
RECONSTRUCTION OF THE LEGAL RELATIONS OF THE CENTRAL AND LOCAL GOVERNMENTS IN HANDLING THE PANDEMIC IN INDONESIA**Trubus Rahardiansah, Eriyantouw Wahid, Endyk M. Asror**Universitas Trisakti, Jakarta, Indonesia^{1,2,3}

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ABSTRACT

In 2020, a health emergency became a condition that affected the stability of the Indonesian state, especially in certain areas that require proper and prompt handling. The Covid-19 virus outbreak (also known as the coronavirus), has infected millions of people across Indonesia. The legal basis used to draft the handling policy, at least also based on the 1945 NRI Constitution, Law No. 24 of 2007 on Disaster Management (hereinafter referred to as Law No. 24 of 2007) and Law No. 6 of 2018 on Health Quarantine (hereinafter referred to as Law No. 6 of 2018). The issue raised is how the implementation of law enforcement and legal sanctions in handling the Covid-19 pandemic in Indonesia based on Law No.6 of 2018 concerning Health Quarantine and reconstruction of legal relations between the central and local governments in handling the pandemic effectively in Indonesia? The method used is normative legal research methods. Normative legal research itself is a research method that examines the law from an internal perspective with the object of research is the legal norm. The approaches used in this study are the statute approach and the conceptual approach. This research is based on the regulation of laws and regulations governing the handling and management of the Covid-19 pandemic and analysis of the concept of determining the laws and regulations. The conclusions that can be drawn include a comprehensive analysis of the substance of Law No. 24 of 2007, Law No. 6 of 2018, and Law No. 23 of 2014 shows the unclear legal relationship between the central government and local governments in emergency situations (extraordinary), especially in handling the pandemic. As a result, its implementation often causes legal conflicts between the central and local governments that hinder the handling of Covid-19 in Indonesia. The Regional Government, on the basis of autonomy has the right to take care of its regional affairs, including in dealing with problems that occur in the region. The results of this study provide advice and recommendations including The Need for Synchronization and Harmonization of the Regulation of Law No.24 of 2007 on Disaster Management, Law No.23 of 2014 on Local Government and Law No.6 of 2018 on Health Quarantine so that the construction of central and regional legal relations in handling outbreaks in Indonesia can be more responsive and effective in its implementation.

Keyword: *Legal Relations, Central and Local Government, Pandemic Handling.*

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INTRODUCTION

The issue of centralization and decentralization in handling COVID-19 came to the fore amid efforts to find the right policy alternatives in the face of the Coronavirus 19 pandemic. Criticism of the practice of decentralization suggests decentralization has created parochial (narrow-minded) and separatist. Decentralization has also threatened the unity of the general will. Decentralization has also strengthened narrow and sectional interests ([Wright, Andersson, Gibson, & Evans, 2016](#)).

The constitutional design of the relationship between the Central Government and the Regional Government in Indonesia is built on the principle of a unitary state. First, the Principle of the unitary state emphasizes the highest power over all state affairs is the central government without a delegation or devolution of power to the local government ([Mapuva, 2014](#)). Second, in a unitary state, the responsibility of carrying out government duties basically remains in the hands of the central government. From the perspective of the composition of the state, the characteristics of the unitary state are singular. That is, the unitary state is not composed of several countries, but consists of only one state, so that there is no state in the country ([Wrede, 2004](#)).

However, in its development until now the direction of decentralization is always moving at a different equilibrium point. If it is likened to a pendulum, then the movement of this pendulum always moves on two sides, namely the center and the region. Or in other languages, its movement towards centralization or decentralization. The problem is that the tug-of-war over the management of the relationship between the central government and the local government has a unique dynamic ([Bednar, 2019](#)). This relationship is built on the basis of laws and regulations governing local government. Every time the laws and regulations on Local Government change, it also changes the pattern of relationships built between the center and the region ([Feltenius, 2007](#)). This shows that in the context of managing central and regional relations, the formulation of regional autonomy in Indonesia is still looking for the right patterns and designs in managing the special circumstances and diversity that exist in each region. The management of central and regional relations has become "blurred and less clear", as Indonesia faces a situation referred to as a Public Health Emergency ([Eva, 2020](#)).

