

## Civil Society, Law and New Normal Covid -19

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### Abstract

The Covid-19 pandemic has brought countries in the world and Indonesia is no exception entering a new phase of life. The purpose of this study is to find various policy packages by the Government and individual countries to protect their citizens in relation to various laws and regulations to overcome the Covid-19 pandemic. This type of research uses normative legal research, and the research methodology used is Foucault's theory of power relations, that is, understanding will be built to find a synthesis in this study. The results of research investigations are related to various policy packages issued by various countries and also by the Indonesian Government to protect their citizens to overcome the Covid-19 pandemic including the various effects of its dominance through large-scale social restrictions and new normal life Covid-19. However, it turns out that this provision is not effective in Indonesia because people tend to ignore it. The solution offered is that the community as a civil society must be able to manage issues in the face of inadequate public compliance with various laws and regulations that govern the handling of the Covid-19 pandemic. Therefore, Civil society in Indonesia must be encouraged to change the basis of thought so that it has the same spatial frequency as the Government.

**Keywords:** Civil Society, Policy, Foucault Theory, Covid-19 Pandemic, New Normal Life

### 1. Introductions

Countries in the world, including Indonesia, are facing the Covid-19 pandemic, and the losses from the Covid-19 pandemic in human life are tragic (Sieck, 2020: 220). Currently, based on information obtained through online media, there are several countries that have succeeded in dealing with the spread of Covid-19, including Vietnam, South Korea, Taiwan, and several other countries who are still struggling to control (Thertina, <https://katadata.co.id/news/>, 2020/04/24 & Rezkisari, <https://republika.co.id/26/5/2020>). The World Health Organization (WHO) continues to warn that the Covid-19 pandemic is not over, so all countries are still looking for solutions and treating all patients (Iskana, <https://katadata.co.id/berita/2020/04/28>).

Recently in several countries, such as Germany and Singapore, they will implement the concept of "new normal", and Indonesia does not want to be left behind in this matter. We live in an unprecedented situation (at least in our life), and it affects each of us in unique ways (Cornain, 2020). The term "new normal" is to refer to the new normal life conditions which in the end make humans have to side with the Corona Virus (Iskana, <https://saiiddata.co.id>, 2020/04/28). This means that the community will have limited activities while still meeting health protocols. In fact, according to researchers from the Eijkman Institute, the new normal is "things that were not previously done must be done, such as hygienic culture (Rizal, <https://www.kompas.com/tren/read,2020/05/09>). There is also a concept that positively defines "new normal life" as the result of an adaptation of life patterns during a pandemic. For example, the Work From Home (WFH) scheme can be considered a new way of life, by preparing online meeting technology for WFH which becomes a business process / Standard Operational Procedure (SOP) when WFH is a performance indicator during WFH (Putri, 2020).

According to Flamirion and Muradi (2016: 189-195), the concept of new normal and handling the spread of the Covid-19 pandemic, of course the most important role is not the political support factor of a government but the condition of society is a consequence of a democratic government, this is what is called civil society. According to the World Bank in Jezard (2018) defines civil society as referring to a variety of organizations: community groups, non-governmental organizations (NGOs), trade unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations, and this term became popular in political and economic discussions in the 1980s when it began to be identified with non-state movements against authoritarian regimes, especially in central Europe, eastern Europe and Latin America. When mobilized, it is civil society - sometimes called the "third sector" (after government and trade) that has the power to influence the actions of selected policymakers and businesses. But the nature of civil society - what it is and what it does - is developing, in response to technological developments and more nuanced changes in society (Jezard, 2018).

Civil society will exist as a result of the formation of the interaction process of individuals in a public space that is free and guaranteed by the state. So far, in Indonesia, civil society has grown very fast, but has obscured the definition of the concept of civil society itself. The growing civil society turns out to be in line with the development of power in Indonesia. So, based on the order or government regime, when a power collapses, civil society becomes very vulnerable to conflict. The threat that occurs in Indonesia is disintegration. This situation, according to Lee, is termed bad civil society or uncivil society (Flamirion and Muradi, 2016: 189-195).

