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The efficacy of law: Indonesian experience in preventing the spread of the COVID-19 pandemic

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Abstract---This article aims to clarify that there are several elements critical for ensuring the efficacy of law. The view of efficacy that emphasizes the objective and comply with the law is narrow and inadequate. New insights and understanding are required to strengthen the realization of the concept of the efficacy of law. The COVID-19 pandemic in Indonesia forms a background to understand the efficacy of law. The study uses a socio-legal approach based on Indonesian experience in preventing the spread of COVID-19 through law reform. The government enacted at least 188 new regulations regarding the public health system, restrictions on activities in public spaces, and national economic recovery to manage the impact of the COVID-19 pandemic. The first wave of the viral infection showed that

the existing regulations failed to meet their objectives. The regulations that prohibited social activities led to economic disincentives within the society. In addition, these workers could not access the social security program. The regulations restricted their work activities and, in turn, affected their compliance with the law and its enforcement power. New ways are needed to solve problems that constitute unexpected impacts of the COVID-19 prevention regulations.

Keywords---efficacy, compliance, regulation, legislation, COVID-19.

Introduction

Joseph Raz argues (2003) that law must protect human life and property, and accept value pluralism. The argument notes a necessary connection between law and morality, for the category of natural necessity and *a priori* necessity. On this view, morally, everyone must obey the law, except for the marginal cases of the law. The function of law as an instrument of social control (and social change) demands obedience of the community to ensure its efficacy (its capacity to control the population), which is necessary for its identity as such (Adam, 2019). Obedience to law proves that recognizing or accepting legal norms is not an automatic process. Both require an assessment of the law implementation quality. This article addresses the questions concerning the relationship between obedience and enforcement in context of the efficacy of law on the marginal case of law, that is, the Coronavirus Disease 2019 (COVID-19) pandemic. The government reformed the law to adapt to the new era that demands the change of social behavior and improvement of public health. Such a reform was to promote social progress or development in addition to the management of COVID-19 pandemic. The state used the law to modify public lifestyles in order to reduce the social burden of the disease and injuries resulting from the pandemic, by referring to the “new paternalism” ideology (Bonnie, 1986).

The COVID-19 pandemic tested the resilience of many countries’ legal system worldwide. In Southeast Asia, namely in Singapore, Vietnam as well as Indonesia, the COVID-19 pandemic gravely undermines human rights and civil liberties (Ahmad, 2020). Changes within the legal system to restrict activities in public places during the pandemic led to massive changes on healthcare, legal practice, and education. Legal reform aiming at supporting the public health system in the prevention of the COVID-19 spread led to debates in legal and development studies concerning human rights, national economy, social welfare, and even the nature of the legal system. The law has prohibited individuals from working, running business, and participating in other forms of interaction, which resulted in economic disincentives for the community. In a general concept, the law determines the economic outcome of the state (Davis & Trebilcock, 2008), including the welfare of its society. Thus, the law demands compliance and proper enforcement to achieve its objectives. They determine how the law functions and its efficacy and support the examination of its content, basis value, and community’s perception thereof. There is no guarantee that law promotes all social needs and interests, especially of less-advantaged groups (Davis & Prado,

2014). Sometimes, the law even creates disincentives for the groups. Herein, informal workers constitute an example of the groups.

The use of law as an instrument of social control takes precedence over economic, political, or other control functions because of the punishment used in disciplining social behavior. The efficacy of law along with the implementation of dire consequences for violations in negating the rational choice of subjects to obey the law instigates an old debate about legal autonomy. This old debate involves formalists, instrumentalists, and Marxists, with some parties adopting the structuralist's idea of the law's relative autonomy. In contrast, others favor post-structuralist innovations in critical theory, which state that legal discourse is epistemologically autonomous (Tomlins, 2007). The incompleteness of law lies in the fact that what is presented as positive law is inevitably tied to what is not a law concept or could be beyond its reach (Cordero, 2021).

Interestingly, even the law governing social systems is in its autopoietic reproduction and a conflict-ridden domain with other social systems, such as economics, politics, and religion (Zumbansen, 2006). Therefore, using this argument, it can be said that the failure of Indonesian law in restricting activities during the pandemic was due to its inaccessibility or its reach that is beyond its legal norm as a symbolic structure that expresses (normative) expectations (Luhmann, 2004) in terms of temporal, factual, and social dimensions. The complexity of the state's legal norms puts the law in conflict with the socioeconomic disincentives faced by informal workers. The reach of legal norms culminates in their function. The function as well as the effects of the law are determined by various factors: the intent of the relevant parties creating the law, the application of the law, and the actors assessing the law. There is no automatic equivalence between effect and function, between what is and what ought to be (Burchardt, 2019).

