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Government responsibility to the people of Indonesia in management of the COVID-19 pandemic

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Abstract--Indonesia is a democratic country where one of the characteristics of a democratic country is the protection of human rights which protects all Indonesian citizens from threats that endanger the safety of the lives of citizens. This means that the government has a responsibility to its citizens from the dangers that will attack it, including the outbreak of the Corona virus disease (Covid-19). As a manifestation and responsibility of the state in protecting citizens from infectious disease outbreaks including Covid-19, the government has issued a legal rule, namely 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). The Indonesian government in dealing with the Corona Covid-19 outbreak has chosen large-scale restrictions instead of . The purpose of writing this paper is to find out how the legal rules are used in implementing regional quarantine as an effort to overcome the spread of the Covid-19 corona virus and the social impacts caused by large-scale social restrictions. This research is a normative legal research that examines the norms contained in Government Regulation no. 21 of 2020 with a normative juridical and sociological juridical approach, namely responses from the community as well as academics and government officials. The results of the study showed that the implementation of regional quarantine was more effective in preventing the spread of the Corona Covid-19 virus outbreak but had a more severe socio-economic impact so that it could suffer the people.

Keywords---accountability, government, counter measures, COVID-19.

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Introduction

In the concept of a modern legal state or welfare state, the state must be responsible for its citizens in terms of welfare. The state is obliged to try in various ways how its people can prosper in the life of the nation and state. These efforts are not only a problem in the economic field but also in the field of public health, especially the protection of citizens from epidemics of infectious diseases such as the Corona Covid-19 virus outbreak. At the Indonesian legal level, it is regulated in the constitution which mandates the state that the state must protect the entire Indonesian nation and all of Indonesia's bloodshed, and this includes the protection of the state against infectious disease outbreaks, currently the Corona Covid-19 virus outbreak.

The adoption of the concept of a welfare state makes the government the foundation of hope and the person in charge of the welfare of the community. In realizing this welfare, the government as a public service provider must fulfill the objectives to be achieved public services without discriminating between groups in the community. In the implementation of these public services, the government should make the general principles of good governance as a guide in carrying out government duties. In addition, the community can also use the General Principles of Good Governance (AAUPB) to find out what their rights and obligations are so that there is no conflict between the government as a public service provider and the community as a service recipient.

The use of the general principles of good governance in the administration of government is as a guide or guide for the government or state administration officials in the context of running the wheels of good governance. In this connection, Muin Fahmal stated that the general principles of proper governance are actually signs for state administrators in carrying out their duties. These signs and guidelines are needed so that actions remain in accordance with the real legal objectives. (Widjiastuti, 2017)

Governance in developed countries is certainly different from developing countries, many important factors have an influence, namely a way of thinking that prioritizes service quality, transparency, integrity, capacity building and is supported by other things that are non-technical but really support the realization of good governance. good. The administration of government is not only determined by how the government works but is also determined by the policies taken for the welfare of the citizens. The policies implemented must still be based on Good Governance and the prevailing laws and regulations.

Good governance always develops and follows the development of science globally, it cannot be only national. The administration of government is to provide public services to the community, which are influenced by the dynamics of politics, economy, developments in information technology, socio-culture, all of which mix and influence the administration of government. (Putrijanti et al., 2018) Indonesia as a democratic country and a state of law makes every effort to provide services to the community as a manifestation of the state's responsibility to its people. As a state of law, of course, government policies must be based on the legal rules that apply in the country of Indonesia, the legal rules used in dealing with the

Corona Covid-19²⁶ outbreak are Law no. 6 of 2018 concerning Regional Quarantine, and 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).

The Indonesian government's policy in dealing with the Corona Covid-19 outbreak has chosen large-scale social restrictions, where in the law there are four options in dealing with infectious disease outbreaks, namely home quarantine, hospital quarantine, regional quarantine, and large-scale social restrictions. The reason the Indonesian government chooses large-scale restrictions is due to socio-economic conditions, culture and geographical location, so for Indonesia the most suitable and appropriate is large-scale social restrictions. The most dominant economic considerations in determining the choices that must be made, the regional quarantine option is not implemented because the economic impact is very large, the community cannot do anything so that it will affect the economic condition of the community which in the end people have difficulty living, especially meeting their food needs, even though the government has provided assistance with basic needs but still not sufficient for daily life.