Likewise, when facing the Covid-19 pandemic, civil society in Indonesia looks very vulnerable. The quality of society that is reproduced from the process of struggle for interaction in public spaces as a condition for democracy. It is said that, because of the various policies issued by the Government, it seems that they are not working effectively and optimally in society. There have only been conflicts and violations committed, so the large-scale social restrictions set by the Government can be deemed as having not succeeded in overcoming the spread of Covid-19. Even empirically, it is seen that the Indonesian people are insistent against the government by violating the large-scale social restrictions (*Pembatasan Sosial Berskala Besar* or PSBB) provisions. The issue of worship, problems at work, problems with places of entertainment and shopping have become an outlet for the desire of the Indonesian people when the government struggles to control the spread of Covid-19.

The description above leads researchers to a major problem in Indonesia, namely regarding the Law and the Concept of New Normal Life after Covid-19 in Indonesia. This is a big problem, because it is dealing with a society whose civil society is not yet established. This research will describe the proposed solutions in dealing with Indonesian civil society which is quite vulnerable when dealing with a policy that is considered to be against its interests.

Through Foucault's theory of power relations, an understanding will be built to find a synthesis that the historicity of the mode in which individuals are the subject of power, and the legitimacy of power through the models offered by the legal system and institutional models through examining the nature of the state to highlight the power relations that are can be analyzed through the antagonisms that can be found (Fletcher, 2008). According to Foucault (1972,1977, & 1978: 101), "We must make allowances for complex and unstable forces where discourse can be an instrument and effect of power, but also obstacles, stumbling blocks, points of resistance and starting points for a strategy. opponents "and power and knowledge are two sides of a process, knowledge does not reflect the relationship of power but is already close in it. that power

Then, Foucault in Prayitno (2017: 19) states that it is not in the king, ruler or government, but in various reality productions that are built through normalization and regulation. A set of regulations will be a reflection of the existence of power. According to Foucault, this can be seen from the voluntary obedience of the community to regulatory provisions. Therefore, it becomes interesting to discuss related to the state of Indonesian civil society, the law and the New Normal Life Covid-19, because at the same time the power relations between the Government and the people will be known.

## 2. Methodology

This type of research uses normative legal research, normative legal research is research conducted to collect and analyze secondary data. In normative legal research usually only secondary data sources are used, namely books, diaries, laws and regulations, court decisions, legal theories and the opinions of leading legal scholars (Marzuki, 2005: 25). . In this study, the research methodology used is Foucault's (1972,1977, & 1978: 101) theory of power relations, an understanding will be built to seek synthesis in this study. Foucault's theory emphasizes power relations, an understanding will be built to find a synthesis that the historicity of the mode in which individuals are the subject of power, and the legitimacy of power through the models offered by the legal system and institutional models through examining the nature of the state to highlight the power relations can be analyzed through antagonism.

## 3. Statement of Problem

This research will describe the offering of solutions in dealing with Indonesian civil society which is quite vulnerable when faced with a policy that is considered to be against its interests.

## 4. Discussions and Results

### 4.1. Laws and Problems Handling Covid-19 in Indonesia

The state of Indonesia is a state of law. Thus reads Article 1 Paragraph 3 of the 1945 Constitution (*Undang – Undang Dasar Tahun 1945* or UUD 1965), a state in which there are various aspects of regulations that are coercive in nature and have strict sanctions if they are violated. As a legal state that has a civil law system tradition, Indonesia has mainstreamed its main source of law, namely legislation. So, whatever the conditions, needs and problems, it is certain that the law in the form of legislation is awaited as a solution. Law in the form of statutory regulations is considered the commander and the basis for actions taken by the government.

This understanding has brought Indonesia to a hyper regulatory situation, because everything must be regulated through statutory regulations. Normatively, the types of laws and regulations can be known through Article 7 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended by Law Number 15 of 2019. Apart from Article 7, types of laws and regulations are also contained in Article 8. This means that the types of laws and regulations are not only within the hierarchy as referred to in Article 7, but are also scattered within various institutions and institutions that have the authority to form laws and regulations.

