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REPUBLIK INDONESIA

NOMOR 21/E/KPT/2018

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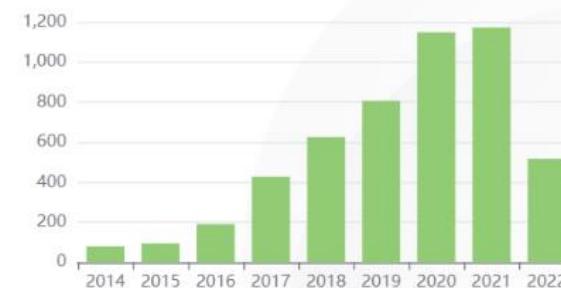
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The Dynamics in The Formation of Regional Products Of Law During Covid-19 Period in Central Java Province

Lita Tyesta ALW✉ and Adissya Mega Christia

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Abstract

The policies issued by the central government in handling the impacts of Covid-19 are done through various laws and regulation. These policies will be followed by the regional government policies through regional products of law including the Central Java Province Regional Government. This study analyses how the Central Java Province Regional Government responds to the policies of the central government regulations so that the Covid-19 problem can be resolved properly. This research is done by normative juridical method with a statutory approach based on secondary data. The results of this study show that Central Java Province Regional Government quickly and precisely formed various types of regional products of law based on the implementation of central government policies namely The Decree of The Governor, The Instruction of The Governor, The Instructions of Regional Secretary and various Circular Letters. Therefore, they are not the same as the usual regional regulation.

Keywords: Covid-19; dynamics; regional products of law.

Abstrak

Kebijakan yang dikeluarkan pemerintah pusat dalam menangani dampak Covid-19 dilakukan melalui berbagai peraturan perundang-undangan. Kebijakan tersebut akan ditindaklanjuti dengan kebijakan pemerintah daerah melalui produk hukum daerah termasuk Pemerintah Daerah Provinsi Jawa Tengah. Kajian ini menganalisis bagaimana Pemerintah Daerah Provinsi Jawa Tengah menanggapi kebijakan peraturan pemerintah pusat agar masalah Covid-19 dapat diselesaikan dengan baik. Penelitian ini dilakukan dengan metode yuridis normatif dengan pendekatan perundang-undangan berdasarkan data sekunder. Hasil penelitian ini menunjukkan bahwa Pemerintah Daerah Provinsi Jawa Tengah secara cepat dan tepat membentuk berbagai jenis produk hukum daerah berdasarkan pelaksanaan kebijakan pemerintah pusat yaitu Surat Keputusan Gubernur, Instruksi Gubernur, Instruksi Sekretaris Daerah dan berbagai Surat Edaran. Oleh karena itu, produk hukum tersebut tidak sama dengan peraturan daerah pada umumnya.

Kata kunci: Covid-19, dinamika, produk hukum daerah.

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Introduction

Indonesia is a unitary state in the form of a republic. The logical consequences from this form is the applicable state government as the central government. Then, the central government forms the region accordingly the provisions of the legislation. Regional government is an integral part of national policy. The difference lies in utilization of wisdom, potential, innovation, competitiveness, and regional creativity is expected to be able to support the achievement of national development goals as a whole overall (Chadijah, 2020).

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A Legal Study of Electronic Deed on Purchase and Sale Land During the Covid 19 Pandemic

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Abstract

During pandemic time, land sale and purchase transaction activity is still likely conducted; therefore, to replace and to minimize face-to-face mobility among the parties, digital transaction policy should be provided through cyber notary. The objective of paper was to find out the legal framework for the certainty and validity of agreement made by notary in electronic procedure as robust evidence in land sale and purchase transaction during covid-19 pandemic time. This paper employed juridical normative research method with statute approach and conceptual approaches to study electronic deed likely made by notary during covid-19 pandemic time. Electronic land sale and purchase deed made during Covid-19 pandemic time is legitimate based on *lex specialist derogate legi generally* principle, the enactment of health quarantine regulation. Juridical construction to give law protection to cyber notary service, particularly land sale and purchase deed development in Indonesia, can be provided through policy issued by Ministry of Agrarian Affairs and Spatial Planning/National Land Agency through referring to the provisions about Notary (PPAT)'s authority in Notary Position Law, Governmental Administration Law, Archive Law, and Information and Electronic Transaction Law.

