

Policies of Regional State Officials in Managing Non-Natural Disasters Covid 19 Based on Indonesian Regulations Relating to Criminal Acts of Corruption

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ABSTRACT

The Indonesian government has the goal of protecting the entire Indonesian nation during the Covid-19. Regional governments, especially state officials in the regions, make policies to save people in the regions by using existing budgets within the regional government. In Law Number 2 of 2020, the policy is that the regional government allocates funds for dealing with Covid-19. The regional government's policy, which is essentially to save society in the midst of the Covid-19 pandemic, is not in line with society's expectations. The public considers that the policies issued by the Regional Government are not on target, so many people think that these policies are projects from the government that take advantage of the non-natural disaster COVID-19. State officials in the regions sometimes interpret discretion in government affairs, especially in handling. The non-natural disaster COVID-19 has implications for abuse of authority and arbitrariness, as well as exceeding authority in carrying out government duties. Problems that occur in the regions relate to policy aspects used by state officials in the regions in handling the non-natural disaster Covid-19 which gives rise to criminal acts of corruption.

Keywords: Corruption; Covid-19; Policy; State Officials

INTRODUCTION

Indonesia is a country of law as stated in article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia. With Indonesia being a country of law, all provisions adhering to the legal system must be clear and definite to create legal certainty. The Indonesian state has a government, article 4 paragraph 1 of the 1945 Constitution of the Republic of Indonesia. The president of the Republic of Indonesia holds governmental powers according to the Constitution. Legislative provisions use several terms to refer to someone who occupies a certain position in government or state institutions. These terms include state administrators, public officials, state officials, government officials and regional officials. State officials are leaders and members of state institutions as intended in the 1945 Constitution of the Republic of Indonesia and state officials as expressly specified in the law.

Article 18 paragraph 2 of the 1945 Constitution of the Republic of Indonesia: provincial, district and city governments regulate and manage government affairs themselves according to the principles of autonomy and assistance duties. Regional government is the regional head as the organizing element of regional government who leads the implementation of government affairs which fall under the authority of the autonomous region. Law number 23 of 2014 concerning regional government is the legal basis for the implementation of regional government. Article 5 paragraph 1 of Law number 23 of 2014 concerning regional government. The president of the Republic of Indonesia holds government powers in accordance with the 1945 Constitution of the Republic of Indonesia. Government powers are described in various government affairs.

The implementation of government affairs in the region is carried out based on the principles of decentralization, deconcentration, and assistance duties. In Article 6 of Law Number 23 of 2014 concerning regional government, the central government establishes policies as the basis for carrying out government affairs. Government regulation number 18 of 2016 concerning regional apparatus article 5 paragraph 2 regency/city regional apparatus consists of regional secretariat, DPRD secretariat, inspectorate, service, body, and subdistrict.

The Indonesian government has the goal of protecting the entire Indonesian nation. At the beginning of 2020, the Covid-19 infection became a world health problem. On January 30, 2020, WHO designated Covid-19 as a Public Health Emergency of International Concern (PHEIC)/Public Health Emergency that Concerns the World (KKMMD). At that time the world had experienced the Covid-19 Pandemic, and Indonesia was also currently affected by Covid-19. Presidential Decree Number 11 of 2020 concerning the determination of the Corona Virus Disease 2019 (Covid-19) Public Health Emergency determines the Corona Virus Disease 2019 (Covid-19) as a type of disease that causes a Public Health Emergency. In 2020, Indonesian government has implemented various efforts and policies to deal with the Covid-19 (Maringka et al., 2021). Furthermore, the Corona Virus Disease 2019 (Covid-19) Public Health Emergency in Indonesia requires efforts to be taken in accordance with statutory provisions. A legal phenomenon has occurred during the handling of the Covid-19 pandemic in Indonesia which started from health reasons as one of the basic human needs, whose rights are guaranteed constitutionally (Muhammad & Rusdiana, 2021).

