

*Research Article***Indonesia Government Sets Back: The Rule Of Law, Collaborative Governance And Human Right Challenges During Covid-19**Hardi Warsono<sup>1\*</sup>, Anita Amaliyah<sup>2</sup>, Ika Riswanti Putranti<sup>3</sup>, Aniello Iannone<sup>4</sup><sup>1</sup>Department of Public Administration, Faculty of Social and Political Sciences, Universitas Diponegoro, Indonesia<sup>2</sup>Department of Communication Study, Faculty of Social and Political Sciences, Universitas Tidar, Indonesia<sup>3</sup>Department of International Relations, Faculty of Social and Political Sciences, Universitas Diponegoro, Indonesia<sup>4</sup>Università Di Napoli L'Orientale, Italy

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**ABSTRACT**

The COVID-19 pandemic has taken mankind by surprise and has caused many governments to impose various rules and strategies to contain it. This article discusses the social impact of government policies during COVID-19, the role of agencies other than the government, and the importance of human rights. Collaborative Governance regime and theory are used to complement qualitative methods and for quantitative method, data collection techniques based on literature research, institutional reports, survey results from journals, online media, and print media, as well as the input of experts in focus group discussions. We found that 1) inconsistencies in policy; 2) lack of coordination and leadership; 3) trust issues; and (4) inequalities and injustice performances increased the pressure on social compliance. Our results indicate that the government needs to be more agile to accommodate, nurture and integrate social actors as governance partners in order to ensure its efficacy, resilience and compliance during this pandemic. The government needs to ensure that an inclusive approach is adopted in multi-dimensional channels so none is left behind and the collaborative governance framework in this pandemic war needs to be improved and implemented. In addition, the government should ensure equal treatment of human rights as specially in human safety in health and safety measures.

**Keywords: COVID-19; Pandemic; Collaborative Governance; Human Right; Rule of Law; Society Resilience.**

**A. INTRODUCTION**

The Republic of Indonesia's 1945 Constitution (UUD 1945) enshrines several key ideas of human rights and the Rule of Law. These principles include legal equality, the prohibition of discrimination based on race, religion, gender, or socioeconomic status, legal conformity, proportionality, transparency, accountability, and the protection of vulnerable groups. Furthermore, certain legislation, such as the Health Law of

2009, the Social Protection Law of 2004, and the Disaster Management Law of 2007, establish the concepts and activities to be implemented during public health emergencies, including pandemics. (childIt is critical to stress that the application of human rights standards in the context of the COVID-19 pandemic will differ and must be tailored to the individual conditions and setting. Oversight institutions and the judiciary are critical in assuring government compliance with these

standards and evaluating pandemic-related activities. COVID-19 measures must also be consistent with the rule of law (Kaya, 2021). Otherwise, there is a danger of undermining democracy and breaching human rights under both international and domestic law. The Indonesian government must follow several fundamental legal concepts in order to fulfill human rights in dealing with the Covid-19 outbreak.

In the months since COVID-19 infection emerged from Wuhan, China, the disease has spread globally. As of February 2021, COVID-19 has caused more than 100 hundred million confirmed cases and more than 2 million deaths worldwide (WHO Coronavirus Disease (COVID-19) Dashboard, 2021). Indonesia posed as the number one case confirmed in ASEAN with more than 1 million confirmed cases (Satgas Penanganan COVID-19, 2021)

As a result, Indonesia led the COVID-19 mortality rate in Southeast Asia (see Figure 1). The increase in the number of infections and death cases showed indications that Indonesia was failing to implement strategies to mitigate the pandemic's spread and reduce the infection and death cases caused by COVID-19 among ASEAN state members. The pandemic- emergencies not only jeopardize the state itself but also wreck its institutional structures and the life of people. This situation represents challenges not only to the government but also to other public agencies. The high degree of uncertainty caused by COVID-19

development gives an enormous and overwhelming speed of disorientation, emotional disturbance, digital divide, chaotic policy disclosure, political fragmentation, human rights issues, and other socio-economic spheres.

The specific reason for this situation is that in the pre-crisis phase which started at the end of January to the beginning of March 2020, the government was not serious; underestimate the possibility of the COVID-19 virus in Indonesia. As other countries began to impose lockdowns to prevent the spread of the coronavirus, the president and his cabinet ministers said they would promote the tourism sector. Not only from the state's response, other situations that arise are panic buying (Adinugroho, & Simanjuntak, 2020), the stigma of COVID-19 which causes bullying, the same as people who are suspended as ODP (persons under supervision). In fact, incidents of bullying have also been seen at funerals for COVID-19 patients. In many places, many bereaved families, friends and relatives have to endure the pain, not only because of the death of someone they love, but because residents, neighbors or village officials refuse to allow the body to be buried. These people are too afraid of transmitting the virus despite repeated explanations from the government and health experts (Purba, 2020). Incidents like this not only happened in Indonesia in particular, but also occurred in other parts of the world, such as Milan and Iraq during the virus outbreak. This

actively shows that humanity is suffering from the threat of a pandemic for the first time as we face a “global state emergency” (Corao, 2020).

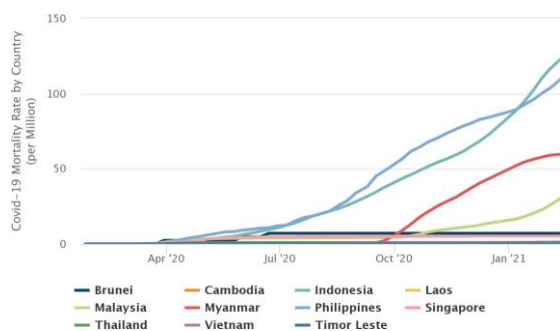


Figure 1 COVID-19 Mortality Rate by Country in Southeast Asia, Retrieved from CSIS Southeast Asia

Many experts confirmed the obstacles come not only from the bureaucratic structure. Accordingly, first, the performance of the TGPP task force is less than optimal. After all, the basis for the rules for establishing “Satgas” (Indonesia’s COVID-19 taskforce) in the regions is only based on a Circular of the Minister of Home Affairs, which is considered inadequate because Circular Letters are not a legal product in the order of laws. Second, the weak coordination between the central government and regional governments shows the incompatibility and inconsistency between the central and provincial governments and the Ministry’s unsynchronized regulations. Recently, Luhut Binsar Panjaitan as the coordination minister admitted that two million COVID-19 cases have not been included in the report which affected the positivity rate in Indonesia (Fathurohman, 2020). Furthermore, the inconsistency of statements between public officials in authority (Banjarnahor, 2020), lack of participatory communication, especially two-way

communication between government and opinion leaders, weaknesses in implementing the Large-Scale Social Restrictions (PSBB) policy in the regions (Listyadewi, & Setiyaningsih, 2020), health workers’ availability is still lacking (Windarwati et al., 2020), the high cost of the Covid19 test kit and slow leader response causes low levels of public trust; which encapsulates the lack of Indonesia’s government in the COVID-19 responses.

