
Legal Aspects Of Public Policy Impact Mitigation Of The Covid-19 Pandemic In Rural Areas

Ronny Winarno^{1*}, Ardhiwinda Kusumaputra²

¹Merdeka Pasuruan University, Indonesia

²Wijaya Kusuma University, Indonesia

DOI: <https://doi.org/10.32528/issn.v1i1.37>

*Correspondensi: Ronny Winarno

Email: rwinarno89@yahoo.co.id

Published: Januari, 2022



Copyright: © 2022 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY NC) license (<http://creativecommons.org/licenses/by/4.0/>).

Abstract: Public policies related to mitigating the spread of Covid-19 in rural areas in principle contain legal aspects related to obligations, responsibilities and legal consequences on society. The polemic over government policies through Covid-19 mitigation has not been optimal, because Covid-19 victims in Indonesia are still high. The legal position of PP RI Number 21 of 2020, Presidential Decree Number 11 of 2020, Decree of the Minister of Home Affairs No. 131 of 2003 and the Declaration of the Chief of Police Number: Mak / 2 / III / 2020 as a product of public policy must be in accordance with the general principles of good governance (AUPB). The preparation of this article is based on the main reference sources from various literatures and researchers, journals relevant to the implementation of public policy, which are complemented by the authors' thoughts on the topics presented. The results of the discussion show that the implementation of public policies to mitigate the impact of the Covid-19 pandemic in rural areas still has problems with a lack of understanding of the obligations, responsibilities and legal consequences of public policies, so that some people ignore them. Public policy can become a reflection of the responsibility of the government and society in implementing a good government system and is one of the guidelines for solving social problems in rural areas.

Keywords: *Public policy, disaster mitigation, public awareness (keywords)*

INTRODUCTION

Public policy (public policy) carried out by the government as a social and scientific mitigation effort to reduce the impact of the Covid-19 pandemic in rural areas requires a very comprehensive consideration and approach. The culture of the village community is full of simplicity and tends to take action that has become a habit (living law), but on the contrary, if there is an action by the village community not to wear masks to prevent the spread of Covid —19, it is as if it is against the provisions / norms of the applicable law. Even though the government has obliged the use of masks as an effort to resolve the impact of Covid - 19 as outlined in various forms of public policies such as the form of the Perpu, Kepmen etc. including the provision of legal sanctions against someone who does not obey the use of masks such as doing social work, sweeping the road, and some even fined with an amount of money.

The application of public policies to prevent the spread of Covid-19 in Indonesia is very much needed, because the impact of Covid -19 caused death cases and had an impact on political, economic, social, cultural, defense and security aspects, as well as community welfare in both urban and rural areas. This public policy (public policy) contains legal aspects to minimize risk or loss to society which is reflected in the form of disaster mitigation. Mitigation (mitigate) means actions to reduce harm so that losses can be minimized. Mitigation includes activities and protection measures that can be initiated from preparation before the disaster takes place, assessing disaster hazards, disaster management, in the form of rescue, rehabilitation and relocation. Normatively according to the Decree of the Minister of Home Affairs of the Republic of Indonesia No. 131 of 2003, mitigation or taming are efforts and activities carried out to reduce and minimize the effects of disasters, which include preparedness, vigilance and various capacities to

overcome them. Mitigation was transformed, socialized and implemented through specific public policies related to Covid-19.

Normatively, the public policy for mitigating the prevention of the spread of Covid-19 has elements and legal aspects as well as a very important role for rural communities to be willing to understand and implement the provisions that have been established as public policy regulations and be protected from the threat of the spread of Covid-19. So as a problem in this writing is how to make the village community aware and not ignore the legal aspects of political policy to mitigate the impact of the Covid-19 pandemic, especially with regard to obligations, responsibilities and legal consequences on society.

