

UPN Veteran Jakarta Constitutional Law Expert, Wicipto Setiadi, regarding Perppu Number 1 of 2020 There is still a legal loophole to catch "Naughty" Ministry of Finance officials

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President Joko Widodo (Jokowi) issued Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 some time ago.

HumasUPNVJ reported from KoranJakarta.com, the Perppu regulates state financial policies and financial stability for handling the Covid-19 pandemic and/or in the context of dealing with threats that endanger the national economy and/or financial system stability. This Perppu reaped a lot of controversy from various circles.

There are those who support the issuance of this regulation, and there are those who consider that this Perppu contains many government interests and provides immunity to state administrators in managing finances in the midst of this national epidemic.

What is the importance or urgency of issuing Perppu Number 1 of 2020?

For this reason, Koran Jakarta discussed this issue with an expert in constitutional law at the Jakarta Veterans National Development University (UPN), Wicipto Setiadi. Here's the excerpt.

How do you see the Issuance of Perppu Number 1 of 2020?

The Perppu in principle is a Government Regulation (PP). However, in terms of its substance, it is the material content of the Law (UU). The legal basis is Article 22 of the 1945 Constitution.

Viewed from the side of its authority, the Perppu is the President's authority with the condition that there are circumstances of compelling urgency. So, if there are compelling circumstances, the President has the authority to issue a Perppu with substances that are subjectively coercive.

The (temporary) PP will become a (permanent) law when it is approved by the DPR. If the DPR does not approve it, the Perppu must be revoked by law. From a substance standpoint, there may be pros and cons, but from an authority standpoint, it is the absolute authority of the President. The control is entirely in the DPR, whether it will be approved or not. If it is approved, the critical condition will disappear/normalize.

Do you see that the Covid-19 pandemic is critical, so that the Perppu is needed?

I think it's already precarious. Ideally, what is regulated in the Perppu is not only financial matters, but all matters related to the prevention and control of Covid-19, not partial.

My estimate is that if Covid-19 doesn't subside there will also be another Perppu that regulates other sectors, apart from finance.

What should the Perppu contain?

It should have been at the beginning when the new corona appeared and the substance also did not only regulate financial problems. But more broadly, the point is regulation regarding prevention, handling, and prosecution, including the current prohibitions.

Ideally, arrangements for bans on going home, bans from leaving the house, prohibitions on crowds and so on become the content of the law, not the content of the regulations under the law.

So, ideally a comprehensive Perppu is drawn up which covers various sectors in the context of preventing and controlling the spread of Covid-19 along with recovery steps.

Article 27 raises many pros and cons that grant immunity or immunities to state officials, what is the response?

As for the provisions of Article 27, I am of the opinion that law enforcers can still act if there is bad faith on the part of the Ministry of Finance officials. So, Ministry of Finance officials are not completely immune as long as law enforcers can prove that policies issued are influenced by bad intentions. Indeed, the stipulation (Article 27) is a bit unclear, what is meant by good faith.

If later there are irregularities in the implementation of this Perppu, what should be done?

If there is fraud, it means there is bad faith. In my opinion, this kind of thing can still be enforced by law.

The provisions of the relevant laws and regulations are applied. For example, if there is corruption, the Law on Corruption and so on applies. It can even be a punishment for being carried out in a disaster situation. yolanda jewel princess syahtanjung/P-4

*Source : <http://www.koran-jakarta.com/tetap-ada-celah-hukum-untuk-menjerat-aparat-kemenkeu-yang--nakal-/> (<http://www.koran-jakarta.com/tetap-ada-celah-hukum-untuk-menjerat-aparat-kemenkeu-yang--nakal-/>)

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