



Effective Regional Approaches to Contain Covid-19: Governmental Authority in Action

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Abstract This study evaluates the allocation of authority to regions for the implementation and management of Covid-19 and examines their adherence to the Principles of Regional Autonomy. Employing a normative juridical approach with a statutory focus, the research scrutinizes the policy framework established by the Central Government, characterizing it as reactive due to limited input from stakeholders, the public, and experts during policy formulation. Analysis reveals that regional authorities primarily rely on regional regulations, particularly Regional Head Regulations, for Covid-19 management. However, these regulations often stem from responses to directives issued by the central government. The study identifies discrepancies between the devolution of authority to regions and the principles of Regional Autonomy, notably concerning transparency and adequate funding for decentralized governance. Many regional policies are funded through local budgets (APBD), indicating a reliance on central government allocations rather than genuine fiscal autonomy.

Keywords: Regional approaches, Covid-19 containment, Governmental authority, Decentralized governance, Policy implementation.

1 Introduction

The Covid-19 pandemic is a state of danger in the health sector, so it is an obligation for the Government to fulfill the constitutional mandate by providing good and proper health services to the community. The right to health is a basic right for every citizen and is therefore included in Human Rights. In its development, human rights include rights that if revoked or reduced will lead to a reduction in the degree of humanity. Therefore, the government should pay more serious attention to the health sector during the pandemic [1]

The determination of the status of danger is contained in Article 12 of the 1945 Constitution, in which the President has the right to declare a state of danger. In addition, it is also stated in Article 10 paragraph (1) of Law Number 6 Year that the authority to handle Covid-19 lies with the Central Government. This is certainly an obligation for the Central government to immediately take the right policy to prevent the spread of Covid-19.

Legal products that regulate the handling of Covid-19 began with Presidential Decree Number 12 of 2020. Then regulations related to Covid-19 Handling were issued such as Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Covid-19 Handling, and Minister of Health Regulation Number 9 of

2020 concerning PSBB Guidelines. However, with these regulations, it turns out that a new problem has arisen, namely, Regional Governments that want to impose PSBB must first submit an application to the Minister of Health and must inform the readiness to fulfill people's basic rights. It looks as if the Central Government is throwing its responsibility to the Regional Government...

One of the unpreparedness shown by the Central Government is related to the budget in handling Covid-19. The unpreparedness of the Central Government's budget in handling Covid-19 is shown by an order from the President to the Regional Government to reallocate the budget related to handling health for people affected by Covid-19. The unpreparedness in the implementation of handling Covid-19 has caused the handling of Covid-19 in Indonesia to be carried out by harmonizing the rules of the Central Government and Local Governments or by cooperating with each other to handle Covid-19 between the Central Government and Local Governments.

The handling of Covid-19 by the Regional Government is one form of implementation of Regional Autonomy, this includes the delegation of Government affairs in terms of handling Covid-19 to the Regional Government. That way, it is necessary to have a legal basis made by the Central Government related to the pattern of exercising the authority to handle Covid-19 by the Regional Government. So that the Regional Government can carry out the handling of Covid-19 in accordance with the policies made by the Central Government in handling Covid-19.

Through their research, Dewi Oktaviyanti stated that the regional autonomy policy had a significant effect on the handling of Covid-19 that occurred in Gatak District. The local government takes a role by making policies to reopen community economic places while still implementing health protocols [2]. Then the research conducted by Miskan *et al.* in 2020 also said that in handling Covid-19 the Surabaya City Government issued a policy that regulates related to restrictions on Population Mobility. However, the policies that have been taken do not have a good impact on the economic sustainability of the people of Surabaya City [3].

Siti Chadijah in 2020 stated that the authority in handling Covid-19 was carried out according to the Health Quarantine Law in which health emergencies were determined by the Central Government. In addition, the Central Government together with the Regional Government made every effort to deal with Covid-19. However, the implementation did not go well, this happened because of the lack of synergy and good communication between the central government and local governments [4].

The strategy of handling Covid-19 by the Central Government by giving authority to Regional Governments in handling Covid-19 is one form of Regional Autonomy. That way, it is necessary to have a legal basis made by the Central Government related to the pattern of exercising the authority to handle Covid-19 by the Regional Government so that the Regional Government can carry out the handling of Covid-19 in accordance with the policies made by the Central Government. Based on the explanation above, this study aims to assess the pattern of granting authority to regions in the implementation and handling of Covid-19 and also to assess compliance with the Principles of Regional Autonomy in granting authority to Regional Governments in handling Covid-19.

2 Methods

This research uses normative legal research methods using the *Statute Approach* approach and uses literature study techniques in legal material search techniques. Primary legal data sources come from laws and regulations as well as policies made by the Central Government and Regional Governments, while secondary legal materials are taken from law books, legal journals, and the results of previous research. The analysis carried out in this study uses deductive analysis, which is a way of thinking by looking at general facts and then drawing specific conclusions.

3 Results And Discussion

3.1 Patterns of Granting Authority to Regions in Handling Covid-19

3.1.1 Pattern of Granting Authority to Regions in Handling Covid-19 by the Central Government

The Constitutional Foundation in handling Covid-19 by the Regional Government is found in the 1945 Constitution which is *regulated* in article 18 paragraph (2) which reads "The provincial, district and city governments regulate and manage their own government affairs according to the principles of autonomy and assistance tasks." With this, local governments have a constitutional basis in handling Covid-19.

