

LEGAL PROBLEMATICS AGAINST POLICY COVID-19 IN INDONESIA

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PalArch's Journal of Archaeology of Egypt / Egyptology

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Yahman, Azis Setyagama. Legal Problematics Against Policy Covid-19 In Indonesia -- Palarch's Journal Of Archaeology Of Egypt/Egyptology 17(4), 1022-1038. ISSN 1567-214x

Keywords: Legal Problems, Covid-19, Indonesia

ABSTRACT

This Government Regulation is a follow-up to the implementation of Law No. 6 of 2018 concerning Health Quarantine. Countermeasure for the Corona Covid-19 virus by applying this large-scale restriction will lead to legal problems regarding the rights of citizens which are also protected by laws and regulations, particularly those relating to Human Rights. The purpose of this research is to find out the impact of the implementation of social distancing in overcoming the Corona Covid-19 Virus epidemic that hit Indonesia today. The study of this study uses a normative juridical approach which is a study that examines the norms that exist in a statutory regulation, in this case the norms that exist in Law No. 6 of 2018 and Government Regulation No. 21 of 2020. In addition to the normative approach, a sociological assessment was also carried out in particular the impact caused by social restriction policies in tackling the Corona Covid-19 virus outbreak. The research results achieved show that the choices made by the Indonesian government by imposing social restrictions are the most appropriate choice given the socio-economic conditions of Indonesia are different from countries that impose regional quarantine or lockdown.

INTRODUCTION

The spread of the Corona Covid-19 pandemic virus outbreak has hit the world where many countries are struggling to overcome the effects of the spread of this virus including Indonesia. Many countries use different methods to deal with the head of the Corona Covid-19 virus. For the country of Indonesia, it uses social distancing as a means of preventing the spread of the Covid-19 virus, where each

individual citizen must keep a distance between one another so that the chain of transmission of the Corona Covid-19 virus can be prevented from being transmitted.

Efforts to prevent and protect citizens are carried out by the state as a manifestation of the responsibility of the state to protect its citizens in accordance with the mandate of the Constitution. The Preamble the 1945 Constitution of Art 4 states that; The state protects the whole of the Indonesian people and all of Indonesia's blood, and to advance public welfare, educate the nation's life and participate in carrying out world order based on independence, eternal peace and social justice.¹ To achieve the country's goals expected by the Preamble of the 1945 Constitution, it is inseparable from the factor of public health protection, which is very important, moreover the community is threatened by a pandemic of infectious diseases such as SARS, Avian Influenza, HIV / AID, Covid-19 and others.

Protection from the state needs to be done because the purpose of the state is to achieve prosperity and justice for its citizens and moreover citizens need help due to disasters that have happened including pandemic diseases such as the Corona Covid-19 virus. Protection provided by the state to citizens especially in dealing with infectious diseases is very numerous and complex because handling infectious diseases such as Covid-19 requires cooperation with various parties both between state institutions and cooperation between countries in addition to discipline and awareness of citizens.

Health protection, the government must prepare medical personnel, special hospitals Covid-19, Supplies of medical devices, infrastructure and facilities that support the handling of infectious diseases, including preparing legislation related to handling infectious diseases. Likewise, the government must make every effort so that the spread of outbreaks of infectious diseases including Corona Covid-19 Virus does not spread widely which can lead to national disasters marked by the number of victims who died.

Protection of citizens in the 1945 Constitution of the Republic of Indonesia is regulated in Article 28 D paragraph (1) which states that "Every person has the right to recognition, guarantees, protection and legal certainty that is fair and equal treatment before the law". Therefore, the protection of citizens from disasters, including epidemics of infectious diseases, the state has fulfilled its obligations as well as the protection of human rights for its citizens. Basically a person who is in the territory of a country must automatically be subject to the provisions that apply in the territory of the country. (Lacey & Sen, 1990). However, even though foreign nationals must submit to the provisions in force in the country where they are located, they remain under the protection of their home country. (L. Oppenheim, 1967). When a citizen of a country is in an area that belongs to the territory of another country, the country of origin of that person

certainly cannot easily provide protection to his citizens. His native country certainly cannot be as he pleases in interacting with its citizens. This is due to the sovereignty of that other country which cannot be violated by the country of origin of that person, even though it is in the context of providing protection for its citizens.

