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## **Implementation of Regional Regulation Number 7 of 2017 Concerning Public Order, Especially Social Order by the Civil Service Unit of the City of Tomohon**

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**Abstract.** This study aims to describe, analyze, and interpret the implementation of local regulation no. 7 of 2017 concerning public order, especially social order by the Tomohon Civil Service Police Unit [1]. The results showed that: a) lack of understanding of the community regarding what are the benefits, goals and objectives of local regulations regarding social order, the community does not know because of the lack of socialization carried out by the implementor, so far the socialization has been carried out only in oral form, b) that the process of taking preventive measures has been carried out in the form of conducting patrols by the Tomohon Civil Service Police Unit with a schedule of 1 x 24 hours for 2 patrol groups and, c) Whereas the enforcement process is based on the element of what mistakes he has committed. If it is related to population problems to be resolved or processed, whether it is a Certificate of Domicile (SKD) or the issuance of an Identity Card (KTP). For matters of immorality and alcoholic drinks, an investigation is made in the form of an Investigation Report (BAP) and then issues a Statement Letter as a form of guidance, d) That legal enforcement is not following the mandate of Perda No. 7 of 2017 concerning Public Order because there are no cases that have been continued until the trial of minor criminal acts.

**Keywords.** Public policy, Implementation, Local Regulation.

### **A. Introduction**

In the current era of globalization, many things have changed in all areas of life, including government. Changes in government in Indonesia emerged with a spontaneous breakthrough among students in 2018 to demand reforms against the New Order government which was considered unsuccessful in implementing democratic values, resulting in the collapse of the New Order government.

The collapse of the New Order was not only due to the tendency of authoritarian rule to be influenced by economic factors and social changes in society. This social change is driven by advances in technology, information and communication that produce demands for democratization, transparency, openness and human rights. The impact of these changes paved the way for reforms in all aspects of the nation's life. One of them is the emergence of demands for broad autonomy to regencies/cities to achieve a new Indonesia that is democratic, just and prosperous. This is reasonable because the government's too much interference in the past has resulted in regional government initiatives and initiatives that tend to die, causing various

problems in promoting development processes and democratic life in the regions.

With the existence of autonomy where the authority given to the regions tends to be owned by the Regency / City, with the hopes and demands of the community regarding justice in the administration of economic, political, social, cultural life, law enforcement, and respect for human rights that cannot be negotiated. To accommodate the aspirations of the community, regional autonomy is one of the strategic efforts that require careful, fundamental, far-reaching dimensions. This thought is then formulated in a regional autonomy policy which is comprehensive and is based on the basic principles of democracy, equality and justice accompanied by an awareness of diversity/plurality [2].

To realize regional autonomy, there needs to be a change in governance in Indonesia, namely from a centralized government shifting to a decentralized government by granting regional autonomy that is broad, real, and responsible. This has been realized with the enactment of Law Number 32 of 2004 concerning Regional Government as amended by Law Number 23 of 2014 concerning Regional Government which is the basis for the implementation of regional autonomy. Based on Article 14 of Law No.32 of 2004 and Article 11 of Law Number 23 of 2014 concerning Regional Government, the mandatory functions that fall under the authority of regional governments are also expanding, including planning and controlling development as well as the implementation of public order and order. With the development of regional development, it is hoped that it can create a just, prosperous and prosperous society. However, in the implementation of development, local governments must also pay attention to the order and order of their regions to create comfortable conditions for the entire community [3].

Tomohon City as one of the developing cities in Indonesia is one of the centers of all activities, social and culture. This is because the location of Tomohon City is flanked by the cities of Manado and Minahasa. Tomohon City also feels a similar phenomenon to other developing cities, which is a phenomenon with the establishment of offices, shopping centers, transportation facilities, entertainment facilities and so on. Of course, economic growth which is experiencing rapid growth also causes various problems of its own. The most striking things are related to public order, such as orderly roads and road transportation, orderly public facilities, orderly rivers, channels and pools, orderly environment, orderly places of business and certain businesses, orderly social, orderly health, and orderly places of entertainment and crowd [4].

