

MALAPY 2022

Proceedings of the 1st International Conference on Law, Social
Science, Economics, and Education

Tegal, Indonesia
28 May 2022

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Preface

We are glad to introduce our first proceedings at International Conference on Law, Social Science, Economics and Education 2022 (MALAPY) with issues of Digitalization, management, law, and education for sustainable development the World Post-Covid - 19 pandemic is the present situation that drags down the social welfare in multi-sectoral. Especially in Digitalizing of the Economic, Law, and Education sectoral. These conferences will recover and find the solution with social science contributions. We are pleased to introduce our first proceedings on issues of Digitization, management, law and education for sustainable development in the World. Post-Covid - 19 pandemic is the present situation that drags down the social welfare in multi-sectoral. Especially in Digitalizing of the Economic, Law, and Education sectoral. These conferences will recover and find the solution with social science contributions.

This activity resulted in dozens of articles that focused on digitalization and economic issues as well as legal and educational issues, which we're developing during the pandemic. We hope that this article, can contribute thoughts in their respective fields, and can be used as a reference for strategic policymaking. The success of this event is also inseparable from the outstanding contributions of the speakers. We say we are grateful to the speakers; Mesfin Menza Mamo (Ph.D.), Dean, College of Business and Economics of Arba Minch University, Ethiopia; Prof. Dr. Sitti Hartinah, D. S, Director of Postgraduate Program, Universitas Pancasakti Tegal, Indonesia; Mr. Youssef Baqil Researcher in Public Law and Political Science, Morocco; Prof Elchin Ghasimov, Vice-Rector of Moscow City University, Russia; Prof.Dr.Pujiono SH. MH Professor at Law Faculty, Sebelas Maret State University, Indonesia.

The extraordinary scientific contribution of the speakers was able to make the forum very useful for participants with backgrounds as researchers, developers, and practitioners to further develop scientific aspects. We also hope that the future MALAPY conference will be more successful and have a greater contribution to the development of science.

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Harmonization Of Central Government Regulation Number 21 Year 2020 With Regulations Tegal City Region Number 10 Year 2020 In Handling Covid-19

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Abstract. The purpose of this study is to analyze the regulation of the authority of the central government and local governments within the Unitary State of the Republic of Indonesia and the harmonization of Central Government Regulation Number 21 of 2020 with the Regional Regulation of the City of Tegal Number 10 of 2020 in handling COVID-19. The approach used in this research is a statutory approach and a conceptual approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this research is qualitative because the data is presented in a descriptive-narrative way. The results show that the relationship between the central and local governments is complementary and interdependent. The central government cannot function without local government, and vice versa. The difference is only in the scope of power and authority of each. The division of authority in the relationship between the central government and regional governments is related to the division of household affairs or referred to as government affairs. Therefore, the legitimacy of the central government is determined by the existence and trust of local governments, on the other hand, local governments need central justification in administering government independently and autonomously.

Keywords: Authority, Pandemic, Government

1. Introduction

The 1945 Indonesian Constitution's Preamble lists the country's aspirations. In the preamble to the fourth paragraph of the 1945 Constitution of the Republic of Indonesia, the country's national and international goals are stated: to protect the entire Indonesian nation and homeland, promote public welfare, educate the nation's life, and implement a world order based on freedom, lasting peace, and social justice. The independence of Indonesian nationality is arranged by the Republic of Indonesia, which is sovereign by the people based on the One and Only God, just and civilized humanity, Indonesian unity and democracy led by wisdom in deliberation/representation, and by realizing social justice for all Indonesians.

Indonesia has begun limiting COVID-19's expansion. Indonesia has had issues with COVID-19. COVID-19 has caused economic, social, cultural, security, and government challenges. Problems in government management stem from the spread of COVID-19, which is related to decentralized health affairs [1]. The central government and local governments in each province and district/city have taken precautions to prevent the spread of COVID-19 in Indonesia. The government must build this properly and synergistically, he said.

As circulated on social media and mass media, the handling of the COVID-19 outbreak between the central government and regional governments is not going well and synergistically.

