



THE IMPLEMENTATION OF REGULATIONS IN HANDLING COVID-19 IN INDONESIA

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Abstract: *This study aims to describe how the regulations in handling Covid -19 occur in Indonesia and their implementation. This study uses a normative juridical research method, which is a study that tries to examine the laws and regulations used in handling Covid -19 in Indonesia. The study results show several regulations in handling Covid-19 at the moment, both at the national and regional levels, such as the Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine to other implementing regulations. However, in practice, the implementation has not run optimally. There are still many violators in the community, and this is because the existing regulations do not regulate strict sanctions for violators. So that regulations governing the application of law in handling Covid -19 in Indonesia still need reforms in the field of law, with the aim that the law can be felt by the community, namely legal certainty, justice, and benefits for the community.*

Keywords: Covid -19; Benefit; Regulation.

Abstrak: *Penelitian bertujuan untuk mendiskripsikan tentang bagaimana regulasi dalam penanganan Covid -19 yang terjadi di Indonesia sekaligus implementasinya. Penelitian ini menggunakan metode penelitian yaitu yuridis normatif, yaitu suatu penelitian yang mencoba meneliti peraturan perundang-undangan yang dipakai dalam penanganan Covid -19 di Indonesia. Hasil penelitian menunjukkan, terdapat beberapa pengaturan dalam penanganan Covid -19 pada saat ini baik dalam level nasional maupun regional seperti Undang-Undang Republik Indonesia Nomor 6 Tahun 2018 tentang Kekejarantinaan Kesehatan hingga peraturan pelaksana lainnya. Namun dalam pelaksanaannya penerapan tersebut belum berjalan optimal, masih banyak pelanggar ditengah masyarakat hal tersebut disebabkan karena regulasi yang ada belum mengatur mengenai sanksi yang tegas bagi para pelanggar. Sehingga Regulasi pengaturan penerapan hukum dalam penanganan Covid -19 di Indonesia sampai saat ini masih perlu adanya pembaharuan dibidang hukum, dengan tujuan agar hukum dapat dirasakan oleh masyarakat yaitu adanya kepastian hukum, keadilan, dan manfaat bagi masyarakat.*

Kata Kunci: Covid -19; Manfaat; Pengaturan.

A. Introduction

The current Covid-19 outbreak has disturbed global life; the real impact of Covid-19 is the inhibition of all people's daily activities or activities. The outbreak of the Covid-19 disease can paralyze all activities and even threaten the field of national defense and the fields of economy, health, education, law, politics, and other social affairs, which are hampered and even damage the order and life of the community. (Putri, 2020)

According to Dadan Umar Daihani, DEA in (Top Ten Countries infected with Covid -19, WHO coronavirus (Covid -19) Dashboard, Situation by Region, Country,

Territory & Area), globally as of September 5, 2021, cumulative cases totalled 218,946,836 cases, 687,832 new cases, 4,539,723 total deaths, and 11,438 deaths that day. And the 10 countries with the highest cases are the United States 39,300,270 cases, India 32,903,289 cases, Brazil 20,804,215 cases, Russia 6,975,174 cases, England 6,862,908 cases, France 6,605,354 cases, Turkey 6,435,773 cases, Argentina 5,190,948 cases, Iran (Islamic Republic) 5,055,512 cases, and the last tenth is Colombia 4,911,082 cases.¹

In Indonesia alone, the Covid-19 update as of September 4, 2021, Covid-19 cases from 14 provinces/regencies/cities include DKI Jakarta 852,389 cases, West Java 694,359 cases, Central Java 472,651 cases, East Java 386,612 cases, East Kalimantan 152,428 cases, Yogyakarta Special Region (DIY) 151,404 cases, Banten 129,657 cases, Riau 124,727 cases, Bali 108,304 cases, South Sulawesi 105,690 cases, North Sumatra 98,822 cases, West Sumatra 87,373 cases, South Kalimantan 67,013 cases and East Nusa Tenggara 60,263 cases.²

The Indonesian Government has tried to overcome the Covid-19 problem by realigning it towards a new era in social life. (Budi & Anwar, 2020) Governments in various worlds, especially in Indonesia, have to think extra considering the handling of Covid-19 needs to be overcome by issuing policies that can eliminate Covid-19 but can also meet the needs of the affected community. Policies issued by the Government need to guarantee certainty, justice and benefit in implementing regulations regarding Covid-19.