The granting of authority to the regions in handling Covid-19 began when the government issued a policy on Covid-19 through the Ministry of Home Affairs in the form of Minister of Home Affairs Regulation Number 20 of 2020 concerning the Acceleration of Corona Virus Disease (Covid-19) Handling in the Regional Government Environment When looking at the position of the ministerial regulation by referring to Article 8 paragraph (2) of Law Number 12 of 2011 there is no longer a difference between Ministerial Regulations formed on the basis of higher statutory orders and those formed on the basis of authority in certain fields of government affairs attached to the minister. Therefore, ministerial regulations have general legal force and can be tested at the Supreme Court[5].

The substance of this policy is that local governments are given the authority to anticipate the impact of Covid-19 transmission in the regions by prioritizing the use of the APBD for handling and preventing Covid-19 transmission. Then the source of funding for the activities in the policy is charged to the APBD, and also in article 4 it is stated that in anticipating and handling the impact of Covid-19 the local government can make expenditures using a budget that has not been available in the APBD. This policy is reactive, because in making policies the Central Government does not involve other parties or experts. The policy taken by the Minister of Home Affairs regarding the handling of Covid-19 in the Local Government environment is in accordance with the provisions of Article 8 of Law Number 30 of 2014 ("**Law 30/2014**"). In addition, the regulation on the handling of Covid-19 in the Regional Government environment by providing regional financial guidance is appropriate when referring to Presidential Regulation Number 11 of 2015 concerning the Ministry of Home Affairs.

The next legal product made by the Government related to granting authority to regions in handling Covid-19 was made by the Minister of Home Affairs through the Circular Letter of the Minister of Home Affairs Number 440/2703/SJ of 2020. This policy is reactive, because the

Central Government does not involve other parties or experts in making policies. The substance of this policy is that the Minister of Home Affairs authorizes Governors and Regents/Mayors to carry out prevention and control of Covid-19 in Villages. This is done considering the impact of the spread of Covid-19 which is very fast spreading throughout Indonesia. So it is necessary to take prevention from the smallest environment, namely in the village. In addition, the Regional Head is tasked with providing facilities for village governments to conduct appeals to the community in their area to follow protocols related to handling Covid-19, providing facilities for village governments to allocate funding through the village budget to carry out activities to prevent the spread of Covid-19. Funding for the handling of Covid-19 in the village is charged to the village budget as stated in point three, namely:

"Facilitate village governments to allocate funding support through the village budget for emergency management and prevention of the spread of COVID-19 through the Emergency Sub-Sector expenditure post, in the Village Disaster, Emergency and Urgent Management sector, as stipulated in Article 16 paragraph (1) letter e of the Regulation of the Minister of Home Affairs Number 20 of 2018 concerning Village Financial Management, with due regard to implementation measures."

The selection of the use of Circular Letters is one of the forms of policy regulation or *Freises Ermessen*. The term can be interpreted as a means for Government Officials to take action without having to be fully bound by the Law [6]. The use of policy regulations carried out by the Minister of Home Affairs through Circular Letters is appropriate considering that the Minister of Home Affairs is authorized to carry out the formulation and implementation of policies in the field of village administration through the Director General. Village Government, and the substance of the Circular Letter issued does not contain any exit arrangements.

The next legal product related to the granting of authority to handle Covid-19 to the Regions was issued by the Ministry of Home Affairs in the form of Minister of Home Affairs Regulation Number 39 of 2020 concerning Prioritization of the Use of Budget Allocation for Certain Activities, Changes in Allocation, and Use of Regional Revenue and Expenditure Budgets ("**Permendagri 39/2020**"). This policy is reactive, because in making policies, the Central Government does not involve other parties or experts. Regional Governments are given the authority to prioritize the use of specific activity allocations (*refocusing*), changes in allocations, and use of the APBD as in article 2 paragraph (2) "*Regional financial policies as referred to in paragraph (1), to prioritize the use of budget allocations for certain activities (refocusing), changes in allocations, and use of the APBD.*" In this regulation, the Regional Government is tasked with adjusting the allocation of regional revenue, regional expenditure, and regional financing budgets to prioritize the handling of health and everything related to health, handling the impacts arising from the economic aspect of the community, especially for business owners or MSMEs so that they can survive, and the last is to provide a social safety net as stated in article 3 paragraph (3) of this regulation. The form of accountability for local governments is to report on the prioritization of the use of budget allocations for certain activities, changes in budget allocations, and the use of the APBD to the Minister of Home Affairs through the Director General of Regional Financial Development.

The substance of the regulations made by the Minister of Home Affairs in the form of Permendagri 39/2020 is also in accordance with the General Principles of Good Governance. There is legal certainty for the Regional Government to make further policies related to the tasks assigned in the regulation. The benefits of Permendagri 39/2020 are that the people in the regions will get a positive effect from changes in budget allocations such as getting a stimulus in the form of strengthening business capital for regional MSME players, maintaining regional food security by making market operations held by the Regional Government.

