

# **THE ROLE OF INDONESIAN NATIONAL POLICE IN PREVENTING THE SPREAD OF COVID-19 FROM THE PERSPECTIVE OF *FIQH SIYASAH***

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Abstract: The article discusses the role of the Indonesian police in preventing the spread of the covid-19 virus from a *fiqh siyasah* perspective with a statutory approach. Research data were obtained from primary legal materials, namely laws, and regulations related to the Indonesian National Police. Secondary legal materials were collected from books, articles, and news and analyzed descriptively with a deductive mindset. Data on the role of the police during the Covid-19 pandemic based on Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia was analyzed with a review of *fiqh siyasah*. This research concludes that the Indonesian National Police agency acts as an instrument of law enforcement and supports the success of the Indonesian government in dealing with covid-19. Among the duties of the Indonesian National Police during the Covid-19 pandemic are enforcing the law, educating the public, detecting the spread of the covid-19 virus early, and maintaining security. The police force adheres to the role of *al-hisbah* in *fiqh siyasah*, aiming to invite people to act appropriately and prevent people from committing crimes.

Keywords: Covid 19, Indonesian National Police, *fiqh siyasah*.

## Introduction

Indonesia is a state of law<sup>1</sup> that plays a vital role in regulating how this democratic state works.<sup>2</sup> A democratic state is another term for a state of law guaranteeing the sovereignty of its people.<sup>3</sup> This is intended to restrict the space of authoritarian persons with power. Moreover, it is compulsory for the state to assure the rights of the citizens within a national scope.<sup>4</sup>

In March 2020, the Covid-19 outbreak<sup>5</sup> struck the state, followed by the rising incidence of Covid-19 cases affecting all sectors,<sup>6</sup> causing redundancies to spike and income to slump.<sup>7</sup> These triggered conflict and crimes,<sup>8</sup> such as thefts,<sup>9</sup> prostitution,<sup>10</sup> and drug abuse.<sup>11</sup>

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<sup>1</sup> Mohammad Muslih, "Negara Hukum Indonesia Dalam Perspektif Teori Hukum Gustav Radbruch," *Legalitas* 4, no. 1 (2013): 135.

<sup>2</sup> Satjipta Raharjo, *Masalah Penegakan Hukum, Suatu Tinjauan Sosiologi*, (Jakarta: Rajawali Press, 1983), 24.

<sup>3</sup> Ias Muhlashin, "Negara Hukum, Demokrasi Dan Penegakan Hukum Di Indonesia," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 8, no. 1 (2021): 87–100.

<sup>4</sup> Wery Gusmansyah, "Trias Politca Dalam Perspektif Fikih Siyasah," *Al Ijarah: Jurnal Pemerintahan Dan Politik Islam* 2, no. 2 (2019): 123–34.

<sup>5</sup> Nicholas Kuipers, Saiful Mujani, and Thomas Pepinsky, "Encouraging Indonesians to Pray From Home During the COVID-19 Pandemic," *Journal of Experimental Political Science*, 2020, 1.

<sup>6</sup> Sutaryo et al., *Buku Praktis Penyakit Virus Corona 19 (Covid-19)* (Yogyakarta: Gadjah Mada University Press, 2020).

<sup>7</sup> Aliyyah Rusi Rusmiati et al., "The Perceptions of Primary School Teachers of Online Learning during the Covid-19 Pandemic Period: A Case Study in Indonesia," *Journal of Ethnic and Cultural Studies* 7, no. 2 (2020): 101.

<sup>8</sup> As many as 3,244 security upheavals happened on week 18 amidst the pandemic. This number continued to rise to 3,473 on week 19, meaning that there was a 299 increase in cases. Sahat Maruli Tua Situmeang, "Fenomena Kejahatan Di Masa Pandemi Covid-19: Perspektif Kriminologi," *Majalah Ilmiah UNIKOM* 19, no. 1 (2021): 36.

<sup>9</sup> Budhi Suria Wardhana, "Kompleksitas Tugas Kepolisian Pada Masa Pandemi Covid-19," *JIK: Jurnal Ilmu Kepolisian* 14, no. 2 (2020): 80.

<sup>10</sup> Yusuf Somawinata, David Nugraha Saputra, and Hikmatullah, "Penegakan Hukum Pidana Terhadap Prostitusi Pada Masa Pandemi Covid-19," *Al-Ahkam* 17, no. 1 (2021): 21.

