



A JURIDICAL REVIEW OF INDRAMAYU REGENT REGULATION NUMBER 29 OF 2020 CONCERNING GUIDELINES FOR LARGE-SCALE SOCIAL RESTRICTIONS (PSBB) IN MANAGING COVID-19

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Abstract

Background In response to the transmission of Coronavirus (COVID-19) within its jurisdiction from 2020 to 2021, the Indramayu Regency Government promulgated a legal instrument, Regent Regulation No. 29 of 2020, to provide guidelines for Large-Scale Social Restrictions (PSBB) during the pandemic. However, following the resumption of normal societal activities in 2022 and the subsequent transition to an endemic phase, the regulation's continued legal standing has become a subject of ambiguity and debate.

Objective This research aims to address two primary questions: 1) What is the legal validity of Indramayu Regent Regulation No. 29 of 2020 concerning PSBB Guidelines in the post-endemic era? 2) What measures, if any, have been taken by the Indramayu Regency Government to formally resolve the status of this regulation?

Methods This study employs a normative juridical research methodology. The analysis is based on the examination of secondary data, including statutory regulations, legal literature, academic articles, and relevant journals.

Conclusion The findings of this study conclude that Indramayu Regent Regulation No. 29 of 2020 is now considered null and void by operation of law (*de jure*). This is because the conditions it was designed to regulate no longer exist, rendering the regulation obsolete and inapplicable to the current situation. The research also reveals that the Indramayu Regency Government has not yet undertaken any formal administrative action to officially revoke or address this defunct policy.

Keywords: Endemic, Large-Scale Social Restrictions (PSBB), Legal Status



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INTRODUCTION

From early 2020 through the end of 2021, Indonesia faced the Coronavirus Disease 2019 (COVID-19) pandemic, which profoundly impacted all sectors of human life. To manage the crisis, the central government implemented a series of legal instruments aimed at mitigating the spread of the virus. These national-level regulations included Presidential Decree No. 11 of 2020 on the Declaration of a Public Health Emergency, Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions (PSBB), and Law No. 6 of 2006 on Health Quarantine, which together formed the legal backbone of the nation's response.

In line with the national strategy, and following a public announcement by President Joko Widodo declaring COVID-19 a global pandemic, regional governments were tasked with implementing localized responses. In mid-2020, the Indramayu Regency Government adopted the policy of Large-Scale Social Restrictions (PSBB) and formalized it by issuing Indramayu Regent Regulation No. 29 of 2020 concerning Guidelines for PSBB in the Management of COVID-19 in Indramayu Regency. This regulation was established on May 4, 2020, enacted on May 6, 2020, and was effectively implemented with administrative sanctions from July to December 2020.

The primary function of this regulation was to restrict public activities, reduce the socio-economic impact of the pandemic on the local community, and break the chain of viral transmission. Specifically, Part Six of the regulation (Articles 17 and 18) imposed a temporary suspension of social and cultural activities that could create crowds, including political, sports, entertainment, academic, and cultural gatherings. Certain events were granted exemptions under Article 18, such as circumcisions, weddings, and non-COVID-19 funerals, provided they were conducted at designated facilities (e.g., healthcare centers or the Office of Religious Affairs) with only immediate family in attendance and under strict health protocols.

However, with the transition to an endemic phase in the present day, nearly all societal activities have returned to normal. Educational institutions, places of worship, and large public gatherings have resumed operations without the stringent limitations that were in place during the PSBB period. This shift has created a significant legal ambiguity. There has been no formal announcement regarding the status of Indramayu Regent Regulation No. 29 of 2020, leading to public debate and uncertainty, particularly for citizens planning large-scale events. The community remains unclear whether the regulation is still legally valid or has been formally revoked.

Based on this background, this research seeks to address the legal uncertainty surrounding this pandemic-era policy. The study will investigate two primary research questions:

1. What is the current legal status of Indramayu Regent Regulation No. 29 of 2020 concerning PSBB Guidelines in the post-endemic era?
2. What efforts, if any, has the Indramayu Regency Government undertaken to formally resolve the status of this regulation?

METHOD

This study employs a normative juridical methodology, a form of qualitative, literature-based legal research. This approach was selected as it is best suited for analyzing the juridical issues concerning Indramayu Regent Regulation No. 29 of 2020. As a qualitative study, the research generates descriptive findings derived from the interpretation of written texts, including the regulation itself and related legal documents. The primary objective of this method is to thoroughly investigate and determine the legal status of the aforementioned regulation in the post-endemic era.

DISCUSSION

The Legal Status of Indramayu Regent Regulation No. 29 of 2020 on Large-Scale Social Restrictions in the Post-Endemic Era

Indramayu Regent Regulation No. 29 of 2020 on PSBB Guidelines was a key policy instrument enacted by the Indramayu Regency Government to break the chain of COVID-

19 transmission. Its primary function was to regulate public activities and mitigate the adverse impacts of the pandemic. However, the legal framework governing regional regulations provides mechanisms for their revocation. According to Law No. 32 of 2004 on Regional Government, a regional regulation (*Perda*) can be nullified if it contradicts the public interest or higher statutory laws.

