

Abuse of Power by Government Applications on Government Policies During the Covid-19 Pandemic in Indonesia

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Abstract: In a democratic country, government power is obtained from the consent of the people, that the people are sovereign and give legitimacy to the power they want. The principle of popular sovereignty states that no individual, group of people or an elite has the right to determine and impose (demand with threats) how others should obey. Indonesia, which is led by a president and assisted by ministers, must be able to use the power and authority it has properly and responsibly. In government policies, there are moral rights and obligations of individuals aimed at the welfare of the wider community. Apparatus who have good morals will produce and implement policies with an orientation to the public interest. However, there are still government officials, including the Minister of the Second Advanced Indonesian Cabinet, who are considered to have abused their power with corruption that is not in accordance with legal, social, religious and humanitarian norms, even during the limited period due to the prolonged Covid-19 pandemic. That power can influence the actions of a government official towards policies that should be carried out properly, as well as the level of awareness of the individual if the power he has belongs to the people, not private property for the benefit of individuals or an elite group, so that public trust in the government can be well maintained.

Keywords: Power, government apparatus, Covid-19 policies, and corruption.

I. INTRODUCTION

Talking about power is not limited to a small scope (individual), the power that is owned always adjusts to the potential where the environment is located, power can grow, strengthen, it can also decrease, weaken or even disappear, the source of which can come from the economy, expertise, knowledge intelligence, family ties, charismatic, position/position, experience, appointment, coercion, socio-political capital and so on. Power can include the capacity of individuals, groups of individuals and/or groups, countries to between countries or nations. Sometimes every individual feels they have power, but the question arises of how and to whom that power can be used, this is defined differently by each individual. Max Weber, defines power as an ability to make other people accept and do what we want, even though it may be disapproved or even opposed (Budiardjo, 2007)¹.

¹ Budiardjo, P. M. (2007). *Dasar-Dasar Ilmu Politik* (Revisi, 20). PT. Gramedia Pustaka Utama.

Power is like an invisible force that can control and its influence can be even greater if its existence is recognized.

Power is closely related to the political realm, more than that it permeates every joint of the government of a country. The link between power and politics is mentioned by Karl Marx as a traditional political concept which calls politics as a state apparatus which refers to the power of an organized class to suppress or oppress others which ultimately gives rise to class theory (Heywood, 2015)². The meaning of power is often debated because the nature of power is always dynamic and can affect the existence of individuals around it. However, power in the form of the state is more clearly understood and realized when it comes to individual interests as citizens, that the state is the party that regulates its people to achieve prosperity as the state's goal. Max Weber argues that the state is a human community that has succeeded in claiming a monopoly on the legitimate use of physical force within a certain area (Faulks, 2007)³. In line with Talcot Parsons' Zero-Sum Power Concept, which states that the essence of power is the possibility to impose one's will on the behavior of others. In this context, all parties will benefit from the exercise of power, as long as the power has legitimacy (Triantini, 2019)⁴. It can be said that the state is an institution of legitimate power in which there are apparatuses that are organized and carry out government functions by regulating their people to achieve the state's goals in the form of welfare.

State power requires legitimacy. Legitimacy is the relationship between the leader and the led. The state that is given legitimacy by its people has more power in regulating and carrying out its functions for the sustainability and fulfillment of the needs of its people. The concept of legitimacy is related to people's attitudes towards state authority. This means that society accepts and recognizes the moral rights of leaders to create, govern, and exercise a power

² Heywood, A. (2015). *Political Theory - An Introduction*. In *Macmillan International Higher Education, Red Globe Press* (4th ed.).

³ Faulks, K. (2007). *Political Sociology - A Critical Introduction*. In *Edinburgh University Press*. <https://doi.org/10.4135/9781473957947.n1>

⁴ Triantini, Z. E. (2019). *Meta Konsep Kekuasaan dan Demokrasi Dalam Kajian Teori Politik*. *Politea: Jurnal Kajian Politik Islam*, 2(2), 1–18. <https://doi.org/10.20414/politea.v2i2.1478>

that binds society (Sj, n.d.)⁵. Democratic legitimacy bases its authority on the will of the people. This is rational and moral, because it is the people who are governed, then the source of power must be from the people and the responsibility for that power is also addressed to the people and the duty of the state is to guarantee the happiness of the people.

