

THE BINDING POWER OF GOVERNMENT RULES LAWS AND RESTRICTION TO SOCIETY BASED ON CONSTITUTION

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Abstract

The purpose of this research is to offer an update on the position of PPKM policies issued by the Indonesian government in a precise and binding manner. Using normative research with the aim of answering issues based on the scientific side. From this research, the researcher offers that our country adheres to a system where legal norms are tiered where a lower norm is sourced, applies, and is based on a higher norm in accordance with a hierarchical arrangement where lower regulations may not conflict with higher regulations. In the wake of the COVID-19 pandemic, the government must immediately adjust the PPKM policy with the hierarchical arrangement of laws and regulations. This is because a policy that does not have a legal instrument or forum that is not included in the category of statutory regulations has a bias binding power where this is because the PPKM policy is contained in a rule in the form of a policy regulation, not a statutory regulation.

Keywords: Policy, PPKM, Covid-19, Binding

Introduction

The COVID-19 pandemic is an unprecedented global health crisis. In just two months, an outbreak of an infectious disease that attacks the respiratory tract and is rapidly transmitted caused by the Novel Corona Virus SARS-CoV-2 developed into a global pandemic which was then known as the COVID-19 Pandemic. (Dugis (Scopus ID: 57201258125), 2020) This has caused the government to swiftly issue policies to reduce the spread of the COVID-19 virus in Indonesia. Based on existing readings, this virus is easy to mutate and spread quickly because since the time of covid-19, the epidemic turned into a pandemic. (Salian et al., 2021)

Outbreaks of this disease appear as a sudden spike in disease in a particular area or among people. When outbreaks get out of control, they spread into large populations and affect entire regions or communities of people, and cause epidemics. As an infected person or contaminated object, the infection will spread quickly from a small area to the whole world, so that the epidemic will turn into a pandemic. The COVID-19 pandemic has had a major impact on travel behavior in most countries around the world. It is not surprising that many people prefer to stay at home compared to doing activities outside because of the COVID-19 pandemic which has indeed claimed many human lives. (Buehler & Pucher, 2021)

The COVID-19 pandemic first entered Indonesia since the beginning of March 2020 which was quite shocking and is a new experience for all of us in the current democratic era. With the entry of Covid-19 in Indonesia, not a few people were affected and finally positive, even many people have died from contracting this virus. Not only that but covid-19 has resulted in an increased risk of known factors causing mental health problems. (Moreno et al., 2020)

We must remember that COVID-19 is a viral disease, not a bacterial infection which is still a serious challenge in the medical field. Because from the non-medical point of view, the COVID-19 pandemic has paralyzed various existing aspects, it is not surprising that this virus is called a pandemic and must be overcome. (Khan et al., 2021)

As the outbreak continued, the number of cases among people 65 years of age and older increased there, but also some increase among children (<18 years) was observed. The number of male patients was initially higher, but no significant gender difference was observed as the number of cases increased. Mean incubation period 5.2 days. Because this is a very serious virus and the covid-19 virus has spread throughout the city, the government is making every effort to reduce the spread and suppress the death toll by issuing all the policies that are already available in the Act that have been applied selectively and carefully. (Yuki et al., 2020)

The human environment, which consists of elements such as population density, urbanization, and age structure, is a major factor in influencing public health. The World Health Organization reports the negative impact of high population density and urbanization on mental health and well-being. Rapid urbanization in most countries in recent decades has led to inadequate housing, congested public transport, poor hygiene, and high levels of pollution (air, water, and noise), resulting in physical and mental health problems not only will paralyze various existing aspects. (Leung et al., 2020)

Given the death rate from the positive environmental effects of COVID 19 that can be felt, there are also those who feel that the policies used by the government cannot cope with this pandemic. This is because a paralyzed economy will be difficult to revive, especially during a pandemic that has been felt by the community for approximately one year. So it is necessary to limit community activities with good intentions or intentions. . (SanJuan-Reyes et al., 2021)

In the field of education for example the COVID-19 pandemic has disrupted students' lives in different ways, depending not only on their level and course of study but also on the point they have reached in the program. Those who end one phase of education and move on to another, such as those transitioning from school to higher education, or from higher education to employment will face certain challenges. They will not be able to complete school curricula and assessments in the usual way because of the COVID-19 constraint and, in many cases, they have been separated from social groups because of their family economy. Students who make the transition to their next education at the end of the year are unlikely to experience difficulties like the national exam. (Daniel, 2020)

Since the dawn of civilization, humans have gradually begun to manipulate nature according to its own benefits. To meet the growing demand of the population; industrialization and urbanization became inevitable, and their significance proved to be detrimental to global climate change. Desire to push nature according to their own wishes and desires, humans started destroying nature in various ways by anthropogenic activities without sustaining development. As an inevitable consequence, environmental pollution has become a big problem today. It is clear that environmental pollution will change the distribution and burden of various vector-borne infectious diseases including bacterial and viral diseases. (Verma & Prakash, 2020)

Another significant impact of the pandemic has come in the form of a reduction in the workforce. Absenteeism from school and work is considered a direct economic impact of the Hong Kong flu in the 70s. Similarly, the flu pandemic has led to marked reductions in human and economic capital, as illustrated by the SARS pandemic, which is estimated to have had an estimated \$18 billion economic impact in East Asia. (Shrestha et

al., 2020)

