

The Government Responsibilities in Handling the Covid-19 Pandemic and Improving the Declining Economy in Indonesia

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ABSTRACT

Purpose: The purpose of this research is to discuss health legal policy and the government responsibilities in handling pandemic covid 19.

Design/methodology/approach: The writing of this article is done in a normative juridical manner. The approach used is a conceptual and statutory approach. In analyzing the problem, it is done by interpreting the laws and regulations and relevant facts. Legal theories are used to analyze existing problems in handling COVID-19 and handling economic recovery. This writing is done by combining legal disciplines concerning administrative law, health law and economic law.

Findings: Steps and legal policy have been taken to overcome the Covid-19 pandemic and improve the declining economy. This step requires a very large budget that is charged to the revenue and expenditure budget (APBN/APBD) and other posts that support the financing as regulated in Law No. 2 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Covid -19 Pandemic, and Presidential Regulation No. 99 of 2020 which has been amended by Presidential Decree No. 14 Year 2021.

Research limitations/implications: Legally, the use of the budget for handling Covid-19 and maintaining economic stability, as well as policies carried out at the discretion that has been determined, must be accounted for by the authorities. In the study of Administrative Law, the responsible steps of the authorities are always accompanied by supervision and sanctions in the event of a violation.

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I. INTRODUCTION

The COVID-19 pandemic is an endemic disease whose consequences are felt not only for the Indonesian people but also for other nations in the world. The impact of the pandemic can be felt not only regarding health but also regarding the economy, socio-culture, lifestyle changes, and also financing. This also has a massive impact as well. People work online, factory workers, companies, and civil servants in various government institutions also work from home. Likewise, the social order that was originally so loose has become very limited with strict health protocols. Countless number of victims exposed to COVID-19, business fields have gone bankrupt due to the pandemic, people have lost their jobs, and how many people have been laid off. This shows that the Covid-19 pandemic has entered an extraordinary condition.

L. Neville Brown and John S. Bell said that the general principles that have gradually been formulated to protect the economic and social rights of individuals and institutions (Brown et al., 1998). This general principle implies that the government is accountable in meeting the needs of its people. The Indonesian constitution itself

has also stated that the fulfilment of health and a decent life is the state's obligation. The state cannot then escape from this obligation, the protection of the health of the Indonesian people is included in the rights of each individual. And this is included in the human rights that must be protected by the state. It can be understood how important the role of the state is in protecting the health of the Indonesian people. So it takes a big role for the Government to protect the people. The government, which has a very important role as described above, is responsible for the health of its people (Al-Fatih & Aulia, 2021).

The government has taken steps to overcome and deal with Covid, in accordance with its authority, namely the Ministry of Health, related institutions, the Provincial Government and Regency or City Governments and their ranks. Even though there are still various juridical problems regarding the handling, The aspect of legal certainty is very important if the state adheres to the concept of a state of law (both rule of law, and rechtstaat). The aspect of legal certainty is closely related to the formulation of a policy in legal norms, both in the form of decisions (beschickung) and regulations (regelung) (Burgess, 2020).

Discretions are also issued by the government for handling covid 19 carried out by the government. Discretion in Administrative Law, which is essentially a choice of will to take government action. Various forms of discretion, for example by closing crowds, closing factories, PSBB measures, KDP, Lock down measures for certain areas, conducting mass vaccinations, SWAB or Antigen, conducting national and regional quarantines. All of these steps are carried out with regard to Health Efforts which are the government's obligation and responsibility to implement them.

The Health Efforts in question are those referred to in Law no. 36 of 2009 concerning Health, Article 1 number 11 states: "Health efforts are every activity and/or a series of activities carried out in an integrated, integrated and sustainable manner to maintain and improve the health status of the community in the form of disease prevention, health improvement, disease treatment, and health restoration by the government and/or the community."

In relation to the government's responsibility in handling COVID-19, Law No. 36 of 2009 concerning Health, Article 14 paragraph (1) states: "The government is responsible for planning, regulating, organizing, fostering, and supervising the implementation of health efforts that are equitable and affordable by the community." Article 14 paragraph (2) states: "The government's responsibility as referred to in paragraph (1) is devoted to public services.

Law No. 6 of 2018 concerning Quarantine. Article 8 states that: everyone has the right to obtain basic health services in accordance with medical needs, food needs, other daily needs during quarantine. With the authority possessed by the Government through the Ministry of Health and its staff, steps have been taken to deal with COVID-19. Based on the provisions of Law - Law no. 6 of 2018 concerning Health Quarantine, Article 49 paragraph (1) states that in order to take action to mitigate risk factors in the area in a public emergency situation, home quarantine, regional quarantine, hospital quarantine or large-scale social restrictions are carried out by health quarantine officials. Article 1 number 11 states: "Large-scale social restrictions (PSBB) are certain restrictions on residents in an area suspected of being infected with a disease and/or contaminated in such a way as to prevent the possibility of spreading the disease or contamination.

