



Regional Government Policies in Establishing Regional Governments Amid the Covid-19 Pandemic

Nuria Siswi Enggarani, Faculty of Law, Universitas Muhammadiyah Surakarta, email:
nse178@ums.ac.id

Nunik Nurhayati

Universitas Muhammadiyah Surakarta
Nn123@ums.ac.id

Labib Muttaqin

Universitas Muhammadiyah Surakarta
Lm812@ums.ac.id

Wisnu Setyo Adi Nugroho, Faculty of Law, Universitas Muhammadiyah Surakarta, email:
wisnuaadii@gmail.com

Arief Budiono, Faculty of Law, Universitas Muhammadiyah Surakarta, email:
ab368@ums.ac.id

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Abstract

Background: On March 2020, the World Health Organization declared Covid-19 as a pandemic. According to the Republic of Indonesia's Law No. 30 of 2014 on the Governmental Administration Article 1 number 9, governmental officials can create regulations to handle concrete issues. Thus, to prevent the spread of the Covid-19 pandemic and to resolve issues concerning social aid distribution in Boyolali, Central Java Province, the Boyolali regional government issued some regulations.

Aim: To analyze the basis for the regional governments' authorities in leading their areas during the Covid-19 pandemic and to analyze the Boyolali regional government's policies, in handling the Covid-19 pandemic.

Methods: This research employed the juridical normative and the statute approaches. This was descriptive legal research that described and analyzed legal issues concerning regional governments' policies and authorities in handling the Covid-19 pandemic.

Results: To prevent the spread of Covid-19, the Boyolali government issued: Regulation of the Boyolali Regent No. 2 of 2022, Regulation of the Boyolali Regent No. 24 of 2020, Regulation of the Boyolali Regent No. 21 of 2020, Instruction of the Boyolali Regent No. 1 of 2021, and Instruction of the Boyolali Regent No. 9 of 2022. To resolve issues concerning Covid-19 social aid distribution, the Boyolali government issued: Decree of the Boyolali Regent No. 900/468 of 2020 and Decree of the Boyolali Regent No. 900/629 of 2021.

Conclusion: The Boyolali regency government succeeded in resolving issues that occurred due to the pandemic through the issuance of these policies.

Keywords: Covid-19, regional government, policy, governmental establishment.

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Introduction

The coronavirus disease 2019 (Covid-19) firstly emerged in Wuhan, China in 2019 [1] [2]. This disease was caused by the Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-Cov-2) and it could infect both animals and humans. This respiratory disease quickly spread to millions of people all over the world. Thus, on March 2020, the World Health Organization declared it a pandemic [3]. Based on the Presidential Decree No. 11 of 2020 on the Determination of the Public Health Emergency on the Coronavirus Disease 2019, the Indonesian government has declared Covid-19 as a public health emergency. The Indonesian government established health quarantines, applied physical distancing, and encouraged companies to make their employees work from home to minimize its spread [4].

As a system that has the power and authority in Indonesia's social, economic, and political aspects, the government provides space and solutions to handle the pandemic in various areas in its regions. According to the Law on Regional Government, the regional government has the authority to establish governmental affairs in their regions and support the mandates of the central government [5]. Based on the principle of autonomy, regional governments can establish their own regional governmental affairs. According to Article 1 clause 6 of this law [5], regional autonomy is defined as "the right, authority, and obligation of autonomous regional areas to manage

and handle regional affairs and social interests of the region under the system of the Republic of Indonesia Unified State." The state can utilize the decentralization policy to make its regions autonomous [6].

Then, according to Law No. 30 of 2014 on the Governmental Administration Article 1 number 9, governmental officials can create regulations to handle concrete issues [7]. To prevent the spread of the Covid-19 pandemic in Boyolali, Central Java Province, the Boyolali regional government issued Circular Letter No. 300/1532/5.5/2021 to restrict social activities. Then, it also issued the Decree of the Boyolali Regent No. 10 of 2021 on the Guidelines to Distributing Grants and Social Aid Sourced from the Boyolali Regency's Regional Income [8]. This was because the pandemic strongly affected the economic sector, as social restrictions inhibited people from going to work. Some lost their jobs and many people lost family members who served as breadwinners.

Unfortunately, there were some issues in the social aid distribution in Boyolali. Thousands of people entitled to Cash Social Aid did not fulfil the requirements to qualify as beneficiaries. According to Ahmad Gojali, the Head of the Boyolali Social Service, 3537 beneficiary families lacked the requirements to obtain aid because they have already obtained other aid or the beneficiaries had died. In some cases, the aid was not distributed on target or some failed to fulfil the requirements

because the verification process did not use the most up-to-date data. For instance, some deceased people were still registered as Covid-19 aid beneficiaries [9]. According to Yogi, a Village Head, 38 beneficiaries from his area obtained a double amount of aid [10].

It can be said that the social aid policies have not been applied well. There were some issues with the implementation of the Boyolali Regency Government's policies in handling the Covid-19 pandemic. Thus, public officials needed to use their authority to create a policy to resolve the issues in their area. As the leader of the autonomous area, Regional Heads have the authority to handle the Covid-19 situation [11]. They must be accountable for their decisions in providing public service. Based on the description above, the writer will analyze the basis for the regional governments' authorities in leading their areas during the Covid-19 pandemic. The writer will also analyze the policies of regional governments, especially those of the Boyolali Regency government, in handling Covid-19.

