



COMPLIANCE ANALYSIS OF HEALTH PROTOCOL IMPLEMENTATION OF COVID-19 PREVENTION IN RESTAURANT SERVICES IN CONSUMER PROTECTION LEGAL PERSPECTIVE (Study Hotel Mataram City)

By
Herlina
Politeknik Pariwisata lombok
Email: herlina.juli86@gmail.com

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ABSTRACT

With the existence of covid 19 the Ministry of Tourism and Creative Economy responded quickly to this by issuing implementation guidelines in implementing the health protocol called *Cleanliness, Health, Safety and Environmental Sustainability* (CHSE) in the tourism sector, one of which is hotels and restaurants/eateries, As an effort to prevent the spread of Covid-19, this is expected to protect business actors, especially consumers from the dangers of Covid-19 because it protects safety, security and comfort. The readiness of tourist attractions in receiving visitors must also receive special attention. Increasing awareness of the importance of implementing the CHSE protocol must be continuously fostered, so as to minimize the occurrence of negligence and can have a positive impact on each participant's environment. Restaurants are places that are prone to the spread of the Covid-19 virus. The purpose of this study was to determine and analyze the level of adherence to the implementation of health protocols and factors that have the potential to spread Covid-19 in restaurant services in the city of Mataram. Data collection techniques used in research are: observation, interviews, and documentation. The data analysis technique used is descriptive analysis. The results of this study are that compliance in implementing the Covid-19 prevention health protocol is influenced by 3 things, namely sanctions, establishing good relationships and knowing the purpose and function of these rules. Obstacles in the implementation of the Covid-19 prevention health protocol are, more than consumers themselves, because in changing people's behavior patterns to be able to carry out activities according to applicable regulations it is difficult to do, it requires a strong commitment from both the government in issuing policies, as well as those who apply the rules them (business actors).

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Corresponding Author:

Herlina

Politeknik Pariwisata lombok

Email: herlina.juli86@gmail.com

1. INTRODUCTION

With the existence of Covid 19, the Ministry of Tourism and Creative Economy responded quickly to this by issuing implementation guidelines for implementing the health protocol called *Cleanliness, Health, Safety and Environmental Sustainability* (CHSE) in the tourism sector, one of which is hotels and restaurants/ restaurants, as an effort to prevent the spread of covid-19, this is expected to protect business actors, especially consumers from the dangers of Covid-19 because protection for safety, security and comfort is something contained in consumer protection laws.

Ketut Suryadinata Putra, Pande Yogantara S has researched the implementation of the Covid-19 prevention health protocol at naughty Nuri's restaurants from the perspective of consumer protection law, stating that the restaurant where the research was conducted has implemented a health protocol to prevent the spread of Covid-19 both according to the standards recommended by the government as well as other efforts which, according to the hotel management, need to be carried out as additional efforts in prevention, although in practice there are still obstacles in its implementation, both internal and external, namely from the consumers themselves.

Nelsye Lumanauw, researching on CHSE education and implementation through *We Love Bali* Kemenparekraf on the 10 sanur-Nusa Penida-Nusa Lembongan-Sanur program, stated that the implementation of CHSE in the *We Love Bali* carried out in Bali was not fully carried out by participants and service providers restaurants and accommodation. There are still negligence against the guidelines that have been given, both by the participants and the organizers. The readiness of tourist attractions in receiving visitors must also receive special attention. Increasing awareness of the importance of implementing the CHSE protocol must be continuously fostered, so as to minimize the occurrence of negligence and can have a positive impact on each participant's environment. Based on this description which examines consumer protection in restaurants, it has not discussed the compliance of restaurant business actors in implementing the health protocol for preventing Covid-19 as one of the responsibilities of business actors to fulfill consumer rights in order to protect consumers' rights to comfort, safety and health during a pandemic. Covid-19, where restaurants are places that are prone to the spread of the Covid-19 virus, it is necessary for researchers to conduct research on compliance analysis of implementation of health protocols for prevention of covid-19 in restaurant services in the legal perspective of consumer protection (Study Hotel Kota Mataram).

The formulation of the problem in this research is

1. What is the level of compliance with the implementation of the Covid-19 prevention health protocol in restaurant services?
2. What are the factors that have the potential to hinder consumer protection through the implementation of the Covid-19 prevention health protocol in restaurants?