METHOD

This writing is based on the public policy of mitigating the impact of the Covid-19 pandemic using the Law approach. That each determines public policy is inseparable from the political configuration of the law and policies that are the legal basis for it. In this paper the methodology used includes:

1. The scope of writing regarding public policies on mitigating the impact of the Covid-19 pandemic in rural areas using a statutory approach.
2. Writing materials in the form of laws, research results, legal journals, text books; required according to the urgency of writing, Marzuki [1] including the General Indonesian Dictionary, Popular Scientific Dictionary, Law Dictionary, Black's Law Dictionary.
3. The technique of collecting writing materials is carried out by tracing and searching the related laws and regulations.
4. Technical analysis of writing materials is carried out in a normative juridical manner by emphasizing and guided by:
 - a. The principle of forming appropriate laws and regulations, as the basis and boundary for implementing government activities Indarti [2].
 - b. General principles of good governance (AUPB)

RESULT AND DISCUSSION

A. Definition of Public Policy

A policy that is not supported by legal instruments will be difficult to implement and difficult to guide in its implementation. Thus, state policy and law has a close relationship. State law is a product of policy, but also gives shape to the policy itself, so that it can run and be implemented in society. Some definitions of public policy according to experts include Kurniawan and Lutfi [3]:

1. Chandler and Plano (1988)
Public policy is a strategic use of existing resources to solve public or government problems.
2. Easton (1969)
Public policy as the allocation of power values for the entire society whose existence is binding.
3. Arief Ramelan Karseno
Public policy is understood as both political, economic and social policies that are taken collectively for the benefit / benefit of society collectively (collectively).
4. Thomas R. Dye.
Public policy as what the government does not do or does Wahab [4].
Based on this definition of public policy, there are 7 (seven) policy stages, namely:
 1. The problem assessment stage
 2. Determination of policy goals and objectives.
 3. Development of the model.
 4. Formulation of policy alternatives.
 5. Determining the criteria for selecting alternative policies.
 6. Assessment of policy alternatives.
 7. Formulation of policy recommendations.

If this stage of public policy is related to mitigating the impact of the Covid-19 pandemic, then there are legal aspects related to obligations, responsibilities and legal consequences for society.

B. Public Policy Competence

Public policy in general is related to the practice of state administration in all its aspects, so that interaction with other disciplines (interdisciplinary) is needed. In the practice of state administration, there is state administration, namely all activities carried out by the government apparatus of a country in an effort to achieve state goals Sondang [5]. The administration of a developing country concerns the institutional, operational and professional demands of human resources or apparatus, especially in making policies. Ibrahim [6] this policy relates to the position of an official or state administrative body with the authority to make various decisions. In addition to the provisions of statutory regulations, the exercise of this authority is also based on freedom of action (beleidsurijheid or beoordelingsurijheid) or commonly known as Fries Ermessen Kurniawan and Lutfi [3].

Policy regulations are made based on Fries Ermessen, while the examination of these policy regulations is directed at doelmatigheid (its usefulness) so that the touchstone is general principles of proper governance. In practice, this policy regulation takes various forms or types, namely decisions, instructions, circulars, announcements etc.

Based on their needs and interests, the competence of public policies when compiled must fulfill three (3) important things, namely (a) formulating public policies (b) implementing public policies and (c) evaluating public policies. Therefore, with regard to social and scientific mitigation policies from the impact of the Covid-19 pandemic in rural areas, it needs to be adjusted to the benefits of mitigation public policies in rural areas with a simple community culture with a mindset of many social functions. So that the village community was formed to understand if there was a Covid-19 attack. Public policy competence is in line with state policy

This is in line with the opinion of Beatrix Hayudityas [7], that mitigation activities aim to increase community preparedness and disaster risk reduction for a long period of time, reduce the number of victims, and be implemented as much as possible to minimize the impact (Hadudityas). Disaster mitigation is an activity carried out before a disaster occurs and which focuses on impact reduction, as well as preparedness and efforts to reduce the long-term impact of a disaster. Based on the policy of mitigating the impact of the Covid-19 pandemic, it is expected that: (1) a competency map of Covid-19 prone areas that contains disaster mitigation, (2) a description of the legal analysis of the need for developing a disaster mitigation model as a public policy and (3) a set of models disaster mitigation that is understood by the community.