Based on this phenomenon, the Tomohon City government issued a regional regulation no. 7 of 2017 concerning Public Order. Of course, the existence of this regional regulation is to create a peaceful, orderly Tomohon City and foster a sense of discipline in social behavior, as regulated in Chapter VII on "Social Order". Chapter VII regulates, among others 1). That every person who intends to live and reside in Tomohon City is obliged to fulfill the requirements of population administration and report to the local government in stages. 2). That the Regional Government has the authority to close down buildings or public places used as places for immoral acts 3) That people are prohibited from drinking alcoholic beverages in public places. 4) Whereas everyone is prohibited from begging or singing, wandering in public places. 5). Whereas every person and/or body owner of a house and/or building/building must indeed have a Red and White Flag on national and regional holidays at certain times per the applicable regulations [1].

The Civil Service Police Unit (Sat. Pol. PP) of Tomohon City is a regional apparatus responsible for enforcing regional regulations, regional head regulations, in the past three years it has received 41 cases, both public complaints and being caught red-handed / Timsus Patrols involving 'Social Order' wherein 2018 there were 11 cases, in 2019 there were 24 cases and in 2020 there were 6 cases. This of course raises a lot of speculation about this regional regulation

as to whether this regulation is 'sterile' in nature? Pol. PP has carried out its duties properly or what makes this regulation, not to perceive its implications in social life.

With a fairly broad scope of the Public Order Regional Regulation, the researchers are interested in researching "Social Order" with the title; "Implementation of Regional Regulation no. 7 of 2017 concerning Public Order specifically for Social Order by the Tomohon Civil Service Police Unit.

### **B. Research Method**

Based on the problems that have been formulated, this research uses a qualitative research approach with the aim that the problem being studied is more comprehensive, in-depth, natural and more focused on the process of finding the meaning behind the phenomena that appear in the research. With focus:

1. Implementation of Regional Regulation Number 7 the Year 2017 Concerning Public Order, Especially Social Order by the Tomohon Civil Service Police Unit
2. Inhibiting factors that exist in the implementation of Regional Regulation Number 7 of 2017 concerning Public Order, in particular the Social Order by the Civil Service Police Unit of the City of Tomohon.

With data sources consisting of informants, places and events and documentation. The data collection process starting from the process of entering the research location, when at the research location and collecting data.

### **C. Results and Discussion**

The issue of policies to increase peace and welfare of the people has received a lot of attention in the current regional autonomy era. Increasing peace and welfare of society in a broad sense includes various actions taken by humans to achieve a better level of community life. Increasing peace and welfare of society is an effort to achieve the goal of social welfare development which aspires to achieve social justice for all Indonesian people. And in the operation of state power, various new perspectives have emerged, in which the state turns out not to side with the interests of the whole people. This criticism can be understood that the state should side with one particular group, some of whom live in unfavorable conditions and experience difficulties and limitations in accessing various social services. In enhancing the peace and welfare of the citizens of society and to achieve this social justice, two important things must be considered, first that everyone has the same right to the broadest basic freedoms, as wide as the same freedom for all people; both social and economic inequality must be regulated in such a way that (a) can be expected to benefit everyone, and (b) all positions and positions are open to all.

In the life of society and the state, there has never been a society that is free from issues in society, the issue of public policy has never stopped; it continues to develop dynamically, in line with the level of development of society, the prevailing political culture. From time to time differences may be only the policy area (policy area) and the types of issues that develop. The more complex a society is, and therefore the more complex the problems it faces, of course, the more complex and varied the policy issues that are developed and faced [5]. As a strategy that wants to directly and quickly deal with and solve existing social problems, Tjokrowinoto formulates a more operational understanding to understand a development strategy oriented towards a welfare paradigm that promises social welfare and justice. The government in this case is the state instrument to create order, peace and prosperity [6].

