

Fulfillment of the Right to Health through Public Government Affairs as an Alternative Mechanism for Handling the COVID-19 Outbreak in Indonesia

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Abstracts :

This article discusses the policies that has been taken by the central government and some regional government in regards to the COVID-19 outbreak. Analysis is conducted by observing the disharmony between current policies and authority given by respective laws. The study is based on qualitative method by using literature study from Indonesian law and scientific articles. This article concludes that the policies that has been taken is ineffective because of miscoordination and overlapping of authority. Subsequently, there's vagueness in using concurrent government affair (urusan pemerintahan konkuren) in the field of health or disaster. Such situation worsened after the COVID-19 outbreak declared as health emergency and unnatural disaster which creates dualism in mechanism for handling the outbreak. Therefore, this article describes the use of general government affair or (urusan pemerintahan umum) as an alternative. By making the President the champion of the top, the redistribution of authority and the simplification of coordination between institutions can occur quickly, so that the policies taken are effective in protecting the right to public health.

Keyword : Right to Health, Policy, Authority, Public Government Affairs.

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1. Introduction

At the beginning of 2020, more than 200 countries (including Indonesia) were attacked by a new virus known as SARS-CoV-2, which caused the coronavirus (COVID-19) outbreak, which infected countries worldwide. The disease that was originally identified as respiratory disease from the City of Wuhan, People's Republic of China, is now declared a global emergency by the World Health Organization (WHO).¹ As of September 13, 2020, 218,382 positive cases of COVID-19 were found in Indonesia which caused Indonesian citizens. (WNI) cannot enter 59 countries in the world.² The high number of cases in Indonesia creates an urgency for the government to handle the COVID-19 outbreak carefully and precisely immediately.

The accuracy and accuracy of policies needed to deal with the COVID-19 outbreak are unfortunately not reflected in the steps taken by both the central and local governments, which have resulted in various new problems. The first problem is the issuance of two Presidential Decrees (Keppres) in determining the status of the COVID-19 outbreak in Indonesia, namely the Presidential Decree Number 11 of 2020 concerning the Determination of the Public Health Emergency of Corona Virus Disease 2019 (COVID-19) (Keppres Kesehatan Emergency) and Determination of Non-Natural Disaster for the Spread of Corona Virus Disease 2019 (COVID-19) (Keppres Determination of Disaster)³. These two Presidential Decrees created a situation where the handling of the COVID-19 outbreak could be based on 2 different laws (UU), namely Law Number 6 of 2018 concerning Health Quarantine (Health Quarantine Law) and Law Number 24 of 2007 concerning Disaster Management (Disaster Management Law). The consequence is that the handling of the COVID-19 outbreak is headed by two different institutions, two different bureaucratic lines, as well as two different accountability mechanisms, creating two climates for handling the COVID-19 outbreak. The second problem is, with the presence of two different handling climates, the handling of the COVID-19 outbreak is not clearly a concurrent government affair in the health sector or concurrent government affairs in the field of disasters as regulated by Law Number 23 of 2014 concerning Regional Government (Regional Government Law).

2. Research methods

The research method that I use is normative juridical research, commonly known as doctrinal legal research, commonly called legal research. This legal research examines library material obtained through literature study by collecting and reviewing primary and secondary legal materials in the form of legislation and literature relevant to the object of research. The approach used in this legal research is an approach through legislation and a conceptual approach. The approach through statutory regulations is carried out by examining all laws and regulations relating to the studied legal issues. The conceptual

¹ British Broadcasting Company. (2020). Coronavirus confirmed as pandemic by World Health Organization. Retrieved from <https://www.bbc.com/news/world-51839944>, Accessed on 13 September 2020.

² Caesar Akbar. (2020). 59 Negara Tutup Pintu untuk Warga Indonesia, Ini Sikap Pemerintah RI. Retrived from <https://bisnis.tempo.co/read/1383811/59-negara-tutup-pintu-untuk-warga-indonesia-ini-sikap-pemerintah-ri/full&view=ok>, Accessed on 13 September 2020.

