

Socio-Legal Perspective on Renewing the Law Order In New Normal Situation of Covid-19 Pandemic

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Abstract

Covid-19 pandemic is a reality that has a big impact on all aspects of people's lives, whether economic, social, cultural, or legal elements. In the face of this extraordinary situation, social change becomes an inevitable necessity. However, this big challenge is not something that is easy to deal with. Various problems in the community arise and become anxious together as a nation. Through this study, an understanding is obtained that to face the Covid-19 pandemic situation in the midst of this new normal order, to deepen the role of Indonesian social capital of Pancasila. The study of legal sociology is deemed capable of revealing legal reality, social changes in the pandemic era and how we renew law in the middle of a pandemic will be well read and produce good judicial choices in the midst of Covid-19 pandemic.

Keywords: Covid-19 pandemic, Indonesia, law, new normal, sociology of law.

Introduction

The Covid-19 pandemic in the world has entered a disturbing point. Almost all countries have been infected with a pandemic, which until now has claimed hundreds of thousands of lives and made the earth's population stop their activities outside the home to prevent transmission of the virus. Various policies related to the strategy of suppressing massive transmission are taken in various countries by means of lockdown policies or also social or physical distancing in various models, such as the large-scale social restriction (PSBB) implemented in Indonesia. In line with the strategy taken, humans are active in their homes through the concept of Work from Home (WFH) or also Study from Home (SFH), which is very popular lately. However, among the efforts to overcome the transmission of Covid-19, various problems ensued. Problems that occur in various sectors of national life are our common concern to date, both in

terms of health, economic, social, political, cultural, legal and others. The Covid-19 pandemic turned out to have such a broad impact in various sectors, even though the economic sector was the hardest hit from the existence of the Covid-19 pandemic. Based on data collected, for workers who were laid off and laid off more than 1.5 million, of this number 90 percent were laid off and 10 percent laid off. A total of 1.24 million people are formal workers and 265 thousand informal workers¹.

At present, in the context of the dynamics of life that is so fast due to the Covid-19 pandemic, the pattern of applying the normal order has only become a choice realized by the Government of Indonesia and in some countries in the world. Policies that are not easy to take, but must still be done because the application of this new normal order is our peaceful efforts towards all the problems faced by the Covid-19 pandemic. The term or word The New Normal Order appears at least popular, since the Covid-19 pandemic. That is why this study focuses on the dynamics of major changes taking place in Indonesia as a result of the Covid-19 pandemic. The study includes the pre-pandemic Covid-19 period which can be called normal, when the pandemic takes place, can be called an abnormal period, as well as various strategies towards a new situation commonly called the

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The New Normal. Therefore, as efforts to combat the Covid-19 virus approach a turning point, when together we welcome a new normal order in social, national and state life, a shared awareness is needed to ground the Pancasila, rebuild Indonesia and rebuild the law. So that we will together win the whole series of 'battles' against Covid-19. The new normal order requires a joint commitment of all citizens to re-earth the Pancasila, rebuild our Indonesia and renew our law, so that we can pass this 'test' by joining hands together, in line with the ideals of Pancasila. The study will present an analysis of issues of how is the sociology of law as a means of examining the reality of the current Covid-19 pandemic, and how do to ground the Pancasila as a solution in the midst of the Covid-19 pandemic.

Legal Sociology Perspectives on the Situation before Covid Pandemic 19

Since the beginning it has been confirmed that the optics used is legal sociology. This optics sees the law not only as a normative document, legal laws, rules/norms and principles, but also as a socio-cultural phenomenon^{2,3,4}. The sociology of law takes a position by ratifying the concept of law and thereby ratifying state law, so as to be able to incorporate various forms of order into its area of observation^{5,6}. Covid-19 made all government officials, especially the medical staff, all citizens faced with situations of fear and even panic. It is no exaggeration to say that during the Covid-19 pandemic, the country seemed to be turning back, "back to zero".

Since confirming the Covid-19 pandemic, various regulations have been issued as a form of resistance against the pandemic. The regulations are contained in Government Regulations (PP), Presidential Decrees (Keppres) and Perppu. Can be called for example: (1). Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Covid-19 Pandemic and/or In Order to Face Threats that Harm National Economy and/or Financial Stability, (2). Indonesian Government Regulation 2020 which stipulates Large-Scale Social Restrictions (PSBB) in the Context of the Covid-19 Handling Acceleration.

The PSBB policy covers school entertainment, workplaces, religious activities, and activities in public

places or facilities. The PSBB is determined by the Health Meteri to the Regional Government by taking into account the provisions stipulated in Law No. 6 of 2018 concerning Health Quarantine, (3). Republic of Indonesia's Presidential Decree No. 11 of 2020 concerning Stipulation of Public Health Emergency in Covid-19. The President designates Covid-19 as the type that gives rise to Public Health Emergencies. From the stipulation of this Health Emergency, the President then issued various policies on the free of electricity tariffs to increase the number of recipients and the amount of social assistance funds to the community, (4). Decree of the Minister of Health Number HK. 01. 07/Menkes/239/2020 concerning Large-Scale Social Restrictions in DKI Jakarta.

The emergence of these various regulations is a step by the government against the Covid-19 pandemic. This step was followed by the issuance of: (1) Decree of the Minister of Health No. HK.02.07/Menkes/328/2020 concerning Covid Prevention and Control Guidelines 19 in Office and Industrial Workplaces to Support Business Continuity in Pandemic Situations, and (2) Circular Letter (SE) No. HK.02.01/Menkes/334/2020 concerning Covid Transmission Prevention Protocol 19 For Officers Who Carry Out Duties. It is suspected that at the time of the pandemic and at the end of the pandemic, the complexity of the problems that appeared and the unknown when they ended was very complex.