Method

This article drew on socio-legal research that followed the qualitative observation, in-depth interviews, and Focus Group Discussions (FGDs). Interdisciplinary socio-legal research in this regard focused on sharing the concepts of research employing the components of legal traditions and social sciences, especially sociology. Following the tradition in the social sciences, the data for this research were collected using in-depth interviews and FGDs. In-depth interviews in qualitative field research could be used flexibly for openly and covertly involving groups of informant. Through qualitative field research, various information was collected in the form of a series of opinions or 'themes' on issues relating to the meaning of the law circulating within the community. The various 'themes' were then analyzed and extracted into several main themes. Considering the spread of COVID-19 and regulations on social activities restriction, in-depth interviews and FGDs were conducted only for the relevant government officials. The study field comprised three activities: data reduction, data presentation, and data conclusion. Data reduction covered selecting, simplifying, abstracting, and transforming rough data from written notes collected in the field. The presentation of the data in question comprised a set of concluded structured

information. The conclusion itself constituted a part of the entire configuration activity.

This article involved analysis of primary and secondary legal sources. The primary legal sources analyzed covered 188 COVID-19-related legislations and regulations on several areas, including health, social activities restriction, and economic recovery. These legislations and regulations varied based on their implementing institutions. They were statutes, presidential regulations, ministerial regulations, and regulations for COVID-9 Task Force. These were analyzed based on their content and impacts in the context of viral spread prevention. Thus, the analysis used an instrument of interpretation and assessed the achievement of their objectives. The secondary legal sources were articles from reputable international journals, especially those about essential concepts. These were analyzed to gain similar and different understandings.

Results

The Character of the rule and its failure

In Indonesia, the government formulated policies to prevent the spread of COVID-19 and overcame socio-economic problems through at least 188 regulations in various forms and with various contents. In 2020, the government promulgated 73 regulations, and in 2021, there were 115. The provisions of these regulations are more related to the issue of restricting activities, whether for individuals, industry, education, community, including religion (activities in places of worship), and informal work. These restrictions mainly affect informal workers. Instead of generating income, access to economic incentives from the government cannot be ensured. The regulation regarding economic incentives was only promulgated in 2021 and access to these incentives is very limited.

The enforcement of the provisions of restriction on community activities faced issues among informal workers and it was a challenge to restrict work outside of the home since working from home could not guarantee the survival of said workers. This condition has caused the spread of COVID-19 to tend to increase from April 2020 to the end of July 2021. The level of compliance with health protocols from September 2020 to March 2021 is very low. The highest compliance rate on March 29, 2021, for example, shows that: 91-100% compliance is 36.51%; 76-90% compliance is 28.88%; compliance 61-75% is 19.07%; and compliance $\leq$ 60% is 15.53%. (<https://covid19.go.id/monitoring-kepatuhan-protokol-kesehatan>)

The administrative law is used to regulate social activities to prevent the spread of COVID-19. In this case, criminal law is not used even though it has criminal sanctions. Therefore, the social control function of such a regulation emphasizes administrative procedures in lieu of criminal processes. This point of view introduces a challenge in imitating Chinese criminal law. Even though the comparison between the Indonesian and Chinese models clarifies the differences, it does not necessarily show different outcomes. The state faces a dilemma in implementing criminal sanctions as it will be difficult to implement by the criminal justice system. Violations are generally punishable by quarantine or

orders to stay at home along with quarantine, which is more persuasive than statutory. This strategy does not reduce violations. It increases the challenge in achieving the objectives of the law and subsequently affects the efficacy of the law. Therefore, implementing the law with the goal to ensure the compliance therewith becomes the focus in reconsidering the concept of efficacy. Definition of the efficacy of the law needs to describe the complex process, including the elements necessary to implement the law (process-oriented definition). Ensuring efficacy involves a process of discovering how the law works by considering all its primary steps. The standard process is to define it by stressing on the objectives or outcomes of the law. Therefore, the earlier drawn definition needs slight modification. Ensuring efficacy requires describing the process as a continuum.

