

PERSPECTIVE BETWEEN CENTRAL AND REGIONAL GOVERNMENT RELATIONS IN LEGAL PROBLEMS TO HANDLE COVID-19 PANDEMIC

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Abstract: The purpose of this article is to describe the perspective between central and regional government relations in legal problems to handle covid-19 pandemic. The important thing in a constitution is the desire for how the constitutional life of the nation is to be led, which can be seen in the structure and state administration system. There are the differences appeared between central and local government in handling covid-19 pandemic, such as the local lockdown or *Pembatasan Sosial Berskala Besar* (“PSBB”) policies implemented in several region in Indonesia, even though in Law No. 6 of 2018 concerning health quarantine, the application of PSBB is the central’s government authority. On the other hand, the implementation of PSBB is the responsibility of the regional government to protect the society. It seems that the central government’s struggle was preceded by the regional government due to the slow pace of movement occurred to handle the Covid-19 pandemic from the central government. What are solutions in overcoming the legal problems or problems dealing with Covid-19 pandemic related to the perspective of relationship between central and regional governments. Normative law research is used as research method, that conducting this by examining library materials as secondary data. The result showed that there is a shared responsibility to handle covid-19 pandemic for both central and regional governments. To make sure that the Joint coordination’s role is done without friction of authority, it is important to pay attention to the following rules: 1). If the scope in handling covid-19 pandemic is an across provinces area. It is central government’s authority, 2). If the scope in handling covid-19 pandemic is an across regencies/cities area. It is provincial government’s authority, 3). If the scope in handling covid-19 pandemic is in a district/city area, it becomes district/city government’s authority.

Keywords : Legal Issues, Central and Regional Relationships, Handling the Covid-19

I. INTRODUCTION

Covid-19 is a very dangerous disease that infects almost whole the world including Indonesia. The emergence of Covid-19 shocked the international community because in a relatively short time it had spread to various parts of the world. Covid-19 pandemic gives bad impact toward various sectors of activity, such as in economic, education, social, industry, and so forth. Furthermore, it gives impact toward various government regulatory policies. The government of Indonesia started from central to regional level has done various actions related to the covid-19 pandemic, one of them is drafting and making various regulations to solve the

problem risen by Covid-19 pandemic outbreak. The spread of Covid-19 began to enter Indonesia in early March 2020, DKI Jakarta province became the epicentral of the spread and spreading more widely throughout Indonesia later. In the level central and regional government, various legal policies has been published dealing with the problem of the Covid-19 outbreak. However, there is a phenomenon risen in the policies made that are the differences of opinion between the central and regional governments in handling Covid-19. The central and regional governments have not made an agreement related to the same perception in handling Covid-19 and as the impact the public has perception that there is different or contradict action in managing and handling covid-19 done by both government level. The spread of covid-19 more widely and to be unmanageable, it is caused by the lack of information by the society. Many people complain, to be confused, and the worrying increasingly about the safe. The other result is the society felt there would be other problems risen by this circumstance. There is a request from the society that the both central and regional government have to make and publish a policy to instruct a lockdown and it is a necessary (Telaumbanua, 2020).

In Indonesia, lockdown and physical distancing is called PSBB. Implementing PSBB policy is the same for all area in Indonesia, it is referred to Law No. 6 of 2018 concerning Health Quarantine (Al-Fatih & Aulia, 2021). In the Law, there are several arrangements regarding the regulation, namely home arrangements, regional arrangements, hospital arrangements, and there is a large-scale social event. Home quarantine means that a person is not allowed to leave the house (Sanur, 2020). The PSBB is done because there are the data that someone who is positive caused by Covid-19 can transmit this disease to others and there is also the number of people who are infected by covid-19 is reaching thousands. Because of this, the spread of covid-19 can be more widely. Then, if the implementation of PSBB is not carried out in a discipline, many more people will be infected and it would be a new cases that would be reported (Kennedy et al., 2020).

