

## CHANGES TO THE REGIONAL MEDIUM-TERM DEVELOPMENT PLAN DURING THE COVID-19 PANDEMIC PERIOD IN THE LEGAL PERSPECTIVE OF REGIONAL GOVERNMENT

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### **Abstract**

*Provincial governments, regencies, and cities must prepare development plans for their administration. However, there is a central problem, namely the COVID-19 pandemic since March 2020, which has dramatically affected the national economy. This study aims to determine the arrangements for changing the Regional Medium-Term Development Plan (RPJMD) during the COVID-19 pandemic and the changes that must be made or become a priority in preparing the RPJMD Changes. The research method used is normative juridical. Changes to the RPJMD during the COVID-19 pandemic have a legal basis. First, local governments have the authority, through local regulations, to amend the RPJMD. Second, rules related to Law No. 23 of 2014, Government Regulation No. 8 of 2008, Presidential Regulation No. 18 of 2020, Minister of Home Affairs Regulation No. 86 of 2017 allows the RPJMD to be changed based on a fundamental change in national policy and the existence of a non-natural national disaster. Third, in making changes to the RPJMD according to Government Regulation No. 86 of 2017 and Minister of Home Affairs Regulation No. 70 of 2019. In preparing changes to the RPJMD, the local government must pay attention to the philosophical basis, namely that Indonesia has a national philosophy, namely Pancasila. Then, the sociological basis for changing the RPJMD is the community's involvement in a policy formulation process, which is a concrete manifestation of the application of modern democratization values.*

**Keywords:** Regional Government, RPJMD, Pandemic Covid-19.

### **Introduction**

Law Number 25 of 2004 concerning the National Development Planning System and Law Number 23 of 2014 concerning Regional Government stipulate that Provincial, Regency/City Regional Governments, in the framework of administering

their administration, must prepare development plans. The regional development planning is prepared in a timely manner including: (a) Regional Long Term Development Plan (RPJPD); (b) Regional Medium Term Development Plan (RPJMD) and (c) Regional Government Work Plan (RKPD).

The main unexpected problem is the occurrence of the Covid-19 pandemic since March 2020 until now, this matter has greatly affected the stability of the national economy. According to the Head of the Ministry of Finance's Fiscal Policy Agency, the government revised economic growth in 2020 in the range of 2.3% and minus 0.4%. Then Indonesia is facing a difficult period with a level of uncertainty that cannot be predicted with certainty, the global and national economy is certain to slow down significantly.<sup>1</sup>

The Indonesian government itself had just completed the preparation of the 2020-2024 Medium Term Development Plan (RPJMN) when the co-19 pandemic began to spread throughout the world. The RPJMN was stipulated by carrying out the vision "The Realization of an Advanced Indonesia that is Sovereign, Independent, and Has a Personality Based on Mutual Cooperation". In the 2020-2024 RPJMN there are 7 development agendas, 42 strategic priority projects. Furthermore, there are 3 development policies that become an integrated strategy. First, accelerate regional development according to the principles of sustainable development. Second, development of policies and implementation of affirmative development to accelerate the development of underdeveloped areas. Third, integrated village development.<sup>2</sup>

Global and national problems certainly have a significant impact on the region, as part of the Indonesian state. The achievement of economic growth in 2019, for example, is that the development performance of the Bangkalan Regency Government is still below the target, and only managed to achieve economic growth

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<sup>1</sup> Muhyiddin, Covid-19, *New Normal* dan Perencanaan Pembangunan Indonesia, *The Indonesia Journal of Development Planning* Volume 4 No. 2 (2020), 245.

<sup>2</sup> Muhyidin, *New Normal* dan Perencanaan Pembangunan Indonesia 249.

of 1.03%.<sup>3</sup> In addition, the global and national economic crisis due to the impact of the Covid-19 pandemic will certainly affect the achievement of regional economic growth in 2020, and can experience negative growth or contraction. For this reason, with all the existing considerations, it is necessary to review and adjust the regional development planning targets for 2021-2023.