The uncertain nature of the pandemic makes it very difficult for governments around the world to formulate policies. However, the challenge is greater. Given the huge informal economy in a country teeming with migrant workers it is expected that the lockdown will result in the loss of livelihoods for many, resulting in hundreds and thousands of migrant workers starting to leave their workplaces to walk hundreds of miles to their respective hometowns, leading to abuses. (lockout). However, the loss of livelihoods for migrant workers is not the only problem facing the country. The lockdown could wreak havoc on a large number of the country's small and medium-sized businesses, leading to further job losses, leading to sluggish demand. (Sharma & Mahendru, 2020)

Strategic response policies require clear vision and goals. Can't be reactionary. It must be contemplative, reflective, transparent and honest. The head of this case study draws on his experience and personally develops a professional framework for working with students and families from refugee and asylum-seeking backgrounds, the foundational principles of which are hope, belonging and purpose. This is once again considered important in mediating the significant impact of governance and the task of humanizing the orders of the system that can degrade aspects of the economy, health, education and so on. (Bradley & Sellars, 2020)

Although research is ongoing to establish the exact origin of this virus and its transmission to humans, there seems to be a consensus that the virus is zoonotic and its spread may be related to agriculture and wildlife trade in Southern China. The contextual similarities to previous outbreaks raise questions about the lack of preparedness for the virus which, despite many conspiracy theories, can be expected. At the same time, they encourage us to stick with the path taken and try harder to improve and systematically so that with the pandemic it is appropriate for the public to understand that this virus can spread quickly. (Sciortino & Saini, 2020)

If referring to Article 5 of the Law of the Republic of Indonesia No. 4 of 1984 concerning outbreaks of infectious diseases, that the efforts to control the epidemic are epidemiological investigations; examination, treatment, care, and isolation of patients, including quarantine measures; prevention and immunity; extermination of the cause of the disease; handling of corpses due to epidemics; outreach to the public; and other countermeasures. Meanwhile, based on Law no. 6 of 2018 concerning PPKM Health Quarantine is not included in this Law, this law only recognizes the terms PSBB, Home Quarantine, Regional Quarantine, and Hospital Quarantine so that the PPKM policy raises various questions regarding how to bind it. This study offers a novelty, namely the position of the PPKM policy by the Indonesian government correctly.

Comparison of the first research results in an answer that the effective solution is based on Law Number 2 of 2014 concerning Regional Government, health is not the absolute authority of the Central Government. Therefore, local governments have the authority to form Regional Regulations that specifically regulate PPKM. (Ahmad Gelora Mahardika, 2021) This offer was disclosed by Ahmad. The second study deals with affixing sanctions to this policy so that the implications received by the community are commensurate. The Instruction of the Minister of Home Affairs for the implementation of an emergency PPKM in Java and Bali was responded to by the Governor of Bali by

issuing a Circular Letter from the Governor of Bali No. 9 of 2021 concerning Enforcement of PPKM in the Province of Bali. As for the legal rules issued, there is still no provision for sanctions that include in the event of a violation as in Law 6 In 2018 concerning Health Quarantine, article 90 and it is still felt in a hurry, there is nocounseling in the community, making the public do not understand the Emergency PPKM. (Julia Mahadewi, 2021)

While the third researcher feels that the formation of this PPKM policy is legal politics which is detrimental to many people, so it is necessary to add insight to the authorities in issuing a regulation appropriately and wisely. The Indonesian government has now chosen the policy of Enforcement of Community Policy Restrictions (PPKM) as an effort to control the spread of COVID-19. The PPKM policy is a form of legal politics carried out by the government to deal with the COVID-19 pandemic. The direction and objectives of legal politics in implementing PPKM are very important to be clarified in order to formulate a timely and targeted pandemic handling strategy. However, in its implementation, the PPKM policy encountered various problems such as the application of sanctions that referred to the Criminal Code, laws, and regional regulations. In fact, the basis for the formation of PPKM is only based on the Instruction of the Minister of Home Affairs. The state's obligation to fulfill the basic needs of citizens as stated in Law No. 6 of 2018 concerning Health Quarantine is not applied during the PPKM period. Meanwhile, the rules for limiting activities in the PPKM policy greatly affect the decline in the community's economy. This makes the government seem selective in implementing a regulation. (Julia Mahadewi, 2021)

Based on a sufficient number of studies related to the theme of the research, the researcher formulates a problem formulation of how the government's solution in making PPKM policies is binding on the public.(Michael, 2020)

Research methods

The researcher uses normative research with the aim of answering scientifically based issues by combining the laws and regulations which are the legal basis that contains legally binding norms in general and are formed or determined by state institutions or authorized officials through the procedures set out in the legislation. invitation.(Michael, 2019)

Research Results and Discussion

PPKM Policy Position According to Legislation

The effectiveness of the PSBB in practice in the field will only be successful if every member of the community is willing to carry out the previously mentioned restrictions. (Pkm & Penanggulangan, 2020) This was deemed insufficient to suppress the spread of COVID-19 in Indonesia at that time. Because it was considered ineffective, the government issued a PPKM policy with different rules in each region. But in the end this policy remains a problem among the people. In order to break the chain of transmission of Covid-19, the government has made a policy of implementing Community Activity Restrictions (PPKM) which is currently being implemented in various regions in Indonesia. Although the Covid-19 recovery rate continues to increase as well as the increasing death rate, with the emergence of new cases the spread of COVID-19 has also increased so that uncertainty continues to affect the pace of the Indonesian economy.(Yordan Saputra, 2021)