Handling Covid-19 by issuing legal policies requires synergy between the community and the Government because for a handling regulation to work. There are 3 (three) main elements that need to be optimized: legal substance, legal structure, and legal culture. These must be synergistic and work together; the condition will be less than perfect when there is no one element. Likewise, in the regulation of handling Covid-19, here between the Government as the maker of legislation and the community as a legal culture, there must be a harmonious relationship and synchronization to run effectively. (Budi & Anwar, 2020) Based on this, this research will focus on a discussion that is limited to the formulation of the problem that has been determined, namely, How to implement regulations in handling Covid -19 in Indonesia and How to regulate regulations for the application of the law for handling Covid -19 in the future.

B. Research Method

In this study, the author uses a normative juridical research method, a regulation that tries to explore and examine the validity of the law set by the Government. (Ishaq, 2017) In carrying out normative juridical research, the author then uses an approach, namely the empirical approach, the statutory approach and the empirical approach. The data used are in primary and secondary data, including various data such as laws, books, and other literature reviews.

¹ Dadan Umar Daihani, DEA, 2021, data submitted in the International Webinar Toward New Era In The Legal Order organized by the University of 17 Agustus 1945 Semarang

² Data taken from the Covid-19 task force website as of September 4, 2021

C. Discussion

1. Handling the Covid -19 Pandemic by the Government of Indonesia

Covid-19 is a virus that can be deadly, so it must be prevented from spreading to break the spread of the Covid-19 chain. This is already a pandemic that is around the world, so it is global. All countries want to overcome this Covid-19 pandemic in a maximum way. Methods or ways to overcome them vary in each country adapted to the existing conditions and situations. The Covid-19 pandemic has not yet found a cure, so almost all countries compete in analyzing and innovating to find a cure. It is better to prevent than cure because experts have not found the medicine in this case. In line with this, to prevent the spread of Covid-19 in Indonesia, it has started with the health protocol (Prokes) to the community members to heed the 5 (five) M, namely: (Meher, 2021)

- a. Staying away from the crowd
Stay away from crowded places and do not congregate.
- b. Keeping the distance
It is always advised to maintain a distance of 1.5 meters
- c. Washing hand
Washing hands with running water and using soap every time you travel
- d. Wearing a mask
According to experts, it is always recommended to wear a mask because Covid -19 can be transmitted through droplets.
- e. Limiting mobility
It is recommended to reduce mobility, go out if absolutely necessary, and work from home (WFH)

For people who have been affected by Covid-19, it can be because there are already symptoms of congenital diseases such as diabetes, high blood pressure, lungs (asthma) and being exposed to Covid-19 without symptoms. A doctor should immediately treat those positively affected by a congenital disease at the health center or the nearest hospital. At the same time, those without symptoms should be able to self-isolate (Isoman). (Suyasa et al., 2021) The things that need to be done in self-isolation (Isoman) are as follows: (Nareza, 2020)

- a. Contact health services or the COVID -19 hotline to get information regarding the place and time to undergo the test.
- b. Adhere to contact tracing procedures to stop the spread of the virus.
- c. If the test is not available, stay at home and do not come into contact with other people, including if/when medical treatment is needed.
- d. Wash your hands regularly in running water and use soap.
- e. Use a separate room from other family members, and if it is not possible, always wear a medical mask.
- f. Make sure the room ventilation is always good, and there is air change.
- g. If you share a room with other people, be spaced 1 (one) meter apart.
- h. Observe yourself whether you have symptoms or not for 14 (fourteen) days.
- i. Call your service provider immediately if you have difficulty breathing, have difficulty speaking, moving, are confused, or have chest pain and no sense of smell.
- j. Keep in touch over the phone and exercise.