Departing from such a legal system framework, at the time of the Covid-19 pandemic, the Government certainly issued a policy package in the form of legislation as an effort to control and suppress the spread of the corona virus in Indonesia. Armed with a recommendation from the Head of the National Disaster Management Agency, the President then issued Presidential Decree No.7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease (Covid-19) by appointing National Disaster Management Authority (*Badan Nasional Penanggulangan Bencana* or BNPB) as the coordinator. This Presidential Decree is stipulated based on recommendations

The Head of BNPB through the Decree of the Head of BNPB which is also stipulated by referring to Law Number 24 of 2007 concerning Disaster Management, and Presidential Regulation Number 17 of 2018 concerning Implementation of Disaster Management in Certain Circumstances. Through the Presidential Decree, it was emphasized that the implementer of national disaster management caused by the Covid-19 pandemic was the Task Force for the Acceleration of Handling Covid-19 by synergizing between ministries / agencies and local governments. With this stipulation, there are technical consequences that must be fulfilled by the Government regarding the determination of national disaster status based on Government Regulation Number 21 of 2008 concerning Disaster Management.

After the President determined the status of an emergency, the President issued Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). At the same time, the President issued a Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang* or Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Pandemic Corona Virus Disease 2019

(Covid-19) and / or in the Context of Facing Threats Endanger the National Economy and / or Financial System Stability. The Government regulations (*Peraturan Pemerintah* or PP) regarding Large-Scale Social Restrictions (*Pembatasan Sosial Berskala Besar* or PSBB) is an implementing regulation of Law Number 6 of 2018 concerning Health Quarantine.

#### **4.2. The Concept of New Normal Life Covid-19**

The Indonesian government is currently introducing the New Normal concept in the midst of the corona outbreak which is still increasing. New Normal Life is characterized by different life situations and this situation has never happened in the history of human life on this planet earth and we need to make sacrifices and develop a coping mindset (Leahy, 2020). A society that has a different kind of relationship with the environment and mother Earth, and also we have a chance to be human again, to rectify our mistakes and move ahead with empathy, compassion and self-belief earn from it (Sanghvi, 2020). According to Cornain (2020), New Normal is the thought (and reality) of a way of life when humans return to their activities in the era of the Covid-19 pandemic in the form of limitations which are fundamental changes to be followed as follows:

- a. The way we live is different: Masks and gloves may be commonplace, depending on where in the world you live; Queuing is now the norm, be it when visiting health professionals, going to the shops, or even getting in a lift; Public transport looks very different, with social distancing in place and commuters wearing masks and gloves; We do a double-take when we hear someone cough, sneeze, or sniffle. We've been conditioned these past few months to be hypervigilant for these symptoms, but hopefully this might also mean that higher standards of hand and personal hygiene will continue; We'll start to holiday more in our own backyards due to travel restrictions, which can only be a good thing for local economies as they cope with the decline in overseas and interstate tourist numbers. Wanderlust for overseas exotic locations will also be on the rise, and Instagram will no doubt fuel those desires; The small things that make up our community have changed. No more sausage sizzles at Bunnings, no community sports, no lingering over brunch with friends at the local cafe, and salons have closed due to the pandemic. We're hoping our local small businesses - our hairdressers, barbers, cafes, restaurants, health professionals, newsagents, boutiques - make it through the other end (so be sure to support your local small business!); and The larger sporting landscape has also changed. Sporting leagues have paused but are cautiously eyeing a return, and national and international meets are near impossible given travel restrictions. Sport has also been hit particularly hard by coronavirus in the year of the Summer Olympic Games, which have now been postponed to 2021.
- b. The way we work or study has changed: Education as we know it has change. Schools and universities have moved online, some blending face-to-face with online lectures. Universities around the world are feeling the impact from the absence of International Students. Conferences will be paused, and international collaborations and sabbaticals now look very different to previous years; Work has also change due to social distancing. So many of us shifted to working from home to minimise travelling on public transport and gathering in groups at the office. Zoom meetings even became our New Normal. With restrictions easing, we may cautiously rotate back into working at the office in shifts, or embrace working from home on a more regular basis.
- c. The Weay we socialize and connect looks very different: Social distancing - No more packing in large crowds when we all have to have a personal bubble of over a metre. We have said goodbye (for now) to attending concerts, plays, movies, festivals, museums, etc., but hopefully they are able to return soon; Not seeing loved ones...for their benefit. Elderly parents and grandparents, pregnant friends or new parents, or those with health conditions that render them more vulnerable to coronavirus - we're staying away to keep them safe. In a time when it's more important than ever to stay connected, this can be particularly challenging for all; No visits from loved ones from interstate or overseas. With travel restrictions in place and unlikely to lift for the foreseeable future (particularly international travel), families and loved ones are being kept apart and having to make do with online catch ups; Social greetings have morphed. Gone are the days of greeting friends and extended relatives with handshakes, hugs, and cheek-kisses. Friendly gestures like these are now being curbed, to be replaced by elbow bumps and foot-shakes, or waves from a (social) distance; and The way we 'dine out' has changed. Many restaurants and cafes may only be serving takeaways at the moment, but