In 2020, a health emergency became a condition that affected the stability of the Indonesian state, especially in certain areas that require proper and prompt handling. The Covid-19 virus outbreak (also known as the coronavirus), has infected millions of people across Indonesia ([Olivia, Gibson, & Nasrudin, 2020](#)). The legal basis used to draft the handling policy, at least also based on the 1945 NRI Constitution, Law No. 24 of 2007 on Disaster Management (hereinafter referred to as Law No. 24 of 2007) and Law No. 6 of 2018 on Health Quarantine (hereinafter referred to as Law No. 6 of 2018).

Local governments that first take steps to anticipate and handle Covid-19 certainly do not intend to precede or disobey the central government. In general, it certainly has a good intention, namely to protect the people who have given it a constitutional mandate through elections as Article 18 Paragraph 4 of the 1945 Constitution. Consciously, of course, the local government feels responsible for the condition of the outbreak that occurs in the community, which even causes casualties. Because health is one of the obligations of local governments to their communities, as mandated by Law No. 23 of 2014 concerning Local Government. So that if the local government remains silent, it will certainly get an 'attack' action from the community to collect concrete actions for this problem, it will be a "burden" on the local government when it does not take steps quickly.

Administratively, the causes of poor central-regional relations during the pandemic can be reviewed from the approach used by the government. The characteristics of COVID-19 that are closely related to health aspects make the government must be able to take a combination of a disaster approach (referring to Law No. 24 of 2007) and a health approach (referring to Law No. 36

of 2009). Both of these approaches then have an effect on the division of central-regional affairs. In Law No. 23 of 2014, health and disaster affairs are classified as concurrent government affairs which means that local governments also have the authority to manage these affairs. However, it should be realized that the COVID-19 disaster has been designated as a national disaster through Presidential Decree No. 12 of 2020. This has implications for the central government which has a dominant role in times of national emergency.

Such contradictions affect the central-regional relationship in dealing with COVID-19. The top-down model used by the central government in implementing the COVID-19 policy resulted in an agency-area relationship. Sarundajang (2005) defines it as a form where the local government serves as an agent of the central government in the region so that flexibility in regulating the region becomes limited. On the other hand, many regional heads actually implemented various local initiatives without waiting for instructions and coordinating to the center. The move was chosen because the COVID-19 disaster demanded appropriate and prompt handling efforts. This difference in perception is the beginning of the creation of chaos in handling COVID-19 in Indonesia.

Legally, the authority to determine public health emergencies is indeed the authority of the central government as article 10 paragraph (1) of Law No. 6 of 2018. Where one form of mitigation action against the health emergency is PSBB, which is then delegated to the authority of the minister. However, in the midst of the spirit of the local government to protect its people and take various efforts to survive the spread of the Covid-19 outbreak, the Minister of Health actually issued PMK Number 9 of 2020 which was considered too procedural. It is said, because if the local government wants to apply for PSBB status, then the regional head must compile four things in detail, ranging from increasing the number of cases according to time, the spread of cases according to time, local transmission events, and regional readiness about aspects of the availability of basic living needs of the community, health facilities and infrastructure, budget and operationality of social security networks, and security aspects.

METHODS

The legal research method used in this study is normative legal research method. Normative legal research itself is a research method that examines the law from an internal perspective with the object of research is the legal norm. The approaches used in this study are the statute approach and the conceptual approach. This research is based on the regulation of laws and regulations governing the handling and management of the Covid-19 pandemic and analysis of the concept of determining the laws and regulations.

RESULTS AND DISCUSSION

1. Implementation of Law Enforcement and Legal Sanctions in Handling the Covid-19 Pandemic in Indonesia Based on Law No. 6 of 2018 concerning Health Quarantine

The health protocol is based on the Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating the Handling of Covid-19 (Permenkes No. 9 of 2020). Article 13 paragraph (8) of Permenkes No. 9 of 2020 then mandates the establishment of health protocols. The Ministry of Health then issued a Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07 / Menkes / 382 / 2020 concerning Health Protocols for People in Public Places and Facilities in the Framework of Prevention and Control of Corona Virus Disease 2019 (Kepmenkes 382/2020).

