

## Red Tape Phenomenon of Social Securities Distribution During Covid-19: A Socio-Legal Analysis

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### Abstract

To distribute social aids during a time of a pandemic, red tapes or unnecessary bureaucratic layers needs to be eliminated because the situations demand flexibility. In fact, during the Covid-19 the Indonesian government struggled to hand the staple needs help due to various problems with the existing social aid system. The purpose of this study is to analyze the social and legal factors that create a red tape that hindered the implementations of distributions. This research uses a qualitative approach with data collection techniques of literature and statutory analysis. The result of this study shows that there is an interplay factor between administrative law on social policies and the bureau pathology (Bureaucratic disease) that infects the bureaucratic system of the Ministry of Social Affairs especially in the aspects of managerial, human resources, and tendencies to conduct unlawful actions aspects. The format of the law has proven to be ineffective to be used in a pandemic setting. Furthermore, there are tendencies of upholding the tight legal mechanism to share the responsibilities in between bottom-up government units which had created ineffective within the systems in times of a pandemic. Nevertheless, it shows that the law has already matured in governing the bureaucratic nature in the Ministry of Social Affairs.

**Keywords:** Administrative Law; Bureaucracy; Social Protections

### Introduction

*"One man tape is another man's system" – Waldo (1946)*

The statement above depicts the fact that long bureaucracy has the effect on other person's lives perfectly. In the context of a state, an established system is needed. On the other hand, reassurances are needed to prove that the existing bureaucracy is effective and does not hamper the rights of the citizens to exercise their rights due to long procedures and mechanisms that instead, making an obstacle appears before achieving its goal, that is providing an adequate social welfare.

Social welfare should be the essential thresholds to analyze whether or not the existing bureaucracy is indeed efficient. An efficient bureaucracy is fundamental in the 21st century since government and public administration play a vital role in facilitating economic and

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social change together with a growing realization of the shortcomings of that role. An analysis of the efficiency of bureaucracy that exists also become an important aspect in the middle of a pandemics, taking into account that pandemic requires more relaxations in decision making to make them on time.

In regards to the pandemics in 2020, Corona Virus Disease 2019 ("Covid-19") has led up into Indonesian government in providing Social Funds ("BLT") to help those who are most vulnerable to the effect of the coronavirus outbreak. On 31 March 2020, President Jokowi has announced that he will boost state spending by IDR 405.1 trillion or USD 24.9 billion to fight against the Covid-19 outbreak in the country. This additional spending will be focused on providing health support, social protection, tax incentives, as well as for the recovery of the National Economy.

One of the types of stimulus from government is worth for 110 trillion to be allocated as a social safety nets for the citizen who belongs to the lowest income groups (Debora, 2020). These funds then would be allocated to a plethora types of social securities, one that includes *Program Keluarga Harapan* (PKH), *Kartu Sembako*, *Bantuan Langsung/Direct Help* as well as cards that was directed for the young generation, pre-employment card (*Kartu Prakerja*) (Debora, 2020). One of the types of Social Securities that would be analyzed in this study is Staple Needs Help Package (*BANSOS*) that is consisted of basic commodities such as rice, protein raw materials, frying oil, biscuit, and soap. The same process would also take place in other provinces and another satellite area to DKI Jakarta such as Tangerang, Depok, Bekasi, and eventually, every area that applies the *Large Scale Social Limitation* ("PSBB") Status.

The role of government is to provide social security to the citizen during Covid-19 pandemic which has already been regulated within the Ministry of Health's Regulation No 9 Year 2020 on Large Scale Social Limitation, one of the provisions of the document has already stated that one of the considerations that need to taken into account to impose PSBB shall include the availability of people's basic living needs, availability of health facilities and infrastructure, availability of budget and operation of social safety nets for affected people, and security aspects (Ministry of Health of the Republic of Indonesia, 2020). This was done to make sure that each of the regional government units has their arrangements to make sure that the most vulnerable segmentations within their regional government could fulfill their basic needs, especially those who work in the informal sector.

