

Akuntabilitas pemerintah dalam penggunaan diskresi pada keadaan darurat = Governance accountability in the use of discretion in emergency situations

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Abstrak

Tulisan ini menganalisis penerapan diskresi pada masa pandemi COVID-19 untuk mewujudkan Good Governance serta upaya akuntabilitas pemerintah dalam menggunakan diskresi pada masa pandemi COVID-19 dalam melindungi hak-hak masyarakat Negara Indonesia. Akuntabilitas menimbulkan peran penting antara pemerintah dan masyarakat berdasarkan prinsip-prinsip good governance. Paradigma baru administrasi publik hadir dengan merumuskan serangkaian cita-cita dan praktik yang terkait dengan nilai dan norma tertentu dalam melaksanakan akuntabilitas pelayanan publik. Dalam pandangan terhadap HAM, kebijakan PSBB memiliki kontra mengingat Pembatasan Hak Bergerak dan Berkumpul yang merupakan hak asasi manusia yang dijamin dalam Konstitusi. Selain itu, terdapat dampak ekonomi dan Hak Atas Pekerjaan yang berpotensi merugikan hak asasi manusia terkait pekerjaan dan mata pencaharian. Lebih lanjut, kebijakan PSBB berpotensi melanggar hak privasi dan keamanan data. Sehingga pada praktiknya, Pemerintah dalam mengambil suatu keputusan atau diskresi perlu mendasari tindakan tersebut dengan data yang akurat, selain itu penerapan asas transparansi perlu diperhatikan, serta penerapan akuntabilitas dalam pengambilan keputusan. Kedua, perlu ada pengawasan independen terhadap kebijakan pemerintah dengan melibatkan organisasi masyarakat sipil, media, dan akademisi.

.....This paper analyzes the application of discretion during the COVID-19 pandemic to realize Good Governance as well as the government's accountability efforts in using discretion during the COVID-19 pandemic to protect the rights of the people of Indonesia. Accountability creates an important role between government and society based on the principles of good governance. The new paradigm of public administration exists by formulating a series of ideals and practices related to certain values and norms in carrying out public service accountability. In view of human rights, the PSBB policy has its cons considering that it limits the rights to movement and assembly, which are human rights guaranteed in the Constitution. In addition, there are economic and Right to Work impacts that have the potential to harm human rights related to work and livelihoods. Furthermore, the PSBB policy has the potential to violate the right to privacy and data security. So in practice, when making a decision or discretion, the government needs to base these actions on accurate data. Apart from that, it is necessary to pay attention to the application of the principle of transparency, as well as the implementation of accountability in decision making. Second, there needs to be independent monitoring of government policy by involving civil society organizations, media, and academia.