<sup>11</sup> Drug abuse including narcotics during the pandemic was caused by psychological factor or stress due to job loss, working from home, long distant learning, and other

The pandemic also triggered complex security problems. First, criminal offenses and major social restrictions had been fluctuating and unstable following the outbreak.<sup>12</sup> There had been changing patterns in criminality, where criminal offenses had evolved, depending on the situations amidst the Covid-19 pandemic. The criminality during the enforcement of major restrictions following the outbreak kept happening due to the falling economy amidst the pandemic, and criminal offenders committed crimes in quiet places.<sup>13</sup>

To settle these problems, the responsibilities of all social elements including law enforcers from the Indonesian National Police (henceforth referred to as POLRI) are required.<sup>14</sup> POLRI serves citizens, and their authorities and tasks are outlined in Article 13 of law Number 2 of 2002.<sup>15</sup> This approach is intended to uphold human rights.<sup>16</sup>

During the pandemic, the tasks of POLRI are growing more complex and varied. POLRI no longer deals with criminality but they also serve as a national task force helping to expedite the mitigation of Covid-19.<sup>17</sup> Within the scope of the *fiqh siyasah* study,

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effects resulting from large-scale social restrictions. Sheila Natalia and Sahadi Humaedi, "Bahaya Peredaran Napza Pada Masa Pandemi Covid-19 Di Indonesia," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 7, no. 2 (2020): 387,

<sup>12</sup> In February 2020, there were 17,411 cases. This number rose to 20,845 cases in March, and it fell back in April to 15,322 cases. Despite this fall, there was likelihood of crime in several sectors that people had to stay alert during the social restrictions, including street crime such as mugging, burglary, and vehicle thefts.

<sup>13</sup> Sarah Nuraini Siregar, "Polri Di Masa Pandemi COVID-19 : Kompleksitas Masalah Penegakan Hukum Dan Pilihan Solusi," *Lembaga Ilmu Pengetahuan Indonesia*, lihat dalam <https://politik.brin.go.id/kolom/covid-19-dalam-perspektif-politik/polri-di-masa-pandemi-covid-19-kompleksitas-masalah-penegakan-hukum-dan-pilihan-solusi/>

<sup>14</sup> CNN, "Penanganan Corona Di Indonesia, SBY Singgung Utamakan Rakyat," *CNN Indonesia*, March 18, 2020, <https://www.cnnindonesia.com/nasional/20200317232027-32-484362/penanganan-corona-di-indonesia-sby-singgung-utamakan-rakyat>.

<sup>15</sup> *Ejournal2.undip.ac.id*, accessed on 12 October 2020 at 18:00 local time.

<sup>16</sup> Law Number 2 of 2002 Articles 2, 4, 13 concerning Indonesian National Police

<sup>17</sup> Asni Ovier, "Di Tengah Pandemi Covid-19, Tugas Polri Semakin Kompleks," *Berita Satu*, July 1, 2020, <https://www.beritasatu.com/nasional/650661/di-tengah-pandemi-covid19-tugas-polri-semakin-kompleks>.

the role of POLRI is comparable to the Council of al-Hisbah. However, a specific discussion on the role of POLRI in dealing with the spread of Covid-19 from the perspective of *fiqh siyasah* has never been conducted.

Departing from the above issues, this research discusses the role of POLRI in coping with the spread of Covid-19 seen from the perspective of *fiqh siyasah*. With library research and normative-juridical approaches, this research obtained data from laws, books, journals, and news, which were further analyzed descriptively with the *fiqh siyasah* concept.

### **Definition, Function, and Authority of Indonesian National Police**

Police are one of the governmental institutions responsible for the security and public order of the state. The term police may refer to one of the three of the following: a person, an institution, or a function. Police act as a function or a 'verb' meaning "to police", observe, watch, and supervise activities, or detect a phenomenon. Phenomena are captured by police and processed in the brain according to the norms and standards set. Furthermore, the police will take action to bring the situation back to normal.<sup>18</sup>

POLRI is directly responsible under the president and it covers the tasks across Indonesia, headed by the Chief Police of the Republic of Indonesia. The organizational structure of POLRI embraces central and regional levels.

To establish security, the government has issued several regulations, and those failing to abide by the law are subject to punishment and advice. To allow for the enforcement of these regulations, the government assigns staff to establish security and assure public order, protect people and their properties, and implement government regulations. All these tasks are under the responsibility of the police.