Due to fundamental changes in national and provincial planning as well as the COVID-19 pandemic, there is a need for alignment and synchronization between the RPJMN, Provincial RPJMD and Regency/City RPJMD in order to achieve holistic and well-planned national development. Therefore, it is necessary to make changes in the RPJMD of several regions. This fulfills the requirements stipulated in the Minister of Home Affairs Regulation Number 86 of 2017, in Article 342 paragraph (1) of the Permendagri, states "Changes to the RPJPD and RPJMD can be made if: a) The results of control and evaluation show that the formulation process is not in accordance with the stages and procedures for preparing Regional Development Plans as regulated in this Ministerial Regulation; b) The results of control and evaluation show that the substance formulated is not in accordance with this Ministerial Regulation; and c) There has been a fundamental change". In paragraph (3) "Basic changes as referred to in paragraph (1) letter c, include the occurrence of natural disasters, political shocks, economic crises, socio-cultural conflicts, security disturbances, expansion of regions, or changes in national policy".

Several regions have carried out planning or drafting changes to the RPJMD, including the DKI Jakarta Province, with one of the reasons being adjusting the strategy for a post-pandemic city vision.<sup>4</sup> Furthermore, for the Province of Bali, the fundamental reason is that there is an inconsistency between planning and the realization of the results of regional development as a result of the emergence of the natural disaster of the Covid-19 pandemic, which has affected the performance of

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<sup>3</sup> BPS Kabupaten Bangkalan, 2020.

<sup>4</sup> Editor, "development planning meetings (musrenmabang) for changes to the DKI Jakarta Provincial RPJMD 2017-2022. <https://bappeda.jakarta.go.id/front/read/402> (accessed March 1, 2021).

the implementation of government affairs for the province of Bali.<sup>5</sup> The following reason is a change in national policy regarding issuing Presidential Regulation Number 18 of 2020 concerning the RPJMN. Then, the City of Cirebon changed the RPJMD for the same reason: adjustments to deal with the COVID-19 pandemic and its impact on Education, Health and the economy.<sup>6</sup> Furthermore, West Kalimantan Province also made changes to the RPJMD on the grounds of the COVID-19 pandemic and conditions of economic growth.<sup>7</sup>

## Methods

This research is a scientific activity that seeks to obtain a solution to a problem related to changes to the RPJMD. Therefore, a scientifically justifiable research method is needed through systematic disclosure of the truth and constructive analysis of the data/material collected and processed. On this basis, this study has several elements of the research method framework.

This research type is normative juridical research conducted to find solutions to existing legal problems. The result of this research is to describe what the problem posed should be. In the view of Peter Mahmud Marzuki, legal research is a process of finding legal rules, principles, and doctrines to answer the legal issues at hand.<sup>8</sup>

The problem approaches used in this research are the statutory and conceptual approaches. The statutory approach (statute approach) is made to

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<sup>5</sup> Dewa Rai Anom pranata public relations, "this is the fundamental reason for implementing the Changes to the RPJMD in the Province of Bali" <https://bappeda.baliprov.go.id/2021/02/10/ini-alasan-mendasar-dilaksanakannya-change-rpjmd-provinsi-bali/> (accessed March 1, 2021).

<sup>6</sup> Public Relations of DPRD Cirebon City, "City Government Conveys RPJMD Changes to DPRD to Overcome the Impact of the Pandemic". <http://dprd.cirebonkota.go.id/2021/01/22/pemkot-s-delivered-changing-rpjmd-ke-dprd-untuk-atasi-dampak-pandemi/> (accessed March 1, 2021).

<sup>7</sup> Diah Bayurini, 2020, "Governor of West Kalimantan: Changes to the RPJMD due to pandemic conditions and economic growth". <https://kalbarprov.go.id/berita/gubernur-kalbar-change-rpjmd-dikarenakan-condition-pandemi-dan-permbuhan-ekonomi.html> (accessed March 1, 2021).

<sup>8</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana Prenada Media Group, Jakarta, 2010), 35.

various legal rules relating to the problems in this study.<sup>9</sup> While the conceptual approach (conceptual approach) is used to examine and analyze the framework or conceptual framework as well as theoretical foundations in accordance with the objectives of this study. The problem in this context is the change in the RPJMD during the Covid-19 pandemic.