The results of the struggle and a long historical process have made Indonesia a country with a democratic system in which the power of the state or government is held by the people. However, the existing power is delegated to a group of people's representatives who are believed to be able to bring prosperity and goodness fairly. That the people who are led have the right to determine who will lead them and in what way they want to be led, so that later the people will obey all the regulations or policies set by the state apparatus if the leadership is in accordance with the will of the people, and vice versa, if conditions worsen, the people will also who has the sovereignty to replace their representatives in the government.

The Indonesian state through its government has been given legitimacy of power by the people, that the legitimacy of the people is an absolute matter of its power, but the power that is incarnated in every government action, at least must be based on legal norms, morals, and justice. Steven Lukes, formulates power in three ways, namely power in decision-making, power in non-decision-making, and ideological power (Lukes, 2005)⁶. The president with his government apparatus can be said to be an elite group that holds power, the authority that has been given by the people, because it can make, formulate, and produce a decision or policy that can force the people to obey and implement it. Therefore, the power and authority possessed must be realized not for the personal interests of the power holder. According to Downie, one of the tasks of the state is to support, or directly provide, various services for people's lives in the social, economic and cultural fields. So that all members of society can at least live free from poverty and excessive economic dependence (Sj, n.d.)⁷.

The government, led by a president, forms a group of people (ministers) and a set of other apparatus, to regulate the people through decisions, regulations, and policies on behalf of the government in all areas of state life. There are at least two approaches used in the operationalization of policies for problems in society, namely business as usual and crisis. Both approaches are based on the premise that humans basically always face two different situations, namely normal situations and crisis situations (Alfirdaus & Yuwono, 2020)⁸. Therefore, in every decision taken by the government, the government

actually tries to issue policies that are pro-people, good, whose purpose, time, involvement, as well as aspects of resources and funds prioritize the lives of many people for the welfare and public interest of the people, both in terms of normal situations as well as in crisis situations.

The behavior of the government which is reflected in all its policy actions is also related to the morality of each individual and group as the holder of authority. Morality or morality is the good or bad attitude or behavior possessed by a person. Legitimacy contains morality. Both government officials and citizens, morality is not just a formality of how to be a good citizen, but how to become a legitimate individual both in his responsibilities when dealing with the interests of the state, as well as when carrying out his duties and obligations as part of the state apparatus, so that state power can directed in producing policies that are increasingly in line with the demands of the community. Moral legitimacy can be a sign of the existence of society with moral rights that give some power to a person or group of people to be owned and used (Sj, n.d.)⁹. In carrying out government functions in the form of services and development, the government must produce good public policies, so that the basic needs of the community can be met.

A state controlled by the government is expected to have good morals in carrying out its legitimate function, so that it does not abuse its authority, and focuses on the needs of its people. Individuals who have low morale will behave differently, deviate, and tend to make decisions based on what they want and do not obey the rules and obligations that should be fulfilled. Meanwhile, individuals who have a high/good moral level will be able to prevent fraud because the individual will obey the rules in accordance with good ethical principles, and vice versa (Sj, n.d.)¹⁰.

In formulating a policy, the government considers all aspects, benefits and constraints of the birth of the policy. Policy is the result of the interaction between power and interest which is usually in the form of legislation (Sumartono, 2018)¹¹. From the birth of a policy, it will reflect how to handle problems, and all actions on behalf of the state government, can be interpreted as moral values resulting from an agreement between the government and citizens to be carried out in the power-sharing process. In addition to being based on law, good policies pay attention to the real conditions of society, therefore moral considerations are also an important instrument in formulating policies. Moral considerations in power lead to restrictions on how individuals should exercise authority through the power given, including what is appropriate and inappropriate for a government official to do. If the power is born because of a legal statement that has binding power, then in this case the legal statement requires

⁵ Sj, D. F. M. S. (n.d.). Etika Politik – Prinsip-prinsip Moral Dasar Kenegaraan Modern. *Jurnal Lingkar Widayaiswara*, 5(2), p.7-26.

⁶ Lukes, S. (2005). *Power - A Radical View* (2nd ed.). Palgrave Macmillan.