The criticism toward Indonesia’s government not only in COVID-19 policy handling but also the preparedness for vaccinations (Aminah et al., 2021; Djalante et al., 2020). The controversy began as Indonesia decided to prioritize vaccination for people aged 18-59, arguing the labor force needs to be protected first to boost the economy. Another criticism arose after artists and influencers had vaccine priority, but the greatest challenge is the trust problem toward vaccination programs. According to COVID-19 vaccine acceptance survey (See Table 1) held by the minister of health in November 2020, there were significant concerns regarding vaccine safety and effectiveness, lack of trust towards a vaccine, and issues regarding the vaccine haram-halal category which raised concern from Indonesia majority. The issue is public trust because the ROI (Republic of Indonesia) government failed to communicate with the public throughout the pandemic.

Aside from the society perspectives, another challenge is the Covid-19 vaccination

program in Indonesia has only been able to be carried out on an average of 50 thousand health workers per day. There are other challenges, such as limited storage space for vaccines. In fact, the target is 70% of the Indonesian population should be vaccinated to achieve herd immunity (See Table 1). Moreover, the debate is going further on whether or not paid vaccine is necessary.

Brand	Doses Amount	Potential capacity	ETA Indonesia
Sinovac	Binding/ Firm Order	-	December 2020
	3.000.000	-	December 2020- January 2021
	125.504.000	-	Sept 2021- March 2022
Novavax	50.000.000	80.000.000	June 2021- March 2022
COVAX/ GAVI	54.000.000	54.000.000	Q2 2021- Q1-2022
AstraZeneca	50.000.000 (Final agreement, volume confirmed)	50.000.000	Q2 2021- Q1 2022
Pfizer	50.000.0000 (Final agreement, volume confirmed)	50.000.000	Q3 2021 – Q1 2022
Total	329.504.000	334.000.000	N/A

Table 1 Indonesia COVID-19 Vaccine Program, compiled from various online sources

Subsequently, the private sector is needed to accelerate economic recovery and herd immunity, nevertheless this plan also drew criticism because it has the potential to cause social injustice in the health system which should promote equal opportunity. The role of the private sector in the vaccination program should be related to distribution assistance, improvement of the vaccine recipient data, public awareness and

public education. In the implementation of vaccines in Indonesia to date, problems do not only occur in the aspect of community resistance but also in the systematics of vaccine administration and also the health conditions of each individual. Problems with the vaccine system can be seen from the chaotic procedures for vaccine registration and also the low data accuracy.

Then, regarding individual health, many people do not know about personal health conditions such as congenital diseases (comorbidity). Currently, Indonesia happened to be lucky to be able to purchase vaccines, but with the currently limited allocation of vaccines, the number of people who have been vaccinated is 3.43% of 273 million people from its population (See Figure 2).

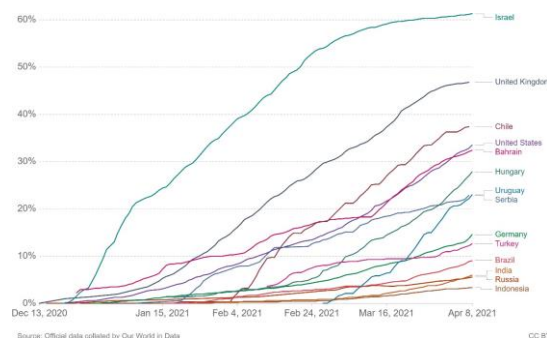


Figure 2 Share of People who received at least one dose of COVID-19 vaccine as per April 8th, 2021.

Some surveys indicate the decline in public confidence in the ROI (Republic of Indonesia) government's performance in overcoming COVID-19 pandemic. This makes people disobedient to crucial policies, such as 3M + 1 policy (using masks, washing hands, keeping distance and

avoiding crowds). Aside from the government strategies, human rights and law enforcement are key in shaping the pandemic response, both for the public health emergency and the broader impact on people's lives and livelihoods. When the state capacity indicates low compliant toward public policy and implementation, several states resort to societal resilience. Many scholars argue on resilience observing that public participation, civil society activism, social solidarity and psychological health play important roles in pandemic management despite the health system itself. The collective movements which require bond and high level of trust in making the COVID-19 response policies work. What leaders need during an emergency situation such as pandemic is not a predefined response plan but behaviors and attitudes that will prevent them from overdramatizing to former times developments (D'auria, & Smet, 2020).

There are key elements towards state's responses to the COVID-19 pandemic aside from state strategies as state capacity, societal resilience; is regional cooperation. In the very first phase of COVID-19 in Indonesia, local governments move ahead of time than the central government. This can be seen from the 'rather' slow pace of the central government in issuing Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of COVID-19 Accelerated Handling (PP PSBB) on March 31, 2020. However, de facto, ROI is currently in a period of emergency

constitutional law which the implementation of this emergency law allows the state to do things outside the principles of general law, including overriding the authority of regional autonomy. Unfortunately, the enforced emergency status denies the knowledge and capability of local governments in the pandemic handling process. Regional governments, which should be at the forefront in handling the pandemic, could not make their own decisions and depend therefore on the decisions to the central government. At the same time, violations against PSPB occurred in almost all regions. The majority of people is considered as submissive in applying the principles of social distancing (Aminah et al., 2021). This indicates that the Government's policies are not being responded to positively by the community. However, the Indonesian community who had good knowledge, attitude, and behavior respectively towards social distancing as a way to prevent the virus transmission (Yanti et al., 2020).

These challenges faced by ROI government draws on research to describe how all three components of collaboration dynamic – principled engagement, shared motivation and capacity for joint action- are playing out in the case of COVID-19. A collective decision-making process which has consensus-oriented and deliberative is the best way to maintain public (Ansell et al., 2020). This concept aims to make public policy to be open, trust-based, transparent and inclusive. Our research purposes are to explore on (1) how to reassure societal trust level

regarding barriers and also inconsistencies in policies implementation by main and local government; (2) to identify other agency roles, engagement and capacities hand in hand facing the pandemic; (3) to show the importance of human right as a comprehensive guidance as an effort to address COVID-19 pandemic ; (4) to ensure the government's and public responses which need to be inclusive, reasonable and equitable to ensure no one is left behind.

This research on collaborative governance was different from previous research that discussed the impact of collaborative governance on restoring the sustainable tourism sector affected by COVID-19 in Yogyakarta (Ahsan et.al. 2022) and to determine the ideal collaborative governance model in village development during the Covid-19 pandemic (Prabowo, Muluk, & Hayat, 2021). Other research discusses the results of open innovation initiatives in Spain under the lockdown during the first stages of the COVID-19 crisis (Criado, & Guevara-Gómez, 2021) and to identify the key attributes of governance in response to the COVID-19 pandemic and gain lessons for an effective response to public health emergencies (Assefa et.al, 2022). The research in China discussed reveals a pattern of collaborative rather than confrontational dynamics between resident committees and other stakeholders during pandemic responses, which reflects the emergence of a constructed order of

neighbourhood co-governance in urban China (Liu et.al, 2022).