even when they reopen for us to dine-in there will likely be restrictions around how many are able to dine-in, social distancing will be in place, and shared plates may disappear for quite some time.

Then, when viewed from the reports that are released every day through the official website about the development of the corona virus based on Global Distribution Data in 222 Countries, it is confirmed that Covid - 19 is 79 673 754, and died due to Covid - 19 is 1 761 381 (covid19.go.id /, 28/12/2020). Whereas in Indonesia, the increase in patients with Covid-19 tends to continue to increase, referring to the Covid-19 data which is very dynamic so that it can change according to the results of the verification carried out by the Ministry of Health (covid19.go.id/,28/12/2020). However, the government is and continues to prepare to take policies to make peace with the Covid-19 pandemic through the New Normal concept or a new phase of life.

The government, through President Joko Widodo, declared the corona virus pandemic that was increasingly widespread and infected millions of people in the world, including in Indonesia, and invited people to live in peace with Covid-19 and due to this pandemic, the world community was forced to stay at home. Work, school, and worship must also be done at home, except for those who do have to do activities outside the home so that this extreme change has had a huge impact on people's lives, as well as for many sectors. (Sumartiningtyas, /www.kompas.com/ science / read / 2020/05/26)

Preparation for the New Normal life is not only in Indonesia, several countries in the world are also considering the implementation of the New Normal by referring to the requirements issued by the World Health Organization or WHO (<https://www.who.int/news-room>. Accessed on 27 May 2020) [10]. However, in Indonesia New Normal life has its own conditions. The WHO version of the New Normal is a transitional step in dealing with the complexity and uncertainty in facing the Covid-19 pandemic.

WHO states that the New Normal is a period for rapidly adjusting steps, removing social restrictions and gradually opening up social activities, while still monitoring the effectiveness of these measures. New Normal according to WHO has several conditions that must be met by each country if they want to apply the concept. The New Normal concept will continue to be applied even though several Covid-19 vaccines have been found (<https://www.who.int/>, 28/11/2020)

WHO emphasizes that before implementing the New Normal concept, governments in a country must comply with several provisions set by WHO (<https://www.who.int/news-room>. Accessed on 27 May 2020).as follows :

- a. Having evidence that the transmission of the corona virus in the country can be controlled,
- b. The country has a strong public health system capacity, including having hospitals to identify, test, isolate, trace contacts, and quarantine Covid-19 patients.
- c. The country must be able to minimize the risk of outbreak transmission, especially in areas with high vulnerability. Including in nursing homes, health facilities, and crowded places,
- d. The country must ensure that preventive measures at work are put in place, such as physical distancing, hand washing facilities, cough and sneezing etiquette, and other preventive protocols.
- e. The risk of transmission of imports from other regions must be closely monitored and considered by countries that are willing to implement the New Normal,
- f. The people in that country must be involved to provide input, of opinion, in the process of the New Normal transition period.

Meanwhile, the concept of New Normal in Indonesia is not the same as that required by WHO (<https://www.who.int/news-room/>. Accessed on 27 May 2020) because the Government of Indonesia only issued three (3) points as a condition for implementing the New Normal, as follows:

- a. New Normal is enforced if the reproductive time (Rt) transmission rate of corona or the effective reproduction in a region must be below 1. This is calculated for 14 days;
- b. Regarding health system readiness, the New Normal will apply if the capacity and adaptation of the health system in Indonesia supports Covid-19 services, which is not impossible to increase if the Large Scale Social Restrictions (PSBB) are relaxed;

- c. PSBB can be relaxed and New Normal can take effect if the government can meet the target of conducting tests or surveillance with a capacity of 10-12 thousand per day.

