

Implementation of Indonesian Government Policy in Anticipation Impact of the Global Covid-19 Pandemic

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Abstract: The aim of this research is to determine the synergy of regulations, fiscal support, and government policies to anticipate the impact of the Covid-19 pandemic. The research was carried out using empirical legal research methods. Conclusions from the research results: 1) running of state power and carrying out of government tasks and public services during the emergency period of the Covid-19 pandemic disaster, can be done based on the state in exception or the condition of the state in civil emergency. Article 22 of the Constitution of Indonesia in 1945 uses the terms: a) a state of danger, and b) matters of compelling urgency, as stated in the Elucidation to Article 22 as urgent regulations by the President. At a practical level, the Government has established regulations based on the Constitution Article 4 paragraph (1) by issuing Government Regulation in lieu of Law Number 1 of 2020 as Law Nr. 2 of 2020. 2) To anticipate the social and economic impact of the Covid-19 Global Pandemic, the Government has made efforts to save health and the national economy, with a focus on health spending, social safety nets, as well as economic recovery for the business world and affected communities.

Keywords: Covid-19 Pandemic, Policy Implementation, National Economic Recovery.

A. Introduction

The global Covid-19 virus pandemic has had various impacts on people's lives. Prevention efforts carried out by the Government with the Large-Scale Social Restrictions policy, in the form of regional quarantine measures, cessation of various business, economic, industrial and trade activities, as well as people's daily activities, have affected all aspects of life, reducing people's income, weakening of national economic capacity, as well as the level of public welfare. The policy has a deep and broad impact on society because it limits and even stops various economic activities. As a consequence, almost all countries that decided to lock down were responsible by providing guarantees in the form of very large social protection and economic stimulus packages.

In a disaster emergency, the Government is not only required to provide health services for sufferers and guarantee security for those who are still healthy, but also to fulfill all living needs for the entire population. The government must provide various social assistance for families who are no longer able to work, and provide subsidies in the form of cash allowance to people who have no income anymore and suffer a declining purchasing power. Likewise, guarantees for the smooth availability of logistics i.e. foodstuff whose distribution is obstructed among various regions and cities throughout Indonesia.

Meanwhile, classic problems are still inherent and have become obstacles in the implementation of public services in Indonesia so far, namely: too many regulatory products but ineffective for law enforcement and increasing public compliance; institutional and bureaucratic structures that are not streamlined; bodies, positions, and apparatus public service providers who are not productive and efficient; and also the problem of coordination between institutions which is often incoherent, both between Central and Regional, between institution and the other related ones, as well as within the same hierarchy between superiors and subordinates¹.

Various kinds of regulations made in several ministries, institutions, central and regional government agencies (over-regulation) are ineffective and cause obstacles on implementation of public services. Many regulations overlap, there is authority duplication among Central, Provincial, Regency and City governments, which is cause expensive economic costs and prolongs public service procedures that should be fast, simple, and low cost for the community. The convoluted and complicated condition of the public service bureaucracy is still exacerbated by the poor of performance and low public service ethos of implementers².

In extra ordinary conditions such as the global Covid-19 pandemic outbreak, the government needs special administration arrangements, such that state functions can continue to work effectively. The administration of public services that guarantee the security, health, and safety of the soul of every citizen is carried out by the Government based on a system of legal norms intended for extraordinary conditions of state.

¹Haryatmoko, 2011, *Etika Publik untuk Integritas Pejabat Publik dan Politisi*, Penerbit Gramedia Pustaka Utama, Jakarta, halaman 59

²Effendi, Sofyan, 2012, *Reformasi Tata Pemerintahan: Menyiapkan Aparatur Negara untuk Mendukung Demokratisasi Politik dan Ekonomi Terbuka*, Gadjahmada University Press, Yogyakarta, halaman 57

During the Covid-19 pandemic, the successful delivery of public services is not solely the responsibility and duty of the Government. In a democratic and modern country, society has a balanced role in realizing general welfare³. Community participation is crucial to overcoming the global Covid-19 pandemic disaster that has hit Indonesia. The victory and success of the State in fighting the Covid-19 pandemic outbreak as well as restoring social and economic conditions to achieve general prosperity, requires synergy between all components of society and the Government as the person responsible and the main implementer of public service delivery.