Keywords: Covid-19; electronic deed; sale and purchase land; cyber notary.

Abstrak

Pada masa pandemi, aktivitas transaksi jual beli tanah masih mungkin dilakukan. Oleh karena itu, untuk menggantikan dan meminimalkan mobilitas tatap muka di antara para pihak, kebijakan transaksi digital harus diberikan melalui cyber notary. Tujuan penulisan makalah ini adalah untuk mengetahui kerangka hukum kepastian dan keabsahan perjanjian yang dibuat oleh notaris dalam prosedur elektronik sebagai alat bukti yang kuat dalam transaksi jual beli tanah selama masa pandemi covid-19. Tulisan ini menggunakan metode penelitian yuridis normatif dengan pendekatan statuta dan pendekatan konseptual untuk mengkaji akta elektronik yang kemungkinan dibuat oleh notaris pada masa pandemi covid-19. Akta jual beli tanah elektronik yang dibuat pada masa pandemi Covid-19 adalah sah berdasarkan asas *lex specialis derogate legi umum*nya, pemberlakuan peraturan karantina kesehatan. Pembinaan yuridis untuk memberikan perlindungan hukum terhadap jasa notaris siber, khususnya perkembangan akta jual beli tanah di Indonesia, dapat diberikan melalui kebijakan yang dikeluarkan oleh Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional dengan mengacu pada ketentuan tentang Notaris (PPAT)' kewenangannya dalam UU Jabatan Notaris, UU Administrasi Pemerintahan, UU Kearsipan, dan UU Informasi dan Transaksi Elektronik.

Kata kunci: Covid-19; akta elektronik; jual beli tanah; cyber notary.

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Introduction

Government is authorized to hold land registration according to the mandate of Article 19 clause (1) of Agrarian Basic Law (Undang-undang Pokok Agraria/UUPA) Number 5 of 1960. It is intended to ensure law certainty in land affairs sector, because registration is the only authentication and the requirement of legitimate transfer of right.

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The Dynamics in The Formation of Regional Products Of Law During Covid-19 Period in Central Java Province

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Submission date: 02-Sep-2022 03:12PM (UTC+0700)

Submission ID: 1891215335

File name: 2862-7581-1-PB.pdf (234.87K)

Word count: 4645

Character count: 26080

The Dynamics in The Formation of Regional Products Of Law During Covid-19 Period in Central Java Province

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Abstract ¹⁰

The policies issued by the central government in handling the impacts of Covid-19 are done through various laws and regulation. These policies will be followed by the regional government policies through regional products of law including the Central Java Province Regional Government. This study analyses how the Central Java Province Regional Government responds to the policies of the central government regulations so that the Covid-19 problem can be resolved properly. This research is done by normative juridical method with a statutory approach based on secondary data. The results of this study show that Central Java Province Regional Government quickly and precisely formed various types of regional products of law based on the implementation of central government policies namely The Decree of The Governor, The Instruction of The Governor, The Instructions of Regional Secretary and various Circular Letters. Therefore, they are not the same as the usual regional regulation.

Keywords: Covid-19; dynamics; regional products of law.

Abstrak

Kebijakan yang dikeluarkan pemerintah pusat dalam menangani dampak Covid-19 dilakukan melalui berbagai peraturan perundang-undangan. Kebijakan tersebut akan ditindaklanjuti dengan kebijakan pemerintah daerah melalui produk hukum daerah termasuk Pemerintah Daerah Provinsi Jawa Tengah. Kajian ini menganalisis bagaimana Pemerintah Daerah Provinsi Jawa Tengah menanggapi kebijakan peraturan pemerintah pusat agar masalah Covid-19 dapat diselesaikan dengan baik. Penelitian ini dilakukan dengan metode yuridis normatif dengan pendekatan perundang-undangan berdasarkan data sekunder. Hasil penelitian ini menunjukkan bahwa Pemerintah Daerah Provinsi Jawa Tengah secara cepat dan tepat membentuk berbagai jenis produk hukum daerah berdasarkan pelaksanaan kebijakan pemerintah pusat yaitu Surat Keputusan Gubernur, Instruksi Gubernur, Instruksi Sekretaris Daerah dan berbagai Surat Edaran. Oleh karena itu, produk hukum tersebut tidak sama dengan peraturan daerah pada umumnya.

