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On behalf of Editorial Board and Publisher, thank you very much for your submission to our journal.

Semarang, April 3th 2023

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INDONESIA GOVERNMENT SETS BACK: THE RULE OF LAW, COLLABORATIVE GOVERNANCE AND HUMAN RIGHT CHALLENGES DURING COVID-19

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Abstract

The COVID-19 pandemic has caused many governments to impose a variety rules, strategies and has taken mankind by surprise. This article discusses the social impact of policies during COVID-19, the role of agencies other than government, and the importance of human rights. Collaborative Governance Regime and theory is used to complement qualitative methods and data collection techniques based on literature research, institutional reports, survey results from journals, online media, and print media, as well as the input of experts in focus group discussions between March 2020 and May 2021, in Indonesia. We found that 1) inconsistencies in policy; 2) lack of coordination and leadership; 3) trust issues; and (4) inequalities and injustice performances increased the pressure on social compliance. Our results suggests that the government needs to be more agile to accommodate, nurture and integrate social actors as governance partners in order to ensure its efficacy, resilience and compliance during this pandemic. In addition, the government also needs to ensure that an inclusive approach is adopted in multi-dimensional channels so none is left behind.

Keywords: COVID-19, Pandemic, Collaborative Governance, Human Right, Rule of Law, Society Resilience

A. Introduction

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

than 1 million confirmed cases (Satgas Penanganan COVID-19, 2021).

As a result, Indonesia led the COVID-19 mortality rate in Southeast Asia (see figure 1). The increase in the number of infections and death cases showed indications that Indonesia was failing in implementing strategies to mitigate the pandemic's spread and reducing the infection and death cases caused by COVID-19 among ASEAN state members. The pandemic-

emergencies do not put the state itself in danger, but also its institutional structures and the life of people. This situation represents challenges not only to the government but also to other public agencies. The high degree of uncertainty caused by COVID-19 development gives an enormous and overwhelming speed of disorientation, emotional disturbance, digital divide, chaotic policy disclosure, political fragmentation, human rights issues, and other socio-economic spheres.

The particular reason for the circumstances was in the pre-crisis phase starting from late January to early March 2020, the government was not serious; underestimated the possibility of a COVID-19 virus in Indonesia. When other countries began imposing lockdown to prevent the spread of the coronavirus, the president and his cabinet ministers said they would promote the tourism sector instead. Not only from the state's responses, but another emerging situation was panic buying (Adinugroho & Simanjuntak, 2020), COVID-19 stigma which caused bullying as same as people who had suspension as ODP (person in surveillance). As a matter of fact, the bullying incidents can be seen in the burial of COVID-19 patients. In many places many grieving families, friends, and relatives have had to endure the pain, not just because of the death of someone they loved, but because residents, neighbors, or village officials have rejected the body for burial. These people are too afraid of the virus contagion regardless of repeated explanations from the government

and health experts (Purba, 2020). These kinds of incidents happened not only in Indonesia in particular but also in other parts of the world, such as Milan and Iraq during the virus outbreak. This actively demonstrates that humanity is suffering from the pandemic threat for the first time as we are facing a "global state emergency" (Ayala Corao, 2020).

Many experts confirmed the obstacles come not only from the bureaucratic structure. Accordingly, first, the performance of the

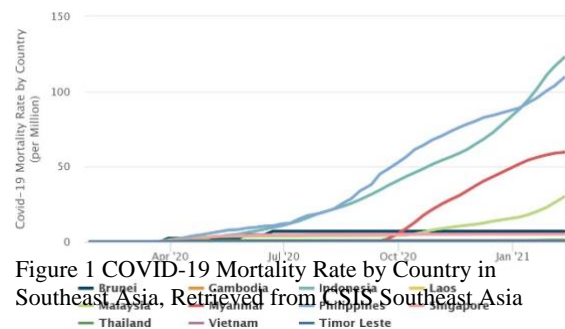


Figure 1 COVID-19 Mortality Rate by Country in Southeast Asia, Retrieved from CSIS Southeast Asia

