https://journal.ypidathu.or.id/index.php/rjl/
P - ISSN: 2988-4454
E - ISSN: 2988-4462

Development and Urgency of Administrative Law Tools After the Enactment of Law No. 2 April 2020 During the COVID-19 Pandemic

Sitti Harlinah H [1], Andi Sri Rezky Wulandari [2]
[1] Universitas Indonesia Timur, Indonesia
[2] Universitas Indonesia Timur, Indonesia

ABSTRACT

Background. The spread of the new coronavirus has affected the world, including Indonesia, for more than a year.

Purpose. The purpose is to determine the position of administrative legal instruments in the formation of public policy, as well as analyze developments and the urgency of administrative law as an alternative to government policy during the Covid-19 pandemic.

Method. The type of survey used in this survey is Prescriptive Legal namely with legal approach. The nature of the research used in this writing is descriptive analytical, which is qualitatively analyzed to answer the legal issues be faced. Legal materials used are primary, secondary, tertiary legal materials. The research method used in this research is the normative legal method.

Results. The results of this study are expected to be a reference for future analytical research and legal design, especially legal design related to the application of administrative law. The research method used in this research is the normative legal method. The type of research used in this text is descriptive and analytical.

Conclusion. Conclusion is the instruments of administrative law in the formation of public policy develop dynamically over time along with the needs of the state and citizens.

KEYWORDS

Covid, Government, Legal Document

INTRODUCTION

For more than a year, the world has been plagued by new coronavirus infections, some of which have occurred in Indonesia (Awad dkk., 2020). It is still uncertain when it will end, creating a situation that requires significant adjustments in all aspects of human life. In an article titled "Covid-19 (Pedro, 2020): The Great Reset" written by Klaus Schwab and Thierry Marelle, in their critical statement they argue that Covid-19 is a serious problem and the exaggerated argument states that *"We cannot be accused of hyperbole when we say it is plunging our world in its entirety and each of us individually into the most challenging times we've faced in generations. It is our defining moment – we will be dealing with its fallout for years, and many things will change forever* which means that it is no exaggeration to say that the whole world, and each of us, has entered the most difficult time

Citation: Meiliawati, M. (2024). Development and Urgency of Administrative Law Tools After the Enactment of Law No. 2 April 2020 During the COVID-19 Pandemic. *Rechtsnormen Journal of Law 2*(2), 145–155.
https://doi.org/10.55849/rjl.v2i2.713

Correspondence:

Sitti Harlinah H,
linanasrullahmks@gmail.com

Received: June 12, 2024

Accepted: June 15, 2024

Published: June 23, 2024

we have faced in a generation (Alvioli, 2020). This is a pivotal moment - we will face the consequences for years to come, and things will change forever. The impact of the spread of COVID-19 not only disrupts economic, geopolitical, social, technological, or ecological stability, but also impacts lawmaking and law enforcement. Some law enforcement in various aspects of the law is delayed and implemented without full reference to the rule of law, because it is deemed inadequate in a pandemic situation. For example, the Court is virtual during a pandemic, online lawsuits registered during the pandemic era (Ide Prima Hadiyanto. (2021), Online Lawsuit Registration in Court in the Era of Covid-19 Pandemic (Jurnal Ilmiah Fenomena, Universitas Abdurachman Saleh, 18(1), p. 204), tax revenue optimization issues in the pandemic era is a relatively new reality for law enforcement officials in Indonesia. It is unclear whether the application and enforcement of the law will end or only during the pandemic period (Bakhtina dkk., 2023). On the other hand, changes in the nature of law enforcement agencies will more or less affect the legal activities of state institutions and society.

The threat of the spread of Covid-19 is expected to gradually force regulatory authorities to issue various types and levels of legal regulations. Since the enactment of Government Regulation in Lieu of Law Number 1 of 2020 on State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability into Law (hereinafter referred to as Law No. 2 of 2020); several technical regulations of various types and hierarchies have also been formed on the basis of attribution from the original law. 2 of 2020); Some technical regulations Natural regulations of various types and hierarchies are also formed on the basis of attribution from the original law of which there are at least 15 (fifteen) provisions in Law No. 2 of 2020 which regulate the attribution of authority to Ministerial Regulations, Government Regulations, Presidential Regulations, Bank Indonesia Regulations, and Financial Services Authority Regulations (Suksi, 2021). In addition, there are also other types of regulations such as Presidential Instructions, Ministerial Instructions, Regional Head Regulations, and various Circular Letters, excluding types or forms of regulations other than those related to Law No. 2 of 2020 (Zhang & Yang, 2021). For example, the minimum number of regional head regulations, presidential regulations, ministerial regulations, or regional head regulations is, which tends to be the same as the number of autonomous regions in Indonesia, which amounts to.