The purpose of this study is based on the description that has been discussed previously, namely:

1. To find out and analyze the level of compliance with the implementation of the Covid-19 prevention health protocol in restaurant services in the city of Mataram.
2. To find out and analyze the factors that have the potential to hinder consumer protection through the implementation of the Covid-19 prevention health protocol in restaurants.

2. METHODS

The flow of thinking from this research is as follows:

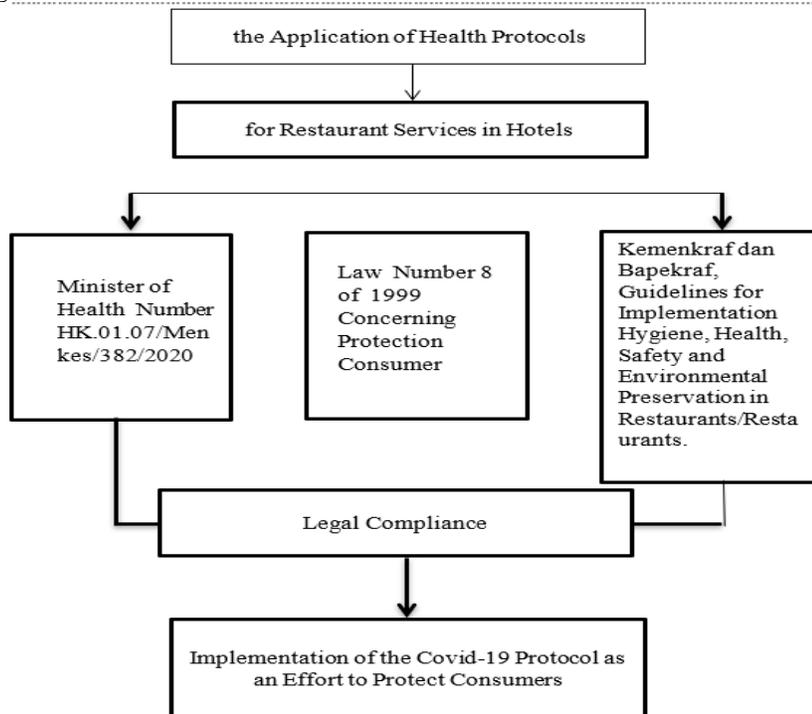


Figure 1. Flow of Thinking Research on



Types and Sources of Data The

Types of data needed and used in this study are divided into two, namely secondary data and primary data. Each data obtained from secondary data sources and primary data sources.

Location and Time of Research

1. Location of Research: This research was conducted at several hotels in the city of Mataram.
2. Time of Research: The research was conducted for seven months starting from March 2021 to September 2021.

Research Informants

In this study, the sample technique used was *purposive sampling*. *Purposive sampling* is a sampling technique with a special purpose. Samples or informants in this study can be seen in the following table.

Research Variables The

variable in this study is Compliance with the implementation of the Covid-19 prevention health protocol in restaurant services from a consumer protection legal perspective. **Data Collection Techniques**

In this study the researcher acted as the main research instrument by actively interacting with the respondents in the field. Data collection techniques used in research are: (1) observation, (2) interviews, and (3) documentation. **Data**

Analysis Techniques The

following are data analysis techniques used by researchers: **Data reduction, Triangulation, Drawing Conclusions**

4. RESULTS AND DISCUSSION

1. Implementation of Covid-19 Prevention Health Protocols in Restaurant Services/Restaurants

In Law No. 8 of 1999 concerning Protection Consumers' health and safety interests are part of the rights owned by consumers as contained in the provisions of Article 4 point 1 of the Consumer Protection Act which reads: "Consumer rights are: the right to comfort, security and safety in consuming goods and/or services. ". In addition to consumers, health rights are also workers' rights which are part of a person's Human Rights (HAM) which must be fulfilled, respected, and granted.

The government has a role in protecting consumers in accordance with Article 29 paragraph 1 of the Consumer Protection Act which reads: "(1) The government is responsible for fostering the implementation of consumer protection which ensures that the rights of consumers and business actors are obtained and the obligations of consumers and business actors are carried out".