B. Problem Formulation and Research Method

From the background of the problem above mentioned, we formulate focus of the study and discussion on the following matters:

- 1) What are the Indonesian Government's regulations in dealing with the Covid-19 Global Pandemic disaster emergency?
- 2) What is the Indonesian Government's policy to anticipate the social and economic impact of the Covid-19 Global Pandemic?

The research was carried out using empirical legal research methods

C. Discussion

1. Indonesian Government Regulations for the Covid-19 Global Pandemic Disaster Emergency

From the perspective of State Administrative Law, the Government is the main person responsible for providing public services. To anticipate various possibilities that may occur and provide solutions to concrete problems in society, the Government can use various means or instruments of State Administrative Law. Based on the authority granted by law, the Government can use its authority to create and implement norms of State Administrative Law to provide solutions in resolving problems that occur in society⁴. The President as head of the executive and the ranks of Ministers along with all state civil servants, are the determining factors and main keys in fighting the Covid-19 pandemic outbreak.

All Government actions and steps to overcome health contingencies caused by the non-natural disaster, Covid-19 pandemic, must be based on legality provided by the state. The government must have legitimate authority to make decisions and acting the public services delivery⁵. This legitimacy is a parameter for government legal action (*recht bestuur handeling*) in the implementation of public services, protecting the public from actions of arbitrary, exceeding authority, and/or not being in accordance with the authority of state administrative bodies/positions⁶. With this authority, the Government is able to become the support and hope of all citizens in facing the ongoing pandemic.

In state practice, the conditions of a country's government can be categorized into ordinary or normal conditions and extra ordinary or emergencies conditions which sometimes occur and are unexpected. In terms of terminology, emergencies are related to emergency doctrine, namely those related to: 1) the concept of sudden emergency doctrine; 2) concepts commonly used in the medical practice; 3) circumstances or problems relating to emergency exceptions. The first and third meanings are those that have relevance to the law⁷.

In the ICCPR (International Covenant on Civil and Political Rights), the UN uses the term public emergency, for example in Article 4 paragraph (1). Constitution of France use state of siege (*'etat d'siege*) term, while in the United States and England term martial law is used. The Dutch state, which inherit many of legislative products used in Indonesia, its Constitution uses the terms *de staat van beleg* (state of war or war emergency) and *staat van orloog* (state of emergency, means civil emergency). These terms are the same as the meaning of war emergency and civil emergency as intended in Law Nr. 23 of 1959 on the Revocation of Law Nr. 74 of 1957 and Determining State Emergency. The threat of danger in a state of civil emergency can arise due to natural disasters or horizontal conflicts between groups in civil society.

³Haryatmoko, 2019, Etika Publik dalam Organisasi Pelayanan Publik, Artikel Tanpa Penerbit, Extension Course "Etika, Penalaran Etis, dan Dilema Moral, Universitas Sanata Dharma, Yogyakarta, halaman 5

⁴Asshiddiqie, Jimly, 2006, Pengantar Hukum Tata Negara Jilid I, Penerbit Konpress, Jakarta, halaman 57

⁵Dunn, William N., 2010, Pengantar Analisis Kebijakan Publik, Gadjahmada University Press, Yogyakarta, halaman 79

⁶Hajon, Philipus, M, 2018, Pengantar Hukum Administrasi Indonesia, Penerbit Gadjahmada University Press, Yogyakarta, halaman 79

⁷Gradner, Bryan A (Editor in Chief), 2004, Black's Law Dictionary, Thompson West, 8 th Edition, halaman 94

This state of exception is described as a situation where a country is faced with a life-and-death threat that requires responsive action which under normal circumstances cannot possibly be justified according to the principles adhered to by the country concerned⁸. Further explanation, the exceptional situation uses justification only regarding extreme matters, if the state faces a situation so serious that to save itself from this threat, the state must violate the principles that it must adhere to itself⁹. Starting from Kim Lane Scheppelle's view, a state of emergency is an extraordinary situation, an abnormal situation, outside of ordinary or normal conditions when the legislative, executive and judicial bodies can exercise state power under normal conditions¹⁰.