Various policies have been issued by the government to deal with the COVID-19 pandemic, including President Joko Widodo issuing Presidential Decree (Keppres) Number 11 of 2020 where the decision contains the determination of the status of a public health emergency in the midst of the corona pandemic. The contents of this presidential decree contain 2 substances, namely, establishing corona virus disease (covid-19) as a type of disease that causes a public health emergency and establishing a public health emergency for corona virus disease 2019 in Indonesia, which must be taken care of in accordance with the provisions of laws and regulations. This presidential decree is a derivative regulation of the mandate of law No. 6 of 2018 concerning health quarantine, which is stated in article 10 "the central government establishes and revokes public health emergencies". And use the authority of Article 22 of the 1945 Constitution of the Republic of Indonesia to issue government regulations in lieu of Law Number 1 of 2020 concerning state financial policies and financial system stability for handling the Corona Virus Disease 2019 (covid-19) pandemic and/or in the context of facing threats that endanger the national economy and/or financial system stability (Perppu 1 of 2020). It did not stop there, one month later the president issued Presidential Decree No. 12 of 2020 concerning the Determination of Non-natural Disasters for the spread of Corona Virus Disease 2019 (Covid-19) as a National disaster. (Saputra et al., 2022)

The quarantine law is a reference for the government to implement Government Regulations. This makes the regulation has a high and clear binding value because the legal relationship is very clear because it refers to regulations that already exist, this is how good constitutional rules should be. So that people will know clearly and definitely what is the legalbasis for a rule that has been applied. (Agung et al., 2022)

The implementation of this PPKM policy is of course also based on the current state of health emergency that has been experienced by Indonesia. Therefore, President Joko Widodo issued an instruction to the minister of home affairs to issue an instruction that regulates what provisions must be obeyed by the public in the PPKM policy. So the first time that the legal basis for PPKM was the Instruction of the Minister of Home Affairs No. 1 of 2020 which explicitly regulates community restrictions. PPKM was first implemented on January 11 to 25, 2021 where this policy was implemented for two weeks based on the Instruction of the Minister of Home Affairs No. 1 of 2021 concerning the Enforcement of Activity Restrictions for Controlling the Spread of *Corona Virus Disease 2019 (covid-19)* with various implementing regulations issued by the Ministry of Home Affairs. regional heads in the form of circulars, decisions, and instructions both at the provincial and district/city levels with the contents of different provisions regarding PPKM based on their own local wisdom. After that, the Minister of Home Affairs Instruction No. 3 of 2021 regarding micro PPKM was reissued, where this policy regulates the limitation of RT/RW micro-scale community activities.

The legal basis for dealing with the current COVID-19 pandemic in Indonesia is PPKM. So it can refer to Law no. 6 of 2018 concerning Health Quarantine. This is the basis for the issuance of various derivative regulations such as the application of PSBB, and so on. Meanwhile, formally, the formation of every statutory regulation which is one of the steps in preventing the spread of COVID-19 must be based on Law Number 12 of 2011 concerning the Establishment of Legislation. (Periyadi et al., 2022)

In order to ensure legal certainty, strengthen efforts and increase the effectiveness

of the prevention and control of Corona Virus Disease 2019 (COVID-19/ in 9 Decree of the Minister of Health of the Republic of Indonesia No. HK.01.07/ Menkes/413/2020 concerning Guidelines for the Prevention and Control of Coronavirus Disease 2019 (COVID-19) -19). All provinces and districts/cities in Indonesia are issued Presidential Instruction of the Republic of Indonesia Number 6 of 2020 concerning Improvement of Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019. In this Presidential Instruction there are provisions for legal sanctions for violating the protocol. The second dictum contains sanctions for violations of the application of health protocols in the prevention and control of Corona Virus Disease 2019 (COVID-19) carried out by individuals, business actors, managers, organizers, or people in charge of public places and facilities. The sanctions referred to in the form of warnings verbal or written warning, social services, administrative fines, or termination or temporary closure of business operations. This Presidential Instruction is the basis for the application of legal sanctions which are forwarded by the Minister of Home Affairs through the Instruction of the Minister of Home Affairs to regional governments to be enforced in their respective regions. (Arina et al., 2022)

The process of social stratification or classification of social status in society occurs by itself or is deliberately structured to teach a common goal. "Economic crisis is a condition where the economy declines caused by the large number of unemployed caused by many problems in every country due to the Corona Virus or COVID19 which has been declared a pandemic because it has spread throughout the country". (Bima, 2022)

Dissemination of information regarding the development of COVID-19 is very fast in Indonesia but there are still many who spread rumors that are not true or hoaxes. Meanwhile In order to prevent the spread of hoaxes related to Covid-19, the Ministry of Communication and Information stated the need for education and digital literacy to the public regarding the disadvantages of hoaxes. Due to consequences from this hoax news about corona causing concern in the community so that with education and literacy to the community, the community is able to to combat hoax news by reading and seeking information from source trusted and minimize the people who become victims of hoax news. ((Farahdila et al., 2020)

Furthermore, emergency PPKM with the legal basis of the Instruction of the Minister of Home Affairs No. 15 of 2021 where this policy regulates the surge in Covid-19 cases with restrictions on residents' activities that are more stringent than before. Not long after, the PPKM policy level 4,3,2,1 was issued where PPKM level 4 has a legal basis for Inmendagri No. 24 of 2021, level 3 in areas other than Java-Bali has a legal basis for Inmendagri No. 25 of 2021, PPKM level 3,2,1 The legal basis is Minister of Home Affairs No. 26 of 2021 and new policies will continue to emerge according to the direction of the coordinator for handling COVID-19 in Indonesia. Theoretically, developments regarding the hierarchy and arrangement of laws and regulations cannot be separated from the theory introduced by Hans Kelsen.