Types and sources of data, which will be the basis for analysis in this study according to the type of research is secondary data. The secondary data referred to in this study are data obtained from library materials. This secondary data consists of three legal materials, namely Primary legal materials obtained from several laws and regulations related to problems in research, secondary legal materials providing explanations regarding primary legal materials originating from several literature on the problems of changing the RPJMD. Tertiary legal materials provide explanations and instructions for primary legal materials and secondary legal materials which can come from legal dictionaries, encyclopedias and so on.<sup>10</sup>

The method of data analysis in this study is as follows: Primary legal materials in the form of laws and regulations are collected by inventory and categorization methods. Secondary legal material is collected using a record card system, both with summary cards, citation cards (used to contain notes on the subject matter); and review cards (containing analysis and author-specific notes). Primary legal materials and secondary legal materials that have been collected (inventory) are then grouped and studied with statutory and conceptual approaches to obtain an overview of the synchronization of all legal materials. Furthermore, systematization and classification are carried out and then reviewed and compared with the theories and legal principles put forward by experts, to be analyzed normatively.

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<sup>9</sup> Peter Mahmud Marzuki, 93.

<sup>10</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI Press, 1984) 12-13.

## **Discussion**

### **Arrangements for Amending the RPJMD during the Covid-19 Pandemic.**

#### **1. Constitutional Basis**

Article 18 of the 1945 Constitution of the Republic of Indonesia is the constitutional basis for the local government system in Indonesia. Based on Article 18 of the 1945 Constitution, that the Unitary State of the Republic of Indonesia is divided into provinces and provincial regions are divided into regencies and cities, each level of government regulates and manages its own government affairs according to the principles of autonomy and co-administration. The principle of autonomy or decentralization is defined as the transfer of affairs from the central government to the regions to become their household affairs.<sup>11</sup>The aim is to prevent the concentration of power, finance and government democratization, as well as to involve the people in being responsible for the administration of governance in the regions.

Then, what is related to the planned regional regulation regarding changes to the RPJMD of a region is contained in Chapter VI of the 1945 Constitution of the Republic of Indonesia concerning Regional Government. In Article 18 paragraph (5) "the regional government carries out the widest possible autonomy, except for government affairs which are determined by law as the affairs of the central government". Furthermore, Article 18 paragraph (6) states that the Regional Government has the right to stipulate regional regulations and other regulations to carry out autonomy and co-administration tasks.

Based on Article 18 paragraph (6) of the 1945 Constitution, the original character of regional regulations is as regulations in the context of carrying out autonomy and assistance tasks. However, because in a unitary state system, that there is only one national legal system, and local government is a sub-system of

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<sup>11</sup> Agusalim Andi Gadjong, *Pemerintahan Daerah Kajian Politik dan Hukum*, (Bogor: Ghalia Indonesia 2007), 86.

central government, the other character of regional regulations is as an elaboration of higher statutory provisions.

## **2. Juridical basis**

Based on Law Number 24 of 2005 concerning the national development planning system, the RPJMD is regulated in several articles, one of which is Article 5 paragraph (2) which states: The Regional RPJM is an elaboration of the vision, mission and programs of the Regional Head whose preparation is guided by The Regional RPJP and taking into account the National RPJM, contains the direction of Regional financial policies, Regional development strategies, general policies, and programs of Regional Work Units, cross Regional Work Units, and regional programs accompanied by work plans within the regulatory framework and funding frameworks that are indicative.

Based on this article, it is explained that the RPJMD contains the elaboration of the vision and mission and programs of regional heads whose preparation is guided by the Regional RPJP and takes into account the National RPJM. Therefore, the Raperda for amending the RPJMD must be guided by the Provincial RPJPD, Provincial RPJMD, Regency/city RPJPD and RTRW, and pay attention to the National RPJM.