Discussion

Regulatory Design, Compliance, and Implementation

Standpoint system theory as such that of Niklas Luhmann sees the law as a system of communication (Hoecke, 2002) for all other subsystems. However, a new approach has been applied in the adoption of an autopoietic view. System theory owed much of its success and dynamic quality to its view of the systems as open to the environment and adaptive (Teubner, 1993). Law facilitates the communication between legislators and the community as well as state agencies and between the objective and outcomes. Law, both in the form of legislation and regulation, can produce different effects in its implementation. System theory's standpoint requires us to use the general idea of law and development. It is primarily the regulatory impact mechanism theory to address the gaps between law and its implementation. This approach identifies the regulatory design, regulatory compliance, and quality of implementation (Lee, 2017). In the end, it states the importance of a stable solution within the framework of legal efficacy.

It is essential to distinguish between legislation and regulation from the regulatory design theories, which perform a clear division of labor (Kosti, Levi-Faur, & Mor, 2020). Legislation and regulation are also different forms of legal rules in the context of Indonesian "mixed legal traditions". Legislation is a source of mandate and reference in regulation formulation. Therefore, legislation has a higher position than regulation and the distinction of both in terms of level, power, authority, nature, content, and jurisdiction is necessary. From the side of content, regulation is more applicable than legislation. On one hand, legislation is a primary source of law as it is formulated by the parliament. It often refers to a statute enacted by legislative and executive powers at the state and district level. Law Number 6 of 2018 concerning Health Quarantine is a statute which serves as the primary source of all regulations on the COVID-19 pandemic. On the other hand, regulation refers to a rule promulgated by executive organs without involving the legislative organs. Government Regulation concerning Large-Scale Social Restrictions to Handle the Spread of COVID-19 is an example thereof. In the perspective of objective achievement, legal efficacy applies to legislations and regulations, both in a stand-alone manner and as a unit.

This part addresses regulatory design to analyze three normative components of the regulation on the COVID-19 pandemic: 1) anticipated policy outcome, 2)

organization of law, legal frameworks, and institutions, and 3) adaptability to socioeconomic conditions (Lee, 2017). An incoherent normative regulatory framework is a setting for failure. For example, where a normative framework includes two opposing norms, the policies and practices developed under that framework will undermine each other, leading not only to a waste of resources but also, more importantly, a failure in achieving the intended governance objectives (Sheehy & Feaver, 2015).

Anticipated Policy Outcome

This element refers to the regulatory objectives in the form of specific outcomes anticipated following the implementation of policies (Sheehy & Feaver, 2015). The objectives of regulation are the results of intervention, taking the form of activities and ranging from formal legal to informal peer group control (Uche, 2001). During the first wave of the COVID-19 pandemic, the objectives of regulations were to promote public health by prioritizing the prevention of COVID-19 and national economic recovery through restricting individual activities outside the house. In Indonesia, the regulations on social and health sectors failed to meet their objectives due to the prohibition of social interactions or lockdown policy. The policy produced economic disincentives for the informal workers. From the economic perspective, promotion of public health through restrictions on mobility, precautionary behavior, and loss of labor income led to sharp contraction in almost all consumption subsectors, except for health, education, and equipment consumptions (LPEM FEB UI, 2021). The policy caused the informal workers to lose their jobs and income, which provoked them to violate the prohibition through illegal acts and civil disobedience.

Civil disobedience is nonviolent resistance and a willingness to accept possible punishment for unlawful acts (Wihl, 2018). It describes the interests of individuals or community that overlap or contradict the regulatory objectives. This conflicting condition between the said interests and regulatory objectives coupled with the unanticipated negative impacts illustrates that regulation goes beyond what is “in the books” in the attempt to realize its potential impacts and enforcement (Hartlapp, 2020), which involves the assessment of the community. Therefore, in addition to assuming that the regulation protects the public, its implementation shall also solve the tension created by its objectives and impacts. Further, the implementation shall observe the fundamental factors, such as the state’s capacity and political will to ensure its quality (Wihl, 2018).

Organization of Law, Legal Frameworks, and Institution

Regulations bring about social control and change in the face of adversity. Communities often support the regulations that they view as part of social norms and control mechanisms, containing pro-social standards that support the actions benefitting the community (Bell, 2015). The idea of social control is popular in the subject of criminology and sociology of law. Social control addresses troublesome, deviant, problematic, threatening, worrying, and unwanted human behavior that may injure the community or the concerned individual. However, some theories argue that social control can be achieved

through self-control (Johnson & Falchetta, 2019). Furthermore, the state agents may enforce legal social control to deter violations.

