

Criticism of the Law that is Friendly to Corruptors and Re-establishment of the Legal System Post COVID-19

Bambang Santoso¹, Muhammad Rustamaji², Hartiwiningsih³
bambang santoso@staff.uns.ac.id¹, muhammad_rustamaji@staff.uns.ac.id², hartiwiningsih@staff.uns.ac.id³

Doctoral Program in Law Universitas Sebelas Maret, Surakarta, Indonesia¹
Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia^{2,3}

Abstract. The Covid-19 pandemic and the digitalization of the world prompted the birth of the idea of "Great Reset" as a reflection of building a more just, sustainable, and resilient economic and social system based on law. A great reset requires a new social contract instrument that puts justice and human dignity at its base. However, the many reductions in penalties for corruptors through Supreme Court decisions and corruption investigations can be stopped after the return of state financial losses based on the Kabareskrim Telegram Letter Number: STR/206/VII/2016, July 25 2016, is an irony. At this culmination, the law, which is increasingly friendly to corrupt behavior, is not in line with the spirit of great reset. Klaus Schwab believes that pandemics and digitization will eventually become two valves that force the law to adapt to create instruments that are not friendly to corruptors.

Keywords: great reset of law after pandemic, corrupt friendly law.

1 Introduction

Great reset or massive reset in various aspects of life is on the agenda of several experts currently offering. The call was great to reset first raised from the podium of the World Economic Forum. Great reset even became the central theme of the WEF annual forum that started discussed in subsequent online forums.

Klaus Schwab as founder and Executive Chairman of WEF with Thierry Mallert, even launched the book "Covid-19: The Great Reset". [1] This book discusses in depth about various agendas to change the order of life on a massive scale. On a global level, both offer great reset in five sectors of life: economic, social, geopolitical, environmental, and technology.

The concept of a great reset in five sectors of life: economic, social, geopolitical, environmental and technology, of course, goes beyond the new normal that was echoed by the Indonesian government at this time this. As is known, the new normal is a concept that is only limited to adopting protocols health into individual or communal activities, or further improvisation with a technological approach. While the concept of a great reset is a change agenda order of life in a broad spectrum, both fundamentally and philosophically. By outline, the five points of the great reset that Prince Charles outlined, among others; 1). Capture imagination and humanity's desire-change will only happen if people want it, 2). Economic recovery must put the world on a path to job creation, eyes livelihoods, and sustainable growth, 3). The system must be redesigned to promote net zero transition globally. Carbon pricing can be an essential step towards sustainable markets, 4). Science, technology, and innovation need to be strengthened, and 5). Investment must be rebalanced. Accelerating green investment can offer job opportunities in green energy, bioeconomy, ecotourism and green infrastructure, socially responsible investment or long-term sustainable investment model. [2] Meanwhile, Klaus Schwab narrowed the great reset into three main parts, 1) Directing the market towards fairer results, 2) Ensuring that investments advancing common goals, such as equality and sustainability, 3). Take advantage of the Revolution Fourth Industry innovations to support the public benefit, especially in dealing with challenges in the sector health, social and large disparities. [2]

If it is narrowed, the five agendas great reset are related to fundamental problems humanity faces during the current Covid-19 pandemic, namely inequality and environmental decadence. The

problem of inequality is exacerbated by the geopolitical order that carries the spirit of greed to seize natural resources. This poses a risk of massive environmental damage as it is currently being felt, both in the form of a rampant epidemic, and ongoing ecological disasters. Corruption is a trigger factor affecting the environment and natural resources. [3] World Economic Forum (WEF) noted that the higher level of corruption in a country, the greater environmental damage occurred, and the lower level of environmental sustainability. [4] The Center for People Empowerment in Governance (CenPEG) stated that many developing countries rely heavily on extractive industries such as mining, deforestation, natural resource exports, and industries familiar with corruption cases. [5]

The agenda of great reset seeks to reduce socio-economic distance. At the same time great concept reset also changes the world's political order to realize the common good. Great reset is calls for changing personal attitudes and the collective paradigm of power. Including preparing various preparation to meet the massive use of technology and digitalization that can no longer be unstoppable. Schwab and Mallert refer to digitization as micro reset. Cause the adoption wave Digitization was already massively underway before the arrival of Covid-19.

At the same time, when looking at the current fluctuating developments of the Covid-19 pandemic and has not shown any signs of decline, this can exacerbate further existing inequality happening in society. Angus Deaton (2015 Nobel Prize in Economics) likens the pandemic like X-rays that transparently expose disparities. Society is divided at two poles differently. The owners of capital, and the economically well-off can continue to work from home as regular days with maintained stamina and productivity. With the support of video calling technology, and other extensive facilities, work can be carried out with normality new. However, this is not the case with vulnerable groups, generally informal workers who must struggle with stressful situations even very close to death in defending life. The Covid-19 pandemic condition does not provide space for workers to work from home the informal. Even when deciding to continue working with high intensity outside the home, not yet certainly generate the expected income even though the risk of contracting Covid-19 reaches vulnerability the highest.

Eleanor Russell and Martin Parker also expressed similar criticisms. The two British scientists compare the Covid-19 pandemic with a potential 14th Century Black Death repeating the same thing. The pandemic triggered the concentration of wealth in a group of conglomerates, even created an oligarchy. When in the end, many entrepreneurs have connections Strong to the government, even able to preserve the power of business for centuries, then inequality, in the end, will never disappear.

At such a culmination, the Covid-19 pandemic can make the rich grow to prosper, while the poor are increasingly mired in poverty. This condition can be realized if the government is not careful in formulating policy formulas and is not strict in law enforcement.

In law enforcement, 'friendly law enforcement' towards corruptors is demonstrated with light decisions and the issuance of regulations [6] termination of the investigation process when it is carried out the return of state financial losses, for example. 'Friendly law enforcement' steps are considered to have the potential widening the gap in national economic recovery efforts because of the absence of public trust in government.