There is a tug of war of authority in handling Covid-19 between central and regional government, it can be seen that the central government wants the handling to be centralized in the Ministry of Health, while the DKI Jakarta and the West Java Provincial Government have the authority to handle Covid-19, such as disclosing information related to Covid-19. Another action that must be done by governors, regents, or mayors is that they have to make application for minister of health (I. N. F. Susanto et al., 2021). The long process and consuming much time in handling covid-19 pandemic has led several regional governments to set policies related to Covid-19 on their own initiative. For example, the Mayor of Surakarta, gave the City of Solo the status of an Extraordinary Event or *Kejadian Luar Biasa* (KLB) and the Mayor of Tegal set a PSBB in his area. The various initiatives has been made by the regional government were responded by the central government that the authority to disclose information related to Covid-19 and the PSBB with the central government. President Joko Widodo (“Jokowi”) also emphasized that the coordination in handling Covid-19 is should be integrated between central and regional gohernment. Because of this, every actions that would be done by the regional government should be consulted and coordinated to the central government first. Beside tug-of war, the central government seems to limit the role of regional government in handling covid-19 pandemic. Although it is allowed in an emergency situation, the restraints done by central government toward regional government in this case actually have reduced the value of spirit of

regional autonomy that has been built since reformation, as we know that regional autonomy is a basic principles in the constitution. These provisions are contained in Article 18 paragraphs (2), (5), and (6) of the 1945 Constitution of the Republic of Indonesia. There is actually a tug-of-war between the central government and regional governments. This is certainly a bad thing in the administration system, even though within the framework of the relationship between the central and regional governments. In practice, it still creates a *spanning of interest* between the two government units (Ibad, 2021). Therefore, it is important to find a solution considering that *de facto* Indonesia is currently in emergency situation.

As the thing that has been determined in 1945 constitution of the republic of Indonesia. So, it couldn't to be violated by everyone. There are at least two principle reasons that why the principles must not be violated, they are; 1) constitution is a basic law that the Indonesian people should obey it in administer the country (Marzuki, 2010), 2) 1945 constitution is a written basic law that has function as basic and principle in administering the country is in a line with the aspiration of demands of Indonesian people (Winarno, 2014). In addition, Soemantri (1987) says that the important value contained in a constitution is a desire of the life in a nation can be reflected by how the structure and administration system of a country to be run.

Related to the regulation in Law No. 23 of 2014 concerning Regional Government, the actions relate with management related to the relationship has shifted towards centralization mode. Of course, this affects the model of the relationship between the Central Government and the Regional Government which theoretically places more of the Regional Government as The Agency Model (Ariyanto, 2020). There is a weak coordination between both central and regional governments, this has led to policy inconsistencies. The government's inconsistency in dealing with economic and health problems such as this has resulted in the government's efforts in dealing with the Covid-19 pandemic not producing significant results (Sabirin et al., 2022). On the other hand, during this pandemic, collaboration between central and regional governments is a necessary thing. Collaboration is more important than the attraction of authority. We can see that the emergence of this problem risen by the loss of spirit to consult between the two governments.

Colloquy is a national identity that has crystallized in the fourth principle of Pancasila. Causes of this, it is important to formulate the right strategy to fight the Covid-19 pandemic within the framework of governance between the central and regional governments. Based on the background has been mentioned, the formulation of the problem in this paper can be mentioned that what are the solutions in overcoming the legal problems or problems dealing with Covid-19 in the perspective of the relationship between the central and regional governments?. The aim of this paper is to find a solution to the relationship between the central and regional governments in handling Covid-19. Meanwhile, the benefits of this paper are divided two namely theoretical and practical benefits. With regard to theoretical benefits, this paper is intended to contribute to the development of legal science related to the problem of handling Covid-19 and its solutions. Meanwhile, from the practical aspect, this paper is expected to be a reference by stakeholders, both the Government and the Parliament (DPR) in formulating the relationship arrangements between the central and regional governments in handling Covid-19.

II. RESEARCH METHOD

This paper uses normative law research. According to Soekanto and Mamudji (2003) they say that this research is a law research which is conducted by examining library materials or documents as secondary data. This kind of research is also known or familiar as doctrinal legal research. Marzuki (2010) mentions that in normative low research, the researcher does a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues. In this type of law research, law is often conceptualized by the people as what is written in legislation or the law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered as appropriate (Tan, 2021). The data and information used to analyze this paper emphasizes toward the use of literature sources and secondary data related to relationship between central and regional government in handling the problem pandemic Covid-19, such as books, scientific journals, mass media, and study documents from existing survey institutions. Based on the literature review and the results of previous studies, it is then compiled with deductive logic to discuss and analyze the potential of the role of the central and regionals government in division of tasks handling Covid-19 pandemic.