TGPP task force is less than optimal. After all, the basis for the rules for establishing "Satgas" (Indonesia's COVID-19 taskforce) in the regions is only based on a Circular of the Minister of Home Affairs, which is considered inadequate because Circular Letters are not a legal product in the order of laws. Second, the weak coordination between the central government and regional governments shows the incompatibility and inconsistency between the central and provincial governments and the Ministry's unsynchronized regulations. Recently, Luhut Binsar Panjaitan as the coordination minister admitted that two million COVID-19 cases have not been included in the report which affected the positivity rate in Indonesia

(Fathurohman, 2020). Furthermore, the inconsistency of statements between public officials in authority (Banjarnahor, 2020), lack of participatory communication, especially two-way communication between government and opinion leaders, weaknesses in implementing the Large-Scale Social Restrictions (PSBB) policy in the regions (Dewi & Setyaningsih, 2020), health workers' availability is still lacking (Windarwati et al., 2020), the high cost of the Covid19 test kit and slow leader response causes low levels of public trust; sum up the lack of Indonesia's government in the COVID-19 responses.

The criticism toward Indonesia's government not only in COVID-19 policy handling but also the preparedness of vaccinations (Aminah et al., 2021; Djalante et al., 2020). The controversy begun as Indonesia has decided to prioritize vaccination for people aged 18-59, arguing the labor force needs to be protected first to boost the economy. Another criticism aroused after artist and influencers was a vaccine priority, but the greatest challenge is trust problem toward vaccination program. According to COVID-19 vaccine acceptance survey (See Table 1) held by the minister of health in November 2020, there were significant concerns regarding vaccine safety and effectiveness, lack of trust towards a vaccine, and issues regarding the vaccine haram-halal category which raised concern

from Indonesia majority. The issue is public trust because the ROI (Republic of Indonesia) government failed to communicate with the public throughout the pandemic.

Aside from the society perspectives, another challenge is the Covid-19 vaccination program in Indonesia has only been able to be carried out on an average of 50 thousand health workers per day. There are other challenges, such as limited storage space for vaccines. In fact, the target is 70% of the Indonesian population is vaccinated to achieve herd immunity (See Table 1). Moreover, the debate is going further on whether or not paid vaccine is necessary.

Subsequently, the private sector is needed to accelerate economic recovery and herd immunity, nevertheless this plan also drawn cons because it has the potential to cause social injustice in health system which should promote equal opportunity. The role of the private sector in the vaccination program should be related to distribution assistance, improvement of the vaccine recipient data, public awareness and public education. In the implementation of vaccines in Indonesia to date, problems do not only occur in the aspect of community resistance, but also in the systematics of vaccine administration and also the health conditions

of each individual people. Problems with the vaccine system can be seen from the chaotic procedures for vaccine registration and also the low data accuracy.

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

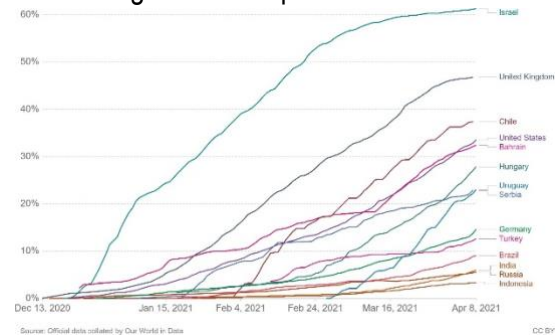
Table 1 Indonesia COVID-19 Vaccine Program, compiled from various online sources

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

its population (See Figure2).

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

Some surveys indicate the decline in public confidence in the ROI (Republic of Indonesia) government's performance in overcoming COVID-19 pandemic. This makes



people pose disobedient to crucial policies, such as 3M + 1 policy (using masks, washing hands, keeping distance and avoiding crowds). Aside from the government strategies, human rights and law enforcement are key in shaping the pandemic response, both for the public health emergency and the broader impact on people's lives and livelihoods. When the state capacity indicates low compliant toward public policy and implementation, several states resort to societal resilience. Many scholars argue on resilience show that public participation, civil society activism, social solidarity and psychological health play important roles in pandemic management despite the health system itself. The collective movements which require bond and high level of trust in making the COVID-19 response policies work. What leaders need during an emergency situation such as pandemic; is not a predefined response plan but behaviors and mindsets that

will prevent them from overdramatizing to former times developments (D'auria & Smet, 2020).