The most important way to deal with Covid-19 independently is to constantly monitor your health condition and symptoms. During isolation, patients are advised

to take body temperature and monitor oxygen saturation. The World Health Organization (WHO) has also required Covid-19 patients who are self-isolating (Isoman) to have an oximeter. In this case, it is not only those affected by Covid-19 and people who communicate physically or have direct contact with patients affected by Covid must also self-isolate (Isoman).

Facts on the ground show that Covid -19 infects not only humans but also the economy. (Villena et al., 2020) This is a dilemma that, on the one hand, we have to break the chain of transmission of Covid-19. On the other hand, we must meet the needs of life. Economically, we have to live self-sufficiently, and in terms of health as citizens, we must live healthy lives because health is a human right. (Susanto & Asmara, 2020) Not to mention the education and other social sectors, which are always affected. In handling Covid-19, the Government provides social assistance to the community, both cash and non-cash. For example, in education, the Ministry of Research and Technology and Higher Education of the Republic of Indonesia (Kemenristek Dikti) provides credit assistance for students and educators who conduct online education.

In overcoming this situation, the Government then issued a policy of social assistance provided to the community, such as the Family Hope Program (PKH), one of the social safety network (JPS) programs, to handle the impact of Covid-19. Entrepreneurs get Direct Cash Assistance for Micro, Small and Medium Enterprises (BLT UMKM). (A.F & Nulhaqim, 2021) The Government has tightened emergency community activities (PPKM) in Java-Bali until July 20, 2021. Along with this, the Government is still distributing social assistance to many people affected by Covid-19. Among them are the poor, MSME business actors, to victims of Termination of Employment (PHK). The 4 (four) aids are electricity subsidies, Direct Cash Assistance for Micro, Small and Medium Enterprises (BLT UMKM), Non-Cash Food Assistance (BPNT) or Basic Food Assistance, and the Family Hope Program (PKH). The assistance is felt for the community to ease the economic burden of the community. The handling of Covid-19 carried out by the Indonesian Government for social assistance has been carried out, especially for the poor and those affected by the Covid-19 pandemic. Only the implementation in the community is sometimes not right on target, which should accept the poor and those who receive sufficient and non-poor people, so there must be a revision of the data on the recipients of the social assistance.

2. Regulation on the Implementation of the Law on the Handling of Covid-19 in Indonesia

Applying the law on handling Covid-19 in its implementation cannot be separated from regulating the legislation in force in the country. Likewise, in Indonesia, it is always subject to positive law that is currently in effect. Starting from the highest laws and regulations, namely the 1945 Constitution of the Republic of Indonesia, Laws in the field of Health or Quarantine Laws, Government Regulations, Regulations of the Minister of Health, to Regional Regulations at the Provincial level and City/Regency Regional Regulations. In line with this, it is based on the Law of the Republic of Indonesia Number 11 of 2012 concerning the formation of laws and regulations.

The law states that legislation forms laws and regulations that include planning, drafting, discussing, ratifying or determining and enacting legislation. (Fadli, 2018)

Meanwhile, statutory regulations are written regulations that contain legally binding norms in general and are formed or determined by state institutions or authorized officials through procedures stipulated in laws and regulations. In general, this law contains the main provisions required in the formation of legislation. This provision is compiled systematically, which includes the principle of the formation of legislation, that the legislation must be carried out based on the principle of the formation of good laws and regulations.

Furthermore, successively, among others, the main provisions of these provisions are the type, hierarchy, and content of laws and regulations, planning laws and regulations, drafting laws and regulations, discussing and ratifying draft laws, discussing and stipulating draft provincial regulations and a draft of regency/city regional regulations, legislation, dissemination, community participation in the formation of laws and regulations, and other provisions and closings. In addition to the main provisions, this law includes examples and forms of statutory regulations in an appendix. (AR, 2019)

The provisions in its implementation are that hierarchically, the regulations below it must not conflict with the laws and regulations above. To pass a statutory regulation so that the law can work effectively, there must be implementing regulations. So that the regulation can be accepted by the community and the community feels the existence of legal certainty, justice and benefits for the community. So that society as a legal culture is obedient and obedient to applicable laws and regulations. Because the operation of the law depends on the existence of 3 (three) main elements, namely the substance of the law, the structure of law and the culture of law, the three elements must be able to run or work together to be able to enforce the law. With this legal system, then what is desired by the Government and its citizens can run effectively.