Presidential Decree Number 12 of 2020 concerning the determination of the non-natural disaster of the spread of Corona Virus Disease 2019 (Covid-19) as a national disaster, namely the legal basis that Covid-19 in Indonesia has been categorized as a national disaster. Therefore, in Presidential Decree number 12 of 2020, the handling of the Covid-19 disaster is implemented through a task force to accelerate the handling of Corona

Virus Disease 2019 (Covid-19) in accordance with presidential decree number 7 of 2020 concerning the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) as amended by presidential decree number 9 of 2020 concerning amendments to presidential decree number 7 of 2020 concerning the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) through synergy between ministries/institutions and regional governments.

The implementation of presidential decree 12 of 2020 assigns governors, regents, and mayors as chairs of the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) in the regions, in determining policies in their respective regions they must pay attention to the policies of the Central Government. Currently, the Indonesian Government continues to make serious efforts and steps to fight the Corona Virus Disease 2019 (Covid-19) pandemic which has spread throughout almost all regions of Indonesia (Amancik et al., 2021). At that time, the regional government issued various policies specifically to ensure that the community could survive the Covid-19 disaster. These policies were in the form of providing basic necessities, direct cash assistance, providing masks, dealing with communities exposed to Covid-19 with quarantine, and also providing assistance with other medical equipment. The basis for this authority is presidential decree number 12 of 2020 concerning the determination of non-natural disasters from the spread of Corona Virus Disease 2019 (Covid-19) as national disasters.

Law number 23 of 2014 concerning regional government states that government affairs consisted of several things. First, absolute government affairs are Government Affairs which are completely under the authority of the central government. Second, concurrent government affairs are government affairs which are shared between the central government and provincial and district/city regions. Concurrent government affairshanded over to the Regions are the basis for implementing regional autonomy. Third, general government affairs are government affairs which fall under the authority of the President as head of government.

Based on these government affairs, the policies of state officials in the regions regarding non-natural disaster management for Covid-19 fall into which category. Based on events in the field, state officials in the regions use their authority in dealing with non-natural disasters, Covid-19, using regional autonomy, a decentralized system. Decentralization is the principle underlying the transfer of power, authority and responsibility from the central government to regional governments.

The policy of state officials in dealing with the non-natural disaster Covid 19 is interpreted as a strategy to save local communities. Decentralization is interpreted as giving the broadest possible authority to regions to carry out the management of non-natural disasters for Covid-19. This authority allows regional governments to create regulations and policies at the regional level to serve the people in the relevant regions in handling non-natural disasters for Covid-19. Regional governments, especially state officials in the regions, make policies to save people in the regions by using existing budgets within the regional government. In Law number 2 of 2020 concerning the establishment of government regulations in Lieu of Law number 1 of 2020 concerning state financial policy and financial system stability for handling the Corona Virus Disease 2019 (Covid-19) pandemic and/or in the context of facing threats that endanger the economy national and/or financial system stability becomes policy law in the regional finance sector article 3 paragraph 1 In the framework of implementing policies in the regional financial sector as intended in Article 1 paragraph (4), the regional government is given the authority to prioritize the use of budget allocations for activities certain (refinancing), changes in allocations, and use of the regional revenue and expenditure budget.

Based on this policy, the regional government allocates funds for dealing with Covid-19. The regional government's policy, which is essentially to save society in the midst of the Covid-19 pandemic, is not in line with society's expectations. The community considers that the policies issued by the regional government are not on target, so many people think that these policies are projects from the government that take advantage of the non-natural disaster Covid 19. Abuse of authority refers to the corruption crime law, namely abusing the authority, opportunities or facilities attached to him because of his position or position which can harm the state or the country's economy (Marzuki et al., 2021). State officials in the regions sometimes interpret discretion in government affairs, especially in dealing with non-natural disasters, Covid-19, so that it has implications for abuse of authority and arbitrariness, as well as exceeding authority in carrying out government duties.