According to Kelsen, basically there are two groups of norms in law, namely superior norms and inferior norms where the validity of lower norms can be tested against norms that are hierarchically in a higher position. Because of the validity of this higher legal norm, Kelsen in his Stufentheorie argues that the law has regulated the

formation of itself. (Nisrina Irbah Sati, 2019)

Considering the PERPPU concerned. This includes improving the legal system and improving the mechanism for making, stipulating and revoking a Government Regulation in Lieu of Law (PERPPU). This is very much needed in the framework of reform and development of national law in a better direction.

“Necessitas non habet legem is an old age maxim which means necessity knows no law. A person may sometimes have to succumb to the pressure of other party to the bargain who is on a stronger position. This kind of bargain can be referred to as bargain under undue influence” as thinking that reflects too much fear in the state. There are at least two intuitive reasons for declaring a state of emergency: that the government identifies “an imminent and extraordinary danger to the life of the nation”, which can be caused by natural disasters, but also by man-made, hazards such as terrorist attacks. make it also urgent. Sometimes also the implementation of a state of emergency to weaken the warring parties (Michael, 2020)

In order to create laws that can protect the people, fair treatment, laws that protect every citizen of the nation so that their rights are guaranteed, of course there must be regulations that are used as guidelines in the preparation of laws and regulations, as the main rules that apply to drafting regulations from the initial process of their formation until the end. These regulations apply to the public. So that with the existence of standard rules, each drafting of regulations can be carried out in a definite, standard, and standard way and method that binds all institutions authorized to form laws and regulations, thus the regulations in question can meet the needs of the community for good laws and regulations. (Sopiani & Zainal Mubaroq, 2020)

The principles for the formation of good laws and regulations are legal principles that give birth to guidelines and teachings for the provision of regulatory content, into appropriate forms and rules, appropriate in the use of the method, and following the processes and procedures of formation that have been determined. The principles of the formation of good laws and regulations and the material principles of the content of laws and regulations according to positive law are contained in Law Number 12 of 2011 concerning the Establishment of Legislations, as amended by Law Number 15 of 2011 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation. According to the provisions of Article 5 of Law Number 12 of 2011, the formation of laws and regulations must be carried out based on the principles of the formation of good laws and regulations which include:

1. The principle of clarity of purpose, i.e. every drafting of legislation must have a definite and clear orientation to be achieved.
2. The principle of appropriate institutions or forming officials, namely every type of legislation must be created by state institutions or authorized law-making officials. Legislation can be canceled or null and void if issued by state institutions or unauthorized officials.
3. The principle of conformity between types, hierarchies, and content material, namely in every formation of legislation, one must really think about the right content according to the type and hierarchy of laws and regulations.
4. The principle can be implemented, namely that every formation of legislation must pay attention to the effectiveness of the legislation in society, both

philosophically, sociologically, and juridically.

5. The principle of usability and usability, that every statutory regulation is made because it is really needed and useful in regulating the life of society, nation and state.
6. The principle of clarity of formulation, namely that every statutory regulation must include the technical requirements for the formation of legislation, systematics, choice of words or terms, as well as legal language that is clear and easy to understand so as not to give birth to various kinds of interpretations in the nature of its implementation.
7. The principle of openness, namely in every formation of legislation starting from planning, drafting, discussing, ratifying or determining, and enacting transparent and open legislation. Therefore, all levels of society have the widest opportunity to provide opinions in the formation of laws and regulations. (Prita Hapsari Kertaningrum, 2021)

The community has the right and it is also the government's obligation to provide government services to the community properly and correctly. Therefore, the function of service to the community is of course the duty of the government and the state to provide welfare for the Indonesian people as mandated by the 1945 Constitution. 28 of 1999 concerning State Administration that is Free and Clean from Corruption, Collusion and Nepotism, namely based on the principle of legal certainty, the principle of orderly state administration, the principle of public interest, the principle of openness, the principle of proportionality, the principle of professionalism and the principle of accountability. The legal relevance between public service providers and the community must be strictly regulated so that each party knows their respective rights and obligations in interacting between them. (Solechan, 2019)

With a different structure to the AAUPB from the Netherlands, in Article 3 of Law no. 28 of 1999 explained various general principles of state administration, namely as follows.

1. The principle of legal certainty is a principle in the state that is oriented to the basis of legislation, propriety, and justice in every policy of state administrators.
2. The principle of orderly state administrators is a principle that drives order, harmony and balance in the control of state administrators.
3. The principle of public interest is a principle that prioritizes the general welfare in an aspirational, accommodative and selective way.
4. The principle of openness is a principle that opens itself to the rights of the community to obtain correct, honest and non-discriminatory information about state administration while still emphasizing the protection of personal rights, inter-groups, and state secrets.
5. The principle of proportionality is a principle that prioritizes a balance between the rights and obligations of state managers.
6. The principle of professionalism is a principle that prioritizes expertise that emphasizes the code of ethics and the provisions of the applicable laws and regulations.
7. The principle of accountability is the principle that determines that every action and final result of the activities of state administrators or managers must be held

accountable to the community or people as the holder of the highest sovereignty of the state in accordance with the provisions of the applicable laws and regulations.

It has been explained that AAUPB is an open concept and was born from a historical process, therefore, various formulations of these principles have emerged. Even so, the AAUPB must be seen as unwritten legal norms, which in fact must be obeyed by the government, although the exact meaning of AAUPB for each individual situation cannot always be explained precisely. It could also be said that the AAUPB are unwritten legal principles, from which for certain circumstances applicable legal rules can be drawn. In fact, equating AAUPB with unwritten legal norms can lead to misunderstandings, because in the context of legal science it is known that there are differences between principles and norms. Principles or principles are general and abstract thoughts, ideas or concepts, and do not have sanctions, while norms are concrete rules, elaboration of ideas, and have sanctions.