⁷ Sj, D. F. M. S. (n.d.). Etika Politik – Prinsip-prinsip Moral Dasar Kenegaraan Modern. *Jurnal Lingkar Widayaiswara*, 5(2), p.7-26.

⁸ Alfirdaus, L. K., & Yuwono, T. (2020). Pandemi Covid-19 dan Pendekatan Kebijakan Multikrisis: Sebuah Refleksi Teoritis. *JiIP: Jurnal Ilmiah Ilmu Pemerintahan*, 5(2), 206–216. <https://doi.org/10.14710/jiip.v5i2.8699>

⁹ Sj, D. F. M. S. (n.d.). Etika Politik – Prinsip-prinsip Moral Dasar Kenegaraan Modern. *Jurnal Lingkar Widayaiswara*, 5(2), p.7-26.

¹⁰ *Ibid*

¹¹ Sumartono. (2018). Budaya Politik Dalam Masyarakat Pragmatis. *LUGAS Jurnal Komunikasi*, 2(1), 20–26. <https://doi.org/10.31334/jl.v2i1.119>

morals. The consequences of wrong policies will cause chaos in the community, problems will arise, there will be no benefit and in the end there will be a crisis of trust from the legitimacy giver to the government.

The Covid-19 pandemic, which has hit almost all aspects of the country's life, not only in Indonesia but also in all countries in the world, has caused difficulties in several sectors of people's livelihoods, especially for people below the poverty line. The community must be able to survive in the face of limited conditions imposed by the government to prevent the spread of the virus. On the one hand, the government must find ways to handle and recover from the long-lasting impact of the Covid-19 pandemic by making efforts that can ease the burden on people's lives through various policies in crisis conditions, but on the other hand there are still unscrupulous officials from the public. The government is taking advantage of government policies and committing acts of corruption in the handling of Covid-19 aid funds for affected communities, for personal interests, so that the assistance that should be received by the community properly is not optimal. The author would like to explain the act of abuse of power that occurred in the government of the Second Advanced Indonesia Cabinet, which was carried out by a state minister during the Covid-19 pandemic.

II. METHOD RESEARCH

This paper is based on qualitative research that produces descriptive data in the form of the actions of one of the Ministers of the Second Indonesian Advanced Cabinet who abused the power of the Covid-19 pandemic handling policy issued by the government, and was inductive (based on facts on the ground).

The author describes a symptom, event, or event that is becoming the center of attention in society in the mid-2021 - early 2022 period. The variables studied in this study are plural variables, namely power, policy, and morality.

Research Question

1. How can the legitimate power of the people influence acts of abuse of power against policies issued by the government during the Covid-19 pandemic in Indonesia?

III. RESULTS AND ANALYSIS

Democracy and the rule of law are two mechanisms of power in running the wheels of government in Indonesia. On the one hand, democracy provides the foundation for a state, that power is based on the principles of freedom, equality and justice, on the other hand the rule of law provides guidelines that those who govern in the state are not humans, but agreed laws (Sj, n.d.)¹². Indonesia, which is led by a president as the holder of the highest power in running the government as well as the head of state, has a series of powers in the form of authority, legal regulations, prerogatives and others that are

used to regulate its ministers. Based on Law No. 39 of 2008 states that the task of the ministry is to carry out certain affairs to assist the president in administering the state government. This means that the president distributes the power he has to the ministers to regulate a number of jobs and fields that are based on law to be carried out so that the interests of the people are fulfilled.

The Advanced Indonesia Cabinet, led by President Jokowi, consists of 4 coordinating ministers and 30 specific sector ministers, who are mandated by law to work seriously in making policies, finding solutions to problems, and creating increased welfare for the benefit of the people. The second period of his reign, faced with an unexpected world-scale disaster that changed all aspects of life in the country and had to adapt to the threats and challenges of Covid-19. As are other countries that have been affected by the Covid-19 pandemic for approximately 2 (two) years since March 2020 and have paralyzed various economic sectors, and the lives of the wider community.