The Tomohon City Government in order to create a city that is peaceful, orderly and fosters a sense of discipline in behaving in society, the government considers it necessary to

issue a policy on social order through Tomohon City regional regulation no. 7 of 2017 concerning public order can be found in CHAPTER VII Perda No. 7 of 2017, covering; a) every person who intends to live and reside in Tomohon City is obliged to meet the demographic administrative requirements and report to the local government in stages (Article 28 paragraph 1), b) everyone who visits or is visiting for more than 1x24 hours is obliged to report himself to the Head environment (Article 29 paragraph 1), c) The regional government has the authority to close down buildings or places used as places for immoral acts (Article 30), d) Everyone is prohibited from committing immoral acts on roads, green lanes, parks or public places (Article 31 paragraph 1) including being commercial sex workers, ordering, facilitating, cajoling, forcing other people to become commercial sex workers and using the services of commercial sex workers (Article 31 paragraph 2), e) everyone is prohibited from drinking alcoholic beverages in public places, unless otherwise specified. in the laws and regulations (Article 32), f) everyone is prohibited from begging or singing in private facilities or other public facilities (Pa sal 33), f) every person and/or body owner of the house and/or building/building is obliged to display the Red and White Flag on the commemoration of national and regional holidays at certain times by the applicable regulations (article 34) [7].

The Tomohon Municipal Civil Service Police Unit is a regional apparatus that has the task of enforcing regional regulations and of course organizing the creation of public order and public order. The people of Tomohon City understand and understand the benefits of regulating social order. This is felt necessary because, in modern society, social order is a guarantee for the creation of peace, peace and welfare. In the scope of application, Sat. Pol. The PP Kota Tomohon has implemented it by first implementing a socialization program which then takes preventive measures up to the stage of taking action to enforce local regulations.

Regarding the problems found, it can be analyzed that theoretically, the most important thing in implementing regional regulations is by moving a decision into an activity or operation in a certain way. And that way is that what is done has a logical resemblance to the decision and functions well within the scope of the institution. The last point contains a clearer message compared to the difficulty in bridging the gap between policy decisions and areas of activity that can be worked on, especially when the implementor does not understand what the policy contains. The latter contains a clearer message than the difficulty of bridging the gap between policy decisions and workable areas of activity. Water William also emphasized in Nawawi that programs or decisions are merely propositions about solving public problems [8]. Further, thinking about what applies is an amalgamation of thoughts which is a process of repulsion and compromise. A policy that contains actions proposed by the government to achieve established targets whose achievement is problematic. The program will exist if the initial condition is the stage if the policy hypothesis has been formulated. The word program itself emphasizes the change from all hypotheses to government action. Meanwhile, the initial premise of the hypothesis has been validated, while the degree of implementation of the expected consequences is the next stage referred to as application or implementation.

When juxtaposed with the previous research, it shows the same thing in the normative use of the analysis knife, namely the rules but the less implemented results show the inaccuracy of a policy that is implemented in line with what was said by Nugroho which revealed that there are five main principles in the implementation of public policy, which are used as a knife. reconstructed analysis on this focus, namely: Whether the policies themselves are correct. The accuracy of this policy is judged by the extent to which existing policies contain matters that solve the problems to be solved [9].

The executor is right, the actor implementing the policy is not only the government. There are three implementing agencies, namely the government, cooperation between the public

/ private sector, or the implementation of privatized policies. Right on target, accuracy is concerned with three things. First, whether the target that was intervened was as planned, did it not overlap with other interventions, or did it not conflict with other policy interventions. Second, whether the target is ready to intervene or not. Third, whether the policy implementation intervention is new or updates the previous policy implementation,

Appropriate environment, there are two environments that most determine, namely the policy environment in the sense of the interaction between the policymaking and implementing agencies with other related institutions. The second is the external environment of policies which consists of public opinions, namely public perceptions of policies and policy implementation, institutional interpretive relating to the interpretation of strategic institutions in society, such as the mass media, pressure groups, and interest groups in interpreting policies and implementing policies. And individuals believe that certain individuals are capable of playing an important role in interpreting policies and implementing policies.