The execution of this article from the arrangement above could be found within several governor regulations examples that includes DKI Jakarta Governor Regulation No 33 Year 2020 where the local government assures that the governor will protect those who are vulnerable towards Covid-19 to communities that were affected through the distribution of a form of basic needs and/or direct assistance. Another example is West Java Governor Regulation No 30 Year 2020 where the same thing was assured towards West Java citizens. In DKI Jakarta, the parties who are entitled to be the receivers of Social Safety Net help are divided into six big criteria that include citizens who are registered within the 1) Integrated Social Welfare Data (DTKS), 2) Existing beneficiaries of DKI Jakarta Social Welfare Card (KJP Plus, KJMU, Jakarta Elderly Card, Disability Card, Child Basic Needs (KSD) Card, PMT-AS, and Jakarta Cheap Food), 3) Having an income of less than IDR 5 million / month as well as those

4) affected by layoffs or laid off by reducing or not receiving salary or even worse, 5) those who close their business or those who experienced decreasing revenue dramatically due to the Covid-19 pandemic as well as 6) those who experienced drastic differences in income due to pandemic and those who move to Jakarta to gain a better living (DKI Jakarta Governor's Decision No 386, 2020).

The law also regulates procedures to get the "BANSOS". The process then would include the parties to apply for the help through the head of the residents' community (*RW*) and the head of the neighborhood community (*RT*). This process needs also to be done by a non – DKI Jakarta ID cardholders who reside in Jakarta and by employee who was fired by their employer. For the last group, they need to provide a letter of redundancies that were issued by their offices. The process itself has already been done in the first phase of the distribution process (9 – 18 April) where the very first process has already been done symbolically in Central Jakarta area. Following that, there is going to be a wave of distribution periods that means distribution through door to door mechanisms where DKI Jakarta will work together with Indonesian Military (TNI) as well as the National Police to distribute the help.

The mechanism that would be further analyzed within this research is receivers who are eligible to collect social safety net based on Integrated Social Welfare Data ("DTKS"). DTKS is a mechanism that was enacted by the Ministry of Social Affairs to conduct verification and validations of poverty data into a system that would become a basis for the government to distribute social funds and state funded help. This data is subject to revision through collaboration with the regional government where updates shall be conducted daily and updated through a ministry of social affairs decree three times annually. Up to last year, there exist 5.2 million members of individuals are registered within the system.

The essence of this DTKS process was regulated within the Law no 13 Year 2011 on poverty handling where the Ministry of Social Affairs was mandated to handle this affair, alongside with their delegations in a form of regional social bodies that were located in various provinces in Indonesia. The process also adopts a bottom-up mechanism, where the aim of improving social welfares shall be the responsibilities of various government bodies that include Governor, Regent or Mayor, and regional apparatus as elements of regional government administrators as well as the smallest government unit which consisted of the head of the sub-district, and the head the residents' community (*RW*) as well as the head of the neighborhood community (*RT*). Based on the arrangement that was embedded in DTKS, we could see that there are five layers of "*red tape*" or administrations that need to be passed to receive the social safety net from the state.

However, in times of such pandemic, several problems start to rise due to the existence of these bureaucratic layers of government units that are responsible to handle these affairs. Combined with *bureaupathological* disease that infects multiple government units, posing a burning question on whether or not the present systems are efficient.

Many experts argue of how ineffective this process is. It could be seen that many areas in Jakarta haven't received help yet and it made people questioned the role of the Ministry of Social Affairs. It is believed that one of the reasons was due to the lack of reliable data (Makir, 2020).

The issue of unreliable data and miss-coordination between various bodies of administration that were appointed to distribute the Social Safety Nets led to fatal outcomes to many. A plethora of issues arise from small ones such as area refusing to accept the help from the government because they claimed that they can feed themselves, miss-coordination of data between local and regional government as well as fatal issues where the errors and red tapes led into casualties. The case of Banten citizen who died after two days because she consumed nothing but water during Covid-19 and still not receiving the social safety net help, this incident should act as a wake up call to the government that there is a big problem of the manner regarding how social safety nets should be regulated and distributed in Indonesia in times of a pandemic national disaster (Deslatama, 2020).

On the other hand, the government claimed that they had conducted these distributions as well as maximizing several functions to cope with the effect of coronavirus outbreak. For example, the ministry of Social Affairs has already maximize their functions to distribute these safety nets to 4.8 millions package, as well as adding 15% to the budget in time of these pandemics. (Ministry of Social Affairs of the Republic of Indonesia, 2019). Further, the Ministry of Social Affairs also kept continuing on getting update on the DTKS data from the regional, municipal and township government to make sure that the process is executed in accordance to its functions. However, it rises questions on why these problems keep happening upon executions.