The Indonesian government from the beginning has emphasized not to impose a lockdown or regional quarantine. The government even emphasized that according to the mandate of the law, the authority to carry out a lockdown is entirely the authority of the central government, not the regional government. Various reactions from the central government and regional governments led to a debate as to who actually has the authority to handle the affairs of the COVID-19 outbreak, the central government or regional governments. Uniformity in responding to this pandemic needs to be coordinated between the central government and local governments. Responding to the fact that the Covid-19 case is a pandemic so that it is declared to be an extraordinary public health event that poses a health hazard across regions or countries. This has fulfilled the element of a public health emergency so that the applicable provisions refer to the Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine.

Efforts to prevent the spread of COVID-19 in Tegal City continue to be carried out in 3 (three) pillars. One of the efforts carried out was the socialization of the Tegal City Regional Regulation Number 10 of 2020 concerning the 2019 Corona Virus Disease Management in the City of Tegal. This socialization aims to provide an understanding to the ranks of the *kelurahan*, the community and various other related parties, so that they can know, understand and implement the provisions of the Tegal City Regional Regulation Number 10 of 2020.

There are various things that need to be considered in the formation of a legal product, including paying attention to the hierarchy of laws and regulations, the principles of the formation of laws and regulations, content material, and other legal principles so that the legal products to be formed do not conflict with each other or there is no overlap. arrangements with other laws and regulations [2]. In other words, it is necessary to do a harmonization in the formation of a legal product. The implementation of harmonization of a legal product is not limited only when the formation of a legal product will be carried out, but the implementation of harmonization is also carried out on legal products that have been formed [3]. Harmonization is carried out because of the legal dynamics of the establishment or promulgation of a new legislation, causing some of these legal products to be inconsistent with the newly promulgated legislation. Based on the background above, the researchers formulate the problems that will be studied further as follows How is the authority of the central government and local government arranged in the Unitary State of the Republic of Indonesia?, and How is the harmonization of the Central Government Regulation Number 21 of 2020 with the Regional Regulation of the City of Tegal Number 10 of 2020 in handling Covid-19?

2. Method

This type of research is library research [4]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. [5]This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Regulating the Authority of the Central Government and Regional Governments in the Unitary State of the Republic of Indonesia

Government authority is the power that exists in the government to carry out its functions and duties based on statutory regulations. In other words, authority is power that has a basis for taking legal actions or actions so that legal consequences do not arise, namely the realization of

arbitrariness (onwetmating). The whole implementation of government authority is carried out or carried out by the government, without government authority then of course the government will not be able to carry out an action or act of government. The purpose of the state is to provide welfare for all its people. In achieving the goals of the state, the state does not do or act alone. It takes a government organ that can run the country in order to achieve the country's goal of becoming a welfare state. Government organs are government officials who can run the wheels of government. In carrying out the wheels of government, of course it must be carried out in accordance with the affairs under its authority [6].

Multiple meanings exist for Indonesia's government. It can refer to the executive, legislative, and judicial branches of government. It's also interpreted as the executive and legislature combined, since they administer the country and make laws [7]. In a narrower sense, it refers only to the executive branch in the form of a government cabinet, which governs day-to-day. Indonesia is a republic. In a unitary state, the central government has the most jurisdiction over all state issues without delegating to local governments. The unitary state does not divide state affairs between the central government and local governments, hence the highest authority in the country is the central government. In a unitary state, the central government handles most government functions.

According to the Big Indonesian Dictionary, the definition of the central government is the ruler who serves at the center, covering all local governments. Central government is the entire administration of government which is not carried out by an autonomous region. According to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, the definition of central government is the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia who is assisted by the vice president and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.

In a unitary state, all government power is in the hands of the central government. The central government can delegate its powers to constituent units but what has been delegated may also be withdrawn. In a unitary state, all power is owned by the central government. This means that central government regulations determine the form and structure of autonomous regional government, including the type and extent of autonomy according to its own initiative. Autonomous regions also regulate and manage central matters (medebewind), the central government continues to control the supervisory power of these autonomous regions.

In Chapter IV which regulates government affairs, Article 10 Paragraph (1) of the Law of the Republic of Indonesia Number 23 of 2014 stipulates that absolute government affairs which become central affairs as referred to in Article 9 Paragraph (2) include: Foreign Policy, Defense, Security, Judiciary, Monetary and National Fiscal, and Religion. Article 10 Paragraph (2) also regulates government affairs which are the authority of the government outside of government affairs as referred to in Paragraph (1), namely that the central government may:

1. Do it yourself, or
2. Delegate authority to vertical agencies in the regions or governors as representatives of the central government based on the principle of deconcentration.