³ Prof. Dr. Sudarsono Hardjosoekarto. Penanganan Covid-19 dalam Tinjauan Kelembagaan dan Skema Pendanaannya. Available from <https://distp.ui.ac.id/policy-brief/>. (Accessed on 10 September 2020).

approach is carried out by analyzing and assessing the urgency of classifying the COVID-19 outbreak as a general government affair. The analysis used is descriptive, which describes or explains the phenomenon under study. The analysis is carried out by connecting the cause and effect with the emergence of the phenomenon under study.

3. Results and Discussion

3.1 Status Quo for Handling COVID-19 in Indonesia

Based on existing laws and regulations, the government has implemented various policies to deal with the COVID-19 outbreak. In the initial period of handling, the central government called for maintaining the distance between the community.⁴ The central government also procures various medical devices such as test kits, ventilators, and Personal Protective Equipment (PPE) for medical personnel.⁵ The government has also formed a Task Force for the Acceleration of Handling Corona Virus Disease 2019 (COVID-19) by issuing Presidential Decree Number 7 of 2020 concerning Task Force for the Acceleration of Handling of Corona Virus Disease 2019 and its amendments (Presidential Decree No. 9 of 2020).⁶ Along with the increasing number of cases and death rates caused by the COVID-19 outbreak, the central government issued a Presidential Decree for Health Emergencies on Tuesday, March 31, 2020. The central government also issued a Large-Scale Social Restriction (PSBB)⁷ policy through Government Regulation Number 21 of 2020 concerning Restrictions Large-Scale Social Affairs in the Context of Accelerating Handling of Corona Virus Disease 2019 (PP PSBB).

The spread and death caused by the COVID-19 outbreak is out of control.⁸ Seeing this situation, several local governments issued policies ahead of the central government. Local governments such as the City Government (Pemkot) of Surakarta set Solo in the status of extraordinary events (KLB). The impact of this outbreak status is the closure of schools (for 14 days) and sports centers, as well as asking shopping centers and traditional markets to provide places for residents to wash their hands with soap as a preventive measure. Apart from the Surakarta City Government, many local governments have implemented a "local lockdown" policy, such as the Tegal City Government, which closed

⁴ Nafilah Sri Sagita K. (2020) Jokowi Ingatkan #JagaJarakDulu, Saling Melindungi dari Virus Corona. Retrieved from <https://health.detik.com/berita-detikhealth/d-4956619/jokowi-ingatkan-jagajarakdulu-saling-melindungi-dari-virus-corona>. Accessed on 15 September 2020.

⁵ Kementerian Luar Negeri. Kebijakan Pemerintah Republik Indonesia Terkait Wabah Covid-19. Available from <https://kemlu.go.id/brussels/id/news/6349/kebijakan-pemerintah-republik-indonesia-terkait-wabah-covid-19>. (Accessed on 15 September 2020).

⁶ Dimas Jarot Bayu. (2020). Jokowi Tetapkan Pandemi Virus Corona Sebagai Bencana Nasional. Retrieved from <https://katadata.co.id/agustiyanti/berita/5e9a41c9b46bd/jokowi-tetapkan-pandemi-virus-corona-sebagai-bencana-nasional>, Accessed on 15 September 2020.

⁷ Hakim Ihsanuddin dan Rakhmat Nur. (2020) Pidato Lengkap Jokowi, dari PSBB, Listrik Gratis, hingga Keringanan Kredit. Retrieved from <https://nasional.kompas.com/read/2020/03/31/16271751/pidato-lengkap-jokowi-dari-psbb-listrik-gratis-hingga-keringanan-kredit?page=all#page2>, Accessed on 15 September 2020.