Health protocols arise because of an effort to overcome the disease outbreak that occurred in Indonesia. Health protocol is a step taken after the implementation of large-scale social restrictions (PSBB) in parts of Indonesia as stated in Article 59 of Law 6 of 2018 concerning Health Quarantine (Law No. 6 of 2018). PSBB is then regulated in Government Regulation Number 21 of 2020 concerning PSBB in order to Accelerate the Handling of the Covid-19 Virus (PP No. 21 of 2020). Article 5 of PP No. 21 of 2020 states that in the event that the PSBB has been

determined by the Minister of Health, the local government is obliged to implement and pay attention to the provisions as stipulated in Law No. 6 of 2018. This means that in the implementation of PSBB, there are also prohibition rules or criminal provisions that regulate health quarantine. Article 93 of Law No. 6 of 2018 states that anyone who hinders the implementation of health quarantine so as to cause a public health emergency can be punished with imprisonment for a maximum of 1 (one) year and/or a maximum fine of Rp100,000,000 (one hundred million rupiah) ([Denico Doly, 2009](#)).

Therefore, it can be said that people who deliberately do not comply with the rules regarding health protocols can be given criminal sanctions as intended in Article 93 of Law No. 6 of 2018. As a form of the government's seriousness in tackling Covid-19, the President then issued Presidential Instruction No. 6 of 2020 on Improving Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 (Presidential Decree No. 6 of 2020). Presidential Decree No. 6 of 2020 states that governors, regents, and mayors draft and stipulate governor regulations / regent / mayor regulations, one of which contains sanctions for violations of the implementation of health protocols in the prevention and control of Covid-19 carried out by individuals, business actors, managers, organizers, or persons in charge of public places and facilities.

Based on this, the Indonesian region that implements PSBB then makes rules regarding the implementation of PSBB and its sanctions. One of the provinces implementing PSBB is DKI Jakarta Province through the Jakarta Capital Special Regional Governor Regulation Number 33 of 2020 concerning the Implementation of Large-Scale Social Restrictions in handling Covid-19 in the Special Region Province of the Capital City of Jakarta (Pergub DKI No. 33 of 2020) and the Governor Regulation of the Special Region of the Capital City of Jakarta Number 41 of 2020 concerning the Imposition of Sanctions for Violations of the Implementation of Large-Scale Social Restrictions in handling Covid-19 in the Province. DKI Jakarta (Pergub DKI No. 41 of 2020).

One example of sanctions stipulated in Article 4 paragraph (1) of the Dki Regulation No. 41 of 2020 is that if everyone does not carry out wearing a mask, it will be subject to a written reprimand, social work, or with administrartif at least Rp100,000,- (one hundred thousand rupiah) and a maximum of Rp250,000 (two hundred and fifty thousand rupiah). Sanctions rules for violations of health protocols already exist, but in the daily implementation, violations of health protocols still occur in various places, especially in the market.

Law enforcement has not run optimally, because there are still many people who are not aware of the importance of implementing health protocols. H.C. Kelman in Achmad Ali (2009) states that one's obedience is compliance, that is, someone obeys a rule just for fear of sanctions. Based on what was stated by H.C. Kelman, it can be said that currently the public legal awareness to implement health protocols is still limited to compliance. The public will obey the rules when meeting with the police, PP police, or other Covid-19 Task Force. However, if they do not meet with law enforcement, the public will tend to ignore the rules of the Health protocol.

Law enforcement can be influenced by several factors, namely legal factors, law enforcement, facilities or facilities, society, and culture. Legal factors, namely the laws and regulations governing health protocols such as Law No. 6 of 2018, Presidential Decree No. 6 of 2020, and governor/mayor/regent regulations on PSBB. The set of rules for implementing law enforcement implementation of health protocols already exists, but the implementation has not been optimal. The sanctions given to violators of current health protocols are only limited to the provision of administrative sanctions and social work sanctions as stipulated in Article 14 of the Dki Regulation No. 41 of 2020. These sanctions have not been able to provide a deterrent effect to violators of health protocol rules. Law enforcement factors, namely law enforcement devices, namely the police and Satpol PP. One of the instructions given in Presidential Decree No. 6 of 2020 to the Police Chief of the Republic of Indonesia is to streamline law enforcement against violations of health protocols. In addition, in order to enforce regional rules, regional devices such as Satpol PP are tasked with implementing health protocol rules.

