

## **Legal Compliance of the Community in the Transition Period from Pandemic to Endemic Covid-19: A Study Analyzing the Effectiveness of PPKM Policies**

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### **Abstract**

This article aims to review the effectiveness of community activity restriction policies (PPKM) in preventing coronavirus disease 2019 (Covid-19) and analyze the legal compliance of the community with PPKM policies during the transition from pandemic to endemic. As a juridical-normative study, the approach used includes a conceptual approach. PPKM is claimed by various parties to have successfully suppressed the spread of Covid-19 cases in Indonesia, leading to the government's announcement of the transition from the pandemic to the endemic phase of Covid-19. However, behind this success, there are factors influencing law enforcement. These factors include legal awareness, legal compliance, and legal culture. The relationship between these three factors is closely related to achieving legal goals. Legal culture cannot materialize without legal compliance, especially compliance with various policies in preventing and handling Covid-19. Ideally, compliance that arises is compliance without coercion. In other words, everything is based on legal awareness that ultimately becomes a habit.

### **Keywords:**

Legal Compliance; Covid-19.

### **Introduction**

The coronavirus disease 2019 (Covid-19) pandemic has been a global issue since the end of 2019. The outbreak, which originated in the city of Wuhan, China, has become a major global problem that is the shared responsibility of the international community. Consequently, the World Health Organization (WHO) declared Covid-19 a pandemic.

The phenomenon not only caused panic and concern but also had significant impacts on nearly all sectors of community life.<sup>1</sup>

The discovery of 2 (two) individuals confirmed positive for Covid-19 in Indonesia on March 2, 2020, it marked the beginning of the entry of the virus into Indonesia. By April 9, 2020, the pandemic had spread to all 34 provinces, with East Java, DKI Jakarta, and South Sulawesi being noted as provinces with the highest population exposure.<sup>2</sup> The high number of cases in Indonesia led several countries around the world to doubt that Indonesia would be among the last to emerge from this pandemic. Some countries implemented lockdowns as a policy to reduce the more massive spread of the outbreak, and Indonesia was no exception. This ranged from the imposition of Large-Scale Social Restrictions (PSBB), the issuance of *Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2020* (Government Regulation in Lieu of Law No. 1 of 2020), tourism stimulus, to the implementation of the Community Activity Restrictions (PPKM).

In contrast to other countries that implemented lockdowns without much thought, Indonesia sought to create its own policies, all with the same goal, namely through the PPKM. PPKM is a policy claimed by various parties to have successfully suppressed the spread of Covid-19 cases in Indonesia. The first PPKM was implemented from January 11 to 25, 2021. It was initially enforced in the Jakarta Special Capital Region and 23 regencies/cities in 6 (six) provinces with a high risk of Covid-19 spread.

Before PPKM, there were terms like PSBB (Large-Scale Social Restrictions), Micro PPKM, and Emergency PPKM. However, in its implementation, PSBB was more stringent, and this differs slightly from PPKM, which only enforces a 75 percent work

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<sup>1</sup> Yuslistia Opeska, "Pengaruh Tingkat Pendidikan Dan Budaya Hukum Terhadap Kepatuhan Hukum Warga Kota Jambi Dalam Menerapkan Protokol Kesehatan Covid-19," *Civics Education and Social Science Journal (Cessj)* 3, no. 2 (2021): 146.

<sup>2</sup> Tegar Ayu Antiko, Akmal Sutja, and Heri Ismanto, "Penerapan Model Pembelajaran Kooperatif Teams Games Tournament Untuk Meningkatkan Kemampuan Kerjasama Siswa Pada Pembelajaran PPKn Di Kelas VIII SMP Negeri 16 Merangin," *Civic Education Perspective Journal FKIP Universitas Jambi* 1, no. 1 (2021): 59–74.

from home and 25 percent work from the office policy. Many consider PPKM to be one of the effective policies in facing the pandemic.<sup>3</sup>

