

Legal Politics DKI Jakarta Government Policies In The Implementation Of Formula-E During The Covid-19 Pandemic

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Abstract. Formula-E organizers are included in the Governor's Instruction Number 49 of 2021 and are made on a regional priority scale. This caused controversy considering that at that time, Indonesia was still hit by COVID-19, and the government was trying to handle the community and carry out economic recovery. The research problem formulation is the legal politics of the DKI Jakarta government's policy in implementing Formula-E during the covid-19 pandemic. The purpose of this research is to determine the interests of the people affected by the implementation of Formula-E, which is used as a regional priority scale in the implementation of Formula-E Instruction Governor (INGUB) Number 49 of 2021. This type of research is descriptive qualitative; namely, it describes research based on theories and legal materials about legal politics and policies made by the government. This study uses a qualitative descriptive method using literacy studies and legislation—techniques in analyzing data using narrative analysis techniques. This study concludes that the administration of government affairs must prioritize the safety of the people first above other interests. The regulations that apply must be under the hierarchy so that the existing regulations do not conflict with higher regulations because the regulations at the lower level must adapt to the regulations at the upper level, namely the 1945 Constitution (UUD 1945) and the Pancasila State Constitution.

Keywords: Legal Politics; Policy; DKI Jakarta; Formula-E; Covid-19 Pandemic

INTRODUCTION

Implementing Formula-E is the beginning of Indonesia's progress to prove that this country can carry out international races. Implementing Formula-E requires a very high cost and long preparation to continue a quality Formula-E race. On the one hand, Indonesia is in a period of economic recovery after being hit by the COVID-19 storm from the end of 2019 to 2022, although it is not as bad as in 2020 to 2021 (Dyer, 2021).

The budget issued in the implementation of Formula-E itself uses DKI APBD funds and gets supervision from the Supreme Audit Agency (BPK). The audit

results from the BPK itself almost touched the figure of 1 trillion rupiah. The details of the budget are a total of 983.31 billion. In 2019 only 360 billion was paid; in 2020, it was worth 200.31 billion, and the bank guaranteed 423 billion. Had reaped the pros and cons when the governor of DKI ordered Dispora (Department of Youth and Sports) to owe Bank DKI a loan of 180 billion (BPK.go.id, 2021)

This, too, reaps reaction from The Jakarta DPRD (Regional Representative Council) parliament, namely the deputy chairman of the DPRD Commission E, which relates to two violations committed by the DKI government,

which are considered to have violated Government Regulation Number 12 of 2019 concerning Regional Financial Management, namely 1) relating to expenditures there must be evidence and documents valid and complete regarding the rights obtained by the collecting party. 2) Violation, i.e., Related to cash disbursements that impact the APBD burden, cannot be carried out before the draft Perda is ratified in the regional gazette (BPK.go.id, 2021).

If you look at the aspect of necessity that the implementation of Formula-E is not included in the criteria for an emergency condition, especially urgent needs when referring to PP Number 12 of 2019, Article 69. So the government has to withdraw the budget worth 560 billion given to Formula E (BPK.go.id, 2021). Unfortunately, the commitment fee that has been paid cannot be withdrawn. The Formula-E Operation (FEO) party explained that the fee that had been paid was as a financial guarantee for PT Jakpro's potential obligations according to the agreed agreement.

The juridical fact that the implementation of Formula-E is regulated in Regional Regulation Number 7 of 2019. This still generates controversy because the implementation of this car racing is carried out moment Indonesia is struggling with all-out efforts to reduce the number of spikes in COVID-19 cases. Regulations made by local governments should be in sync and in synergy

with regulations at the central level. This is to avoid overlapping in a regulation. Since the beginning of 2020, Indonesia has experienced a Covid-19 disaster that has spread to almost all parts of Indonesia. In this case, the central and local governments must work together to deal with and fight COVID-19. President Joko Widodo called on all levels to prioritize public safety. All policies made by the government, both central and regional, must prioritize public safety (Juste, 2020). This can be seen from a series of policies made by the central and regional governments, namely in the context of handling the COVID-19 pandemic. In 2020 the central government issued a PSBB policy (large-scale social restrictions) where this policy is contained in Government Regulation No. 21 of 2020. The policy concerns several things, namely worker activities, educational activities, social activities, trade activities, and citizen mobility. (Setiawan, 2022). The policies in some of these activities aim to reduce the spread of COVID-19 and the risk of Covid-19 itself. Until 2021 the COVID-19 pandemic still hit Indonesian territory. Therefore the DKI Jakarta Government proposed steps to deal with this pandemic problem, namely the policy on PPKM carried out in the Jabodetabek area. The policy regarding PPKM is adjusted to the Instruction of the Governor of DKI Jakarta (INGUB) with the PSBB policy (Yusriyadi, 2020).