Kata kunci: Covid-19, dinamika, produk hukum daerah.

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Introduction ¹⁰

Indonesia is a unitary state in the form of a republic. The logical consequences from this form is the applicable state government as the central government. Then, the central government forms the region accordingly the provisions of the legislation. Regional government is an integral part of national policy. The difference lies in utilization of wisdom, potential, innovation, competitiveness, and regional creativity is expected to be able to support the achievement of national development goals as a whole overall (Chadiah, 2020).

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The relationship between the central government and regional governments has four important dimensions to be observed, including the relationship of authority, institutional, finance and supervision. The autonomy relationship is shown through the capability of Regional Government to form Regional Regulation. Regional regulation in general is a strategic instrument in accordance with spirit of national development by the Central Government (Yusmad, 2013). Regional regulation's implementation must refer to the conception of the Unitary State of the Republic of Indonesia. Because deep the meaning of autonomy in a unitary state means to contain the essence of care towards the unitary state. Without unity, there is no autonomy. Autonomy contained an element of supervision to prevent the chance of misused power, so the control mechanism is done through supervision (Wadi, 2020).

Since December 31, 2019, World Health Organization (WHO) has reported a new disease named Corona virus in Wuhan. In a short time, the Corona virus has spread widely in China even spread widely every part of the world. The spread of Covid-19 can indeed be said to be increasingly widespread until it is also spread to all over Indonesia, it's no wonder that Covid-19 was declared as a global pandemic (Hasibuan & Ashari, 2020). Until February 2020 Indonesia still does not exist case reports of people infected with Corona. Later on March 2, 2020, President Joko Widodo accompanied The Minister of Health Terawan Agus Putranto announced the first two new cases of Covid-19 in Indonesia located in Depok City, West Java Province.

The spread of the Covid-19 has caused various problems at Indonesia. In addition to health issues, Covid-19 has caused problems economic, social, cultural, security, even in the field of government. In this case, a good relationship between Central Government and Regional Government is much needed both in framework of Unitary State and Regional Autonomy. Regional Government together with the Central Government are responsible for the availability of resources needed through regulations to make them strong and clear. The central government has prepared management guidelines and its impact on Regional Government. The steps taken by the central government have been informed to the Regional Government through written documents. The goal is for the regional government get an understanding of Covid-19. The Central Government and Regional Governments work together to minimize and prevent the impact of Covid-19. This effort must be in sync so that it can effectively solve the main problem of Covid-19 and get high trust from the public (Masrul et al., 2020).

Seeing the current situation and situation, the application of emergency law with issuance of an emergency law is done by entering the substance regarding the comprehensive handling of the Covid-19 pandemic. Refly Harun explained that it is better to implement several policies in one unit including hospital quarantine, regional quarantine and simultaneously. Then in the arrangement it is emphasized to provide every discretion regional governments in determining handling policies which can then be it is evaluated that the central government continues, reduced or stopped (Hasibuan & Ashari, 2020).

As a standard that will be used as a reference in all regions of the Republic of Indonesia, it should be established a form of regulation that must be contained with the authority of the central government to foster all activities related to the implementation of health quarantine in the region by involving Regional Governments. The authority to oversee the implementation of health quarantine is the authority of the central government and regional governments. The authority of the central government is to supervise all activities related to the implementation of health policies. While the authority of the regional government is to supervise activities related to the implementation of health policies in regions both in the province and district or city (Telaumbanua, 2020). The establishment of mechanisms in health policies are the authority of the Central Government and the Regional Government Regional, but the Regional Government is only a subordinate in the implementation handling the disease outbreak.