The Covid-19 disaster mitigation model that is understood by the community as a public policy contains legal aspects (obligations, responsibilities and legal consequences) which can be the theme of learning for Covid-19 disaster mitigation, is binding and is applied to village / sub-district officials before applied to the general public. So that a public policy (public policy) for handling properly, quickly, and precisely and forming public awareness to participate in preventing the spread of the Covid-19 disaster so that it does not spread and develop into a disturbance to security and public order.

C. Das Sollen and Das Sein Public Policy Mitigation of the Impact of the Covid-19 Pandemic and Its Legal Aspects.

1. Das sollen and das sein Public Policy Mitigation.

Philosophically, the goal of forming a public policy to mitigate the impact of the Covid 19 pandemic in rural areas needs to make specific strategies and approaches according to the character and culture of the village community. That there are several obstacles to awakening the village community and not neglecting some of the mitigation policies for the impact of the Covid-19 pandemic, especially there are several legal aspects of political mitigation policies related to obligations, responsibilities and legal consequences on society. The following is shown in table 1 regarding the problems of public policy mitigating the impact of the Covid-19 pandemic in rural areas

Table 1. Public policy problems mitigating the impact of the Covid-19 pandemic in rural areas

No	Public policy	Legal norms	Problematics
1	PSBB implementation	PP RI Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Covid-19),	Many people do not comply with the provisions of the PSBB. If the violation of people who do not wear masks is carried out the analysis becomes one of the parameters for the weaknesses of public policies determined by the government. Including as a weakness of the community does not comply with the regulations made by the government. These indications of violations will hamper the acceleration of the new normal so that Covid does not spread.
2	Determination of Public Health Emergencies	Presidential Decree Number 11 Year 2020 Determination of Public Health Emergency 2019 Corona Virus Disease (Covid-19)	There are still people who ignore the conditions of the Covid-19 pandemic even though Indonesia is declared a Covid-19 emergency. For rural communities, there are those who perceive the Covid-19 pandemic as being sick in general. As proof, there are villagers in the village of Lekok who pulled the coffin of their family and said they did not want their family to be tested.
3	Limitation of mass crowding events (physical destanting)	Chief of Police Declaration Number: Mak / 2 / III / 2020 concerning compliance with government policies in handling the spread of the corona virus (Covid 19), March 19, 2020	There are still people who hold events / celebrations by inviting guests and there are crowd gatherings. Finally, there was a celebration event which the security forces had to disband because they were deemed to have violated the announcement of the National Police Chief.
4	Disaster management and handling of refugees in the regions	RI Minister of Home Affairs Decree No. 131 of 2003 concerning Disaster Management and Handling of Refugees in the Regions	The community has not known much about disaster mitigation and IDP management in the regions. Therefore, BNPB opens this link to accommodate disaster information if something happens in the area.
5	Social work legal sanctions and monetary fines	Article 212 of the Criminal Code	There are community members who oppose the officers
6	Mask mandatory, keep your distance, use a hand sanitizer	Regent Regulation Regulation of Mayor	Masks were only brought but not worn. Personal awareness is needed so that they are willing to use masks so that it is useful to protect themselves and other people from being infected.
7.	Closing of tourist attractions, cafes etc.	Regent Regulation Regulation of Mayor	Some are still open and violating their opening hours

Data source: analysis results of several public policies related to legal norms enforced.

If you pay attention to the hopes and realities that have occurred and experienced by the Government and society, there is a common thread of interconnection and dependence where on the one hand the government through public policy determines regulations to prevent the spread of the Covid-19 pandemic that can be minimized. Meanwhile, in other positions, the community is expected to comply with the provisions made by the government. However, it can be seen that there are still many problems in the community, especially weaknesses in complying with policies determined by the government.

As world conditions approach the end of 2020, all countries are still faced with the problem of the spread of the Covid-19 virus. As of April 28, 2020, the total number of people who were positive for Covid-19 in Indonesia today touched the number 9,551. Among them 1,245 people were declared cured. Meanwhile, the death rate has reached 773 people to this day. In line with that no one can predict when this pandemic will end completely. What is certain depends on how consistent a country's policies are in fighting it.

