

Legal Aspects in Security and Law Enforcement During the Covid-19 Pandemic

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ABSTRACT

Covid-19 will be examined from a legal perspective, with three fundamental pillars: humanization, freedom, and transcendence. A regulatory, legal concept and case-based approach is used in this study. The study's findings revealed that the government's Covid-19 handling policy contained inaccurate recipient data, that basic needs assistance was not distributed in stages from the Central Government to the Regional Government, but was instead distributed simultaneously, and that there was a legal basis that allowed officials to abuse their authority because of impunity.

Keywords: Policy, covid-19 management.

1. INTRODUCTION

There have been several methods attempted to combat the spread of the coronavirus pandemic, from social distancing to physical distancing to large-scale societal limitations. Indonesia's government has fabricated all of them to reduce the number of outbreaks and eliminate the virus. Law No. 1 of 2020 concerning State Financial Policy and Financial System Stability has been repealed to address the 2019 Corona Virus Disease Pandemic and/or threats to the national economy and/or financial system stability. It is «predictable» that the dynamics of living together in society may be foreseen.

To provide the government with the legality in handling pandemic outbreaks, Perpu No. 1 of 2020, which specifically regulates the financial substance for handling pandemics, was issued in 2020.

Multiple elements, including social, cultural, political, economic, and legal, contribute to the government's management of Covid-19. Classical legal style, for example, sees governmental measures in a pandemic crisis as part of the state's responsibility in ensuring security and order. Many people who can't afford it don't receive government aid since the data isn't up to date. As a result, Bekasi was one of the first examples to come to public attention. The public was startled to learn that the owners of two automobiles were receiving social assistance at the time. But in North Bekasi, 20 eligible households in Telukpucung Village RT 04/RW 09 received no help. Especially in the current

scenario, a legal strategy must benefit every person from a legal standpoint, which is built on three fundamental pillars, namely humanization, freedom, and transcendence.

I think it would be very interesting to discuss whether the policies and actions taken by the government in dealing with the Covid-19 pandemic humanized people (humanization perspective), whether they were worth certainty, justice, and benefit (liberation perspective), and whether they were based on divine values as intended value (transcendent perspective).

2. RESEARCH METHOD

Research of this type, referred to as normative legal study or doctrinal research, was conducted. In addition to the statutory method, the conceptual approach, and the case statutory approach were employed in this study. By analysing the rules and regulations regulating COVID-19, the statutory method is carried out. Humanization, freedom, and transcendence are the three pillars of the conceptual approach. Covid-19 handling policies are studied using a case study technique. There are primary, secondary, and tertiary legal texts.

3. RESULT AND DISCUSSION

Legal Aspect: Humanism, Liberation and Transcendental Values in Security and Law Enforcement During the Covid-19 Pandemic

In Indonesia, the legal element emerged during the post modernization period. In the field of legal science, this legal concept is quickly gaining ground and is recognized by the organization of national legal science. In Indonesia, as we all know, our legal system is heavily inspired by positivism, which views positive legislation as the primary tool for resolving social issues. However, if we look at the genesis of legal positivism, it is difficult to separate non-legal components from the law itself. In Hans Kelsen's idea of pure law, in which even moral aspects are separated from the law, we see this point of view in action. Indonesian law is still a long way from incorporating humanizing features into its legal structure, even though its growth has not excluded moral components.

For him to become a source of state legislation, he must be permitted in advance. Since the process of objectification occurs first, Islamic law does not automatically become state law. Kunto subsequently divided the five precepts into Positive Pluralism, Civilized Freedom, Cultural Democracy, Objective State, and Sociological Nationalism, resulting in Positive Pluralism, Civilized Freedom, Cultural Democracy, and Objective State. In Positive Pluralism, civilized freedom and cultural democracy are born intersubjective legal justice. Each group is subject to the same legislation, which has been formulated.