On March 20, 2020 President Jokowi issued Presidential Decree Number 9 Year 2020, which revised Presidential Decree Number 7 Year 2020. With the new Presidential Decree, Governors throughout Indonesia have the authority to provide direction and evaluate the implementation of the acceleration of handling of Covid-19 cases in their respective regions (Mansyur & Kartika, 2020). Therefore, when the right to autonomy implemented, must be accompanied by boundaries that exist in the legislation.

Although the main policy is still guided by what has been set by the Central Government, awareness of the Regional Government to prevent escalation centralization of the Central Government because it sets the policy that creates a legal uncertainty is a necessity, especially in handling Covid-19. Jimly Asshiddiqie stated, that the practical paradigm regional autonomy is not only an ideal conception of the transfer of authority center to be regulated by the region autonomously. But there is also a need for initiatives coming from the regions to the Central Government, to encourage the implementation of autonomy regions and ensure that the implementation of regional autonomy is successfully carried out in the framework of the unitary state (Wadi, 2020).

All Governors from every province in Indonesia has their own tactical steps to handle the spread of Covid-19 as effective as possible through some regional policies, which the mechanisms are different from the usual regional product of law. The tactical steps is done based on the instructions from Central Government. Tactical Steps of the Governor of Central Java Province Ganjar Pranowo is shown through a related circular increased awareness of the risk of transmission of Covid-19 on March 14, 2020. The circular was addressed to regents or mayors, regional apparatus leaders, leaders of vertical agencies and all the leaders of regional owned enterprises of Central Java Province.

In his letter, the Governor of Central Java conveyed the need for prevention and control through four policies. The four policies adopted include *First*, Carrying out coordination, socialization and education regarding prevention and control efforts to the elements of society and business actors according to their authority. *Second*, Ganjar said that all agencies take precautions as early as possible, by providing various equipment and body condition check needs. *Third*, Ganjar also instructed that there should be a delay or

limit activities that bring people to public places. Such as car free day, camping, study tour, and so on. *Fourth*, forming integrated information posts in each institution (Mansyur & Kartika, 2020).

Central Java Provincial Government uses canalizing informative and educative techniques to provide the same understanding in every City/Regency and the ranks of the state civil apparatus regional work unit which is then followed by the closing act of all activities including teaching and learning activities, tourist attractions and also providing information through an information service center to provide information as well as education community related to the prevention of Covid-19 transmission in their environment (Zahrotunnimah, 2020).

The emergence of the Covid-19 outbreak around mid-March 2020 in Indonesia requires serious and comprehensive handling. Law thorough regulations and policies as one of the tools to solve the problem comes with a slightly different face because it is presented with abnormal conditions. Starting at the central level with the birth of Government Regulations in Lieu of Law Number 1 Year 2020 which was finally approved to become a law. In addition, various forms of legislation in various technical forms and types were born, ranging from Instructions, decisions and Circular Letters both at the central and regional levels. The legal products that are formed are also practical and implementative legal products so that they are immediately able to deal with the pandemic quickly because saving community life and human lives is the main basis of the policies in handling Covid-19 (Jamaludin et al., 2020).

Research Problems

Based on the introduction above, this paper will analyze first, how the Central Java Province Regional Government formed regional products of law to handle the impacts of Covid-19 and second, how the formation processes of the regional products of law are carried.

Research Methods

This research uses qualitative normative juridical methods which focus on the study of legal principles and norms. The approach used in this research is the statute approach with a descriptive prescriptive analysis. The data is based on primary legal materials in the form of various laws and regulations related to research and secondary legal materials as a complement in the form of books and journals related to this research (Sonata, 2014).

Discussion

The Central Java Province Regional Government's Regional Products Of Law To Handle The Impacts Of Covid-19

Several national regulations have been produced from the president to ministerial levels since January 2020. But, most of the regulations were issued after March 13 when the President established the Task Force. One of the most important one is the President's Directives Number 4 Year 2020, one of the main points is instructing for refocusing of development activities, reallocation of government budget (Djalante et al., 2020). The use of law is very important in regional legal objectives, especially in handling Covid-19 (Sea, Pellob, & Johanesc, 2015).