Hence, this paper was aimed to analyze the interplay between administrative regulations governing the social distribution of *Bantuan Non Tunai* ("BANSOS") through the legal existing mechanism that was regulated within the Law No 13 Year 2011 through the DTKS data systems combined with socio analysis on the *bureaupathological* aspects of government units that were responsible for handling these affairs. It is believed that through a socio-legal mechanism it should be able to analyze the problems in Indonesian bureaucracy upon handling social distributions in the middle of Covid-19 and the maturity of legal order which is attuned to law's social character and its role ordering the society (Hart, 1961).

## Literature Review

### *Red Tape & Influencing External Factors*

One of the responsibilities of bureaucracy was to resolve social problems that exist in society and also the executor of decisions in a political process (Gailmard & Patty, 2012; Goodsell, 2015). In this regard,, the existence of red tape is hampering the ability of the bureaucrats to conduct the objective due to inefficiency (Bozeman, 2000) as these aspects would affect stakeholders of the bureaucracy (Rhys, Boyne, & Walker, 2011). In several past researches, red tape are often referred as *bureaucratic inertia* or "resistance of change" where this inertia often affected individuals, social and political structures as well as development of knowledge and concepts (Zantvoort, 2015). In this research, the theory of Zantvoort's bureaucratic inertia is being analyzed for determining effectiveness for social aid facilitation.

The threshold of success in bureaucracy was to meet their institutions context (Ostrom, 1990) and this would be further affected by multiple internal and external circumstances

known to the organizations (Gazley, 2014). As an agent that was responsible to carry out public policy, these contexts are central to be achieved due to the close supervision by politicians, interest groups, and citizens in assessing their value (Moe, 2010). The combinations of the latter two theories mirrored the discussion in this research where external circumstances usually hamper the ability of organizations to meet its contexts and during Covid-19 outbreak, the facilitation of social aid is being supervised by the public as well in assessing the effectivity of the ministry.

Red tape will be affected by the aforesaid parties through several factors that include the extent to which the legislature wants and expectations has an impact, the degree of discretionary authority, the array of interest in the agency's environment, and the relationship between desired behavior and client incentives (Wilson, 1989). Lastly, organizational culture also affected bureaucracy due to the human relationship aspects (Wilson, 1989). These theories by Wilson are being used in this research as a starting ground where social factor plays an important part in bureaucracy since human factors are involved.

### *Interplay Between Administrative Law & Public Policies*

In accordance with the theory that was stated by Harrington and Carter (2009), this relationship was often described as "*hand and glove*" where administrative law is often referred as the body of power that gives the administrative branches legitimacy and authority as well as state actions. These aspects needed to merge due to the requirement of these aspects that should be "*living*" to adapt to the changing circumstances, but would be required of the extent of consistency, formality, and generalizability (Kim, 2014). The former theory is being used as a mean to choose socio legal.

This relationship is a symbiotic one, where it forms a structure between stakeholders that involve the public lives of the citizen as well as politicians and bureaucrats. In this sense, administrative law could be broadly defined to encompass the statute and agency rule as well as rules of various nomenclatures issued by the executive authorities, such as order, decree, rule, regulation, and ordinance. Through this format, it could be further summarized that the structure involves a cycle of law-making authority that creates the foundation of legal effect, scope, and quality as a norm that results practical dynamism through the final addresses of norm or public policy (Harrington & Carter, 2009). This research is an extension of this theory where norm and practical dynamism will be analyzed to prove whether or not the present legal arrangement creates bureaucratic inertia that hamper the facilitation of social aid at the same time.

In civil law countries, administrative law plays a more significant part in defining the lives of the public since these laws governing issues that encompass the national economy, culture, public health, and environment. Other than these, the interplay aspects can be defined as the rights, benefits, and services that are possessed by the citizens where bureaucrats certainly are critical player to address the social issues that happened.