The Indonesian government system adheres to the principle of a decentralized unitary state, meaning that there are certain tasks that are managed by the local government itself. This will give birth to a relationship of authority and supervision. Based on the provisions of Article 1 Paragraph (2) and Paragraph (3) of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, it is explained that what is meant by regional government is

the administration of government affairs by the regional government and the Regional People's Representative Council.

3.2. Harmonization of Central Government Regulation Number 21 of 2020 with Regional Regulation of Tegal City Number 10 of 2020 in Handling Covid-19

According to the 1945 Constitution of the Republic of Indonesia's idea of autonomy and co-administration with as much autonomy as feasible [8]. Regional governments, such as governors, regents, or mayors, administer regional government [9].

Article 18 Paragraph 7 of Indonesia's 1945 Constitution regulates regional government organization and procedures. Through service development, empowerment, and community engagement, as well as boosting regional competitiveness by considering democracy, equity, justice, and a region's uniqueness within Indonesia's Unitary State.

The Law of the Republic of Indonesia Number 23 of 2014 about Regional Government emphasizes the regional government's relationship with the government and other regional governments [10]. The relationship comprises fair and harmonious authority, money, public services, and natural resource use [11]. Administration and territoriality across government entities result from authority, finance, public services, and natural resource use [12].

Government Regulation 38 of 2007 regulates the division of government affairs between the government, provincial governments, and regency/municipal governments. According to Government Regulation No. 38 of 2007, government matters comprise foreign policy, defense, security, justice, national monetary and fiscal, and religion. Article 7 paragraph (2) of Government Regulation No. 38 of 2007 stipulates that provincial and district-city governments are responsible for education, health, environment, public works, spatial planning, development planning, housing, youth and sports, investment, cooperatives and small and medium enterprises, population and employment civil registration, food security, women's empowerment and child protection, family planning and procreation.

Article 7 Paragraph 4 of Government Regulation Number 38 of 2007 regulates elective affairs, which are government affairs that exist and have the ability to increase community welfare based on the region's conditions, peculiarities, and excellence. The elective topics under provincial and district municipal administrations are Marine and Fisheries, Agriculture, Forestry, Energy and Mineral Resources, Tourism, Industry, Trade, and Transmigration.

Article 7 Paragraphs (2) and (3) of Government Regulation 38 of 2007 clearly divide government affairs between the government, provincial governments, and district/city governments. This follows decentralization, deconcentration, and co-administration ideals. This is done to protect, empower, and prosper the people [13]. In the implementation of decentralization and co-administration, provincial and regency/municipal regions are led by a regional head, while in the context of deconcentration, each region is led by a provincial regional head called the governor for the province, and the State Capital Special Region and Special Regions or other Special Regions are called regents for districts and called mayors for cities.

The relationship between the central and local governments is complementary and interdependent. This is because the central government cannot function without local governments, and vice versa, complement each other, where the only difference is the scope of power and authority of each. Therefore, the legitimacy of the central government is determined by the existence and trust of local governments, on the other hand, local governments need central justification in administering government independently and autonomously. handling Covid-19

The World Health Organization (WHO) determined the status of the covid-19 pandemic based on the number of virus spreads, which has increased significantly and is sustainable globally. In response, the Indonesian government declared the covid-19 outbreak a national disaster on March 14, as stated in Decree President Number 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Coronavirus. The president also organized a task force to expedite COVID-19 and coordinate national and regional government capacities.

The central government's relationship with local governments is often questioned since it produces overlapping interests. In a unitary state, the central government's efforts to maintain power are evident. The central-regional link has resurfaced in COVID-19. Uncertainty surrounds Covid-19's authority. Local governments' fragmented health affairs have led to unilateral efforts to combat COVID-19. The central government also acts. This is demonstrated when the local government takes steps to prepare for COVID-19. For example, Tegal's mayor has closed the city with a movable concrete barrier since March 23, 2020. (MBC).