In the context of normative analysis of mitigation public policies, the existence of the government needs to prepare a policy strategy in the midst of the Covid-19 pandemic situation. So that as a solution to the Covid-19 pandemic problem, it provides several possible policy alternatives such as the existence of a new cluster in the Covid-19 pandemic to help decision making at the policy maker level to prepare the right strategy. So far, the policy products that have been prepared and implemented in general have not been fully able to solve and provide maximum handling of public problems. This is indicated by the habits of the state and government in the policy framing process, which is well packaged and sophisticated but has no substance. Regulations must focus on policy goals, and technical assistance, as well as develop instruments to assist countries in responding to the Covid-19 pandemic crisis.

2. Legal Aspects of Public Policy Mitigation of the Impact of the Covid-19 Pandemic

Based on *das sollen* and *das sein* public policy mitigation and it turns out that the level of understanding of compliance with public policies related to joint efforts to mitigate the impact of the Covid-19 pandemic is still not optimal, so the government continues to strive to improve through public policies in other related fields.

If a legal analysis of the resolution of the Covid-19 pandemic problem is carried out with various public policies, then from the approach of the Law, it is imperative that all people, both urban and rural, continue to support and mitigate the impact of the Covid-19 pandemic. Between the government and the community there must be a complementary cooperation agreement based on Indonesia as a welfare state and Indonesia as a rule of law (*rechtstaats*) as stipulated in the 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3). That it is the duty of the state to resolve the Covid-19 pandemic problem by encouraging and motivating the public to be more aware to comply with all policies that have been set for the good of society.

In accordance with the theory of the welfare state, the state is not only tasked with safeguarding the country's sovereignty but also must be able to realize people's welfare by improving the people's economy.

Public awareness if it grows optimally to protect each other is clear as a reflection of *das sollen* and *das sein* on public policies to mitigate the impact of the Covid-19 pandemic, because between expectations and reality are often inconsistent and can harm all parties. This is in line with Wiwik Sulistryaningsih's opinion, that a disaster will have an adverse impact on various areas of community life Sulistryaningsih [8]. In addition to material losses, moral losses that arise are mental conditions that are deteriorated or disturbed, because people have lost their property and family due to a disaster. In the age group of children, the impact of disasters is seen as more worrying, so that in Law Number 24 of 2007 concerning Disaster Management, they are categorized as a vulnerable group. This means that the community of children in the community needs special attention when a disaster occurs.

Therefore, PP RI Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19) has been established. Also the enactment of Presidential Decree No.11 of 2020 concerning the Determination of Public Health Emergencies for Corona Virus Disease 2019 (Covid-19), the implications of this Covid-19 have resulted in legal excesses in all aspects with all legal consequences.

Thus, in the concept of Indonesia as a rule of law based on Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, all policies to deal with the Covid-19 pandemic situation that are implemented are actions based on law and are useful for accelerating the recovery process. Therefore, the presence of the state and government in society with goodwill and political will must be able to exercise respect, to protect and to fulfill the interests of the people who are affected by Covid-19. The legal aspects of public policy mitigating the impact of the Covid-19 pandemic include:

a. Liability aspect

It means that every community must realize that they have an obligation to maintain, implement and evaluate or control all public policies published in pandemic situations, especially in rural areas that require government attention. In addition, the community is also obliged to comply with all public policies that have been determined by the government, such as having to wear a mask, keep a distance, etc.