Law enforcement against the implementation of health protocols can be said to decrease, the Ministry of Home Affairs said there are several reasons for the decline in health protocol discipline, namely the presence of saturation in the community and officers and the easing of health protocols. Factors of facilities or facilities, such as places to wash hands and instructions for circulation in and out of visitors. In connection with this, the Minister of Trade of the Republic of Indonesia has issued Circular Letter Number 12 of 2020 concerning the Recovery of Trade Activities Carried Out During the Corona Virus Disease 2019 (Covid-19) Pandemic. Based on the Circular Letter, malls or shopping centers must implement strict health protocols, including establishing circulation and time limits for visits and the maximum number of visitors of 35%, requiring the use of masks, face shields, and gloves, provision of handwashing places, distance restrictions of at least 1.5 meters, and others. Therefore, for example, shopping center owners are obliged to provide facilities for hand washing and instructions for the circulation of visitors in and out..

Community factors, namely factors that have a strong influence in the implementation of law enforcement. This factor becomes important because the higher public awareness of the laws and regulations, the more good law enforcement will be achieved. The application of health protocols is related to the observance of community law. People today are often ignorant of health protocols, such as not using masks or using masks but not covering the nose and mouth. Another violation is not maintaining distance between each other. Another factor is the cultural factor.

Cultural factors become important to implement, because culture serves as a guideline for society to act, do, and determine its attitude. A culture of obeying laws and regulations needs to be built so that the community understands that rules are formed so that people get a sense of security and comfort. The culture of enforcing health protocol rules by the community means that the community is helping to prevent the spread of Covid-19.

In the context of implementing criminal sanctions for PSBB violators, the state in this case the government must act decisively when there are violations in the framework of prevention and eradication of the Covid-19 pandemic by imposing fines as alternative sanctions. This is based on Jan Remmelink's opinion that why the state acts when there is a crime and why the state acts by inflicting suffering ([Faisol & Mashdurohatun, 2021](#)). It is intended as an appropriate means because it encourages the state to act fairly and avoid injustice. Criminal punishment here serves as a mechanism of social and psychic threats. Criminal charges against PSBB violators are also used as a means of education to the community. Educational theory in his book Eddy O.S. Hiariej ([Hiariej, 2016](#)), He stated that criminals aim as an education to the public about which are good deeds and which are bad deeds. The enforcement of fines against violators of large-scale social restrictions rules must be applied objectively, rationally and proportionately as a means of deterrent effect and public education to realize the dangers of the impact of Covid-19 as well as social control advice so that the community complies with social distancing and physical distancing rules.

The threat of sanctions that can be imposed against PSBB violators is regulated in various existing laws and regulations. Among others, Law No. 4 of 1984 concerning Infectious Disease Outbreaks, Law No. 6 of 2018 on Health Quarantine and Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) in order to accelerate the handling of Covid-19. In addition, there is also an Information from the Police Of the Republic of Indonesia Number: Mak/2/III/2020 concerning Compliance with Government Policies in Handling the Spread of the Corona Virus (COVID 19) by including criminal threats contained in Article 212 and or Article 218 of the Criminal Code. According to Nur Rohim Yunus, said that: "the prevention of the Covid-19 pandemic outbreak must be carried out by providing criminal sanctions for citizens who commit violations" ([Yunus & Rezki, 2020](#)). The legal basis for sanctions for violators of Large-Scale Social Restrictions (PSBB) in the form of Regulation No. 41 of 2020 is too weak to be able to sanction fines and criminals. For this reason, the Greater Jakarta Ombudsman encouraged the Dki Jakarta

Provincial Government to form regional regulations (perda). Perda is considered stronger than pergub because it is also contained as one of the regulatory hierarchies in accordance with Law No. 12 of 2011 concerning the Establishment of Laws and Regulations, regulations that contain sanctions only law or perpu and perda. By making sanctions rules in the form of regulations, the DKI Provincial Government has a strong legal basis to impose legal sanctions in the form of fines ([Kartono, 2020](#)).

1. Reconstruction of The Legal Relationship of the Central and Local Governments in Handling the Covid-19 Pandemic

The existence of disagreements about how to handle COVID-19 between the central and local governments actually indicates weak coordination between the center and the region. However, this problem is actually not new considering that in the practice of post-reform regional autonomy, central and regional relations are often colored by coordination problems between the central government and local governments. Policy differences not only concern the problem of lack of understanding of the region in its position based on the law, but also caused by political problems, ranging from campaign promises that are not in line with the central government's development plan to the difference in the affiliation of the regional leadership political party with the central leadership ([Wicaksono, 2020](#)).