The implementation of the Covid-19 prevention health protocol in restaurant services has been supported by the Ministry of Tourism and Creative Economy by issuing a guidebook

for the implementation of Hygiene, Health, Safety and Environmental Conservation in Restaurants/Restaurants. This guide was issued referring to the protocols and guidelines issued by the Government of Indonesia, the *World Health Organization (WHO)*, and the *World Travel & Tourism Council (WTTC)*.

Guidelines for implementing the COVID-19 prevention health protocol need to be issued, namely to provide awareness to the people of Indonesia and the world community about the importance of cleanliness, health, safety and environmental sustainability, which is very large due to the Covid-19 pandemic. Because in the future the world of tourism must be prepared to provide services according to demand patterns and tourist behavior that are influenced by awareness of cleanliness, health, safety and high environmental sustainability. This practical guide needs to be made to make it easier for the tourism industry to prepare products and services that are clean, healthy, safe and environmentally friendly, especially restaurants/dining houses.

Guidelines for implementing health protocols in restaurant/restaurant services consist of 2 parts, namely general guidelines and specific guidelines.guidelines can be seen in the following table:

Table 4.1 General Guidelines for Implementing the Covid-19 Prevention Health Protocol in Restaurants/Restaurants

No.	General Guidelines
1.	Pay attention to the latest information as well as appeals and instructions from the Central Government and Regional Governments regarding Covid-19 in their areas.
2.	Have and communicate Standard Operating Procedures (SOP) for cleanliness, health, safety and environmental sustainability of employees, guests and other parties who are active in restaurants/restaurants.

3.	Train employees to prepare and implement SOPs for cleanliness, health, safety and environmental sustainability in restaurants/eateries.
4.	Provide and post written instructions to: <ul style="list-style-type: none"> • not shake hands; • avoid touching the face, especially the eyes, nose and mouth; • maintain a safe distance of at least 1 (one) meter; • wash hands with soap/use <i>hand sanitizer</i>; wear a mask; • apply sneezing and coughing etiquette; • always consume healthy food and vitamins.
5.	Provide hygiene and health equipment and supplies, such as Handwashing with Soap (CTPS) facilities, masks, gloves, body temperature measuring equipment, medicine boxes, standing and sitting position markers to maintain a safe distance of 1 (one) meter, as well as a place covered trash.
6.	Check body temperature at the entrance. If an employee or guest is found with a temperature $\geq 37.3^{\circ}\text{C}$ (2 checks 5 minutes apart) and/or has symptoms of fever, cough, runny nose, sore throat, and/or shortness of breath, they are not allowed to enter
7.	Provide safety equipment and supplies and safety, at least: <ul style="list-style-type: none"> • a first aid kit equipped with simple accident handling kits; • a properly functioning fire extinguisher, accompanied by an explanation of how to use it; • written information regarding self-rescue procedures from natural disasters and fires; • map of assembly point locations and evacuation routes; • written information regarding important telephone numbers: fire department, nearest police station, nearest health service facility, kelurahan/village office; • well-functioning communication tools. • Setting a minimum distance between chairs of 1 (one) meter or carrying out technical engineering such as installing partitions between guests on the dining table.
12.	Improving online food and beverage ordering services, food and beverage delivery services, drive thru, and so on.
13.	Maintain air quality in the business or workplace by optimizing air circulation and incoming sunlight, cleaning the AC filter regularly.
14.	Ensuring that the entire restaurant/restaurant environment is clean and sanitary by carrying out regular cleaning and disinfection at least 2 (two) times a day (before opening and closing) using a disinfectant/other cleaning fluid that is safe and appropriate.
15.	Increase the frequency of cleaning and disinfection in a safe and appropriate manner at least 3 (three) times a day, especially on equipment and equipment surfaces that are often touched/passed by people such as tables and chairs in the dining room, door handles, sockets & switches, water faucets, toilet flush levers, toilets, cash registers, money/cash counter machines, dining room floors, and so on.
16.	Provide reservation services via telephone, social media, and/or other online media.
17.	When holding an art performance, you must follow health protocols, Special Guidelines for the Music and Performing Arts Subsector, as well as SOPs for Hygiene, Health, Safety and Environmental Conservation that apply to restaurants/eateries.