In fact, for the prevention of the Corona Covid-19 virus outbreak, the most effective option is the regional quarantine option, because the principle of regional quarantine is that people around the area must live in their respective homes for a certain time according to conditions on the ground taking into account the ups and downs of the spread of the Corona Covid-19 virus disease. -19. As a consequence of the implementation of regional quarantine, the government must be responsible for people's lives, including food issues, mass quarantine housing, health care rights, basic/basic needs, protection of workers' rights, protection of disease-prone groups, and so on.

¹⁹

Materials and Methods

This study uses a normative juridical research method that examines the norms or rules governing the prevention of infectious diseases through the implementation of 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). To support the success associated with this research, the authors use primary and secondary data. Primary data was obtained through a study of various laws and regulations related to the prevention of the Covid-19 infectious disease outbreak. Covid-19 outbreak problem. The approach taken is through the rules and norms contained in the law in addition to a sociological approach that examines the social conditions of the community if large-scale social restrictions are applied, especially regarding life insurance from the government. Because the implementation of this provision will affect the daily activities of the community and have an impact on the economic activities of the community.

Results and Discussions

Good Governance as a Guide to Good State Administration

Good governance in good state administration is a general principle that can be used as a universal guideline for all countries in good state administration with the ultimate goal of how the state can bring prosperity to its citizens. Every country in the world is trying with various efforts so that the country can bring prosperity and progress to the nation and state. The function of the general principles of good governance in the administration of government is as a guide or guide for the government or state administration officials in the context of good governance. In this connection, Muin Fahmal stated that the general principles of proper governance are actually signs for state administrators in carrying out their duties. These signs are needed so that actions remain in accordance with the real legal objectives. Good governance can be likened to traffic signs and travel guidelines in order to facilitate government relations, namely between the government and the governed or citizens. Good Governance is then used as a basis for assessment and administrative efforts, as well as an unwritten legal norm for government actions. (Widjiastuti, 2017)

According to Philipus M. Hadjon Good Governance must be viewed as unwritten legal norms, which the government must always adhere to, although the exact meaning of Good Governance for each individual situation cannot always be described in detail. It can be said that the AAUPB are unwritten legal principles, from which for certain circumstances can be drawn legal rules that can be applied. (Hadjon, 1993). In fact, although good governance is a principle, not all of them are general and abstract thoughts, and in some cases appear as concrete legal rules or are stated explicitly in articles of law and have certain sanctions. If the general principles of good governance are interpreted as legal principles or joints, then the general principles of good governance can be interpreted as legal principles that are explored and found from elements of morality, ethics, courtesy, and propriety based on applicable norms. (Marbun, 2001)

Public service is a mandate for the state in providing the best service to the community. There are three reasons why public services must be provided by the state. First, the investment can only be carried out or regulated by the state, such as the development of transportation infrastructure, the provision of state administration services, licensing, and others. Second, as a state obligation because of the state's position as the recipient of the mandate. And third, the cost of public services is funded from public money, both through taxes and the public's mandate to the state to manage the country's wealth sources. (Ainur Rofiq, 2019)

Ideally, all state services are actually self-financed by the community through the insurance and taxation systems, with the main orientation being to support human investment. The concept of a welfare state is the fruit of the application of an independent, productive and efficient economic system with individual incomes that allows people to save, after the basic needs in their lives have been fulfilled with free public services (free) organized by the government. Therefore, to achieve the ideals of the welfare state, it is necessary to provide public services

with guaranteed quality. The expectations as well as the demands of the community for quality public services, clear, fast procedures and reasonable costs continue to surface in the development of governance. These expectations and demands arise along with the awareness that citizens have the right to get good service, and the government's obligation to provide quality public services. (Muhaimin, 2018)

In dealing with the outbreak of the Corona Covid-19 infectious disease, the Indonesian government as a democratic country that upholds good state administration makes efforts to serve citizens through various policies aimed at saving citizens from the Corona Covid-19 virus outbreak. In Good Governance, the Indonesian government has anticipated the existence of the Corona Covid-19 virus outbreak in accordance with the general principles of good governance, including the principle of accuracy in making policies and acting quickly.

This principle has been implemented in good state administration, especially in handling the Corona Covid-19 virus outbreak, the government has carefully prepared various kinds of legal rules regarding the prevention and control of the Corona Covid-19 virus outbreak, as a basis for the government to take policies to overcome the Corona virus outbreak. for the safety and health of citizens. Besides the principle of acting carefully, the government also uses other principles such as the principle of openness, the principle of expediency, the principle of public interest, and the principle of good service. Thus, it can be said that the Government of Indonesia has implemented the general principles of good governance in dealing with the outbreak of the Corona Covid-19 virus in Indonesia, with maximum efforts to contain the outbreak of the Corona Covid-19 virus in Indonesia.