The next regulation related to the authority for Regional Governments in handling Covid-19 was issued by the Task Force for the Acceleration of Handling Covid-19 with a legal product

in the form of Circular Letter of the Task Force for the Acceleration of Handling Covid-19 Number 7 of 2020 concerning Criteria and Requirements for Travel of Persons in the Adaptation Period of New Habits Towards a Productive and Safe Community Corona Virus Disease 2019 (Covid-19). This policy is reactive, because this policy was formed as a reaction to the reopening of the economic sector which resulted in an increase in people's travel [7]. Local governments are given the task in this policy to implement the disciplining of Covid-19 health protocols and law enforcement in accordance with applicable laws and regulations. In addition, local governments have the right to stop and/or prohibit the travel of people on the basis of this Circular Letter or on the basis of statutory provisions as stated in point G number 3 of this policy. The legal basis for the establishment of the Task Force for the Acceleration of Handling Covid-19 is based on Presidential Decree Number 7 of 2020. As the establishment of the Covid-19 Task Force, the President is given the authority inherent in the position of a President as in Article 4 paragraph (1) of the 1945 Constitution. The Presidential Decree related to the establishment of the Covid-19 Task Force is a general decree[8].

The granting of authority to handle Covid-19 to local governments was then carried out by the Minister of Manpower through the Minister of Manpower Circular Letter Number M/11/HK.04/X/2020 concerning the Determination of Minimum Wage in 2021 during the Corona Virus Disease 2019 (Covid-19) Pandemic. This policy contains the determination of the Minimum Wage in 2021. The Governor is authorized by the Minister of Manpower to make adjustments to the determination of the Minimum Wage in 2021 equal to the value of the Minimum Wage in 2020, implement the determination of the minimum wage after 2021 in accordance with the provisions of existing laws and regulations, and determine and announce the Provincial Minimum Wage in 2021 on October 30, 2021 as mentioned in point C of this policy. With the authority given by the Minister of Manpower, the Governor is tasked with delivering the Circular Letter to the Regent/Mayor and also stakeholders in the Governor's working area. However, the rights and responsibilities of the Governor are not regulated in writing in this policy. If we look at the substance of the Circular, the Governor is responsible to the Minister of Manpower. In making the policy, the Minister of Manpower is in accordance with the authority given in Law 30/2014 in article 6 paragraph (1), namely Government Officials have the right to make decisions and/or take actions based on their authority. In addition, when looking at the substance of the Circular Letter which regulates the implementation of the Minimum Wage Determination in 2021, it is in accordance with the function of the Circular Letter. This policy is reactive, because the Minister of Manpower as a policy maker does not conduct dialog with the DPR, employers and workers or receive input from other parties [9].

The next legal product that regulates the granting of authority in the implementation of handling Covid-19 by local governments was issued by the Ministry of Home Affairs in the form of Home Affairs Ministerial Instruction Number 1 of 2021 concerning the Implementation of Activity Restrictions to Control the Spread of *Corona Virus Disease 2019* (Covid-19). Broadly speaking, this policy was made to regulate the implementation of Restrictions on Community Activities considering the efforts being made by the government in controlling the spread of Covid-19 and also the increasing number of Covid-19 incidents and the emergence of new variants of Covid-19. The form of authority given by the Minister of Home Affairs to the Regional Head is to restrict community mobility and make Regional Head Regulations that regulate the restrictions in question up to the regulation of sanctions. However, the implementation of community restriction activities in the Minister of Home Affairs Instruction is not followed by the provision of funds or budgets to support activities to limit community activities. Meanwhile, in accordance with the principle of regional autonomy, the delegation of

authority given to the regions must be followed by the provision of funds or budgets whose size is adjusted to the burden of delegated authority.

Furthermore, the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration authorizes the handling of Covid-19. The policy was issued in the form of Instruction of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 1 of 2021 concerning the Use of Village Funds in 2021 in Implementing the Enforcement of Restrictions on Micro-scale Community Activities in Villages. This policy is reactive, because in making policies the Central Government does not involve other parties or experts. This policy regulates the implementation of Micro PPKM in the village and kelurahan environment. The form of authority given by the Ministry of Villages to the Village head in implementing Micro PPKM is to amend the APBDesa for the implementation of Micro PPKM activities in the village area. Based on Law 30/2014 on Government Administration that government officials are entitled to use their authority to take action, but the actions taken must be in accordance with the general principles of good governance. Regarding the policy on the implementation of micro PPKM in the village area that has been made by the Ministry of Villages, this is not the authority of the Ministry of Villages, according to Presidential Regulation 11/2015 concerning the Ministry of Home Affairs, that the authority contained in the policy is the authority of the Ministry of Home Affairs under the auspices of the Director General of Village Government Development. Therefore, it is not appropriate for the Ministry of Villages to make this policy.

Some of the policies that have been issued by the central government in order to cope with the Covid-19 pandemic, it can be seen that the policies made by the Central Government to give authority to Regional Governments in handling Covid-19 are reactive. Because the policy was made without any input from other parties or experts. Then the policy also occurs when there is misalignment between ministries or institutions in terms of making policies. This happens when a policy that has previously been issued by a ministry to regulate a certain provision, but in another or the same Ministry or institution also issues policy regulations to regulate the same thing. In the policy issued by the Ministry of Home Affairs through the Minister of Home Affairs Letter Number 440/2703/SJ of 2020 which regulates the prevention of Covid-19 in the Village. In this policy, the Provincial and Regency / City Governments are given the task of facilitating village governments for handling Covid-19 and providing funding support through the village budget for Covid-19 emergency response. Then the Ministry of Villages also issued Instruction Number 1 of 2021 concerning the Use of Village Funds in 2021, which in the second and third dictums has been outlined in the Minister of Home Affairs Letter Number 440/2703/SJ of 2020.