Although the arrival of COVID-19 took most of the world by surprise, it was at first understood to have low fatallity level compared to SARS virus. This drove many governments to deem it as a mild illness, resulting in very few initial measures to stop it (Piguillem & Shi, 2020). The intervention and support strategy by the government absolutely can decrease the spread as long as being done that being done at all cost and quickly (JIA et al., 2020).

That is why what has been done in the provinces in Indonesia, generally still face some weakness. Practices of internal control weaknesses in provincial governments in Indonesia and investigated their determinant factors. There are four variables which are found significant influence toward asset, complexity, quality of human resources and the use of information technology (Yaya & Suprobo, 2019). Science must also guide policy decisions. Reliance on comprehensive and solid data, research-based protection will allow policy to be guided by secure, evidence-based assumptions on herd immunity, rather than optimistic guesses (Altmann, Douek, & Boyton, 2020).

The legal products established by the Central Java Provincial Government in this case by the Governor and Regional Secretary of Central Java Province are policy products. This becomes an option considering the manufacturing process is fast and does not require procedures as in the formation of legislation products regulated in Law Number 12 Year 2011 concerning Formation of Regulations and Regulations. So the choice of forming various legal policy products as listed above is a very wise choice. The Central Java Provincial Government Policies above show the development of various policy options/alternatives to achieve objectives in accordance with development of regulatory impact assessment process in Indonesia (Suska, 2012).

In Minister of Home Affairs Regulation Number 54 Year 2009 there are 2 (two) classifications, namely: (1) the form and composition of the legal service department text in the provincial and district/city government environment consisting of Local Regulation; Regional Head Regulation (Governor/Regent/Mayor); Joint Regulations of the Governor/Regent/Mayor and Decree of the Governor/Regent/Mayor; (2) The form and composition of the letter service manuscripts in the area of the Regional Government consisting of Instructions; Circular Letter; Ordinary Letter et cetera. Thus both the Instruction and Circular Letter are forms of the official letter of the document.

Figure 1. Products of Law Regarding Covid-19 Released by Central Java Provincial Government

No.	Regional Products of Law	Concerning
1	Decree Of The Governor Of Central Java Province Number 445/42 Year 2020	Hospital References Of Emerging Infection Disease Special Second Line In Central Java Province
2	Decree Of The Governor Of Central Java Province Number 445/46 Year 2020	Amendments Of The Decree Of The Governor Of Central Java Number 445/42 Years 2020 About Hospital Referral
3	Decree Of The Governor Of Central Java Province Number 440.1/43 Year 2020	The Assignment Acceleration Of Corona Virus Disease (Covid-19) In Central Java Province
4	Decree Of The Governor Of Central Java Province Number 440.1/44 Year 2020	Amendments Of The Decree Of The Governor Of Central Java Number 440.1/43 Year 2020 Concerning The Acceleration Assignment Task Corona Virus Disease (Covid-19) In Central Java Province
5	Decree Of The Governor Of Central Java Province Number 360/3 Year 2020	The Determination Of Emergency Response Status Against Corona Virus Disease (Covid-19) Disaster In Central Java Province
6	Instruction Of Central Java Governor As The Chairman Of The Task Force For The Acceleration Of Corona Virus Disease (Covid-19) Handling In Central Java Province Number 1 Year 2020	Empowering Communities In Acceleration Handling Of Covid-19 At The RW Level Through The Formation Of "Satgas Jogo Tonggo"
7	Decree Of The Secretary Of The Central Java Province As The Chief Executive The Task Force For The Acceleration Of Corona Virus Disease (Covid-19) Handling In Central Java Province Number 443.5/0007143 Year 2020	Implementations And Secretariat Of Assignments Acceleration Of Corona Virus Disease (Covid-19) In Central Java Province
8	Circular Letter Of The Governor Of Central Java Province Number 440/003942 Year 2020	Increasing Awareness To Risk Of Infection Transmission Corona Virus Disease (Covid-19) In Central Java Province
9	Circular Letter Of The Governor Of Central Java Province Number 420/0005956 Year 2020	The Prevention Corona Virus Disease (Covid-19) Spreads In Education Units In Central Java Province
10	Circular Letter Of The Governor Of Central Java Province Number 440/006405 Year 2020	The Anticipation Of The Risks From Infection Of Corona Virus Disease (Covid-19) In The Area Of Workplace, General Facilities And Transportation Public In Central Java Province
11	Circular Letter Of The Governor Of Central Java Province Number 443.5/0006220 Year 2020	Migrant Manpower Handling From The Place Distance To The Region / City Area In Central Java Province
12	Circular Letter Of The Governor Of Central Java Province Number 420/0006228 Year 2020	Service Of Education Management In Central Java Province In The Emergency Of The Spread Of Corona Virus Disease (Covid-19)
13	Circular Letter Of The Governor Of Central Java Province Number 990/0004361 Year 2020	Accelerated Procurement Of Central Java Province APBD For Handling Corona Virus Disease 2019 (Covid-19)
14	Circular Letter Of The Governor Of Central Java Province Number 443.5/0007222 Year 2020	Procedures In The Management Of Covid-19 Infected Corpse
15	Circular Letter Of The Governor Of Central Java Province Number 440/0007223 Year 2020	Obligations To Use Mask For Community Quarantine And Procedures For Communities In Central Java Province
16	Circular Letter Of The Governor Of Central Java Province Number 443.5/0007521 Year 2020	Provisions General Cemetery For Victims Including Health Workers That Died Due To Plague Of Corona Virus Disease (Covid-19)
17	Circular Letter Of The Governor Of Central Java Province Number 800/03556 Year 2020	Activities For Traveling Outside The Area And Or Mudik For State Civil Apparatus In The Government Of Central Java Province In An Effort To Prevent The Spread Of Covid-19
18	Circular Letter Of Executor Of Office Secretary Of The Central Java Province Number 965/1125 Year 2020	The Development Of State Civil Apparatus (ASN) In Effort Of Supporting Corona Virus Disease (Covid-19) Handling Policy In The Government Of The Central Java Province