There are key elements towards state's responses to the COVID-19 pandemic aside from state strategies as state capacity, societal resilience; is regional cooperation. In the very first phase of COVID-19 in Indonesia, local governments move ahead of time than the central government. This can be seen from the 'rather' slow pace of the central government in issuing Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of COVID-19 Accelerated Handling (PP PSBB) on March 31, 2020. However, de facto, ROI is currently in a period of emergency constitutional law which the implementation of this emergency law allows the state to do things outside the principles of general law, including overriding the authority of regional autonomy. Unfortunately, the enforced emergency status denies the knowledge and capability of local governments in the pandemic handling process. Regional governments, which should be at the forefront of handling the pandemic, could not make their own decisions and depend on the decisions to the central government. At the same time, violations against PSPB occurred in almost all regions. The majority of people is considered as submissive in applying the principles of social distancing (Aminah et al., 2021). This indicates that the Government's policies are not being

responded to positively by the community. However, the Indonesian community who had good knowledge, attitude, and behavior respectively towards social distancing as a way to prevent the virus transmission (Yanti et al., 2020).

These challenges faced by ROI government draws on research to describe how all three components of collaboration dynamic – principled engagement, shared motivation and capacity for joint action- are playing out in the case of COVID-19. A collective decision-making process which has consensus-oriented and deliberative is the best way to maintain public (Ansell et al., 2020). This concept aims to make public policy to be open, trust-based, transparent and inclusive. Our research purposes are to explore on (1) how to reassure societal trust level regarding barriers and also inconsistencies in policies implementation by main and local government; (2) to identify other agency roles, engagement and capacities hand in hand facing the pandemic; (3) to show the importance of human right as a comprehensive guidance as an effort to address COVID-19 pandemic ; (4) to ensure the government's and public responses which need to be inclusive, reasonable and equitable to ensure no one is left behind.

B. Methodology

A qualitative, deductive approach based on multiple sources of evidences is used to explore social or humanitarian problems

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

Peer-reviewed articles, scientific journals, print media, online media, reports, survey from several institutions from March 2020 to June 2021 on various policies during COVID-19 and preparedness for the vaccine agenda; is used as data collections as secondary data matrix to complement the FGD results This article

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

C. Literature Review

1. Collaborative Governance

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

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

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

in CG processes is relational rather than transactional.

Ostrom in (Amsler, 2016) identified eight key design principles for effective and enduring collaborative institutions: (1) boundary rules are clear; (2) local rules assign cost proportional to benefits; (3) members participate in making and modifying the rules; (4) members select their own monitors, who are accountable; (5) sanctions are graduated; (6) users have "access to rapid, low-cost, local arenas to resolve conflict among users or between users and officials; (7) national or local governments recognize the right to organize; and (8) governance activities are nested in multiple layers of enterprise. These principles can frame CG research around law as rules.

2. The Rule of Law

Historically, the rule of law has evolved over centuries and linked to the developments of liberal democracies in every country legal system. Both the Common law and the Civil law countries legal system have different interpretations of this concept. The concept of rule of law was developed in the Anglo-Saxon tradition in Common law pioneered by A.V. Dicey (Principe & Dicey, 2000). This concept consists of three important characteristics, namely 1) rule of law; 2) equality before the law and; 3) fair legal process. Whereas in the civil law legal system which generally applies in mainland Europe using the German term *rechtsstaat*

has four important characteristics: 1) protection of human rights; 2) distribution of power; 3) governance based on law and; 4) state administrative court.

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

- a) The law rests upon known, general principles applicable on equal terms to all persons. It follows that the law is superior to, and thus binds, the government and all its officials.
- b) The law must respect and preserve the dignity, equality and human right of all persons.
- c) The law must devise and maintain systems to advise all persons of their rights and it must empower them to fulfill just expectations and seek redress of grievances without fear or

penalty of retaliation.