The impact of regulation also depends on its structure, management style, and context (Lee, 2017). Structurally, the provisions on COVID-19 are not stand-alone but a series of multiple legislations and regulations. The Task Force for the Acceleration of the Handling of COVID-19 was later replaced by the Committee for COVID-19 Handling and National Economic Recovery, under which there is a Task Force for COVID-19 Handling. The institution is tasked to implement the COVID-19 legislations and regulations issued to remediate the declining social and health sectors. This institution works from the national to the regional level. They enforced the lockdown rules namely restrictions and quarantines through the police, the national army, and the local government, including officials in charge of quarantine.

The enforcement of lockdown policy initially did not address the issue of community's access to funding sources to support them in overcoming economic disincentives. The police, for example, were not expected to quickly understand how the restrictions on social activities became economic disincentives for informal workers. Some workers have adapted to changing circumstances by switching to other jobs and business fields to survive during the community activities restrictions, even though not all of them managed to find a suitable means of sustenance. The World Health Organization (WHO) guidance on wearing masks inspired a new strategy by the Task Force to make the lockdown policy more flexible. The Context shows that Indonesian lockdown regulations raise questions that are not revealed as pro-social policies.

Adaptability to Socioeconomic Conditions

Law can be used in many ways to safeguard population's health and safety (Paget & Patterson, 2020), but it cannot stand alone to make sure of its efficacy. Socioeconomic factors are the social determinants of health that affect health-related behavior (Braveman & Gottlieb, 2014). The law that restricts social behavior without considering socioeconomic impacts is an instrument of disorder and a challenge for the achievement of regulatory objectives. Thus, the impacts of COVID-19 regulations that produced socioeconomic disincentives are not a basis to support their objectives.

Economic incentives for the community are law energy, and economic disincentives in the Indonesian context can distort the validity of the law. The need for a balance between economic incentives and regulatory objectives constitutes a dualistic framework for the efficacy of the law. Since informal workers earn low wages, they are adversely affected by the COVID-19 pandemic, thus it is essential to promote their economic welfare in addition to their health. Economic stability, which marks the fulfillment of social welfare, is a mediating factor in encouraging social awareness which enables the law to promote public health. This analysis requires economic justification to determine the amount of the economic cost or pressure in restrictions formulation. The concept of using economic methods to influence legislation is known as the "Economic Analysis of Law" and emphasizes the achievement of law's efficiency. However, when social

practice using realistic assumptions is involved, complete information is needed on the number of informal workers and the overall costs to achieve the marginal benefits of social welfare. Mathematically, it describes law's compliance as the combination of a total of social consciousness and the costs borne by the state to achieve the marginal benefit of the informal workers' welfare. With this reasoning, efficacy refers more to the process (algorithm calculation) to understand that the recipients of norms behave as required by legal norms (Barazin, 2019).

Regulatory Compliance

During the first wave of the COVID-19 pandemic, the regulations proved ineffective in supporting the public health system and preventing the spread of the virus. This was shown by the violations committed by informal workers, which led to the failure of the regulations to meet their objectives. Informal workers disobeyed the regulations because they needed to work. The fact that the workers had to interact with many people in doing so increased the spread of the virus. Informal workers from micro and small enterprises (MSEs) faced challenges in providing for their families, and thus they were reluctant to stay at home. The pandemic has thrown the informal sector into disarray, resulting in massive unemployment and social issues which negatively impacted individuals, families, and the national economy (Bahtiar, 2021). Considering the economic challenges for informal workers is necessary in dealing with the COVID-19 pandemic. Another example is India, a country whose workers are mostly concentrated in informal sectors, that faced healthcare crisis and increased unemployment which further produced the need for social reproduction (Miyamura, 2021).

Many countries worldwide responded differently to the COVID-19 pandemic. China has successfully used legal instruments to support the health system in the COVID-19 management. The Chinese government achieved great success by formulating "additional relevant legislations" through Chinese Criminal Law. The law imposed more severe sanctions on violators, resulting in compliance with regulations on the viral infection prevention (Li, Hu, & Liu, 2020). Similar to China, Poland witnessed that formulation of new criminal laws was the right way to prevent COVID-19 spread. Poland also applied more severe punishment (Czechowicz, 2021). Some countries have legally transferred law enforcement power to public servants and healthcare professionals to avoid violations to the civil and human rights during quarantine and isolation (Thome, et al., 2020). The results of the study in Albania regarding similar laws show that implementing stricter administrative laws and sanctions for those disobeying the lockdown policy has the potential of disturbing the whole system and community. In light of that, Albanian government had to compromise the fulfillment of other fundamental rights to ensure the availability of health insurance for COVID-19. Such an action led to a confusion, as the government sacrificed democracy and ignored the principle of proportionality, its lockdown regulations resulted in "knockdown" in its legal system (Tafari, 2021).