## Methodology

This study will be done by using two perspectives, law and social sciences primarily on the aspect of public administration. For the legal analysis part, the present study uses the Law No 13/2011 Poverty Handling as guidance, as well as other supplementary rules and regulations such as Ministry of Social Affairs No 28 year 2017 on Verification and Validations of Integrated Social Welfare Data and Poverty Handling Management and Ministry of Social Affairs Decree No 5 Year 2019 on the Integrated Social Welfare Data Management as well as regional regulations such as DKI Jakarta's Governor's Decree No 23 Year 2020 on large Scale Social Limitation and Governor's Decision No 386 year 2020 on the Social Safety Net Receivers during Big Scale Social Limitation. Further, this research will adapt field research through online interview. The interview will be conducted with Mr. Andi Z.A Dulung as the staff for the Ministry of Social Affairs through webinars for "BANSOS" related questions.

For the socio analysis part, the present study uses the theory of Siagian (1994) as a guidance to prove *bureaupathological* characteristic that was the most crucial within the present circumstances such as; paternalistic traits, scarcity of human resources and tendencies to conduct unlawful actions. Therefore, this study uses the concept of patriomanistic bureaucracy that was related to the present issue by Islamy (1998).

## Results

### *Bureaucracy In Indonesia & Its Problems*

Throughout the New Order Era, Indonesia starts to form traits of *bureaupathology*. In this period, Indonesian bureaucracy enjoys a different cycle that was originated from elements that were made up of a big portion of the government officials, formalizations, rule-bound, and having an internal orientation to follow and comply with rules as well as procedures rather than emphasis on the external results of public services and the parsimonious use of resources as a sign of the phenomenon of red tape in Indonesian's bureaucracy (Pollit, 2009; Pollitt, Van Thiel, & Homburg, 2007; Thoha, 2002).

In the light of the criticism that was made by Islamy (1998), bureaucracy in Indonesia has a complacent trait where there is a lack of efficiency, lack of effectiveness, lack of objective, anti critic, and losing the sense of serving for the public. These things create another problem such as *bureau pathology*. In essence, bureau pathology itself is a bureaucracy problem that has features of the over upholding of the red tape, coercion to comply with the regulations and traits that are not adaptive to changes. As a result, they created several problems that hampered the rights of Indonesian citizens upon exercising their rights as a citizen.

It is important to note that bureaucracy is impersonal, as some bureaucracy experts have already stated that it acknowledges no mercy and it has nothing to do with personal affairs. This system has made the writer to contemplate on whether or not this present bureaucracy is the correct fit to handle the social distribution system amid the national disaster that is the Covid-19 where *bureaupathology* is becoming the reason that hampered

the rights of the starving civilians upon receiving help during epidemic that resulted into job reductions and unemployment.

Based on the concept of Siagian (1994), bureaucracy in developing countries has several traits that include:

1. Pathology exists due to perception and managerial style of bureaucrats in bureaucratic environment.
2. Pathology due to human resources factor.
3. Pathology due to the actions of bureaucratic actors.
4. Pathology that was manifested in dysfunctional and negative behaviors.
5. Pathology due to internal environment within the bureaucratic environment.

### *Problem in Managerial Style*

Based on the theory that has been stated by Siagian (1994), the problem that exists within this point happened because a layered hierarchy exists in the first place within a bureaucratic setting. Through the timeline of Covid-19, there is a couple of issues that were present due to this factor, especially in the manner where the Minister of Social Affairs responded to the public after being confronted of the problem that happened in regards to the distribution of social safety nets help (Taher, 2020).

One of the biggest problems in bureaucratic managerial style was the maintenance of the status *quo*, ritualism, and the tendencies to blame others and the aforesaid behavior was the product of maintenance of the status *quo* that was strengthened by the firm format of social aid distribution legal mechanisms that shares the utmost responsibilities between central and local government.

Those responses show full compliance to the job allocation that was presented in the law, but it further reflects the existence of a *patronage – client* behavior where the officers in the lower level do not keep the officer in the higher level in check as stated by Gifford & Pinchot (1994). In a situation of pandemic, the central regulator should always strive for innovations and gives extra rooms for responsibilities due to the situations that demand a bureaucratic leader to do so.

### *Problem in Human Resources Factors*

Based on the executions of social distributions during Covid-19 that was based on present arrangement in Law No 13 Year 2011, there is a big problem that includes the problem of data mismanagement that happened in the field for DTKS Mechanisms. These problems range from the source of data is outdated since it has not been updated in 10 years, the mechanism of the creations of data as well as how the regional conducted data collections and the overlapping of data of social aid receivers due to the multiple types of social aids that was offered by the state (Satria, 2020).