From the aspect of decentralization, namely: deconcentration, delegation, and devolution, the last aspect (devolution) becomes legitimacy for the region to be able to determine its own attitude as an autonomous region. Indeed, in the new laws on local government, the current regional authority is not as large as mandated by Law No.22 of 1999, but devolution that presents direct elections and the direct participation of regional communities in development in their regions, makes regional heads have the responsibility to meet the demands of their constituents. So that when the regional head does not take any policy in dealing with COVID-19, the public will blame the regional leadership. The uncertainty of central policy, weak coordination, and the demands of the people in this area are what ultimately underlie the regions to disagree with the central government. Furthermore, in an effort to realize more progressive policies and respond to public demands in the regions, the government finally issued Presidential Decree (Keppres) No.11 of 2020 concerning the Determination of COVID-19 Public Health Emergency at the end of March 2020. The Presidential Decree on Public Health Emergency was also followed by a policy of Large-Scale Social Restrictions (PSBB) through Government Regulation (PP) No.21 of 2020 concerning PSBB in the Context of Accelerating COVID-19 Handling. PSBB was chosen by the central government rather than quarantine the actual area is also allowed by Law No.6 of 2018 on Health Quarantine with consideration to minimize the impact of economic destruction. Because with psbb the economy can still move even though it is limited, while if the quarantine of the region is applied, the economy will stop and the government must bear all the economic costs needed by the community during quarantine. This is certainly not possible considering the limited budget owned by the government. In addition, social, cultural, political, and geographical issues are certainly also a consideration in sorting policies that are in accordance with Indonesia's conditions. This regulation regarding PSBB finally makes room for regions to take more concrete actions than just appeals to maintain distance (social distancing / physical distancing) by first applying to the government through the Minister of Health. So that only local governments that have obtained permits can carry out PSBB, such as: the distribution of schools and offices, restrictions on religious activities, and restrictions on activities in public places.

In the context of the division of government affairs, good coordination between the center and the region is the determinant of the success of policy policies at the regional level, including on the issue of handling COVID-19 ([Roziqin, Mas'udi, & Sihidi, 2021](#)). Local governments are considered to better understand the conditions of their communities and regions and are closer to the public recipients of services or policies from the government. On the other hand, the central government must ensure the balance of development between regions by exploring the potential of each region and trying to create equality. Related to the handling of COVID-19, the

role of the central government is like a conductor in an orchestra and the region is a variety of musicians who hold a variety of musical instruments. Good cooperation and coordination between music players and conductors will result in a slick orchestration, as well as good coordination and cooperation between the central and local governments will be very helpful in fighting COVID-19.

Then from the policy aspect in the form of law, the government has issued Perpu No. 1 of 2020 and Presidential Decree No. 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a national disaster (Presidential Decree No. 12 of 2020). Perpu No. 1 of 2020 which was later determined to be Law No.2 of 2020 substantively regulates related to the country's financial policy in handling covid-19 ([Saputro & Prakoso, 2021](#)). Perpu consisting of 5 (five) chapters is used as legality for the government in regulating the country's financial management during the pandemic. The presence of Perpu No. 1 of 2020 is like a ship that will sail towards the ocean, the sails have not been well developed the waves have come closer to test the existence of shipping. Shortly after the presence of Perpu No. 1 of 2020 a wave of testing (judicial review) to the Constitutional Court (MK) came in turn ranging from the community to the community organization (Ormas).

Based on the explanation mentioned above, in the future the handling of the Covid-19 pandemic in Indonesia refers to: (1) the 1945 Constitution; (2) Law No. 23 of 2014 concerning Regional Autonomy; (3) Law No. 24 of 2007 concerning Disaster Management; (4) Law No. 6 of 2018 concerning Health Quarantine. This is in line with responsive legal theory where the type of responsive law aspires to demand a more flexible interpretation that sees the rule of law as tied to specific problems and contexts. The responsive type of law has prominent characteristics, namely: First, the shift of emphasis from rules to principles and objectives; Second, the importance of populist character both as a legal goal and a way to achieve it.