It can be seen that there is a misalignment in the Minister of Home Affairs Regulation Number 20 of 2020 issued on March 14, 2020, this policy regulates the use of the APBD in terms of anticipation and prevention of the Covid-19 pandemic in the Regional Government environment. In article 2 paragraph (2) of this policy, the Regional Government needs to give priority in using the APBD for handling and anticipating Covid-19 transmission. However, not long after, on May 27, 2020, the Ministry of Home Affairs again issued a policy through Permendagri 39 of 2020 which regulates the use of regional finances in dealing with the Covid-19 pandemic. This policy is more complete because it also regulates the prioritization of the use of budget allocations for certain activities (refocusing), changes in allocations, and the use of the APBD.

3.2 The Practice of Implementing the Authority to Handle Covid-19 in the Regions

During the occurrence of Covid-19 which caused widespread spread to various regions, several local governments have made policies aimed at handling Covid-19 in their working areas. To assess the practice of implementing the Covid-19 Handling Authority in the regions, examples will be taken from several regions, namely the DKI Jakarta Provincial Government, the City level, namely Makassar City and at the Regency level, namely Sidoarjo Regency.

Based on data taken from 3 regions, namely DKI Jakarta, Makassar City, and Sidoarjo Regency, it is found that out of 17 (seventeen) legal products related to the Covid-19 Handling Policy, 96% (ninety-six percent) or as many as 16 legal products are reactive. While 4% or 1 (one) legal product is responsive. This shows that of the 17 legal products obtained, only 1 (one) legal product fulfills the principle of openness, while the other 16 (sixteen) legal products do not fulfill the principle of openness. The responsive or reactive characteristic of a policy made by the Regional Government is that if a policy is made to deal with Covid-19, it only pays attention to the regulations above it or regulations from the Central Government, then the policy is reactive. Meanwhile, if the policy made by the Regional Government in handling Covid-19 pays attention to the regulations above or regulations from the Central Government and also receives input from other parties or experts, the policy is responsive. The analysis related to this data is that, with the pattern of policies that have been made by the Regional Government, it is more directed towards reactive policies, because the policies made by the Regional Government mostly do not fulfill the principle of openness, which in the principle of openness accommodates the aspirations of the community or experts in formulating these policies.

As the capital city of Indonesia, DKI Jakarta is the center of various activities ranging from economic, social, to cultural. By looking at the busyness of DKI Jakarta Province, it will be very vulnerable to the spread of Covid-19 in DKI Jakarta Province. On March 13, 2020 the spread of Covid-19 in DKI Jakarta has spread throughout the DKI Jakarta area [10].

The DKI Jakarta Provincial Government has taken steps to handle Covid-19 by issuing several policies to overcome the phenomenon of the spread of Covid-19, namely:

Decree of the Governor of DKI Jakarta Number 291 of 2020 concerning the Covid-19 Response Team in DKI Jakarta Province. The Governor of DKI Jakarta is appropriate when issuing this policy, because he has been given the authority by Law 23/2014 to establish Perkada or Decree of the Regional Head as carrying out the tasks of Government Affairs which are the authority of the Region. The substance of this policy is the authority for the DKI Jakarta Covid-19 Response Team to carry out the handling of Covid-19 in DKI Jakarta and related to the Covid-19 Response Team Funding is charged to the Budget Implementation Document of the relevant Regional Apparatus/Unit of Regional Apparatus and other legal sources as in the sixth dictum *"Implementation of the COVID-19 Response Team's duties is charged to the Budget Implementation Document (DPA) of the relevant Regional Apparatus/Unit of Regional Apparatus (PD/UPD) and other legal and non-binding sources."*

Next, the Governor of DKI Jakarta again issued his policy through DKI Jakarta Governor Decree Number 328 of 2020 concerning the Covid-19 Task Force of DKI Jakarta Province. This policy is in accordance with the authority in Law 23/2014 which states that the Regional Head is authorized to stipulate a Regional Head Decree to lead the implementation of Government Affairs which fall under regional authority. This policy is made not much different from the policy on the establishment of the Covid-19 Response Team, because the duties of the Covid-19 Task Force are no different from the previously established Covid-19 Response Team. Funding in carrying out the duties of the Covid-19 Task Force is charged to the APBD as stated in the second dictum of this policy, namely *"The costs required for the activities of the Task Force for the Acceleration of Handling Corona Virus Disease (COVID-19) of DKI Jakarta"*

Province are charged to the Regional Revenue and Expenditure Budget and / or other legal and non-binding sources in accordance with the provisions of laws and regulations."

Furthermore, the Governor of DKI Jakarta made DKI Jakarta Governor Decree Number 916 of 2020 concerning the Universal Economic and Social Recovery Team due to the impact of the Covid-19 Pandemic. This policy is a form of economic recovery for the DKI Jakarta province due to the Covid-19 pandemic. This policy is in accordance with the provisions of Law 23/2014 which states that the regional head has the duty to carry out government affairs which are the authority of the Region, with this task, the Governor is given the authority to issue a Governor Decree. In carrying out its duties, funding for the economic and social recovery team is charged to the APBD as in the fourth dictum of this policy, namely *"The costs required for the implementation of the Universal Economic and Social Recovery Team's duties due to the impact of the Corona Virus Disease 2019 (Covid-19) Pandemic as referred to in the first dictum, are charged to the Regional Revenue and Expenditure Budget and / or other legal and non-binding sources in accordance with statutory provisions."*

Then the Governor of DKI Jakarta issued DKI Jakarta Governor Decree Number 959 of 2020 concerning the Implementation of Large-Scale Social Restrictions in Handling Covid-19 in the Special Capital Region of Jakarta Province. This policy was made by the Governor of DKI on the basis of the authority granted by Law 23/2014 that regional heads are authorized to stipulate Regional Head Decrees if necessary in carrying out government tasks that fall under the authority of the Regional Government. The substance of this policy is to stipulate the implementation of PSBB in DKI Jakarta Province, and related to funding burdens is not mentioned in writing in this policy.