Based on the foregoing, the concept of implementing the Indonesian version of the New Normal and the WHO is almost the same, although there are several points that are not included. Loosening the PSBB and implementing the New Normal concept to revive the economy must be done carefully. According to Riono ([www.kompas.tv/30/5/2020](http://www.kompas.tv/30/5/2020)), the government does not have accurate data, the government must consider three other indicators, including:

- a. Epidemiological Indicators. In this indicator, the number of cases, people under surveillance (*orang dalam pemantauan* or ODP), patients under surveillance (*pasién dalam pengawasan* or PDP), and people without symptoms (*orang tanpa gejala* or OTG) and mortality rates are required to fall for at least 2 weeks;
- b. Public Health Indicators. In this indicator, services for the Covid-19 test in Indonesia must not decrease, it must even be improved. In addition, the government was also asked to continue carrying out the Covid-19 test and continue tracking cases. In addition, in this indicator the habits of the community in implementing health protocols must also be considered, such as wearing masks, washing hands, and maintaining distance; and
- c. Health Service Readiness Indicators. Health services and equipment must still be well prepared. This was done in order to overcome the second wave. If there is an increase in patients, the government is expected to be ready with the necessary equipment.

Thus, if the public is not vigilant and the government is not careful in making the policy of implementing the New Normal, it is possible that a second, third, fourth wave pandemic will occur (Riono, [www.kompas.tv/30/5/2020](http://www.kompas.tv/30/5/2020)).

#### **4.3. Civil Society in Indonesia**

Conceptually, civil society or in other words called civil society has no short roots. Since Aristotle's time, this concept has been defined as entities within the state (Asfar, 2001: 51). There are those who say it, since the days of Cicero, and can be drawn from Arab civilization by the term "civil society" which means civilization (Agung & Rumtini, 2010: 267). Meanwhile, at this time, the concept of civil society is defined as a democratic society, which is independent and does not interfere with state power. According to Gellner in Agung & Rumtini (2010: 267) states that this concept is often attached to organizations that are outside government institutions that have enough power to fight or balance state power. In line with this opinion, Foley and Edward in Agung & Rumtini (2010: 267) define civil society as an organized group, having access to public space.

The concepts above certainly have an influence on the understanding of the concept of civil society in Indonesia. This means that the European concept overshadows civil society in Indonesia. In Indonesia itself, the presence of civil society began in the Dutch East Indies colonial era. In this era, the resistance of the Indonesian people can be seen to oppose the domination and manipulation carried out by the Dutch East Indies Government (Parmudi, 2015: 301). After Indonesia's independence, the concept of civil society cannot be interpreted as such. Examining the political meaning of civil society in Indonesia is a place separate from the state and the economy and as the logical home of democratic values as a golden cage for progressive social activism, if not a trap (Harney & Olivia, 2003: 2).

Then, pragmatically, in Indonesia, civil society is defined as a society that is reactive to government policies or the ongoing social, economic and political systems or even as demands for a better life system. Civil society in the Indonesian context is also attached to community participation. Civil society is able to participate in the government process in a civilized way, and it should use Pancasila values, although they cannot be separated from liberalism (Parmudi, 2015: 301).

However, in the context of Indonesia, the issue of multiculturalism and pluralism should also be considered. Not only about ethnicity, religion, and race, but also about education level and livelihood. Individuals who have a high level of education with livelihoods in the city as industrialists or professionals will have a

different level of understanding from traditional individuals regarding acceptance of Government policies or the social, economic and political system that the government has built. People with high levels of education have high awareness and are able to access public spaces, especially with advances in technology, information and communication.

AS Hikam once wrote in his book, that the condition of civil society is still vulnerable to conflict. Moreover, there are still groups that have access to public space, critical thinking is actually comfortable when in the vortex of power (Hikam, 1996: xvi). This will indirectly blunt the democratic process in Indonesia. In fact, the more aspects of life that are intervened by the Government, the more community participation is needed as a mirror of civil society to narrow the space for government authority.