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<sup>18</sup> Erma Yulihastin, *Bekerja Sebagai Polisi*, (Erlangga: Jakarta, 2008), 3.

Police functions as national infrastructure with their main tasks of maintaining security and public order. In terms of police, Law Number 2 of 2002 Article 5 paragraph (1) states that POLRI is obliged to maintain national security and public order, enforce the law, protect, and assure the safety of families. Article 13 of the Law concerning Police implies that the main tasks of POLRI are to assure security and public order, enforce the law, protect, and provide services to the people.

POLRI must adhere to the legality of law as the principle according to which police perform their tasks and functions. The principal task the police should perform is to enforce the law and provide public services. Moreover, they are also responsible to stop crimes and protect citizens. In other words, the police are a living law.<sup>19</sup>

Serving as Enquirers, police also perform their social tasks according to Penal Code Number 8 of 1981 that delegates authority to police to serve as enquirers. In other words, realizing and maintaining public order is the primary task of the police.<sup>20</sup> POLRI is authorized to impose sanctions and punishment on those violating laws.<sup>21</sup>

Article 15 of Law Number 2 of 2002 implies that the general authority of POLRI is to:

1. In terms of performing tasks as intended in Article 13 and Article 14:
  - a. *Receive reports and accommodate public grievances*
  - b. *Help to settle disputes between the members of the public, which may trigger public chaos*
  - c. *Prevent and control the spread of the pandemic in society*
  - d. *Watch activities that may spark conflict and threaten the unity of the nation*

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<sup>19</sup> Satjipto Rahardjo, *Penegakan Hukum: Suatu Tinjauan Sosiologis* (Yogyakarta: Genta Publishing, 2009), 113.

<sup>20</sup> Ibid.

<sup>21</sup> Anton Tabah, *Menatap Dengan Hati Polisi Indonesia* (Jakarta: PT Gramedia Pustaka Utama, 1991), 81.

- e. Issue police regulation within the purview of the administrative authority of the police*
  - f. Conduct special investigations as part of the prevention*
  - g. Taking the first act at crime scenes*
  - h. Record fingerprints and other identifications*
  - i. Collect proof and information*
  - j. Provide national criminal information*
  - k. Issue permits and written statements in terms of social services*
  - l. Provide security services in proceedings and judicial decisions, institutional and social activities*
  - m. Receive and secure found items temporarily.*<sup>22</sup>
2. In terms of the provisions in other laws<sup>23</sup>:
- a. Issue permits and supervise activities involving public crowds and other similar social activities*
  - b. Register and identify motorized vehicles*
  - c. Issue driving licenses for motorized vehicles*
  - d. Receive information on political activities*
  - e. Issue permits and supervise the use of guns, explosive devices, and other sharp weapons.*
  - f. Issue operational permits and supervise business entities providing security services.*
  - g. Give instruction, education, and training to special police members and independent security personnel in the field of police technology.*
  - h. Work together with the police of other countries in investigating and eradicating international crimes.*
  - i. Conduct supervision of foreigners in the jurisdiction of Indonesia Under the coordination of relevant institutions.*

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<sup>22</sup> The Ministry of Law and Human Rights of the Republic of Indonesia Law Number 2 of 2002 concerning Indonesian National Police.

<sup>23</sup> Ibid.

## **The Role of POLRI in Preventing the Spread of the Covid-19 Virus according to Law Number 2 of 2002**

Law Number 2 of 2002 Article 5 paragraph (1) implies that POLRI must assure and maintain national security and public order, enforce the law, protect, and maintain the safety of families. Article 13 highlights the main tasks of POLRI to maintain security and public order, enforce the law, protect, and provide services to people.<sup>24</sup>

The terms security and public order carry two meanings: first, it represents a dynamic condition of the people. Security, public order, law enforcement, and peace are one of the requirements to support national development. Second, security is defined as a capacity that empowers and develops the potential and power of society to prevent and avert all kinds of violations of laws and other disturbances that may raise concern in society.

During the pandemic, the role of POLRI is more focused on the second meaning. Amidst the enforcement of social restrictions, POLRI serves as a law enforcer as outlined in the Declaration of the Chief of POLRI Number Mak/2/III/2020 concerning Obedience to Government Policy in the Mitigation of the Spread of Corona Virus. This declaration was initiated by POLRI to support the Presidential Regulation Number 21 of 2020 concerning Social Restrictions and the Regulation of Health Minister Number 9 of 2020.<sup>25</sup>

*First*, POLRI in preventing the spread of the virus serves as a law enforcer directly involved in the countermeasures of the spread of Covid-19. The awareness and discipline of the members of the public to abide by the health guidelines are generally low, indicating that the involvement of POLRI to implement it is required. In such a case, police are authorized to impose sanctions

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<sup>24</sup> Ibid.