The issue regarding the INGUB issue illustrates that the DKI government is divided in its concentration on fixing the problem of the Covid-19 pandemic. In the INGUB issued by Governor Number 49 of 2021 regarding the settlement of regional priority issues in 2021-2022, one of the priorities is the policy on the implementation of Formula-E. This is odd because during this pandemic, the DKI government should focus on dealing with problems that arise due to the COVID-19 pandemic (Arbi, 2021). The number of cases of people exposed to and dying from COVID-19 is a blow for the government to work extra to maintain security and safety for every citizen (Telaumbanua, 2020). However, implementing Formula-E DKI Jakarta is a big question for all citizens. The DKI government has included the implementation of Formula-E as one of the regional priorities in 2022, the reason being for regional economic recovery.

There are very few studies related to Formula-E if we track it through the publish or perish (POP) application namely only two (2) discuss it. Previous research, namely 1) discussing the reporting of Formula-E on the Aiman Kompas TV program, the results of this study highlight report on conflicts between citizens who do not agree with the Formula-E Budget, which swallows the APBD of 1.6 trillion (Safari et al., 2022). In another study, namely Formula-E in the perspective of Islamic *siyasa*, the results showed that the E-formula was by the *siyasa dusturiyah* and

provided benefits to the community (Tanjung, 2021).

So that the research conducted by this author has novelty and deserves to be researched. Because in this study, we will analyze the legal politics of Formula-E policies during the pandemic.

Based on the description of the background of the research above, then the author proposes the formulation of the main problem, which is related to how the legal politics of the DKI Jakarta government in the implementation of Formula-E in a covid-19 pandemic?

RESEARCH METHODS

The research method used a qualitative script, namely a research library of results from the literature of journals, regulations, and news, as the main object. This study analyzed the legal politics of the Formula-E policy. In carrying out qualitative research, it was necessary to the script. The analysis technique used a clear, objective, and critical analytical narrative. There were three stages in the data analysis technique of the Miles and Huberman model. Namely, data reduction was first used to simplify the data so that it could fit the needs and make it easier to get information. The second is data presentation, providing clear, systematic, and organized data using tables or graphs. Third, concluding, namely carrying out the process of concluding so that readers could understand the substance of the article.

The qualitative approach was based on the initial steps for data collection, classification, and the description stage.

DISCUSSION

Legal System and Regulatory Hierarchy

Indonesia is a country that adheres to a legal system based on Pancasila, and Indonesia adheres to a form of government, namely democracy, which means the government of the people, by the people, and for the people. The Pancasila legal system means that in making a regulation, Indonesia must be under deliberation, consensus, and community agreement and in accordance with the Pancasila ideology, which has noble values. (Madung, 2021). Hans Kelsen also explains this in his famous theory of the level of legal norms. Pancasila can be said as a legal norm that "does not exist" or is not real but has a special existence (existence) of its validity. The validity of a norm does not mean the norm is applied and obeyed, but legal norms must be applied and obeyed. This theory is also intended to solve the problem of pure legal theory, which does not provide a place for morality in providing identification of a law (Susanti, Dyah Octorina; Efendi, 2022).

Each hierarchy of applicable regulations must comply with the provisions of Law Number 12 of 2011 with the aim of the Indonesian state in the constitution (UUD 1945). As stated in the opening paragraph-4 of the 1945 Constitution, the Indonesian state's

goals are protecting the community, promoting welfare, educating, and being active in world peace (Susanto, 2021).

When viewed from the hierarchy of regulations, state administrators are divided into the central government and local governments, where the central government in terms of making regulations, applies nationally. In contrast, regulations made by regional governments only apply in autonomous regions according to their position (Harjono, 2020).

Table 1. Hierarchy of Regulations according to Law Number 12 of 2011.

No	Type of Regulation
1	1945 Constitution
2	TAP MPR
3	Law/Perppu
4	Government Regulation/ PP
5	Presidential decree
6	Provincial Regulations
7	Regency/City Regional Regulation

If you look at Table 1, it can be seen that the constitutional mandate should be the government's focus in carrying out a legal policy oriented to welfare and social justice policies. The constitution as the basic law and having its position as the supreme law supremacy should be implemented in full (Pardi, 2019). So if you look at the reality and the facts related to Formula-E from the perspective of the 1945 Constitution, it is not so urgent considering that what is prioritized is the safety of the people. The implementation of Formula-E can be considered to violate Article 28H, which is related to physical and spiritual well-being, housing, environment,

and obtaining health services. Then also, Article 28C specifically related to arts and culture. Concerning art and culture, the fact is that the Formula-E circuit has changed the color of the cultural heritage of the National Monument (Monas), which should be preserved as a historical asset. Utilization of cultural heritage sites for Formula-E race contestation has also betrayed Law Number 11 of 2010 concerning Cultural Conservation which regulates that any use that has the potential to damage the environment must be preceded by an environmental impact study (Katadata.co.id, 2020).