18.	Coordinate intensively with the Health Service, the Regional Disaster Management Agency, the Fire Service and the local police to handle emergency situations.
19.	Ensuring optimal use of equipment and materials that are environmentally friendly so that they can be recycled, reduced, reused and replaced.
20.	Ensuring the efficient and healthy use of water and energy sources, such as electricity and/or gas, in order to maintain the balance and sustainability of the ecosystem.
21.	Ensuring that the processing of restaurant/restaurant waste and liquid waste is carried out in a thorough, healthy and environmentally friendly manner so that it can maintain the environment and not cause a new source of spread of Covid-19.
22.	Ensuring beautiful and comfortable conditions in the physical environment around the building/room naturally and/or using technical engineering.
23.	Monitoring and evaluating the implementation of guidelines and SOPs for the implementation of cleanliness, health, safety and environmental sustainability in restaurants/eateries.

General guidelines as shown in table 4.1 can be used as a reference guideline both by Entrepreneurs and/or restaurant/restaurant managers, restaurant/restaurant employees, restaurant/restaurant guests, Provincial Governments Regency/City Governments, and business and professional related to restaurants.

Then in the guidelines for implementing the Covid-19 prevention health protocol there are also specific guidelines for implementing restaurant/restaurant services issued by the Ministry of Tourism and the Creative Economy, which can be seen in the following table: From table 1 we can see that there are 3 stages of the procedure used as guidelines in implementing the health protocol in restaurant/restaurant services, starting from the entrance area of the restaurant/restaurant, during food and beverage service and at the time of payment/exit.

This must be a common concern for both restaurant/restaurant operators/managers, by employees and by the guests themselves, because cleanliness, health, safety are shared responsibilities, especially during the current Covid-19 pandemic.

2. Legal

Compliance Compliance has four main elements, namely: (1) the presence of a party having the authority to demand compliance, (2) the presence of a party required to comply, (3) the existence of an object or content of a specific claim from a party having the authority to comply carried out by other parties, (4) the consequences of the behavior carried out.

From the understanding and elements that have been stated above, the author can conclude that, legal compliance is a person's submission to a rule which contains regulations in which there are sanctions, to be applied or implemented in social life in order to achieve the goals expected by the rules. the.

According to Soerjono, there are 3 (three) factors that cause people to comply with the law, namely:

a. *Compliance*, namely a form of community legal compliance caused by sanctions for violators of these rules, so that the purpose of compliance is only to avoid existing legal sanctions.

b. *Identification*, namely a form of legal compliance in society that is caused due to maintaining pleasant relationships with other people or groups. c. *Internalization*, which is a form of community legal compliance because the community knows the purpose and function of the rule of law, causing the community to comply with these regulations.

Apart from the 3 (three) factors above, there are also other factors that affect compliance with the law, namely internal factors and external factors. Internal factors come from a person's personality and external factors come from a person's environment, both the community environment, the social environment and the work environment, if related to this research.

Research Results on Health Protocols in Restaurant

Table 2 List of Respondents

No.	Hotel Name	Bintang	Location
1.	Golden Palace (A)	****	Mataram City
2.	Aston Inn (B)	****	Mataram City
3.	Lombok Astoria (C)	****	Mataram City

Regarding the research that the author conducted regarding analysis compliance with the implementation of the covid-19 prevention health protocol in restaurant service, there are several factors that can be seen in the implementation of rules regarding the covid-19 prevention health protocol, and in this study the authors are guided by the guidelines issued by the Ministry of Tourism and Creative Economy where the guide was made based on government regulations, both from the Decree of the Minister of Health and the Presidential Instruction.

The results of the interviews that the authors conducted with the 3 (three) respondents explored several questions to answer problems regarding the efforts made when the Covid-19 pandemic first occurred. There were differences in the responses made by the 3 hotels at the beginning of the situation, namely, so that hotel and/or restaurant operations could continue to run, the most important thing to do by the 3 (three) respondents was that 2 (two) of them stopped operations. / closing hotels and / or restaurants temporarily, while waiting for government instructions and adjusting / adding to *Standard Operational Procedure* (SOP) as a whole, one of which is restaurant operations. And 1 (one) other hotel continues to open hotel/restaurant services while adjusting/adding to existing SOPs.