Conditions that have been alarming due to the impact of Covid-19 have actually been exacerbated by the actions of one of the cabinet ministers who took deviant actions, took advantage of government policies without looking at the condition of the people, even carried out acts of corruption that were very detrimental to the country and hurt the hearts of the poor affected by Covid-19, because The condition of the community, especially the lower middle class, has not yet risen after facing the Covid-19 attack which directly paralyzed the economic and health sectors. Many people have lost their jobs because they were dismissed unilaterally by the company due to the very strict and long-term implementation of Community Activity Restrictions (PPKM), countless companies or small businesses were forced to close and/or go bankrupt due to no income, many people died including the bones. family, even almost all levels of society spend a lot of expenses just to survive the threat of Covid-19.

The government that holds, controls, and distributes legitimate power from the people according to legal regulations and/or what they want to the lower levels. The use of power owned by the state apparatus must be realized by the moral obligation that decisions or policies are not intended for personal or group interests. However, what is seen at this time is that not all government officials have good morality, wise moral awareness, so that there are still government officials who hold power acting outside the legal and moral order, such as committing criminal acts of corruption in social assistance funds for the people, which has implications for on a performance that is far from people's expectations. The following are cases of abuse of power and authority by one of the cabinet ministers, namely:

Covid-19 Social Assistance Fund Case

According to data from the Ministry of Social Affairs, in 2020 the Ministry of Finance has issued a budget allocation for social assistance programs to handle the Covid-19 pandemic

¹² Sj, D. F. M. S. (n.d.). Etika Politik – Prinsip-prinsip Moral Dasar Kenegaraan Modern. *Jurnal Lingkar Widyaiswara*, 5(2), p.7-26.

in Indonesia which reached 127.20 trillion rupiah and then in 2021 reallocated the budget of 408.8 trillion rupiah (Arrassy et al., 2021)¹³. The policy of providing social assistance is one of the government's efforts in dealing with the Covid-19 pandemic for the poor. This policy can be said to be one of the implementations of handling Covid-19 as stated in (Presidential Regulation Number 82 of 2020, 2020)¹⁴ concerning Handling of Corona Virus Disease 2019 and the National Economic Recovery Committee (PEN). The purpose of the allocation of the government's budget to the people affected by Covid-19 is to ease the burden on people's lives during the pandemic, so that people can survive in conditions of limited activities implemented by the government.

A very large budget amount will be very meaningful if the budget reaches people who are really affected by the Covid-19 pandemic. However, the fact that happened is that the government's policy was actually misused by a legitimate person of people's power by abusing power that was contrary to legal norms and a sense of humanity. The Minister of Social Affairs, Juliari Peter Batubara, committed a corruption act in the procurement of social assistance (bansos funds) in the form of basic food packages in the amount of 5.9 trillion rupiah, in collaboration with suppliers. The minister directly appointed the tender winner and determined the contents of the basic food package (bansos) and then the tender winner was asked to submit a minimum fee of 10% for one basic food package to Minister Juliari. The Corruption Eradication Commission (KPK) estimates that the former minister made a profit of 17 billion rupiah and used it for personal purposes (Arrassy et al., 2021)¹⁵.

Corruption is often associated with politics because usually people who have power, authority, high positions, can and dare to do it (Sj, n.d.)¹⁶. Indonesia Corruption Watch (ICW) stated that the data for the first six months in 2021 experienced an increase in corruption cases, and state losses due to corruption cases reached Rp.26.83 trillion (Arrassy et al., 2021)¹⁷, which indirectly explained that although in the conditions of the Covid-19 pandemic, there are still many government officials who are looking for opportunities to gain personal gain over the suffering of the people.

In general, corruption that occurs in the distribution of social assistance funds, namely the quota of recipients is reduced and even the social assistance is not accepted by the people who are the target of the activity. Officials make a list of recipients of fictitious social assistance, there are no recipients, but the funds are still used. Even though there is already a National Recovery and Covid-19 Handling

Transformation Committee consisting of the Policy Committee, the Covid-19 Handling Task Force, and the National Economic Recovery and Transformation Task Force and is under and responsible to the president, abuse still occurs. the power and authority that takes advantage of the momentum of the pandemic which is actually carried out by a state minister.