Welfare State as the Goal of the Modern Law State

Since Indonesia's independence on August 17, 1945 and the ratification of the 1945 Constitution of the Republic of Indonesia as a guideline and foundation for the State to provide welfare to its people. A state foundation made on the basis of the spirit and awareness to build a democratic country and create a socially just, prosperous and prosperous society together in the Republic of Indonesia. The rule of law is a state which in its implementation is based on laws or rules set by the authorities, while in a material sense the state also actively participates in the welfare of its people (welfare state), or known as the welfare state, which is then known as the welfare state. verzorgingsstaat, or what is called sociale rechtsstaat (State of social law). (Mustafa, 1993)

In a modern sense, the government is required to realize welfare and social justice for all its people. Equality before the law, legal protection, and the principle of legality aim to prevent the state or government from acting arbitrarily. The actions or actions of the state or government must not exceed or violate human rights, must not cause a person or group of people to not receive proper legal protection, must not discriminate against people for illegal reasons and all actions or actions of the government must based on applicable legal provisions. The concept of democracy cannot be separated from the concept of the rule of law. And vice versa

so that a country like this is called a "democratic rule of law".(H. Bagir Manan, 1993)

1 A theory that is in line with the basis of the Indonesian state is the Welfare State theory. The theory that asserts that a state whose government guarantees the welfare of the people. And to be able to realize the welfare of its people, it must be based on the five pillars of the state, namely: Democracy (Democracy), Law Enforcement (Rule of Law), Protection of Human Rights (The Human Rights Protection), Social Justice (Social Justice) and Anti-Discrimination.(Ridwan, 2014) The ideological concept of the welfare state is thus applied with the aim of annulling socio-economic inequality or at least minimizing it, increasing the nation's intelligence, obtaining decent jobs, guaranteeing a reasonable income, guaranteeing the maintenance of orphans and orphans, guaranteeing the maintenance of widows and the elderly. , satisfying health services, and avoiding people from hunger, as well as various other forms of social responsibility.(Marilang, 2012)

The originator of the Welfare State Theory, as stated by Bagir Manan revealed "that the State must actively seek prosperity, act fairly, which can be felt by all people equally and in a balanced manner, not for the welfare of certain groups but for all people.(Sukriono, 2016) The Welfare State theory is often interpreted differently by each person and the State. However, the theory broadly contains at least 4 (four) meanings, including:

1. As a condition of well-being, where social welfare is a condition for meeting material and non-material needs. Prosperous conditions occur when human life is safe and happy because basic needs for nutrition, health, education, housing, and income can be met and when humans receive protection from the main risks that threaten their lives.
2. As a social service, it generally includes five forms, namely social security, health services, education, housing and personal social services.
3. As social benefits, social welfare provided to the poor. Because most of the welfare recipients are poor, disabled, unemployed, this situation then creates a negative connotation in the term welfare, such as poverty, laziness, dependence, and so on;
4. As a planned process or effort, a process carried out by individuals, social institutions, communities and government agencies to improve the quality of life through the provision of social services and social benefits.(Muchsan, 1992)

The notion of the Welfare State cannot be separated from the four definitions of welfare above. The Welfare State is closely related to social policy, which in many countries includes strategies and government efforts to improve the welfare of their citizens, especially through social protection which includes social security (both in the form of social assistance and social insurance) as well as social security nets. social safety net.

The ideological concept of the welfare state is thus applied with the aim of annulling socio-economic inequality or at least minimizing it, increasing the nation's intelligence, obtaining decent jobs, guaranteeing a reasonable income,

guaranteeing the maintenance of orphans and orphans, guaranteeing the maintenance of widows and the elderly. age, satisfying health services, and avoiding people from hunger, as well as various other forms of social responsibility.

In its implementation, the Government of Indonesia strives to create prosperity for all Indonesian people as has been mandated in the 1945 Constitution which explicitly mandates social welfare as the highest priority of this country's public policy. Social welfare is stated in the 1945 Constitution which among other things states that the economy is based on the principle of kinship, finances basic education, develops a social security system for all Indonesian people, empowers the weak and underprivileged and provides health service facilities and decent public service facilities. The Indonesian government is clearly mandated to place the interests of the community above the interests of individuals.