The Formation Processes Of The Regional Products Of Law

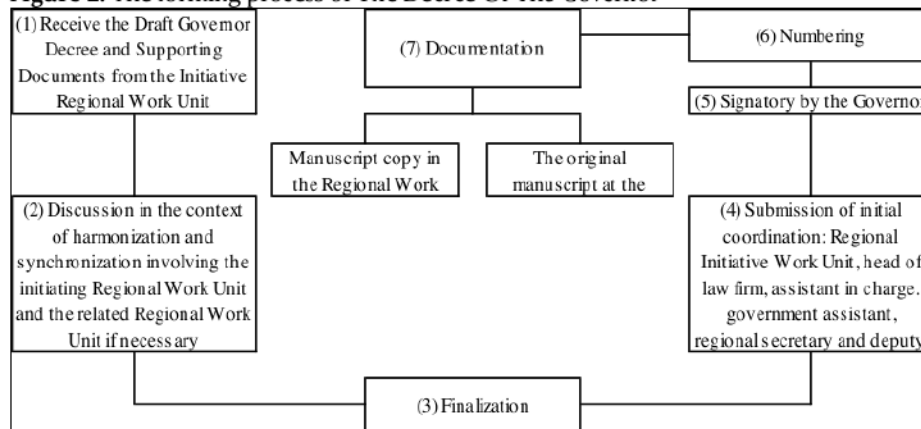
1. Decree of The Governor

⁶Based on Article 97 of Law Number 12 of 2011, the preparation techniques and/or forms stipulated in this Law also apply ⁴mutatis mutandis to the formation of a Governor's Decree. One of implementations of The Decree Of The Governor in Central Java Province in term of handling the outbreaks of Covid-19 shows when The Central Java Provincial Government established the Covid-19 disaster response status. Central Java Province Governor Ganjar Pranowo explained, this status determination was carried out after his party considered that the Covid-19 outbreak that had hit Indonesia and Central Java Province had resulted in many people being infected, causing deaths, property losses, disruption of infrastructure and construction, and have an impact on the socioeconomic and national/regional economy.