II. METHODOLOGY

A. Methodology

The writing of this article is done in a normative juridical manner. The approach used is a conceptual and statutory approach. In analyzing the problem, it is done by interpreting the laws and regulations and relevant facts. Legal theories are used to analyze existing problems in handling COVID-19 and handling economic recovery. This writing is done by combining legal disciplines concerning administrative law, health law and economic law.

B. Literature Review

1. Authority

The Covid-19 pandemic is already an extraordinary situation and urgently needs to be handled thoroughly and thoroughly. This situation requires the government as the authorized body to carry out the prevention and recovery of the Pandemic and other health efforts in accordance with its authority, as stipulated in the provisions of Law no. 36 Year 2009 on health. Authority is the power or right to order something. Black's Law Dictionary defines legal power as: a right to command or to act, the right and power of public officers to require obedience to their orders legally issued in the scope of their duties (Black, 1990).

Authority is an element contained in Administrative Law as stated by Wade. Wade, an important British writer, observes that administrative law "is concerned with the nature of the powers of public authorities and especially, with the manner of their exercise." He also says that "it is the law relating to the control of governmental power," and that it "may be said to be the body of general principles which govern the exercise of powers and duties by public authorities." (Wade in Jacobini, 1991:3).

Sources of authority are Attribution, Delegation and Mandate

Attribution authority is an existing authority which is determined based on the Constitution and the Law. Delegation authority is the delegation of authority granted by the agency or official above it which is regulated by Government Regulations and Presidential Regulations. Mandate authority is only an assignment or instruction from superiors to subordinates. There is no delegation of authority in the mandate.

According to Brouwer and Schilder: With Attribution, power is granted to an administrative authority by an independent legislative body. The power is initial (originair), which is to say that it is not derived from a previously existing power. Delegation is the transfer of an acquired attribution of power from one administrative authority to another, so that the delegatee (the body that has acquired the power) can exercise in its own name.

With mandate, there is no transfer, but the mandate – giver (mandans) assigns power to the other body (mandataries) to make decisions or take action in its name (Brouwer & Schilder, 1998:18). In an effort to overcome and restore health and the economy, the government also exercises discretion in accordance with its authority. Discretion is a step taken by the government to choose the most appropriate action to address urgent conditions.

The authority to make a choice of government action (there is a choice) based on the provisions of Law, No. 30 of 2014 concerning Government Administration, Article 22 paragraph 1 stipulates that discretion can only be exercised by authorized government officials. Article 22 paragraph (2) states that the use of discretion must be in accordance with its objectives to:

- a. successful governance
- b. fill legal voids.
- c. provide legal certainty.
- d. overcome the stagnation of government in certain circumstances for certain benefits and the public interest.

2. The Terminology of Discretionary Power

Discretionary Power in the Netherlands known as the *beleidsvrijheid, vrij bevoegheid*. In German is known by the term *ermessen* (not *freiesermessen*).

Philipus Hadjon stated that:

- a. The essence of discretion is: As opposed to bound authority
- b. The essence of discretion is: there is a choice with regard to:
 - 1) Formulation of Norms:
 - a. Can, should, at least, etc
 - 2) Factual Conditions:

There are disasters, emergencies, etc. (Hadjon et al., 2010:24).

3. The Meaning of Discretionary Power.

Discretionary Power is an option to perform acts of Government. According to P.P. Craig: Discretion will be defined as existing where there is power to make choices between courses of action or where, even though the end is specified, a choice exists as to how that end should be reached (Craig, 2003:521). Discussing the handling of Covid-19 is certainly related to the use of authority, both attribution authority, delegation and mandate, as well as by using discretionary powers as regulated by the U.U. No. 36 of 2009 concerning Health, Law. No. 6 of 2018 concerning Quarantine, Law, No. 30 of 2014 concerning Government Administration.

The authority to handle Covid-19 requires very large funds that are budgeted from the state budget, as regulated by law. No. 2 of 2020 concerning Financing for Handling Covid-19. In the study of Administrative Law, the use of authority must be accounted for, both in terms of the use of the budget and in terms of policies taken in handling COVID-19 which still leaves juridical problems in the context of handling health and demands for economic recovery. This responsibility must also be accompanied by supervision in the use of authority to control not to misuse the budget.

III. RESULTS AND DISCUSSION

A. Legal History of Law No. 2 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Covid -19 Pandemic

Reform through the amendment of the Constitution of the Republic of Indonesia (UUD NRI) 1945 has placed the people's sovereignty as a very essential principle. core philosophy of the sovereignty of the people in the precepts of Pancasila has been formulated in the fourth precept, which reads "citizenship led by the wisdom of wisdom in the deliberations of delegates. In line with these values, the state element is carried out not based on individualism and also non-socialism unless there is a state responsibility to unite the two components into a strong state element.