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

3. Human Right

In recent human health catastrophe, called COVID-19, there has been an increased call for the assessment of human right and public health industry. Philosophically, right is seen as simply being human and does not depend on the existences of states or legal system. However, right as in human right in practical approach, defined by their role in contemporary human rights practice and depends on the existence of states and its jurisdiction. The practical definition of rights put the tripartite typology of state's obligation as known as three-pillar structures for specific types if reasoning and relying on legal techniques which are obligation to respect, obligation to protect and obligation to fulfill (Schutter, 2014).

Economic, social and cultural rights (ESC) are socio-economic human rights, distinct from civil and political rights. Economic, social and cultural rights are included in the 1948 Universal Declaration of Human Rights (UDHR) and outlined in the

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

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

States have exercised their right to derogate from their obligations under the Convention with respect to measures they have taken in response to the pandemic. It recalls its Resolution 2209 (2018) and Recommendation 2125 (2018), entitled “state

of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights”, in which it recognized that protracted states of emergency and derogations have the effect of normalizing lower standards and habituating populations to greater interference with their rights. Today’s challenge in facing pandemics is to ensure everyone is protected and included in the responses to the crisis. Several countries have been starting to give the COVID-19 vaccine to their people. However, a particular concern has been raised due to access and prioritization for the vaccine, and how embedded structural inequalities should be addressed (Sekalala, 2021).

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

D. Findings & Discussion

1. Legal and policy framework for managing covid-19

This pandemic has left many countries in

a dilemma in how to manage public safety in the fight against disasters. In the case of COVID-19, the most important thing is in the policy department. This study provides field insights from FGD conducted by 10 (ten) policymakers. This is valuable to examine how policymakers' own experiences and perspectives can influence policy decisions and implementation, and how this might differ across different policy domains or levels of government. The main focus is the public's perception of the government's failure to control the pace of COVID-19. Some key points are about policies that only have text without any factual basis. One of the sources said that the reason for the out-of-sync is because the central, inter-ministerial, and regional governments failed to translate the legal umbrella into COVID-19 countermeasures.

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

Basically, if we look at the regulatory platform, the ROI regulatory platform is clear, which is in the first law. Regulation No. 6 of 2018 on Health and Quarantine. In addition, the provisions regarding COVID-19 are in Law No. 1. Decree No. 24 of 2007 on Disaster Management, Decree No. 4 of Disease Outbreak of 1984, and Law No. 4. Regulation

No. 36 of 2009 on health. The government's poor interpretation of policies has led to differences in regional laws and regulations in many regions, as well as differences between ministries and commissions. Therefore, in their attitude, the community seems to be given many policy choices. The basic question is- which policy do I follow?

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

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

The legal basis for the status of standby in a state of disaster emergency is

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

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

contained in Law no. 24 of 2007 concerning Disaster Management. A fairly massive policy issued by the Regional Government, one of

which is the lockdown policy implemented by the City in Papua, the City of Tegal, the City of Solo, and other district areas (See Table 2). Meanwhile, the central government only urges the public to carry out "social distancing." In the legal paradigm in Indonesia, social distancing and lockdown have a legal basis in the form of Law no. 6 of 2018 concerning Health Quarantine framework policy. Health Quarantine according to Law no. 6 of 2018 is an effort to prevent and ward off the exit or entry of diseases and / or public health risk factors that have the potential to cause a public health emergency.

The implementation of social distancing and lockdown is actually an effort of the existence of a Health Emergency. Public Health Emergencies are public health events of an extraordinary nature characterized by the spread of infectious diseases and / or events caused by nuclear radiation, biological pollution, chemical contamination, bioterrorism, and food that cause health hazards and have the potential to spread across regions or across countries. In Law no. 6 of 2018 the response to health emergencies includes home quarantine, hospital quarantine, Regional Quarantine and what is now being initiated by the President is large-scale social restrictions.