Suppose the Covid-19 pandemic problem has not been declared resolved, and the state considers the need for regulation. In that case, a law will most likely be formed again as an effort and form of legitimization of government policy (Cobbe, 2019). However, as we all know that the time and budget required to form a law is relatively long if using ordinary legislative procedures (Loftis & Mortensen, 2020). On the other hand, if we look at the 2020-2024 National Legislation Program (Prolegnas), there has been no formation and drafting of a bill related to Covid-19. However, suppose the option of establishing regulations related to Covid-19 is categorized in the Super Priority Prolegnas based on Article 3 paragraph (4) of House Regulation No. 2/2020.

Basically, there is no term Super Priority Legislation in Law No. 15/2019. "Super Priority National Legislation" is a term used as a policy that focuses on the establishment of only a few laws (Mehta dkk., 2020). This thought arises in this case, it can cause problems, especially regarding the basis of the law of its formation, which is still controversial among the public, there has been no drafting or drafting of new laws related to the corona virus. However, for example, the possibility of issuing regulations related to new coronavirus infections is classified as a super priority legislation (Basically, there is no term Super Priority Legislation in Law No. 15 of 2019. "Super Priority National Legislation" is a term used as a policy that focuses on the formation of only a few laws (Asher dkk., 2021). This idea arises based on Article 3 paragraph (4) of House Regulation No. 2 of 2020). This can lead to problems in this regard, especially regarding the legal basis for the issuance of regulations which is still a matter of debate public.

The enactment of various types and levels of regulations during the pandemic provides an opportunity to soften the spirit of regulatory simplification that is currently reflected in policies in several countries (Hong dkk., 2019). The process of regulatory simplification not only helps prevent

the emergence of overregulation, but also helps provide peace of mind and comfort for all legal entities conducting legal transactions. Indeed, given the current pandemic situation, the most logical and consistent approach is to strengthen regulatory simplification aimed at overcoming the social tedium that has emerged during the Covid-19 pandemic.

Efforts to simplify arrangements that can be made are to use legal instruments within the framework of state administrative law. Apart from being a further development of the concept of state administration, state administrative law instruments have the advantage of forming state policies, which can be developed in a relatively short time and cost (Oni dkk., 2019). It can even be said that without administrative law, established government policies cannot be implemented (Hodžić dkk., 2021). Administrative law, on the other hand, can also form discretionary regulations in the absence of prior concrete legislation, and is as legitimate as any other law (Yu & Li, 2020). This is very important to overcome the situation of legal vacuum.

Based on Article 1 Point 9 of the Government Administration Law Number 30 of the Republic of Indonesia Number (hereinafter referred to as Law Number 30 of 2014), Number states that "Discretion is a Decision and/or Action determined and/or carried out by Government Officials to overcome concrete problems encountered in the administration of government in terms of laws and regulations that provide options, do not regulate, are incomplete or unclear, and/or there is government stagnation."

Furthermore, based on Article 22 paragraph (2) of Law No. 30 of 2014, regulates that the exercise of discretionary power by government officials aims to:

1. The smooth implementation of government;
2. Closing the legal gap;
3. Creating legal certainty; and
4. To overcome national stagnation and serve the interests and common good in certain circumstances.

The above provisions allow us to exercise discretion during the COVID-19 pandemic (Yu & Li, 2020). This is nothing but resolving various problems that arise in the government without moving forward in the government or issuing various regulations (Rahman dkk., 2020). It should be noted that some regulations refer to the pandemic period, most of which are types of implementing regulations (Regulatory laws). This fact proves that it is appropriate to use political regulation to solve regulatory problems.

However, the draft Implementing Regulations based on Communication Law Number 2 of 2020 still has a regulatory tendency. Due to the large number of regulations during the pandemic, not to mention their enforcement, it has caused confusion among the public. This problem can be minimized by the implementation of Law No. 30 of 2014, which makes Administrative Law Instruments not only regelling, but also beschikking. A legal document that is legal in nature has its own advantages, namely that its contents are only valid once and for all, which distinguishes it from ordinary legal documents. That is, its content is valid forever (forever).

Regulating legal instruments have their own legal residue, namely obstacles related to the application of regulations after the content has been applied or is no longer relevant. In such circumstances, the irrelevant regulations should be revoked based on the mechanism of amending the State Establishment Law Number 12 Year 2011, Plus Law of the Republic of Indonesia Number 15 Year 2019. Law on Legislation (hereinafter referred to as Law Number 15 of 2019). In the appendix of Law Number 15/2019, it can be seen that the technical revocation of these regulations is done very systematically, which takes a lot of time and money, and takes longer than previously planned years, so the next legislative process can be hampered.