Legal Politics DKI Jakarta Government Policy in Implementing Formula-E During Pandemic

Legal politics is conceptually a line of policy issued by the government using an old legal umbrella or through the latest legal umbrella made by the government ([Kurniawan, 2021](#)). Legal politics is used to implement policies to comply with applicable legal regulations so that it has legitimate legitimacy and is expected not to violate and betray the constitution ([Nurfurqon, 2020](#)).

Based on the Instruction of the Governor (INGUB) of DKI Jakarta Province Number 78 of 2019 regarding the completion of the regional priority scale regarding the implementation of Formula-E, there are three contents, namely;

1. Optimal support from all levels of the DKI Regional Government in the implementation of Formula-E.
2. Cooperation between Regional Owned Enterprises (BUMD) and PT. Jakarta Propertindo.
3. Allocation of DPA, APBD, and RKAP funds.

According to expert, I Gede Pantja Astawa, the decision, in a broad sense, can be divided into three types of classification; ([Anggono, 2018](#)), Wettelijk regelling (hierarchy of laws and regulations). Beleidsregels (policy regulations) include instructions, circulars, announcements, and others. Beschikking (assignment), such as decision and others. If you look at the expert's explanation, the Governor's Instruction (INGUB) of DKI Jakarta Province Number 78 of 2019 is included in the policy regulation.

In 2020 the implementation of Formula-E experienced obstacles. This is because Indonesia is facing the emergence of COVID-19. The COVID-19 pandemic has become an obstacle to implementing Formula-E because it impacts all aspects of life, be it social, economic, or other aspects ([Aeni, 2021](#)). After the stalled implementation of Formula-E activities in Jakarta in 2020. The Provincial Government of DKI Jakarta again issued a policy related to the implementation of Formula-E, namely based on INGUB Number 49 of 2021, based on INGUB, DKI Jakarta

Province instructed the DKI Jakarta Secretary regarding 28 programs that became Regional priority scale, one of which is Formula-E (Nuris, 2021). The 28 programs instructed by the governor of DKI Jakarta did not contain programs that discussed the problem of handling the Covid-19 pandemic. At the same time, the Instruction was issued by the Governor of DKI Jakarta in the midst of the COVID-19 pandemic.

Based on policy theory, the government, in general, in issuing policies must be adjusted to the problems related to the needs and interests of the community (Santi & Iskandar, 2021). The policy issued by the DKI Jakarta government regarding the completion of this regional priority scale is inappropriate because DKI Jakarta is the province with the highest number of COVID-19 cases until June 22, 2022.

Table 2. The top three highest Covid-19 cases in Indonesia (Dimas Choirul, 2022)

No	Province	Coronavirus case
1.	DKI Jakarta	1226 Cases
2.	West Java	292 Cases
3.	Banten	214 Cases

From Table 2. It can be seen that COVID-19 cases are still relatively high in DKI Jakarta. However, COVID-19 cases, in general, have decreased compared to previous years, namely in 2020 and 2021. The DKI government must ensure that the health budget and optimization of vaccinations must run smoothly and that no citizen has not received the vaccine.

Table 3. The poverty rate of DKI Jakarta residents due to covid-19 based on (Central Bureau of Statistics DKI Jakarta, 2019); (Untari, 2022).

No	Poverty rate	Year
1.	372,000	2018
2.	365,550	2019
3.	480,860	2020
4.	501,920	2021

Based on Table 3. It can be seen that the poverty rate is increasing from year to year. The government must have a breakthrough in its budget so that the community feels legal certainty and justice, especially about the citizens' economy.

Table 4. Unemployment Rates for DKI Jakarta residents due to covid-19 (BPS, 2020); (Astyawan, 2021).

No	Unemployment	Year
1.	314,841	2018
2.	320,901	2019
3.	573,000	2020
4.	462,000	2021

Based on Table 4. It can be seen that unemployment in DKI Jakarta is still high. However, the highest number was in 2020. But the government is obliged to provide facilities and facilities for empowering human resources so that they are skilled and have business talent. Of course, by having a sufficient budget in the empowerment sector to pay for professional training services and other facilities.

Looking at the three tables 2 to 4 is certainly very concerning because it is related to the interests of the citizens of DKI Jakarta. The total cost for the Formula-E event itself

has almost reached 1 trillion. Imagine if these costs were earmarked for optimizing people's welfare during the COVID-19 Pandemic.