Problems that occur in the regions relate to policy aspects used by state officials in the regions in handling the non-natural disaster Covid-19 which gives rise to criminal acts of corruption. Starting from providing social assistance, procuring medical equipment, goods and services, and there is potential for corruption if there are individuals who are suspected of wanting to take advantage of the disaster status situation (Ubwarin & Corputty, 2020). Presidential decree Number 12 of 2020 concerning the determination of non-natural disasters from the spread of Corona Virus Disease 2019 (Covid-19) as national disasters stated that the central government at the time of Covid-19 stated that in synergy with regional governments, state officials in the regions who were the heads of the task force could determine policies. The policies implemented by state officials in the regions are not in accordance with the needs of the community. The implementation of state officials' policies in the regions is guided by Law number 2 of 2020, which is related to the area of regional finance, therefore the budget in the regions is allocated to overcome this on the basis that corruption in various regions is carried out by state officials. In Indonesia, corruption occurs in all state institutions, including the executive, legislative and judiciary. The division of powers that are expected to carry out their respective functions is used as mutually reinforcing to commit corruption (Labolo et al., 2023).

During the Covid-19 period, one of the cases that occurred in the field was that the suspect was a North Minahasa district government official. During the investigation, the suspects were suspected of committing criminal acts of corruption at the Special Crime Directorate of the North Sulawesi Regional Police. The suspects are suspected of violating Article 2 and/or Article 3 of Republic of Indonesia Law Number 31 of 1999 as amended by Law No. 20 of 2001 concerning the Eradication of Corruption Crimes. The suspect is a state official in the North Minahasa regency government, namely the head of the food service.

The case above shows that during the non-natural disaster Covid-19, the government was not ready for its regulations. Excessive authority from regional governments has the potential for corruption because there are no specific regulations so that regional governments can carry out various kinds of policies. When the government officials commit acts against the formal law and harming state finances, they are threatened with the anti-corruption law (Musa et al., 2022). Based on the description above, legal certainty is needed regarding policy making by state officials in the regions in dealing with non-natural disasters, Covid-19. The method used in this research is a normative juridical legal research method. Next, use a statutory regulation approach and a concept approach.

LITERATURE REVIEW

Policy is a direction of action proposed by a person, group or government in a certain environment which provides obstacles and opportunities for the proposed policy to be used and overcome in order to achieve a goal or realize a target or a particular purpose (Indiahono, 2009). In policy there is a main thing, namely the existence of a goal (goal), target (objective) or will (purpose). According to Abidin, policies are generally divided into 3 (three) levels. First, general policies, namely policies that serve as guidelines or instructions for implementation, both positive and negative, covering the entire region or agency concerned. Second, implementation policy is a policy that describes general policy. For the central level, government regulations regarding the implementation of a law. Third, technical policies, namely operational policies that are under implementation policies. Based on the explanation of several definitions related to policy above, it can be concluded that policy is an effort or action to influence the system to achieve the desired goals. These efforts and actions are strategic in nature, namely long-term and comprehensive.

The regional government system in Indonesia, according to the 1945 Constitution, based on the explanation of Article 18 of the 1945 Constitution, states that Indonesia's regions will be divided into provincial areas and provincial areas will also be divided into smaller areas. Literally, the term government or in English is the equivalent of the word government. So, government is an institution or public body that has to make efforts to achieve state goals (Nawawi, 2013).

Regional government is state officials in the region along with other autonomous regional apparatus as regional executive bodies. The construction between state officials in the regions and autonomous regional apparatus ensures harmonious cooperation to achieve orderly governance in the regions. Regional government is a regional state official who has jurisdiction over a certain area, who is assisted by regional apparatus to carry out their duties. Regional government consists of provincial and regency/city regional governments.

Based on Law Number 5 of 2014 concerning state civil apparatus, state officials are categorized into several categories. First, high leadership officials are ASN employees who occupy high leadership positions. Second, administrative officials are ASN employees who occupy administrative positions in government agencies. Third, functional officials are ASN employees who occupy functional positions in government agencies. Fourth, an authorized official is an official who has the authority to carry out the process of appointing, transferring and dismissing ASN employees in accordance with statutory provisions. Last, A personnel management officer is an official who has the authority to determine the appointment, transfer and dismissal of ASN employees and develop ASN management in government agencies in accordance with the provisions of statutory regulations. Based on the definition above, it can be concluded that basically a regional state official is someone who has the duty and authority to lead and regulate in areas determined by statutory regulations.

Based on the corruption law, namely Law Number 20 of 2001, corruption itself is defined as follows. First, any person who unlawfully commits an act of enriching himself or another person or an entity which directly harms the state's finances or the state's economy and/or the state's economy or is known by him to reasonably suspect that this act is detrimental to the state's finances (article 2).