Forming law in the process, using the framework of administrative law and all its legal instruments is relatively faster than the conventional legislative process. Various administrative law tools that tend to be fast can also reduce the psychological factor of the public who currently feel saturation. However, the process of enforcing administrative law is full of the interests of the authorities if it is not implemented properly, it will give birth to onrechtsmatigh overheidsdaads (Thompson, 2020). This is due to the amount of government authority in deciding a policy.

Based on the introduction at bove, this research aims to know the position of legal instruments administration in policy formation public, and analyze developments and the urgency of administrative law as alternative government policies of the time pandemic Covid-19 (Xiong dkk., 2020). Expected for results this research can be used as a reference in analysis studies, or the establishment of law in the future, especially the establishment of the law related to the implementation of the law administrations.

There are several studies that discuss the role of the government and / or legal position in addressing the situation during a pandemic, such as research by Gatot Sambas Junaedi with the title "Development and Urgency of Administrative Law Instruments After the Stipulation of Law Number 2 of 2020 during the Covid 19 Pandemic" which in his abstract states that during the spread of Covid 19 throughout the world including Indonesia (Boone dkk., 2019). The results of his research show that administrative law instruments in the formation of public policies develop dynamically from time to time in line with the needs of the state and citizens but the drafting of regulations that barely involve the legislature (Ballo dkk., 2022). As well as the absence of a bill in the 2020-2024 Prolegnas which reflects the existence of accelerated space in overcoming Covid-19 using government administrative law instruments.

Then in the research by Abdul Basid Fuadi, Zaka Firma Aditya, and Rizkisyabana Yulistyaputri with the title "The Importance of Evidence Based Policy Making in Public Policy Making in the Pandemic Era" which in the abstract of his research states that during the current Covid-19 pandemic, the government is required to make policy accelerations that support the community (Croce, 2023). But unfortunately, the policies made by the government are inconsistent and contradictory.

There is also research from Aprista Ristyawati with the title "The Effectiveness of Large-Scale Social Restrictions Policies during the 2019 Corona Virus Pandemic by the Government in Accordance with the Mandate of the 1945 Constitution of the Republic of Indonesia", which in her research abstract states that the current global pandemic clearly raises public concerns (Valero Torrijos, 2019). Therefore, the Government must provide protection to the community in preventing and handling Covid-19 cases in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia.

Isnaini Apri Dawati, Shinta Rukmi Budiastuti with the title "The Role of Law during the Pandemic as a Breakthrough in Realizing Community Welfare", which in their abstract states that the role of law during a pandemic affects what the government will do regarding disaster prevention and management as a breakthrough in realizing community welfare in the midst of Covid-19.

However, overall, it has not explicitly outlined the urgency and development of administrative law during the Covid 19 pandemic (Cohen dkk., 2019). Therefore, the validity of the development and urgency of administrative law instruments as an alternative legal policy during the Covid-19 pandemic needs to be examined further (Gössling dkk., 2021). The purpose of this study is to determine the position of administrative law instruments in the formation of public policy and to analyze the development and urgency of administrative law as an alternative to government policy during the COVID-19 pandemic (Meek dkk., 2022). The results of this research study are expected to be a reference for analytical research, as well as for the establishment of future laws, especially those related to the implementation of administrative law.

RESEARCH METHODOLOGY

The type of survey used in this survey is Prescriptive Legal. namely related to legal norms and legal regulations (legal approach) (Brandão dkk., 2022). The type of research used in this paper is descriptive and analyzed qualitatively to answer legal questions. The legal materials used are primary, secondary and tertiary legal materials (Qian dkk., 2019). Primary legal materials consist of legal regulations or court decisions, which are processed or analyzed by running the level of legal synchronization (i.e. the level of legal synchronization) (McCune & Weissman, 2019). By tracing and measuring the extent to which the codification of existing positive laws has been synchronized

or harmonized with each other (Kozhemyakin & Dubrovskaya, 2021). Secondary legal sources include books, journals, conference proceedings, online newspapers or magazines, and opinions that are supporting elements in the analysis of scientific problems (Chang dkk., 2019). Tertiary legal materials consist of Indonesian dictionaries, legal dictionaries, and English dictionaries that serve as research support in explaining the operational terms used.

RESULT AND DISCUSSION

1. Overview and Development of Administrative Law

Constitutional Studies states that Constitutional Law (HTN) and National Administrative Law (HAN) were originally research fields and are often referred to as "National Administrative Law".The Constitutional Review states that Constitutional Law (HTN) and National Administrative Law (HAN) were originally the fields of research and is often referred to as "National Administrative Law" (STC «Industrial Safety» CJSC dkk., 2019). In Indonesia, these two areas of law are usually studied separately. Specifically for HAN, the term was taken from the agreement of the administrators of the National Administrative Law Course at a conference held in Tibran on March 26 and 28, 1973).