Based on Law No. 23 of 2014, Article 260 states that; "(1) Regions in accordance with their authority formulate regional development plans as a unit in the national development planning system". Regional development plans as referred to in paragraph (1) are coordinated, synergized, and harmonized by Regional Apparatuses in charge of Regional development planning. Furthermore, in Article 263 paragraph (1) it is stated regarding various regional planning documents, namely: "Regional development planning documents consist of: a. RPJPD; b. RPJMD; and c. RKPD". Paragraph (2) "The RPJPD as referred to in paragraph (1) letter a is an elaboration of the vision, mission, policy direction, and main targets of long-term Regional development for 20 (twenty) years which are prepared by referring to the RPJPN and Regional Spatial Plans ". Paragraph (3)

"RPJMD as referred to in paragraph (1) letter b is an elaboration of the regional head's vision, mission and program which contains objectives, targets, strategies, policy direction, regional development and regional finance, as well as programs of regional and cross-departmental apparatus. The regions are accompanied by an indicative funding framework for a period of 5 (five) years which is prepared according to the RPJPD and RPJMN".

Reference to changes to development planning documents as an effort to adjust to changes in the internal and external environment, as stipulated in Article 264 as follows: "(1) RPJPD and RPJMD as referred to in Article 263 paragraph (1) letters a and b are stipulated by a Regional Regulation. (2) RKPD as referred to in Article 263 paragraph (1) letter c shall be stipulated by Perkada. (3) The regional regulation on the RPJPD is stipulated no later than 6 (six) months after the RPJPD for the previous period ends. (4) The regional regulation on RPJMD is enacted no later than 6 (six) months after the elected regional head is sworn in. (5) The RPJPD, RPJMD and RKPD as referred to in paragraph (1) and paragraph (2) may be amended if based on the results of control and evaluation they are not in accordance with developments in conditions or adjustments to policies stipulated by the Central Government."

Based on the explanation above, it can be explained that the RPJMD is an elaboration of the vision and mission of the elected regional heads and deputy regional heads, and regional head programs that contain goals, objectives, strategies, policy directions, regional development and regional finance, as well as programs of regional and cross-border apparatuses. Regional Apparatus accompanied by an indicative funding framework for a period of 5 (five) years which is prepared by referring to the RPJPD, RTRW and RPJMN.

Based on the elaboration of the articles above, the RPJMD can be changed if based on the results of control and evaluation it is not in accordance with developments in conditions or adjustments to policies set by the Central Government. Therefore, local governments have the authority to make changes to



the RPJMD during the Covid-19 pandemic.<sup>12</sup> This needs to be done considering that there must be adjustments to the policies and regulations set by the central government. As well as based on the results of control and evaluation by the relevant ministries, considering that all ministries, especially the ministry of home affairs, are refocusing policies and programs in the presence of the co-19 pandemic. This is also in line with the Instruction of the President of the Republic of Indonesia Number 4 of 2020 concerning Refocusing Activities, Budget Reallocation, and Procurement of Goods and Services in the Context of Accelerating Handling of Corona Virus disease 2019 (covid-19) and Regulation of the Minister of Home Affairs Number 20 of 2020 concerning Accelerating Handling Corona Virus disease 2019 in the Regional Government Environment.

Based on Government Regulation (PP) Number 8 of 2008 concerning Stages, Procedures for Preparation, Control and Evaluation of the Implementation of Regional Development Plans. Arrangements regarding the RPJMD are contained in several articles, one of which is Article 4 which states: "(1) The regional development plan includes: a. RPJPD; b. RPJMD; and c. RKPD. (2) The regional development plan as referred to in paragraph (1) is prepared in stages: a. Initial draft preparation; b. Implementation of Musrenbang; c. Formulation of the final design; and D. Plan setting".

Regarding arrangements for changing the RPJMD, it is regulated in Article 50 Paragraph (1) Regional development plans can be changed in terms of: a. The results of control and evaluation show that the formulation process and substance formulated are not in accordance with the mechanisms regulated in laws and regulations; b. There has been a fundamental change; or c. It is detrimental to the national interest." In the elucidation of Article 50, what is meant by "fundamental change" is a job that cannot be done, a natural disaster occurs, or a change in national

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<sup>12</sup> Fitria Chusna Farisa, "Instructions of the Minister of Home Affairs for Regional Governments regarding Corona Handling, from Budget Reallocation to Grocery Supervision", <https://nasional.kompas.com/read/2020/04/03/22592511/instruction-mendagri-for-pemda-soal-corona-handling-of-reallocation?page=all>. (accessed March 5, 2021)

policy.