People's sovereignty can also mean that the people are the highest holders of power in a country. This is in line with the thinking of John Locke who said that "the people are the holders of the highest powers, then to exercise that power the people appoint a ruler or known as government". An appointed ruler or government then has an obligation to protect natural human rights, which include the right to life, the right to liberty, and the right to be treated equally before the law (Locke & Shapiro, 2003).

Immanuel Kant also asserted that the purpose of the state is to enforce the law and guarantee the freedom of citizens, but the freedom of citizens is limited by law, because the law is a reflection of the will of citizens (Kant & Hastie, 1887). The principle of people's sovereignty stated in Article 1 paragraph (2) of the NRI 1945 Constitution states that "Sovereignty is in the hands of the people and is implemented in accordance with the Constitution". In line with these principles, the goal of the state to be achieved is to protect the entire nation and the bloodshed of Indonesia, including the protection of the health of citizens.

Until now, Indonesia is one of the countries exposed to Corona Virus Disease (Covid-19). The existence of the virus is a threat to all countries in the world, so that on March 11, 2020 the World Health Organization (WHO) has declared that Covid-19 as a global pandemic (glabal pandemic). status pandemic has basically calculated and considered that the world community is under serious threat by an outbreak of an infectious disease.

Based on the determination global pandemic by the WHO, the Indonesian government also took action to make various efforts, both preventive and repressive. One of them is by issuing Presidential Decree Number 7 of 2020 on the Task Force on Accelerating the Handling of Corona Virus Disease 2019 (Covid-19). At least there are various kinds of legislation issued by the government in relation to the handling of Covid-19, including:

1. Presidential Decree Number 7 of 2020 on the Task Force on Accelerating the Handling of Corona Virus Disease 2019 (Covid-19) (established on March 13, 2020)
2. Presidential Decree Number 9 of 2020 on Amendments to Presidential Decree Number 7 of 2020 on the Task Force on Accelerating the Handling of Corona Virus Disease 2019 (Covid-19) (established on March 20, 2020)
3. Presidential Decree Number 11 of 2020 on the Determination of Public Health Emergency Corona Virus Disease 2019 (Covid-19) (established on March 31, 2020)
4. Government Regulation Substituting Law Number 1 of 2020 (Perppu No. 1 of 2020) on State Financial Policy and Stability of the Financial System for the Handling of Covid-19 and or in Order to Face Threats Endangering the National Economy Financial System Stability Fund (established on March 31, 2020). has now been accepted as Law No. 2 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Covid -19 Pandemic
5. Government Regulation Number 1 of 2020 on Large-Scale Social Restrictions in the Framework of Accelerating Corona Virus Disease 2019 (Covid-19) (established on March 31, 2020)
6. Presidential Decree Number 12 of 2020 on the Determination of Non-Natural Disasters Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster (established on April 13, 2020)

Based on the inventory of the legislation, there are at least six legislation issued by the government in relation to the handling of Covid-19. But not a few legal experts or other scientific disciplines question the mechanism of action taken by the government. Some people say the government is very slow and seems not to take the Covid-19 outbreak seriously. There are those who say that the government in issuing policies has violated the principles of law that are generally valid and seems to have made many legal cuts. The following will comprehensively review the government's method of thinking in dealing with Covid-19 from a legal perspective.

First, in relation to the government issued Perppu No. 1 of 2020 on State Financial Policy and Stability of the Financial System for the Handling of Covid-19 and or in Order to Face Threats that Endanger the National Economy and/ or Stability of the Financial System. This Perppu substantively does not talk about the Covid-19 handling mechanism, but rather is related to the economic diversion of the country. This can be seen from the consideration of letter b which says "that the implications of the Corona Virus Disease 2019 pandemic (Covid-

19) has impacted, among others, on slowing national economic growth, declining state revenue, and increasing state spending and funding, so it requires various government efforts. to save the national health and economy...". Similarly, the consideration of letter c states "that the implications of the Corona Virus Disease 2019 pandemic (Covid-19) have also had an impact on the deterioration of the financial system as shown by the decline in various domestic economic activities...". Therefore, the important point is that the country's economic rescue has met the aspect of "coercive urgency" as the main requirement for the issuance of a Perppu.

As it is known that the Constitutional Court in its decision Number 138/PUU-VII/2009 has made three parameters of the phrase "compelling urgency" in relation to the issuance of Perppu. The parameters, among others, are "

1. Due to the urgent need to resolve legal issues quickly based on legislation.
2. The required law does not yet exist so that there is a legal void or inadequacy of the current law.
3. The condition of the void of the law cannot be overcome by making the law in the usual procedure which takes a long time while the urgent situation needs certainty to be resolved immediately.