<sup>25</sup> The Chief of Indonesian National Police, "Maklumat Kepala Kepolisian Republik Indonesia Nomor: Mak/2/III/2020 Tentang Kepatuhan Terhadap Kebijakan Pemerintah Dalam Penanganan Penyebaran Virus Corona (Covid-19)".

on those violating health guidelines according to the current regulations.<sup>26</sup>

POLRI issued the declaration of the Chief of POLRI Number Mak/2/III/2020 on 19 March 2020 concerning Obedience to Government Regulation in the Mitigation of the Spread of Corona Virus.<sup>27</sup> This declaration states that POLRI fully supports the government policy regarding the mitigation of Covid-19 and breaks the chain of the pandemic in Indonesia by giving sanctions to those still aggregating in public places.<sup>28</sup>

To support sanction imposition, POLRI conducted an operation of contingency Aman Nusa II 2020. This operation was enforced from 19 March to 17 April 2020. The operation was subject to change depending on the situation.<sup>29</sup> The criminal sanctions imposed on those failing to comply with the government policy are set forth in Articles 212, 216, and 218 of the Penal Code.<sup>30</sup>

*Second*, the role of POLRI in preventing the spread of the virus is as the instrument to educate people. Lots of people have been reluctant to obey health guidelines and they have a poor understanding of Covid-19. This seems to be the main issue hampering the mitigation of Covid-19. With this educating instrument, people are expected to be more literate about the spread of the virus whose cases tend to increase every day. Some

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<sup>26</sup> Sherly Adam et al., "Penegakan Hukum Terhadap Pelanggaran Protokol Kesehatan Yang Dilakukan Masyarakat Pada Masa Pandemi Covid-19 Di Kota Ambon," *Sasi* 27, no. 2 (2021): 231.

<sup>27</sup> Aditya Yuli Sulistyawan and Eka Padmahantara Antonius, "Socio-Legal Perspective of Gender Justice in Covid-19 Handling Policy in Indonesia," *International Journal of Criminology and Sociology* 9 (2020): 1303.

<sup>28</sup> The Chief of Indonesian National Police, The Declaration of the Chief of Indonesian National Police Number: Mak/2/III/2020 concerning Obedience to Government Policy in Dealing with the Spread of Corona Virus (Covid-19).

<sup>29</sup> Siregar, "Polri Di Masa Pandemi COVID-19: Kompleksitas Masalah Penegakan Hukum Dan Pilihan Solusi," 2.

<sup>30</sup> Natalia Setyawati, "Implementasi Sanksi Pidana Bagi Masyarakat Yang Beraktivitas Di Luar Rumah Saat Terjadinya Pandemi Covid-19," *Jurnal Education and Development* 8, no. 2 (2020): 136.



people even decided to forcibly take the infected corpses of their family members from hospitals. Some others stood against the burial of infected corpses near their neighborhood. This issue has been worsened by the stigma and social discrimination that Covid-19 patients and health workers have to bear. These show that education for society is required. To tackle this issue, POLRI through Bhabinkamtibmas (a police organization aiming to establish security and social order) in every village and sub-district can implement the function of education. Such education is essential to encourage people to always comply with health guidelines and to ensure that their understanding of this pandemic improves.<sup>31</sup>

*Third*, POLRI serves as an early detection instrument. POLRI has done some innovations in dealing with Covid-19. With their skill in investigating cases and tracing the spread of the virus, covid-19 issues can be efficiently and effectively tackled.

*Fourth*, POLRI serves as an instrument responsible for the vital security infrastructure. The new normal era following the decreasing cases of Covid-19 means re-opening businesses such as tourism industries, malls, airports, stations, and other public places. This necessarily implies that managers, employees, and visitors are strictly required to abide by health guidelines. Thus, POLRI ensures that health guidelines have been appropriately implemented to help to reduce the likelihood of the spread of the virus.