As a more detailed picture, you can see ICW's observation on the imposition of a criminal in 2019 ago. Throughout 2019, ICW recorded at least 1,019 criminal cases corruption trials at various levels of the Court. Of the total cases found, 1,125 people, as defendants. This finding is not too different from the previous year's total cases as many as 1,053 with 1,162 defendants. [7]

The findings above are divided into 3 court domains: 941 cases were tried in court the first instance, 56 cases at the appeal level, and 22 other cases at the cassation and review in the Supreme Court. The average verdict at each court level is as follows: 1). At the first level at the Corruption Court, the average sentence is two years 6 months; 2). At the level of appeal at the High Court, the average sentence imposed is three years and 8 months; and 3). At the level of the Supreme Court (cassation/review), the average sentence imposed is 3 years 8 months. So, if the total average prison sentence is only 2 years 7 months. [7]

Deputy Chief Justice of the Supreme Court (MA) for Judicial Affairs Andi Samsan Nganro assessed that the decision to reduce sentences for convicted corruption cases (the total average prison sentence is only 2 years 7 months) in his institution did not significantly affect the decline in the Corruption Perception Index (GPA) in Indonesia. According to the Supreme Court, the quantity of sentence reduction decisions is not comparable to rejecting the application for judicial review (PK) from corruptors. The Supreme Court granted only about eight percent of applications

for PK convicts in corruption cases. The rest, as many as 92 percent of other applications, were rejected. According to Andi Samsan, the coordinating minister for Political, Legal and Security Affairs (Menko Polhukam) Mahfud MD, that one of the factors behind the decline in the GPA due to the Supreme Court's decision (Based on MA data, only 8 percent were indeed granted, so there are still 92 percent that were rejected), is merely an assumption. Andi emphasized that related to sentencing, including reducing the sentences of defendants or convicted of corruption through legal remedies, it is regulated in law. This is part of the administration of justice as a form of the rule of law mechanism. According to Andi, in deciding a case, the Panel of Justice cannot be intervened by anyone. In fact, by the Chairman of the MA. This means that the widespread cuts in the sentences of convicted corruption offenders through PK decisions cannot be concluded as a weakening of efforts to eradicate corruption. The Supreme Court emphasized that his institution fully supports efforts to eradicate corruption. In fact, as a judicial institution, the task of the Supreme Court is not only to enforce the law by providing a deterrent effect but also to uphold justice, including justice for convicted corruption cases. [8]

A harsh punishment strategy is needed because corruption is not a deviant behavior. Corruption is an action that is planned full of profit and loss (benefit-cost ratio) by lawbreakers who have moral status. They are good at avoiding legal entanglements by exploiting the weaknesses that exist in the legal system itself. The deployment of all capabilities and authorities is calculated as carefully as possible, so that other people can only feel the smell of corruption but are powerless if they have to prove it. The corruption problem in Indonesia is no longer a mere legal problem but a political, social, and economic problem that has never stopped, especially since the New Order government. Leaks of state finances mark corruption, and this has happened since the disbursement of the State Budget (APBN) every year and involves the executive and legislative branches. [9]

Referring to Article 10 of the Criminal Code which mentions the main punishments (imprisonment and fines), in this context, ICW's findings on average prison sentences for corruptors only touch the figure of 2 years and 7 months in prison. Meanwhile, the fine is only Rp. 116,483,500,000 (one hundred and sixteen billion). four hundred eighty-three million five hundred thousand rupiah). Although the ICW findings are related to the verdict there is an increase compared to 2018 which was only 2 years and 5 months in prison. As for criminal additional money in the form of replacement money of IDR 748,163,509,055 (seven hundred and forty-eight billion one hundred sixty-three million five hundred nine thousand and fifty-five rupiah). The figure will be very small and far compared to the amount of state losses that reached Rp. 12,002,548,977,762 (Twelve trillion, two billion five hundred forty-eight million Nine hundred and seventy-seven thousand seven hundred and sixty-two rupiah). Practically less than 10 percent of the asset's value can be returned to cash country. As for the crime of bribery, the dominant number of cases throughout 2019 was found at least Rp422,712,229,450 (four hundred twenty-two billion seven hundred and twelve million two hundred twenty-nine thousand four hundred fifty rupiah). [9]

The corruption crime in Indonesia is still one of the causes of declining the nation's economic system. Corruption in Indonesia is systemic and widespread so that it is detrimental to the state's financial condition and violates the social and economic rights of the community at large. For this reason, the eradication of corruption must be carried out extraordinarily by using special methods. Corruption is not a new form of crime, nor is it a crime that only develops in Indonesia. Corruption is an anti-social act that is known in various parts of the world. According to Mochtar Lubis, corruption will always exist in a society's culture that does not separate sharply between private property rights and public property rights. The rulers can efficiently only do the obfuscation of public property rights and individual property rights. Rulers in various parts of the world by custom, deserve to be feudal. It is in this structure that irregularities, corruption, and theft are easy to develop. [10]

The lessons that can be learned from the history of corruption in Indonesia are: First, corruption is related to power behavior. To quote Lord Acton, "power tends to corrupt, and absolute power corrupts absolutely". Second, corruption is closely related to the development of a critical attitude of society. The more critical the public's attitude is, the more likely it is that corruption will be seen as an increasingly widespread phenomenon. Based on these two things, the tragedy experienced by the New Order government can be interpreted easily. As is well known, the New Order government, which ruled for more than 30 years, mainly supported its power with

military support. With such characteristics, the New Order government has not only ruled for too long but tends to rule in an authoritarian manner. [11]

The modus operandi of corruption in Indonesia includes:

1. Manipulation: The form of criminal acts of manipulation, among others, is marked by the presence of actors who mark up government development projects, such as government infrastructure development projects, forest reforestation projects, fictitious state budget expenditures, fictitious guarantees in banking and others.
2. Embezzlement: Corruption crime of embezzlement is marked by, among others, the presence of perpetrators such as embezzling state assets or state finances to enrich themselves or enrich others.
3. Bribery: The form of bribery is, among others, marked by the presence of perpetrators such as giving bribes to civil servants so that the recipient of the bribe provides convenience in granting permits, bank loans and others which are generally contrary to the provisions of applicable regulations.
4. Blackmail: forms of corruption, extortion, among others, are marked by the presence of perpetrators such as forcing someone against the law to give goods or money to the person concerned.
5. Illegal levies (extortion); forms of criminal acts of illegal levies, among others, are marked by the presence of perpetrators committing illegal levies on a fee outside the provisions of the regulations. Generally, these illegal levies are carried out against a person or corporation if there is an interest in dealing with government agencies.
6. Looting of state assets; The form of corruption, looting of state assets is usually packaged in laws and regulations or the policies of the authorities as legality.
7. Theft of state money through APBN and APBD: The form of corruption in theft of state money through the APBN and APBD is carried out by wasting state finances using the APBN and APBD, among others under the guise of comparative studies, fictitious official trips, representation fees, money to support official operations, money to receive state officials, money to support positions, charity money, subsidizing the education allowance for children of DPRD members, operational allowances for securing elections which are very large in number and other wastes of APBN and APBD which end in KKN nuances. As a result of this expenditure, a lot of APBN and APBD funds are drained.
8. Corruption in the construction of physical facilities or infrastructure, whether financed by foreign loans, APBN and APBD; forms of corruption in the construction of physical facilities or infrastructure, are carried out by direct appointment without tender. This direct appointment is possible because in the implementing regulations of the APBN and APBD, specific procurement of particular goods can be carried out without a tender.
9. And other modus operandi of corruption. [12]

Observing of modus operandi of corruption in Indonesia, it must be realized that Indonesia is still one of the countries with the biggest problem in eradicating corruption. The modus operandi of corruption in Indonesia, ranging from bribery to collusion has become a barrier to economic, social, political, and cultural development. In addition, the abuse of the authority of government agencies for personal gain is still a widespread practice among bureaucrats.

A criminal law expert, Indriyanto Seno Adji, assesses that the massive practice of corruption in Indonesia it cannot be separated from the role of bureaucrats or state administrators. At the same time, the conditions thus compounded with private involvement as a potential power of outside the bureaucracy was also involved in the corrupt practices. Therefore, it is necessary to criticize so that there will be many improvements by the government—mainly improvements in the field of corruption prevention and enforcement efforts that must be carried out synergistically. The first is the synergy and parallel between prevention and prosecution. Then the second synergy and an integrated corruption eradication system between the National Police, the Attorney General's Office, and the KPK.

Observing the current condition, the public still views the synergy of the enforcement agencies. The law is still limited to an agreement on paper or an MoU. However, in reality in the field, each law enforcement officer often shows partial performance that runs independently based on their respective institutions.

Another weakness problem is that the reform of the law enforcement system in institutions has not yet been completed law enforcement agencies in Indonesia. In several cases, what happened was law enforcement officers involved in corruption. Indriyanto explained that at the level of *Das*

Sein (facts), law enforcement officers who created a negative stigma against their institutions and law enforcement system. As happened in the case of fugitive Djoko Tjandra's escape, the case of corruption in the export of shrimp, and corruption in the Covid-19 social assistance fund greatly shocked the public, for example.

Even based on observing several legal cases that occurred in Indonesia, it is not uncommon indeed a political power background. Prosecution of corruption cases, for example, often takes place in the background behind political will and power. Likewise, the solution often attracts problems law to politics.

The great reset counter to the practice of friendliness of enforcement it is this law against corruptors that further attracts the author's attention to study more deeply through constructive criticism of current conditions. Criticism of the law that is friendly to corruptors and the re-establishment of the post-covid-19 legal system is very urgent to study considering the mistakes taking policies by the government, in the end, has great potential to widen the gap in efforts to restore the national economy as a result of the lack of public trust.

2 Discussion

2.1. Criticism of Laws that are Friendly to Corruptors

A comprehensive awareness is needed to emphasize that currently corrupt practices have become increasingly strong in this country. All efforts that have been made can be said to have failed to contain and eradicate corruption, even the counterattack has completely paralyzed the KPK as the last line of defense against corruption in Indonesia. So far, the practice of corruption

seems to have no end. The results of the Kompas poll, which was launched in 2019, serve as an empirical justification for how massive and uncontrollable corrupt behavior is. In the midst of these various corrupt practices, the fundamental question that then arises is why is the practice of corruption getting worse in this country? Is this evidence of the failure of the anti-corruption agenda? There is even a question, what is wrong with the corruption eradication agenda that has been carried out so far? Based on the various perspectives that can be studied, the questions raised make a lot of sense. Moreover, as part of efforts to realize the mandate of reform, so many legal products have been presented to immediately get out of the ferocity of corruption in this country.

Saldi Isra argues that the prevalence of corruption is not enough to be explained from one point of view, for example, at certain limits political life shows itself more as the "commander" in law enforcement. Therefore, the chaos in the political world has an impact on the emergence of dark alleys in eradicating corruption, for example those who are indicated by corruption seek protection from political parties. Once they get a place in a political party, law enforcement is threatened with suspended animation. [13]

At such a culmination, law enforcement should not depend on political considerations. Laws must be respected, implemented, and enforced, fiat justitia et pereat mundus (even if the sky falls, the law must be upheld). Even the law may not serve political interests, but rather political interests must serve the law. The problem is, at this time in Indonesia, let alone the sky is falling, the sky is still strong even the legal world in Indonesia is still serving political interests.

Liona Nanang Supriatna asserted, in law enforcement that must always be considered, first, the element of legal certainty (*rechtssicherheit*) which requires the implementation of the law as it is, must not deviate. Bearing in mind that the law gives orders that are truly without a doubt, aimed at creating legal certainty so that the realization of public order. Second, the principle of expediency (*zweckmassigkeit*), law enforcement must be able to provide benefits or uses for the community. Therefore, law enforcers must be sensitive to what is experienced by the community. Because if there is no benefit or even creates new injustices, then the law is useless, not all cases must be resolved through criminal law. The third is justice (*gerechtigkeits*), namely proportional and balanced law enforcement, the aim of which is to obtain peace and prosperity living together in society. Law enforcement should not actually create new noise or violations of the law itself because of political considerations, for example.

However, even though such near-death conditions can be handled ideally, the enforcers law is able to prove its independence. Therefore, the "strategy" of joining a political party is not will have a lot of influence. But, let alone to prove with this independence, law enforcement institutions are often present as their coaches related to cases corruption. The coaching meant here is more about taking advantage of those involved corruption cases for purposes other than law enforcement.