The action of the former minister, not only tarnished his personal reputation, but also added to the bad image of government officials who have been entangled in many similar cases. In addition, the abuse of authority as a minister has violated applicable legal norms, and has hurt the conscience of the people who are being afflicted with life difficulties due to the virus pandemic. The policy issued by the government to ease the burden on the community affected by Covid-19 is misused for personal gain, which should strive to create public welfare. This means that there is no good moral obligation from the perpetrators to carry out their duties to serve the people, even though high incomes and all kinds of office facilities have been given by the state which actually come from the people.

As a result of his actions, the Corruption Court (Tipikor) sentenced former Social Minister Juliari Peter Batubara to 12 years in prison and a fine of 500 million rupiah with a subsidiary six months in prison. The former PDI-P politician was judged by the judge to be legally proven and guilty of corruption by accepting bribes of more than 32 billion rupiah from partners providing social assistance (bansos) at the Ministry of Social Affairs. The judge also sentenced the former social minister to pay compensation of 14,597,450,000 rupiah, subsidiary to 2 years in prison and revocation of political rights in the form of being elected to public office for 4 years after serving the main sentence. Former Minister Juliari is considered to have violated Article 12 letter (b) in conjunction with Article 18 of the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended in Law Number 20 of 2001 on the Crime of Corruption in conjunction with Article 55 paragraph (1) of the 1st Criminal Code in conjunction with Article 64 Paragraph (1) of the Criminal Code (BBC, 2021)¹⁸.

IV. CONCLUSION

No matter how great the power, it is always required to be held accountable. Therefore, power is exercised in accordance with applicable law (legality), democratically ratified (democratic legitimacy) and does not conflict with basic moral principles (moral legitimacy) (Sj, n.d.). The corruption case of the Covid-19 pandemic social assistance fund, which was carried out by irresponsible government officials, had a detrimental impact on society and the economy in Indonesia. So, the state should emerge as a firm party in taking action

¹³ Arrassy, E., Lembayung, K., & Padmadevi, V. (2021). *Kasus Bantuan Sosial Covid-19 oleh Eks Menteri Sosial Juliari Batubara* (p. 1). Republika.co.id. <https://www.republika.co.id/berita/r3wnnx440/kasus-bantuan-sosial-covid19-oleh-eks-menteri-sosial-juliari-batubara>

¹⁴ Peraturan Presiden Nomor 82 Tahun 2020, 1 (2020).

¹⁵ *Ibid*

¹⁶ Sj, D. F. M. S. (n.d.). *Etika Politik – Prinsip-prinsip Moral Dasar Kenegaraan Modern*. *Jurnal Lingkar Widayaiswara*, 5(2), p.7-26.

¹⁷ *Ibid*

¹⁸ BBC. (2021). *Juliari Batubara divonis 12 tahun penjara, korban masak bantuan tak layak - 'Terpaksa kami olah, karena itu yang kami dapatkan'*. BBC News Indonesia. <https://www.bbc.com/indonesia/indonesia-58301733>

against law violators, and the government should be transformed as a party that is respected and respected by its people because of its performance in the order of appropriate norms.

Not all ministers' performance can be said to be bad, but as assistants to the president, ministers should focus more on their respective duties and not abuse power for personal or group interests. The Minister and all government officials must be responsible for the legitimate power that has been given by the people by reflecting good morality, not considering himself as a powerful individual who can be arbitrary according to his personal judgment. Possession of legitimate power is not necessarily free (in terms of words and actions) to convey the decisions or policies that will be determined, but it is also necessary to consider the problems that will arise from its implementation. Therefore, the ministers who are responsible to the president must be consciously responsible to the people in exercising the legitimacy of power based on good morality in all the actions and decisions they take.

Supervision, firm policies, and good coordination are needed from government agencies in monitoring the performance of their apparatus through the Covid-19 social assistance regulation process and in other fields in Indonesia. The government must prepare guidelines for the implementation of the distribution of aid to the community and determine the parties and parties who are the targets for receiving the Covid-19 social assistance. The background and recruitment of government officials also need to be considered, because it will affect the performance, decisions, and policies that will be taken. The orientation of power will affect the policies set. If the ruling elite is the corporate elite, then the ones who lead

are the investors who need the state in order to increase and secure the accumulation of business capital for the long term, both for personal and group interests, not for the welfare of the people who legitimize power.

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