On the other hand, the implementation of PSBB is considered not yet effective. This is because there are still many people who are not compliant, and it is not accompanied by the government's firmness. Despite that, PSBB itself has been clearly regulated in *Peraturan Pemerintah Republik Indonesia Nomor 21 Tahun 2020* (Government Regulation of the Republic of Indonesia Number 21 of 2020), which refers to the *Undang-Undang Republik Indonesia Nomor 6 Tahun 2018 tentang Kejarantinaan Kesehatan* (Republic of Indonesia Law Number 6 of 2018 regarding Health Quarantine).<sup>4</sup>

It can be said that non-compliance with these policies and laws raises the question that law enforcement is a collective responsibility of the entire society, not just law enforcement officials. The relationship that should be understood is the strong connection between law enforcement and legal culture in society, which becomes a unified element in law enforcement. If the strongest factor, apart from law enforcement, is the culture of society, then undoubtedly, awareness and compliance have already been present before the culture.

So, how does PPKM relate to the emergence of legal compliance, even though it is another version of PSBB, albeit with differences in stringency, and many claim that PPKM is an effective solution? Moreover, since May 2022, President Joko Widodo announced the permission not to wear masks in open spaces, which is a preliminary step in the transition from a pandemic to an endemic state. Meanwhile, upon closer inspection, Covid-19 cases have not completely disappeared from Indonesia.

In relation to that, many studies have actually conducted various analyses on the legal compliance of the community in implementing health protocols according to the policies applied during the pandemic period from 2020 to early 2023. Research by Anajeng Esri Edhi Mahanani and colleagues, for example, states the necessity of

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<sup>3</sup> Andrian W. Finaka, "Beda PSBB vs PPKM," *Indonesiabaik.Id*, last modified 2021, <https://indonesiabaik.id/infografis/beda-psbb-vs-ppkm>.

<sup>4</sup> Lu Sudirman and Petrus Padapotan, "Kebijakan Pembatasan Sosial Berskala Besar Dalam Kepatuhan Hukum Masyarakat Di Kota Surabaya," *Journal of Law and Policy Transformation* 5, no. 2 (2020): 72–85.

synergy between government control and social control in creating legal compliance and obedience.<sup>5</sup> Legal compliance is indeed greatly influenced by the legal culture of the community, demonstrating a good legal awareness.

The findings above are consistent with research conducted by Fuadi Isnawan, which suggests that to enhance legal awareness, several measures can be taken, including imposing sanctions, providing education, conducting campaigns, and offering legal counseling. However, in practice, these measures often result in a contestation between government objectives and the individual interests of the community.<sup>6</sup>

### Method

This article is the result of normative research that focuses on law, conceptualized as norms and rules that apply in society and serve as a reference for the behavior of individuals. The research context in this article emphasizes the description of societal compliance with the PPKM policies established by the government during the transition from a pandemic to an endemic state in the prevention of Covid-19.

The secondary data used by the author consists of primary materials such as the *Instruksi Menteri Dalam Negeri Republik Indonesia Nomor 15 Tahun 2021 tentang Pemberlakuan Pembatasan Kegiatan Masyarakat Darurat Corona Virus Disease 2019 di Wilayah Jawa dan Bali* (Minister of Home Affairs Instruction of the Republic of Indonesia Number 15 of 2021 regarding the Implementation of Emergency Community Activity Restrictions for Corona Virus Disease 2019 in the Regions of Java and Bali), as well as several related regulations. Secondary materials were obtained from books and articles from both print and electronic media.

The approach used is a conceptual approach, a method that refers to views and doctrines developed in legal science. In this research, the researcher adopts an

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<sup>5</sup> Anajeng Esri Edhi Mahanani et al., "Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19 Anajeng," *Widya Pranata Hukum* 3, no. 2 (2021): 64–74.

<sup>6</sup> Athoillah Islamy, "Problem Efektivitas Pencegahan COVID-19 Di Indonesia Dalam Perspektif Sosiologi Hukum (Studi Analisis Kebijakan PSBB)," *Jurnal Mimikri* 6, no. 2 (2020): 235–248.

approach based on legal experts, especially in the field of legal sociology, so that this approach will create a definition of law and principles that align with the issues at hand.