While the constitutional conditions have met all three aspects, based on the provisions of Article 22 paragraph (1) of the 1945 NRI Constitution, the President has the right to issue a Government Regulation Substituting for the Law. The basic question is, whether Perppu No. 1 of 2020 has already met the parameters of forcing urgency?

Indeed, when Perpu Number 1 of 2020 on State Financial Policy and Stability of the Financial System for Handling Covid-19 and or in order to face threats that endanger the National Economy and or the Stability of the Financial System made, PP Number 21 of 2020 on Large-Scale Social Restrictions (PSBB), Presidential Decree Number 11 of 2020 on the Determination of Public Health Emergencies, and Permenkes Number 9 of 2020 Guidelines for Large-Scale Social Restrictions in the Framework of Accelerating the Handling of Covid-19 are not in line with the breath of emergencies and national danger conditions. Referring to the opinion of Jimly Asshiddiqie, that a state of emergency or danger according to the 1945 NRI Constitution can be defined as, an unusual or unusual situation, out of the ordinary, when the norms of law and the institutions of state power can not function as they are according to the provisions. constitution and legislation under normal circumstances. So in this case, the problematic of the above regulations do not reflect the spirit of the state of emergency and national danger conditions (Asshiddiqie, 2007).

Astate of emergency can be defined as a statement by the ruler to suspend a normal functioning of the various powers of the executive, legislature and judiciary. Including it can change the normal life of all elements of citizenship and government. This is in line with Carl Schmitt's statement that the state of exception is an action taken by the holder of sovereignty (sovereign) to exclude the rule of law in the name of public interest. (Schmitt, 2005). The determination of this state of emergency cannot be separated from the government's accountability to its citizens. The policy is a form of causality in handing over the people's sovereignty to the government.

The determination of the state of danger by the president is a mandate from Article 12 of the 1945 NRI Constitution which states that "the President declares the state of danger, the conditions and consequences of the state of danger are determined by law". As a logical consequence of such a stipulation, the President must also determine further measures capable of overcoming the situation in question, including in this case being allowed to restrict human rights. In addition, with the criteria of this dangerous situation, in order to save all elements of the country, the President is allowed to exclude the existence of the legislature as mandated in Article 22 paragraph (1) of the 1945 NRI Constitution.

Jimly Asshiddiqie states that the government's action to establish a state of danger is an absolute interpretation of the function of government. This is in line with the statement of William B Fisch who in his poem said that, "Strong presidents have claimed not only that the constitution provides ample authority to deal with emergencies as well as normal times, but the executive is the preeminent holder of such authority (Asshiddiqie, 2007).

Based on some legitimacy of either the opinion of the figures or the above legislation, the determination of the state of national emergency by the President in relation to the covid-19 epidemic is constitutional. So that in this case we can draw two main conclusions: first, the authority in the determination of the state of emergency is the absolute power possessed by the President as the holder of supreme sovereignty. In order to save the integrity of the state and maintain the safety of all its citizens, the holder of the highest sovereignty can delegate his authority to other governments. Second, in connection with the preservation of the integrity of the state, the President is allowed to exclude the powers vested in the legislature and the judiciary.

However, the determination of emergency and dangerous conditions should not be done for a long period of time. The emergency law was enacted with the aim of removing the emergency and the dangerous condition, so that the situation returned to normal. Because the function of emergency law is to eliminate the state of emergency so that it can quickly return to normal.

In fact, if we examine further normatively, the state of national danger has been clearly defined in several legislation. First, we can see in Law No. 23/PRP/1959 on Dangerous Situations, in the Act there are at least three criteria for a country to experience a dangerous situation: (1). Security or legal order in an area or part of the territory of the Republic of Indonesia is threatened by insurgency, riots due to natural disasters, so it is feared that it can not be overcome by ordinary equipment. (2). There is war or danger of war or there is concern about the rape of the territory of the Republic of Indonesia in any way. (3). The life of the country is in danger or from special circumstances it turns out that there are or it is feared that there are symptoms that can endanger the life of the country.

Second, the definition of a dangerous situation can also be found in Law No. 27 of 2007 on Mobilization and Demobilization, in the law it is said that, a state of danger is a situation that can pose a threat to the unity and unity of the nation and the survival of the nation and the State of the Republic of Indonesia in accordance with the Law of danger.

Both laws have indeed provided definitions related to emergencies and dangerous situations. But the state of emergency in question is about a civilian emergency related to national security. In the context of the covid-19 outbreak, it is not a dangerous state or condition that can cause national security. So that if you refer to all the legal instruments that have been issued by the government do not use the law *cantolan* at all.

