

CRITICISM OF HELPING MECHANISM FOR CONFIRMED COVID-19 PATIENTS IN MAJALENGKA DISTRICT

**Elya Kusuma Dewi,
Adhi Putra Satria**

Fakultas Hukum, Universitas Muhammadiyah Cirebon, e-mail: elyakusumadewi@gmail.com, putraadhisatria1@gmail.com

Abstract

This article was written with the aim of knowing and analyzing the policies of the Majalengka Regency Government in providing assistance to people who are self-isolating due to being exposed to or confirmed positive for Covid-19, besides that this paper will also try to describe about how the mechanism for providing assistance as well as analyzing weaknesses and solutions to these problems.

This paper is a normative juridical writing made with two main approaches, namely the empirical approach and the case approach.

The results of the study indicate that the policy of providing assistance for people who are self-isolating in Majalengka Regency is given by providing cash assistance worth Rp. 45.000,00 (forty five thousand rupiah) with details of 3 (three) meals/improvement of nutrition per day multiplied by Rp. 15.000,00 (fifteen thousand rupiah), wherein the amount is given for 10 days of self-isolation period. If it is calculated as a whole, then the total compensation given to residents/communities who do self-isolation is Rp. 45.000,00 X 10 days, which is Rp. 450.000,00 per one citizen identified as positive for Covid-19. However, the facts on the ground show that there are still many community members who do not and do not know about the program, this is due to the existence of a mechanism for providing assistance that focuses on managing the residents, not the government, so it is necessary to reconstruct/change the distribution mechanism which emphasizes the importance of government activities. in the distribution of assistance to the people of Majalengka Regency who were confirmed positive for Covid-19.

Keywords: *Cash Assistance; Covid-19, Self Isolation.*

Abstrak

Artikel ini ditulis dengan tujuan untuk mengetahui dan menganalisis kebijakan Pemerintah Kabupaten Majalengka dalam memberikan bantuan kepada masyarakat yang melakukan isolasi mandiri karena terpapar atau terkonfirmasi positif Covid-19, selain itu tulisan ini juga akan mencoba mendeskripsikan tentang bagaimana mekanisme pemberian bantuan serta menganalisis kelemahan dan solusi permasalahan tersebut.

Tulisan ini merupakan penulisan yuridis normatif yang dibuat dengan dua pendekatan utama, yaitu pendekatan empiris dan pendekatan kasus.

Hasil penelitian menunjukkan bahwa kebijakan pemberian bantuan bagi masyarakat yang melakukan isolasi mandiri di Kabupaten Majalengka diberikan dengan memberikan bantuan tunai senilai Rp. 45.000,00 (empat puluh lima ribu rupiah) dengan rincian 3 (tiga) kali makan/perbaikan gizi per hari dikalikan Rp. 15.000,00 (lima belas ribu rupiah),

dimana besarnya diberikan selama 10 hari masa isolasi mandiri. Jika dihitung secara keseluruhan, maka total santunan yang diberikan kepada warga/masyarakat yang melakukan isolasi mandiri adalah sebesar Rp. 45.000,00 X 10 hari yaitu Rp. 450.000,00 per satu warga yang terkonfirmasi positif Covid-19. Namun fakta di lapangan menunjukkan masih banyak masyarakat yang belum dan belum mengetahui program tersebut, hal ini dikarenakan adanya mekanisme pemberian bantuan yang fokus pada pengelolaan warga, bukan pemerintah, sehingga perlu merekonstruksi/mengubah mekanisme distribusi yang menekankan pentingnya kegiatan pemerintah. dalam penyaluran bantuan kepada masyarakat Kabupaten Majalengka yang terkonfirmasi positif Covid-19.

Kata Kunci: Bantuan Tunai, Covid-19, Isolasi Diri..