Second, any person with the aim of benefiting himself or another person or an entity abuses the authority, opportunity or means available to him because of his position or position which can directly harm the state or the state's economy (article 3). Third, anyone who commits a crime listed in articles 209, 210, 387, 388, 415, 416, 417, 418, 419, 420, 425, 435 of the criminal code.

Criminal liability in cases of criminal acts of corruption according to law number 20 of 2001 concerning the eradication of criminal acts of corruption as follows. First, a corporation is an organized group of people and/or assets, either a legal entity or a non-legal entity. Second, civil servants include civil servants as intended in the law on civil service; civil servants as referred to in the criminal code; people who receive salaries or wages from state or regional finances; people who receive salaries or wages from a corporation that receives assistance from state or regional finances; people who receive salaries or wages from other corporations that use capital or facilities from the state or society; and every person is an individual or a corporation.

The theory of legal certainty is one of the objectives of law and it can be said that legal certainty is part of efforts to realize justice. Legal certainty itself has a real form, namely the implementation and enforcement of law against an action that does not look at the individual who carries it out. Through legal certainty, each person is able to predict what he will experience if he carries out a certain legal action.

RESEARCH METHOD

This research is legal research. The type of research used is normative legal research. Normative legal research examines law that is conceptualized as an applicable norm. Applicable legal norms are in the form of written positive legal norms or rules formed by statutory institutions, codification, laws, government regulations and so on. The source and type of data used is secondary data, studying theoretical matters relating to legal principles, legal conceptions, legal views and doctrines, regulations and legal systems using secondary data, including: principles, rules, norms and legal rules. contained in statutory regulations and other regulations, by studying books, articles, statutory regulations and other documents that are closely related to research. Secondary data and primary data are processed through editing, interpretation and systematization activities. The data analysis technique used is qualitative analysis, namely an analysis technique using words or sentence descriptions and making assessments based on views of statutory regulations, theories or expert opinions and logic so that logical conclusions can be drawn.

RESULTS

Legal Implications of Regional State Officials' Policies in Managing Non-Natural Disasters Covid 19 Relating to Corruption Crimes

The Covid-19 pandemic has hit the world, causing a health emergency in communities all over the world, including Indonesia. Conditions like this cannot be allowed to continue and force the government to determine a policy to overcome them (Rohman & Wulan, 2023). Corruption in Indonesia is widespread in society. The development continues to increase from year to year, both in terms of the number of cases that occur and the amount of state finances as well as in terms of the quality of criminal acts carried out which are increasingly systematic and their scope penetrates all aspects of people's lives (Kandou et al., 2023.). Even though many efforts have been made to eradicate it, corruption is still a threat that needs to continue to be faced.

Corruption in Indonesia has become so acute, endemic, and systemic (Eggi Sudjana, 2008). Widespread and systematic criminal acts of corruption are also violations of social rights and people's economic rights, and therefore all criminal acts of corruption can no longer be classified as ordinary acts of corruption but have become extraordinary crimes. Likewise, efforts to eradicate it can no longer be carried out in an ordinary way, but are required in extraordinary ways (Suriadi, 2014). The government issued Presidential Decree Number 12 of 2020 which declared Covid-19 a non-natural national disaster, and even stipulated Law Number 2 of 2020 concerning state financial policy and financial system stability for handling the Covid-19 Pandemic, but in reality, this event is an opportunity to carry out corruption by parties given power in the distribution of Covid-19 social assistance (Siffudin, 2023). In general, criminal acts of corruption in the regions can be defined as actions that violate legal norms.

The Covid-19 social assistance phenomenon is a form of government relaxation which aims to help people survive in times of crisis due to Covid-19 (Yulianti & Mahmud, 2023). There were cases of criminal acts of corruption in North Sulawesi province during Covid-19, namely in the 2020 fiscal year, the Minut regency government carried out a refocusing of the APBD as an effort to overcome the impact caused by the Covid-19 which was indicated to be related to procurement for assistance for handling Covid-19, the budget of which is allocated/managed by several OPD/satker, including the food service, amounting to Rp 62.750.000.000,- and the district regional secretariat. Minutis Rp 4.987.000.000,- so the total funds for the two OPDs amount to IDR 67.737.000.000 (sixty-seven billion seven hundred thirty-seven million rupiah) in the management carried out by the two OPDs to handle the Covid-19 pandemic.