Based on the Kompas's National Seminar "Corruption Impoverishing" (22nd to 23th February 2011) stated that the corruption practices are mostly caused by law and law enforcers who are very friendly to perpetrators corruption. The hospitality, among other things, was triggered by lax legal substance or multiple interpretations. In practice, such legal substance provides wide space for law enforcers to maneuver according to their respective interests. It is hard to deny that such a condition becomes one of the factors that make a major contribution to the failure to stop violence and the destructive power of corruption for a nation. Many experiences show that the legal substance that This looseness is closely related to the commitment of some law enforcers to be impartial to the anti-corruption agenda. Therefore, it is not surprising that efforts to eradicate corruption are potential give rise to new corrupt practices. At least the potential for corruption can be traced at an early-stage law enforcement, such as investigations and investigations. At this stage there is a lot of space that provide opportunities for law enforcement to negotiate, starting from the upgrade from the investigation to investigation, the possibility of not being detained, until the issuance of a warrant termination of investigation (SP3). In fact, when it is entered into the trial process, it is not uncommon for efforts to be made change the indictment to make the verdict lighter.

On the other hand, deviant behavior is in the form of "coaching" corruption by some individuals Law enforcement officers must be aware of causing deep wounds for justice seekers. Moreover, many judges' decisions have failed to restore the sense of justice of the people who have been torn apart by the behavior of the corruptors. In fact, in the implementation of the judge's decision, several cases prove that the period of detention and detention houses provide all kinds of facilities for corruptors. Besides the availability of the opportunity to get clemency, the corrupt is very easy to get a reduction punishment in the form of remission. With that facility, the detention house does not mean anything and fail to convey fear. In fact, the actual sentencing is intended to give a message that committing corruption will get a heavier punishment than the act of another crime. Therefore, if there are no fundamental changes to the perspective on sentencing, law enforcement will almost certainly fail to destroy the spread corrupt practices. Apart from changing perspectives, eradicating corruption is only possible if all comprehensive efforts.

Moving on from that, the thought of impoverishing the perpetrators of corruption is still far from sufficient to arrest them and stop corruption. As an idea, the step of impoverishing corruptors will clearly give a different pulse in eradicating corruption. However, due to efforts to impoverish the perpetrators corruption is not a simple and easy job, it will be much better if the idea is followed with another step. Among the urgent steps that must be taken immediately are closing all gaps which provides opportunities for law enforcement to take advantage of law enforcement maneuvering opportunities by "guiding" those involved in corruption cases. Besides, there must be courage to erase everything kinds of convenience in the law enforcement process for those involved in corruption cases, for example abolish granting remissions and parole. As a legal instrument, remission and parole is only appropriate for ordinary crimes. If the facility is not removed, law enforcement steps in eradicating corruption will lose its character as an extraordinary law enforcement process.

During corrupt practices that increasingly threaten the sustainability of the country's future, the practice of corruption really must be eradicated. Without that step, it's hard to prevent some enforcers the law from abusing its authority and instead "build" relationships with the fraudster's public money. The same thing was conveyed by a lecturer at the Driyarkara College of Philosophy, B Herry Priyono, who was worried about the public's attitude who considered corruption to be economically biased, namely only related to state money, and state-centric bias, which only involved state officials. This attitude makes the practice of corruption increasingly rampant. However, corruption is like two sides of a coin. some view corruptions as "lubricating oil" to facilitate investment and economic growth because without bribes the administrative process will take a long time and therefore inefficient. Another assessment is that corruption is a stumbling block to destroy economic investment. Corruption creates additional costs for business and undermines the regulatory capacity and revenues of governments. [14]

The best practice of firmness and real action against corruptors, there are many examples. In South Korea, President Syngman Rhee was urged to resign from fleeing to Hawaii in 1960. Chun Doohwan, who ruled from 1979-1988, was sentenced to death. His successor, Roh Tae-woo, was sentenced to more than 20 years for corruption and treason. Both leaders were pardoned in 1997. Kim Yong-sam, who ruled from 1993-1998, was accused of bringing South Korea into the Asian financial crisis, and witnessed his son being jailed for trading power. Kim Dae-jung, who ruled

from 1998 to 2003, received the Nobel Prize in 2000 for his soft approach to North Korea, but his son ruined that reputation by taking bribes from entrepreneur. Roh Moo-hyun, who ruled from 2003-2008, committed suicide in 2009 amid allegations his family members took bribes, and his brother was sentenced the same year. Lee Myung-bak, who ruled from 2008-2013, was humiliated by his only son and two brothers who corrupted funds for the poor. In 2017, President Park Geun-hye, daughter of President Park Chung-hee, was impeached and faced a life sentence. He repeated the tragedy of his father in 1979 who was shot dead by his intelligence chief at a party because Park Chung-hee was considered a dictator. [15]

Another example can be shown in Saudi Arabia. In early November 2017, Saudi Arabia's Crown Prince Mohammad bin Salman arrested many princes in the Ibn Saud family. Prince Abdel Aziz bin Abdullah, one of the late King Abdullah bin Abdul Aziz al Saud sons, reportedly asked for asylum in France. His older brother, Prince Miteb bin Abdullah, who served as commander of the elite National Guard, was also arrested in early November on corruption charges. Furthermore, it was reported that Prince Miteb was released after being willing to return about 1 billion US dollars to the state treasury. Saudi Arabia's attorney general said it had frozen the bank accounts of 367 people. The government has also banned private flights from abroad. Most of the 320 arrested princes, ministers and former ministers chose a compromise and agreed to return their property and assets to the government. It is estimated that the Government of Saudi Arabia will obtain 50 billion US dollars to 100 billion US dollars from the return of the property.[15]

Based on a review of the static aspects in the form of textual legal provisions that must be addressed, and the dynamic aspects in the form of law enforcement human resources that must be controlled, this great reset is the momentum to make improvements in these two lines of the law. In this context, the COVID-19 pandemic has provided momentum for change, while at the same time massive digitization in various lines creates transparency which in the end becomes two valves that force the law to adapt to create instruments that are not friendly to people corrupt.

2.2. Great Reset and Re-establishment of the Legal System Post COVID-19

It must be admitted, the government is always two to three steps behind innovation and the pace of technological demands. Therefore, the Covid-19 pandemic is a momentum for making a jump and aligning oneself relevantly with the great reset that is currently an inevitability.

