

The dynamics of government policy in handling Corona Virus Disease 2019

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Abstract

The implementation of PSBB or Lockdown still pay attention to the effects caused in the community. Making a regulation is not providing solutions but how to implement existing regulations. With the restrictions on community activities which basically will affect the financial factors. The government is not only thinking about how the country's economic problems the presence of the government is able to embrace all aspirations and give priority to the rights of its citizens. This research method uses a normative research approach. The data used are secondary data from Literature, Journals, and Others related to the Topic. Data analysis using qualitative analysis. The results of this study conclude that the implementation of policies illustrates how the existence of regulations clearly established by policy makers (government) that have certain impacts by taking into account the details of the program specifications, namely how and where the institution or organization should run the program, and how the law or program is interpreted . The government must think carefully about how resources are allocated, how budgets can be distributed, and who are the personnel responsible and implementing the program that should be clearly stated in a decision to be made by the government in its policies. If a variety of policies carried out by the government must be adjusted to the provisions of existing legislation so as not to cause the blurring of norms.

Keywords: *Citizens' Rights, Covid-19, Government, Policy*

1. Introduction

Covid-19 is an infectious disease with the risk of triggering emergencies in public health. Preventive measures against these kinds of infectious diseases therefore need to be taken as soon as possible. Covid-19 was first detected in humans with inflammation of the lung (pneumonia) in Wuhan , China on December 30, 2019. Further study that the bats are linked to this virus. But now, Covid 19 is an issue around the world. Transmission is so fast though relatively low mortality rate. It is known that Covid-19 can be transmitted directly or indirectly through an infected person's nose, mouth , eyes, and droplets resulting from a coughing or sneezing.

The droplets can contaminate objects such as appliances for households, doors for algae, water, personal tools or other public facilities and become a transmission source. Covid-19 symptoms generally include: fever, dry cough, phlegm cough, runny nose / nasal congestion, headache, fatigue / weakness / weakness, appetite loss, shortness of breath, gastrointestinal complaints, diarrhea, vomiting and nausea.

There are many countries currently enforcing a lockout. Lockdown is a condition that prevents people from entering or leaving an area for free due to an emergency. The lockdown itself is meant to close the access until the restriction of activity can cause the

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number of co-19 to decrease even if it moves slow. There is currently no direct lockdown solely in Indonesia. But the central government has instructed the existence of distance from society. One of the steps taken to prevent Covid-19 countermeasures is the call for the President to do work from home, learn from home, and worship from home. Social distance or social restrictions that limit people's mobility from one location to another, maintain the gap and minimize crowds.

One of the steps taken from social distance is to implement Work For Home for all elements in the hope that the public will not panic when tackling the Covid-19 issue. Government or government is a legal subject, as a dragger van de rechten en plichten or advocate of rights and obligations. The government takes substantive measures (*feitelijkhandelingen*) and litigation (*rechtshandelingen*) as a legal matter. Government policy to address Covid-19 cases needs to be well received by the society. Government-issued policies can be seen as government legal actions that do not contain disability elements because each of these actions may not deviate or conflict with the legislation.

Every legal action of government in a country of law must always be based on the principle of legality, or must be based on applicable laws and regulations. This means that the government's legislative decisions are simply acts taken to enforce the laws found in relevant legislation or to protect and represent the public interest that is crystallized in the laws of the legislation in question. According to the author's view the policy intervention resulting from attempts to avoid covid-19 cases is fine. If they (the government) behave in compliance with the authority granted to the authority given to other government bodies and not to other parties, so the acts of the government are not inherently one-sided.

In order to be able to categorize the legitimacy of such government acts as any laws which must be obeyed, it should be reported in a decision which has legal force. This is demonstrated by the fact that Everyone has upgraded guidance for social distancing to Physical Distancing in different media. Yet there are many that don't understate that. This shows that legal power is not sufficient in oral form alone, but must be in written form and contain sanctions if necessary to provide a deterrent for those who oppose it.

What is happening right now is the issue of a strategy that is being enforced between the central government and regional governments. The presidential instruction states that Lockdown has not yet been enacted but the fact is that many local governments are now beginning to enforce the reasons for saving and breaking the covid-19 distribution chain. Article 11(3) of the Health Quarantine Law states that 'Government Regulation shall regulate the prevention of public health emergencies.' Referring to this article, a derivative regulation related to this emergency case should now be issued by the central government because it involves the lives of its citizens.

Policies introduced by the government are not enough only for calls or appeals, but practical measures must be taken, a derivative policy must be in place that can compel this call to be pursued by all, not just calls, but the State's position in responding to the growing Covid-19 Virus epidemic.