PRELIMINARY

Corona Virus Drainage (Covid-19) is an infectious virus that attacks the human respiratory tract, this virus was first discovered in Wuhan City, China and continues to grow rapidly to various countries in the world.¹ Based on data released by the World Health Organization (WHO) as of March 14, 2021, it shows that the number of people in the world who have been exposed to this virus is 199,220,681 confirmed cases with the number of reported deaths as many as 2,642,826.²

The spread of Covid-19 has had an impact on the decline in global health, both physical and mental health of people in the world,³ including in Indonesia, for example, a report sourced from the task force for handling Covid-19 in Indonesia stated that 80% of the problems Covid-19 is related to human mental and psychological problems, and 20% of them are purely physical health problems.⁴ Furthermore, the Covid-19 pandemic has also had an economic and social impact on various countries in the world.⁵

The Indonesian government has currently issued various formulations and policies to deal with the problems of the Covid-19 pandemic,⁶ such as the policy of staying at home, implementing large-scale social restrictions, carrying out learning and working activities from home, delaying activities that have the potential to cause crowds and also application of the new normal lifestyle⁷. The enactment of the policy as mentioned is the government's effort to prevent the transmission of the Covid-19 virus, in addition to these preventive policies, the Indonesian government also issued a policy in the form of assistance/compensation for victims and affected communities such as social assistance for the elderly, this assistance gets priority considering that the victims who died caused by the Covid-19 pandemic were elderly residents.⁸, not only that, the government also issued various assistance to its citizens such as cash assistance for

¹ N A Babu and others, 'Corona Virus- An Overview', 14.4 (2020), 1267–74.

² WHO, 'WHO Coronavirus (COVID-19) Dashboard', 2021.

³ J Torales and others, 'The Outbreak of COVID-19 Corona Virus and Its Impact on Global Mental Health', *Int. J. Soc. Psychiatry*, 66.4 (2020), 317–20 <<https://doi.org/10.1177/0020764020915212>>.

⁴ S Winurini, 'Permasalahan Kesehatan Mental Akibat Pandemi Covid-19', in *Info Singkat, Kaji. Singk. Terhadap Isu Aktual Dan Strateg. Pus. Penelit. Badan Keahlian DPR RI Vol. XII, No. 15*, 2020, pp. 13–18.

⁵ W Hadiwardoyo, 'Kerugian Ekonomi Nasional Akibat Pandemi Covid-19', *BASKARA: Journal of Business & Entrepreneurship*, 2.2 (2020), 88.

⁶ I. W. Wiryawan, 'Kebijakan Pemerintah Dalam Penanganan Pandemi Virus Corona Disease 2019 (Covid-19) Di Indonesia', in *Pros. Semin. Nas. Webinar Nas. Univ. Mahasaraswati Denpasar "Percepatan Penanganan COVID-19 Berbas. Adat Di Indonesia*, 2020.

⁷ D Tuwu, 'Kebijakan Pemerintah Dalam Penanganan Pandemi Covid-19', *J. Publichuo*, 3.2 (2020), 267–78 <<https://doi.org/10.35817/jpu.v3i2.12535>>.

⁸ S Handayani, 'Bantuan Sosial Bagi Warga Lanjut Usia Di Masa Pandemi', 1.2 (2020), 61–75 <<https://doi.org/https://doi.org/10.22146/jsds.657>>.

victims/patients who were confirmed positive for Covid-19 and their families. who are currently self-isolating,⁹ for example in Majalengka Regency.

Majalengka Regency is one of the regions in West Java province that continues to have a commitment to breaking the chain of the spread of Covid-19, as it is known that the level of spread of Covid-19 in Majalengka Regency as of March 15, 2020 shows a number of 2258 people who have been confirmed positive for Covid-19, with details of 258 people who are active, 1822 have recovered and 184 people have died.¹⁰

Taking into account the number of cases that occurred in Majalengka Regency, in order to ease the burden on residents/communities affected by Covid-19, the Majalengka Regency government issued a policy regarding the provision of compensation for people who were confirmed positive for Covid-19 and those who were undergoing a period of isolation. independent. This policy can be seen in the Regent's Regulation Number 116 of 2020 concerning Guidelines for Providing Assistance to Residents Confirmed Positive for Covid-19 and Implementing Independent Isolation in Micro-Scale Social Restriction Areas.

The regulation has regulated the amount of compensation and how the procedure or mechanism for providing assistance for residents/communities who are confirmed positive for Covid-19 and residents/communities who are carrying out self-isolation. However, even though the regulations above have regulated in detail about these two things, in the author's opinion, the scheme and mechanism of giving are still ineffective and inefficient, this is because at this time there are still community members who have tested positive and are in self-isolation who do not know their rights. to get that help. For example, Dina's mother (not her real name) has been confirmed positive for Covid-19 based on the results of the laboratory examination of the Majalengka Regional General Hospital number 2102180149/3826xx, because Dina's mother was confirmed positive for Covid-19, her husband and child also need to self-isolate, because both is a person who has close contact with Dina's mother, when interviewed by the author regarding the compensation provided during self-isolation, his party admitted that they were not aware of this information and said that they did not take care of filing a claim for the compensation until the end of the self-isolation period. In connection with the above case, this paper will try to provide a little criticism, especially on the scheme and mechanism for providing assistance, with the hope that this paper can provide input for the Majalengka district government, especially in determining the scheme of providing assistance/compensation for confirmed citizens/communities positive for Covid-19 and currently self-isolatings.