The regulations imposed by the Indonesian Government to deal with Covid-19 are as follows:

1. Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine was enacted on August 7, 2018, and promulgated on August 8, 2018, in the State Gazette of 2018 Number 128.
2. Government Regulation number 21 of 2020 regarding the handling of Corona Virus Disease 2019 (COVID -19).
3. Presidential Regulation (Perpres) Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and its implementation in Combating the 2019 Corona Virus Disease (COVID -19) Pandemic. Stipulated February 9, 2021, effective from February 10, 2021, State Gazette of 2021 Number 66.
4. Regulation of the Minister of Health Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the context of accelerating the handling of Corona Virus Disease 2019.
5. Regulation of the Governor of DKI Jakarta Number 3 of 2021 dated January 7 regarding the Task Force for Handling Covid-19 for the Province of DKI Jakarta.
6. Central Java Governor Regulation Number 25 of 2020 concerning the control of infectious diseases in Central Java Province, stipulated in Semarang on July 24, 2020, and promulgated on July 24, 2020, by the

Regional Secretary of Central Java Province, Regional News of Central Java Province of 2020 Number 25.

7. Regulation of the Regent (PERBUP) of Banyumas Regency Number 1 of 2021 concerning Restrictions on Community Activities in the Context of Accelerating Prevention and Control of Corona Virus Disease 2019 (COVID-19) in Banyumas Regency. Stipulated on January 8, 2021, promulgated on January 8, 2021, and effective January 8, 2021.

Based on the regulations issued by the central government and the provincial and district/city governments, it shows that Indonesia, in handling and preventing and preventing COVID-19 from spreading, is really serious about regulating its regulations. Starting from health protocols (prokes), vaccinations, and social assistance in the form of basic needs both cash and non-cash carried out in all sectors such as education (pulse assistance), in the community (PKH Social Assistance, MSME BLT, electricity subsidies and so on), and the existence of social restrictions. This is a form of a government program to overcome the Covid-19 pandemic so that it is not contagious and does not harm the community in the health sector. The government policy that has been taken is a program for the welfare of the community. When the health of the Covid-19 pandemic can be resolved, it remains only to restore the economy in Indonesia so that the economy can grow and develop according to the new normal.

Of course, in implementing government programs in Indonesia, a few people are pro and contra against the program. There is no lockdown in Indonesia, unlike in other countries whose economic activities have been completely halted. Because with the economic lockdown, especially circulation and economic activities, it will become a burden for the central Government, taking into account the area consisting of various islands and tribes spread from Sabang to Merauke. The population is significant, and if enforced, community social activities will stop, the economy will have basic needs that must be fulfilled and ultimately burden the Government. As a substitute for the lockdown to break the Covid-19 chain, the Government imposed a tightening to the road community's economy by limiting the mobility of community activities utilizing testing, tracing and treatment. Testing is an early examination, tracing, and treatment so that the Indonesian Government is more focused on handling and preventing the transmission of Covid-19.

To break the chain of transmission of Covid-19 and to keep the community's economy running, the term Large-Scale Social Restrictions (PSBB) is applied. There are pros and cons to implementing the PSBB, especially by people from the economically weak or the poor whose livelihoods are laborers and the wages are small. The poor who work as factory workers are known as No work No pay. If these workers do not work, they are not paid, so they must continue to work to meet their daily needs.