III. RESULTS AND DISCUSSION

3.1 Conception of the State of Law

The embryo of law country as basic and principle of a country is too old, much older than constitutional science (Yusrizal, 2018). The concept and idea of law country appeared for the first time by Plato in his book entitled “*Nomoi*” later it is translated into English language as “*The Laws*”. He proposes the idea about how to administer and run a country well that should be based on the god management of law (Anshar, 2019). Plato’s concept is perfected by Aristotle in his book namely “*Politica*”. In his book Aristotle reveals that a good country is a country that is ruled by the constitution and has sovereign in law (Tahir, 1995), and this concept is strengthened by Sabine (2000) that constitutional’s rules in a country has a strong relations, there is question that is it better to be ruled by human or the best law, this is the reason why the supreme of law is accepted by Aristotle as the sign of good country, and not for unworthy need

Two prominent figures in rechtsstaat, they were Immanuel Kant and Friedrich Julius Stahl, whose thoughts giving something new about the concept of the rule of law. Immanuel Kant, understands the rule of law as *Nachtwakerstaat* or *Nachtwachterstaat* (Night watch state), whose job is to ensure public order and security (Tahir, 2009). According to Immanuel kant the concept of the rule of law is in its development that is as too narrow, because the country’s responsibility is not only as a viewer, but also to develop more broadly the economic, social and cultural fields.

Frederich Julius Stahl in his book entitled *Philosophie des Rechts* which was published in 1878. He brings the elements as the new thing in the concept of law country that should be used, they are; a). protection toward human rights, b) separation and division or sharing of authority to guarantee the rights, c) the government should be based on the regulations, d) justice administration in the disputes. According to Scheltema, the elements of *rechtstaat* are as follows (Mariam, 2010):

- a. Legal certainty;
- b. Equality;
- c. Democracy;
- d. Government that serves the public interest.

At the same time, the concept of a state of law "*rule of law*" made by Albert Venn Dicey in 1885 through his book entitled *Introduction to The Study of The Law Constitution*, which was risen under the auspices of the *Anglo Saxon* by presenting elements of *the rule. of law* as follows (Mariam, 2010):

- a. Supremacy of the rule of law (*supremacy of the law*); arbitrary power, someone may be punished if he or she violates the law.
- b. Equal position in the law (*equality in the law*).
- c. Guarantee of human rights by law and court result.

The concept of *the rule of law* has been developed evolutionarily and rests on the "*common law*". In its further development, HWR Wade and Godfrey Philips, presented three concepts related to the *Rule of Law*, namely (Firmansyah & Syam, 2022):

- a. *The Rule of Law* prioritizes law and order in society not anarchy;
- b. *The Rule of Law* appears a legal doctrine that government must be carried out in accordance with the law;
- c. *The Rule of Law* shows a political framework that must be detailed in legal regulations, both substantive law and procedural law, for example whether the government has the power to detain citizens without a judicial process.

Meanwhile, The State of Material Law, also known as the State of Modern Law, and the State of Formal Law, sometimes known as the State of Classical Law, there is a distinction thing mentioned by Utrecht. The formal rule of law refers to a very specific concept of law, namely, written laws and regulations. In contrast, the second, the more contemporary State of Material Law, incorporates the idea of justice (Utrecht, 1962). Therefore, Wolfgang Friedman makes a distinction between "rule of law" in a formal sense, namely in the sense of "organized public power," and "rule of law" in a material sense, namely "the rule of just law (Utrecht, 1962)" in his book "Law in a Changing Society." It is given both the formal legal knowledge stream and the material legal school of thought have the potential to impact researchers' understanding of the law itself, it is important to take a note that justice is not going to be always be substantively fulfilled in the conception of the rule of law.

In the implementation of the rule of law, it must be supported by the law itself and providing guarantees for the basic rights of the people as stipulated in the law. The idea of democracy demands that every regulation and various decisions get the approval of the people and pay attention to the interests of the people as much as possible (Ridwan, 2006). Therefore, it is hoped that every regulation can truly reflect the society justice, thus the concept of the rule of law itself is a concept that places law as the highest source of sovereignty in the administration of the state. This concept has been known since ancient Greece, by Plato called *Nomos* (norms) which later developed into Nomocracy (government by law) whose goal is to place the law as a barrier to the power possessed by the ruler. This concept is a reaction to the concept of state sovereignty (*machstaat*) that puts the highest sovereignty in the hands of state administrators.

The rule of law depends on the belief that state's power must be exercised just on the basis of good law (Aulia & Al-Fatih, 2017). There are two elements in the rule of law, namely first: the relationship between the government and the governed is not based on the power, but based on the objectives of the norm which also binds the governing party; second: the objectives of norm must meet the requirements that it is not only as formal, but can be defended against legal ideas. The rule of law means that the state's instruments use their power only as long as it is based on applicable law and in the manner prescribed in that law. In a state of law, the result of the court has to base on the truth because the purpose of a case is to ascertain and to prove the truth, so all parties have their own rights to defense or legal assistance.