Only on April 13, 2020, the government issued Presidential Decree No. 12 of 2020 on the Determination of Non-natural Disasters of Corona Virus Disease 2019 (Covid-19) as a national disaster. If we look at it from the perspective of handling Covid-19, the existence of this Presidential Decree can be said to be a waste. First, this Presidential Decree appeared after the PP No. 21 of 2020 on PSBB, means that the policies related to the handling of Covid-19 have been implemented based on the provisions contained in the PSBB. PP No. 21 of 2020 is also based on Law No. 24 of 2007 on Disaster Management and Law No. 6 of 2018 on Health Quarantine. As for substantially from PP No. 21 of 2020 gives authority to the Ministry of Health as the forefront in handling Covid-19. So that in this case the emergence of Presidential Decree No. 12 of 2020 has delegated the authority previously given to the Ministry of Health through Presidential Decree No. 11 of 2020 on Public Health Emergencies to the National Disaster Management Agency (BNPP). The large number of such legislation has shown that the problematics are so complex that they cause a lot of legal uncertainty

It should be noted that the three formulations of coercive urgency as formulated by the Constitutional Court are cumulative, meaning that the three formulations must be met in full in order to meet the parameters of coercive urgency. If only one is not met then it is not correct if the Perppu is issued. Perppu No. 1 of 2020 is actually very gray, meaning that this Perppu was issued under the pretext of dealing with the Covid-19 epidemic, but the overall substance of this Perppu is the salvation of the country's economy.

In addition, in substance, Perppu No. 1 of 2020 that has now been accepted as Law No. 2 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Covid -19 Pandemic, has also contradicted several provisions in the common law principle. It has become a stipulation that all elements of society in a country when they have committed an act of breaking the law can be prosecuted before the law through the mechanism of applicable legislation. However, different from the provisions of Law No. 2 of 2020, this Perppu seems to provide amnesty (impunity) and legal immunity to state officials who have committed violations of law, whether criminal or civil or even state administration. This can be seen in Article 27 of the closing provisions, Article which consists of three paragraphs stating the following:

- 1) Expenses incurred by the Government and/or member institutions of KSSK in the framework of the implementation of state revenue policy, including policy in the field of taxation, state spending policy including policy in the field of regional finance, financing policy, financial system stability policy, and national economic recovery program, are part of the economic cost of rescuing the economy from crisis and not a loss to the state.
- 2) Members of KSSK, Secretary of KSSK, members of the secretariat of KSSK, and officials or employees of the Ministry of Finance, Bank Indonesia, Financial Services Authority, and Savings Guarantor Institution, and other officials, related to the implementation of this Government Regulation Substituting this Law, cannot be prosecuted either. civil or criminal if in carrying out duties based on good faith and in accordance with the provisions of legislation.
- 3) All actions, including decisions taken based on this Government Regulation Substituting for the Law, are not the object of a lawsuit that can be filed with the state administrative court.

These provisions have closed the entry point for state elements to monitor the implementation of the Perppu. The phrase "good faith" in paragraph (2) has no correlation with the act of breaking the law. As the assertion of the principle of legality in the Book of Criminal Law which says that "No act can be punished except on the strength of criminal rules in existing legislation, before the act is committed". This means that every person who will report a crime of malpractice or an act of violation of the law for the executing officials in the Perppu must be based on the provisions of the applicable laws and regulations. So that in this case the

existence of Article 27 paragraph (2) has nullified the provisions of criminal sanctions regulated in Article 26 of the Law No. 2 of 2020.

It is true in a state of emergency as Lane Scheppelle says that the state is forced to violate its own principles because of a serious threat, so that in order to save the state, deviant actions are forced to be taken (Scheppelle, 2004). However, the act of deviation in question does not place state officials immune to the law. As for state officials who are proven to have committed a form of violation of the law must be processed through the applicable legal mechanism. Whereas Law Number 31 of 1999 as amended by Law Number 20 of 2001 on the Restriction of Corruption Crimes has recognized the existence of the death penalty. The death penalty for corruptors can be applied while the country is in danger, national natural disasters, repetition of corruption crimes, and at times the country is in a state of monetary crisis. So in this case, Law No. 2 of 2020 is not a legal breakthrough but rather leads to a legal cut.

Moreover, the existence of the Perppu has amputated the authority of other state institutions. As it is known that this Perppu almost entirely regulates changes to the State Revenue and Expenditure Budget (APBN), whereas related to changes in the APBN can only be changed through the revision of the APBN itself. So in this case, while the changes are made not through the Law and done through Perppu, then *mutatis mutandis* existence of law No. 2 of 2020 has amputated the budget function of the DPR entrusted in Article 20 A and 23 of the 1945 NRI Constitution and Article 28, Article 177 letter c number 2, Article 180 paragraph 6 and Article 182 of Law MD3. Moreover, the DPR does not have the authority to discuss or change the substance of the Perppu, the DPR only has the authority to approve or not.