Citizen protection related to preventing the transmission of the Covid-19 virus outbreak to the community when linked to government responsibilities in administering good governance can be said to meet elements of general good governance even though it is not perfect. The existence of the concept of a welfare state with the aim to provide welfare for all citizens, is in order to complete the principle of legality on which all government activities must be based on laws and regulations. Meanwhile, with the development of science and technology, it is also very possible to influence the dynamics of the development of society with its various activities, which are very likely to occur to deal with problems that arise, there are no laws and regulations that govern them (Sintha Dewi, 2016).

Every form of government intervention must be based on laws and regulations that apply as an embodiment of the principle of legality, which is the main joint of the rule of law. Since the adoption of the concept of welfare state, which places the government as the party responsible for the general welfare of citizens and to realize this welfare the government is given the authority to intervene in all fields of public life, which in this intervention is not only based on laws and regulations, but in certain circumstances can act without relying on legislation, but based on the initiative itself. However, on the other hand the activeness of the government in seeking public welfare must always be based on the general principles of good governance (Ridwan, 2014).

Conception of Good Governance Principles according to Crinice le Roy which includes: the principle of legal certainty, the principle of balance, the principle of acting carefully, the principle of motivation for every decision of a government agency, the principle must not confuse authority, the principle of equality in decision making, the principle of fair play, the principle of justice or reasonableness, the principle of responding to reasonable expectations, the principle of negating the consequences of an invalid decision, and the principle of protection of personal outlook on life. Koentjoro added two more principles, namely: the principle of wisdom and the principle of public interest. (Azhar, 2015).

Good governance always develops and follows global developments, it is not possible to be only national. The administration of government is to provide public services to the community, which is influenced by political, economic dynamics, development of information technology, socio-culture, all of which are mixed and influence the administration of government. (Putrijanti, Leonard & Utama 2018).

Hotma P. Sibuea stated that the General Principles of Good Governance were born from the practice of state and government administration so that it was not a formal product of a country like the law. AAUPB was born in accordance with the times to increase protection of individual rights. The function of the General Good Governance Principle in the administration of government is as a guide or guide for the government or state administration officials in the framework of good governance or good governance. (Hotma P. Sibuea, 2002)

In connection with the Covid-19 corona outbreak that is endemic in Indonesia, the Indonesian government has tried hard to overcome it so that Indonesian citizens are free from the Covid-19 pandemic virus, many efforts have been made both prevention and treatment for citizens who have been stricken with positive viruses Corona Covid-19, by establishing a special hospital with the Corona Covid-19 Virus. From a legal standpoint the Government of Indonesia has issued legal rules that are used as a legal basis for handling and resolving the Corona Covid-19 Virus epidemic namely Government Regulation in Lieu of Law (PERPU) No. 21 of 2020 concerning Large-Scale Social Restrictions in Order to Accelerate Handling of Corona Virus Disease 2019 (Covid-19).

With the issuance of the Government Regulation in lieu of the Act, the state apparatus has the authority to impose restrictions on citizens to prevent the transmission of the Covid-19 virus, including holding mass meetings, associations that encourage people to gather, including economic and trade activities. Restrictions are made, as well as other social activities including worship activities. Citizens' restrictions by the state apparatus actually violate the freedom of association which has been guaranteed by the Constitution and can be said to be a violation of human rights set out in Law No. 39 of 1999 concerning Human Rights. Thus there are legal problems in handling the problem of preventing transmission of the Corona Covid-19 virus. On the one hand the government wants to protect citizens from the Corona Covid-19 virus outbreak, on the other hand the implementation of citizens' restrictions on not doing activities or staying at home is a reduction of citizens' rights which can be said to violate human rights that are also regulated in regulations legislation. For this reason, the author is interested in conducting a research entitled: Problems with the Covid-19 Countermeasure Policy in Indonesia.

