

Politics of Law Policies for Adaptation of New Habits in Overcoming the Spread of Covid-19 in West Sumatera Province

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ABSTRACT

The Indonesian government is late in dealing with the spread of Covid-19, the government's policy to issue Presidential Decree No. 12/2020 on April 14, 2020 concerning the Determination of the Covid 19 Non-Natural Disaster was carried out after the WHO's warning regarding the readiness of the government on March 12, 2020. Economic considerations for the formulation of government policies were less responsive to public health protection guarantees, there was a strain on government interests between economic issues and interests community about health insurance issues. The West Sumatra Government made efforts to find a middle ground between economic interests and public health insurance by issuing a Regional Regulation on "Adaptation of Habits in the Prevention and Control of Corona Virus Disease 2019" as the first regional regulation containing criminal sanctions against health regulations for the spread of Covid -19 in Indonesia , The Perda was passed on September 11, 2020, the formulation of this Perda is a form of application of more stringent sanctions imposed by administrative sanctions that have been implemented by the Governor Regulation (Pergub), Regent Regulation (Perbup)) and Mayor Regulations (Perwako). This study describes the form of policy arrangements in dealing with the spread of Covid-19 that has been carried out by the West Sumatra Regional Government. Through the use of qualitative methods and research using a phenomenological approach, it was found that policies to overcome the spread in West Sumatra Province proceed from the constitutional level, the level of policy and level of real action in society

Keywords: *Political Law, Policy Arrangements, Covid-19 Non-natural Disaster Management*

1. INTRODUCTION

The spread of the Covid-19 virus is a pandemic epidemic that endangers public health, and encourages people to ask for health protection guarantees provided by the state. The right of the community to claim guarantees for community protection is based

on an international juridical basis, namely in Article 2 paragraph (1) of the Convention on Economic, Social and Cultural Rights, this juridical basis is strengthened by Article 28 I paragraph (4) of the 1945 Constitution which states that protection, promotion, enforcement, and the fulfillment of human rights is the

responsibility of the state, especially the government (1). This government's obligation is also emphasized in Article 8 of the Human Rights Law, then Article 7 of the Health Law which states that the government is tasked with organizing health efforts that are equitable and affordable to every community. Then Article 9 of the Health Law states that the government is responsible for improving the degree of public health.(2)

Determination of disaster emergency status is carried out by the Government according to the scale of the disaster, as a form of policy that regulates real action taken by each Regional Head at the Provincial, Regency / City level in Indonesia as the basis for regulating real action in the form of SOPs (standard operational procedure) owned by each government agency related to the implementation of this regional quarantine policy(3). The Covid-19 Task Force is under the BNPB Institution (National Disaster Prevention Agency) which was formed by the District / City Level II Regional Governments, and carries out its functions through coordination with the Health Office and the Police. The response given by the government was only given on April 13, 2020 in the form of Presidential Decree (Keppres) No.12 / 2020 concerning the Determination of the Non-Natural Covid-19 Disaster, this response was considered late from WHO's warning on March 12, 2020 regarding the government's readiness to deal with the spread of the Covid-

virus. 19. This delay was partly due to the consideration of the impact of lock down policies carried out by many countries on the economic survival of the community, as well as the economic burden of the government in implementing the policy(4).

There is a dilemma between the government's efforts to guarantee public health protection and the interests of economic development goals, this dilemma gives birth to an assessment that government policies in dealing with the spread of the Covid-19 virus are not based on scientific reasons but are based on populist forms(5). The public reaction to the delay in the response given by the government in providing public health protection guarantees can be seen in the form of class action proposed by the Commission for Missing Persons and Victims of Violence (KONTRAS) to the inaction of the government in dealing with Covid1-19 (6) The government thinks that the spread of the Covid 19 virus not yet endanger the community, while the lock-down policy carried out by many countries in overcoming the spread of the Covid 19 virus has implications for the development of the economic life of the community. economic emergency rather than a health emergency.

There are several forms of quarantine regulated by this law including Home Quarantine, Hospital Quarantine, Regional Quarantine and Large-scale Social Restrictions (PSBB). The PSBB policy implemented by the

Central Government to regional governments does not contain strict sanctions and is only administrative in nature. Local governments do not have the ability to force communities to comply with PSBB policies, the authority to make these regulations rests with the central government rather than local governments. Various factors that consider the impact of policies on the social and economic environment of society place government policies in dealing with the spread of the Covid 19 virus not based on the basis of scientific studies, but these policies are based on considerations of community support (populist). The government's efforts to obtain public political support for the policies being carried out, without placing guarantees of basic public health protection, considering policies in overcoming the spread of the Covid 19 virus raises issues of political ethics.