3.2 Relations between the Central Government and Regional Governments

Authority and responsibility have the same meaning in a broad sense, and in a narrow sense, responsibility has a greater role than authority itself, giving responsibility is always accompanied by authority (Chadijah et al., 2020). Indonesia is a republic country. The logical consequence to establish the state is the formation of a state government that acts as the central government. Then, the central government establish regionals are based on the provisions of the legislation. Related to this reason, all policies are made and implemented by the regional government are an integral part of national policies. There are the differences in empowering the regional wisdom, potential, innovation, competitiveness, and creativity which are expected to be able to support the achievement of overall national development goals (Yusdianto, 2015). Bagir Manan is of the opinion that based on Article 18 of the 1945 Constitution, there are two basic principles of decentralization that underlie central and regional relations, namely the basis for deliberation in state government and the basis for special rights of origin (Chadijah, 2020).

Although Indonesia is a unitary state in which the holder of government control is in the central government, but in the administration of government it is determined based on government affairs in the framework of central and regional relations (Al-Fatih, 2020). Overall, there are two factors that underlie the relationship between the central and the regionals in the decentralization framework, namely diversity and state understanding based on law (rule of law), authority relations. The central government can exclusively have the absolute authority to regulate and administer, and it is never the case that an autonomous regional has an exclusive authority. The authority given to regional government is the executive authority held by the President, not the authority of other state administrators. Therefore, the President has the authority to supervise the administration of provincial and district/city regional governments. This is intended so that the regionals that carry out the decentralization function do not have excessive ego in thinking about their own regionals (Saleh, 2017).

Due to the regional government is under supervision of the central one, the division of authority to conduct government affairs will have a significant impact on how much the power of central and regional governments that they have. Because of this, although there is a different authority, but the things that are being controlled are the same. *Second*, the financial relations between them may be affected by this scope of authority. Third, the implications for the institutional relationship between the regionals and the central must be in term of the institutional scale required to handle the duties that fall under each regional's purview. Fourth, in order to

keep the unity of the unitary state, the supervisory relationship is a result of the granting of authority (Chadajah, 2020). The central government has the absolute authority exclusively to regulate and administer something, but it is not for an autonomous regional to have it. The authority given to regional governments is the executive authority owned by the President, not the authority of other state administrators. Therefore, the President has the authority to supervise the administration of provincial and district/city regional governments. This is intended so that the regionals that carry out the decentralization function do not have excessive ego in thinking about their own regionals.

Health affairs that are given to regional governments causes each regional must formulate unilateral policies in dealing with the spread of Covid-19. Meanwhile the central government is also taking action on its own (Katharina, 2020). Regional autonomy also plays a role as a democratic order related to how to run a unitary state. This regional freedom plays a role in democratic life, that the people through their representatives can participate in the running of the government based on a decentralized government system. People can manage their own regionals in the regional autonomy implementation context (Ginanjari, 2020). The concept of a power vertical division is based on the principle of decentralization and it rises an autonomous regional government. This principle of power sharing is the basis for the relationship between the central and regional governments. Regional governments carry out government affairs under their authority, except for government affairs which are government affairs. In carrying out government affairs which are under the authority of the regional, regional governments exercise the widest possible autonomy to regulate and manage their own government affairs based on the principles of autonomy. In the concept of implementing government authority, in the constitutional law/administrative law literature, the agency or state administrative official has the authority to carry out government, it can be seen from the point of view of the procedure and substance of granting authority which rests on three main foundations, namely (1) the principle of state law; (2) the principle of democracy; and (3) instrumental principles (Djambari et al., 2017).

If we study in a further, How do we interpret and to understand about "diversity" (heterogeneous) of each regional, in order to adapt the implementation of regional autonomy to the conditions of each regional that regional specific conditions are highly prioritized. Therefore, this model contains flexibility, without reducing "certainty", so that the regionals are free to take initiatives, paying attention to the distribution and balance of growth rates between regionals, so that the "disparity" between regionals can be reduced. The division of government affairs between provincial regionals and regency/municipal regionals even though the government affairs are the same, the difference will be seen from the scale or scope of the government affairs. Even though the provincial and district/city areas have their own non-hierarchical government affairs, there will still be a relationship between the central government, provincial regionals and regency/municipal regionals in their implementation by referring to norms, standards, procedures and criteria (NSPK) made by Central Government. The authority of the district / city government which is spread in concurrent government affairs which was previously the authority of the district / city is transferred to the authority of the provincial government (Lekipiouw, 2020).