The release of the Indonesian nation from the New Order regime was actually a good momentum for the democratization process in Indonesia. The public has more space to argue about the policies taken by the government (Latuconsina, 2013: 15). However, because in Indonesia civil society seems to be revolutionizing very rapidly, the result is that Indonesia experiences a bad civil society or uncivil society. Even though, in fact, civil society in Indonesia has the potential and the opportunity to strengthen and take root. It's just that it is strong and rooted in that it must be followed by cleverness in organizing issues, because if not, the Indonesian people will be trapped in incorrect information within the framework of the media with very broad consumption.

This is what is happening today, Indonesian people are often trapped in incorrect information, so that the vulnerability to conflict is getting higher. Therefore, it is more beautiful to return to a empowered civil society, namely people who follow the provisions of laws and regulations that have been established as government policies. However, it can also function as a control that provides input and criticism for policies to be taken by the Government. Thus, in the Indonesian context what is really needed is to have the same view and understanding of the values of Pancasila as a source of law for all policy arrangements in the form of law in Indonesia.

#### **4.4. Civil Society, Law and New Normal Life Covid -19**

Law in the Indonesian context is of course more interpreted as statutory regulations. This is a consequence of the traditionalization of the civil law legal system with its rule of law. One of the characteristics is that government is based on law. It means that the law becomes legitimacy for government action to organize the life of the nation and state. However, in Indonesia, the legal system is built in such a way as to become a hierarchical, tiered and structured legal norm order. Laws will be implemented through various laws and regulations, ranging from Government Regulations, Presidential Regulations, to Regional Regulations. Not to mention, ministerial regulations that are not included in the gap.

During the Covid-19 pandemic, the tradition of translating conditions, conditions and needs into laws and regulations and various policies was very much implemented. Various laws and regulations were formed as a basis for government action to deal with and overcome the spread of the corona virus in Indonesia. In fact, it is up to each minister to issue regulations in their institutions to regulate the course of efforts in each area of their affairs to overcome the corona virus pandemic. For example, the Ministry of Health, Ministry of Finance, Ministry of Transportation, Ministry of Empowerment of State Apparatus and Bureaucratic Reform, Ministry of Defense and Ministry of Manpower. This means that the law in the sense of statutory regulations has been established to regulate the system of social relations, behavior and patterns of life of Indonesian society.

However, in terms of efficiency, it can be seen that all kinds of laws and regulations governing the Covid-19 pandemic have not been successful. For example, the matter of Large-Scale Social Restrictions (PSBB) rules which are regulated through Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). The community tends to ignore the implementation of the PSBB, especially when the norm is collided with a static norm system based on the values of belief and belief in the content of norms and tends to be embedded through cultural and religious indoctrination. The failure of the PSBB has certainly increased the curve of patients suffering from Covid-19 in Indonesia. Indonesia managed to rank second in Southeast Asia, because the number of positive patients with Covid-19 exceeded 20,000. However, conditions like this finally

collided with the economic impact experienced by Indonesia. People who tend to be ignorant are the impetus for the Government to take a "road" to make peace with Covid-19 through a plan to implement the concept of "new normal life".

The concept of new normal life itself has various versions. The Indonesian version is translated differently from the WHO version, although some experts state that the Indonesian new normal life concept refers to the concept that is owned by WHO. Although, this is of course very contradictory, because the new normal life according to WHO can only be applied with conditions where the level of transmission of the corona reproductive time (Rt) or effective reproduction in an area must be below 1, the capacity and adaptation of the health system in Indonesia is already supportive for Covid- 19, and the government can meet the target of conducting tests or surveillance with a capacity of 10-12 thousand per day. Moreover, many do not understand the concept of new normal life in its true meaning. In short, it can be understood that the Indonesian people interpret new normal life as returning to a normal life like when the corona virus had not yet spread in Indonesia, so that only shopping centers, schools, workplaces and places of worship were reopened.

