

# The Legitimate Parts of Arrangement Approaches in Managing the Coronavirus Pandemic

Sukawi Sutarip  
{sutaripsukawi@yahoo.com}

Universitas 17 Agustus 1945 Semarang, Indonesia

**Abstract.** This study expects to decide the lawful parts of the mechanical assembly in managing the Covid-19 pandemic. This study was carried out utilizing a qualitative descriptive technique with a case study and a legal approach with a literature review. The public authority has given different approaches to handle the Coronavirus pandemic with a few contemplations in regards to viewpoints and dangers, including legitimate angles. The legal perspective cannot be divorced from the traditional legal approach, which sees governmental actions and policies in a pandemic crisis as just serving to protect security and order. The government, through state apparatus, is used as an instrument to decide community activities during the pandemic, the policies, and actions. Judging from the aspect and form of policies that the government has taken, it is separated into two types: an instrument of appeal and the development of legislation. Several policies were taken, namely: a) school and work environment occasions; b) impediments on exercises in open offices; c) constraints of strict exercises; d) limits of social and social exercises; e) limitations of transportation wheels; f) limitations on different exercises. However, there are still people who have not implemented the policy in implementing the policy. To overcome any violations of the policies that have been set, the government also issues sanctions for those who violate or do not discipline themselves that have been determined.

**Keywords:** Legal Aspects; Covid-19; Government

## 1 Introduction

Covid illness 2019 (Coronavirus) is a worldwide pandemic of an irresistible ailment. By 2020, a great many individuals will become sick and kick the bucket from Coronavirus. The transmission of Coronavirus is extremely simple, specifically through drops and respiratory contact. Covid-19 affects everyone regardless of age or gender. This follows what Astuti et al. stated, who stated that basically, every person is susceptible to this virus.

Issues for each impacted nation and connected with managing the pandemic. A few techniques were executed to break the chain of Coronavirus' dispersion. Policies issued by the government, such as Large-Scale Social Restrictions (PSBB), call for implementing health protocols. PSBB includes clusters a) school and work environment occasions; b) impediments on exercises in open offices; c) constraints of strict exercises; d) limits of social and social exercises; e) limitations of transportation wheels; f) limitations on different exercises, such as defense and religion.

These arrangements are contained in three lawful instruments gave by the Public authority of Indonesia 1) Presidential Decree No. 11 of 2020 concerning the Foundation of a General Wellbeing Crisis of Covid Infection 2019 (Coronavirus); 2) Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions with regards to Speeding up Treatment of Covid Sickness 2019, and; 3) Government Regulation in Lieu of Law (Perppu) No. 1 of 2020 concerning State Monetary Arrangement and Monetary Framework Dependability for Dealing with the Covid Illness 2019 (Coronavirus) Pandemic and additionally in Confronting Dangers to Jeopardize the Public Economy as well as Monetary Framework Steadiness.

These various forms of policy anticipate the rate of the spread of Covid-19 with different considerations in terms of aspects and risks, including legal aspects. The view through law cannot be separated from the style and color of the law itself. The classic legal style views that state actions and policies in a pandemic situation only play a role in maintaining security and order. The government, through state apparatus, is used as an instrument to decide community activities during the pandemic, policies, and actions.

However, the spread of covid-19 has not ended. This is because many people still underestimate Covid-19 and do not apply health protocols according to the rules that have been set when carrying out activities. Therefore, in tackling this matter, the government uses the apparatus's policies' legal aspects in tackling Covid-19.

## **2 Research Methods**

This study utilized distinct subjective exploration with a case approach and a legitimate methodology as the examination procedure. The discussion follows the focus of the writing objective. According to Peter Mahmud Marzuki (2011), the case approach is carried out to examine cases related to the issues encountered regarding the law. At the same time, the legal approach is carried out to examine all laws associated with this writing. The information expected in this work are optional as essential lawful assets, auxiliary lawful materials, and tertiary lawful materials, particularly for laws dealing with the COVID-19 pandemic. These legal materials were collected through a literature study.

## **3 Results and Discussion**

### **Legal Aspects of Apparatus Policies in Facing Covid-19**

At the beginning of March 2020, Indonesia has joined the list of nations where the coronavirus is spreading, and fiber became the starting point for formulating government policies in tackling COVID-19. Judging from the aspects and forms of policies that the government has taken, it may be classified into two types: an instrument of appeal and the formulation of legislation. The government's appeal is the first move since Covid-19 began to infiltrate Indonesian territory.