The state also needs to think about its policies relating to the presence of people out there who work as a fulfillment of needs for different reasons so that what is an appeal is not just an appeal by suggesting that everyone will be affected by this virus will then have to maintain a buffer between people, avoid spreading together, and a healthier lifestyle. But how this can be applied.

Policies made by the government at both the central and regional levels in dealing with Covid-19 cases need severe treatment, as this has very important consequences for the interests of the public, society and state. Public policies undertaken by the existing government need information that leads to better, better quality and implementable policies that naturally require updating of the existing policy evaluations in order to solve the problems that arise in the lives of the public against concerns about information obtained in relation to covid-19 cases. As Hayat says in his book, there are three main pillars of public policy which embellish the development of public administration science, namely policy formulation, policy implementation (Hayat, 2018).

Based on the background above, the author examines the "Dynamics of Government Policy in handling Corona Virus Disease 2019 (Covid -19) in Indonesia"

2. Methodology

This research method uses a normative approach. With literature study studies, the data used are secondary data sourced from Literature, Journals, and Others related to the Topic. Data analysis using qualitative analysis

3. Findings and Discussions

3.1 Public Service Theory

Public service is a principle in driving the running of a government that encourages the realization of good government services to the community. Government is not held to serve its own interests, but to serve the interests of society (Ilmar, 2014). Good governance services are a measure of how the quality of governance is implemented.

Sampara Lukman said that service is an activity or sequence of activities that occur in direct interaction between someone with another person or machine physically, and provides customer satisfaction (Lilan, 2006). The term public can be interpreted as activities carried out by public bodies to meet the needs, both the needs of the goods / services and service needs. Normatively public services are explained in article 1 of Law Number 25 Year 2009 Concerning Public Services, (State Gazette of the Republic of Indonesia Year 2009 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 5038, hereinafter abbreviated to Law Number Year 2009) regulating that public services are a series of activities in the context of fulfilling the need for services with a statutory regulation for every citizen and resident of goods, jada and / or administrative services provided by the public service provider.

Agus Dwiyanto believes that public service is a strategic point to develop Good Governance in Indonesia. First, public service has been the domain where the state represented by the government interacts with other government institutions. Second, public service is a domain where various aspects of good governance can be articulated more easily. The institutional aspect that has often been used as a reference in assessing governance practices can be more easily assessed in the practice of public service delivery. Third, public services involve all elements of governance, the government as a representation of the State, civil society, and market mechanisms have a higher interest and involvement in this realm (Dwiyanto, 2005).

According to Sadu Wasistiono , the term means more on technical matters, that governance means more on the use or implementation, namely the use of political,

economic, and administrative authority to manage national matters at all levels (Wasistiono, 2002).

The essence of public service delivery that needs to be realized is that the problem of public services originates from (1). There is an obligation to the State Apparatus to carry out its functions and authorities based on the principles of good governance. (2). Recognition of the rights of every citizen or government, administrative behavior, and the quality of the results of services that are available. (3). The diversity of types and fields of public services as a result of the diversity of affairs and interests of the community that must be met through the implementation of public services.

3.2 The form of government policy in responding to the spread of the Covid-19 Plague in Indonesia

Public policy has a form that can be used as a guide and provision for all stakeholders in the life of the community, nation and state. The policy is formulated based on an evaluation of the previous policy which is a series carried out to find patterns that are relevant and good for the public interest.

Various methods and methods that have been carried out by the government with its policies in tackling the spread of the covid-19 outbreak, however, are still insignificant and less substantive. This can be seen that until now there is no government regulation that specifically regulates how should the steps in dealing with co-19 in Indonesia. Not to mention the asynchronous steps taken between the central government and regional governments towards breaking the chain of transmission of this plague. Most important in this case is the need for integration of all bureaucratic elements to dare to make changes and dare to take a concrete step that is comprehensive and synergic to support each other's existing policy patterns, that as part of the world community, Indonesia is committed to making efforts to prevent the emergence of public health emergencies that are troubling the world as mandated in international regulations in the field of health, and in carrying out this mandate Indonesia must fully respect the dignity, human rights, basics of one's freedom, and its application universally; so the concrete steps taken should have been long before this outbreak had claimed more victims. The central government's emergency response is considered slow and has not been put forward as a consequence of the policies to be implemented.

Normally Article 4 explains that:

"The Central Government and Regional Governments are responsible for protecting public health from diseases and / or Community Health Risk Factors that have the potential to cause Public Health Emergency through the implementation of Health Quarantine."