Quoting the World Economic Forum, there are many reasons to perform a 'Great Reset'. Nevertheless, the most pressing reason right now is COVID-19. After causing hundreds of thousands of deaths, this pandemic is a public health crisis worst in recent history. And with the casualties still increasing in many parts' world, this is certainly still far from over. The spread of Covid-19 to all corners of the world has a detrimental effect on the global health care system with a ripple effect in every aspect of life, as stated by Maria Nicola et al Labeled as a black swan event and likened to the economic scene of World War Two, the outbreak of COVID-19 (the disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-COV-2)) has had a detrimental effect on global healthcare systems with a ripple effect on every aspect of human life as we know it. Sohrabi et al. highlighted the extent of with the World Health Organization (WHO) outbreak declaring the COVID-19 outbreak as a global emergency on 30th January 2020. In response to 'flatten the curve' (4), governments have enforced border shutdowns, travel restrictions and quarantine (5,6) in countries that constitute the world's largest economies, sparking fears of an impending economic crisis and recession. To understand the turmoil effect on the economy, we summarize the effect of COVID-19 on individual aspects of the world economy, focusing on primary sectors which include Involved in the industries of raw materials, secondary sectors Involved in the production of finished products and tertiary sectors to include all service provision industries. [16]

The World Economic Forum encourages world business actors, including policy-making authorities in various countries to focus on the social and economic prospects that have been impacted by the COVID-19 pandemic. They say there is a good reason for concern: a sharp economic downturn has begun. Even the World Economic Forum predicts the world will experience the worst economic depression since 1930s. However, even so, this is not unavoidable. The world must act together and rapidly to change all aspects of society and the economy of nations, from education to social contract and working conditions. Every country, from the United States to China, must participate. And every industry, from oil and gas to technology, must change. In short, every nation requires a 'Great Reset' of capitalism. [17]

According to the Financial Times, the average government debt of the world's countries has reached the highest in peacetime. Worse yet, unemployment has skyrocketed in many countries. In , United States (US), for example. One in four workers has applied for unemployment recipients help. The number of claims for social assistance in the US even touched a record high in the history of Uncle Sam's Country. The International Monetary Fund (IMF) even estimates that the world economy will shrink by 3 percent at the end of the year. That's calculated from a 6.3 percentage point drop that occurred in just a short period of time four months. [18] All these conditions will worsen the climate and the ongoing social crisis. Many countries have used the COVID-19 crisis as an excuse to weaken protection and enforcement of environmental conservation.

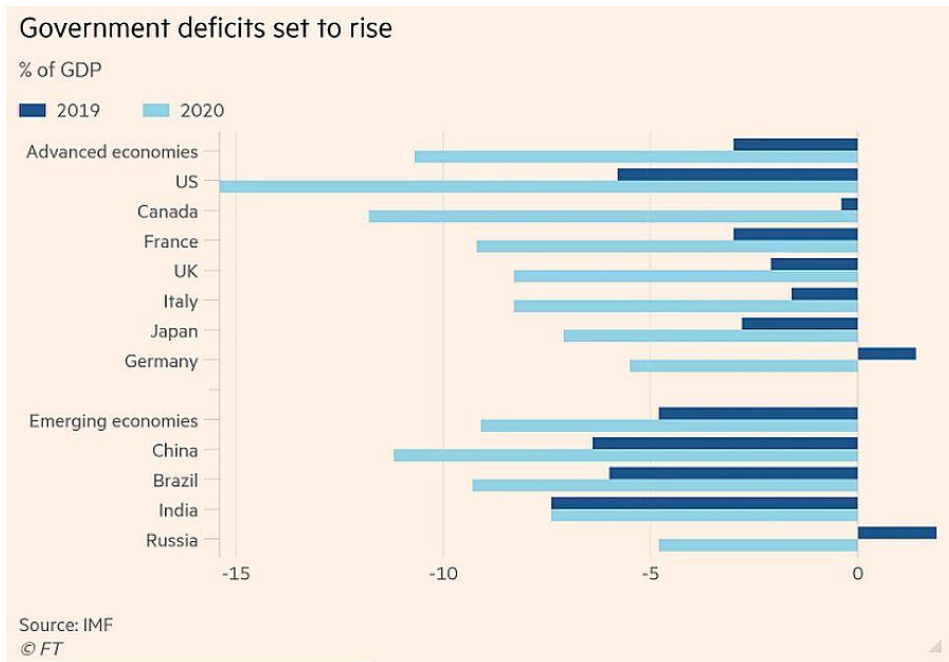


Fig.1 Government Deficits Set to Rise

So many problems have arisen from the economic downturn. Therefore, according to World Economic Forum, adaptation must be made immediately. The agenda of The Great Reset World Economic Forum will have three main components. The first is to steer the market towards fairer outcomes. That is, the government should improve coordination in tax adjustment, regulation, and fiscal policy.

The second component is to ensure that investments are aimed at mutual progress. Here, program large-scale spending by multiple governments will be key. Cooperation between the state is the key. [19] The European Commission, for example, has announced plans to disburse economic recovery fund of up to 750 billion euros. The US, China and Japan have also taken steps tantamount to an ambitious economic stimulus plan.

The third priority of The Great Reset's agenda is to turn completely to the industrial revolution 4.0. Everything must be digital. Every country needs to build digital infrastructure, good for the economy or public services. The pandemic has taught the world's citizens about digital life. By schematic, the three priorities of the great reset are described in the following schematic.