Based on the theory explained that norms must be tiered, which means that lower regulations cannot conflict with higher norms, basically if we look carefully at the PPKM policy, of course it can be understood that this PPKM policy is actually formally flawed. If referring to Article 7 paragraph 1 of Law Number 12 of 2011 concerning Types and Hierarchy of Legislative Regulations, the instructional instrument in this PPKM policy does not include laws and regulations where the meaning of statutory regulations is regulations that are binding on the public and mandatory for obeyed and if not, they will get sanctions or penalties based on existing rules. Regulations are laws that generally have a binding nature for the public or apply to the general public and whose task is to regulate general or general matters. Based on the attribution and delegation of statutory authority, what can be classified as laws and regulations in force in our country are lower laws and regulations. Where if you look at the PPKM policy, it does not come from higher regulations because according to Law Number 6 of 2018 concerning Health Quarantine, the term PPKM is not contained in it. Only the terms PSBB, home quarantine, regional quarantine and hospital quarantine are included. So based on the existing theory, the policy regulation is of course not a statutory regulation where it is not binding on the public.

Legislation has the following characteristics:

1. Its nature is general and comprehensive, which means it is the opposite of the specific and limited nature.
2. It is universal. Legislation was created to deal with future events that are not yet concretely clear. Therefore, it cannot be formulated to address specific events only.
3. Legislation has the power to correct and improve itself. It is common for a regulation to include a clause that includes the possibility of a review.

If we look at the legal basis of the PPKM policy, it is the Instruction of the Minister of Home Affairs where this is the authority of administrative officials to issue regulations, especially for the Minister of Home Affairs to issue PPKM policies which are still valid today. Discretion is the main choice in a means that expands the movement space for officials or state administrative bodies to carry out an action without having to be fully bound by the law. While the manifestation of discretion that is always used in the practice

of administering government is in the form of policy regulations (beleidsregels) policy regulations can be in various forms . laws and regulations and AAUPB. (Solechan, 2019) An understanding of AAUPB cannot be separated from the historical core, apart from the linguistic side, because this principle was born from the historical process. AAUPB can be understood on the general principles that function as the basis and procedures for the formation of good governance, in this way the management of the government becomes good, polite, fair, and honorable, free from injustice, violation of regulations, acts of abuse of authority, and other actions. arbitrary.

Policy regulations of course also have the following characteristics:

1. Policy regulations are not statutory regulations.
2. The principles of limitation and testing of statutory regulations cannot be applied to policy regulations.
3. Policy regulations cannot be tested *wetmatigheidly* , because there is no legal basis for making decisions on these policy regulations.
4. Policy regulations are made based on *freies Ermessen* and the absence of the relevant administrative authority to make laws and regulations.
5. The examination of policy regulations is more left to *doelmatigheid* and therefore the touchstone is the general principles of good governance (AAUPB).
6. In practice, it is given a format in various forms and types of rules, namely decisions, instructions, circulars, announcements, etc., and can even be found in the form of regulations.

Based on the characteristics above, it can also be seen that there are some similarities and also differences between laws and regulations and policy regulations where the elements of the similarities are as follows.

1. Generally accepted rules

Legislation and policy regulations have a core or norm subject and behavioral regulation or norm object that is not different, namely having a general and abstract nature.

2. Rules that apply "outside"

The laws and regulations apply "outward" and are given to the general public as well as policy regulations that apply "outside" and are applied to the general public concerned.

3. Regulatory authority of a general nature/public

Laws and regulations and policy regulations are issued by institutions or officials who have general or public authority to do so.

Among these similarities, of course, there are a number of significant differences between legislation and policy regulations. The differences are as follows.

1. The formation of laws and regulations is a function of the state

The formation of law based on legislation is carried out by the people themselves, by people's representatives, or at least with the approval of people's representatives. The power that exists in the field of legislation or

legislative power is only given to an institution specifically for that purpose, namely the legislative body (as a state organ, acting for and on behalf of the state).

2. The function of forming policy regulations lies with the government in a narrow sense (executive)

Government authority in the narrow sense of executive authority includes the authority to form regulations in the context of carrying out its functions. Therefore, the authority to form policy regulations that are oriented to further regulate the administration of government can actually be carried out by every institution that has the authority to administer government.

3. The content of the laws and regulations is different from the content of the policy regulations.

Policy regulations contain material whose connection is with the authority to make decisions in the sense of *beschikkingen*, the authority to act in the field of private law, and the authority to create plans that actually exist within government institutions. In addition, the content material in the legislation regulates life in society which is much more core or basic, for example holding obligations and prohibitions to do or not to do, which must be given criminal sanctions and coercive sanctions.

4. Sanctions in laws and regulations and in policy regulations Criminal sanctions and coercive sanctions that clearly reduce and limit the human rights of citizens and residents which can only be stated in a law whose formation must be carried out with all the consent of the people or with all the approval of their representatives. Other lower laws and regulations can only include criminal sanctions for violations of their provisions if they are expressly attributed by law. Policy regulations can only include administrative sanctions.

Regarding the binding power of this policy regulation, it is deemed not to be an indirect law and legally binding regulation, but contains legal relevance. Policy regulations are actually applied to the state administration itself. So that the first to implement the provisions contained in the policy regulations are state administrative bodies or officials. Even so, it will indirectly affect the general public. So theoretically the PPKM policy directly does not have binding force for the public.