Activities in the food service working unit, regional secretariat of Minut district use a company called CV Dewi where the company is only borrowed by the company by giving a fee to the Director of CV Dewi on behalf of Mr. Sutrisno Emor by the Head of the Food Service on behalf of the female suspect Johana Manua. These procurement projects were carried out using the CV Dewi company with a director in the name of Mr. Sutrisno Emor on the initiative of the female suspect, Johana Manua, as the head of the food department of the Minut district government, and in its implementation, Mr. Sutrisno Emor did not do it directly but did it himself by the female suspect, Johana Manua, because every when the money was disbursed by Mr. Sutrisno Emor, he immediately handed over the entire amount of the money to the female suspect, Johana Manua.

Sutrisno Emor is willing to provide his company CV Dewi to be used by female suspect Johana Manua in procurement matters in the context of the Covid-19 pandemic because before the Covid-19 pandemic, the company CV Dewi was often used by female suspect Johana Manua to carry out procurements in the district government is concerned, but Mr. Sutrisno Emor was not the one who carried it out, but all these activities were carried out directly by the female suspect Johana Manua, meaning that the CV Dewi company was only borrowed by the female suspect Johana Manua, and every time the company was used by the female suspect Johana Manua for procurement activities then Mr. Sutrisno Emor is always given a fee as a company rental service by the female suspect Johana Manua, likewise in terms of procurement in the context of handling the Covid 19 pandemic in the Minut district government in 2020, there was an agreement from the start by the female suspect Johana Manua to Mr. Sutrisno Emor that Mr. Sutrisno Emor will be given a fee as a rental service for the company.

Fee as a company rental service provided by Johana Manua to Mr. Sutrisno Emor in terms of procurement activities for handling the Covid-19 pandemic for the Minut regency government in 2020, of which there are 2 (two) SKPD/OPD, namely the food service, regional secretariat (regional secretariat), regency the total amount is IDR 579.000.000,-

(five hundred seventy-nine million rupiah) which can be detailed as follows. First, Minut district food service fee that Mr. Sutrisno Emor received from Johana Manua was IDR 550.000.000,- (five hundred and fifty million rupiah). Second, the district secretariat (regional secretariat) Minut fee that Mr. Sutrisno Emor received from Johana Manua was IDR 29.000.000,- (twenty-nine million rupiah).

In September 2020, the Minut regency government's procurement activities for handling the Covid-19 pandemic were audited by the Republic of Indonesia BPK, the North Sulawesi representative and Mr. Sutrisno Emor was invited to be questioned by the BPK, but before appearing before the BPK, Mr. Sutrisno Emor was directed by the female suspect, Johana Manua, for Mr. Sutrisno Emor to answer. That it is true that Mr. Sutrisno Emor does all the work at the food service, regional secretariat and Minut regency government. Finally, when the interrogation process was going on, Mr. Sutrisno Emor firmly answered to the BPK that it was true that Mr. Sutrisno Emor carried out all the procurement packages according to the direction of the female suspect Johana Manua, even though in fact Mr. Sutrisno Emor never did it because all the money was handed over to the female suspect Johana Manua because Mr. Sutrisno Emor only accepts company loan fees.

The work inspection team signed the goods/services inspection minutes document with the regional secretariat of Minut regency which used the unexpected expenditure budget for the acceleration of handling the Covid-19 Pandemic in North Minahasa regency in 2020 around the beginning of September 2020, which the work inspection team has forgotten the date, but it is in the file. The administration date for all of these documents is around March 2020, even though the team signed them around the beginning of September 2020. So that the work inspection team can confirm that they actually only signed the goods/services inspection minutes document but in fact they were not directly involved in inspecting the goods. These goods are in accordance with their normative duties as goods inspectors, this was done because there was a direction from the head of general affairs, suspect Marten Oley, who stated that there was an order from the regent of Minut to immediately sign these documents in the context of the North Sulawesi BPK's inspection of all procurement activities related to Covid-19 in question. Finally, the work inspection team signed the goods/services inspection minutes documents even though they did not carry them out.