⁸ Lenny Tristia Tambun. (2020). Presiden Bubarkan Gugus Tugas Percepatan Penanganan Covid-19. Retrieved from <https://www.beritasatu.com/yudo-dahono/nasional/657515/presiden-bubarkan-gugus-tugas-percepatan-penanganan-covid19>, Accessed on 15 September 2020.

35 roads⁹ and the Central Mamberano Regency Government and also the City of Sorong, which are doing the same as an effort to prevent the spread of COVID-19.¹⁰ The DKI Jakarta Provincial Government, on the other hand, issued the Governor's Appeal Number 6 of 2020 concerning Temporary Cessation of Office Activities in the Framework of Preventing the Spread of the Coronavirus Disease (COVID-19) Outbreak. Through this policy, the Provincial Government of DKI Jakarta will temporarily close office activities and implement work from home. In addition, companies that cannot stop fully are asked to reduce their activities.¹¹

Look at policies by local governments as well The central government implemented in Indonesia in handling COVID-19, some policies are not well coordinated, such as establishing a "local lockdown" carried out by the Government of Central Mamberano Regency, Sorong City, and Tegal. In fact, the "local lockdown" or area quarantine should be under the central government's authority.¹² Status quo in handling COVID-19

Shows the inconsistency between the actions of the central government and Local Government so that the number of COVID-19 continues to rise and does not go down due to different understandings of what is their respective authority.

3.2 Overlapping Authorities in Handling COVID-19 between the Central Government, Regional Governments, and Related Institutions in Indonesia

From the previous description of the status quo, various problems can be seen. First, the status of handling COVID-19 is unclear. The two current pandemic states ("public health emergency" and "non-natural national disaster" status) create an ambiguous climate for coping. The use of the Disaster Management Law and the Law on Quarantine simultaneously becomes a problem considering that the two laws have different arrangements for mechanisms and central figures, thus creating two different lines of authority. Consequently, there are 2 leading sectors or coordinators in the effort to tackle the COVID-19 outbreak, namely the National Disaster Management Agency (BNPB) when referring to the Disaster Management Law, and the Minister of Health if referring to the Health Emergency Law.¹³

As a result of the first problem arose the second problem, namely the obscurity of concurrent governmental affairs in the regions. The legal basis for handling the COVID-19 outbreak that overlaps makes handling the COVID-19 outbreak unclear into Concurrent Government Affairs in the health sector or Concurrent Affairs in the disaster

⁹ Hanif Gusman. (2020). Upaya Pemda Tangani COVID-19: Dari KLB hingga Karantina Wilayah. Retrieved from <https://tirto.id/upaya-pemda-tangani-covid-19-dari-klb-hingga-karantina-wilayah-eKpc>, Accessed on 15 September 2020.

¹⁰ Beritabeta. (2020). Tetap Lockdown, Dua Kepala Daerah di Papua Tolak Keputusan Presiden. Retrieved from <https://beritabeta.com/news/ragam/tetap-lakukan-lockdown-dua-kepala-daerah-di-papua-tolak-keputusan-presiden/>, Accessed on 15 September 2020.

¹¹ *Ibid.*

¹² CNN Indonesia. (2020). Tito dan Doni Ingatkan Pemda soal Koordinasi Kebijakan Corona. Retrieved from <https://www.cnnindonesia.com/nasional/20200316170757-20-483953/tito-dan-doni-ingatkan-pemda-soal-koordinasi-kebijakan-corona>, Accessed on 15 September 2020.