Implications of the Implementation of PPKM Policies for the Community

It's been almost a year since Indonesia has been grappling with the COVID-19 pandemic, it's no wonder that for today's society there are cases of death due to COVID-19 that are common to them. This is of course because people have started to live side by side with the Covid-19 virus. Armed with an understanding of public health protocols, they have started to carry out their own activities with limited provisions. Looking back at the time when the COVID-19 pandemic was declared to have first entered Indonesia in early March 2020, it shocked all levels of society, especially the Indonesian government. With a health emergency like this, President Joko Widodo firmly issued the first rule to reduce the number of Covid-19 transmission, namely the PSBB

policy where this policy refers to PP No. 21 of 2020 where this regulation aims to limit certain activities of a resident in an area. suspected of being infected with the COVID-19 virus. This policy also regulates large-scale social restrictions such as holidays from schools and workplaces, restrictions on religious activities, and restrictions on activities in public places or facilities. In this case, the whole community is obliged to obey and implement the policy in order to accelerate the suppression of the death rate in Indonesia. However, it is felt that the PSBB policy has not reached the target desired by the government. The death rate is still increasing, the unemployment rate is decreasing , the state debt is starting to swell, plus public concerns are urging the government to immediately deal with the Covid-19 spike case appropriately and carefully. Therefore, the government began to rack its brains and a new policy was born called the implementation of restrictions on community activities or another term is PPKM as we know it today. PPKM was first implemented on January 11 to 25, 2021. PPKM for the past two weeks was implemented based on the Instruction of the Minister of Home Affairs Number 1 of 2021 where this policy limits office space or work by implementing work from home (WFH) at 75% and work from home. office by 25% by imposing stricter health protocols. In the field of education, this policy regulates teaching and learning activities online or online, while for essential sectors related to the basic needs of the community, they can still operate 100% by regulating operating hours, capacity, and implementing health protocols more strictly. While restaurant activities eating or drinking on the spot by 25% also for food service with delivery or take-away methods are still allowed based on restaurant opening hours and operating hours restrictions for shopping centers or malls until seven o'clock in the evening. Other things related to construction activities are still allowed to run but still apply strict health protocols, not only that, places of worship are also allowed to run with 50% people with strict health protocol implementation.

After several weeks of implementing the PPKM policy in the community, the decline in the number of COVID-19 has started to decline significantly, however, it didn't stop there, the second wave of the COVID-19 pandemic appeared which caused the spike in Covid-19 to rise rapidly with a high mortality rate. This then made the government issue a new policy with the term emergency PPKM which was different from the previous PPKM. Micro PPKM, which is oriented towards regulating micro-scale community activities, starts from the smallest level, namely RT/RW. The first difference between regular PPKM and micro PPKM is the division of zones in the micro PPKM policy. Green Zone has the criteria for zero covid-19 cases in one RT, then scenario control done with surveillance active , all suspected in testing and monitoring case must done with routine and periodic . The Yellow Zone has criteria if there is 1 to with 5 houses with cases that have been certain positive in one RT for 7 days last , then scenario control is find case suspect and tracking contact closely , then done isolation independent for patient positive and contact close with supervision tight .

Orange Zone own criteria if there are 6 to with 10 houses with cases that have been certain positive in one RT for 7 days last , then scenario control is find case suspect and tracking contact closely , then To do isolation independent for patient positive and contact close with supervision tight , and close house of worship, place played child and place general other except sector essential . The Red Zone has criteria if there are more

than 10 houses with confirmed positive cases in one RT for the last 7 days, then the control scenario is the implementation of PPKM at the RT level which includes finding case suspect and tracking contact tight , there is isolation independent or focus on supervision _ strict , negate house of worship, place played child and place general other except sector essential , prohibits the existence of a crowd or gathering involving more than three people, limiting go out enter the RT area no later than eight o'clock night and temporarily disable activities that cause crowds of more than three people in order to reduce the spread of COVID-19.

Micro PPKM applied together with Regency /City PPKM , by limiting the place work or office with carry out Work From Home (WFH) by 50% and Work From Office (WFO) by 50% with apply protocol health by more tight ; holding activities study teach online or online for sector essential such as , health , ingredients food , food , beverage , energy , communication and technology information , finance , banking , systems payments , capital markets, logistics , hospitality , construction , industry strategic , service basic , utility public , and defined industry as national vital objects and objects certain , need related daily _ with need tree public permanent could operate 100% with setting operating hours , capacity , and implementation protocol health by more tight ; activity restaurant eat or drink on the spot by 50% and for service food through message between or brought go home still allowed according to operating hours restaurant with the implementation of strict health protocols; limitation of operating hours for shopping centers or malls until nine o'clock in the evening with the implementation of stricter health protocols; allow construction activities to operate 100% with stricter implementation of health protocols; allow houses of worship to be implemented with a capacity limitation of 50% with the implementation of stricter health protocols; public facilities activities and socio-cultural activities that may cause crowds are temporarily suspended; and setting the capacity and operating hours of public transportation. These general provisions are of course adjusted to each region so that the division of zones further accelerates the handling of the spread of COVID-19 in Indonesia.

In addition to this, the author also interviewed the head of RT Kampung Pucangan III/99 RT 4 RW 8 regarding the impact of the PPKM policy that has been implemented by the government until now. It turned out that according to the results of interviews with the author and the head of the RT on behalf of Mr. Yanto, he said that the PPKM policy in Pucangan village had a major impact on the residents. Currently, the death rate in Pucangan village is small, but gradually the PPKM policy is still being launched. There are some residents who feel that the result of this policy causes someone to lose their job. This is because companies on a large scale carry out mass layoffs. This is felt by the majority of Pucangan residents.

Not only that, according to interviews, a small number of residents still have not received aid or BLT funds from the government, even some residents do not heed the information that there are BLT funds, so that it is actually better for the government to provide education to residents so that they fully understand their rights and obligations.