### **The Effectiveness of PPKM as a Policy in the Effort to Prevent Covid-19 in Indonesia**

According to WHO data as of September 2021, 224 countries, including Indonesia, were affected by the Covid-19 pandemic.<sup>7</sup> In the midst of the global catastrophe, the government continues to seek solutions by introducing various policies that align with the culture of the Indonesian society. While many countries implemented lockdowns, Indonesia opted for PSBB and PPKM as preventive measures against the ongoing spread of the pandemic.

Both PPKM and PSBB differ from a strict lockdown. They are considered softer approaches compared to a lockdown, as their restrictions not only impact socially but also extend to the economic aspects of society. If a lockdown were implemented in Indonesia, it could potentially have a backlash on various aspects of people's lives. In contrast, countries like Australia, for instance, include research findings related to the readiness of healthcare facilities during a lockdown. This research is used to prepare the number of hospitals for a potential surge in the number of patients affected by Covid-19. Even Taiwan, which is only 150 km away from the origin of Covid-19 (China), recorded only 426 cases and 6 deaths due to Covid-19.

Both Australia and Taiwan demonstrate strategies for handling the spread of Covid-19 based on research data and information. However, the researcher in this case did not conduct a comparative study between the two countries. Considering the realities in Indonesia, it can be seen that both countries differ significantly from Indonesia in terms of population and land area. Although Australia has a larger land area than Indonesia, the population size, which is not proportionate to the land area, also facilitates the handling of the Covid-19 outbreak. If a comparison is to be made, it would be more appropriate to compare the handling of Covid-19 in Indonesia with

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<sup>7</sup> A A Agus and A N Aspi, "Analisis Kepatuhan Hukum Masyarakat Dalam Menerapkan Protokol Kesehatan Sesuai Peraturan Bupati Soppeng No. 52 Tahun 2020 Di Kecamatan Lalabata," *Jurnal Kewarganegaraan* 6, no. 1 (2022): 532–542.

that in India, a country with a similar population size and relatively comparable land area.<sup>8</sup>

PPKM aims to foster public compliance with health protocols and is implemented only in certain regions in Indonesia categorized as areas with a high potential for the number of cases. Before the introduction of PPKM, PSBB had already been the government's preferred policy, with strict measures such as school closures, workplace closures, religious activity restrictions, and functional limitations on public facilities. However, the implementation of PSBB did not show concrete effectiveness. Therefore, the government replaced the term PSBB with PPKM, which, according to the Coordinating Minister for Economic Affairs, Airlangga Hartanto, has more integrated coordination, as the reference from top to bottom is different from PSBB, which tends to have references from bottom to top. However, the reality so far, whether PPKM shows a significant decrease in the spread of the virus?

Implemented since January 11, 2021, and officially ended on December 30, 2022, Indonesia is considered a country that successfully controlled the spread of the Covid-19 pandemic along with stability in related sectors, such as the economy and tourism. Since December 27, 2022, the daily Covid-19 cases in Indonesia have reached the WHO standard target with 1.7 cases per 1 million population. However, the implementation of the PPKM policy in each province in the Java-Bali island group has shown varying results. For example, DKI Jakarta is the most successful province in implementing these policies, as it became the first province to successfully reduce confirmed positive cases of Covid-19.

Consistently, DKI Jakarta has experienced a decline in cases starting from the third week of Emergency PPKM. The implementation of the Emergency PPKM policy in other provinces can also be considered successful in reducing weekly confirmed positive cases of Covid-19 per 100,000 population, even though it only started in the fourth and fifth weeks.

