



Policy Polemic for Covid 19 and Efforts to Handling Information Technology

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ABSTRACT

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The Covid 19 pandemic case is sweeping the world, including one of them affected by the virus outbreak, the State of Indonesia. In dealing with this virus outbreak, each country takes different strategies. The Indonesian State pursues a large-scale social restriction policy. This study aims to explain the Covid 19 policy polemic and the efforts to handle it. The research method uses a normative juridical approach because it examines government policies in handling Covid cases, namely Law No.6 of 2018 and Government Regulation No.21 of 2020. Efforts to handle them, the government needs action that is fast and effective in dealing with the rate of spread of the Corona virus.

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1. INTRODUCTION

The Corona Virus Disease 2019 (Covid 19) outbreak originally started in Wuhan China then spread throughout the world to become an International Pandemic. Coronavirus Pandemic was announced by WHO, the World Health Organization on March 11, 2020. As also reviewed in the International Journal of Social Psychiatry 2020, Vo.66 (4) 317-320: The city of Wuhan in China is in the spotlight since December 2019 because of the outbreak of a febrile respiratory syndrome due to a pneumonia caused by a new unknown coronavirus (Li et al., 2020) possibly linked to a wholesale seafood market in Huanan (Y. Chen, Liu, & Guo, 2020).

This shows that countries around the world must respond to, prevent and deal with the Corona Virus Pandemic. As part of the world

community, Indonesia also has an obligation to prevent the occurrence of Public Health Emergencies that have been recognized by the world (Public Health Emergency of International Concern) as mandated in international regulations in the health sector (International Health Regulations) IHR 2005. In carrying out this mandate, Indonesia must fully respect dignity, human rights, the principles of individual freedom and their universal application. (Law No.6 of 2018).

In anticipating the spread of the Corona virus, each country has its own strategy. We have met various countries implementing strategies to limit the entry and entry of residents in the country concerned or with the LockDown strategy with the intention of limiting or slowing down the spread of the

human-borne coronavirus pandemic. There are also countries that do not carry out lockdowns, by means of, for example, independent isolation and limiting physical distance (physical distancing). This is done in accordance with the covid-19 health protocol published by WHO and has become an international standard protocol to deal with the increasingly severe spread of the corona virus. (Julio Torales, Marcello O'Hoiggins, JM Castaldelli-Maia, 2020).

Of the many countries, one of which is Indonesia, which is the impact of the spread of the Corona virus. And the case of the spread of the Covid-19 virus is felt to be getting more and more increasing every day. A number of parties urged the Government to immediately issue a firm policy to break the chain of spreading the pandemic. The current policy is to implement large-scale social restrictions. In this paper, the main study is what makes the polemic on the Covid 19 policy in Indonesia and the efforts to handle it in the community, considering that from the existing information, the Covid 19 case has not shown a decrease, even the cases tend to be more severe. (Julio Torales, Marcello O'Hoiggins, JM Castaldelli-Maia, 2020).

2. RESEARCH METHODS

This study uses a normative legal approach. Normative legal research is literature research, namely research on secondary data. (Ronny Hanitijo Soemito). The legal approach is carried out by reviewing Law Number 6 of 2018 concerning health quarantine and Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions as part of the policies taken by the government. This research uses qualitative methods with literary and empirical approaches. Data obtained through statutory analysis by studying phenomena that occur in society.

3. RESULTS AND DISCUSSION

The law is one of the policy instruments carried out by the government to act. The law does not describe what actually happens, but determines certain rules, namely laying down

norms for the actions that people must take. Law as a norm. According to Hans Kelsen, norms are tiered and layered in a hierarchical order, where the higher norms apply, originate, and are based on even higher norms, and so on in the end this 'regressus' stop at the highest norm called the basic norm (*grundnorm*) which can no longer be traced who formed it or where it came from. The basic norms or so-called *grundnorms*, basic norms, or fundamental norms are the highest norms which apply baselessly and do not originate from higher norms, but apply presupposed, that is, previously determined by the community. (Maria Farida Indrati Soeprapto, 1998).

In essence, policy is a medium for government and society to interact and unify knowledge. Understanding policy only as a fulfillment of rigid and linear policy stages is not able to answer the political dynamics that occur in real terms. Policies must accommodate the interests of various parties so that they are able to ensure that their needs are met. The policy management process is an ongoing interaction between the state and society. As stated by John Locke and Stuart Mill, the involvement of citizens in the public policy process is very important because it is able to provide knowledge and understanding and develop a sense of social responsibility (Winarno, 2012).

Policies are actions or activities that are deliberately carried out or not carried out by a person, group or government in which there is an element of decision in the form of an effort to choose between the various alternatives that exist in order to achieve certain goals and objectives. (M.H. Ismail A. Sofwani, 2016).

According to Andrew Dunsire: "because of the implementation gap (implementation gap), which is a term intended to describe a situation where in the policy process there will always be a difference between what is expected (planned) by policy makers and what is actually achieved as a result or policy implementation achievements. (Ahmadi, Handayani, and Karjoko 2019) The size of the difference depends on the ability of the organization or

actor to implement the entrusted policy in such a way so that the objectives set in the policy document are achieved (implementation capacity). (Wahab, Sholichin Abdul, 2008).