RESEARCH METHODOLOGY

The research method in writing scientific papers is normative juridical research method, namely by analyzing the Government Regulation in Lieu of Law No. 1 of 2020 concerning Large-scale Social Cancellation in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19) and also laws and regulations relating to the prevention of infectious diseases, especially Corona COVID-19 virus.

In addition to reviewing the norms contained in legislation related to Corona Covid-19 Virus handling, a sociological approach is also carried out, which is an

approach that examines the social side of the community, including the impact of the enactment of these laws and regulations on the social conditions of the community especially the issue of freedom of association, worship and other social activities.

The analysis used is descriptive analysis, which explains the norms contained in these laws and regulations as a whole in relation to the prevention and control of the Corona Covid-19 Virus. And also the opinions of experts regarding the process and ways to prevent the Corona Covid-19 Virus outbreak obtained through books, journals, articles and written works in the form of print and internet media.

RESULTS AND DISCUSSION

Government obligations in protecting communities from communicable diseases

²⁵ The purpose of the state as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia is to protect all Indonesians and all Indonesian blood, promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, lasting peace and social justice. These objectives show that Indonesia is a welfare state country. The obligation and role of the government in a country that adheres to welfare state is how to realize public welfare for its people. For this reason, the government, armed with freedom of action, will use that freedom or freedom to participate in social, political and economic activities to realize public welfare. (Harun, 2012).

Protection of citizens in each country is a state obligation that generally applies in all countries. Every citizen of a country will get protection from the country concerned. The form of state protection for its citizens depends on the ability of the country concerned. The state's obligation in this case the government is obliged to protect its citizens from the dangers that threaten it, including protection from infectious diseases including the Corona Covid-19 virus.

In principle, the issue of protection and fulfillment of human rights in all aspects including economic, social, cultural and protection of citizens from infectious diseases is part of the purpose of establishing a country, even in the perspective of the Locke Theory Protection of natural rights (rights human rights) is the basis for the establishment of a country. (Zein, 2012).

Public service is a mandate for the state in providing the best service to the community. There are three reasons why public services must be provided by the state. First, the investment can only be done or regulated by the state, such as the construction of transportation infrastructure, the provision of state administrative services, licensing, and others. Second, as a state obligation because the state's position as recipient of the mandate. And third, the cost of public services is

funded from public money, both through taxes and the people's mandate to the state to manage the country's resources.

The legal relationship between the public service provider and the community needs to be strictly regulated so that each party knows the rights and obligations of each in conducting interactions between them. Sjachran Basah stated: "Although the State Administration has the discretion in determining policies, but the attitude of its actions must be morally accountable to God Almighty, and legally must pay attention to the upper and lower limits, taking into account the 1945 Constitution as a benchmark." (Basah, 1992)

Government efforts to prevent and deal with the spread of the Covid-19 outbreak are a form of guarantees given by the state to citizens for their human rights. The government guarantees the constitutional rights of its citizens to avoid the plague of Covid-19, as a form of carrying out the mandate of article 1 paragraph (3) of the 1945 Constitution as the supreme law (The Supremacy of Law) which states that the state of Indonesia is a state of law whose basic element is the fulfillment of , recognition and guarantee of the basic rights of citizens.²

Guarantees to be protected from the spread of the Covid-19 epidemic against Indonesian citizens relating to civil rights guaranteed by the state in the 1945 Constitution. As stated by Jimly Assidique who divided constitutional rights in the first place, namely civil rights, according to him civil rights in this matter among them are the right to life, defend life and life. The right to life here, of course, provides the state a guarantee to live in a safe condition from all forms of threats, including threats from the spread of the Covid-19 virus. However, it should be remembered that, the protection of constitutional rights in this case relating to the rights of citizens is a shared responsibility including the citizens themselves. (Ashiddiqie, 2008).

Protecting the constitutional rights of Indonesian citizens in the midst of the outbreak of Covid-19 can be done in several ways ranging from preventing, treating and controlling the spread of the corona virus outbreak. The guarantee of the safety of citizens from the corona virus attack has been affirmed in article 28 H paragraph (1) of the 1945 Constitution, that is, every person has the right to live in physical and spiritual prosperity, to live and to have a good and healthy environment and to have health services. So that in providing guarantees to citizens to stay safe from the corona virus outbreak, the government took steps to remain at home and leave all activities outside the home.³

²Can be seen in the provisions of Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which contains the provisions: Indonesia is a state of law.