¹³ Kliklegal. (2020). Pakar HTN: Tumpang Tindih Keppres No. 11/2020 dengan Keppres No. 12/2020 Munculkan Dua Situasi Darurat di Indonesia. <https://kliklegal.com/pakar-htn-tumpang-tindih-keppres-no-11-2020-dengan-keppres-no-12-2020-munculkan-dua-situasi-darurat-di-indonesia>, Accessed on 16 September 2020.

sector as regulated by the Regional Government Law. If you follow a public health emergency, the Health Quarantine Law must be used. Looking at the Health Quarantine Law, it can be noted that a centralized regulation is used as the main basis, but in practice, it creates space to involve regions through assistance tasks. If you follow the status of a non-natural disaster, the Disaster Management Law will become the legal basis for handling the COVID-19 outbreak.¹⁴

Raises confusion in which principles can be implemented, whether fully embracing the principle of centralization or fully decentralization principles or can use assistance tasks. Confusion in the legal basis of handling the COVID-19 outbreak has a significant effect in handling substance and technical matters. These problems lead to disharmony between the central and regional governments, which then shows confusion with the bureaucratic pattern or coordination to be used, especially in relation to the division of authority or government administration affairs.¹⁶ The absence of synergy between the central government and local governments can even be said to be the reason why the number of cases of the COVID-19 outbreak in Indonesia continues to increase. Indirectly, this treatment's failure neglects the right to health for the Indonesian people, which has been guaranteed in the 1945 Constitution (UUD 1945).

3.3 The Urgency of Fulfilling the Right to Health by the State during the Pandemic

The right to health is a right that guarantees the freedom for each person to control his own health and the right to adequate public service facilities in the health sector to achieve the highest attainable standard of physical and mental health. In fulfilling these entitlements, the state must consider indicators, namely the availability, accessibility, acceptability, and quality of related public services.¹⁵ In Indonesian laws and regulations, the right to health is first guaranteed explicitly in the second amendment to the Constitution. 1945 which includes Article 28H paragraph (1)¹⁶ which states that "everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to obtain health services." to certain minority groups¹⁷ and Articles 4-8 of the Health Law, which emphasize the right of everyone to health.¹⁸

In connection with the COVID-19 outbreak as a national non-natural disaster, the Disaster Management Law provides various protections for the right to health for the community. First, during an emergency response situation, the government has an obligation to meet the affected community's basic needs, which includes health services.¹⁹ Second, the government is obliged to carry out rehabilitation and reconstruction in the aftermath of the COVID-19 outbreak. This includes health services, socio-psychological

¹⁴ Prof. Dr. Sudarsono Hardjosoekarto. Penanganan Covid-19 dalam Tinjauan Kelembagaan dan Skema Pendanaannya.

¹⁵ Office Of The High Commissioner For Human Rights, CESCR General Comment No.14: The Right to the Highest Attainable Standard of Health, Art.12, para 8-12.

¹⁶ Undang-Undang Dasar 1945. UUD Amandemen IV. Lembar Negara Nomor 14 Tahun 2006, ps. 28H ayat (1) dan 34 ayat (3).

¹⁷ Undang-Undang Nomor 39 Tahun 1999 Hak Asasi Manusia. Lembar Negara Nomor 165 Tahun 1999. Tambahan Lembar Negara Nomor 3886, ps. 42 dan 62.

¹⁸ Undang-Undang Nomor 36 Tahun 2009 Kesehatan. Lembar Negara Nomor 144 Tahun 2009. Tambahan Lembar Negara Nomor 5063, ps. 4, 5, 6, 7, dan 8.

¹⁹ Undang-Undang Nomor 24 Tahun 2007 Penanggulangan Bencana, ps. 48 dan 53.

recovery, improvement of the environment and public infrastructure, and reconstruction of facilities and infrastructure.²⁰

Then, in relation to the COVID-19 outbreak as a health emergency, the Health Quarantine Law and the Contagious Disease Outbreak Law also give the public the right to health. In line with the National Disaster Laws previously outlined,²¹ these two laws provide entitlements for the community in the form of health services related to epidemic management, such as isolation treatment for sufferers²² or other health services not related to epidemic management.²³

