health Protocol,

## ABSTRAK

Penelitian ini bertujuan untuk menganalisa secara preskriptif urgensi dan implementasi penerapan kebijakan penal dan non penal dalam Undang-undang Karantina Kesehatan no 6 tahun 2018 pada kasus pelanggaran kewajiban vaksin dan kewajiban karantina. Pertanggung jawaban dengan cara penal dan non pidana dapat dilakukan sesuai peraturan perundang-undangan yang berlaku. Penerapan dua kebijakan tersebut harus sesuai dengan urgensi dan implementasinya yang memiliki output terciptanya keadilan dalam masyarakat dan efek jera bagi pelanggarnya. Jika tidak maka kebijakan baik secara penal maupun non penal akan seperti pisau bermata dua yang membahayakan kestabilan Negara, terutama dalam menciptakan herd imunity dalam masyarakat. Metode dalam penelitian ini adalah penelitian hukum normative. Dalam hasil penelitian ini ditemukan perlunya urgensi penerapan dan implementasi kebijakan penal dan non penal pada pelanggaran kewajiban vaksin dan kewajiban karantina karena hal ini tidak hanya berdampak pada lamanya status pandemi di Indonesia juga efek domino yang mengakibatkan terciptanya konflik baik secara horizontal maupun vertical. Tentunya keberhasilan penerapan kebijakan penal dan non penal tersebut memerlukan kehati-hatian bagi penegakan hukum penerapannya maka dari itu konsepsi *restorative justice* dalam penyelesaian hukum secara formil perlu dikedepankan hal ini tentunya memerlukan standarisasi penerapan penyelesaian hukumnya. Mengingat hukum adalah pedoman tertibnya hidup bermasyarakat maka kepastian hukum baik materil dan formil harus sejalan dengan sosiologis budaya yang hidup pada masyarakat baik hari ini dan masa yang akan datang.

**Kata Kunci:** Kebijakan Penal, Kebijakan Non Penal, Protokol Kesehatan