The role of Local Government is very important, because the Local Government is considered to be the most aware of the state of the region and close to the community directly. So, to determine its fate, the region is not only at the top of the government so that the implementation of government can be responsive to the community. However, if you look back at the conditions that are happening that something policy taken by the local government certainly has an impact on other regions. This pandemic also affects other aspects such as economic aspects both micro and macro. Micro is indeed an authority and responsibility to local government, but microeconomics affects macroeconomics which means that the central government has the authority to set policies that are considered necessary in maintaining macroeconomic stability which also affects the implementation of the state. So in general, in handling the Covid-19 pandemic, there are two considerations, namely the health aspect and the economic aspect. The Central Government chose PSBB as a measure to prevent and deal with the Covid-19 pandemic because it could compromise the economy. Even though, PSBB becomes an obstacle to the economy but the economy does not stop completely but still runs even with limitations. This compromise is made by the existence of regulations regarding health protocols for every economic actor. Health protocols carried out include Social Distancing / Physical Distancing which is considered quite effective in inhibiting the spread of the virus.

CONCLUSION

Based on the results of the analysis in the previous chapter, the study can conclude that, Law Enforcement Law No.6 of 2018 on Health Quarantine by the Central and Local Governments is not effective, because the substance of the rules is not clear, the structure of law enforcement officials who do not understand the substance of Law No.6 of 2018, and the legal culture of the community that tends to be ignorant of existing rules. The legal basis imposed on violators in handling Covid-19 in the center and the region refers to Article 93 of Law No. 6 of 2018 concerning Health Quarantine which regulates "Any person who does not comply with the implementation of health quarantine as intended in Article 9 Paragraph (1) and/or hinders the organizer of health quarantine so as to cause

a public health emergency shall be punished with imprisonment for a maximum of 1 (one) year and/or hinder the organizer of health quarantine so as to cause a public health emergency shall be punished with imprisonment for a maximum of 1 (one) year and/or maximum fine of Rp. 100,000,000.00 (one hundred million rupiah). The enforcement of criminal sanctions is considered inappropriate by the community, it is based on the criminal sanction itself, where there is one principle in the Indonesian criminal law that regulates criminal law is *ultimum remedium* meaning that if a case can be resolved by other channels then the criminal law should be used as a last resort in law enforcement. As for the pros and cons that are felt by the community, namely in Law No. 6 of 2018 does not contain the rights and obligations of the central government during the PSBB period and also in Law No. 6 of 2018 also does not contain special sanctions for PSBB violators, which contain only sanctions in general. So in this case the criteria from a misdemeanor to a severe offense have the same legal consequences. Considering the meaning of PSBB and Health Quarantine has a different meaning. The proper application for prokes violators is to prioritize the application of the principle of *ultimum remedium*, so that administrative sanctions are prioritized. This is because the implementation of administrative sanctions in the form of fines not only deters prokes violators, but also tries to make the situation as it was before the occurrence of prokes violations. This sanction is considered more efficient because it can be applied without having to go through the procedural judicial body and can also overcome problems in correctional institutions that have overcapacity. If after all sanctions are applied that are administrative, but violators still commit violations of the health program, then the implementation of criminal sanctions is needed. It also requires various considerations given the harshness of criminal sanctions. As for the application of the principle of *primum remedium* so that criminal sanctions are prioritized, it is entirely a consideration of the state in order to maintain the public interest, the effectiveness of criminal application, the loss suffered by the victim, and the loss cannot be recovered is very difficult to determine, because it is the absolute authority of the state to apply criminal sanctions as *primum remedium* or the main means to enforce the law. However, specifically the violation of the health program was also followed by the elements of the delik listed in the Criminal Code or other laws that regulate criminal acts as considered by the state, causing administrative sanctions and criminal sanctions to be carried out separately.