In general, during the pandemic, POLRI played multiple roles to help hamper the distribution of the virus, ranging from spraying, disinfecting public places across Indonesia, educating the members of the public to encourage them to be more compliant

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<sup>31</sup> Rechtsvinding.bphn.go.id, *Format Kepolisian Dimasa Pandemi*, 3. Accessed on 13 December 2020 at 14.00 WIB.

with the health guidelines, and dismissing crowds causing the spread of Covid-19.<sup>32</sup>

### **Problems faced by POLRI in Dealing with the Spread of Covid-19**

POLRI faces three challenges in re-setting the conditions for the new normal:

#### **1. Social Communication Strategy**

The enforcement of social restrictions implies that the discipline of the members of the public is low in terms of abiding by the restrictions in place. People are often seen gathering in crowds, not wearing face masks, and not implementing social distancing. Some were found to confront authorities once they were warned to comply with the rules. This poor awareness and disobedience are likely to leave negative impacts on the individuals later in the future.<sup>33</sup> Thus, to raise this awareness, the roles of all parties, especially POLRI, are vital to not only encourage and persuade all the members of the public to abide by the guidelines but also effectively apply social communication that can be taken by all the members of the community.

#### **2. The Preparedness of Personnel of POLRI**

The pandemic has undoubtedly slowed down economic growth, ending up with mass redundancies, falling salaries, and slowing businesses. This condition certainly raises criminal cases in society, including thefts, looting, murder, and other criminal offenses with varied economic motives. POLRI, amidst all these issues, is required to work harder and enforce the law and assure protection for the people, especially during this pandemic era. The

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<sup>32</sup> Adminpolri, "Multi Peran Dijalani Polri Di Masa Pandemi," *Tribata News*, August 25, 2020, <https://tribatanews.polri.go.id/read/1748/36/multi-peran-dijalani-polri-di-masa-pandemi-1598350137>.

<sup>33</sup> Jamal Wiwoho, "Tantangan Polri Dalam Tatanan Kenormalan Baru," *Media Indonesia*, July 1, 2020, <https://mediaindonesia.com/read/detail/324442-tantangan-polri-dalam-tatanan-kenormalan-baru>.

number of members of the public far outweighs that of POLRI members, and this imbalance needs to be given more attention. The members of POLRI infected with Covid-19 also need to be further identified, as this is considered essential to ensure that the capacity of POLRI is adequate.<sup>34</sup>

### 3. The Extra Role of POLRI in the New Normal

During the era of the Covid-19 pandemic, POLRI gives quick responses by forming the task force Aman Nusa II as part of the acceleration program to cope with Covid-19 in Indonesia. Aman Nusa II consists of the Subdivision of Task Force of General Crime, Subdivision of Economy, and Subdivision of Cyber Affairs. The subdivision of general crime was responsible to respond to conventional criminal offenses such as thefts, looting, burglary, and other general criminal offenses. The subdivision of economic affairs was responsible to give responses to the hoard of food and medical devices, while the subdivision of cyber affairs is responsible to give sanctions to people disseminating hoax news related to Covid-19 on online media.<sup>35</sup>

To support sanction imposition, POLRI established a contingency operation of Aman Nusa II 2020. This operation was effective from 19 March to 17 April 2020. The operational period was subject to extension, depending on the situation.<sup>36</sup> The task force of Aman Nusa II consisted of several subdivisions. First, a subdivision of general crime was responsible to impose sanctions on conventional crimes such as thefts, looting, burglary, natural disasters, and the hoard of food and medical devices, antiseptic liquid, raw materials for face masks, personal protective equipment (PPE), and face masks. Sanctions were also imposed on the cases of drugs and medical devices not up to the standards or permit of distribution. Third, the subdivision of cyber affairs

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> YUD, "Polri Tegaskan Seluruh Polda Bantu Pemda Terapkan PSBB," *Beritasatu.Com*, April 10, 2020, <https://www.beritasatu.com/nasional/619091-polri-tegaskan-seluruh-polda-bantu-pemda-terapkan-psbb>.

imposed sanctions on provokers and those spreading fake news about Covid-19.<sup>37</sup>

### **The Role of POLRI in Preventing the Spread of Covid-19 seen from the Perspective of *Fiqh Siyasah***

The word *Fiqh* is particularly used in legal and religious studies, or specifically referred to as Islamic jurisprudence. *Fiqh* means to understand, to know, and to comprehend. In etymology, *fiqh* is defined as understanding or comprehending an in-depth meaning of a word and the behavior of human beings.<sup>38</sup> According to ushul religious figures, the term *fiqh* means understanding sharia laws derived and elaborated from the proposition.<sup>39</sup>

From a linguistic perspective, *al-siyasah* means *sasa*, *yasusu*, *siyasah*, or regulate, control, take care of, instruct, and lead. The word *siyasah* means to regulate and control something for the sake of merit. *Siyasah* is a law intended to manage matters and assure public order and merit. *Siyasah* comprises law and court, administration, and external relations with other countries.<sup>40</sup> *Fiqh siyasah* is defined as a law discussing an institution with its role in regulating, controlling, taking care of, instructing, and leading something for the merit of all.