## B. RESEARCH METHODS

A qualitative, deductive approach based on multiple sources of evidences is used to explore social or humanitarian problems (Creswell, 2014). This article used case study approach to identify, analyze the phenomenon of COVID-19 handling and relations by ROI's governments. The data collection method was conducted through matrix information sources with several types of data, namely interviews with multiple sources, documentation materials, and narratives closely related to the studied case study issues. The interviews conducted in a focus group discussion which involved a) five government agencies (The COVID-19 Task Force Central Java, The Representative of Central Java Government, The Representative Ministry of Communication and Information Technology of Central Java, State hospital representation, and The Health Department of Semarang City); b) two NGOs (Adinkes and Indonesian Health Association); c) Two health workers from state hospital in Semarang City and Kulon Progo, Yogyakarta; d) Two university elements in Central Java on 15<sup>th</sup> of April 2021. The FGD was focusing on a) barriers and inconsistencies in policies implementation from main and local government; b) classifying challenges in public restrictions; c) identifying agency roles; and d) government's responses.

This article also accentuates the law

enforcement and human right approach among components within the framework to analyze the data by collaborative governance theory by Ansell et al., (2020) and Kaufmann, Kraay, & Mastruzzi (2011) in constructing measures of governance dimensions.

## C. RESULTS AND DISCUSSION

### 1. Collaborative Governance

In general, collaborative governance is a process in which various stakeholders are involved in carrying out the interests of each agency in achieving common goals. Collaborative governance, as it has come to be known, brings public and private stakeholders together in collective forums with public agencies to engage in consensus-oriented decision making. Ever since collaborative governance became more popular in 1990s, this CG framework dynamic entities change and evolve. This framework not only can be attributed to “wicked” problems but also complex public problem. The popular reference from CG came from Ansell, & Gash, (2008), that CG is a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets. In other words, in CG framework, the stakeholders share responsibility in a deliberative and multilateral process for the policy outcomes.

There are six components of CG: (1) the initiative of a public agency; (2) it includes non-government actors; (3) the participants are involved directly in making policy rather than as only advisors; (4) collectively organized and meet; (5) decisions by consensus even if there is no final agreement in the end; and (6) the focus of the collaboration is on public policy or programs.

However, Kirk Emerson, Tina Nabatchi, & Stephen Balogh (2012) define CG broadly as the process and structures of public policy agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished. This version focuses on three main elements of CG which are (a) principled engagement which means the principles that lead the stakeholders to take part in the collaboration; (b) shared motivation based on mutual trust, legitimacy, understanding, and commitment of stakeholders; and (c) capacity for joint action. However, the CG concept requires massive amount of time and human resources investment which could lead to the drain of resources from other projects despite the expensive process. In addition, critical in CG is the term “governance” that embraces both classical governmental regimes (such as laws, rules and administrative procedure) aiming to provide goods and services, and a collective decision-making logic that includes public and private sectors. This co-production in CG processes is relational rather than transactional.

Ostrom in (Amsler, 2016) identified eight

key design principles for effective and enduring collaborative institutions: (1) boundary rules are clear; (2) local rules assign cost proportional to benefits; (3) members participate in making and modifying the rules; (4) members select their own monitors, who are accountable; (5) sanctions are graduated; (6) users have "access to rapid, low-cost, local arenas to resolve conflict among users or between users and officials; (7) national or local governments recognize the right to organize; and (8) governance activities are nested in multiple layers of enterprise. These principles can frame CG research around law as rules.

## 2. The Rule of Law

Historically, the rule of law has evolved over centuries and linked to the developments of liberal democracies in every country legal system. In the Common law and the Civil law countries legal system have different interpretations of this concept. The concept of rule of law was developed in the Anglo-Saxon tradition in the Common law initiated by A.V. Dicey (Principe, 2000). This concept consists of three important characteristics, namely 1) rule of law; 2) equality before the law and; 3) fair legal process. Whereas in the civil law legal system which is generally applied in mainland Europe (the German term calls it *rechtsstaat*) it consists of four important characteristic 1) protection of human rights; 2) distribution of power; 3) governance based on law and; 4) state administrative court. The principle of the rule of law that Indonesia adheres to is articulated in the 3rd amendment to the nation's

Constitution, specifically in Article 1, paragraph (3), which states that "The State of Indonesia is the State of Law" as noted by Ridwan in 2014. According to A.V. Dicey's perspective, effective governance in a country necessitates a leader's unwavering commitment to upholding the principles of the supremacy of law or absolute supremacy of law, ensuring equality of status before the law (equality before the law), and safeguarding individual rights or human rights as enshrined in the constitution. These principles serve as the foundation for all applicable regulations, as elucidated by Simamora in 2014 (Rofingi, Rozah, & Asga, 2022).

Indonesia as a country that adheres to the tradition of the Civil Law System, the most powerful legal system is its constitution which is embodied in the 1945 Constitution. The same goes for deep elaborating on the arrangements regarding the existence of customary communities and customary law in positive law system, the easiest thing is to review its arrangements in the 1945 Constitution. Back in 2006, Justice Kennedy in Stein (2009) addressed the definition of the rule of law to the American Bar Association in which he emphasized the necessity of moral component and the law must be enforceable. He explained this in three paragraphs:

- a) The law rests upon known, general principles applicable on equal terms to all persons. It follows that the law is superior to, and thus binds, the government and all its officials.



- b) The law must respect and preserve the dignity, equality and human right of all persons.
- c) The law must devise and maintain systems to advise all persons of their rights and it must empower them to fulfill just expectations and seek redress of grievances without fear or penalty of retaliation.

The concept of rule of law today has become a significant component of international developments and relations of all organization's mission. It not only refers to the state itself, but also to other entities such as public and private and all persons involved in it. In the face of current COVID- 19 conditions, the rule of law reflects the existence of good governance in any country, including ROI government.