Legal Reform Towards a New Normal

In addition to the term legal also known the term legal development. The two terms are often used interchangeably to refer to the same meaning. Legal reform as part of social policy is a rational effort taken to overcome social problems. In the context of the Webinar, namely the social problems that arose during the Covid-19 pandemic to the social problems at the end of the Covid-19 pandemic. The main objective is the achievement of justice, certainty and benefits for the life of society, nation and state⁹. In other words it can be said that legal reform is aimed at achieving the welfare/protection of the community both when the Covid-19 pandemic lasts until the end of the Covid-19 pandemic. Based on the idea of state of law, it is always constructed as a regulator of all aspects of life. This kind of construction is always dominated by. Even if

it is not dominated, we actually still find other orders outside the country's legal order. In addition to the legal order (state) we know the order outside of it, for example religious order, decency, and habits. All three, living and simultaneously contributing to give order to society.¹⁰

Legal reform includes renewing legal concepts, renewing basic ideas, renewing ideas, and renewing insights that are recognized by the term paradigm. Legal reform should include legal system reform (legal system reform), so that it involves legal substance renewal, legal structure renewal and legal culture renewal¹¹. Renewal of the legal substance must be seen as reorienting and reforming the law to conform to the socio-philosophical, socio-political, and socio-cultural values of the community, all of which are part of the activities of grounding the Pancasila.

Legal reform has so far been more heavily biased towards the priority of the legal substance, so that lawmaking is more advanced than the other two elements of legal reform, namely structure and culture. There is what is called over regulation, which prioritizes the form of the function of law. Legal updates can be broken down into macro related coverage and micro related fields. Referring to Parsons cybernetics, legal reform should be able to adapt or compromise on cultural, political, social, political and economic aspects, so that legal reform towards the new normal order should be directed towards the adoption/compromise of cultural, social interests. economics and politics. Referring to Schuyt, we prefer the legal function as a means of melting conflict (conflicttoplossing) rather than as an act of strengthening the occurrence of further conflict (conflictversterking). Similar to Philippe Nonet and Selznick's thoughts, we choose the type of law that is responsive, not the type of law that is autonomous especially the repressive type. The responsive type views the law as a means of service and response to social needs/aspirations, with its characteristics including justice as the basis of legal legitimacy, policy subordination, discretion recommended and goal-oriented¹².

Towards a New Normal Order

Actual information about the development of the Covid-19 pandemic in Indonesia can be seen in the following data from covid-19 sufferers in Indonesia: 57,770 people died, 2,934 died, 29,291 were cured

and 25,595 healed according to updated data at July 1, 2020. Based on these data, it means that Covid-19 transmission is not over. Efforts in that direction are always endeavored so as to arrive at the new normal. To arrive at the situation called The New Normal, there was an endless governmental effort. The government should provide infrastructure for a new order. The new word does not mean an order that did not exist. but returned to the original order with improvements, which was not added and so on.

To go to a new order through the law, it is necessary to analyze society not only in the traditional way based on the methods that have always been well established and that is a normative-positivistic perspective. This way, for example, we do not see from the aspect of the formal form it must be more on its function. here we need a truly functional product that is able to integrate the community's autonomous forces based on Pancasila values. Some methods that have been used by the community to fight Covid Corona should also be taken into account. In the hustle and bustle of regulations issued by the state, we also witness the autonomous forces of the people to build towards The New Normal. In some places, for example, we witnessed how village youths guarded their villages to carry out physical and social distancing, limiting physical and social distance. Even though sometimes it is "excessive," village youths have been guarding the "in and out" posts of their village. For the sociology of law, what is done by the village youths is a uniqueness that illustrates the workings of social forces in the community¹³.

The need for state law is not just a matter of form/procedure but rather of a function aspect. That is, functional law for the community. Following Talcott Parsons' thinking, that is a law capable of carrying out the integration function. The preferred regulatory model is the loose regulatory model, commonly called the sociological model, not the coercive and detailed regulatory model, commonly called the legalistic model. With a sociological model, social forces and values loaded can work together with state law. Sociological model, can be appointed as one way to ground the Pancasila into actualized in law and its enforcement. The sociology of law sees the community as having the potential to autonomously develop their own orderly society. Grounding Pancasila, means also grounding the

autonomous potential of the community. Here there is a relationship between the grounding of Pancasila and legal reform, namely as a model of actualizing Pancasila through state regulatory policies.

Conclusion

The Covid-19 pandemic, caused community abnormalities. Regulations, policies carried out so far have also caused problems, so that it appears how complex the problems that arise in the community. These abnormalities, differ from the period before the Covid-19 pandemic, which is relatively more normal. The normality of society is achieved because of the autonomous forces that exist in the community itself. These autonomous forces are religious norms, decency, habit and law. Religious norms, originating from God's revelation, decency hold on the ideas that must be realized, the habit of holding on to reality and legal norms concocting ideas and that reality. Various attempts were made to return to normal, even back to the new normal order which is usually termed as The New Normal. A new normal order does not mean denying the old and existing normality but rather adding to the less and/or perfecting.

From the optical sociology of law in achieving a new normal order the main priority is the restoration of social order, so that people are able and survive to meet their needs. Even the sociology of law is not the only one that can be used, proposing ideas, namely to revive autonomous social forces in society by re-enacting the Pancasila, the reform of Indonesian law. Legal reform is not only in the aspect of substance, but also in structure and culture, not prioritizing law as a form, so that it is able to go to law that is functional, has the ability of integration mechanisms, is responsive, not autonomous, especially repressive.

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