In the Manado District Court Decision number 15/Pid.Sus-TPK/2022/PN Mnd dated 16 November 2022, it was decided that firstly, the defendant Ir. Johana Nontje Manua, M.Si, was legally and convincingly proven guilty of jointly committing the crime of corruption as referred to in the primary indictment; secondly, sentencing the defendant Ir. Johana Nontje Manua, M.Si, therefore with imprisonment for 16 (sixteen) years and a fine of IDR 500.000.000,- (five hundred million rupiah) with the provision that if the fine is not paid it must be replaced by imprisonment for 4 (four) month; third, sentencing the defendant to pay an additional penalty of Rp 59.922.406.385,22 (fifty-nine billion nine hundred twenty-two million four hundred six thousand three hundred eighty-five rupiah and twenty-two cents), if the defendant does not pay the replacement money no later than 1 (one) month after the court decision obtains permanent legal force, his assets can be confiscated by the prosecutor and auctioned off to cover the replacement money, and in the event that the defendant does not have sufficient assets to pay the replacement money then it will be replaced by imprisonment for 9 (nine) years; lastly, determine that the period of arrest and detention that has been served by the defendant shall be deducted entirely from the sentence imposed and determine that the defendant remains in detention.

DISCUSSION

Legal Implications of Regional State Officials' Policies in Managing Non-Natural Disasters Covid-19 Relating to Corruption Crimes

Based on the case of Manado District Court Decision Number: 15/Pid.Sus-TPK/2022/PN Mnd dated November, 16, 2022, criminal acts of corruption ensnared state officials who were part of the task force for the acceleration of handling COVID-19 in the North Minahasa region. In connection with the Decree of the President of the Republic of Indonesia Number 7 of 2020 concerning the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) the regent of North Minahasa based on Article 11 Article 11 paragraph 1 The governor and the regent/mayor formed a regional task force for the acceleration of handling Covid-19, then from the regent of North Minahasato form a task force for the acceleration of handling COVID-19 in the region.

The corruption case of the state official, head of the North Minahasa district food service, based on Manado district court decision Number: 15/Pid.Sus-TPK/2022/PN Mnd dated 16 November 2022, was proven to have committed a criminal act of corruption. In article 2 paragraph 1 of Law Number 31 of 1999 concerning the eradication of corruption crimes, every person who unlawfully commits acts of enriching themselves or another person or a corporation which can harm state finances or the state economy, is sentenced to life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp 200.000.000,- (two hundred million rupiah) and a maximum of Rp 1.000.000.000,- (one billion rupiah).

Decree of the president of the Republic of Indonesia Number 7 of 2020 concerning the North Minahasa regent's task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) based on article 11 Article 11 paragraph 1. The governor and the regent/mayor form a regional task force for the acceleration of handling Covid-19, then from the regent North Minahasa formed a task force for the acceleration of handling Covid-19 in the region. Corruption crimes committed by state officials that occurred in the regions can be seen based on the case of the Manado District Court Decision Number: 15/Pid.Sus-TPK/2022/PN Mnd dated November, 16, 2022, criminal acts of corruption ensnared state officials who were part of the task force for the acceleration of handling Covid-19 in North Minahasa region. The perpetrator of the corruption crime, Johana Manua, is the head of the North Minahasa regency food service who is a state official. Article 2 paragraph (1) of Law Number 20 of 2001 concerning the eradication of corruption crimes, namely any person who unlawfully commits an act of enriching himself for another person or a corporation which can harm the state's finances or the state's economy.

The offense of abusing authority in criminal acts of corruption is regulated in Article 3 of Law no. 20 of 2001 amending Law no. 31 of 1999 concerning the eradication of criminal acts of corruption (UU PTPK) which states: every person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunities or facilities available to him because of his position or position which can harm state finances or the economy state, shall be sentenced to life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and/or a fine of at least Rp 50.000.000,- (fifty million rupiah) and a maximum of Rp 1.000.000.000,- (one billion rupiah) (Yasser, 2019).