### 3. Human Rights

In recent human health catastrophe, called COVID-19, there has been an increased call for the assessment of human rights and public health industry. Philosophically, right is seen as simply being human and does not depend on the existences of states or legal system. However, right as in human rights in practical approach, need to be defined by their role in contemporary human rights practice and depends on the existence of states and its jurisdiction. The practical definition of rights as set forth by the tripartite typology of state's obligation known as three-pillar structures are obligation to respect, obligation to protect and obligation to fulfill (Schutter, 2014). Human rights have been a popular topic of debate, and they are now being implemented in a

variety of areas, including government bureaucracy, the military, and society at large. To comprehend the notion of Human Rights, it is essential to first define "rights." A right is a normative principle that acts as a set of behavioral standards. Its goal is to protect freedom, immunity, and the availability of opportunity for individuals to maintain their pride and dignity. According to Law No. 26 of the year 2000 on Human Rights Courts, a Violation of Human Rights refers to actions carried out by individuals or groups, including government officials, whether intentional or due to negligence. These actions result in the illegal removal, hindrance, restriction, or denial of an individual's or a group's Human Rights, which are protected by the law. In cases where there is no legal resolution, or there is a concern that fair and appropriate legal remedies will not be granted according to the established legal framework, a Violation of Human Rights is recognized. It's important to note that Violations of human rights can be committed by both state actors and non-state actors, as highlighted by Sabila, Bustamam, and Badri in 2018 (Titahelu, 2022).

Economic, social and cultural rights (ESC) are socio-economic human rights, distinct from civil and political rights. Economic, social and cultural rights are included in the 1948 Universal Declaration of Human Rights (UDHR) and outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Examples of such rights include the right to food, the right to

housing, and the right to health. The importance of human rights in this pandemic relies on guaranteeing the rights to health, physical integrity, and to life for all people. Many debates occurred around the issue whether or not states as the supreme power gave policies for no choice but obeying the state regulations during the pandemic. Many governments, including ROI, have introduced emergency laws in response to COVID-19 that tend to restrict individual rights, including limitations on the freedom of movement (home quarantine). However, according to Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, “public health” (Corao, 2020), can be invoked as a reason to limit certain rights, in order to allow a State to “take measures dealing with a serious threat to the health of the population or individual members of the population.”

“The emergency must be actual, affect the whole population and the threat must be to the very existence of the nation. The declaration of emergency must also be a last resort and a temporary measure” – United Nations

States have exercised their right to derogate from their obligations under the Convention with respect to measures they have taken in response to the pandemic. It recalls its Resolution 2209 (2018) and Recommendation 2125 (2018), entitled “state of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights”, in which it recognized that

protracted states of emergency and derogations have the effect of normalizing lower standards and habituating populations to greater interference with their rights. Today’s challenge in facing the pandemics is to ensure everyone is protected and included in the responses to the crisis. Several countries started to give the COVID-19 vaccine to their people. However, a particular concern has been raised due to access and prioritization for the vaccine, and how embedded structural inequalities should be addressed (Sekalala, 2021).

There are 5 (five) principles that are predominantly relevant and important to the COVID-19 outbreak, which are equality, non-discrimination, participation, proportionality, human dignity and care, and the rights to freedom of expression, assembly, and information (Saunders, 2021). As the UN Secretary-General, Antonio Guterres proclaimed that the virus itself does not discriminate, but the impacts do, which expose the weakness and inequalities in the delivery of public services and access to people in general.

#### **4. Legal and policy framework for managing covid-19**

This pandemic has left many countries in a dilemma in how to manage public safety in the fight against disasters. In the case of COVID-19, the most important thing is in the policy department. This study provides field insights from FGD conducted by 10 (ten) policymakers. This is valuable to examine how policymakers' own

No.	District	Policy Form	Date
1	Province Indonesia	Closure of public institutions/offices, restrictions on public transportation Closure	March 14, 2020
2	East Kalimantan Province	Closure of public institutions/offices	March 16, 2020
3	Papua Province	Closure of land, sea, and air access	March 24, 2020
4	Maluku Province	Closure of sea and air access	March 28, 2020
5	West Province	Closure of sea and air access	March 14, 2020
6	Solo city	Closure of public institutions/ offices, including closing of schools, tourist destinations, work visit	March 14, 2020
7	Puncak	Closure of public institutions/ offices and access	March 23, 2020
8	Tegal City	Ground access closure	March 25, 2020
9	Rote Ndao County	Prohibition of Residents outside West Nusa Tenggara (Land Sea)	March 26, 2020
10	Tasikmalaya City	Ground access closure	March 28, 2020

experiences and perspectives can influence policy decisions and implementation, and how this might

differ across different policy domains or levels of

Table 2 Regional Government's Quick Response to Prevent the Spread of Covid-19

government. The main focus is the public's perception of the government's failure to control the spread and infection of COVID-19. Some key points are about policies that only have texts without any factual basis. One of the sources said that the reason for the out-of-sync is because the central, inter- ministerial, and regional governments failed to translate the legal umbrella into COVID-19 countermeasures.

"... The worst is actually the public communication. This is part of the inconvenience of regional friends, because at the center government there are too many governments as in "on behalf of the government" – Dr. dr. Anung Sugihantono, M.Kes (former Director General of KIA and The COVID-19 task force)

Basically, if we look at the regulatory platform, the ROI regulatory platform is clear, which is in the first law Regulation No. 6 of 2018 on Health and Quarantine. In addition, the provisions regarding COVID-19 are in Law No. 1. Decree No. 24 of 2007 on Disaster Management, Decree No. 4 of Disease Outbreak of 1984, and Law No. 4. Regulation No. 36 of 2009 on health. The government's poor interpretation of policies has led to differences in regional laws and regulations in many regions, as well as differences between ministries and commissions. Therefore, in reality, the community seems to be given many policy choices. The basic question is- which policy should I follow?

"... This country is arranged not in the national platform, but only momentary interests" – Dr. dr. Anung Sugihantono, M.Kes (former Director General of KIA and The COVID-19 task force)

If we looked back at the early days of the response to COVID-19, the Regional Government looks more serious in responding to this, compared to the Central Government. This is shown by the declaration of alert status by each city, which means that the region is prepared to face a disaster emergency.

The legal basis for the status of standby in a state of disaster emergency is contained in Law no. 24 of 2007 concerning Disaster Management. A fairly massive policy issued by the Regional Government, one of which is the lockdown policy implemented by the City in Papua, the City of Tegal, the City of Solo, and other district areas (See Table 2). Meanwhile, the central government only urges the public to carry out "social distancing." In the legal paradigm in Indonesia, social distancing and lockdown have a legal basis in the form of Law no. 6 of 2018 concerning Health Quarantine framework policy. Health Quarantine according to Law no. 6 of 2018 is an effort to prevent and ward off the exit or entry of diseases and / or public health risk factors that have the potential to cause a public health emergency.

The implementation of social distancing and lockdown is actually an effort of the existence of a Health Emergency. Public Health Emergencies are public health events of an extraordinary nature characterized by the spread

of infectious diseases and / or events caused by nuclear radiation, biological pollution, chemical contamination, bioterrorism, and food that cause health hazards and have the potential to spread across regions or across countries. In Law no. 6 of 2018 the response to health emergencies includes home quarantine, hospital quarantine, Regional Quarantine and what is now being initiated by the President is large-scale social restrictions.