Previous to that, we learned how to recognize a legal paradigm and the government's Covid-19 handling policies. In this part, the government's COVID-19 policies will be discussed from a legal perspective. Humanization, freedom, and transcendence are the three primary concepts that form the basis of law. Multiple elements, including social, cultural, political, economic, and legal, contribute to the government's management of Covid-19. Classical legal style, for example, sees governmental measures in a pandemic crisis as part of the state's responsibility in ensuring security and order. Immanuel Kant was a philosopher who created this theory. From the outside, it appears that this activity has a classic notion and is beginning to form. These policies and behaviours raise concerns about the current situation of our country. After declaring a health emergency on March 31, 2020, the government declared a national catastrophe on April 13, 2020. «A health emergency» differs significantly from «National Disaster, » and all are governed by distinct statutes. This creates a state of confusion as to who institutions will be in charge of managing Covid-19 in the future.

There are other issues to consider, such as the conflicting legal statuses assigned to Covid-19 by the government as well as the inconsistency of legal goods that are in use.

Then in line with the provisions of Article 8 of the Health Quarantine Law, the provisions of Article 4 paragraph of Perpu No. 21 of 2020 concerning PSBB

affirms «Restrictions on activities as referred to in paragraph letter care carried out by taking into account the fulfilment of the basic needs of the population». Furthermore, the explanation of Article 4 paragraph explains what is meant by «basic needs of the population» including the need for health services, food needs, and other daily life needs.

The video of Sehan being inflamed because of the overlapping distribution of aid due to the Covid-19 pandemic went viral on social media last week. In the video, Sehan curses left and right because there was a ministerial decision that made it difficult for him to distribute aid to his citizens who need it most.

On the other hand, in Bogor, West Java, they wanted cash assistance. Government policies in addition to humanizing humans are also obliged to free humans from structural domination, which makes humans entangled in extortion and poverty. The Covid-19 handling policy, apart from paying attention to the humanization aspect, must also place people in the same situation without discrimination, especially for people who are directly affected by the spread of the coronavirus:

“ This is so because any set of human beings will resemble each other in some respects and differ from each other in others and, until it is established what resemblance and differences are relevant. ”.

The fulfilment of basic needs for the community is the responsibility of the Government and Regional Government, this is in line with the provisions of Article 6 of Law Number 6 of 2018 concerning Health Quarantine. In the provisions of the article, it is emphasized: «The Central Government and Regional Governments are responsible for the availability of resources needed in the implementation of Health Quarantine».

As has been described in the previous subchapter that when we are in a health emergency as announced by the president so that the implementation of policies in handling covid-19 refers to the provisions in Law No. 8 of 2018.

From the facts, it is illustrated that the handling of COVID-19 is carried out in various aspects ranging from economic, social, legal aspects and several other aspects that are in direct contact with the community. Currently, the government's policies are in direct contact with the community regarding the distribution of basic necessities, direct cash assistance, relief from credit payments and electricity subsidies. Social media has not been updated with conditions after Covid-19. Thus, the recipients of assistance do not reflect the latest conditions. [1]

As a consequence of the government's overlapping aid programs, some community members will not receive any help, while others will receive assistance more than

once. Naturally, this will have a negative impact on the community because government support is distributed in an unequal manner. Government policies must be founded on goodness. What he deems to be good for himself must also be beneficial for others, and vice versa. Covid-19 is managed by the government, which has the ability to measure the benefits of a program when it is implemented to the community.

People who are directly impacted by the spread of the corona virus pandemic have three main options for fulfilling their fundamental needs: national social aid, regional social help, and social assistance. The Local Government is responsible for submitting village money for use:

Table 1. graph of the process of providing assistance to the community in stages

Time	Source of Help	Target
First Month-Second Month	Central government	Indonesian Citizens based on Ministry of Social data
Third Month – Fourth Month	Provincial Government	Residents of All Provinces based on data Provincial Social Service
Fifth Month - Sixth Month	District/City Local Government	Community Residents in the District/City based on the data from the District/City Social Service
Seventh month – Eighth month	Village government	Villagers based on data at the Village Office

Above is a graphic showing the process of delivering help to meet the fundamental requirements of a community in phases, starting at the center and working down to the village level. After a sufficient period of time, the government will be able to give support in phases to ensure community survival and well-being. Every person will benefit from policies that are implemented in phases, as outlined above. Masalahah can also be said as an act or implementation of an affair that results in goodness or something for goodness. [2] Jabariyah's ideals stress the iktiar of every policyholder to give a decent policy to every citizen.