2. THEORY AND METHODS

The general principle as the first level of testing political ethics is a form of assessment that political policies must be oriented towards the general welfare goals of the community, not for personal interests or the political interests of certain political groups or parties. The goal of general welfare can be accepted if it does not violate the rights or principles of justice, the policy is considered to have the principle of justice if the policy does not violate the rights of the person or society that is the target of the policy. Decisions are political if the decision-making process is

carried out in the interests of the community as a whole, therefore not all decisions formulated in government are not called political decisions if they are not aimed at the interests of the community as a whole.

In this case, the notion of politics is a public sphere or as part of the public sphere, therefore political life cannot be reduced to private (private) life.(7) The difference between the public and private (private) areas distinguishes between political and economic areas, the government's efforts to formulate policies to overcome the spread of Covid-19 based on the goal of public political support are a form of personal or group interests that are not in line with the goals of public interest in society. There are 3 criteria in assessing political action, so that it is in accordance with the objectives of the public interest, including (1) general and moral principles, such as justice; (2) Principle II which already refers to certain issues and is of an intermediate nature, such as power must be legitimized democratically; (3) level III concerns the assessment criteria in accordance with the era and situation.(8)

The ethical judgment of a policy is limited by the pragmatic and ideological judgments involved in the policy formulation process. Ethical judgments are based on norms that apply in society, norms are not a real form of ethical judgments but are merely societal beliefs that can be used as ethical judgments. There are many norms that apply in society but

are not in line with the values of rights and justice which are the goals of general principles and moral political ethics, such as norms that are generated from people's beliefs but the formation of these norms cannot be explained logically. Norms that do not have a logical explanation are a form of belief or ideology that cannot be used as an ethical assessment of policies formulated by the government. Something that is regulated by a policy cannot be used as an ethical judgment

Based on the relationship between the objectives of the general interest of policy formulation in dealing with the spread of the Covid 19 virus with the aim of personal (private) special interests to gain political support, the form of policy formulation that can be identified ethically is Regional Regulations (Perda). Perda is not only formulated based on the general principles stipulated by the national constitution, but also contains principles that are in accordance with the era and situation of the community as published by the contents of the Perda. This study uses a qualitative method with a phenomenological approach. The use of this approach and technique is very reasonable because the researcher wants to explain how the implementation of government affairs at the lowest level as well as the sociological and political reasons in implementing the village or nagari in accordance with Law No. 6/2014 on villages. To obtain primary data, in-depth interviews, observation and documentation

study were used. Qualitative research was chosen because it has a more diverse approach than quantitative research(9) In addition, qualitative research aims to understand social dynamics as a whole through observing behavior, actions and goals with a more natural method. For this reason, this study will observe a problem related to the role or action of certain individuals as well as the interests of the ideology that underlie the action

3. REGIONAL REGULATION (PERDA) OF NEW HABIT ADAPTATION

Several weaknesses are contained in the PSBB policy regulated by Presidential Instruction No. 6/2020 resolved by the West Sumatra Provincial Government through the implementation of Perda No. 6 of 2020 concerning Adaptation of New Habits (AKB), so that government policies in dealing with the spread of the Covid 19 virus contain more strict sanctions and are in accordance with the situation and era of society being faced as one of the principles of political ethics in the formulation of public policies.(10) The term "New Habits" in the title of this Perda not only gives people the opportunity for freedom to carry out social and economic activities but also reduces the burden on the Regional Government in providing subsidies for the community The economy will move to a new balance if there are changes in policy arrangements(11), formulating policies that contain administrative sanctions and spending a lot of the budget is not in line with the

increase in the number of new Covid-19 cases in West Sumatra Province.

The limited capacity of the government can be explained by the number of recipients of government aid packages, only 65.5% of the people of West Sumatra, while 35.5% still have not received social assistance from the government.(12) The inadequate capacity of the local government in providing assistance to the population of West Sumatra, recorded until June 2019 is around 5,441,197, this assistance is in the form of money of 600,000 / person per month and basic food assistance. This assistance can only be distributed by the local government only from April to June 2020.(13) Implementation of Perda No. 20/2020 concerning Adaptation of New Habits (AKB) in West Sumatra Province is a middle way between demands for public health protection and freedom of social activities in public spaces, there are social fines for citizens who violate the Covid-19 health protocol without reducing freedom of social activities in public spaces.

Formulation of Perda No. 6 of 2020 concerning New Habit Adaptation (AKB) in West Sumatra Province is based on Presidential Instruction No. 6 of 2020 concerning Increasing Discipline and Enforcement of Health Protol Law in the Prevention and Control of Corona Virus Disease 2019, Presidential Instruction No. 6/2020 is the basis of legislation - the legislation on the birth of a Perda as a rule of

the game made by the Regional Government in order to adapt to the times and situation of society as a form of level III political ethics in formulating policies, this Draft Perda was submitted by the Legal Bureau of the Regional Government on the 28th. August 2020 and ratified in the Plenary Meeting of the DPRD Level I West Sumatra Province on September 11, 2020.(14) Therefore, Perda No. 6/2020 concerning AKB is the fastest regional regulation to be approved by the DPRD Level I West Sumatra Province and is the first regional regulation in Indonesia to regulate the New-Normal policy.