Article 22 of the 1945 Constitution of the Republic of Indonesia uses the terms: a) a state of danger, and 2) a situation of compelling urgency. In a practical sense, these two terms refer to the same meaning, namely a state that is excluded from normal conditions or a state of exception. Elucidation Section of Article 22 of the 1945 Constitution of the Republic of Indonesia stated that Article 22 concerns the President's urgent regulations (*noodverordeningsrecht*). According to Government Regulation in Lieu of Law Nr. 23 of 1959 on Dangerous Situations, in Indonesia emergencies are differentiated according to danger level categories, namely: 1) civil emergencies; 2) military emergency; 3) war emergency. These three levels are used by Government Regulation in Lieu of Law Nr. 23 of 1959 to distinguish emergencies faced by the country. Provisions of Article 1 of Government Regulation in Lieu of Law Nr. 23 of 1959 states criteria for determining a state emergency, namely¹¹:

- 1) Security or legal order in a region or part of the territory of the Republic of Indonesia is threatened by rebellion, riots or natural disasters so that it is feared that it cannot be overcome by normal state equipment;
- 2) War or danger of war arises or there is fear of the Republic of Indonesia territory seizure in any way;
- 3) The life of the country is in danger or due to special circumstances it turns out that there are or are concerned that there are symptoms that endanger the life of the country.

The global Covid-19 pandemic has affected all activities of government, state institutions, and society. As a result of this pandemic, it can be said that the country is in a state of emergency, because it cannot function as it should be.

In an emergency situation, the Government's policies and actions to provide public services cannot be expected to be fully capable of resolving problems effectively, efficiently and fairly¹². For this reason, since the existence and abnormal conditions occur, they must be immediately anticipated and formulated in laws and implementing regulations that legitimize the authority of the executive body to carry out government and public services in emergency conditions, without damaging the principles of democracy and the ideals of the constitutional state¹³.

Even though the government cannot estimate precisely the number of sufferers who will be exposed to Covid-19, to overcome the explosion in the number of cases of people exposed, the Government formed a Covid-19 Task Force based on Presidential Decree Nr. 7 of 2020 on the Task Force for the Acceleration of Overcoming Corona Virus Disease 2019 (Covid-19).

As a follow-up to extra steps to deal with the Covid-19 pandemic, the Government has established various regulations to realize policies for providing government public services during the emergency period of the Covid-19 pandemic disaster. With consideration to anticipate the possible impact of the Covid-19 pandemic, which is a combination of both the health and economic crises facing the world as a result of the global Covid-19 pandemic, the Government issued Government Regulation in Lieu of Law Nr. 1 of 2020 on State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability, taking into account the emergency and urgency of overcoming the pandemic outbreak Covid-19.

⁸Kim Lane Scheppelle, Law in a Time of Emergency: States of Exception and the Temptations of 9/11, HeinOnline-U.Pa. Journal of Constitutional Law, Vol. 6:5, 2003-2004, halaman 1004

⁹Loc.cit.

¹⁰ Bowman, James S., 2010, Archiving Competencies in Public Service, The Professional Edge, Second edition, Armonk N.Y.,: M.E. Sharpe, halaman 34

¹¹Asshiddiqie, Jimly, 2007, Hukum Tata Negara Darurat, Penerbit PT Rajagrafindo Persada, Jakarta, halaman 68

¹² Haryatmoko, 2011, Etika Publik untuk Integritas Pejabat Publik dan Politisi, Penerbit Gramedia Pustaka Utama, Jakarta

¹³Kurniawan, Luthfi, J., 2012, Negara, Civil Society, dan Demokrasi: Membangun Gerakan Sosial dan Solidaritas Sosial dalam Merebut Perubahan, Intrans Publishing, Malang

Through Government Regulation in Lieu of Law Nr.1 of 2020 on State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability, the Government strive to save health and the national economy, with a focus on spending on health, social safety nets, and economic recovery, including for the business world and communities affected by the Covid-19 pandemic outbreak.