However, with the end of the policy, it does not mean that Covid-19 can be considered eradicated from Indonesia. Since April 1, 2023, data shows a high number

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<sup>8</sup> Islamy, "Problem Efektivitas Pencegahan COVID-19 Di Indonesia Dalam Perspektif Sosiologi Hukum (Studi Analisis Kebijakan PSBB)."

of positive Covid-19 cases, with 486 cases. Therefore, several regions continue to implement health protocols in accordance with government instructions. It can be said that with the reality of these cases, the effectiveness of the implementation of PPKM is not entirely successful. There is still a role for everyone to join hands to ensure that this deadly disease is truly eradicated from Indonesia.

### **The Influence of Awareness and Compliance on the Achievement of Legal Objectives**

Since the beginning of the Covid-19 pandemic, the government has taken steps to minimize the spread of the virus. However, data showing fluctuations in cases necessitates corrections in all policies that have been implemented, ranging from law enforcement to the general public. Various appeals have been made, one of which is the vigorous implementation of health protocols for the public. However, it should be acknowledged that not all policies will always be adhered to due to the strong awareness of the community.<sup>9</sup> Why is that?

There are several factors contributing to the public's non-compliance with various Covid-19 prevention policies. One of them is the high standard of health protocols. For some individuals, adhering to health protocols with high standards poses its own challenges, such as masks that must meet health standards and have a relatively high cost. Given the difficulties in meeting daily life needs amid the pandemic, purchasing masks, even though it's for personal protection and the well-being of those around, becomes even more challenging.

Additionally, another factor is the low level of public knowledge regarding the dangers of Covid-19. Knowledge is a crucial factor influencing public compliance with health protocols.<sup>10</sup> Despite ongoing educational efforts, whether through social media, reaching out to younger generations, or through door-to-door awareness campaigns by the Covid-19 task force, there remains a low level of awareness among certain segments of the population.

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<sup>9</sup> Agus and Aspi, "Analisis Kepatuhan Hukum MAsyarakat Dalam Menerapkan Protokol Kesehatan Sesuai Peraturan Bupati Soppeng No. 52 Tahun 2020 Di Kecamatan Lalabata."

<sup>10</sup> Ibid.

The need to fulfill economic requirements is also a significant factor contributing to the difficulty in imposing restrictions on activities in crowded places. Additionally, there is a lack of trust among the public in the government's vaccination program, which is designated as one of the efforts to prevent an increase in Covid-19 cases. This poses the government's biggest challenge: building trust is difficult when the vaccination program is perceived as anything other than a secure measure for the public.

Awareness, stemming from the word "sadar" in Indonesian, is defined in the Kamus Besar Bahasa Indonesia (KBBI) as consciousness, awareness, knowledge, or understanding. This awareness is closely related to knowing, understanding, and comprehending. When connected to law, legal awareness relates to knowledge, understanding, and comprehension of the law, rules, or policies in place. Soerjono Soekanto defines legal awareness as the consciousness or values within an individual regarding the existing law or the expected law.<sup>11</sup> The indicators of awareness in legal consciousness encompass several aspects, including:<sup>12</sup>

- a. Legal knowledge is an individual's understanding of specific behavior regulated by written law, concerning what is prohibited and what is allowed.
- b. Legal comprehension involves the information possessed by an individual about the content of rules (written), including their content, purpose, and the benefits of those regulations.
- c. Attitude toward the law is a predisposition to accept or reject the law, driven by respect or awareness that the law is beneficial for human life. In this context, there is an element of appreciation for legal regulations.
- d. Legal behavior pertains to the enforcement or non-enforcement of a legal rule in society. If a legal rule is in effect, the extent to which it is applied and adhered to by the community..

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<sup>11</sup> Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat," *Jurnal TAPIS* 10, no. 1 (2014): 1–25.

<sup>12</sup> Megafury Apriandhini, Yeni Santi, and Ernayanti Nur Widhi, "Kesadaran Dan Kepatuhan Hukum Terhadap Penerapan Protokol Kesehatan Masa Pandemi Covid-19 Di UPBJJ UT Samarinda," *Jurnal Humaya: Jurnal Hukum, Humaniora, Masyarakat, dan Budaya* 1, no. 1 (2021): 75–83.