³The guarantee of human rights contained in the Indonesian Constitution, and the government's steps in protecting its citizens through appeals to be at home for the duration of the Corona Covid-19 virus.

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The International Covenant Ratification Act on Economic, Social and Cultural Rights also affirms the government's obligation to provide the highest health standards that can be achieved by everyone. The Universal Declaration of Human Rights states that everyone has the right to an adequate standard of living for the health and well-being of himself and his family, including health care. Technically, the General Comments of the United Nations Economic, Social and Cultural Rights Committee on the Right to Health outlines four core components that must be fulfilled by the government regarding the right to health. First is availability. The government is obliged to ensure that the number of facilities, infrastructure and health facilities is sufficient and adequate to prevent and treat corona outbreaks. This is a challenge because of the characteristics of Indonesia as an archipelago with diverse community needs and local government capabilities. Meanwhile, for now, the majority of corona detection facilities are in Jakarta, making it difficult to detect and prevent them early. The involvement of research institutions and universities is a necessity so that early detection becomes more extensive and effective.

Second is access. The government is obliged to ensure that health facilities, equipment and medicines, and health services must be accessible to everyone without discrimination or discrimination on the basis of race, ethnicity, ethnicity, religion, social strata or class. In addition, everyone must be able to access the right to health physically and economically as well as in terms of information. Access to information has become crucially related to the corona outbreak because the government is deemed not yet open. Whereas access to information must be clear and transparent to avoid misuse of information (hoax) which causes panic and the public can also act if there is adequate information. President Joko Widodo once acknowledged that all information related to the corona outbreak was not disclosed. This policy must be clarified technically about what information can be opened and cannot prevent speculation that the government is not transparent and denies the fact that the corona outbreak has become a global disaster.

Third is acceptance. Prevention and prevention of corona outbreaks must respect medical ethics, especially for infected patients, and pay attention to the diverse needs of the community. Chairman of the National Task Force on Corona Dony Munardo, who is also the Head of the National Disaster Management Agency (BNPB), emphasized that the role of the community is very important, including community leaders and non-state institutions. This recognition is essential so that all components of the nation unite in the face of corona, from the lowest level (community) to the top (government).

Fourth is quality. The government is obliged to ensure the quality of facilities, infrastructure, medicines, and health services so as to be able to prevent, treat and handle corona outbreaks in a complete manner. This quality will greatly determine the success rate of post-outbreak mitigation, treatment and recovery because it is done effectively and efficiently (Hartono 2020).

Legal regulations against infectious diseases in Indonesia.

In tackling the spread of infectious diseases in Indonesia, the government has prepared several laws and regulations as a legal umbrella and legal basis for preventing infectious diseases including the Corona Covid-19 virus pandemic outbreak. One of the legislation that threatens punishment to anyone who tries to prevent the prevention of infectious diseases will be subject to criminal sanctions, as stipulated in Article 14 paragraph (1) of Law No. 4 of 1984 concerning infectious disease outbreaks, with the threat of a maximum prison sentence of one year and / or a maximum fine of one million rupiah.

In the following, I will mention several laws and regulations which are used as a legal basis for infectious diseases in Indonesia, including the Corona Covid-19 Virus outbreak. The laws and regulations are as follows;

Law No. 4 of 1984 concerning Infectious Diseases

This is the legal basis for handling disease outbreaks that have been in force decades. Law No. 4 of 1984 interpreted outbreaks of infectious diseases as an outbreak of an infectious disease in a society where the number of sufferers increased significantly more than the prevailing circumstances at a particular time and area could cause disaster. This law not only regulates how to overcome it, but also regulates criminal sanctions for perpetrators of criminal acts. Threatened parties are those who prevent the prevention of communicable diseases. It was explained in this law that measures to deal with outbreaks of infectious diseases were: epidemiological investigations; examination, treatment, care and isolation of patients including quarantine measures; prevention and thickening; obliteration of causes of disease; handling of corpses due to outbreaks; public education; and other countermeasures. Prevention of infectious diseases is done by paying attention to environmental sustainability.