Reconstruction of the legal relations of the central and local governments in the context of handling the Covid-19 pandemic requires a more comprehensive arrangement with reference to the constitution of the 1945 Constitution. In order to realign the central-regional relationship in a more harmonious direction, it is time to develop progressive thinking based on complementary and interdependent relations. That is, although hierarchically the local government is lower, but the regulation of the legal relationship of the central and local governments mandates the enactment of the principle of partnership and interdependence between the two, especially when considering the nature of local communities that basically have had autonomy before. The logical consequence of this thinking is the need for the enactment of the view of regional autonomy as a "contract" between the central government and the local government through representatives of the regional people. This new perspective is expected to not only guarantee a partnership and interdependent relationship between the centers but also can be the basis for a more harmonious relationship between the two parties in the future. Collaboration is more important than withdrawing authority. Especially if observed, the emergence of these problems is due to the loss of enthusiasm to always consult between units of state organs. In fact, deliberation is the identity of the nation that has crystallized in the fourth precept of Pancasila. For this reason, it is important to formulate the right strategy to fight the Covid-19 pandemic within the framework of governance between the central government and local governments..

BIBLIOGRAPHY

Bednar, Jenna. (2019). Federalism theory: the boundary problem, robustness and dynamics. In *A Research Agenda for Federalism Studies*. Edward Elgar Publishing. [Google Scholar](#)

- Denico Doly. (2009). PENEGAKAN HUKUM PELAKSANAAN PROTOKOL KESEHATAN DI PUSAT PERBELANJAAN. *Info Singkat*.[Google Scholer](#)
- Eva, Aan. (2020). *Ini Isi Keppres Jokowi Soal Kedaruratan Kesehatan Masyarakat diTengah Corona*.[Google Scholer](#)
- Faisal, Ahmad, & Mashdurohatun, Anis. (2021). Law Enforcement against the CriminalAction of Little Theft. *Law Development Journal*, 2(4), 647–657.[Google Scholer](#)
- Feltenius, David. (2007). Relations between central and local government in Sweden during the 1990s: mixed patterns of centralization and decentralization. *Regional and Federal Studies*, 17(4), 457–474.[Google Scholer](#)
- Hiariej, Eddy O. S. (2016). *Prinsip-prinsip hukum pidana*. Cahaya Atma Pustaka.[GoogleScholer](#)
- Kartono, Kartono. (2020). Pembatasan Sosial Berskala Besar (PSBB) Dan Pidana Denda Dalam Rangka Pencegahan dan Pemberantasan Pandemi Coronavirus Disease (Covid)-19. *SALAM: Jurnal Sosial Dan Budaya Syar-I*, 7(8), 687–694.[Google Scholer](#)
- Mapuva, Jephias. (2014). Local governance, democratisation, and constitutionalism in Zimbabwe. *International Journal of Politics and Good Governance*, 5(4), 1–25.[GoogleScholer](#)
- Olivia, Susan, Gibson, John, & Nasrudin, Rus' an. (2020). Indonesia in the Time of Covid-19. *Bulletin of Indonesian Economic Studies*, 56(2), 143–174.[Google Scholer](#)
- Roziqin, Ali, Mas'udi, Syasya Y. F., & Sihidi, Iradhad T. (2021). An analysis of Indonesiangovernment policies against COVID-19. *Public Administration and Policy*.[Google Scholer](#)
- Saputro, Guntur Eko, & Prakoso, L. (2021). Implementation of Economic Policies Facing Covid 19 in Supporting Nonmilitary Defense. *International Journal of Social ScienceAnd Human Research*, 4(4), 634–642.[Google Scholer](#)
- Wicaksono, Imam. (2020). Politik Hukum Pelindungan Hak Kekayaan Intelektual Di Indonesia Pasca Di Ratifikasinya Trips Agreement. *Pena Justisia: Media KomunikasiDan Kajian Hukum*, 18(1).[Google Scholer](#)
- Wrede, Matthias. (2004). Small states, large unitary states and federations. *Public Choice*, 119(1), 219–240.[Google Scholer](#)
- Wright, Glenn D., Andersson, Krister P., Gibson, Clark C., & Evans, Tom P. (2016). Decentralization can help reduce deforestation when user groups engage with localgovernment. *Proceedings of the National Academy of Sciences*, 113(52), 14958– 14963.[Google Scholer](#)
- Yunus, Nur Rohim, & Rezki, Annissa. (2020). Kebijakan Pemberlakuan Lock Down SebagaiAntisipasi Penyebaran Corona Virus Covid-19. *SALAM: Jurnal Sosial Dan Budaya Syar-I*.
<https://doi.org/10.15408/sjsbs.v7i3.15083>[Google Scholer](#)



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