Kal Raustalia argues that compliance generally refers to the conformity or identity between an actor's behavior and specified rule (Raustiala, 2000). Lee argues that compliance can be classified into general legal compliance and specified legal compliance (Lee, 2017). Based on the point of view of law as a social system, the

efficacy of any legal framework comprises the bargaining process of various systems, such as those of law, economics, and health, that code the world in different ways with the possibility of producing a system of shared meaning that provides a social context for the application of legal norms.

This article views that compliance with the law requires legal consciousness. The concept of legal consciousness has several meanings, including a unified image, idea, emotion, and theory that exists objectively. This concept expresses the attitude of society, groups, and individuals towards law as a legal system, social institution, and an element. It contains two elements: legal psychology and ideology. The psychological element relates to the feelings a person experiences when facing legislative and law enforcement activities from various social structures. It also comes to play during the assessment of justice and self-interest in a legal process. The ideological element is a system of ideas, theories, and legal approaches, that people use to recognize the existing law, assess legal reality, and express the desired law (Bieliauskaite & Slapkauskas, 2015). This element is quantifiable. Therefore, it is possible to measure the level of legal legitimacy within a population and use the results to offer suggestions and recommendations to policymakers. Scientific analysis of society's demands on legal development is important to produce fair laws and interpret the existing legislations according to the "behavioral-legal studies" and is analogous to "behavioral economics" (Horak, Lacko, & Klocek, 2021). Horák defined legal consciousness by suggesting that it is a complex of knowledge, beliefs, skills, values, and attitudes related to the law of an individual. He argued that legal consciousness is an individual's relationship with the law created, deepened, and developed in the context of the particular law and the community. The law and the community provide the systems with the authority and legitimacy necessary to regulate human behavior (Horak, Lacko, & Klocek, 2021). The level of legal consciousness determines the costs that the state incurs to achieve the marginal benefits of the informal workers' welfare. It means that efficacy of law is affected by the state's ability to fulfill the marginal benefits of informal workers. Community of informal workers often uses their knowledge, skills, attitudes, beliefs, and values to determine if they should violate the law. The policy on national economic recovery (PEN) that is difficult to access by informal workers shows that the failure of negotiations leads to unmet requirements of marginal benefits. Informal workers still need space for work activities; therefore, restrictions on community activities during the second wave of COVID-19 pandemic shall consider the importance of social reproduction.

Quality of Implementation

The quality of implementation means the quality of regulatory enforcement. It refers to the state's act to meet the requirements of law and undertake mandates under the terms of law to fulfill its objectives (Lee, 2017). In the case of COVID-19 pandemic, the government took measures to restore the national economy but failed to overcome the economic challenges faced by informal workers in general. Such a failure was due to the lack of support from legal institutions for these workers' financial condition.

Informal workers demonstrated obedience to the COVID-19 regulations to strengthen the health sector to ensure their economic survival. In light of that, the government is encouraged to implement the “structural coupling” theory that links legal, economic, and health systems as a social system. This process considers the legal system as an open system that responds to inputs or disruptions from its environment, and thus creates internal order in the system. Due to unpredictable development of COVID-19 pandemic, the social system’s bargaining process has become more complex and dynamic, even though in minor cases it may sometimes be omitted. It is difficult to establish a relationship between the health, legal, and economic systems with precision. Consequently, legal regulations on COVID-19 deals with a new unpredictable phenomenon. The autopoietic theory that recommends adherence to the rigidity of the legal and illegal codes will result in disorder and failure, which in turn disturb the activities of informal workers.