NAN is part of public law. That is, the laws and regulations that govern how the government acts and how state institutions carry out their duties. According to Mr. Ridwan H.R. HAN covers aspects of legal regulations regarding the legal relationship between the state government apparatus and the people.

The concept of HAN above is also reflected in Article 1 Point 1 of the Law. On 30 2014 it states: "Government administration is the process of making decisions and/or actions by government departments and/or officials. The implementation of administrative decision-making/action in HAN studies always begins with the acquisition of authority, whether obtained through attribution, delegation, or mandate. Furthermore, there is a difference in juridical understanding between authority and authority in Law No. 30 of 2014. Authority is synonymous with rights, as based on Article 1 point 5 of Law No. 30 of 2014 which explains that "Authority is the right possessed by Government Agencies and/or Officials or other state administrators to make decisions and/or take actions in the administration of government."

Conversely, this power is identical to the Power in Paragraph 1 of Article 6 of Law No. 30 of 2014 which states ""Government Authority, hereinafter referred to as Authority, is the power of the Agency and/or Government Officials or other state administrators to act in the realm of public law."" Regarding the form of implementation of national government functions in service to the people, it is stated as follows in accordance with Article 1 Number 2 of Law Number 30 of 2014, which states that "Government Functions are functions in carrying out Government Administration which include regulatory, service, development, empowerment, and protection functions."

The above provisions are intended to provide legal protection to citizens and government officials. Legal protection of civil servants means that civil servants are not subject to legal sanctions for arbitrary actions. The development of HAN is very dynamic along with the rapid development of the state and society. According to Bernardo Sordi's conclusion that the development of State Administrative Law, both in the common law system and civil law system reflects different starting points regarding the concept of administration since the second world war until the 18th century.

One of the changes that affect the development of HAN is the change in the paradigm of administrative law. The draft report of BPHN of the Ministry of Law and Human Rights on the Compendium of Administrative Law chaired by Andika Danesjivara states that one of the paradigm

changes that have emerged in administrative law is the dichotomy between politics and administration. Furthermore, quoting Frank J. Goodnow, the government has two different functions, namely political functions and functions. administration. The political function is related to policy-making, while the administrative function is related to policy execution. This means that the government sometimes appears with two faces (tweepetten), namely as a representative of public officials and representatives of state companies.

The development of the implementation of State Administrative Law is basically influenced by the variety of regulations that differ in form and type in the administration of the state. This is also reflected in Jeremy Kessler and Charles Sabel's statement that "The growing reliance on guidance -a kind of provisional 'rule' that invites its own revision or qualification- marks a break in the development of the administrative state on the order of the transition from regulation" which means that the increasing reliance on guidance, a kind of provisional "rule" that requires revision and qualification, is a sign that the state government is slow in developing a series of transition regulations.

Meanwhile, according to Joanna Bell, the development of HAN can develop stably or even lead to stagnation, where the dynamics are caused by several things, including:

1. Changing laws and regulations;
2. Internal administrative practices that are not static and are increasing, giving rise to new doctrines;
3. The emergence of the principle of judicial review has led to non-uniformity in the concept of administrative law.

Regarding the development of administrative law in Indonesia, the Compendium of Administrative Law of BPHN of the Ministry of Law and Human Rights identifies three basic premises underlying the concept of "Government Administration" Law, and the concept is proposed or explained in detail. These include:

1. The dichotomy between HTN and HAN must be abandoned and even merged into one field of law: state/administrative law;
2. Public administration is basically national/public administration;
3. The content of public administration in this field of law needs to be adjusted to the latest developments in administrative science, which have not been sufficiently taken into account by HTN and HAN experts.

2. National Administrative Law Instruments in Public Policy Formation

Under HAN, the government has several tools to carry out its mission, including:

a. Regulation (Law)

The implementation of state policies in the legal-administrative framework is based on laws and regulations and is a manifestation of the idea of a rule of law that requires every state administration to be implemented. Based on law. Within the framework of the Constitution, the rule of law is a legal instrument formed by the legislature, the executive, or the legislature and the executive to obtain joint approval.

b. State Administrative Decree

State Administrative Decision Is a unilateral statement made by a state agency with the aim of creating, changing or eliminating legal relations. Article of Law No. 30 Year 2014 stipulates the following:

1. Government administrative decisions;
2. State administrative decisions;
3. State administrative decisions.

All of the above terms are called decrees, which are written decisions issued by government agencies and/or government officials. Based on Article 87b of Law Number 30 of 2014, it stipulates that with the enactment of Law Number 30 of 2014, State Administrative Decisions ... must be interpreted as Agency Decisions. The phrase "and other government officials" in the above provision may cause controversy. For example, what happens to decisions taken by private companies that also carry out government work, and do they qualify as government entities? In the development of state governance, private parties are also known to be involved in the management of state policies and/or State Administrative Officials in the executive, legislative, judicial, and other state administrators."