Therefore, to give good value and humanitarian value to citizens, the Ministry of Social Affairs must keep its data collecting system for each person who is eligible for social assistance up to date. Ideally, social aid should be distributed in phases, starting at the center and working its way down to the hamlet.

As a result, social aid criteria must be based on principles that enhance human nature. In 2020, the date March 2 will go down on Indonesian history as the first time the country was listed in the list of countries affected by the Corona virus. COVID-19 policies are also

developed using this day as a springboard. One thing is clear, though, and that is that we are now battling a pandemic that is a shared adversary in all regions of the world.

The government's policy may be split into two categories based on the shape it takes, namely the form of an appeal and the creation of law. Banks have established a credit delay policy, although not for all creditors, but only for those immediately impacted by the Corona virus, according to the most recent statistics. [3]

As a result, there has been little progress in the adoption of social distancing and physical distance. If we look at it from the perspective of the legal system theory popularized by Lawrence M. Friedman, the ineffectiveness of an appeal may be attributed to 3 (three) things: the legal system's structural and substantive characteristics as well as its cultural characteristics (culture). [4] It is interesting to note that Friedman's position is similar to Kees Schuit's. According to Kees Schuit, the legal system is comprised of three interdependent parts. [5] Then, from a positive legal standpoint, the appeal is at its weakest. At this point, the appeal has not reached the level of a judicial order that incorporates legal consequences in its essence, such as statutes or other legal standards of the like.

From a policy standpoint, the government has enacted legislation. When the epidemic is in full swing, the five-chapter Perpu serves as the government's legal authority for managing the state's finances. This year's Perpu No. 1 is on display. Waves of testing to the Constitutional Court began shortly after the presence of Perpu No. 1 of 2020 in the community and community groups.

An ideal strategy of fulfilling fundamental necessities and a legal framework for a community coping with a pandemic would draw transcendental qualities to the society in question. Government is the manifestation of spiritual ideals, which are subsequently turned into acts by the government. I think it's fitting for a figure like the prophet, who was both the leader and the head of government at that time. He was an ideal human being both spiritually and individually, but he was also a pioneer of change, directing society towards development and fighting injustice relentlessly. During the Constitutional Court hearing, the public's attention was drawn to this article's phrasing, which was deemed to not adequately express the significance of justice to the community.

Ideally the formation of the law must be subject to the principles in its formation so as to make the law work in accordance with the needs of the community. The formation of good legal rules according to Lon Luvois Fuller at least fulfils 8 (eight) principles called principles of legality, namely: [6]

1. *A failler to achieve rules at all, so that every issue must be decided on an ad hoc basis.*

2. *A failure to publicize, or at least to make available to the affected party, the rules he is expected to observe.*
3. *The abuse of retroactive legislation, which not only cannot itself guide action, but under cuts the integrity of rules prospective in effect, since it puts them under the threat of retrospective change.*
4. *A failure to make rules understandable.*
5. *The enactment of contradictory rules.*
6. *Rules that require conduct beyond the powers of the affected party.*
7. *Introducing such frequent changes in the rules that the subject cannot orient his action by them.*
8. *A failure of congruence between the rules as announced and their actual administration.*

According to the government's COVID-19 legal policies, they have not met the basic criteria as outlined above. Laws that are not in line with the principles of law formation or that do not have justice as its intended value will undoubtedly cause problems in their application. [7] The principle of equality before the law operates within the umbrella of a general and single law. The unity of the law becomes a complete face between the social dimensions and phenomena that occur in society. [7]

Legal liberation, on the other hand, means that everyone is shielded from the possible arbitrariness of others that might endanger their survival. It is legislation capable of safeguarding its existence from the arbitrariness of the authorities in the framework of legal protection. Therefore, a legal framework is formed that allows for the creation of legislation based on religious principles. People from the chains of other humans' dominion. Efforts towards liberation are made to negate all types of anti-human conduct. It is possible to see emancipation as a non-discriminatory act that positions each individual according to their nature.

The legal basis used by the government in managing state finances in stability for handling the Covid-19 pandemic has a very large opportunity for abuse of authority to occur, this is possible because of legal protection (cannot be prosecuted both criminally and civilly) for the government if it occurs. mistakes in action.