Developing the Concept of Legal Efficacy

Some legal theories use the term “efficacy”, while others use the term “effectiveness” in explaining this critical concept of law. The distinction between “efficacy” and “effectiveness” (of a law) is a matter of semantics. Both refer to the laws’ ability to function as an instrument of social control and change. Hans Kelsen argues that the effectiveness of the law is related to the purpose of the legal system, which seeks to persuade people using the concept of crime to threaten them to behave in the desired way (Kelsen, 2008). This concept helps us understand the relationship between laws and their effects. Through *reductio ad absurdum*, norm-behavior congruence is a necessary condition for any reasonable conceptualization of efficacy (Loyo, 2016). Maria Mousmouti argues that effectiveness is integral to the values and principles characterizing legislative quality. Effectiveness shows how law can do its intended jobs and is considered the primary expression of legislative quality. This definition is broader but lacks details. The effectiveness of a law issue is also present in various fields, such as public policy, law and economics, philosophy and sociology of law, and behavioral sciences (Benedetto, 2018). However, this concept is treated differently by positivists, realistic legal theorists, legal scientists, and naturalists, due to the validity of legal norms. The different approaches by referring to the differences in assumption can be adopted. For instance, positivist legal theories use success to determine the legal norm validity; on the other hand, realist legal theories tend to minimize this aspect of success to validate the norm. Legal naturalists consider the validity of legal norms independent of their efficacy calculations (Barazin, 2019).

Legal norms are considered effective when the actors behave as predicted by the norms. Legal efficacy outlines two levels; citizens’ compliance with the norms and the application of the norms by the organs applying the law. These two levels serve as the “primary” and “secondary” nature of the legal norms (Barazin, 2019). Regardless of the relationship between legal norms and validity, the articulation of any law’s success can be done in various ways but the guidance shall build on the understanding actual observance. The theories in jurisprudence regarding efficacy are different from social-legal theories, which center on achieving objectives and outcomes in addition to subject obedience to the said law.

Definitions of legal efficacy and effectiveness developed in jurisprudence and socio-legal studies emphasize compliance and objectives achievement. All definitions emphasize social responses and results of responses. Law enforcement is essential because a law needs to consider different subjects—individuals or groups—in various ways. This article finds that statutes do not automatically result in compliance and guarantee an outcome. Thus, definition of the efficacy of the law shall include a description of compliance therewith, enforcement style thereof, and impacts thereof. As the resonance of the law, the police or other state apparatuses play a role in a series of prevention and intervention strategies to overcome violations. The response of the police or state apparatuses in dealing with breaches of social restrictions to curb the spread of COVID-19, such as in the case of domestic violence, human rights violations, human trafficking (Jurek & King, 2019), and other forms of illegal activities, is difficult to predict. Inequality and legal uncertainty are also important aspects. People value legal certainty. The predictability of the law protects those who are subject to the direction from arbitrary state interference in their lives. Legal certainty allows people to plan for their future. However, legal certainty is not an absolute desire. One form of violation of legal certainty often seems to frustrate people when planning their whole future (Gribnau, 2013). Indonesian regulations emphasize the importance of legal certainty.

Nevertheless, legal certainty is not limited to court considerations for legal violation cases. It also includes the ways the police and other government officials enforce the law. They indicate the citizens' compliance with the law and the achievement of regulatory outcomes. The style of law enforcement, such as in Indonesia, needs to consider the pressing conditions, political condition (Short, 2021), and economic condition. Preventive measures as a form of law enforcement vary widely. Preventive action is contextual, meaning it depends on many factors for different social environments. Law enforcement will be part of an interpretive process. Law enforcement constitutes an essential element that can affect the outcomes of the enforcement of a law. Thus, the conceptualization of the efficacy of the law refers to the behavior congruent with the norms or compliant with the law, context-based law enforcement, and achievement of the anticipated outcomes. At the same time, efficacy reveals the quality of law as behavioral guidelines and its response to real life. The law and development theorists understand quality of law as a form of regulatory design. Law's response in real life expresses two main dimensions: regulatory compliance and regulation implementation. There is a need for clarity of the concept to ensure it is understood.

Conclusion

Legal institution has a pivotal role in preventing the spread of COVID-19. COVID-19 legislation intends to protect public health has introduced negative impacts. The economic problems affected the community's compliance with the law and the law enforcement by the state actors. The objective of regulations is no longer a reference in realizing compliant behavior and consistent implementation; and, it is not the sole measure of the efficacy of law. Compliant or beyond compliant behavior is a product of social perception of law, instead of the awareness of the

duty to obey the law. The enforcement style also affects the compliance with law. Formalistic style of law enforcement produces different results than those from flexible style. The reality shows that non-compliant behavior with legal norms that severely limit activities stems from a complex or combination of the intent of the relevant parties creating the law, law application, and law application effects. The combination of these three elements of efficacy will reveal the function of law and if law introduces negative or positive impacts in real life. Based on the point of view of law as a social system, the efficacy of law is shown in the bargaining process of various systems, such as law, economics, and health, that code the world in different ways with the possibility of producing a system of shared meaning that introduces a social context to apply legal norms. This bargaining process occurs in the realm of law enforcement.

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