Regional Regulation No. 6/2020 concerning IMR contains X Chapters and 117 Articles, containing the provisions of social fines for people who violate health protocol rules. If you violate the second time you will get administrative sanctions in the form of a fine of 100,000, - up to 250,000, - rupiah, after that if you violate for the third time you will be subject to imprisonment for 2 days. The rule is explained in CHAPTER IX concerning Criminal Provisions, in paragraph 110 it is explained that the sentence of deprivation can be replaced with a fine of Rp. 250,000. Meanwhile, institutions or entrepreneurs in crowded places if they do not implement / violate health protocols will be subject to administrative sanctions with a fine of 15,000,000 rupiah, with a 1 month imprisonment. In the Perda it is written, "Every person who violates the obligation to

use a mask as stated in Article 12 paragraph 1 letter d number 2 shall be punished with imprisonment of a maximum of d (two) days or a maximum fine of Rp. 250,000 "

In Article 2, paragraph 2, the criminal act is given after the offender does not carry out the social sanction imposed by the officer. Administrative sanctions for people who are found not wearing masks and complying with health protocols, "the administrative sanctions are in the form of social work and fines. Social work in the form of sanctions for cleaning public facilities is given at the location where the violation occurred ". The process of formulating this Perda policy is carried out through a public consultation process carried out jointly by 19 Heads of Level II Regencies / Cities in West Sumatra, the Health Office, the Transportation Service, *Niniak Mamak* as a form of adjusting the contents of this Perda with the values of local community wisdom, Therefore, there is an increase in the number of Articles from the 87 Articles proposed by the Legal Bureau of the Regional Government of West Sumatra Province to 117 articles to accommodate the aspirations and input of academics and other stakeholders.

The involvement of various stakeholders (stkeholders) from community leaders and traditional community leaders (*ninik mamak*) in the process of formulating this Perda is a form of new adaptation of community habits to be in line with health protocols. There are 10 habits (*kakobeh*) of the

Minangkabau community that do not support the implementation of the PSBB in West Sumatra, including; (1) the community's habit of eating but using the same hand washing container; (2) family meetings in a narrow room close up *alek* (party); (3), the tradition of sleeping together in a blanket with friends who have returned from overseas as a form of warmth of the relationship; (4) the tradition of the wedding party (*baralek*), starting from counting the wedding days, picking up the bride and groom, and others that involve many people; (5) the Nagari market every week (feed); (6) visiting sick relatives without using health protocols; (7) don't wear a mask because they don't feel exposed to the virus; (8) playing dominoes to the *lapau* (coffe shops); (9) meetings at the *Inyiak Wali* (Wali Nagari) office; (10) *indak sandereh* independent isolation (abnormal);(15)

Several customs in the Minangkabau community that can support the implementation of the New Normal policy in West Sumatra Province, including; (1) the tradition of providing a small pond on the left at Rumah Gadang that can be used as a means of cleaning before entering the house; (2) the tradition of sharing responsibilities among tribal members, this tradition gave birth to a policy to hand over Covid-19 sufferers who are self-isolating to be placed in *Rumah Gadang* and supported by facilities provided jointly by tribal members in the Rumah Gadang; (3) the tradition of storing crops in

the rangkiang Rumah Gadang, this tradition is used to support food security in the face of the spread of the Covid-19 virus.

The existence of several social sanctions regulated by Perda No. 6/2020 concerning IMR is expected to change people's bad habits into new habits that support the implementation of the Covid-19 health protocol in West Sumatra Province. The government's ability to formulate rules for preventing the spread of the Covid-19 virus at level III political ethics in the formulation of public policies in West Sumatra Province resulted in an assessment of the role of the lowest government being greater than the government above in overcoming the spread of the Covid-19 virus, as explained by assessment of the people of West Sumatra who gave a good assessment of the performance of the government in the village with their average satisfaction of 45.7 percent, community satisfaction with the performance of the district / city government was 42.5 percent, while for the provincial government it was 41.6 percent.(12)

4. CONCLUSION

Formulation of Perda No. 6/2020 concerning the Adaptation of New Habits (AKB) in West Sumatra Province is a policy that regulates the rules of the game at the level of real action. 17/2020 concerning the determination of the spread of the covid 19 virus as a non-natural disaster that only contains administrative sanctions. The

formulation of the AKB Perda is not only the first regional regulation to regulate the New-Normal policy as a form of PSBB policy, but also as a middle ground between the need for public health protection insurance and the need for public space to carry out social and economic activities for the community.

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