According to Suharno, in his book, *Basics of Public Policy*, that policy will be influenced by several variables, including: objectives to be achieved, value preferences, resources, abilities of actors involved, environment (social, economic, political, and others). The strategy used to achieve goals. (Suharno, 2010).

From the studies above, it can be said that the involvement of citizens in a public policy is very important, in this case how the policy makers build good cooperation with the community by providing clear and transparent information so that their desired goals can be fulfilled. (Utomo and Karjoko 2018) The extent to which this community is involved also depends on the product of the policy. Legislation constituting a policy product must be made in accordance with the statutory regulations above it or the statutory regulations under it must comply with the laws and regulations above it. If the conformity has been obtained but in reality when it is applied it still causes polemic in the community, then it is necessary to evaluate whether or not the policy is appropriate or not. (Karjoko, Santosa, and Rachmi Handayani 2019)

The Chinese government's response to this new outbreak has been swift and decisive. It shows a marked departure from public health policies that, during the SARS outbreak in 2002, contributed to the deaths of 774 people, spread of the disease to 37 countries and an economic loss of over US\$40 billion over a period of 6 months. (Soediro, Handayani, and Karjoko 2020) It is clear that in just under two decades, China has made remarkable progress in responding effectively to disease outbreaks. First, a notable change in public-health political posture has allowed China to admit, very early on, the existence of a novel coronavirus. (Jamaludin and Karjoko 2019) In response to the 2002 SARS outbreak, the Chinese government did not report the abnormal new infection to the World Health Organization until

4 months after the first case was reported. (Wibowo, Sulistiyono, and Karjoko 2019)

Second, the government was decisive in closing the sea food market in Wuhan, borrowing lessons from the 2002 SARS outbreak, which was brought to an end only when the palm civet that is eaten in China was subsequently identified as the reservoir and was removed from markets. (Jaelani et al. 2020)

Third, the rapid development of a national and international consortium helped in the swift analysis of the virus and in making the sequences publicly available within a few days. In contrast, the first laboratory sequences suggesting that a new coronavirus was the cause of SARS were reported on 24 March 2003, 5 months after the first cases were recognized in November 2002. The SARS outbreak in 2002 clearly highlighted the weaknesses of China CDC's system, their premier public health agency. (Jaelani et al. 2020)

However, once the outbreak ended, the government prioritized the strengthening of the CDC systems, improving publichealth surveillance and laboratory systems, as well as the workforce-development program, through the Field Epidemiology Training Program. This investment in core public-health systems and infrastructure will no doubt be critical in the response to the current 2019-nCoV outbreak. In fact, an evaluation conducted in 2012 showed the remarkable progress that China CDC has made since 2002, which has resulted in quicker responses to emergent epidemics, with an overall completeness of publichealth services significantly increasing from 47.4% to 76.6%. China CDC has also played a critical role in strengthening a tiered national publichealth system in the country. The agency has also recognized that global disease threats can affect China; thus, they are now actively exporting their expertise to assist other developing countries to better prepare for and respond to emerging pathogen outbreaks, including active support for the West Africa Ebola virus disease epidemic in 2013. (John Nkengasong, 2020)

The government policy in handling the Covid-19 pandemic is an implementing

regulation of Law Number 6 of 2018. The policies include 3 (three) at once, the Presidential Decree Number 11 of 2020 concerning the Determination of the Public Health Emergency for Corona Virus Disease 2019 (Covid- 19), Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19) and Government Regulation in Lieu of Law Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Corona Pandemic Virus Disease (Covid-19) and / or in the Context of Facing Threats that Endanger the National Economy and / or Financial System Stability. (Jaelani et al. 2020)

The policies that have been issued refer to Law Number 6 of 2020 concerning health quarantine. Where according to Article 49 of Law Number 6 of 2018 there are four types of quarantine, namely home quarantine, regional quarantine, hospital quarantine, and Wide-Scale Social Restrictions (PSBB). And for regional quarantine as stipulated in Article 53, it is implemented for all members of the community in an area if from the results of laboratory confirmation there has been the spread of disease among community members in the area. During the quarantine period, members of the quarantined community are not allowed to enter the quarantine area and the basic necessities of life of people and livestock food in the quarantine area are the responsibility of the Central Government, which in its implementation is carried out by involving the regional government and related parties. (Evinigrum, Hartiwiningsih, and Jamin 2019)

Currently the government is implementing a health quarantine policy through Large-Scale Social Restrictions (PSBB) as regulated in Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid 19). (Evinigrum, Hartiwiningsih, and Jamin 2019)

There are several rules that are applied, ranging from school and work vacations, restrictions on social activities, restrictions on activities in public places or facilities, restrictions on social and cultural activities, restrictions on transportation modes, restrictions on other activities specifically related to defense and security aspects. Exempted from activities in the aspects of defense and security in the context of upholding state sovereignty, maintaining territorial integrity, and protecting the entire nation and all bloodshed by taking into account crowd restrictions. This includes the application of a number of sanctions imposed in this Large-Scale Social Restrictions so that the public obeys, but only in certain areas only. (Jatmiko, Hartiwiningsih, and Handayani 2019)