Method

This research employed the juridical normative and the statute approach. The statute approach was used to analyze all constitutional regulations and laws concerning the analyzed legal issues [12]. It aims to identify the basic cores of law, namely legal society, legal symptoms, legal phenomena, and legal relationships. This was descriptive legal research [13] that described and analyzed legal issues

concerning regional governments' policies and authorities in handling the Covid-19 pandemic.

Results

Regional Governments' Authorities

As the government that is closest to the people, regional governments should take great action in handling the Covid-19 pandemic. They should not solely depend on the central government as they have more knowledge of their areas [14]. There must be a synergy between the central government and the regional governments. According to Article 18A of the 1945 Constitution, the relationship between the central government and the regional governments must be carried out justly and harmonically both in the authority and financial aspects [11]. They must pay attention to the specialness and diversity of each region according to the applicable laws.

The Republic of Indonesia is a state that uses its constitution as a legal foundation (*rechstaat*). It is not a state that is solely based on power. In such a constitutional system, the government is not absolute. Thus, the central government gave regional governments the authority to handle some of their affairs according to the law [16]. To optimize the establishment of regional governments, decentralization and deconcentration principles are applied.

The regional governments' supportive role is stipulated in Law No. 23 of 2014 on Regional Governments [5]. The most crucial element in the relationship between the central and the regional governments is the division of



power, which is stipulated in Article 9 of this law. Regional governments must comply with policies issued by the central government, including policies that aim to handle the Covid-19 pandemic.

The Law on Regional Governments stipulated that health is the authority of the regional governments. Article 12 clause (1) point b of this law [5] stated that the health aspect is an obligatory governmental affair that is associated with basic service in establishing regional government affairs. Thus, regional governments have the authority to manage their area by applying some policies, namely programs that aim to resolve some issues through a set of linked stages [16].

Policies of the Boyolali Government

As an autonomous area, Boyolali Regency has the authority to issue some policies so long as they align with the central government's policies. Even so, the Law on Regional Government provides regional governments with the opportunity to make innovations. To prevent the spread of Covid-19, the Boyolali government issued the following policies:

- 1) Regulation of the Boyolali Regent No. 49 of 2020 on Applying Discipline and Enforcing Health Protocol Laws to Prevent and Control the Spread of the Coronavirus Disease 2019 in Boyolali Regency, which was amended with Regulation of the Boyolali Regent No. 8 of 2021 on

Applying Discipline and Enforcing Health Protocol Laws to Prevent and Control the Spread of the Coronavirus Disease 2019 in Boyolali Regency, which was amended with Regulation of the Boyolali Regent No. 2 of 2022 Applying Discipline and Enforcing Health Protocol Laws to Prevent and Control the Spread of the Coronavirus Disease 2019 in Boyolali Regency;

- 2) Regulation of the Boyolali Regent No. 24 of 2020 on Accelerating the Handling of the Coronavirus Disease 2019 in Boyolali Regency;
- 3) Regulation of the Boyolali Regent No. 21 of 2020 on Guidelines to Distribute Direct Cash Aid as a Social Safety Net for the Impacts of the Coronavirus Disease 2019;
- 4) Instruction of the Boyolali Regent No. 1 of 2021 on Applying Emergency Social Activities Due to the Coronavirus Disease 2019 in Boyolali Regency;
- 5) Instruction of the Boyolali Regent No. 9 of 2022 on Extension of the Level-3 Social Restriction Application to Handle the Coronavirus Disease 2019 in Boyolali Regency.

The Boyolali government has issued some policies that align with the central government's policies. For instance, the Boyolali Regent instructions



in points (4) and (5) above were derived from the Instruction of the Minister of Internal Affairs on Restrictions on Social Activities which changed weekly according to the Covid-19 pandemic situation. The Boyolali government did not issue policies solely based on its own interests, as its policies were derived from those of the central government.

As expressed by Prof. Pradjudi Atmosudirjo [17] regional administrative laws are sourced from the laws hierarchically above them concerning regional governments [16]. This is according to the *lex superiori derogate lex inferiori* principle in forming laws, which means that lower-level laws cannot contradict the higher-level laws.

Managing Boyolali Social Aid

There are some issues in distributing social aid to Boyolali citizens who were impacted by the Covid-19 pandemic. This is a crucial issue because many people lost their jobs and their mobility to work was restricted due to the policies that aimed to prevent the spread of Covid-19 [18]. Regional governments must guarantee the fulfilment of the people's living needs in their areas especially those who have not yet obtained aid from the central government.

The social aid for the Boyolali people was sourced from the central government's State Budget [10] that was distributed to various areas in Indonesia. The social aid from the central government was based on the Social Welfare Integrated Data of the Indonesian Ministry of Social Affairs. But

in this system, some people who were entitled to be beneficiaries were unregistered in this integrated data. Thus, the regional government has the responsibility to determine policies so that beneficiaries in its region may obtain aid from the central government [10].