Law No. 6 of 2018 concerning health quarantine

This is because the Health Quarantine Act itself has clearly stated that there are 4 (four) types of health quarantine actions that can be adjusted to the needs of public health emergencies, which include: 1) Home Quarantine; 2) Hospital Quarantine; 3) Regional Quarantine, and; 4) Large-scale Social Restrictions. When referring to the condition of the spread of the COVID-19 virus that occurred in several regions, and the mobility of the movement of residents, then what should be done is to suppress the spread of the COVID-19 virus by limiting the rate of mobility of citizens to move from one place to another, both residents who are not infected or residents who are infected or at least have had direct contact with people who have contracted the COVID-19 virus.

Government regulation No. 40 of 1991 concerning management of communicable diseases.

This Government Regulation is the implementing regulation of Law No. 4 of 1984, which in essence regulates how prevention efforts are carried out. Effective on July 3, 1991, Government Regulation No. 40 of 1991 regulates what the central and regional governments must do if there is an infectious disease outbreak. The public can also participate through the provision of information on the existence of patients or suspects with disease outbreaks; help smooth the implementation of epidemics; mobilize community motivation in efforts to deal with outbreaks; or other activities can be labor and expertise.

Law No. 36 of 2009 concerning health

Entered into force October 13, 2009, Law No. 36 of 2009 specifically regulates infectious diseases in one chapter (Chapter X). Activities that can be carried out are promotive, preventive, curative, and rehabilitative for affected individuals or communities. It was also stated that the Regional Government periodically establishes and announces the types and spread of diseases that are potentially contagious or spread in a short time, as well as mentions areas that can be a source of transmission. In carrying out efforts to prevent, control and eradicate infectious diseases, the government can declare certain areas in a state of epidemics, eruptions, or extraordinary events. Different from Law No. 4 of 1984, the Health Law does not regulate criminal sanctions related to the spread of infectious diseases.

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Law No. 24 of 2007 concerning disaster management

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In this Law alluded to non-natural disasters, namely disasters caused by events or a series of non-natural events, among others in the form of technological failure, modernization failure, epidemic, and disease outbreaks. Law No. 24 of 2007 is more a regulation that regulates post-event, which is to overcome risks arising from a disaster. The spread of infectious diseases can be categorized as a non-natural disaster. Responsibility for disaster management basically rests with the government, central and regional. However, this Law also regulates the rights and obligations of community members, as well as the role of business actors. 22 everyone has the right to social protection and security from the threat of disaster; the right to obtain written or verbal information about disaster management policies; and supervising disaster management efforts. If a natural disaster is caused by a construction failure, the community members are entitled to compensation. It was not stated whether compensation could be requested if what happened was a disaster due to an outbreak of an infectious disease.

Minister of health regulation no. 82 of 2014 concerning management of communicable diseases

Diseases transmitted to humans based on this Minister of Health regulation can be caused by biological agents, including viruses, bacteria, fungi, and parasites. Steps that can be done are reduction, elimination, and eradication. Reduction is an effort to reduce the number of morbidity and / or death of certain communicable diseases so that the disease gradually decreases according to the operational target or target. Elimination is an effort to reduce the disease continuously in certain areas so that the disease morbidity rate can be reduced as low as possible so that it does not become a health problem in the area concerned. Eradication is an eradication effort that is carried out continuously through eradication and elimination to eliminate certain types of diseases permanently so that it does not become a public health problem nationally. According to Article 24 paragraph (1) of the Minister of Health, it is necessary to establish a Rapid Motion Team for the prevention of infectious diseases.

- 14 Republic of Indonesia's Presidential Decree No. 11 of 2020 concerning Corona Virus Disease 2019 (Covid-19) Emergency Public Health Determination
- b. Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in Order to Accelerate Handling of Corona Virus Disease 2019 (Covid-13)
- c. Government Regulation in Lieu of Law No. 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Corona Virus Disease 2019 (Covid-19) and / or In Order to Face Threats that Harm National Economy and / or Financial System Stability.