The concept of a "problematic regulation" often relates to technical flaws or, more substantively, a loss of relevance. The legal philosopher Lon Fuller outlined eight criteria for a sound legal system, with the eighth principle being particularly pertinent: law must be adaptable to social and political changes to maintain legal certainty (Marlina, 2018). This principle suggests that a regulation must evolve with the society it governs. When a regulation's subject matter ceases to exist, or its provisions no longer align with prevailing social conditions, its continued validity becomes questionable. This perspective is reinforced by Ibrahim (2008), who defines a problematic regulation as one that fails to accommodate national interests, reflect the local social context, or align with the public interest, thereby warranting revision or revocation.

Oce Madril, a constitutional law expert at Universitas Gadjah Mada, further argues that a regional regulation should be revoked when it is no longer relevant to the current era, its regulated object no longer exists, or it conflicts with higher legislation. Applying these principles, Indramayu Regent Regulation No. 29 of 2020 squarely fits the criteria for an obsolete law.

The formal mechanism for revocation, as explained by Maria Farida Indrati Soeprapto (2007), requires a legislative act of equal or higher standing to declare a regulation null and void, thereby removing its binding legal force. Based on this legal and theoretical framework, this study argues that the regulation should be formally amended or revoked to prevent potential conflicts between the public and law enforcement. Consequently, the current status of Indramayu Regent Regulation No. 29 of 2020 is null and void by operation of law (*de jure*). Its legal foundation has dissolved because the pandemic conditions it was created to address no longer exist. As the regulation is legally void, no sanctions can be enforced under its provisions.

Efforts of the Indramayu Regency Government to Address the Regulation in the Post-

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Endemic Era

Under the 1945 Constitution of the Republic of Indonesia and Law No. 23 of 2014 on Regional Government, regional governments are granted significant autonomy to manage their own administrative affairs. This authority empowers them, in conjunction with the Regional People's Representative Council (DPRD), to enact and revoke regional regulations to serve local needs while remaining aligned with the national interest (Ratnasari, 2021; Sihombing, 2017).

During the pandemic, the Indramayu Regency Government exercised this authority by enacting Regent Regulation No. 29 of 2020, which detailed prohibitions, sanctions, and limitations on public activities. However, with the nationwide return to normalcy, these restrictions are no longer in effect. This situation necessitates decisive action from the local government to provide legal certainty by formally addressing the now-defunct regulation.

To ascertain what actions have been taken, an interview was conducted on October 4, 2022, with Mr. Supendi, SH., MH, the Head of the Documentation and Information Subdivision of the Indramayu Regional Secretariat's Legal Division. Mr. Supendi confirmed that, as of that date, the regulation had not been formally revoked or nullified. He stated that no official action had been taken by the regional government regarding the regulation, despite the fact that PSBB is no longer implemented (Supendi, 2022).

This inaction contrasts with established legal principles regarding the life cycle of a regulation. According to Ahmad Zarkasi, SH., MH, a regulation ceases to be valid under several conditions: 1) it is explicitly or implicitly repealed by a new regulation; 2) its designated term expires; or 3) it becomes unenforceable due to societal changes, rendering it obsolete.

Given the interview findings and these legal principles, the Indramayu Regency Government's inaction is problematic. The appropriate and necessary course of action is to formally revoke and nullify Regent Regulation No. 29 of 2020. This is because the legal instrument is no longer relevant, its effective period has lapsed, and its subject matter—the pandemic emergency no longer exists. Formal revocation is essential for ensuring legal certainty and good governance.

CONCLUSION AND RECOMMENDATIONS

Conclusion

Based on the research and discussion presented in the preceding chapters, the following conclusions can be drawn:

1. Based on an analysis of established legal theories and expert opinions, the legal status of Indramayu Regent Regulation No. 29 of 2020 concerning PSBB Guidelines is null and void by operation of law (*de jure*). The regulation is now obsolete as it is no longer relevant to the current era, and its primary legal object, the pandemic emergency requiring such restrictions, has ceased to exist. Its continued formal existence conflicts with the principle that laws must adapt to societal development; failure to do so hinders public activities and contradicts the public interest.
2. The Indramayu Regency Government, while possessing the autonomous authority to enact and manage local policies, has not yet taken formal action regarding this obsolete regulation. The findings from an interview conducted on October 4, 2022, with Mr. Supendi, SH., MH, of the Indramayu Regional Secretariat's Legal Division, confirm that no official measures have been taken to formally revoke or nullify Regent Regulation No. 29 of 2020. This is despite the fact that Large-Scale Social Restrictions (PSBB) are no longer implemented in practice.

Recommendations

In light of the conclusions, the following recommendations are proposed:

1. The Indramayu Regency Government should promptly initiate the legal process to formally revoke Indramayu Regent Regulation No. 29 of 2020. Given that PSBB is no longer enforced and society has returned to normal activities, formal revocation is a necessary step to align the legal framework with the current reality on the ground.
2. To provide legal certainty and eliminate public debate, the formal revocation of this regulation is imperative. By officially nullifying a policy that no longer reflects societal conditions, the Indramayu Regency Government can ensure that citizens and officials have a clear and accurate understanding of the current legal landscape, particularly concerning public gatherings.

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