

## **PROBLEMATIKA PENERAPAN PERATURAN PEMERINTAH PENGGANTI UNDANG-UNDANG DI TENGAH PANDEMI CORONA VIRUS DISEASE 2019 DALAM PERSPEKTIF HUKUM TATA NEGARA DARURAT**

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### **INTISARI**

Pasca ditetapkan *Corona Virus Disease 2019* (COVID-19) sebagai pandemi global oleh *World Health Organization* (WHO), Indonesia merespon dengan menerbitkan PERPU No. 1 Tahun 2020 tentang Kebijakan Keuangan Negara dan Stabilitas Sistem Keuangan Untuk Penanganan Pandemi COVID-19 Dan/Atau Dalam Rangka Menghadapi Ancaman Yang Membahayakan Perekonomian Nasional Dan/Atau Stabilitas Sistem Keuangan dan PERPU No. 2 Tahun 2020 tentang Perubahan Ketiga Atas Undang-Undang No. 1 Tahun 2015 tentang PERPU No. 1 Tahun 2014 tentang Pemilihan Gubernur, Bupati, dan Walikota Menjadi Undang-Undang. Dengan dikeluarkannya dua PERPU *a quo* oleh Presiden, Penulis ingin mengetahui sejauh mana PERPU yang diterbitkan berkorelasi dengan keadaan pandemi COVID-19 dalam perspektif Hukum Tata Negara Darurat.

Penelitian ini merupakan penelitian normatif yang dilakukan dengan menggunakan data sekunder yang terdiri dari bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Bahan hukum tersebut berupa peraturan perundang-undangan, karya ilmiah, serta buku-buku yang berkaitan dengan penelitian ini. Pengumpulan data dalam penelitian ini dilakukan dengan studi kepustakaan. Data yang diperoleh dari penelitian ini kemudian dianalisis dengan pendekatan kualitatif terhadap data sekunder. Adapun penelitian ini membahas dua pokok permasalahan yakni *pertama*, mekanisme pengaturan PERPU dalam perspektif Hukum Tata Negara Darurat di Indonesia, *kedua*, penerapan pengaturan PERPU di tengah pandemi COVID-19 ditinjau dari perspektif Hukum Tata Negara Darurat.

Berdasarkan hasil pembahasan, dapat ditarik kesimpulan yaitu, *pertama*, Mekanisme pembentukan PERPU dalam perspektif hukum tata negara darurat yaitu, PERPU perlu ditetapkan mengiri atau bersamaan dengan pernyataan keadaan bahaya oleh Presiden. *Kedua*, seharusnya di awal Presiden menetapkan pandemi COVID-19 sebagai sebuah keadaan bahaya sesuai dengan Pasal 12 UUD 1945 Maka jika Presiden menetapkan pandemi COVID-19 sebagai sebuah keadaan bahaya Presiden dapat pula menerbitkan PERPU yang berlandaskan Hukum Tata Negara Darurat (Pasal 12 Jo. Pasal 22 UUD 1945).

**Kata Kunci:** Peraturan Pemerintah Pengganti Undang-Undang, *Corona Virus Disease 2019*, Keadaan Darurat, Hukum Tata Negara Darurat.

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**PROBLEMATIC APPLICATION OF GOVERNMENT REGULATIONS  
IN LIEU OF LAWS IN THE MIDST OF THE CORONA VIRUS DISEASE  
PANDEMIC 2019 IN THE PERSPECTIVE OF EMERGENCY  
CONSTITUTIONAL LAW**

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**ABSTRACT**

After Corona Virus Disease 2019 (COVID-19) was declared as a global pandemic by the World Health Organization (WHO), Indonesia responded by issuing PERPU No. 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the COVID-19 Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability and PERPU No. 2 of 2020 concerning the Third Amendment to Law No. 1 of 2015 concerning PERPU No. 1 of 2014 concerning the Election of Governors, Regents and Mayors into Laws. With the issuance of two PERPU a quo by the President, the author wants to know the extent to which the published PERPU correlates with the state of the COVID-19 pandemic in the perspective of Emergency Constitutional Law.

This research is a normative research conducted using secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. These legal materials are in the form of statutory regulations, scientific papers, and books related to this research. Data collection in this research is carried out by literature study. The data obtained from this study were then analysed using a qualitative approach to secondary data. This research discusses two main issues, first, the PERPU regulatory mechanism in the perspective of Emergency Constitutional Law in Indonesia, second, the implementation of PERPU regulations in the midst of the COVID-19 pandemic from the perspective of Emergency Constitutional Law.

Based on the results of the discussion, it can be concluded that, first, the mechanism for the formation of PERPU in the perspective of emergency state administration law, namely, it is necessary for the PERPU to be set aside or simultaneously with a statement of a state of danger by the President. Second, the President should have established the COVID-19 pandemic as a dangerous situation in accordance with Article 12 of the 1945 Constitution. So, if the President determines the COVID-19 pandemic as a dangerous situation the President can also issue a PERPU based on the Emergency State Administration Law (Article 12 Jo. 22 UUD 1945).

**Keywords:** Government Regulation In lieu of Law/PERPU, *Corona Virus Disease 2019*, Emergency Situation, Emergency Constitutional Law.

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