In *fiqh siyasah*, police, in general, are equal to the *hisbah* council. Ulama defines *hisbah* as a judicial institution dealing with violations of commands instructing people to behave

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<sup>37</sup> Antara, "Polri Bakal Jerat Pelanggar Kebijakan Pemerintah Soal Corona," *CNN Indonesia*, April 17, 2020, <https://www.cnnindonesia.com/nasional/20200417151539-12-494586/polri-bakal-jerat-pelanggar-kebijakan-pemerintah-soal-corona>.

<sup>38</sup> J. Suyuthi Pulungan, *Fiqh Siyasah (Ajaran, Sejarah Dan Pemikiran)* (Jakarta: PT Raja Grafindo Persada, 1999), 21.

<sup>39</sup> Ibrahim Jasim Muhammad, "Al-Masail Al-Mustahdastah Wa Murunah Al-Fiqh Al-Islamy," *Journal of Al-Farahidi's Arts* 3, no. 7 (2011): 14–68.

<sup>40</sup> Imam Amrusi Jailani, Nur Lailatul Musyafa'ah, and Hasan Ubaidillah, *Hukum Tata Negara Islam* (Surabaya: IAIN Sunan Ampel Press, 2013), 7.

appropriately and dealing with cases that avoid evil conduct.<sup>41</sup> The council of *hisbah*, however, is an official state institution having the authority to settle disputes or mild violations.<sup>42</sup> Therefore, the main task of this institution is to encourage people to do something good and to prevent crimes.

The objective of *al-hisbah* is to help those having an issue getting their rights back without the help of *al-hisbah*. The task of a judge is to decide a case in court, punish those guilty, and return the rights to those winning the case. Muhtasib, similarly, is responsible to supervise how law and ethics work and no one can violate these two. The task of the officials of *al-hisbah* refers to *amr ma'ruf nahy munkar*, both of which are related to the rights given by Allah, the rights of His humans, and the rights related to both (Allah and His humans).<sup>43</sup> Generally, the *hisbah* council gives help to those failing to get their rights back without the help of *hisbah* council. Simultaneously, muhtasib is intended to supervise the implementation of law and general ethics that no one can violate.

Departing from this issue, POLRI is equal to the council of *hisbah* whose main task refers to *amr ma'ruf nahy munkar*. This is in line with the words of Allah written in QS: Ali Imron: 104:

: *And let there be among you a community calling to virtue, and advocating righteousness, and deterring from evil. These are the successful.*<sup>44</sup>

In adherence to its task as a law enforcer, the council of *al-hisbah* is responsible to provide aid to the people, supervise the promulgation of regulations, laws, and punish those violating regulations and laws.<sup>45</sup> This authority is relevant to the action

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<sup>41</sup> Azyumardi Azra, "Eksiklopedia Islam Jilid 3," in *Eksiklopedia Islam* (PT Ichtiar Baru Van Hoeve, 2005), 33.

<sup>42</sup> Ali Muhammad Sa'd Ahmidah, "Al-Hisbah Bi Bilad Ma Wara'a Al-Nahr Fi Al-Asr Al-Samany," *Global Libyan Journal* 48, no. Juli (2020): 11.

<sup>43</sup> Nasiruddin, "Konsep Kenegaraan Dalam Islam Dalam Perspektif Imam Mawardi," *PUTIH: Jurnal Pengetahuan Tentang Ilmu Dan Hikmah* 1, no. 1 (2016): 39.

<sup>44</sup> "Quran Surah Ali 'Imran Ayat 104," Tafsirweb, n.d., <https://tafsirweb.com/1236-quran-surat-ali-imran-ayat-104.html>.