In working towards a remote factory, for example, the factory is in the capital city of Jakarta and DKI Jakarta, implementing strict PSBB so that it cannot pass through the road which is tightly guarded by the Covid-19 Task Force, which consists of the Civil Service Police Unit (SatPol PP), the Indonesian National Police, the Army, and the Health sector apparatus. This is present to help the community not get infected with Covid-19, but there are violations because of the demands of life that must be met for daily food needs. Because with the PSBB

policy program, it is recommended that there be restrictions on activities, namely Work from Home (WFH), going out if it is crucial, education should not be face-to-face but done online, which is learning that is done without face-to-face, but through platforms that are already available. All forms of subject matter are distributed online. Communication is also carried out online, including tests. After being implemented with the term tightening social activities through PSBB, it turns out that Corona cases have not decreased yet, so evaluation and monitoring by the Government have tightened again with the term Implementation of Community Activity Restrictions (PPKM) imposed in Java-Bali. The PPKM is stricter than the PSBB, especially in areas or areas with high Covid transmission, namely on the islands of Java and Bali.

In this case, a curfew is imposed, the community's activities are limited, they are not allowed to sell on the sidewalk, food stalls are limited to open until 21.00 WIB, including hotels, tourist sites are closed, and when travelling they must bring an anti-gen letter or rapid test, the border of the province is guarded strictly by the Covid-19 task force, travelling must have health protocols, for example, having to wear a mask and if you violate it, you will be subject to social sanctions, namely push-ups, or cleaning the road by sweeping the road. This is what causes various contradictions in society even though the goal is to break the Covid-19 chain. In addition to these methods, the Government is also for immunity or immunity to promote mass and free vaccine programs and private companies and state-owned enterprises making mutual cooperation vaccine programs. This is all a form of Government to prevent the Covid-19 pandemic.

According to Dadan Umar Daihani, DEA, in a national seminar webinar entitled Webinar International Toward A New Era In The Legal Order, Covid -19 not only infects human beings but the economy as well, The Dilemma, On one side we have to stop many activities to break the chain of infection. On the other side, we have to provide what our people need, such as decent healthcare, food, and energy, which are highly needed in the pandemic. Meanwhile, economic growth slows, and income drops significantly.

In line with what was stated in the International webinar held on September 9, 2021, Covid -19 is very dangerous. It infects humans, but all economic activities are hampered and even do not work. This is indeed a dilemma for the world, especially the Indonesian Government. On the one hand, we have to stop many activities from breaking the chain of transmission of Covid-19. Still, on the other hand, we must provide what our society needs, such as proper health, food must be enough, and also much-needed energy during this pandemic. Meanwhile, economic growth slowed, and income fell significantly. Covid -19 must be appropriately handled through regulations governing applying the law in handling Covid -19 in Indonesia.

Therefore, the Government's task is very heavy and requires the role of the community to prevent the transmission of Covid-19 by breaking the chain of transmission. So that people must comply with health protocols, immediately vaccinate and obey and obey all legal regulations made by the Government. Because legal culture is critical, no matter how good the rules are without being heeded and obeyed by the community, the law is meaningless and less effective because the law is made so that people are lawful and obey the applicable regulatory regulations. According to Dadan Umar Daihani, DEA said that; We

need the New Legal Order. The Future Challenge, New Order, Government, Social system, political system, economy order, education system, and trade technological developments. We must rearrange the order of different lives to deal with various changes during the Covid -19 Pandemic. In line with this opinion, we need a new legal order towards future challenges. By placing everything new, the Government's role requires a social system, political policies, economic order, education, business or trade systems that must support each other to achieve this new era. Besides that, due to technological developments facing the Covid-19 pandemic, we must rearrange the order in different lives to deal with various changes.

D. Closing

Based on the existing problems, it can be concluded that the central and regional Government already has regulatory regulations in applying laws regarding the handling of the Covid-19 pandemic. Still, it has not been effective because they have not been able to apply strict sanctions in law enforcement. The sanctions applied are social sanctions and administrative fines so that violators of the rules do not become a deterrent. In addition, regulatory regulations in applying the law in the future should be more firm, namely by applying strict sanctions, as regulated in the Health Quarantine Law. In the Permenkes and Perda, no criminal sanctions are regulated.

So that the advice that can be given is that law enforcers apply the law in the field following the existing laws and regulations, and there is no discrimination in the application of the law so that there is legal certainty, justice and benefits for the community. Secondly, the community as good citizens must obey the positive law currently in effect because the legal culture that exists in society will affect the existing legal system and affect the operation of the law.

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