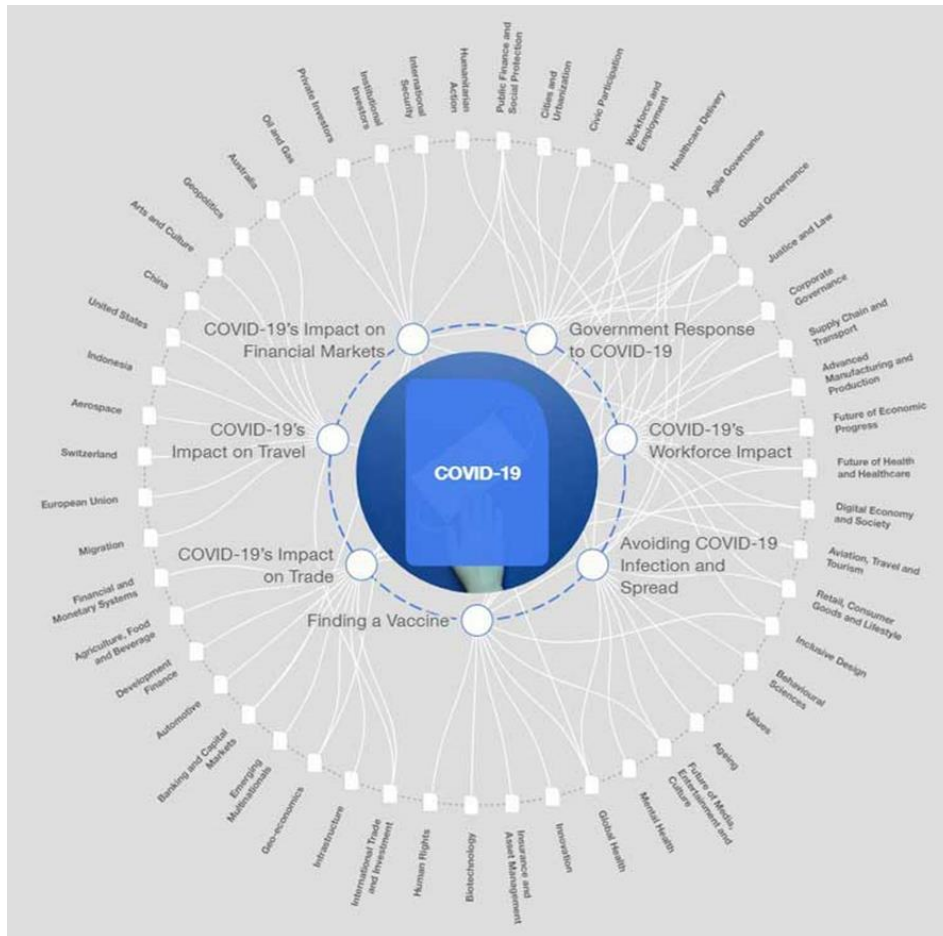


Image: World Economic Forum
 Fig.2 Explore the Great Reset Transformation Map

On a smaller aspect, a nation, then a great reset in the economic field means changing economic structure. If so, far the economy is based or consumption-based, in the era of the great reset, the field of the economy must rely on the sectors of production, investment and trade. It can start with encourage economic stimulus to form an order that displays the real sector, MSMEs, agriculture, fisheries, and creative digital industries as the main actors. [20]

In this context, the great reset is a compass or direction. This will lead Indonesia on a fundamental goal. Committee for the Handling of Covid-19 and the National Economic Recovery which has been formed by the President, should work as the Great Reset Committee.

The action agenda is working to build the foundation for Indonesia's new post-Covid-19 order and turning the impact of the pandemic into a very historic leap for the Indonesian nation. If such a historic leap failed, of course the pandemic will only leave scars and historical trauma. Therefore, a massive reset during this pandemic indeed has relevance and urgency as a form of response to a completely changed social order during a pandemic. This massive restructuring, in the Indonesian context, must be ensured to remain in the way of the constitution and democracy.

Therefore, the Covid-19 pandemic must be understood not only has given birth to a health crisis which have derivative impacts that are directly related to the livelihoods of many people, such as the economy, social, bureaucracy, education to the environment.[1] The health crisis in the form of the Covid-19 pandemic must be realized that places the country in a dilemmatic position, between choosing to face Covid-19 consistently or choosing to overcome its derivative impacts, in the form of restoring the economic, social, bureaucratic, educational and environmental sectors. The idea of a great reset due to this pandemic is an ideal choice as a real step to respond to the changes that occur because of this pandemic. This rearrangement should be aimed at restoring a just, sustainable, civilized, and humane order as the divine mandate contained in Pancasila and the constitution.

With the same spirit, President Jokowi in the MPR Annual Session on Friday (14 August 2020) also mentioned that the pandemic that had an impact on the economy became momentum to restart, reboot and reset all systems in state. use to realize the president's idea, then the law must be used as a pendulum so that steps restart, rebooting and resetting all state systems are ensured to remain on track constitution and democracy. Such a step is a form of awareness to avoid wrongdoing One serious impact on the economy due to Covid-19 is the decline in Gross Domestic Product (GDP) which is projected to experience the most severe decline. GDP is one of the important indicators to determine the economic conditions in a country certain period. Maryla Maliszewska Aaditya Mattoo Dominique van der Mensbrugge says that COVID-19 is spreading fast across the globe. At the time of writing, 6 the WHO reported cases of COVID19 in 206 countries with the tragic deaths of more than 40,000 people. The primary focus is inevitably on containment, treating the ill and helping communities cope with the epidemic. our illustrative scenarios indicate that the potential loss of income in affected countries could be significant, with global GDP declining by up to 3.9%, and developing countries hit the hardest (4% on average, but some over 6.5%). Governments will need to offer significant support to affected businesses and households. [20]

This massive rearrangement is in line with the current disruption practice massively because of optimization and massive digitization steps in all sectors of life. Pandemic which gives the momentum of change and digitization that becomes the motor of change in the end become two valves that force the citizens of the world to adapt. Although, these two things have different starting points. Changes in the social order during the Covid-19 pandemic must be made momentum for changes in governance in various fields as outlined through legal instruments. The issuance of policies through legal instruments is important to ensure that large-scale restructuring has binding force and validity, is long-term and sustainable.

