

**POWERS AND LIMITS OF STATE IN STATE OF EMERGENCY OF
COVID-19 IN INDONESIA**

Undergraduate Thesis



**Written by:
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NIM. 20170610285**

**Faculty of Law
International Program for Law and Sharia
Constitutional Law
2021**

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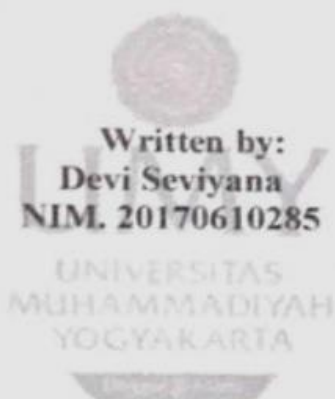
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APPROVAL

**POWERS AND LIMITS OF STATE IN STATE OF EMERGENCY OF
COVID-19 IN INDONESIA**

Undergraduate Thesis

Submitted as one of the requirements to obtain a bachelor's degree at
Faculty of Law Universitas Muhammadiyah Yogyakarta



The Advisor has approved this Undergraduate Thesis
on Monday, April 5th, 2021

Advisor



Iwan Satriawan, S.H., MCL., Ph.D.
NIK. 19700706199904 153 039

DECLARATION

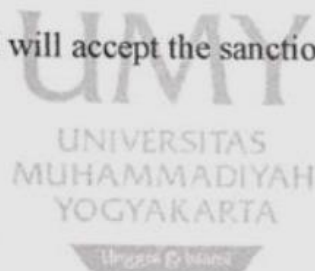
I am, the undersigned:

Name : Devi Seviyana

Student Number : 20170610285

Title of Thesis : **POWERS AND LIMITS OF STATE IN STATE OF
EMERGENCY OF COVID-19 IN INDONESIA**

I hereby declare that this Undergraduate Thesis is truly the work of my own. I did not do plagiarism or quotation in inconsistent ways with the scientific community's prevailing ethics. On this statement, I am ready to bear the risk/any sanction imposed on me under the applicable regulations. If a breach of scientific ethics is found in the future, I will accept the sanction.



Yogyakarta, April 5th, 2021



Devi Seviyana
NIM. 20170610285

DEDICATION

This Undergraduate Thesis is dedicated to

Almighty God, Allah SWT

Prophet Muhammad SAW

My beloved Parents

Butuk Siyam

UMY

My beloved siblings

MUHAMMADIYAH

YOGYAKARTA

Ritno Wijayanto

Unggul & Islami

FOREWORDS

Assalamualaikum Wr. Wb.

Alhamdulillahirobbil'alamin, thank you *Allah SWT*, The Most Merciful and Most Beneficent, who has given me His blessing and an opportunity to accomplish my Undergraduate Thesis entitled **"POWERS AND LIMITS OF STATE IN STATE OF EMERGENCY OF COVID-19 IN INDONESIA"** at International Program for Law and Sharia, Fakultas Hukum, Universitas Muhammadiyah Yogyakarta.

Shalawat and greeting, I addressed to our Prophet Muhammad, my inspiration in practising and conducting good deeds. This Undergraduate Thesis is motivated by his struggle to spread Islamic teachings to all mankind. I realize that in writing this thesis, there were many parties who have helped, guided and inspired me, thus on this occasion, I would like to say thanks to:

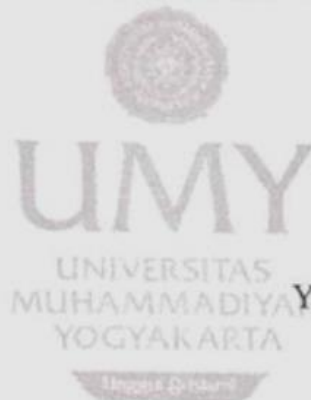
1. To my lovely and loving family, Bapak Butuk Siyam, Ibu Manisih, and my brother Ritno Wijayanto who never stop showering me their love, support, and never-ending prayer.
2. Dr. Ir. Gunawan Budiyo, M.P. as the Rector of Universitas Muhammadiyah Yogyakarta
3. Dr. Trisno Raharjo, S.H., as the Dean of Fakultas Hukum Universitas Muhammadiyah Yogyakarta.
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6. Bapak Yordan Gunawan, Ibu Fadia Fitriyanti, Prof. Mukti Fajar, Bapak Endriyo Susila, Dr. Zaid bin Mohammad, Bapak Najib Gysmar, Bapak Moelyadi, Bapak Sunarno, Bapak Khaeruddin Hamsin, Bapak Muhammad Ichsan, Ibu Dewi Nurul Musjtari, Ibu Nanik Prasetyoningsih, Ibu Reni Budi Setyaningrum, Bapak Sulastriyono and all the lecturers of Faculty of Law for all the lessons and help that guided me during my study.
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10. Kirana Squad, Devita Bonde, Maurynesa Putri Hervawan, Anita Rahma, Septyana Sifa Narida, and Ismi Adib Laela.