Based on the explanation above, it can be explained that changes to the RPJMD can be made by fulfilling the provisions stipulated in Article 50. In this case the Regional Government can submit a Raperda for amending the RPJMD to adjust to national policies that have undergone fundamental changes and natural disasters. In this case, with the existence of Covid-19 and the issuance of Presidential Decree No. 18 of 2020 concerning the National RPJM can be a strong and fundamental reason for local governments to make changes to the RPJMD.

Based on Article 2 paragraph (1) Presidential Regulation Number 18 of 2020 states "that the National RPJM is an elaboration of the President's vision, mission and program as a result of the 2019 general elections". In paragraph (2) it is stated that "The National RPJM contains national development strategies, general policies, strategic priority projects, Ministry/Agency and cross-Ministry/Agency programs, regional and cross-regional development directions, development priorities, as well as a macroeconomic framework that includes an overview of the economy comprehensively including the direction of fiscal policy in the work plan in the form of an indicative regulatory framework and funding framework". Paragraph (3) letter b, states "The National RPJM functions as material for preparing and adjusting the Regional RPJM by taking into account the duties and functions of the regional government in achieving the national targets contained in the National RPJM". Therefore, the regional RPJMD should adapt to the National RPJM, in order to achieve synergy between the regional government and the central government within the framework of the Republic of Indonesia.

Based on the Regulation of the Minister of Home Affairs Number 86 of 2017 governing the procedures for changing the RPJMD, this is stated in Chapter VII regarding the procedures for changing the RPJMD and Regional Apparatus Plans. Article 342 states: "(1) Changes to the RPJPD and RPJMD can be made if: a. The results of control and evaluation show that the formulation process is not in accordance with the stages and procedures for preparing regional development

plans as stipulated in this Ministerial Regulation; b. The results of control and evaluation show that the substance formulated is not in accordance with this Ministerial Regulation; and c. There has been a fundamental change." Paragraph (3) "Basic changes as referred to in paragraph (1) letter c, include the occurrence of natural disasters, political shocks, economic crises, socio-cultural conflicts, security disturbances, expansion of regions, or changes in national policies."

Article 344 states: "The stages of preparing the RPJPD and RPJMD as referred to in Article 17 to Article 70 apply *mutatis mutandis* to the stages of preparing changes to the RPJPD and RPJMD". Article 16 states: The RPJMD is prepared in stages: a. preparation preparation; b. Initial draft preparation; c. drafting; d. Musrenbang preparation; e. Formulation of the final design; and Determination. Based on the explanation above, changes to the RPJMD can be changed considering that there are fundamental changes, namely changes due to the non-natural national disaster of the Covid-19 pandemic which is not yet known when it will end, and changes in national policy in this case the National RPJM. Then according to Article 344, the stages for preparing changes to the RPJMD are the same as the stages for preparing the initial RPJMD as stated in Article 16.

There is a recent regulation regarding the preparation or amendment of the RPJMD, namely Permendagri No. 70 of 2019. The philosophical basis of the Pemdagri is to facilitate the delivery of local government information to the public that is connected in a regional government information system. Article 1 point 12 states: The Regional Government Information System (SIPD) is the management of regional development information, regional financial information, and other regional government information that are interconnected to be utilized in implementing regional development. Article 2 states that SIPD includes: a. Regional development information; b. Regional financial information; and c. Local government information. In Article 7 (1): Information on regional development contains at least: a. Regional development planning data; b. Regional development analysis and profile; and c. Regional development planning information.

Based on the explanation above, in making changes to the RPJMD a region is required to follow the procedures in the SIPD, so that information on changes related to regional planning and development is known to the public or the people of Bangkalan. Some things that need to be informed are regional development planning data, regional development analysis and profiles.