Law in such a context is intertwined with planning, rearrangement (reset), reformat (reform) to collapse (disruption). This is inseparable from the characteristics Law change called Lawrence M. Freidman (1975) has two patterns. First change law that functions to ratify the actions that have been taken and secondly, the step of change laws that have not been adopted give birth to innovation. Furthermore, Freidman mentions four typologies of change law, 1) changes that originate from outside the legal system (society) and affect the system law, 2). changes from outside the legal system and through the legal system to the point outside the legal system (society), 3). changes from within the legal system that have an impact on the system law and 4). lastly changes from within the legal system and penetrate the legal system and have an impact outside the legal system (society). [21]

In the context of the current Covid-19 pandemic, it has changed social patterns in interacting, socializing even in state-organized interactions. At this point, the law changes are triggered by the system from outside. New habits during the pandemic which are then poured in the form of legislation is a real example. This is close to the second type legal changes. This change is only at the external level, which is merely to ratify previously acted. This pattern of change is certainly not enough. Hereditary impact The Covid-19 pandemic has had a serious impact in various fields. Hence, in Responding to these changes, as stated by Lawrence M. Freidman, there are two options, namely: planning with the dimensions of intentional change and disruption means change by dismantling the established legal order. [23]

In this context, the Covid-19 pandemic and massive digital developments can trigger parallel planning and disruption. Based on the concept of a great reset as stated earlier, then these two ways are taken to ensure the rearrangement on a large scale but still make the sociological objective conditions of society as a foothold in decision-making.

Systemically can be classified as follows; changes due to the Covid-19 pandemic must become the driving force behind legal changes designed to reorganize new governance in various fields based on planning. While changes triggered by technology and digitalization, Klaus Schwab (2016) mentions that it has given birth to innovations whose development and spread are far away more than ever, through the mechanism of disruption. Moral and constitution A great reset through the mechanism for changing legal norms must pay attention to morals and the constitution as the basis for its formulation and discussion. Constitutional values such as humanity, justice, civilization must be used as a guiding compass in the rearrangement. Other dimensions, formulation the law in the context of this restructuring must also ensure that it is in accordance with the constitution.

As Hans Kelsen (1961) mentions the concept of constitution in legal theory means the constitution in a material sense which includes the norms governing the process of forming regulations legislation. In short, this massive rearrangement must be based on the constitution which have material and formal dimensions. [24] This affirmation is important to ensure the great reset must be bring about positive changes for the public. Restructuring in various sectors through, this legal change must be based on the spirit of justice, humanity, and sustainability. Great implementation This reset must also make the public space a vehicle for articulation for citizens in convey their aspirations. Great reset must still ensure compatible with the dialectic two-way dimension between the state and citizens.

On the other hand, if the concept of such a great reset is not adhered to, a paradoxical condition can emerge to surface. In the Indonesian context, if you look at the dynamics in drafting regulations during this pandemic, displays a face that is indicated as paradoxical. In addition to the dramaturgy of the National Insight Test (TWK) which raises a big question mark regarding continuation of the case being handled by investigators who are declared not to have passed the insight nationality test, of course the public considers such a step backwards very counter-productive to great reset spirit. It is easy to observe that investigators and investigators are in the process of enforcing Law has a central and strategic role, especially for the KPK. To strengthen institutions law enforcement, the line of inquiry and investigation becomes a central point to get attention so that strengthened, both the resources of law enforcement officers and supporting legal instruments. Vice versa, efforts to weaken a law enforcement agency, in this case the KPK, which the easiest way is to weaken the line of inquiry.

As one of the actual pictures, regarding the story of Faisal, one of the KPK employees who did not pass TWK. Faisal is very disappointed because he has been serving the KPK for 15 years. Faisal revealed that he entered the KPK in November 2005 through a recruitment program entitled Indonesia Calling (IM). At that time, Faisal entered through the functional candidate program (CTF) aimed at for fresh graduates or those who have just worked. The CTF program is a planned KPK plan to train prospective employees who are truly the results of the cadre of the KPK itself, so that the expected values KPK, such as integrity, professionalism, and leadership, can be internalized to prospective employees that. Faisal said the CTF program took 9 months. During the first 6 months, he had to study at the Police Academy (Akpola) Semarang to study compatibility, nationality, defending the country, anti-corruption concepts and regulations. Then, for 3 months, he had to carry out on the job training (OJT) to all work units at the KPK, while taking English courses at the Indonesian National Police Language School (Sebasas Polri) in Jakarta. After all stages CTF program education is passed, at the end of the stage we are evaluated to determine whether we pass or not After graduating, we became KPK employees. After graduating, we were placed in various work units KPK, starting with the Deputy for Prevention, Enforcement, Internal Supervision and Public Complaints, and Information and Data. More than 15 years Faisal has served in the KPK. Now the steps to eradicate corruption must stop after he is deactivated after failing to pass TWK with a Decree (SK) KPK Leaders Number 652 of 2021 concerning the Results of the National Insight Test for Employees who Does not meet the requirements in the context of transferring KPK employees to become state civil servants (ASN). [24]

In observing the emergence of a legal product, for example the product of legislation that generated but instead came out of the context of a massive rearrangement in response to the pandemic Covid-19 also has the potential to deviate from the procedure for establishing legislation. There are also legislative products aimed at responding to the Covid-19 pandemic, for example the Perppu No. 1 of 2020 which has been stipulated as Law No. 2 of 2020, but instead gave birth to controversy in the public at large. Such controversy is caused, for example, because it is like the norm which is strongly suspected of reducing the position of the legislature as stated in Article 12 paragraph (1) Perppu No. 1 of 2020 which states that changes in the state budget posture are carried out through Presidential Regulation (Perpres). [25]

This condition is in line with Lord Simon's findings, as quoted by Peter De Cruz (1999) which illustrates that there is a trend of expanding executive power at the expense of parliamentary rights and individually. [26] Parliament and the President should plan legislation products that have dimensions massive reorganization oriented towards improvement. Because at the same time, until now, instead of the pandemic subsided, in early August 2020, positive Covid-19 sufferers were infected Indonesia has penetrated the number above 100 thousand people. In other words, the concrete impact of the pandemic this is and will happen in the future. In such a context there is no

other choice but carry out massive restructuring through legal instruments by always relying on morals and constitution.