After the implementation of Formula-E, the Institute for Development of Economics and Finance (Indef) explained that the Formula-E event in Jakarta contributed to the economic impact of Rp. 2.68 trillion to Jakarta. This amount contributed to the impact on DKI Jakarta's GRDP, which was IDR 2,041 trillion, and the direct impact was IDR 597 billion. The economic impact can be seen from the preparation stage to the implementation stage, However, according to Governor Anies Baswedan, the advantages of Formula-E are still in the finalization stage, and when the calculation is complete, the profits will undoubtedly be announced to the public because the budget also uses funds from the public (CNN, 2022).

Judging from Indef's presentation and Governor Anies Baswedan's statement, only a few parties can feel the benefits of Formula-E, but not the lower middle class. Precisely, poor society.

The safety and welfare of the people during the Pandemic is the main thing because the preamble to the 1945 Constitution, it contains the purpose of the state, namely, the state aims to ensure the welfare and security of the community from various threats that endanger the community (Boiliu, 2022). Because safety and welfare are the state's goals in the constitution, this is the main thing during

this COVID-19 Pandemic. However, if viewed from the political side, in addition to the public interest contained in the policy, there is also a political interest in it. In Law Number 23 of 2014 concerning Regional Government, each region must do the following (Mulyono & Suradinata, 2020).

1. Self-initiated, that is, they must be able to formulate and implement their policies.
2. Make your regulations (Perda) and their implementation.
3. Explore your own financial resources.
4. Have a good implementation too personal as well as infrastructure.

To fulfill all of this, especially point number 3, the DKI government in determining the regional priority scale for 2021-2022 in the INGUB policy Number 49 of 2021, where the organizer of Formula-E is a regional priority scale with the intention that during this Pandemic it is hoped that the organizers of this Formula-E can provide a significant advantage for restoring the economy in the DKI Jakarta area which the COVID-19 Pandemic damaged. The principles of regional autonomy are also explained, namely responsible autonomy (Christina & Muttaqin, 2020). It means that, in this case, the local government has the responsibility to empower the region and improve the welfare of the people to realize the national goals in full. So because there are provisions contained in Law No. 23 of 2014 concerning regional government as well as in the principles of regional autonomy

above, it puts the burden of political responsibility on the DKI Jakarta government to restore the economy damaged by the COVID-19 Pandemic.

However, in terms of restoring the regional economy, the regional government of DKI Jakarta Province must consider the costs that must be prepared to organize Formula-E in addition to the costs as well as the readiness of the place and time for the implementation of Formula-E. The local government of DKI Jakarta must really think about whether this implementation can really provide significant benefits to restore the economy of DKI Jakarta after the Pandemic because, during this Pandemic, the main concern besides the community's economy is Health, where local governments also have a responsibility to improve public services in each region, especially during this Pandemic, health services. The fundamental right to Health has been stated in the Universal Declaration of Human Rights (UDHR), especially article 25, which explains that the community has the right to a good standard of living for the Health and well-being of individuals and families. (Komnas HAM, 2021). In the concept of regional autonomy, the regional government must also increase the effectiveness of regional services (MZ Arifin, 2019). Therefore, the government, in this case, should be able to make more relevant policies to restore the economy of DKI Jakarta in addition to implementing Formula E.

There are still many things that must be prepared if the DKI Province. Jakarta host a Formula-E event. Currently, the government's focus should be on vaccination, where vaccination is a public interest that must be met to provide health insurance for every citizen. In the condition of the covid-19 Pandemic, the most important thing is the community's interest in avoiding the dangers of the covid-19 virus because life safety is the most important thing in a country's goals.

The Mayor of East Jakarta explained that the third dose of COVID-19 or booster vaccination in East Jakarta was still low, at below 60 percent. This is still far from ideal, which is 90 percent (Achmad, 2022).

The right to safety of citizens is a human right stated in Article 3 of the Universal Declaration of Human Rights (UDHR), which reads that everyone has the right to life, freedom, and safety (R. Arifin & Lestari, 2019). Therefore, related to this pandemic period, it is the right of citizens to safety from the dangers of Covid-19. In formulating a policy during this Pandemic, the central and regional governments must really think about the safety of the soul of every citizen.

CONCLUSION

The formula-E policy implemented by the DKI Jakarta government in Century the covid-19 Pandemic is not that urgent to be implemented, especially using a budget of almost 1 trillion rupiah. This is not by the legal

system and regulatory hierarchy, namely that Pancasila and the 1945 Constitution must guide every policy. The government must prioritize the interests of the community, be it issues of welfare, security, safety, economy, and Health, which is urgently needed to be given to the community. During the COVID-19 Pandemic, the government must be wise to make a policy related to economic improvement and must put aside political interests. The community has high hopes for people who occupy positions at the central and regional levels to guarantee everything the community needs. This is the government's responsibility in CenturyThis pandemic to ensure citizens' safety from the dangers of Covid-19.

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