Based on the constitutional and juridical basis above, changes to the RPJMD during the Covid-19 pandemic can be carried out and have a strong legal basis, namely: first, local governments have the authority through regional regulations to amend RPJMD, second, regulations related to Law No. 23 of 2014, PP No. 8 of 2008, Presidential Decree No. 18 of 2020, Permendagri No. 86 of 2017 allows the RPJMD to be changed on the basis of a fundamental change in national policy and the presence of natural disasters. Third, in making changes to the RPJMD according to PP No. 86 of 2017 and Permendagri No. 70 of 2019 the stages for preparing changes to the RPJMD are the same as the stages for preparing the initial RPJMD, namely: a. preparation preparation; b. Initial draft preparation; c. drafting; d. Musrenbang preparation; e. Formulation of the final design; and Determination. Then the preparation of changes to the RPJMD of a region is required to follow the procedures in the SIPD.

### **Changes to the RPJMD in the Legal Perspective of Regional Government**

Several things must be considered in formulating or drafting changes to the RPJMD at the conceptual level. The following is a review of various conceptual issues.

#### **1. The concept of the Unitary State of the Republic of Indonesia**

A unitary state is also called *unitarism*, unitary, or *eenheistaat*, which means an independent sovereign state in which only one government (central) governs the entire region and there are no states within the state. There are several forms of a unitary state, namely: first, a unitary state with a centralized system, in which the central government regulates all government affairs. Second, a unitary state with a

decentralized system (gedecentraliseerde eenheidstaat), in which the regions are given the opportunity and power to manage their own household affairs.<sup>13</sup>

The concept of a unitary state referred to in this study is an independent and sovereign country, in which only one government has power in a country, namely the central government which regulates all regions, so that there are no countries within a country, only regions. Then the unitary state here uses a decentralized system, in which the regions are given the power to manage their own household affairs.

As for the 1945 Constitution of the Republic of Indonesia after the amendment, it is regulated regarding the Unitary State of the Republic of Indonesia in several articles, namely: Article 1 paragraph (1), Article 18 paragraph (1), Article 25A and Article 37 paragraph (5). The correlation between the concept of the Unitary State of the Republic of Indonesia and the drafting of changes to the RPJMD is that the changes to the RPJMD are an integral part of the Regional development planning system that is inseparable from the National RPJP, National RPJM, Provincial Regional RPJP and Provincial Regional RPJM. Thus, changes to the RPJMD must pay attention to the development plan. Therefore, local governments must adjust the 2020-2024 national RPJM and the provincial RPJMD.

## **2. Welfare State Concept**

Indonesia is included in the type or characteristics of a welfare state. From the nation's philosophy, namely Pancasila, the 5th (five) precepts regarding social justice, it can be interpreted that this country was established for the welfare of all the people, not just some people or a group of people. Then from the goals of the Indonesian nation contained in the opening of the 1945 Constitution of the Republic of Indonesia, the fourth paragraph to be precise, states "to protect all and all of Indonesia's bloodshed, promote public welfare, educate the nation's life and participate in world order based on freedom, eternal peace and social justice".

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<sup>13</sup> Tutik Tri Wulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca-Amendemen UUD 1945*. (Jakarta, Kencana Prenada Media Group, 2011), 144 145.

Therefore, it is fitting that national development plans bring prosperity to the people. This is included in the changes to the RPJMD, which are expected to provide and improve welfare and justice for local communities, especially during the Covid-19 pandemic.