3 Conclusion

Based on the reviews and analyzes that have been put forward, it can be concluded that the greatreset requires a new social contract instrument that places justice and human dignity as the base. However, the large number of reductions in punishment for corruptors through the Supreme Court's decision and the termination of investigations into criminal acts of corruption after the return of state financial losses based on the Telegram Newsletter of Kabareskrim Number: STR/206/VII/2016, July 25, 2016, is an irony. At such a culmination, laws that are increasingly friendly to corrupt behavior are not in line with the spirit of great reset. The occurrence of a pandemic and massive digitization in all lines of life, in the end, became two valves that forced the law to adapt to create instruments Unfriendly to criminals. Thus, this massive rearrangement must be based on a constitution that has both material and formal dimensions. Such an affirmation is important to ensure that the great reset must positively changes for the public. Setup reforms in various sectors through this legal change must be based on the spirit of justice, humanity, and continuity. Implementing this great reset must also make the public space a vehicle for articulation for citizens to express their aspirations. Great reset must still ensure compatible with a two-way dialectic between the state and citizens. Finally, for Indonesia, The Great Reset is a major revolution in the Indonesian economy through a legal and constitutional route. COVID-19 may have caused many tragedies. However, tragedy cannot be the only one legacy of the pandemic. In contrast, a pandemic represents a rare but narrow window of opportunity for reflecting, rearranging, and rearranging our world to create a better future healthy, just and prosperous.

References

- [1] Schwab, Klaus Mallert, Thierry, 2020, "Covid-19: The Great Reset", ISBN Agentur Schweiz
- [2] Efreem Siregar, "Trends 2021, Change Mindset to Great Reset", <https://www.kompasiana.com/efremsiregar/page=all>. World Economic Forum, "The Green Investment Report The Ways and Means to Unlock Private Finance for Green Growth: A Report of The Green Growth Action Alliance 2013"
- [3] Muhammad Rustamaji and Bambang Santoso, "Interrelationship of Corruption and Ecological Disaster", *Jambe Law Journal*, Vol. 2, No. 2 (2019) ISSN 2598-795X (online); 2598-7925 (print) Vol. 2 No. 2 (2019): 119-137, DOI: 10.22437/jlj.2.2.119-137
- [4] Global Risks 2014, Ninth Edition, Geneva: World Economic Forum, 2014, p.46
- [5] Wilfredo B. Carada, Korupsi, 2009, Sumber Daya Alam, dan Isu Lingkungan (Corruption, Natural Resources, and Natural Issues), in *Korupsi Mengkorupsi Indonesia*, Jakarta: Gramedia Pustaka Utama, p. 243-244.
- [6] Telegram Letter of the Number: STR/206/VII/2016, July 25, 2016
- [7] ICW Notes, Trends in Corruption Court Sentences During 2019, Sentences Without Deterrent Effect "On average Corrupt Sentences are only 2 Year 7 months in prison".
- [8] <https://www.republika.co.id/berita/qnpz xu4025000/ma-bantah-sebabkan-ipk-turun>
- [9] BPHN, Laporan Penelitian Aspek Hukum Pemberantasan Korupsi di Indonesia, pp. 5-7, (2006).
- [10] Lubis, Mochtar and Scott, James , (1985), *Bunga Rampai Korupsi*, Jakarta, LP3ES, pp. XVI
- [11] Revrisond Baswir, *Dinamika Korupsi di Indonesia dalam Perspektif Struktural*, *Jurnal Universitas Paramadina*, Vol. 2 No. 1, September, pp. 27 (2002).
- [12] Anwary, *Quo Vadis Pemberantasan Korupsi Di Indonesia-Studi Kasus Tindak Pidana Korupsi dan Strategi Pemberantasannya*. Jakarta: *Institute of Socio-Economics and Political Studies "People Message"* (AMRA), pp. 9-13, (2005).
- [13] Saldi Isra, "Membina(sakan) Korupsi", *Kompas.com* - 02/03/2011, 03:56 WIB, p.2
- [14] Herry Priyono, B "Korupsi Tahan Petumbuhan-Corruption Holds Growth", paper at a national seminar entitled "Corruption That Impoverishes" which was held by Kompas daily in Jakarta, Monday, February 21, 2011. This article has been published on Kompas.com with the title "Corruption Resistant to Growth", Click to read: <https://nasional.kompas.com/read/2011/02/22/02320237/Korupsi.Tahan.Growth>.
- [15] Salahuddin Wahid, "A Country Friendly to Corruptors" *Kompas*, 30 December 2017, p.4
- [16] Maria Nikola. 2020. The Socio-Economic Implications of the Coronavirus and COVID-19 Pandemic: A Review. *International Journal of Surgery*. 17 April 2020. p.1

- [17] Yudisthira Mahabarata, Looking for a Logical Exposition of 'The Great Reset', the COVID-19 Conspiracy. Theory Now Campaigned by the World Economic Forum, 18 Nov 2020 13:43, Voi.id/bernas. p.1
- [18] Nirmala Aninda, "IMF Predicts Global Economy to Shrink 3 Percent This Year", This article was on Bisnis.com, April 15, 2020, 08:18 WIB, p.1
- [19] Muhammad Rustamaji, Bambang Santoso, "Empowerment of Pokdarwis in Sidowayah Village Based on Branding Strengthening in the Industrial Revolution Era 4.0", Proceedings of PKM.CSR, Vol 3 (2020): The Role of Universities and the Business World in Empowering Society to Welcome a New Life Order.
- [20] Maryla Maliszewska Aaditya Mattoo Dominique van der Mensbrugge. 2020. The Potential Impact of COVID-19 on GDP and Trade: A Preliminary Assessment. Policy Research Working Paper 9211. Pg. 17. <https://www.tralac.org/documents>
- [21] Ferdian Andi, "Great Legal Reset in a Pandemic Period", Kompas.com - 08/21/2020, 15:26 WIB
- [22] Lawrence M. Friedman, American Law: An Introduction, Translator by Wishnu Basuki, (Jakarta: PT. Tatanusa, 2001), p.7.
- [23] Jimly Asshiddiqie, M. Ali Safa'at, Hans Kelsen's Theory of Law, Secretariat General & Registrar of the Republic of Indonesia Constitutional Court, Jakarta, 2006. p.111
- [24] Edy Arsyad, "KPK Employees: TWK Margins Critical Employees and Dare", Monday, 31 May 2021 14:24. Fajar.co.id
- [25] Perppu No 1 Tahun 2020
- [26] Peter de Cruz, Comparative Law in a Changing World (London - Sydney: Cavendish ub.Ltd., 1999), p.122