Meanwhile, regional quarantine in general provisions is a restriction on the population in an area, including the area of entrance and its contents; who are suspected of being infected with

a disease and/ or contaminated in such a way as to prevent the possibility of spreading disease or contamination. Entrance referred to here has the meaning as a place for the entry and exit of all types of vehicles, people, and/ or goods, whether in the form of ports, airports, or state land border crossings. The Regional Quarantine Mechanism is regulated in Article 54 and Article 55 in Law no. 6 of 2018. Even though the implementation of the local lockdown by the Regional Government has benefits and aims to protect local residents, the local lockdown policy is still violated by the Central Government, because this has violated Article 11 of Law No. 6 of 2018, which confirms that the enforcement of health quarantine is an absolute right of the Central Government. Responding to President Jokowi's local lockdown policy in a press conference on March 31, 2020, which emphasized that Regional Governments are not allowed to make their own policies in their regions. The press conference also explained the reasons for the Central Government for not choosing a lockdown policy in response to the current medical emergency that is being experienced.

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

The continuity of being non-factual regulations and the practice of discretion has been seen to date; until COVID-19 vaccination era. Discretion between ministries can be seen from the Micro-Scale PPKM policy which is the product of ministry of home affairs; that has been carried out and extended 6 times during the COVID-19 pandemic. The recent Micro-scale PPKM has been expanding the coverage area. There are five new provinces that will implement Micro-Scale PPKM, such as West Sumatra, Jambi, Bangka Belitung Islands, Lampung, and West Kalimantan. Thus, a total of 25 provinces will implement Micro-Scale PPKM policies. The other 20 provinces are DKI Jakarta, Banten, West Java, Central Java, DI Yogyakarta, East Java, Bali, East Kalimantan, South Sulawesi, North Sumatra, South Kalimantan, and Central Kalimantan. Then North Sulawesi, East Nusa Tenggara, West Nusa Tenggara, North Kalimantan, Aceh, South Sumatra, Riau and Papua. Both the Central Government and Local Governments neglect the basic principles in the formation of laws and regulations, especially those relating to sanctions and also law enforcement authority, which contain elements of limiting citizens' rights. The central government must pay attention to all the limitations already in the law, which also regulates emergency conditions. Local governments as implementers of health protocols in their respective scopes must be

critical in following directions from the central government.

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

The chaotic arrangements and mobilization of authority in law enforcement against health protocol violations happened not only in the regions but also among ROI Ministries; for example, the “Lebaran” 2021 homecoming polemic. The Indonesian Government’s policy to ban homecoming for Eid Fitri, but still open all tourist attractions in Indonesia has drawn criticism from the society. Meanwhile, the ban on going home will be implemented on May 6-17, 2021 to prevent the spread of Covid-19. In fact, there are also those who feel confused by the decisions that are considered contradictory because tourism activities are permitted, while activities for socializing with families are prohibited. Responding to this, Minister of Tourism and Creative Economy Sandiaga Uno emphasized that the opening of tourist attractions during the Eid Fitri holiday season was not contradictory. Coordinating Minister of Social Affairs, Muhadjir Effendy then expressed his support for the plan as well as providing arguments for why these two contradictory policies were implemented. "Our goal is to eliminate

homecoming to reduce the spread and transmission of COVID-19, but not to stop economic activity, especially in the tourism sector”. Banning homecoming activities but allowing tourist attractions to be opened is a "paradoxical or counterproductive policy” which led to simple fact that the current pandemic is far from being controlled.

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

Ideally, the state remains present, but not in an authoritarian nor silly face but in the face of a strong state that can create a society that is stable, peaceful, prosperous, inclusive, and honest. The conditions that must be met by a "strong state" are the ability to manage a state in a modern and strong manner (modern and strong state), can properly enforce the law (rule of law), and be able to create accountability (Fukuyama, 2014). The weakening of these important elements will

ultimately erode the degree of democracy and weaken the state's capacity. He stated that there are 3 (three) important aspects when the state must be present to save its citizens from a pandemic attack. These aspects are the capacity of the state (state capacity), public trust (social trust) and leadership. The Central Government must pay attention to all the limitations already in the law, which also regulates emergency conditions. An emergency condition must be clearly stated by the government, the involvement of the DPR (Indonesia House of Representative People) is important to ensure accountability, proactive in monitoring the work of the government in handling Covid-19.