The Government Regulation in Lieu of Law Nr.1 of 2020 has been approved by the House of Representatives to be enacted into Law Nr. 2 of 2020 on Stipulation of Government Regulations in Lieu of Law Nr. 1 of 2020 on State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Stability Financial System to becomes Law on State Financial Policy and Financial System Stability for Handling Covid-19 and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability. It's approval becoming the legal basis for the Indonesian Government in making changes upon allocation and management of use State Budget with priority for the health sector, fiscal rescue, and the national economy due to the Covid-19 pandemic.

In dealing with the various impacts that will occur, the Government has also established various regulations and public policies in the economic and monetary fields. The government, through the Indonesian Ministry of Finance, has established regulations as the legitimacy basis of various policies aimed at strengthening fiscal and economic management of communities affected by the Covid-19 pandemic.

Taking into account the extraordinary spread of the Covid-19 virus, shown by the number of cases and/or the number of people who died as victims, as well as the impact on political, economic, social, cultural, national defense and security aspects, the Government has been enact a Presidential Decree Nr. 11 of 2020 on Determination of Public Health Emergency caused by the Corona Virus Disease 2019 (Covid-19). The main substance of Presidential Decree Nr. 11 of 2020 are:

- 1) Enact Corona Virus Disease 2019 (Covid-19) as a type of disease that causes a public health emergency;
- 2) Enact the Corona Virus Disease 2019 (Covid-19) as public health emergency which must be over come in accordance with statutory provisions.

The government, through Minister of Transportation Regulation Nr. 18 of 2020 on Transportation Control in the Context of Preventing the Spread of Covid-19, which took effect from 6 April 2020, has regulated health protocols in the use of transportation. However, in fact, the Ministerial Regulation is actually interpreted as an opportunity to reopen transportation services. This fact culminated in the accumulation of prospective airplane passengers at Terminal 2 of Soekarno-Hatta International Airport. To anticipate the spread of the Corona-19 virus outbreak from activities and mobility to overseas vice versa, on May 6 2020 the Government issued Circular Letter Nr. 4 of 2020 on Criteria for Restricting People's Travel in the Context of Accelerating overcoming of Covid-19 by the Task Force for the Acceleration of Overcoming Covid-19. In facts, since the circular was published, the volume of transportation passengers has tended to increase because, again, it is interpreted as a relaxation of large-scale social restrictions regulations.

Through the Ministry of State Owned Enterprises, the Government also issued Circular Letter Number S-336/MBU/05/2020 on Anticipation of the New Normal Scenario for State Owned Enterprises which is based on the economic recovery phase scenario. The circular focuses on implementing strict health protocols, such as only employees under 45 years old being allowed to work from office.

2. Indonesian Government Policy to Anticipate the Social and Economic Impact of the Global Covid-19 Pandemic

The Covid-19 pandemic outbreak which has hit almost all regions of Indonesia, demands a fast and massive response from all organizations and the Government institutional hierarchy¹⁴. The performance of the Government bureaucracy is tested by disaster emergency conditions to act effectively in providing various means and public services in all fields¹⁵.

The government as the only entity that is given constitutional and statutory legitimacy, has extraordinary authority, can act as a civil bureaucracy with administrative reach to all corners of Indonesia¹⁶. With such great authority, the Government is also able to mobilize its human resources and wealth to overcome the pandemic¹⁷. The rapid spread of the Covid-19 pandemic has focused the government's energy on dealing with the spread of

¹⁴ Juliawan, Harry B., Negara Sesudah Pandemi, Majalah Basis, Edisi No. 05-06Tahun 2020, halaman 9

¹⁵ Dwiyanto, Agus, 2010, Manajemen Pelayanan Publik: Peduli, Inklusif, dan Kolaboratif, Gadjahmada University Press, Yogyakarta

¹⁶ Dunn, William N., 2010, Pengantar Analisis Kebijakan Publik, Gadjahmada University Press, Yogyakarta

¹⁷ Juliawan Harry, Loc.cit.

this outbreak. As from the budget, health services, up to laboratory facilities are now focused on efforts to overcome this new type of corona virus outbreak.