Furthermore, the Decree of the Governor of DKI Jakarta Number 1020 of 2020 concerning the Implementation of Large-Scale Social Restrictions during the Transition Period Towards a Healthy, Safe and Productive Society. The policy stipulated by the Governor of DKI Jakarta is in accordance with the duties and authorities granted by Law 23/2014. In addition, the arrangements in this policy are not much different from the Decree of the Governor of DKI Jakarta Number 959 of 2020 which regulates the implementation of PSBB, and related to funding burdens are not mentioned in writing in this policy.

The next policy is DKI Jakarta Governor Regulation Number 33 of 2020 concerning the Implementation of Large-Scale Social Restrictions in Handling Covid-19 in DKI Jakarta Province. This policy is in accordance with the duties and authorities granted by Law 23/2014 that regional heads can stipulate Regional Head Regulations as a support for government tasks that fall under regional authority based on statutory regulations. The substance of this policy is to regulate the technical implementation of the implementation of the PSBB in DKI Jakarta Province, and related to funding burdens is not stated in writing in this policy.

Next is DKI Jakarta Governor Regulation Number 41 of 2020 concerning Imposition of Sanctions Against Violations of the Implementation of Large-Scale Social Restrictions in Handling Covid-19 in DKI Jakarta Province. The substance of this policy is the granting of authority to regional regulation enforcers such as Satpol PP as enforcers of sanctions for PSBB violations. Not only that, legal entity violators are also regulated in the imposition of sanctions in the policy, but related to funding burdens are not mentioned in writing in this policy. When viewed from the form of regulation, it is not appropriate to use a Governor Regulation. Because as in article 238 of Law 23/2014 and article 15 of Law 12/2011 which can contain sanctions, namely regional regulations.

The last is DKI Jakarta Governor Regulation Number 51 of 2020 concerning the Implementation of Large-Scale Social Restrictions during the Transition Period Towards a Healthy, Safe and Productive Society. This policy is in accordance with the duties and

authorities of the regional government given by Law 23/2014 which states that the regional head has the duty to carry out government affairs which are the authority of the Region and for this task the Regional Head can establish Regional Head Regulations or Regional Head Decrees. The substance of this policy is to give the Governor the authority to implement PSBB and focus on limiting community mobility and campaigning for the implementation of PHBS. The source of funding comes from the APBD as in article 29, namely *"The costs required for the implementation of this Governor Regulation are borne by the Regional Revenue and Expenditure Budget and / or other legal and non-binding sources of funds in accordance with statutory provisions."*

Then handling Covid-19 at the regional level of the Makassar City Government by making several policies, namely:

Circular Letter of the Mayor of Makassar Number 440/83/DKK/III/2020 on Follow-up of Covid-19 Transmission Prevention in Makassar City. The policy set by the Mayor of Makassar in the form of a Circular Letter is intended to prevent the spread of Covid-19 in Makassar City. The Mayor of Makassar in making this Policy has been in accordance with the duties and authorities as Regional Head given by Law 23/2014. That what is carried out by the Makassar city government is to carry out government affairs which are the authority of the region in this case, namely in the health sector. The substance of this policy is the implementation of prevention of the spread of Covid-19 in Makassar City. The form of authority given is to stop all activities that have the potential for face-to-face contact.

Furthermore, the policy is stipulated by the Mayor, namely by issuing Makassar Mayor Regulation Number 20 of 2020 concerning Amendments to Makassar Mayor Regulation Number 89 of 2019 concerning Elaboration of the 2020 Regional Budget. The substance regulated in this policy is that the Mayor of Makassar refocuses activities, reallocates activities in the Makassar City APBD as in Article II of this policy, namely *"Changes as referred to in Article I, change indirect expenditure, unexpected expenditure, direct expenditure, regional financing receipts at the Regional Financial and Asset Management Agency, direct expenditure at the education office, health office, regional secretariat, population and civil registry office, cooperative and UKM office, DPRD secretariat, Makassar District and Sangkarrang Islands District of Makassar City."* This is because with the existence of Covid-19, the Makassar City Government needs to prioritize the use of the APBD in the Health sector.

The next policy set by the Makassar City Government in handling Covid-19 is stipulating Makassar Mayor Regulation Number 22 of 2020 concerning the Implementation of Large-Scale Social Restrictions (PSBB) in Makassar City, South Sulawesi Province. This policy is in accordance with the provisions of Law 23/2014 that the Regional Head in charge of leading the implementation of Government Affairs which is the authority of the region can establish Regional Head Regulations. The substance of this policy is to determine the implementation and regulation of PSBB in the Makassar City area. The rights regulated in this policy are related to the fulfillment of rights in obtaining access to basic health without discrimination. The form of obligation is that all residents are required to comply with the provisions ordered by the Covid-19 task force such as taking part in testing, conducting self-isolation, and reporting if anyone is affected by Covid-19 and related to funding burdens is not stated in writing in this policy.