The principle of sustainable development is "meeting the needs of the present without compromising meeting the needs of future generations". Development as an idea, principle, and concept is related to how this is then implemented in human life. More broadly than that, sustainable development covers three policy areas: economic development, social development and environmental protection, especially the relationship between environmental aspects, social aspects and economic aspects within the framework of sustainable development practiced by companies.<sup>14</sup>

Basically, there are three domains in a development process, namely the economic domain, the social domain, and the ecological domain. The subsets that intersect each other among the three domains produce a development paradigm which is then known as the paradigm of sustainable development, namely: 1. Social development; 2. Development with an environmental perspective (environmental development); 3. Development that is centered on the people (people centered development).<sup>15</sup>

Based on the explanation above, that in carrying out a sustainable development not only look at one aspect, but from various aspects, then the most important thing in carrying out a development must think about the impact or consequences that will occur in the future for the next generation. Therefore, in preparing the RPJMD, local governments must pay attention and consider various aspects or fields so that the plans that are built are sustainable and their benefits

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<sup>14</sup> Sali Susiana, 2015, *Lintas Pembangunan Berkelanjutan: Dimensi sosial, Ekonomi dan Lingkungan*, (Jakarta: Pusat Pengkajian, Pengolahan Data dan Informasi, (P3DI), Sekretariat Jenderal, DPR RI, 2015), 5.

<sup>15</sup> Sali Susiana, *Lintas Pembangunan Berkelanjutan: Dimensi sosial, Ekonomi dan Lingkungan*, 14.

can be felt for future generations, so as to create social welfare. In 2020 up to this moment there has been an extraordinary disaster or disaster whose main cause is the outbreak of the spread of the corona virus (Covid-19) which is included in the category of national and even international disasters, so that many national policies have resulted in incompatibilities with the economic and financial frameworks area. The COVID-19 outbreak for Regional Development has had an impact on weakening the pace of regional economic growth, many people have lost jobs and livelihoods and decreased regional financial revenues.

This of course will disrupt the development agenda, regional spending, and personnel spending in addition to the fact that several companies have laid off their employees, which in turn has caused the unemployment rate to skyrocket. This condition causes the central government and regional governments to issue several regulations related to budget refocusing and budget reallocation, so that this will lead to reductions or budget cuts in certain activities or budget shifts from existing activities to budgets for new related activities. with the handling of the Covid-19 virus. Of course this will cause changes in the indicators or targets and goals that have been set before.

### **3. The Concept of Decentralization and Autonomy**

Philipus M. Hadjon in his opinion, said that decentralization means that the authority to organize and manage government affairs is not solely carried out by the central government, but also carried out by lower government units, both in the form of territorial and functional units. Lower government units were entrusted and left to manage and manage some government affairs themselves. Meanwhile, Bagir Manan stated that the purpose of decentralization was to ease the workload of the central government. Decentralization transferred various tasks and jobs of the central government to regional governments.<sup>16</sup>

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<sup>16</sup> Tutik Tri Wulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca-Amandemen UUD 1945*. (Jakarta, Kencana Prenada Media Group, 2011), 250.

The concept of regional autonomy has foundations as its foundation. The joints in question are distribution of power, distribution of income, and empowering (independence of local government administration). The hypothesis is that the stronger these joints, the healthier the implementation of regional autonomy and vice versa.<sup>17</sup>

Based on this, the Unitary State of the Republic of Indonesia implements a decentralization system which has a logical consequence, namely the existence of regional autonomy. Where a region is given the right and authority to manage its own household affairs. Therefore, local governments have the authority to prepare or make changes related to the RPJMD. Of course it is carried out according to the national planning system and procedures related to changes to the RPJMD and adjusted to the policy lines of the central and provincial governments, bearing in mind that regional autonomy is in the context of the Unitary State of the Republic of Indonesia.

Based on some of the concepts above, in preparing changes to the RPJMD the local government must pay attention to the philosophical and sociological foundations, as follows: The Indonesian state has a national philosophy as a way of life, namely Pancasila, so it is fitting that all existing legal products must be based on Pancasila. The fifth precept clearly states the basic principle of "social justice for all Indonesian people". National and regional development planning must reflect the basic values and principles contained in the Pancasila.

The state's goal of advancing general welfare is an important element in the characteristics of a welfare state, in which the state, both the central and regional governments, have the responsibility for the welfare of their people. The RPJMD is one of the means to promote general welfare and educate the life of the nation or other objectives of the Indonesian state. Therefore, in preparing changes to the RPJMD, it is necessary to pay attention to interrelated and appropriate regulations.