3.3 The Solution to the Legal Problems of Handling Covid-19 in the Perspective of

Central and Regional Government Relations

The issue of the relationship between the central government and regional governments has appeared in handling of Covid-19 pandemic. Uncertainty occurs in answering whose authority to handle the Covid-19 is?. Health affairs that are decentralized to regional governments have caused each regional to formulate unilateral policies in dealing with the spread of Covid-19. Meanwhile, the central government is also taking action on its own (Katharina, 2020). There are obstacles in handling covid-19 pandemic at the beginning in the coordination, communication and synergy. Causes of this, it affects the process of handling it. Later, the government realizes that the important of coordination, communication and synergy based on the existence of the team to handle this case (Chadijah, 2020).

Article 28H paragraph (1) of the NRI Constitution affirms that: "*Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and have the right to obtain health services.*" The inclusion of these provisions into the 1945 Constitution of the Republic of Indonesia illustrates an extraordinary paradigm shift. Perception about health is not just about a personal matter anymore related to fate or God's gift that has nothing to do with state responsibility, but a legal right/which is guaranteed by the state as a legal state that upholds human rights (Chadijah, 2020). The spread of Covid-19 is a threat toward health. So, the state needs to play the role to protect the health of society. In principle, the state has taken on a roll through its state organs right on central or regional scope. However, in reality this role faces obstacle that is the tug-of-war between central and regional governments. In this regard, what is the actual role of handling Covid-19 between the central and regional governments? In order to answer this, it is important to examine the various related regulations, such as Law Number 23 of 2014 *jo.* Law Number 9 of 2015 concerning Regional Government (UU Pemda) and Law Number 6 of 2018 concerning Health Quarantine.

Government affair, concurrent government affairs, general government affairs, and absolute government affairs, related to article 9 paragraph 1 of the Regionals Government Law absolute matters of government. General government matters are those that fall under the president's purview as chief executive. Both required and optional government affairs are concurrent government affairs that are taken over by the regional government. Mandatory government affairs are those that each regional is required to carry out. While elected government affairs are those that the regional must carry out in accordance with the regional's potential. Government affairs that are required to be carried out by regional governments are separated into those that are related to essential services and those that are not. Regional governments are in charge of managing government affairs, with the exception of those that belong to the central government, such as foreign policy, defense, security, justice, monetary and fiscal policy, and religion. Regional governments exercise the greatest autonomy feasible to regulate and manage their own government affairs based on the concepts of decentralization, deconcentration, and co-administration while carrying out matters that fall under the jurisdiction of the regional (S. N. H. Susanto, 2019). Based on Article 13 of the Regional Government Law, it has set criteria for government affairs that are the authority of the Central Government, Provincial Governments, and Regency/City Regional Governments. These criteria are as follows:

1. The following criteria apply to government affairs that fall under the purview of the central government:
 - a. government affairs with cross-provincial or cross-country locations;
 - b. government affairs with cross-provincial or cross-country users;
 - c. government affairs with cross-provincial or cross-country benefits or negative impacts;
 - d. government affairs that would use resources more effectively if handled by the central government; and/or
 - e. government affairs.
2. The following requirements must be met in order for a government activity to fall under the purview of the provincial government:
 - a. the activity must be located across regencies or municipalities;
 - b. the activity must have users from different districts or cities;
 - c. the activity must have positive or negative effects on different districts or cities; and/or
 - d. the activity must use resources more effectively if carried out by the provincial regional.
3. The following criteria apply to government affairs that fall under the purview of the regency/municipal government:
 - a. those that are located in the regency/city area;
 - b. those whose users are in the regency/municipal regional;
 - c. those whose benefits or adverse effects only apply to the district/city area; and/or;
 - d. those that would make better use of resources if carried out by regencies/municipalities.

Additionally, Article 14 of the Regional Government Law specifies the following on the division of regional government activities and central government in matters of choice:

1. The Central and Regional Governments are responsible for administering government affairs in the forestry, marine, energy, and mineral resource sectors.
2. The district/city has jurisdiction over all forestry-related government matters, including the management of district/municipal forest parks.
3. The Central Government is in charge of matters pertaining to the management of oil and gas in the sphere of energy and mineral resources.
4. The district/city is in charge of all government activities pertaining to energy and mineral resources related to the direct use of geothermal energy in the district/city regional.