Next is a policy in the form of Makassar Mayor Regulation Number 31 of 2020 concerning Guidelines for the Implementation of Health Protocols in Makassar City, this policy was born due to the massive spread of Covid-19 in Indonesia. This of course makes the Mayor of Makassar to act as the executor of Government Affairs which is the regional authority to then make policies in the context of implementing health protocols to accelerate the handling of

Covid-19. The authority to implement health protocol coordination is in the Regional Covid-19 Task Force.

Finally, the policy in Makassar Mayor Regulation Number 36 of 2020 concerning the Acceleration of Corona Virus Disease 2019 Control in Makassar City. The Mayor of Makassar has been appropriate in making this policy when viewed based on Law 23/2014 that the Regional Government in carrying out government affairs which are its authority can make Mayor Regulations. The substance of this policy is that in carrying out the Acceleration of Covid-19 Handling and the application of sanctions in Makassar City is carried out by the Covid-19 Task Force, and related to the funding burden is not mentioned in writing in this policy.

At the work area level, the Sidoarjo Regency Government has chosen Sidoarjo Regency in seeing the practice of implementing the authority to handle the acceleration of the spread of Covid-19, the Sidoarjo Regency Government has issued several policies, namely:

The first is Sidoarjo Regent Regulation Number 31 of 2020 concerning Guidelines for the Implementation of Large-Scale Social Restrictions in Handling the 2019 Corona Virus Disease Outbreak in Sidoarjo Regency. This policy is in accordance with the authority granted by Law 23/2014 that Regional Governments in carrying out government affairs which are their authority can establish Regional Head Decrees or Regulations. The substance of this policy is related to the authority of the Sidoarjo Regent to regulate the implementation of the PSBB in the Sidoarjo Regency area with the assistance of the Covid-19 Task Force as the coordination of implementers in the field. The source of funding for the implementation of this PSBB comes from the APBD as in Article 28 of Sidoarjo District Head Regulation 31/2020, namely *"All costs incurred in the context of implementing the PSBB in Sidoarjo Regency are borne by the Sidoarjo District Regional Revenue and Expenditure Budget and/or other legal sources of funds in accordance with statutory provisions."*

Furthermore, the policy is in the form of Sidoarjo Regent Regulation Number 41 of 2020 concerning Procedures for Providing and Accountability for Unexpected Expenditures in the Context of Handling the Impact of Corona Virus Disease 2019 in Sidoarjo Regency. This policy was made as a form of using the APBD in the Unexpected Expenditure post in the context of handling Covid-19 in Sidoarjo Regency. The substance of this policy regulates the use of Unexpected Expenditure Funds for Covid-19 Acceleration Handling activities and accountability for the use of Covid-19 handling funds submitted by the head of the regional apparatus as the proposer of the expenditure needs plan to the regional financial management official.

The last policy made by the Sidoarjo Regency Government is Sidoarjo Regent Regulation Number 58 of 2020 concerning the Implementation of a Community Lifestyle during the Transition Period Towards a Healthy, Disciplined and Productive Community in the Midst of the 2019 Corona Virus Disease Pandemic in Sidoarjo Regency. The substance of this policy is that the Regent exercises his authority to regulate the strict implementation of health protocols in the community. The source of funding in implementing this policy comes from the APBD, as stated in article 24 of Sidoarjo Regent Regulation 58/2020 *"The costs required for the implementation of this Regent Regulation are borne by the Regional Revenue and Expenditure Budget and / or other legal and non-binding sources of funds in accordance with statutory provisions."* In establishing this policy, the Sidoarjo Regent has complied with the provisions of Law 23/2014 that in carrying out government affairs which are his authority, the Regional Head can establish Regional Head Regulations.

From the three processes of handling Covid-19 carried out by the three regions, it can be seen that there is a pattern of policy forms in handling Covid-19 in the regions. The first is seen

from the aspect of legal products made, most of the regional policies made are realized in the form of Regional Head Regulations, both Governor Regulations, Mayor Regulations, and Regent Regulations. The use of Regional Head Regulations itself is a power of legislation. As in Law 23/2014 states that in carrying out government affairs which are the authority of the region, the Regional Head can make Regional Head Regulations or Regional Head Decrees.

Regional Head Regulations are different from the use of Regional Regulations, the content of Regional Regulations itself is devoted to the implementation of regional autonomy and assistance tasks and also further elaboration related to the provisions of higher laws and regulations [11]. An example that the policy made by the regional head is a power of legislation is the power given from PP 21/2020 which authorizes local governments to carry out PSBB, which then the Regional Head who wants to apply for PSBB makes policies related to the implementation of PSBB.

The second point is that when viewed in terms of the process and procedure for the birth of policies, most of these regional policies have a policy birth process in response to regulations from the central government. An example can be seen in the DKI Jakarta Governor Decree Number 328 of 2020 concerning the DKI Jakarta Covid-19 Task Force. This policy was made to harmonize the handling of Covid-19 by the Central Government. Initially, the governor of DKI Jakarta had formed the DKI Jakarta Covid-19 Response Team which was made through DKI Jakarta Governor Decree Number 291 of 2020 which had the same function as the Covid-19 Task Force [12].

In contrast to DKI Jakarta, the Makassar Mayor Regulation Number 22 of 2020 was made due to the reaction of an increase in the number of confirmed positive Covid-19. The Mayor of Makassar then submitted the PSBB for Makassar City to the Governor of South Sulawesi, which then the Governor of South Sulawesi submitted to the Ministry of Health and was approved by the Ministry of Health for the implementation of the PSBB in the Makassar area [13].