Human resources existed under a normal situation could result a bigger problem under the pandemic situation where it could give out issues of the lack of knowledge and skills of various officers in implementing the regulations. Through the statement by the Ministry of the Social Affairs, there has been an existing problem in the data information center of the ministry, due to the lacking of funds that were allocated to conduct data updates per 3 years duration. As of now, the Ministry was dependent upon the data that had been collected by the regional government, the same data that was originated in 2011 and has not been updated in 5 years. Until May 2020, it is being admitted that out of all of the data, only 286 regional governments possessed an updated DTKS data in Indonesia (Ministry of Social Affairs of the Republic of Indonesia, 2019).

As of now, the number of the recipient of social aid has already been enlarged but this does not cover the biggest challenges in the distribution process was to gain a real time data because there has been a shift in the economic status of the population due to Covid-19. The sharing responsibilities between central and local government are to distribute social aid without a proper standardization of data collection and management process between different government levels has resulted errors that happened throughout the process (Ministry of Social Affairs of the Republic of Indonesia, 2019).

Even though the ministry has already enlarged the social aid recipient data for 4.8 million aid for the family package and 43.6 million for staple needs social aid package (15% increase) as a solution for effective distributions effort, there is still a risk of this help will not reach to the parties who needed it the most due to the complication of data collections process that happened in the field, especially the verification of data process in the regional, municipal, and township government. This was due to the bottom-up mechanisms of verifications and validations of DTKS that was needed in order to qualify for help but considerations must be taken that Covid-19 is not a normal circumstance (Ministry of Social Affairs of the Republic of Indonesia, 2019).

In times of pandemic, help needs to reach its recipient in a timely manner. Other than relying on the existing mechanisms package and assuming that every government units have the similar capacity to collect data, the ministry should give better response by providing rules and training for special distribution mechanism in special situations for different government units that allow the unit to immediately avoid the long bureaucratic process. As mentioned previously by Siagian (1994), shortsightedness is a form for human resources *bureaupathology* and training in relations to this special circumstance should have been done sooner.

### ***Problem in Bureaucrats Conducting Unlawful Actions***

Upon executions during Covid-19, there are already existed cases, especially in the government's smaller units of abusing their authority in distributing help for Covid-19. In Depok West Java, there is a case of corruption by the head of the neighborhood community (RT) who cuts the social safety nets amount to per family head, and this statement was confirmed by the head of Depok's social office that there are corruption cases. This is a sign



of unlawful *bureaupathology* that was often made up of bribery, corruption, and dishonesty (Siagian, 1994; Ariefana, 2020).

In response to this, the Indonesian commission on corruption eradication has provided their response in a form of Circular letter that covers the four aspects that could become a corruption hotbed that includes procurement on goods and services, funds reallocations to Covid-19 spendings, charity activities management as well as social aid management. (Corruption Eradication Commission, 2020). Further, this letter was the response towards the incident of the registrations of double data in DTKS as well as the fictitious name that existed in the social distributions aid of DTKS that indicates existence of unlawful actions as well as trends of misuse of public power for private benefits trends (Johnston & Romzek, 1999).

### *Legal Analysis on Social Distribution Red Tape*

Social aid facilitation is distributed through an Integrated Data of Social Welfare ("DTKS") that has already been developed since 2019 through the Social Affairs Minister's Decree No 5 Year 2019. In 2020, the data has already encompasses 40% of the lowest income citizen of Indonesia that was made up of 100 million citizen and 27.7 million family. By registering oneself and their family to the program, the citizen then would be able to access the social safety nets that had been provided by the state and all of these was governed this process is called the Law No 13 Year 2011 on Poverty Handling ("Poverty Law").

Through the decentralization principles that has been adapted by Indonesia as a state, this decentralization means are being crystallized in the Coordination part of the Poverty Law where the ministry shall coordinate the implementation at the national level, governor coordinates the implementation at the provincial level, and regent/mayor shall coordinates the implementation of handling the poor at the district/city level (Law no 13 Year 2011 - Article 39).

Social aid recipient data will be verified by the ministry twice every two years minimum (Law No 13 year 2011). Afterward, the decentralization allows lower level government in taking part of the process that includes parties who belong to the 40% lowest income to register their name in the village and Sub District level. Lastly, the data will be further verified by the people in these government units. After the process is finished, these data would be in municipalities level and for the finalization process, these data would be stored to the governor in order to obtain final check in the Ministry of Social Affairs. (Law no 13 Year 2011- Article 8 Point 8).