This policy takes the shape of a call for social and physical distancing, namely: a) school and work environment occasions; b) impediments on exercises in open offices; c) constraints of strict exercises; d) limits of social and social exercises; e) limitations of transportation wheels; f) limitations on different exercises. As to connecting with instalment and credit assortment delays for the lower working class, as well as vaccination to break the chain of Coronavirus dispersal. The policy variation adopted by the administration in the form of an appeal does not operate as it should. This is supported by the community's numerous activities, which are still far from the word distance or physical constraints.

Furthermore, this argument was shown to be ineffectual when several legal bodies, both banking and non-banking, did not postpone public credit. When viewed from the legal system theory popularized by Lawrence M. Friedman in Achmad Ali (2005), the ineffectiveness of appeals can be attributed to three factors: legal structure, legal content or material, and legal culture. In the mean time, from a positive lawful viewpoint, the allure's position is at the most minimal degree of legitimacy, where it isn't yet at the level of a request that conveys lawful results in substance as the power of standards that have taken the state of a regulation or something like that.

The public authority then gave a Perpu as an arrangement viewpoint as regulation, to be specific Perpu No. 1 of 2020 and Presidential Decree No. 12 of 2020 with respect to the Assurance of Non-Catastrophic events for the Spread of Covid Infection 2019 (Coronavirus) as a Public Decree (Presidential Decree No. 12 of 2020), Perpu No. 1 of 2020 significantly regulates state financial policies in dealing with COVID-19. The Perpu, which has 5 (five) chapters, serves as legal authority for the government in managing public finances during the epidemic. After the stipulation of Perpu No. 1 of 2020, then an appeal was made to the Constitutional Court (MK), which was carried out because it was discovered that there were items that had the potential to impair individuals' constitutional rights; also, it opened the door to legal protection for officials dealing with the COVID-19 outbreak.

This is due to the fact that a legal rule is said to be good if it fulfills eight criteria, namely that it is generally applicable, not retroactive, announced, compiled in an understandable formula, does not conflict with each other, can be carried out fairly, is not easily changed, and there is conformity between the rules and regulations implementation. Assume you discover that the government's legal policies on COVID-19 do not meet the fundamental standards outlined above. In that situation, the consequences of the detailing of regulations that are not as per the standards of regulation arrangement and don't have equity as the expected worth would create issues in their application.

In addition, according to Mirza Nasution, there are six legal political steps and regulatory directions in dealing with COVID-19, namely as follows:

- a. There is a need for formal-material clarity in forming Covid-19 regulations that prioritize the safety of many people's lives as stated in the 1945 Constitution, which was born with appropriate, applicable, and detailed content to become a framework for implementing policies in all sectors of the field. Formal-material clarity is used to avoid misuse of interpretation and ambiguity.
- b. Good governance management by strengthening legal products with precise and synchronous regulations so that they do not overlap and are solutions that are characterized by a concise administrative bureaucracy and maintain transparency of information related to the handling of COVID-19
- c. There is a centralization of policy implementation during the COVID-19 pandemic
- d. Strengthening checks and balances is the biggest concern is the loss of the covid-19 mechanism in Perpu No. 1 of 2020 in terms of irregularities and state finances that cannot be prosecuted either civilly or criminally or utilizing the TNU.
- e. The existence of regulations to become a forum for community involvement and initiatives in handling COVID-19 to ensure life and survival amid a pandemic as big as possible for the benefit of the people.
- f. Law enforcement officers provide direction for the creation of involvement and welfare as well as safety and wholeness in living together.

Moral law, in the context of legal protection for the people, is a law that can ensure its own existence, so that everyone is safeguarded from the risk of arbitrariness from other parties who

might harm the law. Thus, the legal context is defined in a procedural framework capable of bridging the formation of laws based on religious values. In addition, in the application of government policies, to overcome any violations of the policies that have been set, the government also issues sanctions for those who violate or do not discipline themselves in the form of:

- a. As per Article 93 of Regulation Number 6 of 2018, anyone who neglects to follow the execution of Wellbeing Quarantine and discourages the execution of Wellbeing Quarantine might be sentenced to a limit of one year in prison and additionally a greatest fine of IDR 100,000,000.00.
- b. Article 212 of the Criminal Code (KUHP), overlooking the skillful specialists, can be condemned to a limit of 1 year and 4 months in jail. Even though it has been previously warned in Article 216, preventing the authorities from serving is punishable by a maximum of 4 months 2 weeks. In Article 218, if there are still crowds after being warned, the maximum penalty is 4 months 2 weeks.

With the legal sanctions given, it will make the public continue to comply with the health policies and protocols that have been set to decide the spread of covid-19.