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<sup>17</sup> Ni'matul Huda, *Hukum Pemerintahan Daerah*, (Bandung, Nusa Media, 2009), 83.



Act number 25 of 2004 mandates that development planning must be integrated from the center to the regions, this is in accordance with the principle of being a unitary state using a decentralized system. UU. No. 23 of 2014 mandates the administration of regional government to be directed at accelerating the realization of community welfare through improving services, empowerment and community participation, as well as increasing regional competitiveness by taking into account the principles of democracy, equity, justice and the uniqueness of a region within the system of the Unitary State of the Republic of Indonesia.

The main task of the regional government is the welfare of its people, in its implementation there must be correlation and synergy with each other both between the central and regional governments. This mandates that in terms of regional development planning there must be a correlation between the National RPJP, National RPJM and RPJPD and RPJMD, so that the pattern of development planning will be sustainable and more clearly organized and directed according to regional potential and the peculiarities of each region within the framework of the Unitary State of the Republic of Indonesia.

PP No. 8 of 2008 mandates that regional development planning is an integral part of the national development planning system, Permendagri No. 86 of 2017 mandates regional development planning to be formulated in a measurable, just and environmentally sound manner using a technocratic, participatory, political and top down and bottom up approach.

Based on the description above, hierarchical points and philosophical consistency can be found that are to be built for national development planning which includes national and regional development. Development planning to achieve is social justice for all Indonesian people. In this case, changes to the RPJMD should aim to prosper the people so that changes need to be made to adjust to changing policies at the central and provincial government levels and the existence of external factors that affect economic growth, The sociological basis for changing the RPJMD, especially the involvement of the community in a policy formulation

process, is a concrete manifestation of the application of modern democratization values. Because the main affected by the Covid-19 pandemic is the community.

To strengthen development goals, active community participation is needed which can be done by: (a). Participate in a team or working group for drafting regional regulations; (b). Conducting public hearings or inviting regional regulations drafting meetings; (c). Carry out validity tests on certain parties to obtain responses; (d). Conduct a workshop on the Raperda before it is officially discussed by the DPRD; and (e). Publish Raperda to get public response.

As explained above, the preparation of regional regulations that can accommodate community aspirations must also be balanced with community involvement, which includes: 1. Involvement in drafting regional regulations, 2. Involvement in the discussion process of regional regulations, and 3. Involvement in the implementation local regulation.

## **Conclusion**

Based on the constitutional and juridical basis above, changes to the RPJMD during the Covid-19 pandemic can be carried out and have a solid legal basis, namely: First, local governments have the authority through regional regulations to amend RPJMD. Second, rules related to Law No. 23 of 2014, PP No. 8 of 2008, Presidential Decree No. 18 of 2020, Permendagri No. 86 of 2017 allow the RPJMD to be changed based on a fundamental change in national policy and the existence of a non-natural national disaster. Third, in making changes to the RPJMD according to PP No. 86 of 2017 and Permendagri No. 70 of 2019 the stages for preparing changes to the RPJMD are the same as the stages for preparing the initial RPJMD, namely: a. preparation preparation; b. Initial draft preparation; c. drafting; d. Musrenbang preparation; e. Formulation of the final design; and Determination. Then the preparation of changes to the RPJMD of a region is required to follow the procedures in the SIPD.

The Unitary State of the Republic of Indonesia implements a decentralization system that has a logical consequence, namely, the existence of regional autonomy. Where a region is given the right and authority to manage its household affairs. Therefore, local governments have the authority to prepare or make changes related to the RPJMD. Of course, it is carried out according to the national planning system and procedures related to changes to the RPJMD and adjusted to the policy lines of the central and provincial governments, bearing in mind that regional autonomy is in the context of the Unitary State of the Republic of Indonesia. Based on some of the concepts above, in preparing changes to the RPJMD, local governments must pay attention to the philosophical and sociological foundations: The Indonesian state has a national philosophy as a way of life, namely Pancasila. The sociological basis for changing the RPJMD, especially the community's involvement in a policy formulation process, is a concrete manifestation of the application of modern democratization values because the community is the main one affected by the COVID-19 pandemic.

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