Based on the arrangement that has already been governed by the law, the mechanisms in which DTKS are governed build up *layers of bureaucracy* or what we called as '*red tape*'. Under Law no 13 – 2011, the law has already put clear distinction on the role of the national, provincial, and municipal government. However, in the context of DTKS, the role of each government bodies are being differentiated: the national government role is providing a platform for data compilation for the poor (Law no 13 Year 2011 - Article 28 Point E), the provincial government role is obligated to facilitate, coordinate, and socialize the implementation of policies and strategies as well as supervising, controlling, and evaluating the implementation of various policies (Law no 13 Year 2011 - Article 30) while having

guidance from the Central Government. The latest is the smaller government units in the municipal/township level are obligated to do the same thing to the lower governmental level and the law went as far as elaborating the responsibilities of village government unit that is in accordance to the prevailing law and regulations (Law no 13 Year 2011- Article 31).

In accordance with this regulation, the tight bureaucracy has evolved into red tapes that would not facilitate quick facilitation in emergency situation such as Covid-19. Based on the research that has already been conducted, the problem lies in the tight mechanism on this bureaucracy layers that are not suitable to accommodate distributions of social aids. In fact, there is a new wave of definitions regarding "*poverty*", where the population that does not belong to this criterion before the Covid-19 pandemic would fall into poverty and this would require assistance in terms of social help.

Even though the law has already made several exceptions on how to manage help receiver data in times of an emergency such as the exceptions of updating the data through two years period in a circumstance where certain conditions can either directly or indirectly affect someone to be poor, the law does not regulate of the mechanism on how these different government units should coordinate in emergency circumstances. This would result into confusion between government units in a pandemic situation where time is the essence and the maintaining of systems in all circumstances through a legal sense (Law no 13 Year 2011 - Article 8 point 6).

This problem creates a huge concern since unusual circumstances would need specific legal distribution mechanisms. This legal structure has led the Ministry of Social Affairs to "shift" its responsibility to the provincial government where, in the case of an emergency, the parties who have had key roles in dealing with this problem need to be more diligent in ensuring the assistance falls to people who need it in a pragmatic and timely manner. However, this would not be achieved by refusing to deal with the red tape problems that was presented in the prevailing law and regulations in regards to this matter.

### ***Problems of Ministry of Social Affairs Data Management***

Ministry of Social Affairs had already opined that one of the biggest underlying reasons of the hurdles of social distribution of "BANSOS" under Covid-19 situation includes the aspects of data management of citizen social status, as well as the questions to conduct data update on time. Based on the extensions of this problem, it gives new questions on whether there are receivers of help that falls under the criteria of receivers that are ineligible to receive the help (*inclusion error*) as well as the help not arriving to people who need it the most (*exclusion error*) (Annex 1: Rationale of the Ministry of Social Affairs No 28 year 2017 – Paragraph 7).

Under the existing legal mechanism, the mechanism in which DTKS is regulated, it is written under the Ministry of Social Affairs Decree No 5 Year 2019 on the Integrated Social Welfare Data Management as well as the issue of *Inclusion* and *Exclusion* error of social help receivers that concerns about the accuracy level of those who received help in the middle of Covid-19. Through the prevailing laws and regulations, one of the most prominent legal mechanisms that governed inclusion and exclusion error is the Ministry of Social Affairs No

28 year 2017 on Verification and Validations of Integrated Social Welfare Data and Poverty Handling Management.

Through this law, the status of poverty is further differentiated into "*poor people*" as well as segmentation "*that can't make ends meet*" (Ministry of Social Affairs Decree No 28 year 2017 - Article 1). This is done under the rationale of events that could result poverty as regulated in the poverty law. However, even though the aforementioned events happened suddenly, there is still a long and complicated mechanism to conduct verification and validation of social receivers' data.

For example, the organizational structure to conduct verification and validation is still too long. In accordance with the decree, the structure is to conduct the aforesaid procedure are divided into 6 bureaucratic layers such as regents/mayors to heads of district/city regional social services to head of population and civil registration office to district/city area to head of regency/regional statistical center to the lower level such as sub-district and village head (Ministry of Social Affairs' Decree No 28 year 2017 - Article 4 Point 2).