The policy undertaken by the central government by not taking steps to lockdown received many comments from various circles. When traced normatively, Indonesia does not recognize the term Lockdown but the term health quarantine. However, what is happening right now is that the worldwide humanitarian tragedy due to COVID-19 which in Indonesia alone has reached a fairly high number that is increasingly erratic, and the sufferers are still growing as a result of the slow parties anticipating the COVID-19 outbreak.

This delay in handling has a material and material impact on the whole community. Government's preparedness in responding to every problem faced by the community must be considered. Improvement of state services to the people or society is still not in accordance with the principles of Good Governance, in principle that

public services are services provided as an effort to meet the needs of the community such as health and survival. Providing convenience, accessibility, comfort and protection to the people.

Law number 25 of 2009 concerning public service article (1) defines that:

"Public services are activities in the context of meeting service needs in accordance with statutory regulations for every citizen and resident of goods, services and / or administrative services provided by public service providers" .

Fulfillment must be done and given to the community that is the basis and needs. Because actually the community becomes full control over the services provided by the government through the state apparatus because public service is the basic right of the community to be fulfilled with all the consequences inherent in itself, including the requirements to get services and their provisions (Hayat, 2018).

The steps that need to be taken by the government in overcoming co-19 should be at a higher level than Good Governance, namely Dynamic Governance. A good service that must be prepared by the government must refer to the principles and principles of Good Governance. As for the principles in public service, namely public interest, legal certainty, equal rights, balance of rights and obligations, professionalism, participation, equality of treatment or non-discrimination, openness, accountability, facilities and special treatment for vulnerable groups, timeliness and speed, ease and affordability (Kurniawan, 2005).

The government policy to conduct social distancing with the Work From Home method then at this level the policy carried out refers to the application of E-Government. E-Government is a set of concepts for all actions in the Public sector involving information and communication technology in order to optimize the process of Public services that is efficient, transparent and effective (Hardiansyah, 2011). Through this system, the state civil apparatus in providing good services that are more effective and efficient in order to meet the needs of the community both information needs, health needs, and other needs relating to the problem covid-19.

The government was not born to meet its own needs, but the presence of the government merely gave the best service to its people. It means that with the plague situation that is increasingly growing, the role of government is very important in a framework that can not only educate the community but also can provide direction, encourage the public to take actions that are desirable in the context of the process of governance.

One important aspect is how to foster public trust. Because today many people are of the opinion that the current government is a foolish government. This means that leaders who do not want to hear the various aspirations of interests expressed by their citizens. Changes in the paradigm of governance that have wide impact at this time is the lack of synchronization of policies taken by the central government and regional governments in terminating the distribution chain covid-19.

Some experts say there are at least five prerequisites that need to be met to improve public services within the framework of good governance. First, encouraging people to take part in the decision making process, both directly and indirectly. Second, seek mutual trust between the community and the government. Third, the ability to respond to any problems that arise, accommodate and expertise of government bureaucracy so that they are able to serve the public easily, quickly, accurately and on demand (Hayat, 2018).

3.3 The validity of the actions of the regional government on the implementation of regional quarantine to break the chain of transmission of Covid -19

Central government policy on Tuesday, March 31, took concrete steps by issuing three rules, all of which are related to the handling of the corona virus or Covid-19 in Indonesia. These are Government Regulations (PP) on Large-Scale Social Restrictions, Presidential Decrees (Keppres) Determination of Public Health Emergencies, and Regulatory Substitutions (Perppu) of State Financial Policy and Financial System Stability.

With the Government Regulation that sets large-scale social restrictions or PSBB, it means the government has decided there is no lockdown or full isolation policy. Based on these provisions, the President Hopes that the Regional Government must follow the policies adopted by the central government and not make different rules. Referring to Regional Autonomy That regions have the right to take care of their own regions, currently there are some regions that carry out policies to limit the flow of people going home even using the term lockdown long before the Government Regulation number 21 of 2020 is issued. Regional Governments are regional heads as elements of regional government administrators lead the implementation of government affairs which are the authority of autonomous regions.

As an area that has autonomous rights, which has the authority to regulate and manage its region for the benefit of its community if it is associated with regional policies to carry out Regional Quarantine legally is a legal act based on statutory provisions that every state and government administration must have legitimacy.