In dealing with Covid-19, both in terms of humanization and freedom, all policy converges on one issue, namely transcendence. Third and foremost in the idea of legal thought is transcendence, on which all policies are based and intended to carry out the instructions of their Creator. In a humanist and liberating policy ethic, the preservation of human dignity, the protection of the public interest, and the development of a civilized legal system are guided by transcendence. Humans being brought to their God is the practical concept of transcendence. Jurisprudence proponents stress the importance of transcendence concerning humanism and emancipation, respectively. To establish a

civilized society, Transcendence seeks to make transcendental ideals a central element of the process.

Transcendence is an effort to direct the purpose of human life so that they can live meaningfully. These transcendental values are divine values as taught in Islam. These divine values lead people to discover the noble values of humanity; or in other words, invites humans to carry out these human values towards divine values.

Transcendent values are the basis for every policy taken by the government in running the wheels of government, especially during the current spread of the corona virus. In principle, transcendent values have been contained in the Pancasila points and have been described in the preamble and the body of the 1945 Constitution of the Republic of Indonesia. Because they have been described and become the spirit in running the government, every government policy is obliged to be in line with the spirit of transcendent values.

In other words, the government is the embodiment of spiritual principles, which are subsequently transformed into actual action. In the context of that period the prophet was both a leader and ahead of government, and he possessed the qualities of a spiritually individual sized human person, as well as those of a pioneer of change, who guided society toward development and waged a tenacious battle against injustice.

The government is indeed a leader and a pioneer in bringing about positive change in the community through its policies, especially during the Covid-19 period. However, in light of the picture described in the previous chapter, it appears that the government's policies are lacking, both in terms of legal basis and in terms of meeting community needs.

The SARS-CoV-2 pandemic Task Force for Accelerating COVID-19 Response accomplished more than stop the virus' spread or deal with its economic, social, and cultural consequences. During the epidemic, security and law enforcement are also performed. There have been attempts by GTPPC19 to secure and execute the law. It was coordinated by the Sub-Sector of Security and Law Enforcement of the GTTPC19. GTPPC19 Chairperson's Decree No. 20 of 2020, dated 22 May 2020, authorizes the creation of this sub-sector GTPPC19 Security and Law Enforcement Sub-Sector Deputy I, Brigadier General Pol, has been appointed to this position.

As a result, the GTTPC19 is entrusted with providing support and assistance to institutions or organizations, including regional task forces. GTTPC19 has taken several security measures and legal actions during its first three months of existence. West Java, Central Java, and East Java have a total of 2,374 positions outside the DKI in Jakarta. In the field, GTTPC19 encountered a variety of passengers.

GTTPC19 also handles hoax news circulating in the midst of a pandemic. Hoax news that has been identified has reached 137,829 cases and has been investigated by the National Police Cyber Unit as many as 130,680 cases. The police have detained 17 suspects and are currently processing 87 people. This is for the hoax case. The number of cases above is the accumulation of the results of security and legal action for three months throughout Indonesia during the COVID-19 pandemic. The steps so far are the result of law enforcement by coordinating between the centre and the regions. [8]

4. CONCLUSION AND SUGGESTION

A. Conclusion

The coronavirus continues to spread throughout Indonesia, affecting all aspects of communal life. In the first place, the community's fundamental requirements are not being met owing to incorrect beneficiary data. There is a second problem with the process of distributing help to meet basic requirements in the community: it is not done in phases, from Central Government to village government, but all at once, resulting in a lack of efficiency and progressive satisfaction of demands. Because there is no legal protection against civil and criminal prosecution if a budget error is made during the Covid-19 pandemic, there is a potential for abuse of power. Third, the legal basis in financial management for handling the Covid-19 pandemic allows for abuse of authority. During the epidemic, security and law enforcement are also performed.

B. Suggestion

Every person who is directly or indirectly impacted by the spread of Covid-19 will benefit from the Covid-19 management policy if it offers a value of masalah to each one of them, according to the authors. They propose that data collecting on social assistance must be accurate and current and that the process of providing aid to meet community needs should ideally be carried out sustainably, starting with the Central Government and ending with the Village Government. Changes must be made to Covid-19's regulations so that they no longer allow for impunity if justice and equality before the law are going to be realized.

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