“...This pandemic is sudden. The prompt situation resulted in government panic impacted the government's readiness to face a pandemic. The policies taken so far are less collaborative with local governments. As a result, many local governments exercise discretion. If the government panics, the people will panic too. Currently, the government still provides policies that are not factual and out of context. One example is the prohibition of Mudik (homecoming term led Fitri holiday season) and the opening of local tourism. Well, I could say the policy itself is out of sync” – Bambang Pramusinto, MSi (Head of the Semarang City Communication and Information Office)

Nevertheless, the minimum understanding of the rule of law will also affect the observance of the rule of law itself. A competent government formulates its policies

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

2. Challenges of collaborative governance in digital divide

A good governance as in ICG framework (Emerson & Nabatchi, 2015) and collaborative inclusion model (Ansell et al., 2020) is equally delivers the same prominence. Both speaks public and principal engagements, joint capacity, and motivations toward public or societal problems. Battling a worldwide problem such as COVID-19 pandemic with a collaborative governance regime is needed, especially in the digital divide era. Collaborative governance entails participation in the policy

process by people and organizations outside government. Cyber space allowed public engagement and involvement evolved rapidly with advances interactive online tools. Nevertheless, uneven distribution of information and communication technologies (ICTs) in society grew exponentially alongside the health support system capacity. This growing gap between the underprivileged members of society, especially the poor, rural, elderly, and handicapped portion of the population who do not have access to computers or the internet; and the wealthy, middle-class, and young Indonesian made huge additional problem in battling pandemic.

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

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

According to a survey held by the Indonesian Internet Network Providers Association (APJII) in 2020 (Indonesia Internet Provider Association, 2020), internet users’ penetration is still concentrated in cities, where 72.41% of the urban population can surf in

cyberspace. Then, in rural-urban areas or areas between rural and urban areas, only 49.5% are connected to the internet. Meanwhile, in rural or rural areas only 48.3% are connected to the internet. Based on economic strata, 74.6% of internet users are middle class people. Internet users who are from the middle to upper class are only 16% and the upper strata are 1.98%. Meanwhile, the low-income people were 7.4%. In addition, the domination if internet user is still young which 19-34 years old (49.5%). Then followed by users aged 35-54 years as much as 29.6% and aged 13-18 years as much as 16.7%. The issue of access information risen up as the vaccination program towards the elderly got some issues, such as complicated registration flow via online, health immune to social disparity issue; made this program delivered uneven result distribution.

“...In our district which is Kulon Progo, Yogyakarta the elderly still has not got the vaccine. This is a bizarre condition, as the neighborhood districts, such as Klaten and Bantul already got the vaccine. As I am the frontier of vaccination who got lucky to have the vaccine at first, seeing this uneven distribution; frustrate me and many health workers at the front gate. Because what happened in our area, not to mention other are where the elderly still doesn’t get the vaccines, made me questioning the program initiated by the ROI government itself. Is it because of the limited availability of vaccines or is its structural political play so other can get the vaccines first despite the

elderly” – Rahmad Santoso
(Healthcare Workers at the Kulon
Progo Regional Hospital,
Yogyakarta Province)

Broadly, there are several findings in very particular governance system or area, namely 1) inconsistencies in policy; 2) lack of coordination; and 3) the low level of community compliance. As this study mentioned, it is inevitable framework which ROI government need to set back and look deeply in which or what aspect is lacking. ROI government and its people battle with pandemic season is a must of action and need more comprehend in analyzing deeply within the digital era as a better additional action. One of 8 (eight) the principles by (Ostrom, 2000) underlined that rules are clear in boundary, which means suggested a framework where collaborative governance incorporates law, politics and management where ROI government is lacking in several principles above as FGD results. Most respondent of the FGD spoke about inconsistencies which led to the level of trust toward government and its policies. Distrust and disappointment expressed through social media where users deployed the hashtag #IndonesiaTerserah (#WhateverIndonesia) to express their frustration over the public's apparent disregard for physical distancing measures and the government's inconsistent COVID-19 policies (Fachriansyah, 2020). In addition, the economic stimulus as solutions offered by the government delivers reprehensible targets and