The next regulation should be concerned is Law No. 6 of 2018 regarding Health Quarantine is the next rule that has to be examined (abbreviated as Health Quarantine Law). In this regulation it is mentioned that related to the responsibilities of central and regional government, right and obligation, emergency of society's health, conducting regional's health quarantine in the gate of regions, conducting regional's health quarantine in the regions, health quarantine documents, human resources in health quarantine, information related health quarantine, guidance, supervision, investigation, and rule of law about criminality (Ismail, 2020). The Health Quarantine Law's Article 4 states that "The Central and Regional Governments have responsibility to protect the health of public from diseases and/or the factors related to the health of public that have the potential to appear The emergencies in the health of public through the implementation of health quarantine. The Health Quarantine Law's Article 10 outlines the Central Government's authority in further depth:

1. Public health emergency is declared and revoked by the central government.
2. The country's entry points and/or locations that are affected by a public health emergency are set out and changed by the central government.
3. The Central Government first chooses the illnesses and risk factors that can result in a Public Health Emergency before declaring one.
4. Additional rules pertaining to the method of stipulation and revocation as mentioned in paragraphs (1) and (2) shall be governed by a government regulation

Based on the description above, the role of handling Covid-19 is actually a role that should be carried out jointly between the central and regional governments. By looking at the rules of the game specified in Article 13 of the Regional Government Law, it is possible to map out their respective roles in handling Covid-19 as follows:

1. If the scope in handling covid-19 pandemic is an across provinces area. It is central government's authority;
2. If the scope in handling covid-19 pandemic is an across regencies/cities area. It is provincial government's authority;
3. If the scope in handling covid-19 pandemic is a district/city area, it becomes district/city government's authority

Even so, *de facto* handling of epidemic diseases such as Covid-19 seems to be mostly drawn by the central government. This is due to the inappropriate meaning of Article 10 of the Health Quarantine Law. The implementation of the provisions of Article 10 of the Health Quarantine Law should be based on the conception contained in Article 13 of the Regional Government Law which is the rule of the game in the administration of relations between the central and regional governments. Thus, the provisions of Article 10 of the Health Quarantine Law should not be *ansich* as the sole guideline for the central government in handling Covid-19. The implementation of Article 10 of the Health Quarantine Law, must link it with Article 13 of the Regional Government Law so that it is in line with the *original intense* Article 18 of the 1945 Constitution of Indonesia (Aridhayandi & Rendi, 2018). The concretization of other proposed solutions can be done based on the choice of the role model of the central and regional governments as follows: 1). Relative model, a freedom is given by central to the regional government to take a decision related to the actions to prevent spread of pandemic or handling it, while the regional still giving a recognition to the central one, 2). Interaction model. In this model wider freedom is given by central to regional government to drafting and even publishing policies related to the actions should be taken to solve the problems risen by pandemic as long as still considering the beneficial for both, and 3). The agency model. In this model the regional government is only as an agent and as the executor in implementing the policies that are made by the central government

However, from the three choices of models above, if based on the spirit of Article 18 of the 1945 Constitution of the Republic of Indonesia, the first and second models are actually more appropriate to use. The choice of the first and second models is more accommodating to the concept of *up* so that it is more in line with the spirit of democratization. In addition, if you look closely, the first and second models are also in line with the rules of the game that have been stipulated in the Regional Government Law. Meanwhile, the choice in the third model tends to have an authoritarian side because the policy model adopted is more *top-down*. For this reason,

the author proposes that in handling Covid-19, more emphasis is placed on the choice of the first and second models.

IV. CONCLUSION

Based on the discussions has been mentioned above, it can be concluded that handling this pandemic is the duty and shared responsibility for both central and regional governments. To avoid the friction between the two central and local government in implementing actions to handle the pandemic, it is needed to pay attention to the following rules: 1). If scope of duty to handle the pandemic is an across province area, that's central government's authority, 2). If scope of duty to handle the pandemic is an an across regencies/cities area. It is provincial governments, 3). If scope of duty to handle the pandemic is in a district/city area, it becomes district/city government's authority. To strengthen these three rules, the following model is proposed to the governments to be conducted, they are: 1) Relative model, a freedom is given by central to the regional government to take a decision related to the actions to prevent spread of pandemic or handling it, while the regional still giving a recognition to the central one, and 2). Interaction model. In this model wider freedom is given by central to regional government to drafting and even publishing policies related to the actions should be taken to solve the problems risen by pandemic as long as still considering the beneficial for both.

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