The implementation of health quarantine is a joint responsibility of the Central Government and Regional Governments as a form of protection of public health from diseases and / or public health risk factors that have the potential to cause public health emergencies. Health quarantine is carried out through disease observation activities and public health risk factors for transportation, people, goods, and / or the environment, as well as responses to public health emergencies in the form of Health quarantine measures. This is in line with the provisions of Article 4 of Law Number 6 of 2018 concerning health quarantine stating that:

"The Central Government and Local Governments are responsible for protecting public health from diseases and / or Community Health Risk Factors that have the potential to cause Public Health Emergency through the implementation of Health Quarantine."

One of the current actions of health quarantine carried out by the central government is in the form of Large-Scale Social Restrictions which are normatively regulated by Government Regulation of the Republic of Indonesia Number 21 Year 2020 Large-scale Social Restrictions in the Context of Handling Corona Virus Disease 2019 (Covid-19). In this Government Regulation regulates the implementation of Large Scale Social Restrictions established by the Minister of Health and can be implemented by the Regional Government based on the approval of the Minister of Health. In response to this matter, the PSBB is only applied which limits the social scale and does not lockdown.

The influence on the implementation of Lockdown was actually discussed less than 200 years ago by Jeremy Bentham in Utilitarianism, Bentham explained that the main principle of utilitarianism reads: the greatest happiness of the greatest number (that the greatest happiness of the largest number of people) that the legal goals (rules and

policies) must be able to provide a guarantee of happiness for everyone and society, the goals are:

- a) *To provide subsistence* (to provide a living)
- b) *To provide abundance* (to provide abundant food);
- c) *To provide security*(to provide protection); and
- d) *To attain Equity* (to achieve togetherness).

According to Bentham, the purpose of law is to provide the greatest benefit and happiness to as many citizens as possible. So, the concept puts expediency as the main goal of law. The size is happiness as much as possible for as many people as possible. Judgment of good-bad, fair or not this law is very dependent on whether the law is able to provide happiness to humans or not. Benefit is interpreted the same as happiness (happiness).

In line with the thinking of German utilitarianism, that the PSBB or Lockdown is still paying attention to the effects caused in the community. Making a regulation is not providing solutions but how to implement existing regulations. With the restrictions on community activities which basically will affect the financial factors. The government is not only thinking about how the country's economic problems the presence of the government is able to embrace all aspirations and give priority to the rights of its citizens.

A. Sony Keraf formulates three objective criteria in the ethical framework of Utilitarianism to assess a policy or action:

First criteria, is a benefit. Good wisdom or action is what produces good things. Conversely, wisdom or actions that are not good that brings certain losses. The second criterion, the greatest benefit. A policy or action is considered morally good if it produces more benefits compared to losses. Or, good actions are actions that cause the smallest loss. The third criterion, for as many people as possible. An action is considered morally good only if it produces the greatest benefit for as many people as possible. or an action is morally good if it carries as little damage as possible for as few people (Keraf, 1998).

The presence of various statutory provisions for handling the Covid-19 outbreak is still not appropriate. There are various blurred norms and even impunity. The legal system that should be formed in the co-19 issue must be able to humanize human life so that the law can be achieved with the desired goal. Justice, certainty, and expediency must continue to be implemented in synergy and must not be a lender in its implementation because it will affect the operation of the existing legal system. The regulations that are present in the midst of Covid-19 only focus on economic and health issues when it is clear that both the advertising and health issues must be established based on the Law.

The presence of Peppu N0. 1 of 2020 concerning state financial policy and financial system stability for handling co-19 on 30 March 202, which was issued by the government was considered to have potential for new constitutionality in both formal and material aspects, as seen from the formal aspects of the problem that arises is this regulation does not meet the elements interests that force and are too dominant delegation to government regulations and ministerial regulations.

The material aspects of this Perppu contain many articles with unclear phrases and even impunity. This is seen in article 2 which cuts the DPR's budgetary function and potentially violates article 23 which specifically explains the position of the DPR in determining financial problems and article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia which clearly explains the position of the DPR as the holder of power forming a law. And other articles that are contrary to other laws and regulations even the Constitution of the Republic of Indonesia, such as article 3, articles 4-10, article 12 paragraph (2) article 27 paragraph (1), (2) and (3)). How could it not be that the decision of the policy organizer cannot be sued at the Administrative Court so that it has the potential to deviate the principles of Good Governance.

4. Conclusion

Policies cannot be done alone, there needs to be collaboration between the central government and regional governments to jointly make a policy that is more targeted to the handling of this co-19, the government must reduce each other's selfishness and prioritize Joint affairs by prioritizing the interests of the people it can be seen that the high ego is impressed that the policies that are triggered through government regulation policies have a conflict of interest, even the articles contained in the existing regulations are above the law so that the hope will become a mere delusion.

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