Indonesian government's policy in overcoming covid virus pandemic outbreak - 19

26 The Indonesian Government's policy in dealing with the Covid-19 Virus pandemic outbreak has been done a lot, in terms of legal government has issued various forms of legislation that have the aim of reducing the negative impact of the outbreak of the Corona Covid-19 Virus in the economic, social, religious and culture. The impact caused by the Corona Covid-19 Virus outbreak is very massive in the life of the state, because in taking one policy it will cause another and interrelated impact which ultimately causes misery to the people.

31 The policies implemented by the Government of Indonesia in tackling the Corona Covid-19 Virus outbreak are very many of them as follows:

Social distancing / physical distancing policy

The existence of Social Distancing so far has been very effective in preventing the spread of viruses / diseases, namely by preventing sick people from making close contact with people to prevent transmission. But seeing the current phenomenon,

in fact social distancing is still in the form of a plea that if it is not helped to be distributed on social media, fewer people will know about it. Therefore, social distancing policies should be included in government regulations in lieu of laws regarding efforts to deal with the Covid-19 outbreak, one of which regulates social distancing is an obligation, if necessary there is an affirmation of sanctions in accordance with positive law, so that people are not only aware of the importance of social distancing but also the practice. It is felt necessary to limit individual rights in conducting social distancing because the condition that occurs is the urgency that threatens public health.

Protection of health workers as front guard

Health workers stand at the forefront in preventing an increase in the number of infections so the government needs to guarantee the protection and safety of work for medical personnel in the effort to deal with Covid-19. Protection of health workers to roll after seven doctors died due to positive infection, fatigue to heart attacks so that the work hours are arranged, increasing the number of referral hospitals, meeting the primary needs of each health worker, providing Personal Protective Equipment (PPE), then determining the priority scale for giving PPE.

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Large-scale social restrictions

The authority of the large-scale social restrictions based on Law Number 6 Year 2018 regarding Health Quarantine is an absolute authority of the Central Government. In Article 1 Number 1 stated that "health quarantine is carried out to prevent and ward off the entry or entry of diseases and / or community health risk factors that have the potential to cause public health emergencies." Therefore if there is a regional government that feels the region has an emergency situation and wants to do a lockdown, of course this is unconstitutional and there needs to be a consul from the regional head with the central government before making any related policies. Then on the emergency conditions of the spread of Covid-19, the government then established Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the framework of Accelerating the Management of Corona Virus Disease (COVID-19).

Maintaining public purchasing power

The government is demanded to be able to reduce the burden of costs that are directly under the government's control, including basic electricity, fuel and clean water tariffs. The reduction in electricity and fuel rates will certainly not overburden SOEs and BUMD finances, given that the price of crude oil has fallen to around \$ 20 per barrel is estimated to continue for a long time in line with the potential for a global recession. Providing Direct Cash Assistance (BLT) to people who have experienced a decline in income and experienced Termination of Employment, need to be supported by policies to ensure the smooth supply and distribution of goods, especially food.

Doing tax relaxation

The economic slowdown was not only felt by the manufacturing industry sector, but also by other sectors. Therefore, the government needs to do tax relaxation such as giving tax breaks, accelerating the payment of restitution, and delaying the payment of tax installments to other sectors, especially those most affected, such as the transportation and tourism sectors.

Lowering bank interest rates

The Financial Services Authority (OJK) should enact policies that encourage financial institutions to reschedule and refinancing private sector debts, in addition to MSMEs, as well as for businesses that face market risk and high exchange rates. In addition, Bank Indonesia (BI) and OJK need to formulate strategic policies to overcome the high level of bank interest rates which is one of the burdens of economic actors, especially in the current economic slowdown.

Looking for opportunities with new policy breakthroughs

On the fiscal side, the widening of the budget deficit option exceeds the limit set by the Law on State Finance is needed amidst the growing need for state spending to provide incentives to the economy. All existing policy plans also need to be accompanied by sufficient government funding. Several steps need to be taken to ensure budget resilience for the program. First, the government needs to change the expenditure priorities in the budget that need to be allocated to handle the pandemic and its impact on vulnerable groups. Second, the government needs to loosen deficit limitations when the domestic budget is insufficient. For now, handling pandemics is important first, even though the economy is deteriorating and the budget deficit is getting bigger. The handling of a pandemic can begin with the optimization of the distance protection policy. One of them is the government can stop production activities, but still compensate workers' salary costs for companies (Heriani, 2020).