11. My IPOLIANS 2017, Yasir Perdana Ritonga, Adyatma Tsany Prakosa, Verocha Jayustin Sastra, Ayu Mega Rakhmawati, Salma Rahmi Pratiwi, Almira Putri Irmadila Maharani, Ami Cintia Melinda, Jamilah Arifin, Mutia Ovitasaki, Aliza Mufida, Aisa Nur, Siti Septiana K. Harun, Nadila Wati, Tiara Zahraeni Husaen, Shafira Nurul Annisa, Wynne Khalida Sekarwangi, Ayu Nopiyaranie, Sigit Rosidi, Kukuh Derajad Takarub, Abdullah Thamrin Rettob, Hanafi Yulian, Dede Amar Udi Ilma, Larasati Khoirunnisa, Nur Hikmatul Maulida, Ravenska Marchduva Sienda, Mita Amelia, and Elfatia Ayu Kinasih.
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13. And to the vast and wonderful world that gives us life and keeps us guessing.


Finally, I hope this Undergraduate Thesis will give benefits to all human beings.

Aamiin.

Wassalamu 'alaikum Wr. Wb.



Yogyakarta, April 5th, 2021


Devi Seviyana
NIM. 20170610285

LIST OF STATUTES

International Covenant on Civil and Political Rights.

The 1945 Constitution of the Republic Indonesia.

Law Number 2 of 2020 on the Establishment of Government Regulation in Lieu of Law Number 1 of 2020 Concerning State Financial Policies and Financial System Stability for Handling Pandemic Corona Virus Disease 2019 (COVID-19) and/or in Order to Deal with Threats that Harm the National Economy and/or Financial System Stability become the Law.

Law Number 6 of 2018 on Health Quarantine.

Law Number 14 of 2008 concerning Freedom of Information.

Law Number 24 of 2007 concerning Disaster Management.

Law Number 17 of 2003 concerning State Finances.

Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption.

Government Regulation in Lieu of Law Number 23 of 1959 on Determination of State Emergency.

Government Regulation Number 21 of 2020 on Large-Scale Social Restriction.

Presidential Regulation Number 54 of 2020 on Posture Changes and Details of the State Budget for the 2020 Fiscal Year.

Presidential Decree Number 12 of 2020 on Determination of Non-Natural Disaster for the Spread of COVID-19 as a National Disaster.

Presidential Decree Number 11 of 2020 on Determination of COVID-19 as Public Health Emergency.

Minister of Home Affairs Regulation Number 20 of 2020 on Acceleration of Handling of Corona Virus Disease 2019 in Local Government Environments.

Constitutional Court Decision Number 8/PUU-XII/2014 on Challenge to Law Number 7 of 2012 on Handling Social Conflict.



LIST OF ABBREVIATION

APBN	: <i>Anggaran Pendapatan Belanja Nasional</i> (State Budget)
BI	: Bank Indonesia
BNPB	: <i>Badan Nasional Penanggulangan Bencana</i> (National Disaster Management Agency)
BPS	: <i>Badan Pusat Statistik</i> (Central Bureau of Statistics)
China CDC	: The Chinese Center for Disease Control and Prevention
COVID-19	: Coronavirus Disease 2019
DPR	: <i>Dewan Perwakilan Rakyat</i> (House of Representatives)
DPRD	: <i>Dewan Perwakilan Rakyat Daerah</i> (Regional People's Representative Council)
DTKS	: <i>Data Terpadu Kesejahteraan Sosial</i> (Integrated Social Welfare Data)
ECHR	: European Convention on Human Rights
FoINI	: Freedom of Information Network Indonesia
GDP	: Gross Domestic Product
HIPMI	: <i>Himpunan Pengusaha Muda Indonesia</i> (Indonesian Young Entrepreneurs Association)
ICCPR	: International Covenant on Civil and Political Rights

KBBI	: <i>Kamus Besar Bahasa Indonesia</i> (Large Dictionary Indonesian)
KKN	: <i>Korupsi Kolusi dan Nepotisme</i> (Corruption, Collusion and Nepotism)
KPK	: <i>Komisi Pemberantasan Korupsi</i> (Corruption Eradication Commission)
KPU	: <i>Komisi Pemilihan Umum</i> (General Election Commission)
KSSK	: <i>Komite Stabilitas Sistem Keuangan</i> (Financial System Stability Committee)
LPS	: <i>Lembaga Penjamin Simpanan</i> (Deposit Insurance Corporation)
MERS-CoV	: Middle East Respiratory Syndrome Coronavirus
OJK	: <i>Otoritas Jasa Keuangan</i> (Financial Services Authority)
PSBB	: <i>Pembatasan Sosial Berskala Besar</i> (Large-Scale Social Restrictions)
PTUN	: <i>Pengadilan Tata Usaha Negara</i> (State Administrative Court)
PUU	: <i>Pengujian Undang-undang</i> (Judicial Review)
RNA	: Ribonucleic Acid
SARS-CoV-2	: Severe Acute Respiratory Syndrome Coronavirus 2

UN : United Nations

WHO : World Health Organization