Other than the organizational structure, the procedures of the mechanism to conduct verification and validation of data are also taking a quite long time. Based on this decree, the procedure involves; (Ministry of Social Affairs No 28 year 2017 - Article 7 Point 1).

- a. Preparation of an initial list of objectives;
- b. Technical guidance;
- c. Village / Urban Village Deliberation / Other Names;
- d. Household visits;
- e. Data processing;
- f. Supervision and inspection; and
- g. Reporting.

Based on this mechanism, there is still ed-mechanism on how to conduct validations and verifications in emergencies and based on *prima facie* approach, there are steps that could be eliminated such as step A (preparation of objectives since there are already clear objectives), as well as step C (Village / Urban Village Deliberation) due to the urgency of the situations. However, such eliminations cannot be done because the decree stated that the basic guidelines on the procedures are inseparable parts from this decree and that would result a maintenance of bureaucracy even in emergencies. (Ministry of Social Affairs No 28 year 2017 - Article 3 Point 2).

Based on the analysis described above, it is shown that the textual arrangement of various documents that govern the distribution of "BANSOS" provides a fertile breeding ground for red tape and bureaucratic pathology during an emergency.

## Discussions

Based on the analysis that has already been conducted, an interplay between the nature of the bureaucrats and the law governing the social aid distributions of social aid, is exist especially during Covid-19. Firstly, *bureaupathology* exists in different aspects of the Ministry

of Social Affairs in accordance with the theory of Siagian (1994) that ranges from managerial problems that have tendencies to shift the problems to other parties in the mechanisms, human resources problems in terms of data management, corruption in terms that was stimulated by the DTKS system as well as favoritism that happened among bureaucrats in smaller government units. However, this problem was also resulted by the maturity of the law in accordance with the theory of Hart (1961) in governing the maturity of order among the Ministry of Social Affairs.

The managerial problems in the bureaucracy were affected by Law No 13 – 2011 on poverty handling where it provides a tight bottom-up mechanism to handle social distribution mechanisms that share equal weight between central regulator and other government units which resulted the bureaucrats reacted. Human resources mechanism that is existed also the product of the generalized manner in distributing social aids in times of pandemic, that was governed by the Ministry of Social Affairs No 28 year 2017 on Verification and Validations of Integrated Social Welfare Data and Poverty Handling Management and the scarcity on standardization on data management between government units.

The combinations of these interplay between social and legal factors affirm the theory of *Islamy* of Indonesian Bureaucracy where this theory highlighted the fact that Indonesian bureaucracy is *patriomonistic* in a sense that there is a lack of efficiency, objective, and effectiveness which some part of it was the product of the maturing legal order of the Ministry of Social Affairs that made up the behavior of the bureaucrats governing this matter (Islamy, 1998).

## Conclusion and Recommendations

For the existence of an interplay between the existing legal order and the problem of bureaucracy in Indonesia, the writer would like to opine on several solutions to improve the distributions of social aid during Covid-19 pandemic. Firstly, government could provide a mechanism self-reporting for the parties who are affected by the pandemics by utilizing a platform that is available on the present moment and this is where the role of private sectors and NGO would come in due to their involvement with the life of the public and it would be a problem to keep on relying to the existing social integrated data (DTKS) due to ineffectiveness that kept on happening on the field.

Secondly, red tape should be cut and adjusted to the needs of the public to the present moment as well as cutting legal steps that are deemed unnecessary to be implemented at the present moment. For example, the scheme could be limited to one or two as well as conducting emergency training in the form of a Ministry of Social Affairs's Decree for parties who are involved in the bottom-up mechanism to conduct social distribution scheme in the context of Covid-19, which would break the strong ties of holding up to the long distribution process that was embedded on the present legal mechanisms. These solutions could also involve more financial rather than staple needs because to a certain extent, liquid cash is more needed in this situation and could help revitalize the economy by helping the poor restore their purchasing power as well.

Lastly, there is an urgency for better communication and coordination between all parties who are involved in the distributions scheme of social aids due to the fact that synergy, team work, and multi-stakeholder coordination are fundamental in achieving strategic social aid distributions during Covid-19 to the recipient who needs them, despite the facts that there are evident of *bureaupathology* in Indonesian bureaucracy who are responsible upon this matter.

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