c. Policy Provisions (Discretion)

Policy regulation, commonly referred to as pseudo-regulation or pseudo-wetting, occurs when there is no regulation underlying the government's action but it is urgent to the problem faced by the government. The term "Policy Arrangement" is mentioned in Law Number 30 Year 2014 and has the same meaning as the term discretion.

d. Plan (Het Plan)

In the implementation of state governance, the government is obliged to launch government plans in a certain period, which are usually outlined in the form of RPJM or RPJP. Explanation of Article 14(7) of the annex to Law No. 30/2014, KTUN is closely related to the government's work plan.

e. Licensing (Concesie)

Based on Law No. 30 of 2014, there is a slight difference in understanding between permits, concessions, and dispensations. Based on Article 1 point 19 of Law No. 30 of 2014, it explains that a permit is a decision of an authorized government official as a form of approval of an application from a citizen in accordance with the provisions of laws and regulations, while a concession is a decision of an authorized government official as a form of approval of an agreement between an agency and/or government official and another agency and/or government official in the management of public facilities and/or natural resources and other management in accordance with the provisions of laws and regulations.

Based on Article 1 Number 21 of Law Number 30 of 2014, we state as follows dispensation is a decision of an authorized government official as a form of approval of a citizen's application which is an exception to a prohibition or order in accordance with the provisions of laws and regulations. However, in essence, authorizations, concessions, and exceptions are all authorizations. This is because they include collusion and one-sided contracts.

f. Civil Law

Civil Law In addition to acting under public law, the government can also act under civil law instruments (Agboola dkk., 2020). For example, when establishing a cooperative relationship with a private person, or when establishing cooperation in civil law transactions such as buying and selling.

3. The Development and Urgency of Administrative Law as an Alternative Legal Policy During the COVID-19 Pandemic

When examined closely, the enactment and ratification of Law No. 2/2020 actually reflects the core order of administrative law practice: the establishment of legal instruments without the involvement of the legislature (Alimadadi dkk., 2020). This reason concerns at least four things, including:

1. The provisions of Law No. 2 of 2020, starting from Peruvian Decree No. 1 of 2020, are the prerogative of the President even though the decision was taken by the DPR;

2. Law No. 2/2020 contains important provisions on the delegation of authority from superiors to subordinates;
3. Whereas, by relying on Article 27 paragraph (3) of Law Number 2 of 2020, Law A Quo cannot be appealed to the State Administrative Court;
4. The absence of the COVID-19 Bill in Prolegnas 2020-2024 indirectly gives the executive the authority to make policies during the pandemic.

This proves that government policies adopted during the pandemic are loaded with administrative law instruments because they do not go through the process of *wetgeving* dan *rechtspraak*.

Even though it was formed in an urgent situation, from a formal point of view, the enactment and ratification of Law Number 2 of 2020 is in principle quite complete in terms of reviewing Law Number 15 of 2019 (Torney, 2019). It must be recognized that the ratification of Law Number 2 of 2020 initiated by Perpu also reflects the decision of the Constitutional Court Number 138/PUU-VII/2009 (Assaad & Abdul-Malak, 2020). One of the shortcomings of Law Number 2020 is that, in addition to the controversial provisions in the content of the law, the general provisions regarding general provisions also have an important role in providing operational definitions of terms used, not included in the law.

However, these shortcomings do not necessarily lead to inefficiency in state administration, so the creation of legal instruments in the form of implementing regulations can be minimized. In practice, executive orders may contain well-described content but are rediscovered in executive orders. This habit is found in cases during the pandemic. For example, starting from Law No. 2/2020 which was then delegated to the Minister, for example, a Ministerial Regulation was issued. Subsequently, Ministerial Directives were made based on these Ministerial Regulations (e.g. Instruction of the Minister of Home Affairs No. 4/2020).

The implementation of national governance through the issuance of a relatively large number of regulations also has an impact on supervision issues. As is known, with the increase in the number of independent state institutions, the supervisory function of the state government is increasingly distributed in accordance with the number of government institutions (Bélanger & Saracoglu, 2020). In general, the supervisory system in Indonesia leads to two systems, namely:

1. The existence of a body that oversees certain state institutions or agencies;
2. Supervision is carried out with a supervisory system without establishing a supervisory board or a particular examining body.