<sup>45</sup> Nasiruddin, "Konsep Kenegaraan Dalam Islam Dalam Perspektif Imam Mawardi," 40.

taken by POLRI to guarantee and maintain security and public order; enforce the law; and give protection and services to the people.<sup>46</sup>

These tasks are in the order of priority, three of which are equally important, while the execution of the main tasks as prioritized will depend on the situations of the society. Moreover, the implementation of these main tasks must comply with the legal norms but without overlooking religious norms and moral values.

The era of the pandemic in Indonesia has put POLRI in a wide scope of roles to play, transcending the common tasks that law enforcers often do. POLRI has recently been assigned to tasks intended to support the mitigation of Covid-19. This is in line with the provision of Law Number 2 of 2002 concerning POLRI Number 14, implying that the tasks of POLRI are to protect body and soul, assets, people, and the environment from any disturbances affecting public order and/or natural disasters. POLRI is also responsible to provide assistance by upholding human rights.<sup>47</sup> Covid-29 was declared by the Government as a national emergency.<sup>48</sup> Thus, POLRI must be present at any time to guarantee protection for all citizens in terms of the security and safety of themselves and their assets. Covid-19.

Covid-19 is dangerous, infectious, and deadly. This pandemic hit all people as Allah wishes.<sup>49</sup> To face this virus, people are supposed to be patient and trust Allah for everything, but certainly, this wise thought cannot stand alone but should go along

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<sup>46</sup> The Ministry of Law and Human Rights of the Republic of Indonesia, Law Number 2 of 2002 concerning Indonesian National Police.

<sup>47</sup> The Ministry of Law and Human Rights of the Republic of Indonesia.

<sup>48</sup> The President of the Republic of Indonesia, "Presidential Decree of the Republic of Indonesia Number 12 of 2020 declaring the non-natural disaster Corona Virus Disease 2019 (Covid-19) national emergency" 2020.

<sup>49</sup> Muhammad Tholhah Al-Fayyad, "Tafsir Surat At-Taghabun Ayat 11-13: Nasihat Di Tengah Wabah Virus Corona," *Islami.Co*, March 21, 2020, <https://islami.co/tafsir-surat-at-taghabun-ayat-11-13-nasihat-di-tengah-wabah-virus-corona/>.

with serious attempts to mitigate the spread of Covid-19 by obeying the rules regarding this pandemic.

To slow down the spread of the virus, the government has restricted social activities that require them to gather in a crowd; People are also required to wear masks when they are outside, not to have any physical contact, or to keep their surroundings clean. Keeping the environment clean is one of the steps to slow down the spread of viruses and diseases.<sup>50</sup>

In Islam, this encouragement is congruent with the concept of *fiqh siyasa*, suggesting that the government must enforce rules that favor the merit of the people, as in line with the principle of *tasharruf al imam 'ala al-raiyyah manuth bi al-mashlahah* (the steps taken by a leader should adhere to merit).<sup>51</sup> This principle is congruent with the hadith "*kullukum ra'in wa kullukum mas'ulun ala raiyyatih*" (everyone of you can be a leader, and a leader is responsible for his people).<sup>52</sup> This principle is intended to guarantee the health of the people from any diseases like Covid-19, which is part of *hifdz al-nafs* (protecting the soul) and *hifdz al-ummah* (protecting the nation).

Although the government has made some efforts to prevent the spread of Covid-19, a lot of people chose to not obey the rules, causing criminal cases to rise.<sup>53</sup> Rising criminal cases demand extra attempts the police have to make. The role of POLRI in tackling the spread of the virus involves enforcing the law, educating people, detecting the spread of the virus early, and keeping the environment safe.

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<sup>50</sup> Tasri, "Hikmah Di Tengah Wabah Virus Corona," *Qiyas* 5, no. 1 (2020): 43.

<sup>51</sup> Nur Lailatul Musyafa'ah and Arif Wijaya, "Dinas Kependudukan Dan Pencatatan Sipil Di Kabupaten Lamongan Dalam Perspektif Fikih Siyasa," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 10, no. 02 (2020): 251.

<sup>52</sup> <https://hadeethenc.com/ar/browse/hadith/5819>

<sup>53</sup> Cletus O. Obasi and Christopher M. Anierobi, "The Homeless-Poor and the Covid-19 Stay-at-Home Policy of Government: Rethinking the Plight of Homelessness in Nigeria," *SAGE Open* 11, no. 3 (2021): 5.