1.1. Picture of interview with Mr.Yanto as a leader of Kampung Pucangan III

Not long after that the government issued a new policy with the term emergency PPKM. This policy must be taken and implemented by the government to reduce the spread of COVID-19 in addition to reducing the need for people to seek treatment at the hospital, this is so that hospitals do not experience excess patients so that services will be easier and more controlled. With the implementation of the emergency PPKM, the government certainly provides assistance funds to the poor in the amount of Rp. 300,000 per month so that people still have funds to meet their daily lives within the allotted time. Emergency PPKM is very different from micro PPKM the differences are as follows. Office activities 100% Work From Home for the non-essential sector, All teaching and learning activities are carried out online or online, for the essential sector a maximum of 50% of Work from Office (WFO) staff is applied with health protocols, while for critical sectors a maximum of 100% of WFO staff is allowed with health protocols which include essential sectors, namely finance and banking , and banking, capital markets, payment systems, information and communication technology, non-COVID-19 quarantine handling hotels, and export-oriented industries while the critical sectors include energy, health, security, logistics and transportation, food, beverage and supporting industries, petrochemicals, cement, national vital objects, disaster management, national strategic projects, construction, basic utilities (such as electricity and water), and industry to fulfill the basic needs of the people. For supermarkets, traditional markets, grocery stores, and supermarkets that sell daily necessities, operating hours are limited to 20.00 local time with a visitor capacity of 50% (fifty percent); pharmacies and drug stores can be fully open 24 hours. Shopping centers/malls/trade centers are closed.

The implementation of eating or drinking activities in public places (food stalls, restaurants, cafes, street vendors, hawker stalls) both those located in separate locations or those located in shopping centers or malls only accept delivery or take away and do not accept food on the spot (dine-in). The implementation of construction activities (construction sites and project sites) operates 100% (one hundred percent) by implementing stricter health protocols. four places of worship (mosques, prayer rooms, churches, temples, temples and temples as well as other public places that function as places of worship) do not hold congregational worship or religious activities during the implementation of emergency PPKM and optimize the implementation of worship at home. Public facilities (public areas, public parks, public tourist spots and other public

areas) are temporarily closed. Art or cultural activities, sports and social activities (locations of arts, culture, sports facilities, and social activities that can cause crowds and crowds) are temporarily closed. Public transportation (public vehicles, mass transportation, taxis (conventional and online) and rental/rental vehicles) is enforced with a maximum capacity setting of 70% (seventy percent) by implementing stricter health protocols. The implementation of wedding receptions is prohibited during the emergency PPKM period. Domestic travel users who use long-distance transportation modes (airplanes, buses and trains) are required to show a vaccine card (minimum vaccine dose I) and H-2 PCR for planes and also Antigen (H-1) for other long- distance transportation modes. Masks must be worn when doing activities outside the home. It is not allowed to use a face shield without the use of a mask. The implementation of the Micro PPKM in the red zone RT/RW is still in effect.

After that, the government no longer used the word emergency PPKM in the Java-Bali area, but another term emerged, namely PPKM level 4,3,2,1. According to the contents of the instructions from the Minister of Home Affairs, it has been stated that PPKM Level 4 is the implementation of restrictions on activities in Java and Bali and is adjusted to the criteria for the level of the pandemic situation based on the results of the assessment or assessment. The determination of the regional level refers to the Indicator of Adjustment of Public Health Efforts and Social Restrictions in Coping with the COVID-19 Pandemic set by the Minister of Health. In addition, there is no difference between PPKM level 3 and 4. This is because, in the regulation, any restrictive rules that apply to PPKM level 4 also apply to PPKM level 3. Starting from PPKM level 1 with the following rules. Office centers and elements of work with non-essential sectors are 75% allowed to come and work in the office or the term Work From Office, Jobs with essential sectors are allowed to work 100% with a morning and night shift division system, shops or markets that sell daily necessities can open according to operating hours with a capacity of 75%, in addition to markets that sell daily necessities, markets for people who do not sell daily necessities are still allowed to open but with a capacity of 75%, malls or shopping centers or plazas can have an operational permit with a capacity of 75 % and must pay attention to 75% capacity and must close at 21.00 WIB, barber shop or street vendors or the like are allowed to open with 75% capacity and must close at 20.00 WIB, food stalls, street vendors, hawker stalls in open spaces may open with 75% capacity and open until 21.00 WIB. Meanwhile, visitors who dine in are given a maximum time limit of 30 minutes. Restaurants in closed rooms can be opened with a capacity of 75 percent. Teaching and learning activities are 50 percent online and 50 percent face-to-face. Places of worship are opened with 50 percent capacity and strict health protocols. While the PPKM level 2 policy has rules that are not much different from level 1 PPKM, namely as follows. Office workers and other workers are allowed to work in the office or Work From Office at 50% provided that they have been vaccinated, jobs with essential sectors are allowed to work in the office or Work From Office with 100% capacity with strict implementation of health protocols, shops and markets for daily necessities -days it can operate with a capacity of 75% and closes at 21.00 WIB, people's markets other than daily needs can open with a capacity of 75% and close at 21.00 WIB, malls or shopping centers or plazas can have an operational permit with a capacity of 50 % and must pay attention to 50% capacity and must close at 20.00 WIB, barber shop or

street vendors or the like are allowed to open at 75% capacity and must close at 20.00 WIB, food stalls, street vendors, hawker stalls in open spaces may open at 50% capacity and open until 21.00 WIB. Meanwhile, visitors who dine in are given a maximum time limit of 30 minutes, closed-door restaurants can operate at 50 percent capacity, teaching and learning activities are 50 percent online and 50 percent face- to-face, places of worship are opened with 50 percent capacity and strict health protocols.