With the issuance of this policy every Covid 19 countermeasure through the Large Scale Social Limitation or PSBB, local governments must obtain central government approval. This is in accordance with Article 2 of the Government Regulation on PSBB Large-Scale Social Restrictions which states that local governments can carry out PSBB or limit the activities or movements of people or goods in one particular province or district / city with the approval of the Minister of Health. (Ratna Desinta Mega Kumala, 2020)

Several regions that have implemented large-scale social restrictions have also shown that they are ineffective in their implementation. The government's actions in handling the Covid 19 case are considered slow, the areas that carry out PSBB are only certain, even though the rate of spread of the outbreak is so fast and given the experiences of other countries, where fast action is an effective action. (Akhmaddhian, Hartiwiningsih, and Handayani 2017)

When reviewed Government Regulation Number 21 of 2020, especially in its preamble provisions, it states: a. that the spread of Corona Virus Disease 2019 (COVID-19) with the number of cases and / or the number of deaths has increased and spread across regions and across countries and has an impact on political, economic, social, cultural, defense and security

aspects, as well as the welfare of the people in Indonesia; and b. that the disease due to the spread of 2019 (COVID-19) has caused CoronaVirus to cause certain conditions so that prevention efforts need to be made, one of which is through large-scale social restriction measures; The Government Regulation on Large-Scale Social Restrictions is actually in accordance with what is regulated in Law Number 4 of 1984 concerning Communicable Disease Outbreaks, namely as regulated in Article 5 concerning countermeasures which include: epidemiological investigations; examination, treatment, care, and isolation of patients including quarantine measures; prevention and immunization; elimination of disease causes; handling. (Jaelani et al. 2020)

The government policy in dealing with this health emergency prefers to apply restrictions through Large-Scale Social Restrictions rather than regional quarantine. Meanwhile, the experience in foreign countries is that the handling efforts through regional quarantine and this policy are far more effective than the large-scale social restrictions. The application of large-scale social restrictions has an impact on the economy of the community, namely there is a large flow of mobility for travelers, especially those who previously lived and worked in big cities, then prefer to return to their hometowns to sustain their lives because as long as they live in big cities they cannot do anything. anything in meeting his economic needs. (Jaelani et al. 2020)

Especially in its current development, it appears that the implementation of the Large-Scale Social Restrictions has begun to loosen up, not as strictly as before. The worst impact is in the end the spread of the virus that runs to the regions due to the unavoidable rate of mobility of travelers. The next impact is the risk of the spread of the corona outbreak that will last longer and of course we do not expect this. (Jaelani et al. 2020)

Because the Large-Scale Social Restrictions policy that was implemented seemed too loose, it had an impact on the current spread of Covid 19. In the writer's opinion, an emergency like

this requires quick action from the President to issue a Government regulation in lieu of law as an instrument for emergency handling of Covid 19 so that the conditions for the transmission of the epidemic do not get worse with the support of a clear substance of legal sanctions and in its implementation it is necessary to apply strict sanctions for the community. who do not comply with the rules or who obstruct the implementation of epidemic control. (Jaelani et al. 2020)

For this reason, it is necessary to synchronize the regulation of legal sanctions in the criminal provisions in Article 93 of Law Number 6 of 2018 and Article 14 of Law Number 4 of 1984. Article 93 of Law Number 6 of 2018 states: Everyone who does not comply with the administration of Quarantine Health as referred to in Article 9 paragraph (1) and / or obstructs the implementation of a Health Quarantine which causes a Public Health Emergency to be sentenced to imprisonment for a maximum of 1 (one) year and J or a maximum fine of IDR 100,000,000 (one hundred million rupiah). (Jaelani et al. 2020)

Meanwhile, the provisions in Article 14 of Law Number 4 of 1984: (1) Anyone who deliberately obstructs the implementation of epidemic control as regulated in this Law, shall be punished with imprisonment for a maximum of 1 (one) year and / or a maximum fine of the high is IDR 1,000,000 (one million rupiah). (2) Any person who due to their negligence obstructs the implementation of epidemic control as regulated in this Law, shall be punished with imprisonment for a maximum of 6 (six) months and / or a maximum fine of Rp. 500,000 (five hundred thousand rupiah).

4. CONCLUSION

The Indonesian government's policy in dealing with the Covid 19 virus outbreak in health quarantine took the Large-Scale Social Restrictions step. The polemic of government policy in dealing with the Covid 19 outbreak seems not to be taken seriously so that the steps taken are ineffective considering the development of its spread is increasing

significantly every day. Because this country is in a state of emergency, the government needs to take quick action by issuing a Government Regulation in Lieu of Law as an effort to deal with the spread of Corona by implementing clear and firm sanctions, synchronizing one regulation with another so that the handling is more effective.

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