Meanwhile, regional quarantine in general provisions is a restriction on the population in an area, including the area of entrance and its contents; who are suspected of being infected with a disease and/ or contaminated in such a way as to prevent the possibility of spreading disease or contamination. Entrance referred to here has the meaning as a place for the entry and exit of all types of vehicles, people, and/ or goods, whether in the form of ports, airports, or state land border crossings. The Regional Quarantine Mechanism is regulated in Article 54 and Article 55 in Law no. 6 of 2018. Even though the implementation of the local lockdown by the Regional Government has benefits and aims to protect local residents, the local lockdown policy is still violated by the Central Government, because this has violated Article 11 of Law No. 6 of 2018, which confirms that the enforcement of health quarantine is an absolute right of the Central Government. Responding to President Jokowi's local lockdown policy in a press conference on March 31, 2020, which emphasized that Regional Governments are not allowed to make their own

policies in their regions. The press conference also explained the reasons why the Central Government did not opt for a lockdown policy in response to the current medical emergency that is being experienced.

"... We can indeed study the actions of other countries in responding to the Covid-19 case, but we cannot necessarily apply it directly in Indonesia, without considering other aspects. This is in line with Article 11 of Law no. 6 of 2018, where it is stated that the implementation of health quarantine in public health emergencies is carried out by the Central Government based on the size of the threat, effectiveness, resource support, and operational techniques by taking into account state sovereignty, security, economy, social and culture " – Presiden Joko Widodo

The continuity of being non-factual regulations and the practice of discretion has been seen to date until COVID-19 vaccination era. Discretion between ministries can be seen from the Micro-Scale PPKM policy which is the product of ministry of home affairs, a practice that has been carried out and extended 6 times during the COVID-19 pandemic. The recent Micro-scale PPKM has been expanding the coverage area. There are five new provinces that will implement Micro-Scale PPKM, such as West Sumatra, Jambi, Bangka Belitung Islands, Lampung, and West Kalimantan. Thus, a total of 25 provinces will implement Micro-Scale PPKM policies. The other 20 provinces are DKI Jakarta, Banten, West Java, Central Java, DI Yogyakarta, East Java, Bali, East Kalimantan, South Sulawesi, North Sumatra, South Kalimantan, and Central

Kalimantan. Then North Sulawesi, East Nusa Tenggara, West Nusa Tenggara, North Kalimantan, Aceh, South Sumatra, Riau and Papua. Both the Central Government and Local Governments neglect the basic principles in the formation of laws and regulations, especially those relating to sanctions and also law enforcement authority, which contain elements of limiting citizens' rights. The central government must pay attention to all the limitations that already exist in the law, which also regulates emergency conditions. Local governments as implementers of health protocols in their respective scopes must be critical in following directions from the central government (Mustamu, & Bakarbesy, 2020).

"...This Micro-Scale PPKM is actually a product of central government policy. But this actually arises because of the discretion made in the regions, like "Jogo Tonggo" (keeping our neighborhood secure) as local wisdom" – Bambang Pramusinto, MSi (Head of the Semarang City Communication and Information Office)

The chaotic arrangements and mobilization of authority in law enforcement against health protocol violations happened not only in the regions but also among ROI Ministries; for example, the "Lebaran" 2021 homecoming polemic. The Indonesian Government's policy to ban homecoming citizens for Eid Fitri, but still allow all tourists to enter Indonesia has drawn criticism from the society. Meanwhile, the ban on going home will be implemented on May 6-17, 2021 to prevent the spread of Covid-19. In fact, there are also those who feel confused by the

decisions that are considered contradictory because tourism activities are permitted, while activities for socializing with families are prohibited. Responding to this, the Minister of Tourism and Creative Economy Sandiaga Uno emphasized that the opening of tourist attractions during the Eid Fitri holiday season was not contradictory. The Coordinating Minister of Social Affairs, Muhadjir Effendy then expressed his support for the plan as well as providing arguments for why these two contradictory policies were implemented. "Our goal is to eliminate homecoming to reduce the spread and transmission of COVID-19, but not to stop economic activity, especially in the tourism sector". Banning homecoming activities but allowing tourist attractions to be opened is a "paradoxical or counterproductive policy" which led to simple fact that the current pandemic is far from being controlled.

"...again, what was said was not the same as the concept COVID-19 preventive actions. In fact, the ban on going home (led Fitri holiday season) was the purpose of what - in the context of COVID-19, had never been discussed. Why the citizen got the prohibition of going home? Actually, what we have to talk is about transmission, the non-symptoms people, less people have been vaccinated and etc. Therefore, to minimize or even avoid COVID-19 is by not traveling. I know It's not an easy matter, but frankly speaking, if you are more aware, you won't be giving such egocentric policy with cause harm to on another"- Dr. dr. Anung Sugihantono, M.Kes (former Director General of KIA and The COVID-19 task force)

Ideally, the state remains present, but not in an authoritarian nor silly face but in the face of a strong state that can create a society that is stable, peaceful, prosperous, inclusive, and honest. The conditions that must be met by a "strong state" are the ability to manage a state in a modern and strong manner (modern and strong state), can properly enforce the law (rule of law), and be able to create accountability (Fukuyama, 2014). The weakening of these important elements will ultimately erode the degree of democracy and weaken the state's capacity. He stated that there are 3 (three) important aspects when the state must be present to save its citizens from a pandemic attack. These aspects are the capacity of the state (state capacity), public trust (social trust) and leadership. The Central Government must pay attention to all the limitations already shown in the law, which also regulates emergency conditions. An emergency condition must be clearly stated by the government, the involvement of the DPR (Indonesia House of Representative People) is important to ensure accountability, proactive in monitoring the work of the government in handling Covid-19.

"...This pandemic is sudden. The prompt situation resulted in government panic impacted the government's readiness to face a pandemic. The policies taken so far are less collaborative with local governments. As a result, many local governments exercise discretion. If the government panics, the people will panic too. Currently, the government still provides policies that are not factual and out of context. One example is the prohibition of Mudik (homecoming term

led Fitri holiday season) and the opening of local tourism. Well, I could say the policy itself is out of sync” – Bambang Pramusinto, MSI (Head of the Semarang City Communication and Information Office)

Nevertheless, the minimum understanding of the rule of law will also affect the observance of the rule of law itself. A competent government formulates its policies to protect and benefit its citizens; it will certainly generate public trust, and at the same time, effective leadership in policy communication and success in setting an example will be an effective synergy in fighting the pandemic. The public's trust in the government plays an important role, as the policy on dealing with COVID-19 has received widespread support. Consistency is the basic principle, and synchronization between policies dealing with COVID-19 and strong public support is expected to help increase the effectiveness of suppressing and breaking the chain of COVID-19 transmission. On the contrary, inconsistencies and out-of-synchronization between policies and government departments will not only prolong the pandemic period, but may also deepen the economic and health crisis.