Under these conditions, the Government of Indonesia is trying to implement and realize a Welfare State based on the 1945 Constitution, through:

- The social security system, as the backbone of the welfare program.
- Fulfillment of the basic rights of citizens through development based on productive economic resources, especially health and education, as a support for the social security system, creating broad employment opportunities as a starting point for development, and compiling economic strength through cooperatives as the most dominant form of business entity in the economy;
- Equitable economic distribution as a result of redistribution of production and joint control of production through cooperatives,
- Bureaucratic reform creates a strong and responsive government as an agent of development and a provider of public goods and services at large, as well as natural resource management as a support for the Welfare State to uphold social justice.(Miriam Budiardjo, 2008)

In realizing the Welfare State, the government makes efforts and innovations to reduce social inequality through the Ministry of Social Affairs. One of them is by using the integrated data of the National Team for the Acceleration of Poverty Reduction (TNP2K) and the Ministry of Social's Integrated Database (BDT) to determine the target of Beneficiary Families (KPM) or subsidy recipient households. The receiving class consists of 40 percent of the population vulnerable to poverty if at any time there is an economic turmoil that requires social protection. This class is entitled to receive welfare rice assistance (Rastra), Non-Cash Food Assistance (BPNT), Smart Indonesia Card (KIP) and health insurance (Healthy Indonesia Card). The next group is that 10 percent of the poor and 8 percent of the very poor need to be given social assistance in the form of the Family Hope Program (PKH), where this group will automatically receive the entire social assistance. In addition, there needs to be a social policy that aims more than just poverty alleviation, but also to achieve social welfare, policies in general are also applied to minimize social inequality. Social policies include approaches to living standards, increasing social security and access to decent living. This is in line with Law no. 11 of 2009 concerning Social Welfare, which defines social welfare as a condition of fulfilling the material, spiritual and social needs of

citizens in order to live properly and be able to develop themselves so that they can carry out their social functions.

The concept of a welfare state is indeed the government's obligation how citizens can enjoy a prosperous life, the government must try as much as possible so that the welfare of citizens can be realized as the theory of the welfare state put forward by several experts above, and especially now that Indonesia is hit by the Corona Covid-19 virus outbreak. 19 that threatens the safety of citizens, it is the state's obligation to deal with various legal rules and policies to deal with the Corona Covid-19 virus outbreak, this is a consequence of the welfare state or the Welfare State.

The State's Responsibility in Overcoming the Covid-19 Pandemic Virus Outbreak

The state's responsibility in dealing with the Covid-19 pandemic virus outbreak has been regulated in laws and regulations, both in the Constitution and other legal rules. This shows that in terms of law, the government has full responsibility for the safety of its citizens as stated in the legislation. The state has the primary responsibility to protect its citizens both living within its territorial jurisdiction and living outside the jurisdiction of the country concerned. The outbreak of the Corona Virus disease or its official name Covid-19 which was designated by WHO as a pandemic has made 213 countries in the world work hard to protect their citizens. The government is obliged to take both preventive and curative efforts in dealing with the Corona Covid-19 virus outbreak.

The government in the construction of the Constitution or Constitution is the instrument that is most responsible for "Fulfillment of Citizens' Rights" because in the Constitution that every citizen and even everyone has the right to a good and healthy environment. Every citizen has the right to health services and facilities and then the state is given the responsibility, especially the government to protect, promote, enforce and fulfill these rights, not only that the government or the state is also responsible for proper health facilities and that is regulated in the Constitution/Our Constitution.(Al-Fatih & Aulia, 2021)

Below, the author mentions the legal basis that the government has the responsibility for overcoming the Corona Covid-19 virus outbreak, the legal rules are in the legislation as follows:

- The 1945 Constitution of the Republic of Indonesia, Article 28H Paragraph 1 contains the provisions: "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and have the right to health services".
- The 1945 Constitution of the Republic of Indonesia, Article 34 Paragraph 3 contains the provisions: "The state is responsible for the provision of proper health care facilities and public service facilities."
- Law No. 36 of 2009 concerning Health, Article 7 contains the provisions: "Everyone has the right to get information and education about health in a balanced and responsible manner".