Appropriate process, here the public understands policy as a rule of the game that is used for the future, on the other hand, the government understands policy as a task that must be carried out. So it can be said that paying attention to the right policies, implementation, environment, and processes will have an impact on the effectiveness of a policy to be implemented.

Barriers to Implementation of Regional Regulation No. 7 of 2017 concerning Public Order, especially the Social Order by the Tomohon Civil Service Police Unit. Policies that have been recommended by policymakers are not a guarantee that the policies will be successful in their implementation. Some of the challenges faced by implementers consider the impact of several phases of the policy process, namely: (1) Problems and demands are constantly redefined in the policy process, (2) Policymakers often define problems for those who have not defined themselves, (3) programs requiring public and intergovernmental participation if they contain multiple interpretations of the program's intentions. Inconsistent interpretations of program objectives are often unsolved, (4) Programs may be implemented without needing to learn about failures, (5) Programs often reflect easily achievable agreements rather than actual certainty, (6) Many programs are developed and implemented without defining the problem clearly.

Meanwhile, from a process point of view, the actual implementation of policies does not only concern the behavior of administrative bodies which are responsible for implementing the program and creating adherence to the target group but also concerns the power network: political, economic, social which can directly or indirectly influence the behavior of all parties involved, and which in the end have an impact on the impacts, both expected (intended) and unexpected (spillover / negative effects). Policy implementation is also understood as a process, output and outcome. Implementation can be conceptualized as a process because it includes several series of ongoing activities. For example, in the early stages, after the policy statute is stipulated, legislators conduct hearings with related institutions regarding the policies made. After that, the bureaucratic apparatus establishes a series of administrative decisions and establishes administrative routines to implement the rules that have been made. Next, prepare resources such as money and human resources that are needed by the state to carry out policies. After this activity is carried out, legislators carry out oversight and prepare steps to redesign the policy in response to weaknesses found during implementation...

Barriers to policy implementation can be analyzed according to George C. Edwards III's view, namely a policy implementation model with a top-down perspective that plays an important role in achieving successful implementation, namely: communication, resources, disposition and bureaucratic structure [10]. The implementation of public policies to achieve

success requires that implementers know what to do clearly. What are the goals and objectives of the policy that must be informed to the target group (target group) so that it will reduce distortions in implementation? If the delivery of the goals and objectives of a policy is not clear, does not provide understanding, or even the objectives and objectives of the policy are not known at all by the target group, then it is likely that there will be resistance or resistance from the target group concerned.

The above fact can be discussed with Pressman and Wildavsky's view that a verb implements it rightly is directly related to the noun wisdom. So that the process for implementing policies needs careful attention, and therefore it is wrong to think that the process itself will run smoothly if the coordination and communication are not clear between fellow implementers. From the data, it shows that socialization is generally in the form of verbal, not to mention that the form of community participation is considered lacking because of public opinion that feels that the government is the person in charge in terms of social order. [11].

For the resource indicator, it can be said that it has not been fulfilled. Currently, the number of Sat. Pol. PP is still far from the expected number, until now it only consists of 307 members. Of course, this has the impact of the lack of options for development both in academic qualifications and in training, especially as investigators (Civil Servant Investigating Officers). This confirms the theory of George Edward III as the second indicator of resources; In implementing the policy, it must be supported by human resources, materials and methods, objectives, objectives and content of the policy even though it has been clearly and consistently communicated, but if the implementor lacks the resources to carry out the implementation it will not run effectively and efficiently. Resources are an important factor for effective and efficient policy implementation. Without resources, policies that only stay on paper become documents are not realized to provide solutions to problems that exist in society and efforts to provide services to the community [10].