### **5. Challenges of collaborative governance in digital divide**

Good governance such as in the ICG framework (Emerson, & Nabatchi, 2015) and collaborative inclusion models (Ansell et al., 2020) also provide similar advantages. Both discuss public and principal involvement, shared capacity, and motivation for public or societal problems.

Combating global problems such as the COVID-19 pandemic with a collaborative governance regime is essential, especially in the era of the digital divide. Collaborative governance includes the participation of communities and organizations outside of government in the policy process. Cyberspace allows public involvement and involvement to grow rapidly with the advancement of interactive online tools. However, the unequal distribution of information and communications technology (ICT) in society is growing exponentially as the capacity of health support systems increases. Increasing disparities between disadvantaged members of society, especially the poor, rural communities, the elderly, and groups of people with disabilities who do not have access to computers or the internet; and the rich, middle class and young generation of Indonesia adds to the big problem in fighting the pandemic.

“...If what is meant by public access is information, from the beginning I have said that our risk communication is the worst. This means that actually people are not fully informed about the conditions, what should be done by the community, what should be done to minimize or localize the pandemic at time from the start. Despite the urgency, many irresponsible statements came from prior health ministry, not to mention our vice president itself in doubt with the COVID-19. This is very depressing”

– Dr. dr. Anung Sugihantono, M.Kes (former Director General of KIA and The COVID-19 task force)

According to a survey held by the Indonesian Internet Network Providers

Association (APJII) in 2020 (Indonesia Internet Provider Association, 2020), internet users' penetration is still concentrated in cities, where 72.41% of the urban population can surf in cyberspace. Then, in rural-urban areas or areas between rural and urban areas, only 49.5% are connected to the internet. Meanwhile, in rural or rural areas only 48.3% are connected to the internet. Based on economic strata, 74.6% of internet users are middle class people. Internet users who are from the middle to upper class are only 16% and the upper strata are 1.98%. Meanwhile, the low-income people were 7.4%. In addition, the domination of internet user is still among the young people aged 19-34 years old which occupies (49.5%). Then followed by users aged 35-54 years as much as 29.6% and aged 13-18 years as much as 16.7%. The issue of access to information has emerged as vaccination programs for the elderly have become more widespread, such as the complexity of the online registration process, health issues that are immune to social inequality; making this program produce an unequal distribution of results.

"...In our district which is Kulon Progo, Yogyakarta the elderly still has not got the vaccine. This is a bizarre condition, as the neighborhood districts, such as Klaten and Bantul already got the vaccine. As I am the frontier of vaccination who got lucky to have the vaccine at first, seeing this uneven distribution; frustrate me and many health workers at the front gate. Because what happened in our area, not to

mention other are where the elderly still doesn't get the vaccines, made me questioning the program initiated by the ROI government itself. Is it because of the limited availability of vaccines or is its structural political play so other can get the vaccines first despite the elderly" – Rahmad Santoso (Healthcare Workers at the Kulon Progo Regional Hospital, Yogyakarta Province)

Broadly, there are several findings in very particular governance system or area, namely 1) inconsistencies in policy; 2) lack of coordination; and 3) the low level of community compliance. As this study mentioned, it is an inevitable framework which ROI government need to redress and look deeply to see which or what aspect is still lacking and needs improving. ROI government and its people battle with pandemic season is a must of action and need more comprehensive analysis within the digital era to generate a better additional action. One of 8 (eight) the principles by (Ostrom, 2000) underlined that rules are clear in boundary, which means proposing a framework where collaborative governance incorporates law, politics and management where ROI government is lacking in several principles as described above in terms of FGD results. Most respondents of the FGD spoke about inconsistencies which led to the level of trust toward the government and its policies. Distrust and disappointment expressed through social media where users deployed the hashtag#IndonesiaTerserah(#WhateverIndonesia) to express their frustration over the public's apparent disregard for physical distancing



measures and the government's inconsistent COVID-19 policies (Fachriansyah, 2020). In addition, the economic stimulus as solutions offered by the government delivers reprehensible targets and corruptions. Money plays a large role in these situations. When the economy is not performing well, the leaders often focus on "fixing" the economy rather than prioritizing the country or the citizens. The government's seriousness is questioned regardless the government's failure to oversee the maladministration and corruption in policy making. Former State Minister's mega corruption of the COVID-19 (Nugraha, & Bhwana, 2020) government assistance in social funds (Bansos) is one of the samples in damaging society and adding to the sense of distrust to the significance of the government in helping community in need.

"...We need a good leadership as a central key in battling this pandemic. It's not only the President himself, but also all level of governments" – Dr. dr. Anung Sugihantono, M.Kes (former Director General of KIA and The COVID-19 task force)

The Indonesian government fiasco to enforce the law for violating COVID-19 health program and also the injustice actions for different classes of society has made ruthless non-substantive policy and government collaboration during the pandemic. One example of irony is how Khofifah, the governor of East Java, violated health protocols by greeting dozens of attendees while performing live music at her selfish birthday party when many poor communities (such as

Muara Angke in Northern Jakarta) got no clean water, bad sanitation, limited activities during the epidemic (Boediwardhana, 2021). In addition, the comments of government officials prove their ignorance of the pandemics and lack of national standards for pandemic management. Even in early 2021, the Indonesian government does not seem to have a "sense of crisis" and exacerbated the situation. Trust directly affects decisions on participation by affecting stakeholder understanding their risk and vulnerability due to participation (Ansell, & Gash, 2018). The qualitative approach result in CGR inclusion regime by Ansell et al., (2020) demonstrated that both relationship-building and strategic inclusion are associated with more inclusive collaborative processes. It also shows expectation that leadership and informational work are associated with inclusion, even though indirectly via their association with relationship-building. These arguments showed precisely the same conclusion significantly delivered by FGD's participators. Since stakeholders are only willing to participate if they assume the collaborative process will be managed in good faith and that other stakeholders will not engage in opportunistic actions, trust is also linked to stakeholder expectations of their vulnerability.

A history of conflict can leave a legacy of mistrust, which makes it difficult to move forward in collaboration. The resources and capacities required for effective collaboration network participation are rarely distributed equally among

stakeholders. This power disparity exists between organizations as well, for example, between small non-profits and large statutory authorities or private sector groups. In an increasingly digital world, unless policies and practices are consciously designed to meet the specific needs of the poorest, the use of digital technology may exclude those who have been left behind and further put them at a disadvantage. The progress and evolution of highly advanced and cutting-edge technology are evident in numerous systems across various domains. This phenomenon leads to a substantial rise in the requirements for daily life, as observed by Tan and Disemadi in 2021. Human needs have become increasingly diverse, aligning with the progress of civilization, scientific knowledge, and technological advancements, as noted by Amboro and Christi in 2019. As individuals seek to fulfill these needs, they consistently work towards maximizing the gratification of their desires. Consequently, technology assumes a pivotal role in fulfilling these diverse needs, as highlighted by Disemadi in 2021 (Ayunda, 2022).