With the previous description of the handling of the COVID-19 outbreak, the certainty of the fulfillment of the rights to health of the people affected by this virus and society, in general, is threatened with not being fulfilled. Policy inconsistencies, confusion of authority between the central and local governments, and the government's neglect of this global pandemic have made public services in the health sector ineffective. The DKI Jakarta Province, as one example of the areas most affected by the COVID-19 outbreak in Indonesia at this time, is experiencing a hospital capacity crisis. As of September 13, 2020, the DKI Jakarta Health Office noted that from 32 hospitals spread across 5 administrative cities and 1 administrative district, only 5 ICU room beds were remaining and 29 beds in the VIP class, 69 beds in Class I, 133 in Class II, 1042 in class II, as well as 223 beds in isolation rooms.²⁵ These figures are very worrying considering that the population of DKI Jakarta is 10.57 million people with the number of additional cases of COVID-19 continuing to be above 1,000 cases per day since 6 September 2020.²⁴ In view of this, to suppress the spread of this virus, a synergy of authority between the central and regional governments is needed to ensure the right to health. In responding to this, the Writing Team proposed a "general government affairs" model as a solution to the problem of the authority to handle the COVID-19 outbreak in Indonesia.

3.4 Public Government Affairs as the Ideal Handling Mechanism for COVID-19 in Indonesia

As one of the forms of government affairs listed in the Regional Government Law, general government affairs are government affairs that fall under the President's authority as head of government.²⁵ The meaning and understanding of general government affairs can be seen through the organization's perspective individually and systematically. From the perspective of individual organizations, government administrators depend on how each state administration organization functions effectively. In this case, the organization's level of effectiveness is determined by the specialization, competence, performance, and ethics of the organization. Whereas from a systemic perspective,

²⁰ *Ibid*, ps. 57, 58, dan 59.

²¹ Undang-Undang Nomor 4 Tahun 1984 Wabah Penyakit Menular. Lembar Negara Nomor 20 Tahun 1984. Tambahan Lembar Negara Nomor 3237. Jakarta, ps.5.

²² Undang-Undang Nomor 6 Tahun 2018 Keekarantinaan Kesehatan, ps. 8.

²³ Executive Information System Dinas Kesehatan Provinsi DKI Jakarta. Informasi Ketersediaan Tempat Tidur Rawat Inap. <http://eis.dinkes.jakarta.go.id/dashboard.php>. (Accessed on 13 September 2020).

²⁴ Pemerintah Provinsi DKI Jakarta. Data Pemantauan COVID-19 DKI Jakarta. <https://corona.jakarta.go.id/id/data-pemantauan>. (Accessed on 13 September 2020).

²⁵ Undang-Undang Nomor 23 Tahun 2014 Pemerintahan Daerah. 30 September 2014. Lembar Negara Tahun 2014 Nomor 244. Tambahan Lembar Negara 5587. Jakarta, ps. 9 ayat (5).

governance depends on the extent of specialization, competence, the performance, and ethics of the organization run in harmony in achieving the objectives of running state governance. In this context, a systemic perspective will relate to issues of legitimacy, democracy, and nation-building (nation and character building).²⁶ Seeing from this understanding, governance through a systemic perspective is the basis for the meaning, benefits, and sustainability of the effectiveness of the individual perspective. This role is attached to government affairs that are interpreted as general government affairs and individual perspectives' continuing effectiveness.²⁷ This role is attached to government affairs that are interpreted as general government affairs and continuing individual perspectives' effectiveness. This role is attached to government affairs, which are interpreted as general government affairs

Based on this, it can be seen that general government affairs have two objectives, namely to ensure the harmony of the movement of each administration of government and to create the building of conditions conducive to every action to achieve the goals of the state, especially those carried out according to specialization based on expertise or territory.²⁸ General government affairs It also relates to two things: the development of governance values and the development of a specialization system that goes hand in hand with a coordination system. The implication is that general government affairs consist of four functions, namely:²⁹

- 1) Preservation of the values and frames of freedom and the realization of social order and order (framing and ordering);
- 2) Development of a system of interaction between the center and the regions (networking);
- 3) Guidance for building capacity and regional performance (facilitating); and
- 4) Efforts for integrated cooperation, both among agencies central or inter-regional as well as between central and regional, especially in the form of coordination and supervision (integrating).