Corruption is carried out by state officials in the regions because the policies issued by the regional government during the Covid-19 pandemic do not have legal certainty. Legal implications of regional state officials' policies in managing non-natural disasters Covid-19 based on the decree of the president of the Republic of Indonesia Number 7 of 2020

concerning the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) in terms of its authority, however there are no specific regulations regarding policies, authority, obligations, duties and prohibitions, especially in the regions. So, in the context of handling Covid-19 in the regions, state officials in the regions exercise discretion regarding each policy. The rules regarding State officials' policies are only related to the management of the Covid-19 disaster only in Law (UU) number 2 of 2020. These rules only concern state financial policies, specifically allocating budgets for certain activities.

According to Maxeiner (2020), legal certainty has two functions, namely guiding society to obey the law and protecting society against arbitrary actions of the government which can use its power in making and enforcing legal rules. Regional government is defined as local government according to Article 1 paragraph (2) of Law Number 23 of 2014 concerning regional government, it is explained that: Regional government is the administration of government affairs by the regional government and the regional people's representative council according to the principle of autonomy and assistance duties with the principle of autonomy as widely as possible within the systems and principles of the Republic of Indonesia as intended in the 1945 Constitution of the Republic of Indonesia.

Law number 23 of 2014 concerning regional government is the legal basis for the implementation of regional government. Article 5 paragraph 1 of Law number 23 of 2014 concerning regional government. The President of the Republic of Indonesia holds government powers in accordance with the 1945 Constitution of the Republic of Indonesia. Government powers are described in various government affairs. In carrying out government affairs the president is assisted by ministers who carry out certain government affairs. State administrators are responsible for the administration, regulation, and management of various aspects of a country's government. The implementation of government affairs in the region is carried out based on the principles of decentralization, deconcentration, and assistance duties. In Article 6 of Law Number 23 of 2014 concerning regional government, the central government establishes policies as the basis for carrying out government affairs.

Law number 23 of 2014 concerning regional government states that government affairs consisted as follows. First, absolute government affairs are government affairs which are completely under the authority of the central government. Second, concurrent government affairs are government affairs which are shared between the central government and provincial and district/city regions. Concurrent government affairs handed over to the regions are the basis for implementing regional autonomy. Third, general government affairs are government affairs which fall under the authority of the President as head of government. Absolute government affairs article 10 paragraph 1 Law Number 23 of 2014 concerning regional government absolute government affairs include: foreign policy; defense; security; justice; national monetary and fiscal, and religion. In carrying out absolute government affairs of the central government is either carry out it yourself; or delegate authority to vertical agencies in the regions or governors as representatives of the central government based on the principle of deconcentration.

Concurrent government affairs article 11 paragraph 1 of Law number 23 of 2014 concerning regional government concurrent government affairs which fall under the authority of the regions consist of mandatory government affairs and optional government affairs. Mandatory government affairs consist of government affairs related to basic services and government affairs not related to basic services.

Mandatory government affairs related to basic services are mandatory government affairs, part of the substance of which is basic services. Article 12 paragraph 1 of Law Number 23 of 2014 concerning regional government mandatory government affairs relating to basic services include: education; health; public works and spatial planning; public housing and residential areas; peace, public order and community protection; and social.

General Government Affairs Article 25 paragraph 1 Law Number 23 of 2014 concerning Regional Government General government affairs include as follows. First, fostering national insight and national resilience in order to strengthen the practice of Pancasila, implementation of the 1945 Constitution of the Republic of Indonesia, preservation of Bhinneka Tunggal Ika as well as maintaining and maintaining the integrity of the Republic of Indonesia. Second, fostering national unity and integrity. Third, fostering inter-tribal and intra-tribal harmony, religious communities, races and other groups in order to realize local, regional and national security stability. Fourth, handling social conflicts in accordance with statutory provisions. Further, coordinating the implementation of tasks between government agencies in provincial and district/city areas to resolve problems that arise by taking into account the principles of democracy, human rights, equality, justice, privileges and specialties, regional potential and diversity in accordance with the provisions of statutory regulations-invitation. Then, development of democratic life based on Pancasila. Lastly, implementation of all government affairs which are not the authority of the region and are not carried out by vertical agencies.