If working with those who are most likely to be left behind is indeed politically possible, then this literature review provides evidence that meets the needs of these groups who require a hybrid approach by using both non-digital and digital methods. This mixed, multi-channel, multi-dimensional plan provides the best prospects for currently marginalized groups to expand their capabilities and intentions and obtain digital

dividends.

## **6. Implementation Rules of Law and Legal Principles of Human Rights in Addressing the Impact of Pandemic**

Principle of Rule of Law serves as the foundation for a fair, democratic, and just legal system. It forms the basis for protecting human rights, ensuring effective justice, maintaining political stability, and fostering sustainable economic growth. When properly applied, the Rule of Law helps maintain a balance between government power and individual rights, preserves social order, and creates an environment conducive to the development of a civilized society. Although the Rule of Law is a critical component of Indonesia's constitution and legal system, there are occasional obstacles in its implementation. Civil society and independent institutions such as the National Commission on Human Rights play a critical role in overseeing compliance with Rule of Law principles and ensuring that human rights are protected. The Enforcement of Fair Law dictates that every individual has the right to fair and equal treatment under the law. This includes the right to an impartial trial, the right to legal representation, and the right not to be punished without just cause. Transparency and Public Interest principle necessitates transparency in the legal process and public access to legal information. Government decisions and actions should be made with consideration for the public interest and be accessible to the public The Rule of Law

governance is concerned not only with the equal application of the law, but also with measures to establish social justice. Individual rights must be protected, vulnerable groups must be protected, and human rights must be upheld. The Rule of Law premise necessitates that the law be adaptable to societal and technological advances. This involves an open legislative procedure and effective law change tools.

One of the legislative tools utilized by the Indonesian government to respond to the COVID-19 pandemic is the Government Regulation in Lieu of Law Number 1 of 2020 Concerning State Financial Policies and Financial System Stability for the Handling of the COVID-19 Pandemic.

The COVID-19 epidemic has presented governments around the world, especially Indonesia, with unprecedented hurdles. As the Indonesian government struggles to restrict the virus's spread and safeguard its citizens, it is critical to assess how its strategy conforms with the rule of law and human rights standards. To satisfy its human rights commitments, the Indonesian government must follow a set of legal rules while dealing with the COVID-19 epidemic (Tobing, Sirait, & Adolf, 2022). The right to health is one of the key legal principles that the Indonesian government must follow in order to fulfill human rights. The right to health, which is recognized under both international and domestic law, obligates the Indonesian government to take all necessary steps to safeguard and promote it.

This entails implementing effective COVID-

19 prevention initiatives, ensuring access to healthcare services, and providing the public with appropriate information and tools. The Indonesian government has responded to the COVID-19 pandemic by adopting rules, easing tax payments, and preserving employees' rights (Al-Fatih et al., 2022). Another legal principle that the Indonesian government must comply with is its commitment to human rights as a member of the United Nations.

One of the key legal principles that the Indonesian government must adhere to in order to fulfill human rights is the right to health. The right to health, recognized under both international and domestic law, imposes an obligation on the Indonesian government to take all necessary measures to protect and promote the health of its citizens. This includes implementing effective strategies to prevent the spread of COVID-19, ensuring access to healthcare services, and providing necessary information and resources to the public. Another legal principle that the Indonesian government must comply with is its commitment to human rights as a member of the United Nations. Indonesia has signed the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). These treaties obligate Indonesia to respect, preserve, and fulfill human rights, especially the right to health, non-discrimination, and freedom of expression. In response to the COVID-19 pandemic, the Indonesian government has made

a number of initiatives to implement the rule of law and human rights norms. These include:

- a. Issuing regulations to prevent the spread of the virus and protect the health of citizens. These regulations include social distancing measures, mask mandates, and travel restrictions.
- b. Ensuring access to healthcare services for all citizens, including those who are poor or marginalized. The government has provided financial assistance to health facilities and has increased the availability of healthcare workers.
- c. Providing information and resources to the public to help them understand the pandemic and take precautions to protect themselves. The government has launched a public awareness campaign and has provided information on the virus, its symptoms, and how to prevent it.
- d. Additionally, the Indonesian government must also consider the right to privacy and personal data protection in its response to the COVID-19 pandemic. As the government implements measures such as contact tracing and surveillance technology to track and monitor the spread of the virus, it is crucial to ensure that these measures comply with the principles of legality, necessity, proportionality, and transparency. First and foremost, the government must ensure the right to health for its citizens.

This commitment requires the government

to uphold and protect the fundamental rights and freedoms of its citizens, even during times of crisis. The Indonesian government must ensure that any measures taken to address the COVID-19 pandemic are in accordance with international human rights law. This includes avoiding arbitrary or discriminatory actions, protecting vulnerable groups, and guaranteeing access to justice and remedies for any human rights violations that may occur during the pandemic.

### **7. Human rights as a comprehensive inequalities' guidance during public health catastrophe**

During this catastrophe, human security as the basic form of human rights is emerging on some challenges based on the conception of security itself both individual security and societies across the globe. Some human rights are said to be "inalienable rights." The term inalienable rights (or unalienable rights) refer to "a set of human rights that are fundamental, are not awarded by human power, and cannot be surrendered." Unlike civil and political rights, economic, social and cultural rights (ESC) are socio-economic human rights which are included in the 1948 Universal Declaration of Human Rights (UDHR) and outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). They can be seen as "Inalienable rights". Examples of such rights include the right to food, the right to housing, and the right to health. The right to health is very crucial at very moment where it is regarded as prime human security to

other securities during this hard time.

However, in some cases, states have been unable to adequately control the virus in order to prevent crises within their public health systems (Abbasi, 2020; Bergkamp, 2020; Pratiwi, & Salamah, 2020; Silakarma, 2020; Yang et al., 2020). Failures in the pandemic preventive measures led to failures in covid-19 patient treatment and in control of the rate of transmission. Some given policy was lockdown? for prevention function. Another aim of lockdown measures is to control the virus and reduce the flow of cases, thereby preventing their numbers from overwhelming a state's hospital system. Any sensible expert would prefer to avoid the endpoint of lockdown. Lockdown is the result of being outmatched by an infectious disease or failing to make the best decisions at the right time. The question then becomes how to optimally limit the damage caused by a new virus, in terms of both health and well-being, as well as the economy. The answers are hazy, complex, and vague. Lockdown cannot be universally assumed to be in accordance with human rights because they impose extraordinary restrictions on countervailing human rights. The lockdowns, however have a significant impact on economic, social, and cultural rights. Millions of people have been deprived of their livelihoods, jeopardizing their right to work (Article 6 ICESCR) and a decent standard of living (Article 11 ICESCR) (Corao, 2020). School closures, for example, have impacted the right to education in Articles 13 and

14. ICESCR rights are also inherently limited by the availability of resources and the progressive nature of most of its obligations.