In restaurant operations carried out by the restaurant, the author makes a table of indicators of things that are implemented by hotels from the results of interviews and documentation that has been carried out, whether they are in accordance with the guidelines for implementing Covid-19 prevention in restaurants/restaurants issued by the Ministry of Tourism and Creative economy.

It can be said that the rules in the form of guidelines for restaurant services in the city of Mataram have been implemented, although there are still several obstacles that have become obstacles to the implementation of the Covid-19 prevention health protocol.

From the sample hotels that the researchers conducted during the observation, the researchers found that the three hotels had received CHSE certificates issued by the Ministry of Tourism and Creative Economy. The certificate is given to hotels whose operations/activities have met CHSE standards, namely paying attention to cleanliness, health, a sustainable surrounding environment, and implementing the Covid-19 Prevention Health Protocol.

Factors That Potentially Obstacle the Implementation of Health Protocols to Prevent Covid-19 in Restaurant Services

In social psychology, health explains that people's non-compliance with health protocols mostly occurs due to their lack of understanding of the dangers of disease and the benefits of treatment and the magnitude of barriers to health access. So the government needs to take a big part in disseminating new behavior during the Covid-19 pandemic.

From the results of observations, interviews and documentation that the authors conducted on a sample of hotels in the city of Mataram, some of these factors are:

a. Internal Factors

- Lack of employee understanding of the new rules that apply to food and beverage services in restaurants during the Covid-19 pandemic.
- The difficulty of changing employee new habits in serving food and drink in restaurants during the Covid-19 pandemic (such as wearing masks).
- Less intense duration of *Knowledge Sharing* regarding service SOPs in restaurants conducted by hotel management.
- Limited tools and facilities to support the implementation of the Covid-19 prevention health protocol.
- Additional costs are quite high in procuring tools to support the implementation of the Covid-19 prevention health protocol.

b. External Factors

- Patterns of consumer behavior that are indifferent to the spread of the Covid-19 virus, such as wearing masks



and maintaining hand hygiene in every activity. • Lack of consumer understanding of the signs posted in hotels and restaurants, as a reminder of implementing health protocols to prevent the spread of Covid-19.

From the internal and external factors that the authors describe above, the results of observations, interviews and documentation, there are efforts made by hotel management as part of their responsibility to protect consumers and comply with rules issued by the government, namely to overcome internal obstacles, the management the hotel conducts

knowledge sharing regarding covid-19 both in general, and specifically towards SOPs in carrying out work/restaurant operations, this is carried out periodically, both when *overhanding* work every day, or a special time is made every month, as a form of responsibility to consumers in providing services and providing health protection for consumers and employees.

Then another effort was made to overcome external obstacles, namely, in restaurant operations as much as possible to always remind every consumer if something is found that violates the implementation of the Covid-19 prevention health protocol, this is also adjusted to the SOP that has been made based on the rules issued by the government, both central government and local government.

Obstacles to limited tools in implementing health protocols are carried out by replacing other options from regulations issued by the government, as an example of the results of observations that the authors conducted on 3 (three) restaurants not using partitions/barriers on every food counter in the restaurant, they replaced them by placing every waiter at every food counter, or they provide *hand gloves* at every food counter, to be used by consumers in taking food, so that the tools used to take food are not contaminated. This effort was also made as an effort to reduce restaurant operational costs so that they are balanced with the income earned, considering that during the pandemic, guest visits to hotels decreased dramatically.

B. Research Discussion

1. Level of Compliance with the Implementation of Covid-19 Prevention Health Protocols in Restaurant Services The

Results of the observations that the researchers conducted also found that from a sample of restaurants in the Mataram city hotel that they had received a CHSE certificate issued by the Ministry of Tourism and Creative Economy, the certificate was given on the basis that the hotel has implemented the CHSE guidelines issued by the Ministry of Tourism and Creative Economy in the implementation/operations of its hotels and restaurants. This means that the restaurants in the Mataram city hotel comply with the rules issued by the government, as a form of preventing the spread of Covid-19.