In addition, general government affairs can be interpreted as governmental affairs that are not handled specifically by a state institution, both central and regional, to be "residual" in nature. This includes governmental affairs related to coordination between agencies, fostering national unity and unity, political stability, fostering peace and public order, as well as other remaining government affairs to avoid a government vacuum.³⁰ With this view, general government affairs can be an alternative handling COVID-19.³¹ This is in line with general government affairs, which are carried out through

²⁶ Muchlis Hamdi. (2014). Memahami Dinamika Pemerintahan Umum. Jurnal Ilmu Pemerintahan Edisi 44, p .61-62.

²⁷ *Ibid.*

²⁸ Irfan Uluputty. (2018). Analisis Perencanaan Pembangunan Urusan Pemerintahan Umum. Jurnal Manajemen Pembangunan Umum Vol. 5 Nomor 1, p. 40.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Prof. Dr. Sudarsono Hardjosoekarto. Penanganan Covid-19 dalam Tinjauan Kelembagaan dan Skema Pendanaannya.

deconcentration to the regions due to administrators' increasingly complex needs of central to regional affairs.³²

The clear coordination flow between the central government and the regional government made the handling of COVID-19 not optimal and the Task Force ineffective because there was an overlap with BNPB's role in handling COVID-19 and the unclear status of handling COVID-19.³³ This confusion made handling COVID-19 extremely Slowly both the central and local governments appear confused about the bureaucratic or coordination patterns that will be used, especially in relation to the division of authority and government affairs.³⁴

Handling of the COVID-19 outbreak can be classified as a general government affair if it refers to Article 25 paragraph (1) letter g of the Regional Government Law which reads "the implementation of all Government Affairs which is not a regional authority and is not carried out by vertical agencies."³⁵ Based on this Article, If you look at the handling of the COVID-19 outbreak through the Health Quarantine Law and the Centralized Disaster Management Law such as in terms of authority, management, and finance, handling the COVID-19 outbreak is not a regional authority and vertical agencies are unable to handle the COVID-19 outbreak. This makes a constitutional consideration that the handling of the COVID-19 outbreak can be included in the classification of general government affairs so that handling the COVID-19 outbreak can be coordinated and more optimal.³⁶

If the COVID-19 outbreak uses general government affairs, the President will be the top leader in managing the handling of the COVID-19 outbreak. This is based on Article 9 paragraph (5) of the Regional Government Law which states "general government affairs are government affairs that fall under the President's authority as head of government."³⁷ The President in carrying out general government affairs can be assisted by his ministers or appoint one of the ministers to be the executor. Daily (acting champion of top) with the assistance of all ministers and heads of related institutions.³⁸

The President in the implementation of general government affairs in the regions will delegate its implementation to regional heads (Governor, Regent and/or Mayor) under their respective working areas and will be assisted by vertical agencies³⁹ (as a result of the delegation of implementation from the President) and supported by regional apparatus (due to the status of regional heads).⁴⁰ In addition, Article 26 paragraph (1) of

³² William Sanjaya. (2015). Konstitusionalitas Pengaturan Dekonsentrasi Dalam Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah. *Padjajaran Jurnal Ilmu Hukum* Vol. 2 Nomor 3, hlm.593.

³³ Pusat Studi Hukum dan Kebijakan di Indonesia. *Tata Kelola Tumpang Tindih Penyebab Penanganan COVID-19 Lambat*. Available from <https://pshk.or.id/publikasi/siaran-pers/tata-kelola-tumpang-tindih-penyebab-penanganan-covid-19-lambat/>. (Accessed on 12 September 2020).

³⁴ *Ibid.*

³⁵ Undang-Undang Nomor 23 Tahun 2014 *Pemerintahan Daerah*, ps. 25 ayat (1) huruf g.