The Boyolali regional government also provided funds to citizens impacted by Covid-19 from its Regional Budget. When Boyolali's Social Aid Service proposed a budget, it must attach data of the beneficiaries and the amount of budget being asked for through the budget disbursement request letter to the Boyolali Regent. Then, the Regent will follow this up by undergoing a review aided by the Inspectorate of Boyolali Regency. The budget issued from the Regional Budget must have the same amount as the social aid budget from the state budget of the central government. The review makes sure that this fund proposal is according to the applicable regulations. It must also be carried out efficiently, effectively, transparently, and accountably, by considering the aspects of justice and compliance.

The Boyolali government distributed Direct Cash Aid and Life Insurance Assistance to citizens that were impacted by the Covid-19 pandemic. In spending the budget for social aid, the Boyolali government must provide a decree that contained information on the data of the beneficiaries, the amount of aid, and the use of that budget.

The data used for the social aid



were the data of beneficiaries that have not obtained aid from the central government. Thus, the Boyolali Regency Government worked together with the district, sub-district, and village governments to collect data on citizens who have not obtained aid. In distributing this aid, the Boyolali Government formed a field team that functioned to supervise and control how the aid was distributed.

Discussion

The Head of the Region has the authority to issue policies to answer the issues faced by the regions. For instance in Boyolali, there was a case of social aid that are not on target. According to Law No. 23 of 2014 on Regional Government Article 17 clause 1, the state has the right to determine regional policies to establish governmental affairs that are under the authority of the region.

The regional government can resolve the issues that arise – such as the case where deceased people were still recorded as beneficiaries, some people who were entitled to obtain social aid did not receive them, or the case where some people obtained double the amount of aid – by reprocessing data. This data reprocessing can be carried out by reappointing social aid beneficiaries through the Decree of the Regent. This change in policies can be carried out as some social aid was not distributed to the beneficiaries. By undergoing such changes, the deceased social aid beneficiaries can be substituted with those who are entitled to obtain that aid.

Because of this condition, the

Boyolali Regent issued the following policies:

1. Decree of the Boyolali Regent No. 900/353 of 2020 on the Determination of the List of Beneficiaries and the Amount of Social Aid Social Safety Net Sourced From the Boyolali Regional Budget of 2020 to the Social Service of Boyolali Regency, which was substituted with Decree of the Boyolali Regent No. 900/468 of 2020 on the Determination of the List of Beneficiaries and the Amount of Social Aid Social Safety Net Sourced From the Boyolali Regional Budget of 2020 to the Social Service of Boyolali Regency.
2. Decree of the Boyolali Regent No. 900/351 of 2021 on the Determination of the List of Direct Cash Aid Beneficiaries from the Budget of Tax Revenue of Tobacco Produce Social Environment Guidance Program to the Social Service of Boyolali Regency of Budget Year 2021 was changed into Decree of the Boyolali Regent No. 900/629 of 2021 on the Determination of the List of Direct Cash Aid Beneficiaries from the Budget of Tax Revenue of Tobacco Produce Social Environment Guidance

Program to the Social Service of Boyolali Regency of Budget Year 2021.

Both of these two decrees originated from the regional budget, which functioned to cover the lack of funds given by the state budget. These policies that were issued by the central and regional governments do not function solely in the interest of the government. But, they aimed to prioritize public welfare.

As stated by Huda [17], the welfare state is defined as the existence of a state that is deemed to be responsible for guaranteeing a minimum living standard for all citizens. This is strengthened by the stipulation in paragraph IV of the 1945 Constitution's preamble which mandates that one of the functions of the government is to achieve the state ideal, which is "to protect all Indonesians and all of the people's struggles and to develop public welfare, to educate the nation's life and participate in global order based on independence, eternal peace, and social justice." Thus, it can be concluded that this paragraph mandates public officials to always make efforts to create public welfare. It means that as organs in the state establishment, the government must keep on struggling to bring prosperity to its citizens. This mandate cannot be ignored and all state establishment elements are inseparable from it.

This concept of the welfare state is strongly linked to the social policy in many countries, which included governmental strategies and efforts to

increase the welfare of the people, especially amid the Covid-19 pandemic. This may be carried out by making policies. For instance, the Boyolali Regency government issued policies to bring welfare to its citizens in the context of providing social protection, including social assurance in the forms of social aid, social insurance, and social safety net.

Conclusion

Indonesian laws stipulated that health is the authority of the regional governments. Thus, in handling the Covid-19 pandemic, regional governments have the right and the authority to resolve issues in their area by issuing appropriate policies. The policies issued by the Boyolali regional government on Covid-19 prevention did not violate the applicable laws, as they were based on the laws issued by the central government.

In creating policies to handle social aid distribution that are not on target, the Boyolali regional government stayed true to the policies of the central government. These policies were crucial as social aid was one of the social safety nets to help citizens who were impacted by Covid-19. This social aid issue was resolved by listing more accurate and updated data of the entitled beneficiaries. Thus, the Boyolali regency government succeeded in resolving these issues through the issuance of these policies.

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