The central government must set policies and define what's needed for good handling. Often Despite unique needs, all regions must follow central government policies. Local governments must request the minister's authorization before adopting large-scale social restrictions, according Government Regulation 21 of 2020. This argument contradicts Indonesian Law 23 of 2014 on Regional Government and Local Government Authority. Since central government initiatives seem centralized, regional autonomy is a distinct discussion [14].

COVID-19 spread in Indonesia, causing issues. COVID-19 has caused economic, social, cultural, security, and government challenges. Problems in government are related to government administration, specifically the connection between the central government and regional governments in dealing with COVID-19, which is related to decentralized health matters.

The situation began when the authorities chose Natuna Island as a COVID-19 quarantine site for 238 Indonesians relocated from Wuhan City. Several regions have employed lockdown regimes or regional quarantines. The government highlighted that the national and regional lockdowns were solely the central government's responsibility and could not be delegated. Since the stipulation, the central government's relationship with regional governments has been strained. Some communities employ local lockdowns despite government guidelines against them.

Tegal City's government is responsible for providing health protection, social protection, and regional economic recovery to prevent COVID-19's influence on health, socioeconomic elements, and public services. 2020 for Corona Virus Disease Prevention in Tegal. This regional rule aims to legalize Tegal City's COVID-19 reaction. The 2020 Tegal City Regional Regulation intends to:

1. Implement the prevention of the transmission of covid-19 to provide protection to the community in the area.
2. Increase anticipation of the development of the escalation of the spread of COVID-19.
3. Strengthening efforts to handle the effects of covid-19.
4. Improving the application of discipline and law enforcement of the Covid-19 prevention protocol.

The federal government and regional governments' reactions led to a disagreement over who has control over Covid-19. Central and local governments must unite to respond uniformly to the pandemic. COVID-19 is a pandemic, therefore it is an extraordinary public health crisis

that poses a health concern across regions or countries. This qualifies as a public health emergency, thus the applicable provisions refer to Law No. 6 of 2018 on Health Quarantine.

Authority and responsibility have the same meaning in a broad sense, but responsibility is more important than authority. Giving responsibility always comes with authority. The Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine regulates the responsibilities of the central government and local governments, rights and obligations, public health emergencies, implementation of health quarantine at entrances, implementation of health quarantine in the region, health quarantine documents, health quarantine resources, health quarantine information, guidance and supervision, investigation, and crime.

Article 4 of the Law of the Republic of Indonesia Number 6 of 2018 respecting Health Quarantine states that the central and local governments are responsible for protecting public health from diseases and/or public health risk factors that can cause public health emergencies. Article 10 of Indonesia's 2018 Health Quarantine Law reaffirms the central government's power.

Local and central governments are responsible for providing quality health facilities and qualified staff. Local governments oversee COVID-19 activities. Article 6 specifies that the federal and local governments are accountable for health quarantine resources.

Regional authority is a hot topic in the COVID-19 pandemic. The closest regional administration that knows the issue in their area should decide its fate in handling the COVID-19 epidemic, not the central government. Health is the most important part of the COVID-19 pandemic.

Local governments have a vital role in controlling COVID-19 because they understand the pandemic in their regions and the issues their people experience. The federal government should enable local governments flexibility to move. The federal government should give local governments more discretion in administering COVID-19, but they should be creative and imaginative. Thus, the local government's vision of a good future for the region can be realized by empowering and creating space for community participation in development.

The President asks central and regional governments to work together to combat the COVID-19 pandemic. Close coordination is needed to prevent COVID-19 from spreading. The Law of the Republic of Indonesia Number 6 of 2018 respecting Health Quarantine can be used as a reference and guidance.

4. Conclusion

The relationship between the central and local governments is complementary and interdependent. The central government cannot function without local government, and vice versa. The difference is only in the scope of power and authority of each. The division of authority in the relationship between the central government and regional governments is related to the division of household affairs or referred to as government affairs. Therefore, the legitimacy of the central government is determined by the existence and trust of local governments, on the other hand, local governments need central justification in administering government independently and autonomously.

The COVID-19 pandemic includes public health events that are extraordinary in nature and have fulfilled the elements of a public health emergency so that the applicable provisions refer to the Health Quarantine Act. The law stipulates that the handling of COVID-19 is determined by the central government as a public health emergency even though the Regional Government Law states that in terms of health, it is the authority of the regional government. The main

policies set by the central government serve as guidelines for local governments in making policies in their regions.

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