B. Legal Policy Indonesia in Handling Pandemic Covid-19 and Its Implications

Simultaneously with the issuance of Law No. 2 of 2020, the government also issued several other legal instruments. Among them are Government Regulation Number 21 of 2020 on Large -Scale Social Restrictions (PSBB) and Presidential Decree Number 11 of 2020 on the Determination of Public Health Emergencies. PP No. 21 of 2020 is apparently nothing more than the legitimacy of handling practices that have been implemented. This can be seen from the provisions of Article 4 paragraph (1) on several points of PSBB, among them are: school and workplace holidays, restrictions on religious activities, funds or restrictions on activities in places or public facilities.

The other problem is that the existence of this PP has derogated the nature of the state of emergency and national danger as conveyed by the President. Very complex bureaucratic requirements have also been accommodated in the articles of the PP. For example, Article 2 paragraph (1) states "With the approval of the minister who conducts government affairs in the field of health, local governments may impose Large -Scale Social Restrictions or restrictions on the movement of persons and goods for a particular province or district". The existence of this article then requires the Ministry of Health to issue a Ministerial Regulation related to technical guidelines and implementation.

Not to stop there, the existence of Regulation of the Minister of Health Number 9 of 2020 on Guidelines for Large-Scale Social Restrictions in Order to Accelerate the Handling of Covid-19 did not break the complicated bureaucratic path. The complexity of the bureaucracy is seen in the provisions of Article 4 which provides an obligation for the applicant area to complete several administrative files, including: increase in cases according to time and local transmission reports. In fact, the central government has known all the data in question. The next complication is clearly seen in the provisions of Article 7 of Permenkes No. 9 of 2020, in the article it is explained that the proposal of each region will be considered and reviewed by a team formed by the Ministry of Health, the number of people in the review team based on the Decree of the Minister of Health No. HK.01.07/MENKES/231/2020 is 48 people . So that up to this level will be another obstacle in relation to meeting the criteria of emergency and national danger conditions.

In Presidential Regulation No. 99 of 2020 amended by Presidential Regulation No. 14 of 2021 concerning the Procurement of Vaccines and Implementation of Vaccinations in the Context of Combating the Covid-19 Pandemic, Article 17 paragraph (1.a) states that the funding for the procurement of the Covid-19 vaccine and the implementation of vaccinations by the government is borne by the State Budget. Funding for the procurement of vaccines, vaccinations carried out by the government and health efforts is taken from the APBN and APBD, other funds that support this, such as the monetary sector, grant funds from the community, etc.

In Law No. 36 of 2009 concerning health efforts states that the financing of health efforts is borne by the state budget. In Law No. 2 of 2020 concerning the Stipulation of Perppu No. 1 of 2020 concerning State

Financial Policy and Financial System Stability for Handling the Covid-19 Pandemic into law, Article 2.d, states that the government takes actions that result in spending at the expense of the APBN, for which the budget to finance the financing is not yet available or insufficient. available and determine the process and method of procuring goods and services.

In the provisions of law no. 13 of 2003 concerning Manpower explains the right for workers to get the same job without discrimination. During the Covid-19 pandemic, many employees were laid off, laid off. This is the responsibility of the employer where the employee works, while the person concerned is unable to pay their salaries or provide severance pay to the laid-off employees, because the company went bankrupt. The government in this regard takes a policy by providing incentives to entrepreneurs.

What is the government's responsibility in dealing with Covid-19? The government's responsibility is carried out in relation to the authority it has, and that responsibility is aimed at financial responsibility and responsibility in the context of policies taken by the government in handling COVID-19. There are two kinds of responsibilities, namely personal responsibility for personal mistakes and job responsibilities in the context of office errors. Personal Error (*Faute Personelle*), It is said that there is a personal error when there is a personal error of someone who is part of the government, the mistakes made show that person's weakness, desires or passions and lack of care or negligence. And Position Error (*Faute de Service*), Occurs due to an error in the use of authority and is only related to service. Position errors also occur in relation to legality (Jain, 1997:39).

Based on the provisions of Law No. 36 of 2009 concerning Health

Article 1 number 11 states:

“Health efforts are every activity and/or a series of activities carried out in an integrated, integrated and sustainable manner to maintain and improve the health status of the community in the form of disease prevention, health improvement, disease treatment, and health restoration by the government and/or the community.”

Article 5 paragraph (1) states:

"Everyone has the same rights in obtaining access and resources in the health sector"

Article 5 paragraph (2) states:

"Everyone has the right to obtain safe, quality and affordable health services."

Article 9 paragraph (1) states:

"Everyone is obliged to participate in realizing, maintaining and improving the highest degree of public health."