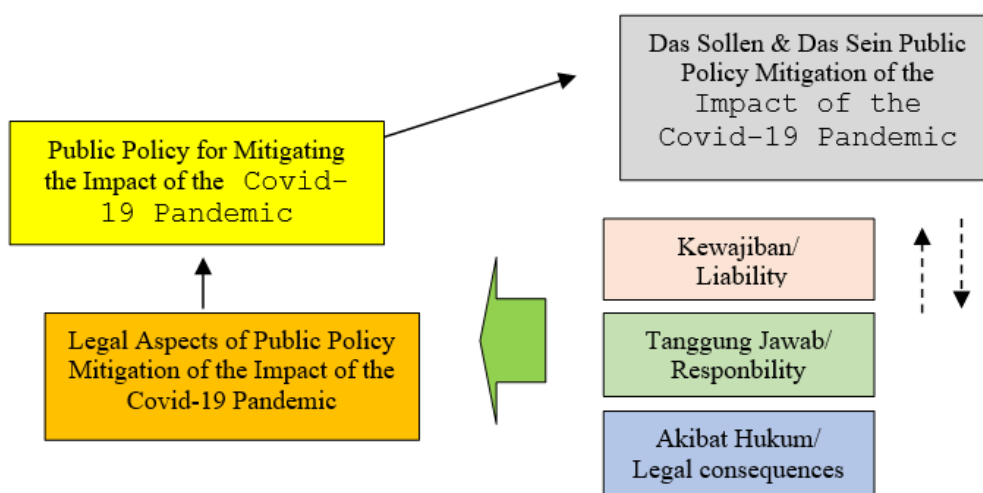
b. Responsibility aspect.

What this means is that it must be realized that there is a responsibility to realize public health, community resilience against disasters and calamities such as the Covid-19 pandemic is the responsibility of the entire community. With the principle of shared responsibility in the Covid-19 pandemic situation, it is together to prevent the spread of Covid-19. This responsibility is not only a burden on the state's duties, but is a series that are mutually bound and in line with Law no. 6 of 2018 concerning Health Quarantine and AUPB.

c. Aspects of legal consequences for society.

It means that the public must realize that every public policy has legal consequences as a reflection of the goal of creating welfare for the community. This legal consequence is a logical consequence of the determination of public policy to apply administrative sanctions, fines, etc. This is where every public policy will be measured by the general principles of good governance.

Scheme 1. The flow of legal aspects can become a parameter for public policy to work well



Based on the scheme 1. legal aspects of public policy mitigation of the impact of the Covid-19 pandemic are seen so that public policies to mitigate the impact of the Covid-19 pandemic in rural areas can be implemented properly, to provide awareness to the public, showing that between policy and state law has a close relationship. State law is a product of policy, but also gives shape to the policy itself, so that public policy can run and be implemented in society.

That public policy is a critical factor that will determine the progress or decline of a country. A country will be superior is largely determined by the facts, whether it has superior public policies or vice versa. Therefore, in the situation of the Covid-19 pandemic, the government must quickly respond to this condition with good public policies. The process of making public policies must be oriented towards AUPB so that disharmony can be avoided at the implementation level. Public policy is an integral part of the political system whose impact will be on the public. Likewise, the political system adopted by the Indonesian nation must be able to produce policies that can truly accommodate public interests (not empty).

REFERENCES

- [1] Marzuki, Peter Mahmud, "Penelitian Hukum, Kencana Prenada Media Group", Jakarta, 35-36, 2008.
- [2] Indarti, Maria Farida. "Ilmu Perundang-undangan", Yogyakarta, 228, 2007.

-
-
- [3] Kurniawan, Luthfi J and Lutfi, Mustafa.”Perihal Negara, Hukum dan Kebijakan Publik”, Setara Press, Malang, 2011.
 - [4] Wahab, Solichin Abdul, “Analisis Kebijakan. Dari Formulasi Ke Implementasi Kebijaksanaan Negara”, Bumi Aksara, Jakarta, 2008.
 - [5] Siagian, Sondang P., “Filsafat Administrasi”, Gunung Agung, Jakarta, 1996.
 - [6] Ibrahim, Amin, “Pokok-Pokok Administrasi Publik dan Implementasinya”, Refika Aditama, Bandung, 2008.
 - [7] Hayudityas, Beatrix, “Pentingnya Penerapan Pendidikan Mitigasi Bencana Di Sekolah Untuk Mengetahui Kesiapsiagaan Peserta Didik”, *Jurnal Edukasi NonFormal* Vo. 1 No. 2, <https://indonews.id/artikel/29269/Dilema-Covid-19-dan-Manajemen-Kebijakan-Publik/>, 2020.
 - [8] Sulistyaningsih, Wiwik, “Ketangguhan Mental Anak Dalam Menghadapi Bencana”, *Jurnal Penanggulangan Bencana BNPB*, 2011.