Facing the Corona Covid-19 virus outbreak which has spread throughout the world including Indonesia, of course the role of the government in protecting its citizens is very necessary because the government has the instruments and access to everything so that it can move everywhere and deserves the main responsibility to be placed on the government. In dealing with the Corona Covid-19 virus outbreak, although the main responsibility lies with the government, the role of the community, the role of the press and other community groups must have a synergistic role in dealing with the Corona Covid-19 virus outbreak. Our government puts the front line because the government has many instruments and has access to institutions that can be used to deal with the Corona Covid-19 virus outbreak, while the public is just providing information and following government recommendations on how to prevent the transmission of the Covid-19 virus and of course following the protocol. issued by the government as a government policy in dealing with the Corona Covid-19 virus.(Wibawa & Putri, 2021)

In Law no. 4 of 1984 concerning Outbreaks of Infectious Diseases, Article 6 contains provisions: "Efforts to control the epidemic as referred to in Article 5 paragraph (1) shall be carried out by actively involving the community". This law mandates that overcoming the Corona Covid-19 virus outbreak is not only borne by the government but also to the community. The form of the role of the community is to follow the government's advice by staying at home unless there is an urgent need, maintaining a distance between community members of about 1 to 2 meters, always wearing a mask, washing hands frequently with soap or detergent, and avoiding crowds.

Normatively, Indonesia has ratified the Universal Declaration of Human Rights (Duham), the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights (Ekosob), becoming Law No. 11 of 2005 and Law No. 12 of 2005. Article 23 paragraph (1) of Duham states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including the right to food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, illness, disability, widowhood/ widower, reaching old age or other circumstances that result in a lack of livelihood, which is beyond his control.(Ardinata, 2020)

In Article 12 of the Covenant on Economic and Social Rights, one of the provisions also states that states parties must do everything necessary to seek: Prevention, treatment and control of all infectious, endemic and other occupational diseases. So, health is very important because it is a prerequisite for a person to be able to reach the maximum value of his life, even though it is also recognized that the fulfillment of individual health depends on various factors. To that end, in General Comment No. 14 the Right to the Highest attainable Standard of Health, the Covenant clarifies that:

....the right to health covers a wide range of economic and social factors that influence the creation of conditions in which people can achieve a healthy life, it

also includes determinants of health such as food and nutrition, shelter, access to healthy drinking water and adequate sanitation, healthy and safe working conditions and a healthy environment.(Ranah et al., 1999)

Further in the same comment it is stated:

The right to health cannot be interpreted as the right to be healthy as the right to be healthy, the right to health contains the right to freedom and the right to something. Freedom includes the right to have physical health checks including sexual and reproductive health and the right to be free from interference or interference from others, the right to be free from persecution, medical treatment without consent and experimentation. In comparison, the right to something includes the right to a health protection system that provides equal opportunities for everyone to meet adequate and affordable health standards.(Muzayanah, 2020)

Given that the right to health depends a lot on internal factors that exist in a person, such as genetic inheritance, the right to health must be understood as the right to be able to enjoy various facilities, goods, services, and conditions needed to achieve adequate health standards that are affordable. , and not the right to be healthy.

So, the right to health is not only related to health services but also all factors that determine health such as access to clean water, availability of food, nutrition, and safe housing, supportive environmental conditions, access to health-related information, and most importantly participation. the population most affected by health-related policy making at the community, national and international levels. Therefore, in the context of the corona virus pandemic as issued by the WHO, the government (especially the central government), has full obligations. Not only to provide health services to people affected by the corona virus, but also to support all the factors that determine that the virus can be stopped from spreading, both guarantees for the availability of food, access to accurate information, even if one day Indonesia must adopt a lockdown policy.(Yusrizal, 2020)

Conclusion

The form of responsibility of the Indonesian government in preventing and controlling the Corona Covid-19 virus outbreak is carried out through various kinds of laws and regulations, one of which is Government Regulation No. 21 of 20120 concerning Large-Scale Social Restrictions. Overcoming the spread of the Corona Covid-19 virus outbreak is the responsibility of the government towards its citizens, this is a consequence of a country that adheres to a democratic system where the government must protect every citizen from threats that endanger their safety, including the spread of the Covid-9 corona virus. The Indonesian government's efforts in controlling the Covid-19 virus outbreak are by imposing large-scale social restrictions in controlling the spread of the Corona virus with certain restrictions and educating the public about preventing the Corona Covid-19 virus through healthy living, wearing masks, washing hands frequently, stay at home, keep the distance between community members, avoid

crowds, and exercise and mass vaccination programs so that the body's strength occurs in warding off disease.

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