PPKM policy level 3 has more stringent rules than PPKM at the previous level, namely as follows. Offices and people who work in non-essential sectors work at home or Work From Home, jobs with essential sectors are allowed to work in an office or Work From Office with 100% capacity with the implementation of strict health protocols, shops and markets for daily necessities can operate with a capacity of 50% and closes at 20.00 WIB, people's markets other than daily needs can open with a capacity of 50% and close at 15.00 WIB, malls or shopping centers or plazas can have an operational permit with a capacity of 25% and must pay attention to a capacity of 25 % and must close at 17.00 WIB, barbershops or street vendors or the like are allowed to open with a capacity of 75% and must close at 20.00 WIB, food stalls, street vendors, hawker stalls in open spaces may open with a capacity of 25% and open until 20.00 WIB. Meanwhile, visitors who dine in are given a maximum time limit of 30 minutes, indoor dining areas only serve delivery or take home, teaching and learning activities at all levels are carried out 100% online or online, places of worship are opened with a capacity of 25% with the implementation of health protocols. strict.

And finally, the PPKM policy level 4, this term is used because this policy regulates more strictly than the previous PPKM policy with the following statutes. Offices and people who work in non-essential sectors work at home or Work From Home, jobs with essential sectors are allowed to work in an office or Work From Home with a capacity of 50% with the implementation of 1 shift and the application of strict health protocols, shops or markets that sell necessities daily operations are allowed to operate at 50 percent capacity and close at 20.00, People's markets other than daily necessities can operate with a capacity of 25 percent and close at 15.00, shopping centers such as malls and plazas are closed except for pharmacies and drug stores, street vendors (PKL)), barbershops and the like are allowed to operate until 20.00 WIB, food stalls, street vendors, food stalls in open spaces are allowed to open but with a maximum capacity of 3 people and open until 20.00. Meanwhile, visitors who eat in are given a maximum time limit of 30 minutes, indoor dining areas only serve delivery or take home, teaching and learning activities at all levels are carried out 100% online or online, places of worship or congregational activities are not allowed to open temporarily.

From the description of each rule contained in each existing PPKM policy, of course it has implications for the wider community. Starting from the impact in the interaction of social relationships between communities such as feelings of concern, suspicion and decreased trust in people around, especially to people who are new to the environment. This is of course related because with PPKM all of our activities will certainly be limited so that there are not a few people we have never met, both from the school environment, offices, even in the home environment. The impact of the COVID-19 pandemic on people's lives is enormous. The spread of COVID-19 is moving widely throughout Indonesia with Java Island being the most affected area. Community

activities in various cities and even provinces are also limited because the government implements PPKM, road closures by officers or security forces, and restrictions on operating hours of markets and other business places. According to the Ministry of Manpower, around 85 percent of workers were laid off because their offices or companies were not operating due to the implementation of PPKM by the government. Most of these workers work in the micro, small and medium enterprises (MSME), tourism, transportation, and manufacturing sectors. In addition, regional quarantine policies or lockdowns in other countries also have an impact on various types of businesses in Indonesia because these companies are unable to import raw materials for production and export their products to various other countries.

It can be said that by nature the effects of the COVID-19 pandemic, especially with the implementation of the PPKM policy in Indonesia, have forced community groups to adapt to various forms of social change that have been made. Various problems that exist have brought about forced social change in society. In fact, it is possible that civilization and the order of humanity will experience a shift in a direction and form that is much different from the previous condition. Furthermore, the state of the world after the pandemic may never return to its original state. So that it causes all forms of community activities that were carried out in the pre-pandemic period, must now be forced to be adjusted to standard health protocols. Of course this is not a simple matter. Because the Covid-19 pandemic has infected all aspects of the order of people's lives which have been institutionally internalized through patterned and repeated routines. In the future, society will be faced with a changing situation which was never imagined before. A number of old values and norms must be rearranged and reproduced to produce a new social system. (Andriyani et al., 2021)

Because the government is so often in stipulating and revoking various existing PPKM policies, it also causes confusion that occurs among the community. This has an unfavorable impact on the social order during this pandemic, for example, to seek treatment at the hospital, of course, is very difficult because of the skepticism of medical personnel with the Covid-19 virus that is spreading, not only that, with the implementation of the PPKM policy, not a few people have groups that are considered unable to become poorer because of the many cases of layoffs everywhere. Of course, this also has a psychological impact on families who have experienced layoffs, why not because by only relying on that work they can survive, however, this is no longer possible because they have been laid off. Talking about public confusion about the continuous change in policies with different rules causes people to be lazy to obey and start thinking that the PPKM policy is no longer valid for them. Not a few people are starting to forget about the implementation of health protocols until they don't obey existing rules, this is the impact of policy regulations that are always changing until now. With this, it is hoped that the government can be more sensitive to the people, not only the upper layers but also the middle and lower layers which are mandatory and should not be forgotten.

Conclusion

In a health emergency, due to the spread of the COVID-19 pandemic, the government must be able to immediately change the rules where the legal basis used must be precise and binding. This also affects the order of people's lives because it is directly related to the PPKM policy. This policy is also not easy to implement. The fact is

that there are still many people who violate the Health protocol and even violate regulations that are clearly stated. This is due to the confusion and unwillingness of the public to understand the existing regulations. The advice is to provide assistance in the form of funds or basic necessities or whatever it is to help and alleviate the economic shortcomings faced by the community because of this PPKM policy. Don't forget to give the public an understanding so that even though the PPKM policy is not binding, for the health of each individual, these rules should be obeyed. Meanwhile, the government is even more careful in making and implementing policies because this involves the lives of many people.

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