As for the Sidoarjo Regency area, the implementation of the PSBB was carried out due to a reaction to demands to control the spread of Covid-19 in Sidoarjo. At that time, positive cases of Covid-19 in Sidoarjo increased, so the Sidoarjo Regent held a meeting with Regional Leaders, the Governor of East Java, the Police Chief and the Sidoarjo District Military Commander. The meeting approved the request for the implementation of the PSBB by the Governor of East Java. Sidoarjo Regent Regulation Number 31 of 2020, the Sidoarjo Regent made a policy that regulates the implementation of PSBB in the Sidoarjo Regency area [14].

The third point is related to the substance of the policies issued, mostly related to the use of finance and also restrictions on community mobility. It can be seen from the regulations presented above that most of them are aimed at regulating the implementation of restrictions on population mobility through the implementation of PSBB or PPKM and also regulating the use of budgets related to handling Covid-19 by refocusing the budget in the APBD.

3.3 Patterns of Granting Authority to Local Governments in Handling Covid-19 based on the Principles of Regional Autonomy

Regional autonomy is the implementation of democracy carried out by the central government to local governments. With regional autonomy, local governments are given the mandate to carry out tasks in terms of regulating and managing government affairs using the principles of autonomy and assistance tasks, this is also in accordance with the mandate of the 1945 Constitution. The implementation of regional autonomy must be in accordance with the concept of autonomy adopted by the State of Indonesia, namely the transfer of Central

Government affairs to Regional Governments, except for absolute government affairs, namely foreign policy, defense, security, justice, national monetary and fiscal affairs, and religion [15].

In the implementation of Regional Autonomy in Indonesia based on the principles that have been stated in the current legislation, namely article 58 of Law 23/2014 concerning Regional Government which states several principles that need to be considered in the implementation of regional autonomy in Indonesia, namely the principles of legal certainty, orderly state administration, public interest, openness, proportionality, professionalism, accountability, efficiency, effectiveness, and justice. Experts have also expressed their opinions on these principles. Related to the principle of legal certainty, namely the guarantee that the implementation of the law is carried out subjectively, inviolable and carried out in accordance with the provisions of the norms that have regulated, this opinion is also reinforced by the opinions of other legal experts [16].

Then related to the understanding of the implementation of the principle of public interest, namely all regulations that will be made must be aimed at the public interest and cannot be interfered with by group or personal interests. This opinion is also in line with expert opinion, namely according to John Salindeho that the definition of public interest is the common interest of the people by taking into account social, political, and national security aspects on the basis of the principles of national development with regard to national resilience and insight into the archipelago [17].

In implementing regional autonomy, of course, it cannot be separated from these two principles, namely the principles of efficiency and effectiveness. The principle of efficiency itself is that the implementation of a regional autonomy must prioritize efficiency in the use of the budget or it can be said that it minimizes the use of resources in the implementation of a regional autonomy. Meanwhile, the principle of effectiveness itself is the fulfillment of speed, convenience, and good results in carrying out a goal. Then the central government also has a financial relationship with the regions, which means that in submitting Government affairs to the Regions accompanied by funding in accordance with the assigned government affairs [18].

The principle of openness is also needed in the implementation of Regional Autonomy. This principle of openness will later see whether the local government in making policies has provided participation for the community to provide input, there is supervision from the community in making a regulation. This is also reinforced by the opinion quoted from (Ridwan HR: 2004) put forward by P. De Haan and friends that openness is a situation where citizens can obtain information about the decision-making process in an open government [19].

In seeing whether the granting of authority in handling Covid-19 is in accordance with the principles of regional autonomy or not, an analysis is needed to see whether or not the policy is in accordance with the principles of regional autonomy. First, the policy made by the DKI Jakarta Provincial Government, through Governor Decree Number 291 of 2020 concerning the Covid-19 Response Team in DKI Jakarta Province, this policy was made in order to carry out the prevention and handling of Covid-19 in the DKI Jakarta area. This policy fulfills the principle of legal certainty, because the DKI Jakarta Covid-19 Response Team is based on this policy. Regarding the fulfillment of the principle of public interest, it can be seen that the purpose of this policy is to protect the people of DKI Jakarta to be safe and not to contract Covid-19 by preventing the spread as early as possible.

Then the fulfillment of the principle of Efficiency in this policy is fulfilled, because it takes an emergency budget from each SKPD in the APBD which is then used to meet the needs in the health sector related to handling Covid-19 through the DKI Jakarta Health Office. The funds that have been allocated by the DKI Jakarta Provincial Government for handling Covid-19 have reached Rp 54 billion. Then in fulfilling the principle of effectiveness when viewed at

the beginning of handling Covid-19, the policies made by the DKI Jakarta Provincial Government were effective because the performance of the Covid-19 Response Team at that time could run quickly so that it could prevent the spread as early as possible. Regarding the principle of openness in this policy, it is fulfilled because this policy is responsive, which means that the DKI Jakarta Provincial Government has collaborated with various parties in preventing Covid-19 in DKI Jakarta [20]. The Covid-19 Response Team also provides open access for the public to monitor the development of Covid-19 in DKI Jakarta through the website *corona.jakarta.go.id*[21].