However, in reality, almost all of the community behaviors are not in line with what has been regulated in Article 9 of *UU No. 6 Tahun 2018*, where every person or individual is obliged to comply and participate in the implementation of health quarantine. The law can be considered effective when it aligns and operates smoothly. However, public awareness of the dangers of the Covid-19 virus still tends to be underestimated.<sup>13</sup>

Forming legal awareness is not easy. Not everyone has the ability to be legally conscious. Soerjono Soekanto also argued that there are several factors influencing law enforcement, including:<sup>14</sup>

- a. The legal factor itself.
- b. Law enforcement factors, which are the parties that formulate and implement the law.
- c. Factors of facilities or infrastructure that support law enforcement.
- d. Community factors, which are the environment where the law is applicable or implemented.
- e. Cultural factors, which are the works, creations, and feelings based on human imagination in social life.

Among these factors, legal awareness is the precursor to legal compliance. The level of awareness of policy implementation is the most crucial instrument for the enforcement of the law in communal life.<sup>15</sup> Thus, the realization of a legal objective depends not only on the law itself and law enforcers but also on the continuity of the factors above to achieve legal compliance. Although compliance usually occurs due to coercion, for example, the imposition of sanctions, it is essentially obligatory because the law compels and must be obeyed by every layer of society.

By having legal awareness, not only in thoughts but also in behavior, an individual who actively participates and integrates into the communal life does not

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<sup>13</sup> Siti Hotimah, "Pembatasan Kegiatan Masyarakat Dalam Penanggulangan Covid-19 Berdasarkan UU No. 6 Tahun 2018 Tentang Keekarantinaan Kesehatan," *BULLET: Jurnal Multidisiplin Ilmu* 1, no. 6 (2022): 1339–1343.

<sup>14</sup> Lu Sudirman and Petrus Padapotan, "Kebijakan Pembatasan Sosial Berskala Besar Dalam Kepatuhan Hukum Masyarakat Di Kota Surabaya."

<sup>15</sup> Islamy, "Problem Efektivitas Pencegahan COVID-19 Di Indonesia Dalam Perspektif Sosiologi Hukum (Studi Analisis Kebijakan PSBB)."

need to be subjected to prohibitions or even sanctions by the government. Awareness should arise without coercion. In essence, the goal is to comply with every health protocol during PPKM to protect oneself and others. Therefore, awareness should not be threatened or, worse, enforced with specific penalties. It should arise from a full understanding that, for example, wearing a mask during the Covid-19 pandemic has a significant impact on preventing the widespread transmission of the virus.<sup>16</sup>

### **The Relationship of Legal Culture in Enforcing PPKM in Indonesia and the Transition from Pandemic to Endemic Covid-19**

The announcement regarding the transition from the pandemic to the endemic phase of Covid-19 was delivered directly by President Joko Widodo. The President emphasized that Covid-19 would not disappear in the near future; therefore, the community must be prepared to live alongside Covid-19. With such a statement from the President, it implies that societal habits need to be cultivated to achieve the goals of the policy.

In Friedman's legal system theory, three elements form the legal system: legal substance, legal structure, and legal culture. These three elements can be formulated as follows:

- a. Legal structure is interpreted as the legal institutions supporting the legal system. Legal structure manifests itself in the form of laws, legal institutions, legal instruments, and the processes and performance of legal instruments.
- b. Legal substance is interpreted as the content of the law. The content of the law can take the form of rules or policy materials aimed at creating certainty, justice, and societal benefit.
- c. Legal culture is then associated with the professionalism of law enforcement or the legal structure in carrying out its duties. It is also related to the community's awareness of obeying the law or legal substance.

However, broadly speaking, of the three elements mentioned above, legal culture has the most significant influence on law enforcement. Law is not merely a black-and-white formulation expressed in various legal provisions but should be

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<sup>16</sup> Ibid.

viewed as a phenomenon observable in the community's life through the behavioral patterns of individuals and groups. This means that law is heavily influenced by non-legal factors, such as values, attitudes, and societal perspectives, commonly referred to as legal culture. The presence of legal culture causes variations in the effectiveness of law enforcement among different communities.