In fact, the concept of new normal life in Covid-19 is more directed at understanding the adaptation of society to living behavior during a pandemic. That is, health protocols to protect individual personal selves are emphasized. Public spaces providing health protection facilities to deal with Covid-19, such as masks, hand sanitizers, including work spaces, distances to worship and queues in shopping centers must meet physical distancing procedures, at least 1 (one) meter. With this condition, in fact the community continues to have limited activities while still complying with health protocols. This is in line with what was stated by researchers from the Eijkman Institute, that new normal life covid-19 is a hygienic culture. This condition also encourages every institution, institution and public legal entity to create a new Standard Operating Procedure (SOP) to implement a new normal life.

However, pessimism becomes an anti-thesis in applying the concept of new normal life in Indonesia. People who consider the Covid-19 pandemic as trivial, of course, will not comply with the health protocol established by the Government. In fact, the PSBB failed to be implemented, either because the people underestimated it, or because it was supported by law enforcement officials who did not consistently support the sound of legal norms. However, as a society that is categorized as a civil society, living in a democratic country, the Indonesian people should be able to comply with the provisions of laws and regulations and policies that have been determined by the Government. If, the sound of this provision or the very sporadic process of its formation injures the principle of community participation, then through public spaces, effective communication from Non-Governmental Organizations (NGOs) / Non Government Organizations (NGO), input and criticism can be made. Not exactly against the provisions of the Government just because of personal interests and individual egocentrism.

Elaborating through Foucault's theory of power relations, indeed this situation seems to be justified. Indeed, according to Foucault, this power can be seen from the voluntary obedience of society to regulatory provisions, because the power does not rest with the king, the ruler or the government, but on the various production of reality that are built through normalization and regulation. This theory will lead to a conclusion that the Government is not in power during a pandemic. This can be seen from the various regulations that the public is not interested in obeying. The fault may lie in the policy-making strategy that is in a panic situation, so that the policies issued are not systemized.

As a civil society - even though it is in a vulnerable stage (bad and uncivil society) - with an increasing level of education, the awareness to support policies during the pandemic should be higher and able to influence various levels of society. Indeed, it cannot be eliminated, that the national media, both electronic, print and social, strive through effective communication to invite the public to comply with government policies regarding PSBB. However, they must all be dashed when faced with static norms that rely on belief and belief. Honestly, this also affects the democratic process in Indonesia. The deliberation process was tough, because each community already had their own understanding and views about Covid-19.

Finally, it appears that civil society in Indonesia has not been able to process and organize issues properly, so that the civil society becomes helpless, to follow the provisions of laws and regulations that have been



established as government policies and control by providing input and criticism of policies that will be taken by the Government . It seems that academics and observers are only working on one side without being able to influence the understanding that the community has in dealing with the Covid-19 pandemic.

For example, when entering the month of Ramadan and the Eid al-Fitr holidays, people are still secretive or some even go to markets, modern shopping centers to fulfill the traditional needs of the holidays. Places of worship are holding tarawih and Eid al-Fitr prayers again, even though the government has urged them to do so at home. The tradition of returning home still colors the face of Iedul Fitri in Indonesia, even though it is required when returning to their previous residence or domicile.

Thus, in the Indonesian context what is really needed is the same view and understanding about the values to be applied. When the Government is based on a system of dynamic norms that is rooted in the fundamental norms of the state, while the community persists in a system of static norms, there is no similarity in the system pattern in policy making. Finally, the law will not work in the new normal life of Covid-19 without the support of an established civil society, which is able to manage issues well, so as to be able to take a stand to rely on the right norm system in policy making.

## 5. Conclusion and Recommendation

### a. Conclusion

Civil society is able to manage issues related to solutions to deal with inadequate public compliance with various laws and regulations governing the handling of the Covid-19 pandemic. Civil society in Indonesia is quite vulnerable when faced with a policy that is considered as something that is against its interests. When the policy is taken by the government, then society as a civil society that has a public space to argue must shift its thinking from a static norm system based on belief and belief to a dynamic norm system, which is based on higher authority and sources of legal norms in its formation.

### b. Recommendation

The Indonesian government must be able to manage issues in dealing with inadequate public compliance with various laws and regulations that govern the handling of the Covid-19 pandemic. Thus, Civil society in Indonesia must be encouraged to change the basis of thought so that it has the same spatial frequency as the Government.

## 6. Conflicts of Interest

The author stated that there was no conflict of interest in this study.

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