

# Responding to the Perppu Controversy Number 1 of 2020, the UPNVJ Faculty of Law Discusses Legal Aspects: State Administration, Business, Health and Criminal

Saturday, 09 May 2020 18:56 WIB

The graphic is a promotional poster for a webinar. It features a light green background with a subtle floral pattern. At the top, there are two categories: 'KEYNOTE SPEAKER' and 'SPEAKER'. Under 'KEYNOTE SPEAKER', there is a circular portrait of KH. Dr. Muhammad Idris, M.A., Walikota Depok. Under 'SPEAKER', there are two circular portraits: Prof. Dr. Bambang Waluyo, S.H., M.H., Guru Besar Hukum UPN Veteran Jakarta, and Dr. Refly Harun, S.H., M.H., LL.M., Ahli Hukum Tata Negara. Below these, there is a 'MODERATOR' section with a circular portrait of Abdul Mukti, S.H. To the right of the moderator, there is a circular portrait of Dr. Gunawan Widjaja, S.H., S.Farm, M.H., M.K.M., M.A.R.S., Apt., ACI Arb., MSI Arb., Ahli Hukum Bisnis dan Kesehatan / Dekan FH UNTAG 45 / Dosen Magister Hukum UPN Veteran Jakarta. At the bottom left, it lists 'Benefit : E - Sertifikat Doorprize Buku'. In the center, it says 'Kuota Terbatas 200 Orang' next to a blue circle with 'FREE'. On the right, there is a green box with contact information for 'Narahubung (Whatsapp)' including Rachmani Aprilia, S.I.P. (081290676243) and Lusyantha Lamture, S.E., S.H. (08128647664). At the bottom, there is a dark blue banner with 'WEBINAR SERIES #1', 'Link Pendaftaran : bit.ly/2KV9916', and social media handles for @fakultashukumupnv, @fhupnvj, and FH UPNVJ (www.fhupnvj.ac.id).

**HumasUPNVJ** - The government's policy of issuing Perppu Number 1 of 2020 has caused public debate. Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or in the Context of Dealing with Threats that Endanger the National Economy and/or Financial System Stability, it is considered by many parties to contain problems from concepts, ideas, ideas and thoughts.

The Law Faculty of UPN Veterans Jakarta (UPNVJ) in collaboration with the UPNVJ Master of Law Student Association, is holding a webinar with the theme of the Perppu Controversy Number 1 of 2020 From a Legal Aspect: State Administration, Business, Health and Criminal, to answer perppu problems. The webinar, which was held via an online application (zoom cloud meeting), took place on Friday, 8 May 2020 at 13.40 WIB.

In its implementation, this webinar was attended by 500 participants consisting of various law enforcement officials, academics, practitioners, students and the general public, from all over Indonesia. By presenting three speakers namely Prof. Dr. Bambang Waluyo, SH, MH who is also a Professor of Criminal Law at UPN Veteran Jakarta. Dr. Gunawan Widjaja, SH, S. Farm., MH, MM, MMMARS, Apt., ACI Arb., MSI Arb (Lecturer in Magister of Law at UPN Veterans Jakarta, Dean of FH Untag 45 Jakarta, who is also an Expert in Health and Business Law and the third speaker Dr. Refly Harun, SH, MH, Constitutional Law Expert who is also a Lecturer at Tarumanegara University Acting as the moderator is Abdul Mukti, SH, a student of the UPNVJ Faculty of Law Masters Program who also works as staff of the Indonesian Judicial Commission on a daily basis.

In his remarks, the Dean of the UPNVJ Faculty of Law Abdul Halim said that this webinar was held in the context of the 20th Anniversary of the UPNVJ Law Faculty. The theme presented in this webinar is very interesting. He hopes that the discussion will take place interactively and productively so that it can produce comprehensive recommendations and thoughts for upholding law and justice in Indonesia.

UPNVJ Chancellor Erna Hernawati in her directive said, "Through the implementation of this webinar an objective study can be carried out to provide recommendations to the authorized institution that issued the Perppu or those responsible for issuing the Perppu. In the process of state administration, good governance must be taken into account, taking into account the principles of *good government* and *good governance*, namely transparency, accountability, responsibility, *independence* and *fairness*, said the Chancellor.