In this study, researchers also found other things from the results of observations made, namely adherence to the implementation of the Covid-19 prevention health protocol in restaurant services carried out by hotels in the city of Mataram is influenced by several factors, namely:

- i. Compliance caused by sanctions imposed on violators, as stated in NTB Governor Regulation Number 50 of 2020 concerning the Implementation of Discipline and Legal Prevention of Health Protocols as an Effort to Prevent and Control Covid-19. Those who commit violations will be subject to administrative sanctions and social sanctions.
- ii. Compliance is caused by establishing good relations and pleasing other people or other groups, by carrying out the responsibilities given by the restaurant to consumers as a form of effort to protect consumers. As stated in Law Number 8 of 1999 concerning consumer protection, one of the consumer rights is the right to comfort, security and safety in consuming goods and or services.
- iii. Compliance is caused by knowing the purpose and function of these rules, namely the purpose of implementing health protocols, namely to prevent the spread of the Covid-19 virus which is currently epidemic. Both as protecting one's own health and to protect the health of others (consumers).

Like the research that has been done by Nelsye Lumanauw who researched CHSE education and implementation through the We Love Bali program organized by the Ministry of Tourism and Creative Economy in Bali, that the implementation of CHSE in preventing the spread of covid-19 carried out by hotels and restaurants has been carried out according to CHSE procedures/guidelines. This is done by hotels and restaurants in order to comply with the applicable rules in guest service, apart from the SOPs they already have, other things are also the implementation of the Covid-19 prevention health protocol in restaurants because it is an effort of business actors (restaurants) to protect consumers. , both the safety and health of consumers, and the implementation of the Covid-19 prevention health protocol are also implemented as an action to provide good service to consumers, so as to maintain good relations with consumers who are part of the hospitality of the tourism industry.

However, the results of his research also show that, in its application there are still violations, most of these violations are committed by guests/activities participants. The violation is influenced by several factors, namely

internal and external factors. such as guests who do not understand the health hazards due to the spread of the covid-19 virus. Indifference to the health of oneself and others, as seen from removing the mask when talking and not keeping a distance when there is no social distancing marker in the restaurant area, admonishing/talking to other guests at a close distance.

The things that are implemented by the hotel in serving in restaurants are the responsibility of business actors in providing protection to consumers by fulfilling the principles contained in the PK Law on the principles of security, comfort and consumer safety. This shows that business actors (restaurants) have carried out their obligations and fulfilled consumer rights in accordance with what is stated in the Consumer Protection Act.

In addition to the principles of security, comfort and safety that must be provided by business actors, other things such as obtaining clear information on the goods/services consumed are also things that must be considered by business actors. Feeling safe, comfortable, safe

provided by business actors (restaurants), namely in their services during the pandemic, business actors have carried out all procedures/flows in serving consumers in accordance with the rules issued by the government, while still providing a sense of comfort with all limitations, providing clear information in the process. services, so that business actors (restaurants) can also properly carry out their obligations and fulfill the rights of all their consumers.

2. Factors that have the potential to hinder the implementation of the Covid-19 preventive health protocol in restaurant services

There are still inhibiting factors in the implementation of this covid-19 prevention, it is hoped that it will not reduce the level of compliance/discipline on the part of business actors, so that the efforts made by business actors with government support, can maximize the implementation of the COVID-19 prevention health protocol, so that all factors involved in restaurant service can be carried out properly / in accordance with applicable rules, so that achievements in complying with regulations and protecting consumers in restaurants can be carried out optimally.

CONCLUSION

1. Compliance with the implementation of the COVID-19 prevention health protocol is influenced by 3 things, namely:
 - Compliance caused by sanctions imposed for violators, as stated in the NTB Governor Regulation Number 50 of 2020, namely administrative sanctions and social sanctions.
 - Compliance caused by establishing good relations and pleasing other people or other groups, by carrying out responsibilities by the restaurant to consumers as a form of protection for consumers. As stated in Law No. 8/1999 on consumer protection.
 - . Compliance caused by knowing the purpose and function of the rule
2. Obstacles in the implementation of the Covid-19 prevention health protocol, namely, more from consumers themselves, because in changing people's behavior patterns to be able to carry out activities in accordance with applicable rules is difficult to do, strong commitment is needed from both the government in issuing policies, and parties who apply these rules (business actors).

SUGGESTION

1. The government can play an important role in supporting the implementation of the COVID-19 prevention implementation in food and drink services in restaurants, by supporting all service activities and consumer protection carried out by
2. business actors, such as being a Mentor, namely routinely providing education to business actors in the implementation of the covid-19 prevention process, as a Controller, namely controlling all community activities by

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