Contrary to the policy on the establishment of the DKI Jakarta Covid-19 Response Team, the policy of the DKI Jakarta Provincial Government in DKI Jakarta Governor Decree Number 328 of 2020 on the DKI Jakarta Covid-19 Task Force is a reactive policy or in response to Presidential Decree 7/2020 on the Covid-19 Task Force. However, related to the fulfillment of the principles of legal certainty, public interest, efficiency, and effectiveness, this policy is no different from the policy on the Covid-19 Response Team, the difference is that in the Covid-19 Task Force Team there are new members such as the mass media, elements of the forkompimda and elements of the community [22]. Regarding the implementation of this policy, funding by the Central Government is not fulfilled because these activities are charged to the APBD as in the Second dictum *"The costs required for the activities of the Task Force for the Acceleration of Coronavirus Disease (COVID-19) Handling in DKI Jakarta Province are charged to the Regional Revenue and Expenditure Budget and / or other legal and non-binding sources in accordance with the provisions of laws and regulations."*

Furthermore, in the handling of Covid-19 by the regions in the Makassar City Regional Government through its policies, namely through Makassar Mayor Regulation Number 22 of 2020 concerning the Implementation of Large-Scale Social Restrictions (PSBB) in Makassar City, South Sulawesi Province. The principle of legal certainty in this regulation has been fulfilled considering that the substance of this policy regulates the implementation of PSBB starting from the prohibition of activities carried out during the PSBB period and the rights that must be fulfilled for the community. Then in fulfilling the principle of public interest has also been fulfilled because this PSBB applies to protect all people in the Makassar City area from being affected by Covid-19.

Related to the principle of efficiency, the implementation of this policy has been efficient because the budget required comes from the unexpected expenditure post of each SKPD. That way it can reduce the use of the budget in carrying out the handling of Covid-19 [23]. However, what is unfortunate is that funding from the center does not exist in the implementation of this policy. The principle in regional autonomy should be that if the region is given government affairs, it must be accompanied by funding in accordance with the given government affairs. The effect of implementing the PSBB in Makassar City is that the number of positive patients has decreased to 28%, before the implementation of the PSBB the number of positive patients reached 70%, the recovery rate also grew quite high, which was originally 16% after the PSBB reached 80%, also the death rate before the PSBB was implemented was 8% and after the PSBB dropped to 6% of death cases. This is because the implementation of the PSBB has gone well even though there are still people who are not compliant [24]. Then with the principle of openness, this policy is reactive because it does not meet the aspirations of the people involved in its formation. Instead, the direct submission was made by the Mayor of Makassar[25].

Finally, the handling of Covid-19 by the Sidoarjo Regency Government through its policy, namely Sidoarjo Regent Regulation Number 41 of 2020 concerning Procedures for Providing and Accountability for Unexpected Expenditures in the Context of Handling the Impact of Covid-19 in Sidoarjo Regency. The principle of legal certainty of this policy is

fulfilled because in using the unexpected expenditure budget from the APBD there is a legal umbrella. Then the principle of public interest has also been fulfilled, because the use of unexpected expenditure is used for aspects affected by Covid-19 such as in the fields of health, economy, clothing and food.

The fulfillment of the principles of efficiency and effectiveness also seems to be fulfilled because the use of the budget for the needs of the impact of Covid-19 is appropriate and there are still remaining silpa funds (excess budget use) that can be used for development in Sidoarjo Regency. And related to the fulfillment of the principle of openness, this policy is reactive because the policy was born in reaction to the central government ordering regions to cut capital expenditures, goods and services by 50 percent [26]. Finally, related to the principle of effectiveness, it was also unsuccessful because it was marked by the increasing number of confirmed patients when this policy was passed, so the East Java provincial government added PCR test kits to meet the needs of Sidoarjo Regency [27].

From several policies made by the Regional Government, the principles of legal certainty, public interest, efficiency, and effectiveness have been fulfilled. However, in fulfilling the principle of openness, there is only one policy, namely from the DKI Jakarta Provincial Government through Governor Decree Number 291 of 2020 concerning the Covid-19 Response Team. Because before this policy was made, the Governor of DKI Jakarta had collaborated with several parties regarding the awareness of Covid-19. In addition, the principle of regional autonomy, namely the existence of funding for the transfer of government affairs to the Regions, has not been fulfilled. Because most of the policies made by the Regional Government are funded from the APBD.

4 Conclusions

Based on the problem formulation and discussion above, the following conclusions can be drawn. The policy taken by the Central Government to provide authority for Regions in handling Covid-19 is reactive. This is because in making policies there is no input from other parties or the community and experts. The pattern of policy provision mostly regulates restrictions on community mobility and regulates the *refocusing* and allocation of the APBD budget for handling Covid-19. Then in the implementation of authority by the Region in handling Covid-19, first seen from the aspect of legal products made, most regional policies are made in the form of Regional Head Regulations. Then most of the policy birth process comes as a response to regulations from the central government. And the substance of the policies issued is mostly related to the use of finance or APBD and restrictions on community mobility.

Furthermore, the pattern of granting authority to the Regions is still not in accordance with the principles of Regional Autonomy. This can be seen from several policies that have been made by the Regional Governments from DKI Jakarta, Makassar City, and Sidoarjo Regency that only fulfill the principles of legal certainty, public interest, efficiency, and effectiveness. However, in fulfilling the principles of legal certainty, public interest, efficiency, effectiveness, and openness, there is only one policy, namely from the DKI Jakarta Provincial Government through Governor Decree Number 291 of 2020 concerning the Covid-19 Response Team. In addition, the principle of regional autonomy, namely the existence of funding for the transfer of government affairs to the Regions, has not been fulfilled. Because most of the policies made by the Regional Government the funding comes from the APBD.

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