#### **4 Conclusion**

The public authority has fostered various measures to battle the Coronavirus pandemic, each with its own set of concerns for elements and hazards, including legal issues. The view through the legal aspect cannot be separated from the classic legal style, which sees that state activities and arrangements in a pandemic circumstance just assume a part in keeping up with security and request. The government, through state apparatus, is used as an instrument to decide community activities during the pandemic, the policies, and actions. Judging from the aspects and forms of policies that the government has taken, it may be classified into two types: an instrument of appeal and the formulation of legislation. Several policies were implemented, namely: a) school and work environment occasions; b) impediments on exercises in open offices; c) constraints of strict exercises; d) limits of social and social exercises; e) limitations of transportation wheels; f) limitations on different exercises and vaccinations.

However, in implementing the policy, there are still people who have not implemented the policy, so to overcome any violations of the policies that have been set, the government also issues sanctions for those who violate or do not discipline themselves, namely: a) As per Article 93 of Regulation Number 6 of 2018, anyone who neglects to follow the execution of Wellbeing Quarantine and impedes the execution of Wellbeing Quarantine might be sentenced to a limit of one year in prison and additionally a most extreme fine of IDR 100,000,000.00; b) According to the Criminal Code (KUHP) Article 212, ignoring the authorized officer can result in a jail sentence of up to one year and four months. Even though it has been previously warned in Article 216, preventing the authorities from serving is punishable by a maximum of 4 months 2 weeks of Article 218. However, if there are still crowds after being warned, the maximum penalty is 4 months and 2 weeks.

#### **Suggestion**

The public authority (state apparatus) necessities to direct the local area to carry out strategies in managing the Coronavirus pandemic reliably. Furthermore, the conversation connected with the legitimate parts of the contraption's approaches in adapting to Coronavirus has a broad degree. Therefore, it is hoped that the next researcher will be able to produce even better detailed and in-depth writings. So that in the future, we will be able to provide a more

interesting discussion regarding the legal aspects of the apparatus' policies in dealing with COVID-19.

## References

- [1] Ali, Achmad. (2005). *Keterpurukan Hukum di Indonesia Penyebab dan Solusinya*. Bogor: Ghalia Indonesia
- [2] Astuti, N. P., Nugroho, E. G. Z., Lattu, J. C., Potempu, I. R., & Swandana, D. A. (2021). Persepsi Masyarakat terhadap Penerimaan Vaksinasi Covid-19: Literature Review. *Jurnal Keperawatan*, 13(3), 569-580.
- [3] Ibrahim, Johnny. (2007). *Teori& Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing.
- [4] Indaryanto, Wisnu. (2021). Dampak Pandemi Covid-19 dan Urgensi Pembentukan Peraturan Daerah Tentang Bantuan Hukum. *Jurnal Legislasi Indonesia*, 18(3), 309-323.
- [5] Keputusan Presiden No. 12 Tahun 2020 tentang Penetapan Bencana Nonalam Penyebaran Corona Virus Disease 2019 (Covid-19).
- [6] Kitab Undang-Undang Hukum Pidana.
- [7] Lusianawati, Hayu. (2020). Inkonsistensi Kebijakan Pemerintah Dalam Menangani Pandemi Covid-19, 21-39.
- [8] Marzuki, Peter Mahmud. (2011). *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group.
- [9] Nasution, Mirza. (2020). Politik Hukum dan Regulasi-Regulasi Penanganan Covid-19. Disampaikan dalam Webinar APHTN-HAN Sumatera Utara, 2 Juni 2020.
- [10] Pardede, Marulak. (2021). Aspek Hukum Kekarantinaan Kesehatan dan Perlindungan Konsumen Dalam Penanggulangan Pandemi Covid-19. *Jurnal Penelitian Hukum De Jure*, 21(1), 23-44.
- [11] Peraturan Pemerintah Pengganti Undang Undang nomor 1 tahun 2020 tentang kebijakan Keuangan negara dan stabilitas Sistem keuangan untuk penanganan pandemi Covid-19.
- [12] Redi, Ahmad. Chandranegara, I., Sina. (2020). *Segi Hukum Terhadap Implikasi Covid-19 Di Indonesia*. Jakarta: APPTHI.
- [13] Supriyadi. (2020). Covid-19 Handling Policy Of Profetical Law Perspective. *Suloh Jurnal Program Studi Magister Hukum*, Edisi Khusus, 92-109.
- [14] 1945 Constitution of the Republic of Indonesia.
- [15] Law Number 6 of 2018 concerning Health Quarantine.