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

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

The Indonesian government fiasco to enforce the law for violating COVID-19 health program and also the injustice actions for different classes of society has made ruthless non- substantive policy and government collaboration during the pandemic. One example of irony is how Khofifah, the governor of East Java, violating health protocols by greeting dozens of attendees while performing live music at her selfish birthday party while many poor communities (such as Muara Angke in Northern Jakarta) got no clean water, bad sanitation, limited activities during the

epidemic (Boediwardhana, 2021). In addition, the comments of government officials prove threat ignorance of pandemics and lack of national standards for pandemic management. Even in early 2021, the Indonesian government does not seem to have a “sense of crisis” and exacerbated the situation. Trust directly affects decisions about participation by affecting stakeholder understanding of their risk and vulnerability due to participation (Ansell & Gash, 2018). The qualitative approach result in CGR inclusion regime by Ansell et al., (2020) demonstrated that both relationship-building and strategic inclusion are associated with more inclusive collaborative processes. It also shows expectation that leadership and informational work are associated with inclusion, even though indirectly via their association with relationship-building. These arguments showed precisely the same emphasize significance delivered from FGD’s participators. Since stakeholders are only willing to participate if they assume the collaborative process will be managed in good faith and that other stakeholders will not engage in opportunistic actions, trust is also linked to stakeholder expectations of their vulnerability.

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

equally among stakeholders. This power disparity exists between organizations as well, for example, between small non-profits and large statutory authorities or private sector groups. In an increasingly digital world, unless policies and practices are consciously designed to meet the specific needs of the poorest, the use of digital technology may exclude those who have been left behind and further put them at a disadvantage. If working with those who are most likely to be left behind is indeed politically possible, then this literature review provides evidence that meeting the needs of these groups requires a hybrid approach using non-digital and digital methods. This mixed, multi-channel, multi-dimensional plan provides the best prospects for currently marginalized groups to expand their capabilities and intentions and obtain digital dividends.

3. Human right as a comprehensive inequalities’ guidance during public health catastrophe

During this catastrophe, human security as the basic form of human right is emerging on some challenges based on the conception of security itself both individual security and societies across the globe. Some human rights are said to be “inalienable rights.” The term inalienable rights (or unalienable rights) refer to “a set of human rights that are fundamental, are not awarded by human power, and cannot be surrendered.” Unlike civil and political rights,

Economic, social and cultural rights (ESC) are socio-economic human rights which are included in the 1948 Universal Declaration of Human Rights (UDHR) and outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) can be seen as “Inalienable rights”. Examples of such rights include the right to food, the right to housing, and the right to health. The right to health is very crucial at very moment where it seen as prime human security to other securities during this hard time.

However, in some cases, states have been unable to adequately control the virus in order to prevent crises within their public health systems (Abbasi, 2020; Bergkamp, 2020; Pratiwi & Salamah, 2020; Silakarma, 2020; Yang et al., 2020). Failures in pandemic preventive measures led to failures in covid-19 patient treatment and in control the rate of transmission. Some given policy was lockdown for prevention function. Another aim of lockdown measures is to control the virus and reduce the flow of cases, thereby preventing their numbers from overwhelming a state’s hospital system. Any sensible expert would prefer to avoid the endpoint of lockdown. Lockdown is the result of being outmatched by an infectious disease or failing to make the best decisions at the right time. The question then becomes how to optimally limit the damage caused by a new virus, in terms of both health and well-being, as well as the economy. The answers are hazy, complex,

and vague. Lockdown cannot be universally assumed to be in accordance with human rights because they impose extraordinary restrictions on countervailing human rights, yet. The lockdowns have a significant impact on economic, social, and cultural rights. Millions of people have been deprived of their livelihoods, jeopardizing their right to work (Article 6 ICESCR) and a decent standard of living (Article 11 ICESCR) (Ayala Corao, 2020). School closures, for example, have impacted the right to education in Articles 13 and 14. ICESCR rights are also inherently limited by the availability of resources and the progressive nature of most of its obligations.