The influence of culture on the ineffectiveness of various government policies, one of which is the perception of the community downplaying the existence of the Covid-19 pandemic. Many people whose lives depend on activities outside their homes will argue that their livelihoods will become increasingly difficult with the implementation of PPKM. Additionally, age is a significant factor affecting the success of PPKM. Children and the elderly tend to have short-term thinking, where distrust dominates, influencing non-compliant behavior with the law. However, the fact is that the highest risk of transmission is found among children and the elderly.<sup>17</sup> How to cultivate a legal culture amid the ongoing pandemic, now transitioning into the endemic phase of Covid-19?

The role of legal culture in the functioning of the law pertains to how awareness and compliance with the law are nurtured, closely related to various factors, especially the contributions of law enforcers. This means that law enforcement officials play a significant role in fostering the growth of public awareness and compliance. In this context, awareness involves acting in accordance with legal provisions, serving as a bridge between legal regulations and the behavior of community members to achieve legal compliance and create new cultural norms in society.<sup>18</sup> Lawrence M. Friedman refers to this as part of legal culture.

There are 3 main variables, according to Seidman, that can be used to determine whether someone will act in accordance with legal regulations or not, namely:

- a. Has the norm been communicated (legal product socialization), which in the context of Covid-19 prevention is the presentation of the function of PPKM itself to

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<sup>17</sup> Opeska, "Pengaruh Tingkat Pendidikan Dan Budaya Hukum Terhadap Kepatuhan Hukum Warga Kota Jambi Dalam Menerapkan Protokol Kesehatan Covid-19."

<sup>18</sup> I Gusti Ngurah Dharma Laksana, *Buku Ajar Sosiologi Hukum* (Bali: Pustaka Ekspresi, 2017).

the public? Sometimes, government policies are not known to the public due to a lack of structured socialization.

- b. Is the norm in line with the applied objectives for that position (legal product synchronization)? This means that the implementation of all policies, from PSBB to PPKM and other health protocol policies, is in line with the needs of the community in that area or not. Therefore, adjustment is crucial.
- c. Is the role player driven by deviant motivations (motivation factors)? Seidman's theory teaches that role players can have motivations, both willing and unwilling, to conform to norms. Meanwhile, role players can also have behaviors that may or may not be in line. This theory is then known as the deviance theory. The occurrence of a mismatch between the roles expected by norms and the actual behavior of society, as explained by the deviance theory, is because the legal function is no longer just a means of social control but as a tool to form new behavior patterns, thus creating the envisioned new society.<sup>19</sup>

Basically, in legal culture, it can be observed from the traditional behavior of daily life in society that is in line with and reflects the wishes of the laws or legal regulations that have been established and apply to all legal subjects in the life of the nation and state. Therefore, building legal awareness will have implications for legal compliance, and subsequently, it will shape the legal culture of society.

### **Conclusion**

Society will exhibit legal compliance if individuals within that society possess legal awareness first. Therefore, compliance with the PPKM policy during the Covid-19 pandemic must start with individual awareness. When individuals are conscious, they will adhere to the applicable legal rules, and society, in its daily life, will follow suit.

Building legal awareness requires full awareness from individuals in society so that the legal awareness of the community can become an inherent consciousness without coercion. Ultimately, when societal awareness of the dangers of Covid-19 to oneself and the community has arisen, compliance with the PPKM policy automatically emerges, ranging from minimizing mobility in crowded places to adhering to existing

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<sup>19</sup> Ibid.

health protocols. Both of these aspects contribute to the formation of legal culture in society.

As time progresses, this will become ingrained in the people and develop into a positive habit. If everything proceeds as it should, then the prevention and handling of Covid-19 in the transition from pandemic to endemic, as envisioned, will be carried out effectively.

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