That in order to prevent the increasing number of people infected with Covid-19 in the Central Java Province, it is necessary to determine the status of the Covid-19 emergency response in the Central Java Province. Based on these considerations, his party issued Central Java Governor Decree Number 360/3/2020 concerning Determination of Corona Virus Disease Disaster Emergency Response Status (Covid-19) in Central Java Province (Humas Provinsi Jateng, 2020).

The diagram in the figure below shows the forming process of The Decree Of The Governor: (Dishanpan Provinsi Jateng, 2014)

Figure 2. The forming process of The Decree Of The Governor



2. Instruction of The Governor

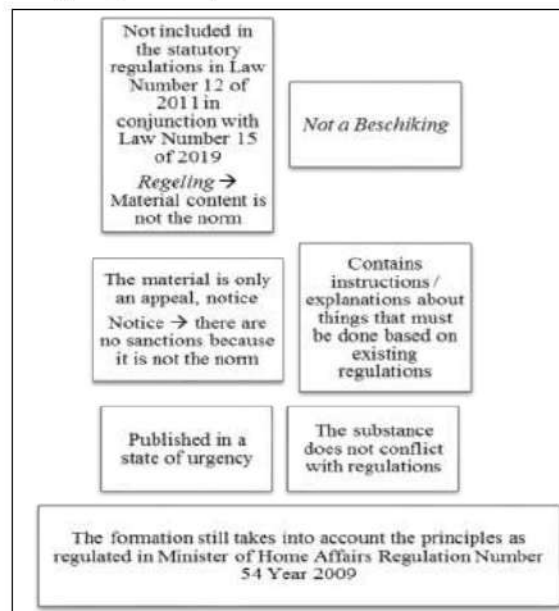
The nature of a Governor's Instruction which is a stipulation, it needs to be stated regarding the stipulation itself. Determination, decision or stipulation (*Beschikking*) is one of the two forms of written legal norms seen from the contents/substance, the other form is the legislation (*Regeling*) (Imoliana, 20⁴).

One of implementations and assesment of The Instruction Of The Governor in Central Java Province in term of handling the outbreaks of Covid-19 shows once Central Java Provincial Government has vulnerable to shut and seal traveler destinations that

area unit reckless in operation. The conditions for gap traveler destinations area unit solely allowed for the inexperienced zone, implementing health protocols, and pocketing the recommendations of the Task Force for the Acceleration of Handling Covid-19 and therefore the Regional Government. If it doesn't apply health protocols, the destinations will not get permissions from Central Java Provincial Government through the Department of Youth, Sports and Touristry, and the government can do further protection or closing. (Sidiq, 2020).

3. Circular Letter

Figure 3. The Important Points of Circular Letter



One of the implementations of the Circular Letter shows when Ganjar Pranowo decided, Central Java Province must set the Status of Disaster Emergency Response to Corona Disease Due to Covid-19, since March 20, 2020. All costs incurred as a result of the stipulation of this Governor Decree shall be borne by the Regional Budget of the Central Java Province; and other legitimate and non-binding sources of funds. The Decree Of The Governor shall take effect on the date it is officially announced, namely March 27, 2020.

Ganjar Pranowo observed the Circular of the Governor of Central Java Number 440/0005942, also paying attention to the Central Java Governor Circular Letter Number 420/0005956 and Central Java Governor Circular Letter Number 440/0006405 (Humas Provinsi Jateng, 2020). This shows that Central Java Provincial Government make sure to take the simplest and the fastest way in making decisions also policies through an assessment of the results of policy makers (Hasima, 2020).

Conclusion

Central Java Province Regional Government quickly and precisely formed various types of regional products of law based on the implementation of central government policies namely The Decree of The Governor, The Instruction of The Governor, The Instruction of Regional Secretary and various Circular Letters. Therefore, they are not the same as the usual regional regulation. The dynamics is shown as the regional products of law also must be done in the framework of unitary state and regional autonomy. Although the process of formation is not the same as the usual regional products of law, these policies must be done to handle the quick outbreak of Covid-19.

Suggestion

The legal basis the formation of regional products of law especially in urgent times should be structured better so that there is a specific standard guideline for the regulation of the procedure for the establishment of a letter manuscript which is a legal policy from the authorized officials.

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