In relation to the government's responsibility in handling COVID-19, Law No. 36 of 2009 concerning Health, Article 14 paragraph (1) states:

"The government is responsible for planning, regulating, organizing, fostering, and supervising the implementation of health efforts that are equitable and affordable by the community."

Article 14 paragraph (2) states:

“The government's responsibility as referred to in paragraph (1) is devoted to public services”

Based on the provisions of law - law no. 13 of 2003 concerning Manpower, Article 5 states: Every worker has the same opportunity without discrimination to get a job. During the economic downturn due to the COVID-19 pandemic, many steps were taken in the economic sector which caused many workers to lose their jobs. In this case, of course, the government must take responsibility and take fair policies for workers who have lost their jobs. What is meant by fair here is in accordance with the conditions.

Anthony D'Amato stated: Treat like cases alike and treat different cases differently (Anthony D'Amato, 1996, p.252) Another important element is related to supervision, which is intended to control the use of such a large budget so that there is no abuse of authority either, as well as in taking steps in handling Covid-19 in the form of discretion such as the application of PSBB, lockdown and semi-lockdown, PPKM, quarantine, isoman

The government in an effort to increase income and the level of community welfare has issued social assistance cards such as health cards, pre-employment cards, study cards, etc. which increase state funding and expenditure from the state budget. Handling Victims of the Covid-19 Pandemic. Nationally:

Table 1.

| <i>Classification</i> | <i>Amount</i> |
|-----------------------|-------------------------|
| <i>Treated</i> | <i>14.119</i> |
| <i>Confirmed</i> | <i>4.280.248 +2.604</i> |

Healed 4.121.928

Die 144.201

Table 2. The Development of Covid-19 Patients and Their Handling

| <i>PROVINCE</i> | <i>TREATED</i> | <i>CONFIRMED</i> | <i>HEALED</i> | <i>DIE</i> |
|-----------------------------------|----------------|------------------|----------------|---------------|
| <i>DKI Jakarta</i> | <i>5.589</i> | <i>873.177</i> | <i>853.977</i> | <i>13.611</i> |
| <i>Jawa Barat</i> | <i>1.410</i> | <i>710.136</i> | <i>693.965</i> | <i>14.761</i> |
| <i>Jawa Tengah</i> | <i>1.117</i> | <i>487.174</i> | <i>455.757</i> | <i>30.300</i> |
| <i>Jawa Timur</i> | <i>189</i> | <i>400.452</i> | <i>370.503</i> | <i>29.760</i> |
| <i>Kalimantan Timur</i> | <i>70</i> | <i>158.419</i> | <i>152.895</i> | <i>5.454</i> |
| <i>Daerah Istimewa Yogyakarta</i> | <i>111</i> | <i>157.081</i> | <i>151.698</i> | <i>5.272</i> |
| <i>Banten</i> | <i>848</i> | <i>133.763</i> | <i>130.217</i> | <i>2.698</i> |
| <i>Riau</i> | <i>321</i> | <i>128.949</i> | <i>124.510</i> | <i>4.118</i> |
| <i>Bali</i> | <i>150</i> | <i>114.551</i> | <i>110.338</i> | <i>4.063</i> |
| <i>Sulawesi Selatan</i> | <i>68</i> | <i>110.093</i> | <i>107.783</i> | <i>2.242</i> |
| <i>Sumatera Utara</i> | <i>45</i> | <i>106.171</i> | <i>103.230</i> | <i>2.896</i> |
| <i>Sumatera Barat</i> | <i>15</i> | <i>89.885</i> | <i>87.716</i> | <i>2.154</i> |
| <i>Kalimantan Selatan</i> | <i>11</i> | <i>69.972</i> | <i>67.569</i> | <i>2.392</i> |
| <i>Nusa Tenggara Timur</i> | <i>111</i> | <i>64.381</i> | <i>62.918</i> | <i>1.352</i> |
| <i>Sumatera Selatan</i> | <i>19</i> | <i>60.004</i> | <i>56.904</i> | <i>3.081</i> |
| <i>Kepulauan Riau</i> | <i>238</i> | <i>54.771</i> | <i>52.785</i> | <i>1.748</i> |
| <i>Kepulauan Bangka Belitung</i> | <i>21</i> | <i>52.394</i> | <i>50.911</i> | <i>1.462</i> |
| <i>Lampung</i> | <i>515</i> | <i>49.769</i> | <i>45.365</i> | <i>3.889</i> |