³⁶ Prof. Dr. Sudarsono Hardjosoekarto. *Penanganan Covid-19 dalam Tinjauan Kelembagaan dan Skema Pendanaannya*.

³⁷ Indonesia, *Undang-Undang Tentang Pemerintahan Daerah*, UU Nomor 23 Tahun 2014, Ps. 9 ayat (5)

³⁸ Prof. Dr. Sudarsono Hardjosoekarto. *Penanganan Covid-19 dalam Tinjauan Kelembagaan dan Skema Pendanaannya*.

³⁹ Irfan Uluputty. *Analisis Perencanaan Pembangunan Urusan Pemerintahan Umum*, hlm. 43.

⁴⁰ Undang-Undang Nomor 23 Tahun 2014 *Pemerintahan Daerah*. Ps. 25 ayat (3)

the Regional Government Law states that apart from being assisted by vertical agencies, regional heads will later be assisted by the Regional Leadership Coordination Forum (Forkopimda). To facilitate coordination and accountability under existing regulations⁴¹

Implementation of general government affairs in handling COVID-19 outbreak by the central and local governments will later be financed by the State Budget (APBN)⁴² in line with the Regional Government Law. Governors, Regents, and Mayors as regional heads can use the Regional Revenue and Expenditure Budget (APBD) for regional interests, in this case handling the COVID-19 outbreak. This was confirmed by the existence of the Ministry of Home Affairs Instruction Number 1 of 2020 concerning the Prevention of the Spread and Acceleration of Handling Corona Virus Disease in Local Governments,⁴³ of which the instructions stated that in terms of accelerating the handling of COVID-19 by local governments, both provincial, district and cities could use the APBD through the Unexpected Expenditure (BTT) budget in anticipation, handling, and the impact of the transmission of the COVID-19 outbreak.⁴⁴

Based on this explanation, the classification of handling, The COVID-19 outbreak as a general government affair can be an alternative to accelerate the handling of COVID-19. Through general government affairs, it can facilitate the coordination of authority's distribution and implementation to avoid overlapping authority, both the central government, regional governments, and related institutions. To provide certainty about this, a legal product is needed that regulates the status of handling COVID-19 as a general government affair, The institutional composition horizontally includes between ministries and institutions and the vertical institutional composition, including relations between government levels and the budget for handling the handling of the COVID-19 outbreak.⁴⁵

4. Conclusion

The COVID-19 outbreak that has infected Indonesia creates an urgency for the Government to quickly act on this pandemic. However, the immeasurable policies taken by both the central and regional governments have created new problems. Determination of disaster and health emergency status creates dualism in handling the COVID-19 outbreak, resulting in overlapping authorities. This has a significant effect in handling substance and technical matters in the field, which in turn threatens the right to public health.

Therefore, the use of the concept of general government affairs can be a solution for the overlapping handling of COVID-19 in Indonesia. Through general government affairs, the President has the authority and responsibility for the full handling of the COVID-19 outbreak. Then in exercising his authority, the President is assisted by the regional head as an extension of the President's hand. This eliminates overlap and miscoordination between central and local governments. With the President's presence as the champion of the top who is fully responsible for handling the COVID-19 outbreak, the

⁴¹ *Ibid.*, Ps. 25 ayat (4)

⁴² *Ibid.*, Ps. 25 ayat (5)

⁴³ *Ibid.*, Lampiran

⁴⁴ Instruksi Menteri Dalam Negeri Republik Indonesia Nomor 1 Tahun 2020. *Pencegahan Penyebaran dan Percepatan Penanganan Corona Virus Disease*. Lampiran

⁴⁵ Prof. Dr. Sudarsono Hardjosoekarto. *Penanganan Covid-19 dalam Tinjauan Kelembagaan dan Skema Pendanaannya*.

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distribution of coordination and implementation of authority becomes clear so that the government can take appropriate policies.

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