POLRI has an essential role in dealing with Covid-19.<sup>54</sup> In addition, POLRI has extra tasks of distributing staple food to the poor, safeguarding the burial of those infected with Covid-19, taking care of the infected corpses from the cleaning process of the corpses to the burial, and assuring strict security at every border to cut the chain of the spread of the virus whose infection rate keeps increasing. All the tasks performed by POLRI are outside the common tasks that police services are often entitled to, as intended in law Number 2 of 2002 concerning POLRI. However, these external tasks carried out by POLRI are intended to cut the chain of the spread of the virus. In executing their tasks, the police are required to stay relevant to the main tasks and functions set.<sup>55</sup> POLRI also issues the declaration Number Mak/2/III/2020 on 19 March 2020 as mentioned earlier.<sup>56</sup> This declaration states that POLRI fully supports the government regulation concerning the mitigation of Covid-19, breaks the chain of the virus, and keeps the citizens healthy. This declaration is based on the principle implying that the safety of the citizens is deemed to be the highest law (*Salus Populi Suprema Lex Esto*).<sup>57</sup>

Referring to the above discussion, this research concludes that the tasks of POLRI in the mitigation of Covid-19 should be congruent with the tasks of the *hisbah* council in *fiqh siyasah*. It is important to note that the council has the task to supervise rule enforcement in society. Similarly, the POLRI is actively involved in

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<sup>54</sup> Riyanti Djalante et al., "Review and Analysis of Current Responses to Covid-19 in Indonesia: Period of January to March 2020," *Progress in Disaster Science* 6, no. 100091 (2020): 5.

<sup>55</sup> Dona Budi Kharisma, "Format Kepolisian Dimasa Pandemi," *Jurnal RechtsVinding*, 2020, 1–3.

<sup>56</sup> Sulistyawan and Antonius, "Socio-Legal Perspective of Gender Justice in Covid-19 Handling Policy in Indonesia," 1303.

<sup>57</sup>The Chief of Indonesian National Police of the Republic of Indonesia, The Declaration of the Chief of Indonesian National Police Number: Mak/2/III/2020 concerning Obedience to Government Policy in Dealing with the Spread of Corona Virus (Covid-19).



encouraging people to abide by health guidelines during the pandemic according to the decree issued by the government and imposing proper sanctions on those violating the rules. *Hisbah* council is also responsible to protect the people and help them to get their rights fulfilled. In this case, POLRI is required to help maintain security in society, especially during the pandemic considering that the incidence of crime is always increasing. POLRI also helps with the distribution of staple food, and masks, and safeguards the issues arising in society during the pandemic, such as guarding the burial of infected bodies since, in some cases, some burial-related issues are prone to upheaval. This intention is congruent with the principle of merit in the objective of *fiqh siyasah*, the *hifz al-nafs* (protecting the soul)<sup>58</sup>, and *hifz al-ummah* (protecting the nation).<sup>59</sup>

## Conclusion

Law Number 2 of 2002 Article 13 implies that the main tasks of POLRI are to establish security and public order, enforce the law, and give protection and services to the citizens. Since the outbreak, the tasks POLRI have massively increased with some added tasks such as enforcing the law, educating people, providing early detection regarding the spread of Covid-19, and establishing security.

From the perspective of *fiqh siyasah*, the tasks and roles of the police in preventing the spread of the virus are relevant to the role of *al-hisbah* which invites others to do good things and prevent people from committing a crime. In this context, POLRI is also involved in settling disputes resulting from the spread of the virus and prevents the further spread of the virus in society by requiring

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<sup>58</sup> Nur Lailatul Musyafaah, Athifatul Wafirah, and Sagita Destia Ramadhan, "Moderation of Fatwa: Worship During the Covid 19 Pandemic in Maqasid Shariah Perspective," in *Proceedings of the International Conference on Engineering, Technology and Social Science (ICONETOS 2020)*, vol. 529 (Atlantis Press, 2021), 77.

<sup>59</sup> Nur Lailatul Musyafa'ah, "Analisis Program Kampung Keluarga Berencana Perspektif Maqāshid Al-Syarī'ah (Studi Di Kampung Logam Ngingas Waru Sidoarjo Jawa Timur)," *Al-Manahij: Jurnal Kajian Hukum Islam* 8, no. 2 (2019): 267.

others to abide by health guidelines and put their face masks on, conducting strict checks in all regional borders, enforcing the law in response to violations, tracing the spread of Covid-19, and establishing security and assuring public order. All the tasks of POLRI are intended to invite the members of the public to behave appropriately and do good things and prevent others from committing a crime.

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