However, in reality, these oversight activities are not carried out systematically because they are related to the oversight carried out by the legislature. During a pandemic, defined as an extraordinary situation, further and accelerated implementation of state government measures is required. Although controversial, due to the "additional" regulation in Article 27(3), this regulation actually opens up the possibility of accelerating administrative law in policy making, without the need to make implementing regulations first. This is still a discretion based on Article 1 point 9 of Law No. 30 of 2014 which explains that "...laws and regulations that provide options do not regulate...". Meanwhile, so far there has been no court decision declaring the contents of Law No. 2/2020 invalid. This provides an opportunity to establish administrative laws related to Law No. 2/2020.

Factors that support the use of administrative-legal means to implement government policies during the COVID-19 pandemic include:

1. Administrative law is a system related to a form of unity of state structure with the presidential system of government. Although the development of government in the country today leads to the realization of regional autonomy based on the principle of

decentralization, but the inherent nature of the unitary state structure with the presidential form of government does not support a centralized national policy but it is not such a thing. Centralized and authoritarian will quickly influence government decision-making without going through a lengthy bureaucratic process.

2. Administrative legal instruments are relatively efficient. National policy formation usually occurs with the involvement of national authorities, including political influence. Administrative law is relatively efficient because it provides technical instructions for dealing with specific problems of government. In addition, the formation of legal-administrative instruments tends to occur more quickly, this is very in line with the situation of the COVID-19 pandemic which actually causes social boredom. Administrative legal tools allow state and community officials to take legal action without complicated bureaucracy or regulations.
3. The application of administrative legal instruments is more flexible because it can be formed without any prior legal attribution, as long as it is not contrary to the laws and regulations. In fact, the application of the Law by the state is not only based on the legislation, but also on the principle of supremacy "civil protection", so that administrative documents can be created and created even though they are not based on higher regulations. Regulatory assignments can be issued under Essentials "Salus Populi Supreme Lex Esto" and Essentials "Vox Populi Vox Dei" Basis. There is space to make laws through administrative legal channels that are relatively fast and low cost is also in line with the spirit of legal simplification that continues to be done, especially administrative-legal channels with the form of decisions.
4. Provide faster legal protection which basically the effectiveness of legal protection depends on the extent of citizen satisfaction with the resolution of legal problems. Legal protection through the judiciary does not necessarily provide legal protection in accordance with the inner desires of justice seekers whose position is relatively weak. Administrative legal instruments provide legal protection directly in the event of public or civil complaints from citizens whose interests are contrary to government policy.

CONCLUSION

Based on the description above, we can conclude that: First, the administrative-legal instruments in the formation of public policy are developing dynamically over time, depending on the needs of the state and its society. There are several administrative legal documents that can be used to run the government. That means the law. KTUN (Administrative Law); Political Regulation (Discretionary). Plan (Hetplan). License (concy), and civil law documents. The development of administrative law is influenced by various factors, including changes in legislation. The practice of internal management is not static but rather it is increasing and giving birth to new principles. The review procedure resulted in a lack of uniformity of administrative law concepts. Second, the development and urgency of administrative law to replace government policy in the COVID-19 pandemic can be seen from several indicators. Material related to regulations during the pandemic of the coronavirus about delegation of authority from superiors to subordinates which is an operational form of administrative law. Article 27 paragraph (3) of Law Number 2 Year 2020 contains a provision stating that Law A Quo does not cover the subject matter of the case of the State Administrative Court and the absence of a draft law in Prolegnas 2020-2024 which reflects the scope of accelerating recovery of the coronavirus through administrative and legal channels of the government. In addition, in responding to the spread of new coronavirus diseases that have

saturated the community, a straightforward and good bureaucracy is needed, because the establishment of a national administrative legal system is relatively fast and cheap.

AUTHORS' CONTRIBUTION

Author 1: Validation; Writing - review and editing.

Author 2: Conceptualization; Project administration.

REFERENCES

Agboola, O., Babatunde, D. E., Isaac Fayomi, O. S., Sadiku, E. R., Popoola, P., Moropeng, L., Yahaya, A., & Mamudu, O. A. (2020). A review on the impact of mining operation: Monitoring, assessment and management. *Results in Engineering*, *8*, 100181. https://doi.org/10.1016/j.rineng.2020.100181

Alimadadi, A., Aryal, S., Manandhar, I., Munroe, P. B., Joe, B., & Cheng, X. (2020). Artificial intelligence and machine learning to fight COVID-19. *Physiological Genomics*, *52*(4), 200–202. https://doi.org/10.1152/physiolgenomics.00029.2020

Alvioli, M. (2020). Administrative boundaries and urban areas in Italy: A perspective from scaling laws. *Landscape and Urban Planning*, *204*, 103906. https://doi.org/10.1016/j.landurbplan.2020.103906

Asher, S., Lunt, T., Matsuura, R., & Novosad, P. (2021). Development Research at High Geographic Resolution: An Analysis of Night-Lights, Firms, and Poverty in India Using the SHRUG Open Data Platform. *The World Bank Economic Review*, *35*(4), 845–871. https://doi.org/10.1093/wber/lhab003