RESEARCH METHODS

This research is a normative juridical research,¹¹ with the approach used, namely the empirical approach (empirical approach) and the statutory approach (statute approach). from the field,¹² while secondary data is data that is already available, such as laws, scientific works, journals and books related to this research.¹³

⁹ L Agustino, 'Analisis Kebijakan Penanganan Wabah Covid-19: Pengalaman Indonesia', *J. Borneo Adm*, 2020 <<https://doi.org/10.24258/jba.v16i2.685>>.

¹⁰ PIKOM (Pusat Informasi & Kordinasi Covid-19) Kabupaten Majalengka, *Statistik Kejadian Di Kabupaten Majalengka* (Majalengka, 2021).

¹¹ Muchtar, 'Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah Dengan Hak Asasi Manusia', *Humanus*, 2015 <<https://doi.org/10.24036/jh.v14i1.5405.11>>.

¹² F. C. S Adiyanta, 'Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris', *Adm. Law Gov. J*, 2019 <<https://doi.org/10.14710/alj.v2i4.697-709>>.

¹³ J Efendi and J Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, 2018.

DISCUSSION

Before entering into the discussion, it is necessary to emphasize and be aware that the direct provision of subsidies by the government for people affected by the Covid-19 phenomenon is a manifestation of the state's role in ensuring the welfare of its citizens. Talking about the welfare of the people, further discussion will then talk about the concept of the welfare state.

The concept of the Welfare State was born in the 18th century. The concept of the welfare state was born when Jeremy Bentham in 1748-1832 promoted his idea of a government obligation that has the responsibility to guarantee the greatest happiness or welfare of the greatest number of their citizens.¹⁴ Bentham in his idea uses the term 'utility' (usefulness) to explain the concept of happiness or well-being. Bentham believes that government actions should always be directed at increasing the happiness of as many people as possible. Bentham's ideas on legal reform, the role of the constitution and social research for the development of social policy made him known as the "father of the welfare state".¹⁵

The concept of a welfare state in Indonesia is different from the concept of a welfare state in other countries.¹⁶ the concept of a good and exemplary welfare state is the concept of a welfare state in New Zealand, in New Zealand the state is really very concerned about the welfare of its people by issued various policies that support the achievement of community welfare, such as policies on job loss assistance, subsidies for saving for retirement, support for the elderly and others.¹⁷

In the context of the Indonesian state, the principle of the welfare state is a choice made by the founders of the Indonesian nation. This statement can be proven by the ratification of Pancasila as the basis/foundation of an independent Indonesia, in Pancasila, especially the fifth principle which states that an independent Indonesia is intended to realize "social justice for all Indonesian people" which is a tangible manifestation that the Indonesian state is a welfare state. The principle of the welfare state in Indonesia can be seen again in the 1945 Constitution as the highest constitution and law in Indonesia, where the principles in the 1945 Constitution accommodate the three concepts of the welfare state regime, namely the concept of residual welfare state, the concept of universal welfare stated and the concept of social insurance welfare state, where the concept of residual welfare state is stated in article 34 paragraph 1. The concept of universal welfare state is contained in article 27 paragraph 2, article 28H, article 31, article 33 and article 34 paragraphs 2, 3, 4. And the concept of social insurance welfare state is reflected in article 28C paragraph 2. 3.

In principle, there are many opinions that try to state what a welfare state is, one of which is Collin Colbuid who stated that:

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¹⁵ O Sukmana, 'Konsep Dan Desain Negara Kesejahteraan (Welfare State)', *J. Sos. Polit*, 2017 <<https://doi.org/10.22219/sospol.v2i1.4759>>.

¹⁶ A Alfitri, 'Ideologi Welfare State Dalam Dasar Negara Indonesia: Analisis Putusan Mahkamah Konstitusi Terkait Sistem Jaminan Sosial Nasional', *J. Konstitusi*, 2012 <<https://doi.org/10.31078/jk>>.