This article underlined human securities problems in the form of inequalities during this pandemic. First, ROI government has been closing schools for a year due to the COVID- 19 pandemic which led to man and woman comparison effects. The majority of poor women working in the informal sector are self-employed or on insecure contracts. As a result, poor women who work as informal workers risk losing their source of income during the pandemic. Women in the informal sector are often unseen or left behind, especially when the government does not provide adequate legal recognition for their work. They are currently required to raise and educate their children without the assistance of institutions (Rakhmani, Eliyanah, & Sakhyya, 2021; Ridwan, Jaya, & Imani, 2022). ROI government introduced an online learning system where students learn from home. Nearly 2.5 million female-headed households have children at primary school age (Oktavianti, 2021). This means that these women must manage earning money for their families and meanwhile teaching their children which increases stress as woman in Indonesia is still the main actor in domestic works. Pre-existing gender inequality in the economy means that women earn less than men and have less access to productive resources that in turn limit their ability to exercise their capabilities and participate equally with men (Power, 2020).

Second, it is considered that social fund assistance has not reached the primary target. Acknowledging the various needs of various population groups is critical to effectively targeting and supporting those in need. The current fund disbursement policy is complicated for applicants, particularly women with limited mobility. Under the current system, each applicant must provide approval letters from their local neighborhood or village authorities, and the applications must be submitted electronically, and worst of all. many under privileged society don't even know how to register to get help. According to a recent survey by Saiful Mujani Research and Consulting in 2021 as many as 74% of residents are unaware of how to apply for social assistance. The government should continue improving in assisting and exploring other possible mechanism not only online but also using institutions with a good network in remote areas, such as the state-owned postal service. The less? educated and lower income citizens feel that their household economic conditions are worse (See Table 3).

Third, the lack of mass testing was caused by the high-cost of COVID-19 testing. This led to unequal access between the poor and the rich . However, the virus itself is not discriminating between people based on their socioeconomic status, access to testing should also be made equal across the population. People who present with symptoms but have no contact history are not eligible for free testing (Soeriaatmadja, 2020). While such prioritization is understandable given

the country's limited resources, it also leads to unequal access to testing. Unequal access to testing can lead to late diagnosis and preventable deaths due to undetected COVID-19 among the poor. In addition, vaccination program also performs unequal access. Allowing private companies to import vaccines to 'speed up' effort to reach herd immunity brings pros and cons to the public while the early-stage program still didn't meet the target. In addition to this problem, malpractice maladministration in testing and vaccines such as reuse of COVID-19 test kits and fake COVID- 19 vaccine (Syakriah, & Gunawan, 2021). This particular injustice and complicated regulations have made the majority of people tired of facing this pandemic which led to ignorance and low level of society compliance. Community-based responses may help reduce the pressure on local governments to provide relief responses. Given that vulnerable groups include persons with disabilities, the government also needs to ensure that an inclusive approach is adopted.

Base	Household Economic Conditions After the Covid-19 Outbreak?				
	Age				
	Worst	Bad	No Changes	Better	No Answer
<= 21 y/o	11.2	11	56	33	0
22-25 y/o	9.0	15	58	24	3
26-40 y/o	37.0	21	61	16	1
41-45 y/o	26.0	24	60	14	1
>55 y/o	16.7	16	63	19	2
Education					
<= Elementary School	28.5	24	65	9	2
Junior High School	20.5	26	63	11	0
Senior High School	37.9	17	61	20	1
University	12.6	8	43	46	3
Income (IDR)					
<1 million	32.0	29	62	7	2
1 - <2 million	27.1	17	67	16	0
2 - <4 million	26.0	15	58	26	1
=> 4 million	11.7	12	42	43	3
No Answer	3.2	8	73	9	1

Table 3 The Economic Influence of the Corona Outbreak by Demographics – Source: Saiful Mujani Research & Consulting (2020)

Collaboration constitutes a paramount value in the public domain and is recognized in

law as an autonomous public good, rather than a mere procedural mechanism. Hence, the actions of public agencies and the approaches employed by public managers are prescribed by the law, reflecting the process of representative politics. However, the current legal framework for collaborative governance is inadequate and requires strengthening in the context of COVID-19 management. Given the influential role of the legal framework in shaping collaborative governance, it is crucial to integrate legal considerations into research designs in public administration. This article highlights the significance of law enforcement and human rights as components within the framework of collaborative governance to fortify its concept with regard to society's resilience in responding to pandemics. Furthermore, the study emphasizes the necessity to expand inclusions among citizens and stakeholders in the collaborative governance concept.

#### **D. CONCLUSION**

In the handling of the COVID-19 pandemic, it is crucial to strike a balance between safeguarding public health and upholding individual human rights. The Indonesian government must adhere to these principles in every action taken during the pandemic to ensure that its response aligns with international human rights standards. In addition to these principles, Indonesia is also involved in various regional and international agreements that address human

rights issues. Ratifying these agreements demonstrates Indonesia's commitment to complying with international human rights standards and protecting the rights of individuals within its borders.

Despite these efforts, there have been some challenges to the implementation of the rule of law and human rights principles in Indonesia during the pandemic. These include: (a) The use of excessive force by law enforcement in enforcing lockdown measures. There have been reports of police using tear gas and rubber bullets to disperse crowds that have defied lockdown orders; (b) The detention of individuals without charge or trial under the pretext of preventing the spread of the virus. The government has used a number of legal instruments, including the COVID-19 Emergency Law, to detain individuals who have violated lockdown measures or who are suspected of spreading the virus; and (c) The disruption of access to education and healthcare for marginalized groups. The closure of schools and healthcare facilities has had a disproportionate impact on marginalized groups, including the poor, the disabled, and those living in rural areas.

The Indonesian government has made some progress in implementing the rule of law and human rights principles in the COVID-19 pandemic. However, there are still challenges that need to be addressed. The government should take steps to ensure that its measures to prevent the spread of the virus are proportionate and do

not violate human rights. It should also ensure that access to education and healthcare is not disrupted for marginalized groups.

To improve the implementation of the rule of law and human rights principles in the COVID-19 pandemic, the Indonesian government should take the following steps. First, establish a clear and transparent framework for the use of emergency powers. This framework should be based on international human rights standards and should ensure that emergency powers are used in a proportionate and non-discriminatory manner. Secondly, create an independent mechanism to monitor the government's compliance with human rights obligations. This mechanism should be able to investigate allegations of human rights violations and make recommendations to the government. Thirdly, provide training to law enforcement and other government officials on human rights. This training should help to ensure that officials are aware of their obligations under international human rights law and are able to uphold these obligations in their work.

In addition, the government should ensure equal treatment of human safety in health and safety measures as the basic form of human rights that are inalienable rights and must be fulfilled by the state under any circumstances, including pandemic conditions.

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