Assaad, R., & Abdul-Malak, M.-A. (2020). Legal Perspective on Treatment of Delay Liquidated Damages and Penalty Clauses by Different Jurisdictions: Comparative Analysis. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, *12*(2), 04520013. https://doi.org/10.1061/(ASCE)LA.1943-4170.0000387

Awad, M. E., Rumley, J. C. L., Vazquez, J. A., & Devine, J. G. (2020). Perioperative Considerations in Urgent Surgical Care of Suspected and Confirmed COVID-19 Orthopaedic Patients: Operating Room Protocols and Recommendations in the Current COVID-19 Pandemic. *Journal of the American Academy of Orthopaedic Surgeons*, *28*(11), 451–463. https://doi.org/10.5435/JAAOS-D-20-00227

Bakhtina, I. S., Anastasiia I. Berendieieva, Alla H. Pyshna, Yevhen V. Bilozorov, & Andrii M. Kuchuk. (2023). Administrative discretion in states of full democracy and hybrid regime: The example of Germany and Ukraine. *Multidisciplinary Reviews*, *6*(4), 2023035. https://doi.org/10.31893/multirev.2023035

Ballo, A., Valentin, K. K., Korgo, B., Ogunjobi, K. O., Agbo, S. N., Kone, D., & Savadogo, M. (2022). Law and Policy Review on Green Hydrogen Potential in ECOWAS Countries. *Energies*, *15*(7), 2304. https://doi.org/10.3390/en15072304

Bélanger, D., & Saracoglu, C. (2020). The governance of Syrian refugees in Turkey: The state-capital nexus and its discontents. *Mediterranean Politics*, *25*(4), 413–432. https://doi.org/10.1080/13629395.2018.1549785

Boone, C., Dyzenhaus, A., Manji, A., Gateri, C. W., Ouma, S., Owino, J. K., Gargule, A., & Klopp, J. M. (2019). Land law reform in Kenya: Devolution, veto players, and the limits of an institutional fix. *African Affairs*, *118*(471), 215–237. https://doi.org/10.1093/afraf/ady053

Brandão, R., Hosseini, M. R., Macêdo, A. N., Melo, A. C., & Martek, I. (2022). Public administration strategies that stimulate reverse logistics within the construction industry: A conceptual typology. *Engineering, Construction and Architectural Management*, *29*(8), 2924–2949. https://doi.org/10.1108/ECAM-07-2020-0547

Chang, K., Zeng, Y., Wang, W., & Wu, X. (2019). The effects of credit policy and financial constraints on tangible and research & development investment: Firm-level evidence from

China's renewable energy industry. *Energy Policy*, *130*, 438–447. https://doi.org/10.1016/j.enpol.2019.04.005

Cobbe, J. (2019). Administrative law and the machines of government: Judicial review of automated public-sector decision-making. *Legal Studies*, *39*(4), 636–655. https://doi.org/10.1017/lst.2019.9

Cohen, S., Manes Rossi, F., Caperchione, E., & Brusca, I. (2019). Local government administration systems and local government accounting information needs: Is there a mismatch? *International Review of Administrative Sciences*, *85*(4), 708–725. https://doi.org/10.1177/0020852317748732

Croce, M. (2023). *Law, Necessity, and the Crisis of the State: The Early Writings of Santi Romano* (1 ed.). Routledge. https://doi.org/10.4324/9781003347774

Gössling, S., Scott, D., & Hall, C. M. (2021). Pandemics, tourism and global change: A rapid assessment of COVID-19. *Journal of Sustainable Tourism*, *29*(1), 1–20. https://doi.org/10.1080/09669582.2020.1758708

Hodžić, S., Ravšelj, D., & Jurlina Alibegović, D. (2021). E-Government Effectiveness and Efficiency in EU-28 and COVID-19. *Central European Public Administration Review*, *19*(1), 159–180. https://doi.org/10.17573/cepar.2021.1.07

Hong, T., Yu, N., & Mao, Z. (2019). Does environment centralization prevent local governments from racing to the bottom? --Evidence from China. *Journal of Cleaner Production*, *231*, 649–659. https://doi.org/10.1016/j.jclepro.2019.05.181

Kozhemyakin, E., & Dubrovskaya, T. (2021). Regulating Social Behaviour by Multimodal Public Signs: Semiotic Pragmatics of Prohibition. Dalam N. V. Sukhova, T. Dubrovskaya, & Y. A. Lobina (Ed.), *Multimodality, Digitalization and Cognitivity in Communication and Pedagogy* (Vol. 20, hlm. 27–48). Springer International Publishing. https://doi.org/10.1007/978-3-030-84071-6_3