¹⁷ W Nugroho, 'Konsistensi Negara Atas Doktrin Welfare State Dalam Pengelolaan Sumber Daya Hutan Oleh Masyarakat Adat', *J. Huk. Lingkungan, Indonesia*, 2014 <<https://doi.org/10.38011/jhli.v1i2.14>>.

¹⁸ Nugroho.

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Based on article 1 number 14 of the Regent's Regulation Number 116 of 2020 concerning Guidelines for Providing Assistance for Residents Confirmed Positive for Covid-19 and Implementing Independent Isolation in Micro-Scale Social Restrictions Areas, it is stated that the Compensation for Independent Isolation Residents Positive for Covid-19, hereinafter referred to as Independent Isolation Compensation (SIMa) is the provision of cash assistance to assist and or replace the cost of nutritional food adequacy to community members who are identified as positive for Covid-19.

The amount determined on the SIMa is Rp 45,000.00 (forty five thousand rupiah) with details of 3 (three) meals/improvement of nutrition per day multiplied by Rp. 15,000.00 (fifteen thousand rupiah), where the amount is given for 10 days of self-isolation period. If it is calculated as a whole, then the total compensation given to residents/communities who do self-isolation is Rp. 45,000.00 X 10 days, which is Rp. 450,000.00 per one citizen identified as positive for Covid-19.

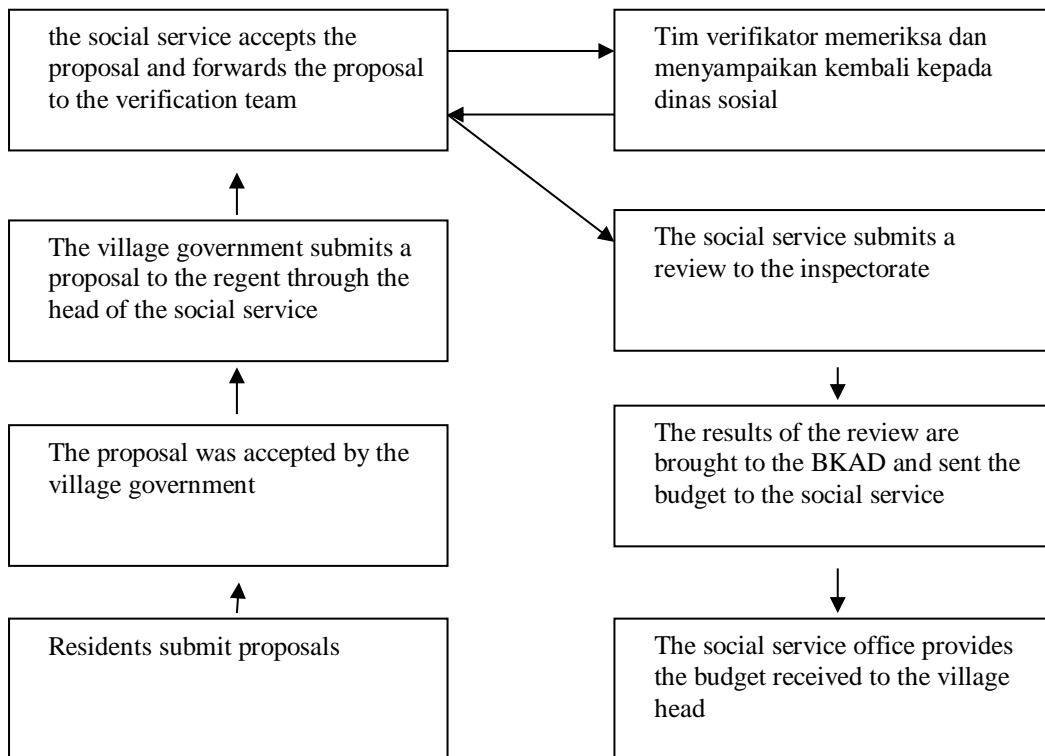
Furthermore, regarding the granting mechanism implemented in this regent's regulation, it is also regulated in Chapter IV Article 6-7 of the Regent's Regulation Number 116 of 2020 concerning Guidelines for Providing Assistance for Residents Who are Confirmed Positive for Covid-19 and Implementing Independent Isolation in Micro-Scale Social Restriction Areas, which states that SIMa is given by the Majalengka Regency Government through the Social Service in the form of cash, where SIMa receipts as referred to are represented by families who do not self-isolate and/or can also be represented by the Village/Kelurahan Government. As for the SIMa Granting Mechanism, it is carried out with the following provisions:

- a. Submission of Candidates for SIMa Recipients through proposals from each proposer, namely the Village/Kelurahan Government, the proposal letter is signed and stamped by the Village Head/Lurah knowing the Camat according to his working area. The proposal is addressed to the Regent through the Head of the Social Service;
- b. The proposal is received by the Head of the Social Service and immediately submitted to the Verification Team. The Verification Team is cross-sectoral and includes elements from the Health Service, Regional Disaster Management Agency, and Social Service. The Verification Team carries out tasks based on the Regional Secretary's assignment letter;
- c. After the Verification Team has finished verifying the proposal, then the proposal is immediately submitted back to the Head of the Social Service, no later than 24 hours after the proposal is received by the Verification Team;
- d. The Head of the Social Service, after receiving the proposal for verification results, immediately proposes a review to the Inspectorate as one of the materials for completing the investigation for disbursement of SIMa to BKAD;

- e. After the proposal for disbursement of SIMa is received and the files are complete, BKAD as PPKD immediately transfers it to the account of the Treasurer of Unexpected Spending (BTT) of the Social Service; and
- f. The Head of the Social Service gives SIMa to the Village Head/Lurah through an official report, witnessed by at least 3 people/parties, namely the sub-district head, the head of the puskesmas, and other witnesses outside the ranks of the Village/Kelurahan Government, accompanied by documentation of the signing of the official report..

Based on the above provisions, the process/mechanism of giving SIMa can be said to be bottom-up (from top to bottom), where people who are exposed to Covid-19 need to submit an application to the village government so that the village head can then follow up on the next stage, the mechanism for granting SIMa as mentioned In this regent's regulation, if a chart is made, it will look like the chart below:

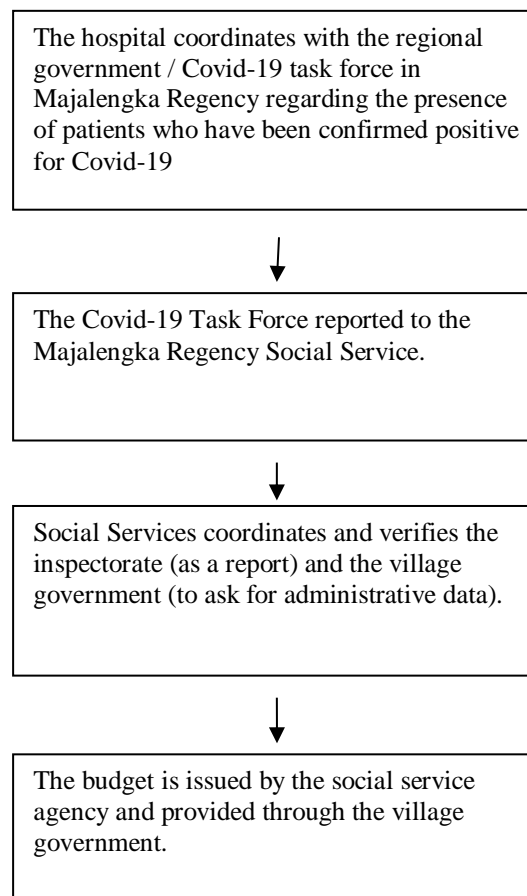
Chart 1
Current SIMA Grant Scheme/Mechanism



The scheme/mechanism in the author's opinion is very complicated and does not reflect the principles of good governance, especially the principles of effectiveness and efficiency, considering that the disbursement process for compensation to people who really need it needs to go through several stages. not effective, considering that the central point of the process of this mechanism is in the community, where the community needs to have the initiative to submit a proposal for SIMa to the village government. With a minimal level of knowledge, and the condition of the Covid-19 disease suffered, it is very likely that the community who is in self-isolation will not submit a proposal for SIMa to the village government, such as the example of Ibu Dina as mentioned in the previous section.

Based on this, it is necessary to renew the model of the compensation scheme for people exposed to the Covid-19 virus, as for the scheme proposed by the author that is efficient, namely as follows:

Chart 2
Proposed SIMa Grant Scheme/Mechanism



With the concept of providing assistance with the scheme that the author proposes, the system is responsive, from top to bottom, so that it is possible for local governments to be very active in continuously monitoring the development of their citizens who are self-isolating. Apart from schema changes.