After directives as well as opening from the Chancellor of UPNVJ, the webinar was continued with a presentation from KH. Dr. Muhammad Idris, MA as the Mayor of Depok who was invited by UPNVJ as *the Keynote Speaker* in this webinar.

According to Muhammad Idris, the issuance of Perppu No. 1 of 2020 is legal certainty and protection for government officials in making policies related to handling the Covid-19 pandemic, especially in terms of accelerating budget *refocusing* including providing social safety nets as a result of Covid-19 for individuals/communities who are affected or have social risks.

Gunawan Widjaja also explained that Perppu No. 1 of 2020 is a series of regulations related to issues of state financial policy, financial system stability, handling of the Covid-19 pandemic and threats that endanger the national economy and financial system stability.

"The background to the birth of this Perppu is due to the Covid-19 pandemic which has had an impact on slowing national economic growth, decreased state revenues, increased state spending and financing, worsening of the financial system, the need to save health and the national economy in the form of spending on health, social safety nets, recovery economy and mitigation. To recover the situation, it is necessary to relax the implementation of the APBN. "Regarding the handling of the Covid-19 pandemic and threats that endanger the national economy and financial system stability, the government has made changes to regulations including regulations on the State Budget and Taxation, Bank Indonesia, OJK and employment," explained Gunawan.

Prof. Dr. Bambang Waluyo, continuing the problems in Perppu No 1 of 2020 are first, the issue of judicial review, namely the substance of the Perppu, namely article 27 which results in legal immunity, rights of impunity, contrary to equality before the law, against the law and abuse of authority. In the discussion, the name Perppu is more appropriate. A progressive policy for handling the Covid-19 pandemic. Meanwhile, related to state financial policy, it becomes the substance of chapter 2 or articles. In a critical situation that forces the President to have the right to issue a Perppu in accordance with the Constitutional Court Decision No. 138/PUU-VII/2009. In a substance that contains controversy, there are fears that it will encourage certain parties to carry out their work not carefully, improperly, not complying with SOPs and improperly. In the perspective of criminal law, Article 27 paragraphs (1), (2) and (3), by granting impunity makes people/officials in the Perppu immune from the law so that there is concern about deviation or abuse of authority under the pretext of protecting executors containing wrong logic. This is contrary to the PTP Corruption Law or other laws.

According to Dr. Refly Harun, the Perppu is based on Article 22 paragraph (1) of the 1945 Constitution which states, "*In the event of a pressing emergency, the President has the right to issue a government regulation in lieu of law*", said Dr. Refly Harun.

Dr. Refly Harun also added that there was no basis or parameters for a Perppu to be issued but then the Constitutional Court issued parameters but also a *loss*, namely Constitutional Court Decision Number 138/PUU-VII/2009 on February 8 2010 which stated that Perppu could be issued first, there are circumstances namely an urgent need to resolve legal issues quickly based on the law; secondly, the required law does not yet exist so that there is a legal vacuum or there is a law but it is not sufficient; third, the existence of this legal vacuum cannot be overcome by making laws in the usual procedure because it will take quite a long time while the urgent situation needs certainty to be resolved. The existence of Perppu No. 1 of 2020 is considered to have the potential to protect officials who are negligent in their work causing state losses. The existence of this article of impunity has violated the principles of a rule of law state.

The whole community hopes that the handling of the Covid-19 pandemic requires professional, integrated and highly disciplined efforts and handling, to avoid activities and negative impacts that are detrimental to state finances and the country's economy. It is necessary to carry out maximum supervision of the implementation of Perppu No 1 of 2020 by involving various elements of society. There is no need to mention the regulation on the right to immunity and impunity in the Perppu because it could encourage bad intentions for those who implement it. Need to supervise the use of the budget and enforce the law with professionalism and integrity.

With the ongoing webinar, Dr. Beniharmoni Harefa, SH, LLM as Chair of the UPNVJ Master of Law Study Program, appreciated the webinar program as an activity that builds an academic feel in Higher Education, especially responding to legal issues that are developing in society and hopefully this webinar activity will provide benefits to the public, especially in providing understanding regarding Perppu No. 1 of 2020.