Since it was discovered that the Covid-19 virus infected the community and then began to spread rapidly in almost all regions of Indonesia, the Indonesian Government has taken extra steps to deal with the pandemic, namely:

- 1) ensure the availability of basic necessities to meet community needs;
- 2) provide economic policy incentives to keep business activities running normally;
- 3) ask for regional heads to support policies and implement adequate policies at the regional level;
- 4) The President and all cabinet officials protect Indonesia from the spread of the Covid-19 virus and minimize its impact on the Indonesian economy;
- 5) Some government activities are carried out online to address health and economic issues;
- 6) Asking all Indonesian people to remain calm, remain productive by increasing vigilance, so that the spread of Covid-19 can be slowed down and stopped;
- 7) Educational, work and worship activities are carried out at home or residence;
- 8) Help each other, unite and work together, so that community movements can have maximum positive impact in dealing with Covid-19

The government allocates stimulus funds and fiscal relaxation, the benefits of which are expected to be felt by medical personnel, the community, and business actors in the real sector as well as the financial sector which includes micro, small, medium, large scale businesses and cooperatives more evenly, including among others:

- 1) The additional budget for preventing Covid-19 in the health sector is IDR 75 trillion, including providing incentives for medical personnel, doctors, nurses, death compensation, purchasing medical equipment including Personal Protective Equipment (PPE), masks, hand sanitizers, ventilators, and preparation of hospital and various quarantine facilities;
- 2) Expand the provision of additional social assistance of IDR 100 trillion for communities affected by Covid-19 who really need it. More than 29 million families or even more than 50% of the Indonesian people enjoy government assistance in the form of cash, staple foods, electricity exemptions and discounts, as well as pre-employment cards;
- 3) Providing tax relaxation incentive support, assistance to more than 60 million MSMEs in the form of installment delays, interest subsidies, and additional working capital assistance;
- 4) Policies within the framework of the National Economic Recovery program for business actors in the real sector and financial sector which include micro, small, medium, large businesses and cooperatives whose business activities are affected by Covid-19.

Resource and financial support to facilitate various health facilities are very much needed by the Government to anticipate various possibilities that may occur due to the pandemic. To tackle the Covid-19 pandemic in Indonesia, the government issued a state budget support policy. The government approved the allocation of funds in the form of additional State Budget spending and financing of IDR 695 trillion (equivalent 4,2 percent of GDP) and widened the budget deficit up to 5.07 percent of GDP. This widening the budget deficit policy is a calculation of fiscal and monetary sectors weakening which are estimated to require a long time to recover national and global economic growth. This State Budget deficit figure exceeds the 3 percent limit that had previously been set since 1998¹⁸. To cover the budget deficit, the government through the Ministry of Finance has established a policy to issue Government Bond.

The largest budget item set by the Government to anticipate the impact of the Covid-19 pandemic, amounting to IDR 150 trillion, was allocated for the national economic recovery program in the form of credit and financing restructuring for business actors, especially MSMEs. According the rank, the second largest budget amount, namely Rp. 110 trillion, was allocated for social protection programs, which include cash assistance programs for 10 million families, staple food assistance for 20 million community, pre-employment cards for 5.6 million community members who were victims of layoffs, exemption and subsidies on electricity costs for 31 million customers.

The next budget priority allocation is the health sector, amounting to IDR 75 trillion. The budget amount in the health sector is allocated for the procurement of medical equipment and incentives for medical personnel.

¹⁸Data diolah dari berbagai sumber informasi dari Kementerian Keuangan RI

The government has also allocated a budget for tax incentives and credit for businesses amounting to IDR 70.1 trillion¹⁹.

Picture
Realization of Budget Absorption of Clusters Affected by the Covid-19 Pandemic for National Economic Recovery (PEN) as of 14 October 2020

Cluster	Realization	Period	Realization
Health	27.82 T		
Social Protection	167.08 T	As of July 2020	147.67 T
Ministries, institutions, local governments	28 T	As of August 2020	211.60 T
Business incentives	29.68 T	As of September 2020	318.48 T
MSMEs support	91.84 T	As of October 2020	344.42 T

Data is processed from various information sources from the Indonesian Ministry of Finance

Indonesia's Covid-19 handling budget is relatively low compared to other countries, such as Malaysia (10 percent of GDP), the United States (11 percent of GDP), Singapore and Australia (10.9 percent of GDP), Japan (19 percent of GDP), and Germany (20 percent of GDP). However, the Government's policy to determine budget allocations as fiscal support and social and economic recovery to anticipate the impact of the global Covid-19 pandemic is a bold step, considering that this budget allocation significantly changes the government's budget plan in the State Budget which was previously planned and determined.