This article underlined human securities problems in the form of inequalities during this pandemic. First, ROI government has been closing schools for a year due to the COVID- 19 pandemic which led to man and woman comparison effects. The majority of poor women working in the informal sector are self-employed or on insecure contracts. As a result, poor women who work as informal workers risk losing their source of income during the pandemic. Women in the informal sector are often unseen or left behind, especially when the government does not provide adequate legal recognition for their work. They are currently required to raise and educate their children without the assistance of institutions (Rakhmani et al., 2021). ROI government introduced an online learning system where students learn from

home. Nearly 2.5 million female-headed households have children at primary school age (Oktavianti, 2021). This means that these women must manage earning money for their families and teaching their children which increases stress as woman in Indonesia is still the main actor in domestic works. Pre-existing gender inequality in the economy means that women earn less than men and have less access to productive resources that limit their ability to exercise their capabilities and participate equally with men (Power, 2020).

Second, it is considered that social fund assistance has not reached the primary target. Acknowledging the various needs of various population groups is critical to effectively targeting and supporting those in need. The current fund disbursement policy is complicated for applicants, particularly women with limited mobility. Under the current system, each applicant must provide approval letters from their local neighborhood or village authorities, and the applications must be submitted electronically, and worst many under privileges society don't even know how to register to get help. According to recent survey by Saiful Mujani Research and Consulting in 2021 where as many as 74% of residents are unaware of how to apply for social assistance. The government should continue improving in assisting and exploring other possible mechanism not only online but

also using institutions with a good network in remote areas, such as the state-owned postal service. The more educated and lower income citizens feel that their household economic conditions are worse (See Table 3).

Third, the lack of mass testing which caused by the high-cost access for COVID-19 testing. This point led to unequal access between the poor and rich society. However, the virus itself is not discriminating between people based on their socioeconomic status, access to testing should also be made equal across the population. People who present with symptoms but have no contact history are not eligible for free testing (Soeriaatmadja, 2020). While such prioritization is understandable given the country's limited resources, it also leads to unequal access to testing. Unequal access to testing can lead to late diagnosis and preventable deaths due to undetected COVID-19 among the poor. In addition, vaccination program also performs unequal access. Allowing private companies to import vaccines to 'speed up' effort to reach herd immunity brings pros and cons to the public while the early-stage program still didn't meet the target. In addition to this problem, malpractice maladministration in testing and vaccines such as reuse of COVID-19 test kits and fake COVID-19 vaccine (Syakriah & Gunawan, 2021). This particular injustice and complicated regulations have made the majority of people tired of facing this

pandemic which led to ignorance and low level of society compliance. Community-based responses may help reduce the pressure on local governments to provide relief responses. Given that vulnerable groups include persons with disabilities, the government also needs to ensure that an inclusive approach is adopted.

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

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

Collaboration constitutes a paramount value in the public domain and is recognized in law as an autonomous public good, rather than a mere procedural mechanism. Hence, the actions of public agencies and the approaches employed by public managers are prescribed by the law, reflecting the process of representative politics. However, the current legal framework for collaborative governance is inadequate and requires strengthening in the context of COVID-19 management. Given the influential role of the legal framework in shaping collaborative governance, it is crucial to integrate legal considerations into research designs in public administration. This article highlights

the significance of law enforcement and human rights as components within the framework of collaborative governance to fortify its concept with regard to society's resilience in responding to pandemics. Furthermore, the study emphasizes the necessity of expanding inclusions among citizens and stakeholders in the collaborative governance concept.

E. Conclusion

The COVID-19 crisis has raised questions and concerns about the role of governments and other social actors in managing the epidemic. This article briefly introduced Indonesia's government policies and its leaders' failure to cooperate, manage, and respond in a careless and illegal manner, which led to low levels of social trust and compliance during the pandemic. Despite the country's mismanagement, unreliable communication management and leadership factors have added other obstacles, such as injustice and rising inequality in grassroots society. However, cooperative action as an independent public value is embedded in the law that reflects the representative political process. The collaborative governance framework in this pandemic war needs to be improved and implemented. In addition, the government should ensure equal treatment of human safety in health and safety measures.

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