Related to Disposition (Attitude); a disposition in implementation is a characteristic, an attitude that is owned by policy implementers, such as commitment, communicative honesty, cleverness and democratic character. It can be said that the characteristics, attitudes of both the government and the community are very influential on the process. The community seems to be not obeying this regional regulation because the form of law enforcement is only in the form of guidance and administrative sanctions, which should otherwise be found to meet the guilty requirements then it must be acted upon in a tapering trial. So that every problem faced and not followed up, because if only reporting continues to enforce it only in the form of a statement letter without sanctions as a deterrent, the regional regulation is considered to have less influence on public order and peace.

The organizational structure has not been going well. Appropriate SOPs is a factor that determines the course of existing policies. In theory, the organization provides a simple map to show a general view of its activities and the distance from the summit shows its relative status. The lines between the various positions are framed to show the formal interactions established. In implementing the policy, the organizational structure has an important role. One of the aspects of the organizational structure is the existence of standard operating procedures (standard operating procedures or SOPs). The function of the SOP is a guideline for every implementor in action. Organizational structures that are too long tend to weaken supervision and lead to red tape, which is a complex and complex bureaucratic procedure. This in turn causes the organization's activities to be inflexible.

The situation and conditions at this time were the biggest obstacles experienced in the implementation of this regional regulation because the world, including Indonesia, which of course was included in Tomohon City, experienced a period of the COVID-19 outbreak. Surely

Sat. Pol. The PP is more directed in the context of curbing the implementation of the Tomohon City health protocol. So that it seems that from early 2020 until now the center of attention of all government administrators is more focused on handling the COVID-19 outbreak.

#### **D. Conclusion**

Based on the results of research data that have been analyzed and discussed in the research results that have been described in the previous chapter. So there are several conclusions poured out related to this research, namely:

1. Lack of public understanding regarding what the benefits, goals and objectives of regional regulations on social order are, the community is not aware of it because of the lack of socialization carried out by the implementor, so far the socialization has been carried out only in oral form.
2. Whereas the process of taking preventive measures has been carried out in the form of conducting patrols by the Tomohon Civil Service Police Unit with a schedule of 1 x 24 hours for 2 patrol groups as well as
3. Whereas the enforcement process is based on the elements of what mistakes it has committed. If it is related to population problems to be resolved or processed, whether it is a Certificate of Domicile (SKD) or the issuance of an Identity Card (KTP). For matters of immorality and alcoholic drinks by making an investigation in the form of an examination report (BAP) then issuing a statement letter as a form of guidance.

That the enforcement of the law is not per the mandate of Perda No. 7 of 2017 concerning Public Order because there are no cases that have been continued until the Tipiring Session.

#### **References**

- [1] "Regional regulation No. 7 of 2017 concerning Public Order. "
- [2] S. Kairupan, J. Mantiri, M. Mandagi, and R. Sendouw, "Ethics of Public Services in the Department of Investment and One-Stop Integrated Services of Manado City," 2019.
- [3] Government of the Republic of Indonesia, "Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government," Ministry of Agriculture. Sekr. The Republic of Indonesia, 2014.
- [4] A. Dilapanga, J. Mantiri, and C. Mongi, "Evaluation of the Management of Population Administration Information System at the Department of Population and Civil Registration of Tomohon City," 2019.
- [5] M. F. Rusdi, J. Langkai, and C. H. S. Tapai, "CIVIL SERVANTS 'COMPETENCE AS PUBLIC SERVICES,'" *SEIKO J. Manag. Bus.*, 2020.
- [6] T. Moeljarto, "Development Dilemmas and Challenges," in *Development*, 2012.
- [7] Sugiyono, *Quantitative Research Methodology, Qualitative, and R & D*. 2016.
- [8] Ismail Nawawi, *Public Policy: Analysis. Advocacy Strategy in Theory and Practice*. 2009.
- [9] R. Nugroho, *Public Policy: Policy Dynamics, Policy Analysis, and Political Management of Public Policy*. 2017.
- [10] G. C. Edward III, "Public Policy Implementing," *Literary and Linguistic Computing*. 1984.
- [11] J. L. Pressman and A. B. Wildavsky, "Implementation: how great expectations in Washington are dashed in Oakland," *Oakl. Proj. Ser.*, 1973.