Loftis, M. W., & Mortensen, P. B. (2020). Collaborating with the Machines: A Hybrid Method for Classifying Policy Documents. *Policy Studies Journal*, *48*(1), 184–206. https://doi.org/10.1111/psj.12245

McCune, J. M., & Weissman, I. L. (2019). The Ban on US Government Funding Research Using Human Fetal Tissues: How Does This Fit with the NIH Mission to Advance Medical Science for the Benefit of the Citizenry? *Stem Cell Reports*, *13*(5), 777–786. https://doi.org/10.1016/j.stemcr.2019.10.003

Meek, J. Y., Noble, L., & Section on Breastfeeding. (2022). Policy Statement: Breastfeeding and the Use of Human Milk. *Pediatrics*, *150*(1), e2022057988. https://doi.org/10.1542/peds.2022-057988

Mehta, P., McAuley, D. F., Brown, M., Sanchez, E., Tattersall, R. S., & Manson, J. J. (2020). COVID-19: Consider cytokine storm syndromes and immunosuppression. *The Lancet*, *395*(10229), 1033–1034. https://doi.org/10.1016/S0140-6736(20)30628-0

Oni, S., Araife Berepubo, K., Oni, A. A., & Joshua, S. (2019). E-Government and the Challenge of Cybercrime in Nigeria. *2019 Sixth International Conference on eDemocracy & eGovernment (ICEDEG)*, 137–142. https://doi.org/10.1109/ICEDEG.2019.8734329

Pedro, R. (2020). Administrative Arbitration in Public Procurement in Portugal: State-of-the-Art. *European Procurement & Public Private Partnership Law Review*, *15*(3), 225–235. https://doi.org/10.21552/epppl/2020/3/7

Qian, L., Grisolía, J. M., & Soopramanien, D. (2019). The impact of service and government-policy attributes on consumer preferences for electric vehicles in China. *Transportation Research Part A: Policy and Practice*, *122*, 70–84. https://doi.org/10.1016/j.tra.2019.02.008

Rahman, M. A., Hoque, N., Alif, S. M., Salehin, M., Islam, S. M. S., Banik, B., Sharif, A., Nazim, N. B., Sultana, F., & Cross, W. (2020). Factors associated with psychological distress, fear and coping strategies during the COVID-19 pandemic in Australia. *Globalization and Health*, *16*(1), 95. https://doi.org/10.1186/s12992-020-00624-w

STC «Industrial Safety» CJSC, Klovach, E. V., Shalaev, V. K., STC «Industrial Safety» CJSC, Sidorov, V. I., Fund of James Bruce, Yakovlev, D. A., & Rostechnadzor. (2019). Title Development of New Legislation on Industrial Safety. *Occupational Safety in Industry*, *5*, 12–19. https://doi.org/10.24000/0409-2961-2019-5-12-19

Suksi, M. (2021). Administrative due process when using automated decision-making in public administration: Some notes from a Finnish perspective. *Artificial Intelligence and Law*, *29*(1), 87–110. https://doi.org/10.1007/s10506-020-09269-x

Thompson, D. M. (2020). How Partisan Is Local Law Enforcement? Evidence from Sheriff Cooperation with Immigration Authorities. *American Political Science Review*, *114*(1), 222–236. https://doi.org/10.1017/S0003055419000613

Torney, D. (2019). Climate laws in small European states: Symbolic legislation and limits of diffusion in Ireland and Finland. *Environmental Politics*, *28*(6), 1124–1144. https://doi.org/10.1080/09644016.2019.1625159

Valero Torrijos, J. (2019). Les garanties jurídiques de la intel·ligència artificial en l'activitat administrativa des de la perspectiva de la bona administració. *Revista Catalana de Dret Públic*, *58*, 82–96. https://doi.org/10.2436/rcdp.i58.2019.3307

Xiong, J., Lipsitz, O., Nasri, F., Lui, L. M. W., Gill, H., Phan, L., Chen-Li, D., Iacobucci, M., Ho, R., Majeed, A., & McIntyre, R. S. (2020). Impact of COVID-19 pandemic on mental health in the general population: A systematic review. *Journal of Affective Disorders*, *277*, 55–64. https://doi.org/10.1016/j.jad.2020.08.001

Yu, X., & Li, Y. (2020). Effect of environmental regulation policy tools on the quality of foreign direct investment: An empirical study of China. *Journal of Cleaner Production*, *270*, 122346. https://doi.org/10.1016/j.jclepro.2020.122346

Zhang, M., & Yang, X. N. (2021). Administrative framework barriers to energy storage development in China. *Renewable and Sustainable Energy Reviews*, *148*, 111297. https://doi.org/10.1016/j.rser.2021.111297