CONCLUSION

There needs to be a change/strengthening of the mechanism for providing assistance to people who are self-isolating by the regional government of Majalengka Regency. This cannot be separated because the current scheme/model being carried out is very complicated and cannot be known by the public, the current model is considered to require community activity to manage, so that local governments can be responsive, it is necessary that the model and scheme for granting SIMa be changed by emphasizing the activeness of the government for its citizens as the granting scheme that the author has set

BIBLIOGRAPHY

- Adiyanta, F. C. S, 'Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris', *Adm. Law Gov. J*, 2019 <<https://doi.org/10.14710/alj.v2i4.697-709>.>
- Agustino, L, 'Analisis Kebijakan Penanganan Wabah Covid-19: Pengalaman Indonesia', *J. Borneo Adm*, 2020 <<https://doi.org/10.24258/jba.v16i2.685>>
- Alfitri, A, 'Ideologi Welfare State Dalam Dasar Negara Indonesia: Analisis Putusan Mahkamah Konstitusi Terkait Sistem Jaminan Sosial Nasional', *J. Konstitusi*, 2012 <<https://doi.org/10.31078/jk>>
- Babu, N A, E P S Anjuga, N Anitha, and L Malathi, 'Corona Virus- An Overview', 14.4 (2020), 1267-74
- Efendi, J, and J Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, 2018
- Elviandri, Khuzdaifah Dimiyati, and Absori., 'Quo Vadis Negara Kesejahteraan : Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia', *Mimbar Hukum*, 31.2 (2019), 254
- Hadiwardoyo, W, 'Kerugian Ekonomi Nasional Akibat Pandemi Covid-19', *BASKARA: Journal of Business & Entrepreneurship*, 2.2 (2020), 88
- Handayani, S, 'Bantuan Sosial Bagi Warga Lanjut Usia Di Masa Pandemi', 1.2 (2020), 61-75 <<https://doi.org/https://doi.org/10.22146/jsds.657>>
- Muchtar, 'Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah Dengan Hak Asasi Manusia', *Humanus*, 2015 <<https://doi.org/10.24036/jh.v14i1.5405.11>>
- Nugroho, W, 'Konsistensi Negara Atas Doktrin Welfare State Dalam Pengelolaan Sumber Daya Hutan Oleh Masyarakat Adat', *J. Huk. Lingkung. Indonesia*, 2014 <<https://doi.org/10.38011/jhli.v1i2.14>.>
- PIKOM (Pusat Informasi & Kordinasi Covid-19) Kabupaten Majalengka, *Statistik Kejadian Di Kabupaten Majalengka* (Majalengka, 2021)
- Sukmana, O, 'Konsep Dan Desain Negara Kesejahteraan (Welfare State)', *J. Sos. Polit*, 2017 <<https://doi.org/10.22219/sospol.v2i1.4759>.>
- Torales, J, M. O Higgins, J. M Castaldelli-maia, and A Ventriglio, 'The Outbreak of COVID-19 Corona Virus and Its Impact on Global Mental Health', *Int. J. Soc. Psychiatry*, 66.4 (2020), 317-20 <<https://doi.org/10.1177/0020764020915212>.>
- Tuwu, D, 'Kebijakan Pemerintah Dalam Penanganan Pandemi Covid-19', *J. Publicuho*, 3.2 (2020), 267-78 <<https://doi.org/10.35817/jpu.v3i2.12535>.>
- WHO, 'WHO Coronavirus (COVID-19) Dashboard', 2021
- Winurini, S, 'Permasalahan Kesehatan Mental Akibat Pandemi Covid-19', in *Info Singkat, Kaji. Singk. Terhadap Isu Aktual Dan Strateg. Pus. Penelit. Badan Keahlian DPR RI Vol. XII, No. 15*, 2020, pp. 13-18
- Wiryanan, I. W., 'Kebijakan Pemerintah Dalam Penanganan Pandemi Virus Corona Disease 2019 (Covid-19) Di Indonesia', in *Pros. Semin. Nas. Webinar Nas. Univ. Mahasaraswati Denpasar "Percepatan Penanganan COVID-19 Berbas. Adat Di Indonesia*, 2020