General government affairs are carried out by governors and regents/mayors in their respective work areas. To carry out general government affairs, governors and regents/mayors are assisted by vertical agencies. In carrying out general government affairs, the governor is responsible to the president through the minister and the regent/mayor is responsible to the Minister through the governor as the representative of the central government. Governors and regents/mayors in carrying out general government affairs are funded from the APBN. The regent/mayor in carrying out general government affairs at the sub-district level delegates implementation to the sub-district head.

The implementation of policies by state officials in the regions regarding Covid-19 non-natural disaster management based on Law number 23 of 2014 concerning regional government is included in government affairs, which are absolute government affairs, concurrent government affairs, or general government affairs. Government affairs talks about the authority of state officials in making policies. Law number 30 of 2014 concerning government administration creates a better, more transparent and efficient bureaucracy. Regulation of government administration is basically an effort to build basic principles, thought patterns, attitudes, behavior, culture and administrative action patterns that are democratic, objective and professional in order to create justice and legal certainty. Law number 30 of 2014 concerning government administration is an overall effort to re-regulate decisions and/or actions of government agencies and/or officials based on the provisions of statutory regulations and AUPB.

Officials in making policies can use discretion. Law number 30 of 2014 concerning government administration article 1 number 9 namely discretion is a decision and/or action determined and/or carried out by government officials to overcome concrete problems faced in the administration of government in terms of statutory regulations that provide choices, does not regulate, is incomplete or unclear, and/or there is government stagnation.

Article 23 Law Number 30 of 2014 concerning Government Administration the Discretion of Government Officials includes as follows. First, making decisions and/or actions based on the provisions of laws and regulations which provide a choice of decisions and/or actions. Second, taking decisions and/or actions because laws and regulations do not regulate them. Third, taking decisions and/or actions because statutory regulations are incomplete or unclear. Last, decision making and/or action due to government stagnation for broader interests. State officials have an important role in carrying out basic state functions, such as making policies, carrying out public services, regulating laws, maintaining security and defense, as well as carrying out various other functions necessary to maintain the order and welfare of society in a country.

According to Philipus M. Hadjon, the responsibility of officials in carrying out their functions is differentiated between official responsibility and personal responsibility (Juliani, 2019). Position responsibilities relate to the legality (legitimacy) of government actions. In administrative law, the issue of the legality of government actions is related to the approach to government power. Personal responsibility is related to the functionary approach or behavioral approach in administrative law. Personal responsibility concerns maladministration in the use of authority and public service. The distinction between official responsibility and personal responsibility for government actions carries consequences related to criminal responsibility, civil liability and state administrative liability (TUN). Legal implications of regional state officials' policies in managing non-natural disasters Covid-19 based on decree of the president of the Republic of Indonesia number 7 of 2020 concerning the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) there are no specific rules regarding policies, authority, obligations, duties, and prohibitions, especially in the regions. So, in the context of handling Covid-19 in the regions, state officials in the regions exercise discretion regarding each policy.

Article 22 of Law number 30 of 2014 concerning government administration discretion can only be exercised by authorized government officials. Every use of a Government Official's Discretion aims to carry out government administration; fill legal gaps; provide legal certainty; and overcome government stagnation in certain circumstances for the benefit and public interest.

The state presents law, meaning that there are provisions about what must be done or what is permitted and what is prohibited. The target of the law is not only people who have committed unlawful acts, but also legal acts that might occur and the state's equipment to act in accordance with the law. This system of legal operation is one of the law enforcement processes (Budiardi et al., 2022).

CONCLUSION

Legal implications of regional state officials' policies in managing non-natural disasters Covid-19 based on the decree of the president of the Republic of Indonesia Number 7 of 2020 concerning the task force for the acceleration of handling Corona Virus Disease 2019 (Covid-19) in terms of its authority, however there are no specific regulations regarding policies, authority, obligations, duties and prohibitions, especially in the regions. So, in the context of handling Covid-19 in the regions, state officials in the regions exercise discretion regarding each policy. The rules regarding state officials' policies are only related to the management of the Covid-19 disaster only in Law number 2 of 2020. These rules only concern State financial policies, specifically allocating budgets for certain activities.

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The authors declared no potential conflicts of interest.

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