| | | | | |
|----------------------------|-----|--------|--------|-------|
| <i>Sulawesi Tengah</i> | 17 | 47.292 | 45.666 | 1.609 |
| <i>Kalimantan Tengah</i> | 42 | 45.677 | 44.201 | 1.434 |
| <i>Kalimantan Barat</i> | 13 | 41.740 | 40.663 | 1.064 |
| <i>Aceh</i> | 3 | 38.436 | 36.366 | 2.067 |
| <i>Kalimantan Utara</i> | 24 | 35.974 | 35.139 | 811 |
| <i>Sulawesi Utara</i> | 144 | 34.846 | 33.637 | 1.065 |
| <i>Papua</i> | 136 | 34.410 | 33.714 | 560 |
| <i>Jambi</i> | 8 | 29.796 | 29.004 | 784 |
| <i>Nusa Tenggara Barat</i> | 76 | 27.826 | 26.932 | 818 |
| <i>Papua Barat</i> | 19 | 23.757 | 23.381 | 357 |
| <i>Bengkulu</i> | 1 | 23.107 | 22.633 | 473 |
| <i>Sulawesi Tenggara</i> | 1 | 20.174 | 19.644 | 529 |
| <i>Maluku</i> | 7 | 14.601 | 14.329 | 265 |
| <i>Sulawesi Barat</i> | 1 | 12.371 | 12.023 | 347 |
| <i>Maluku Utara</i> | 7 | 12.114 | 11.804 | 303 |
| <i>Gorontalo</i> | 3 | 11.852 | 11.388 | 461 |

The total budget for handling Covid-19 and national economic recovery or PEN rose to Rp744.75 trillion. The budget for health and social protection increased, while the budget for business actors and corporations decreased. Finance Minister Sri Mulyani Indrawati explained that initially the government budgeted Rp. 699.43 trillion for handling Covid-19 and PEN. However, the development of the Covid-19 case led to a change in the budget. "With the decision that has been approved by the President, the budget for handling Covid-19 and PEN has increased to Rp.744.75 trillion," Sri said at a press conference on the Evaluation of Emergency PPKM Implementation. The Supreme Audit Agency (BPK) recorded that the total budget for handling Covid-19 reached Rp 1,035.2 trillion. Main Auditor of State Finance III BPK Bambang Pamungkas said the budget for handling Covid-19 came from the state revenue and expenditure budget (APBN) of Rp 937.42 trillion. "Then from the regional revenue and expenditure budget (APBD) of Rp. 86.36 trillion and from the monetary sector of Rp. 6.50 trillion," he said in an online press conference, Tuesday (29/12).

In addition, the budget also comes from state-owned enterprises (BUMN) with a total budget of Rp 4.02 trillion. As for the regional-owned enterprises (BUMD) around Rp 320 billion and Rp 625 billion from grants and community funds. From this explanation, nationally the total budget is IDR 1,035.2 trillion for the budget for handling the impact of the Covid-19 pandemic. A very large budget that must be issued by the State in an effort to restore health and demand improvement in the national economy, but such a large expenditure must be followed by accountability and supervision in its implementation.

In handling the COVID-19 pandemic, which has entered a very extraordinary stage and at the outbreak level, a very large budget is required which is taken from the APBD and other supporting posts. There is such a heavy obligation for the government, especially to prevent, cope with and restore the health conditions of the Indonesian people who were exposed to the covid-19 outbreak, but it leaves also an equally heavy obligation, namely to restore the economy which was slumped due to the covid-19 pandemic. Even though there have been steps – preventive measures and policies or discretion that have been used, but the costs involved are very large, for that several recommendations are put forward :

1. There must be a clear accountability for the use of such a large amount of money taken from the APBN.
2. There is transparency in the use of money, starting from the use of funds for prevention, treatment and health recovery efforts.
3. The policies taken by the government in handling COVID-19 still leave various problems, including the PPKM policy, factory closures, laying off employees, for which until now there has been no solution, so the government is obliged to help or provide a way out of their lives.
4. There is a guarantee of legal certainty and provides a sense of justice given by the government in issuing policies for handling COVID-19 with policies in the context of improving the people's economy.

IV. CONCLUSION

Based on the description above, it can be stated that the handling of COVID-19 is the responsibility of the government with the support of the community itself. Covid-19 is a pandemic that is classified as an emergency or extraordinary situation. The handling of the COVID-19 pandemic has been carried out by the Government as a form of the Government's responsibility in exercising its authority. In this case, policies such as PSBB, PPKM, Closure of Tourist Attractions, Prohibition of Mass Crowds, Mall Closures and Restrictions on Opening Hours of Shops and Restaurants have been implemented, as regulated by Law no. 6 of 2018 concerning Quarantine. Besides that, Health Efforts have also been carried out as determined by Law no. 36 of 2009 concerning Health, but there are still juridical problems such as demands for the importance of health recovery by improving the economy, financing the handling of Covid-19 which is very large which reduces other posts. Such a large expenditure must be accompanied by accountability and supervision. Besides that, there are still problems regarding the realization of government policies regarding laying off employees with obligations to pay salaries and allowances that must be provided by employers which cannot be fully implemented, so there must be assistance from the government with the burden of costs from the APBN.

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