The impact of the Covid-19 pandemic is what has prompted the Government to make changes to state budget policies and priorities for public services delivery that are adapted to the real conditions of the country and society. The Government's policies and action steps are in line with the trend of governments in the world in dealing with pandemic outbreaks and anticipating the impact of the spread of Covid-19²⁰.

The Covid-19 pandemic has been able to dismantle and expose governments in many countries in many fields. Exposing the quality and credibility of leaders of countries in the world, weaknesses in government governance, bureaucracy, the fragility of economic foundations, management and organization of public health implementation and workers safety protection. It also concerns the issue of ensuring people's welfare, even environmental degradation²¹.

The Covid-19 pandemic that hit Indonesia has been able to photograph and reveal in detail how the Government and all levels of government make policies, take decisions, and act to provide services for people affected by the pandemic. The bureaucratic reform policy that has been launched by the Government by issuing Law Nr. 25 of 2009 on Public Services and Law Nr. 5 of 2017 on Civil Servant, will not work effectively if it does not focus on modalities that are able to bridge legal norms, public ethics, and real actions in the form of public policies, political decisions, and their implementation.

D. Conclusion

Based on the problem formulation and the results of the discussion in the research, the following conclusions are formulated:

- a) In a theoretical and practical sense, the juridical legitimacy of the Government in exercising state power and in carrying out government tasks and public services during the Covid-19 pandemic disaster emergency is based on the state of exception or state of emergency. Article 22 of the 1945 Constitution of the Republic of Indonesia uses the terms: a) a state of danger, and 2) a situation of compelling urgency. As per its elucidation, Article 22 concerns the President's urgent regulations (*noodverordenings recht*). To address this condition, the Government established regulations based on the Constitution of the Republic of Indonesia Article 4 paragraph (1) by issuing Government Regulations in Lieu of Law Nr. 1 of 2020, which was then approved by the House of Representatives to be enacted into Law Nr. 2 of 2020 on the Stipulation of Government Regulations in Lieu of Law Nr. 1 of 2020 on State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Stability Financial System to becomes Law on State Financial Policy and Financial System Stability for Handling Covid-19 and/or in the Context of Facing

¹⁹Rapat Dengar Pendapat Kementerian Keuangan RI di depan Rapat Dewan Perwakilan Rakyat Republik Indonesia pada Tanggal 19 Maret 2020

²⁰Juliawan, Harry B., op.cit., halaman 10

²¹Haryatmoko, 2020, Etika Publik dalam Organisasi Pelayanan Publik, Artikel Tanpa Penerbit, Extension Course "Etika, Penalaran Etis, dan Dilema Moral, Universitas Sanata Dharma, Yogyakarta Tahun ke 69 2020

Threats that Endanger the National Economy and/or Financial System Stability. As a basis for implementing the handling of the Corona Virus Disease 2019 (Covid-19) pandemic outbreak which is a type of disease that causes a public health emergency, the Government issued Presidential Decree Nr. 11 of 2020 on Determination of the Corona Virus Disease 2019 (Covid-19) Public Health Emergency.

- b) To anticipate the social and economic impact of the Covid-19 Global Pandemic and its implementation in the provision of public services, the Government based on Government Regulations in Lieu of Law Nr 1 of 2020, which was later approved by the House of Representatives to be enacted into Law Nr. 2 of 2020, has made efforts to save health and the national economy, with a focus on spending on health, social safety nets, as well as economic recovery, including for the business world and communities affected. The government has allocated stimulus funds and fiscal relaxation, the benefits of which are expected to be felt by medical personnel, the community, and business actors in the real sector as well as the financial sector, which includes micro, small, medium, large businesses and cooperatives more evenly.

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