After the Indonesian Government announced that there were Indonesian citizens who were infected by the Corona Covid-19 virus outbreak, which was previously free from the Covid-19 outbreak, President Jokowi signed Presidential Decree Number 7 of 2020 Concerning the Task Force for the Corona Virus Disease 2019, and appointed Head of The National Disaster Management Agency (BNPB) Doni Monardo as chair of the Task Force. So from that time on, all intermeasures were planned on a national scale. To strengthen the Task Force, on March 20, 2020 President Jokowi issued Presidential Decree No. 9 of 2020 which revised Presidential Decree No. 7 of 2020. With the new Presidential Decree Governors throughout Indonesia have the authority to provide direction and evaluate the implementation of the acceleration of handling of covid-19 cases in their respective regions each. Measures for handling the covid-19 outbreak that have been carried out by the Indonesian government and can be observed include:

1. Organize and distribute free masks, PPE (Personal Protection Equipment).
2. Buy a corona virus test kit and millions of drugs for covid-19 sufferers
3. Urge the public to conduct physical distancing, namely limiting physical interactions (not gathering, even for the implementation of worship)
4. Urge people not to travel outside the area
5. Making a policy of dismissing students throughout all levels of education, even negating the National Examination.
6. Make a WFH policy (work from home)
7. Campaign diligently washing hands with soap
8. Conduct co-19 rapid test
9. Spraying disinfectants in public places
10. Establish criteria and treatment steps for: ODP (person in surveillance), PDP (patient under surveillance), suspect (patients who have shown all clinical symptoms of corona infection), and positive patients with corona.
11. Conduct health checks on people who travel from outside the area.
12. Take a series of economic policies to maintain people's purchasing power. (Febriyandi, 2020).

Legal problems in overcoming covid-19 plague in Indonesia

The legal problem in dealing with the Covid-19 outbreak is that there is a conflict between one legislation and another. For example, Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19) in the implementation of limiting citizens' rights, including prohibition on assembly, prohibition on activities outside the home, and prohibitions others which basically reduce the freedom of citizens.

Reducing freedom of citizens' rights in principle violates human rights guaranteed in the Indonesian Constitution. As a result of restrictions on the mobility of citizens has an influence on other socio-economic activities, for example the community will find it difficult to make a living because of limited mobility, and consequently no family income. And such conditions are interrelated between one economic activity with another economic activity.

²¹ In Law Number 39 Year 1999 concerning Human Rights, Article 27 paragraph 1 has clearly stated that every Indonesian citizen has the right to freely move, move and reside within the territory of the Republic of Indonesia. With the Law there is a legal guarantee for every citizen to freely carry out movements and trips within the territory of the Republic of Indonesia in honor of human rights.

¹⁴ On the other hand, related to the handling of the Corona Covid-19 virus outbreak, the government issued Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19) which contains:

1. School and workplace entertainment,
2. Restricting religious activities and/or
3. Limitation of activities in public places or facilities.⁴

These three activities have an impact on many community activities carried out restrictions that if it is continued without a time limit or waiting for the outbreak of the Covid-19 virus to disappear, it will afflict the people because it impacts the loss of various kinds of jobs that are a source of community livelihood and if this is there will definitely be violations of Human Rights especially the right to live and get a job.

Other legal problems in dealing with the Covid-19 virus outbreak on the basis of law Government regulation No.21 of 2020 concerning Large-Scale Social restrictions in the Context of the Creation of Handling Corona Virus Disease 2019 (Covid-19). This Government Regulation is the implementation of Law No. 6 of 2018 concerning Health Quarantine also raises question marks in the community. This is because the Health Quarantine Act itself has clearly stated that there are 4 (four) types of health quarantine actions that can be adjusted to the needs of public health emergencies, which include 1) Home Quarantine; 2) Hospital Quarantine; 3) Regional Quarantine, and; 4) Large-scale Social Restrictions.

When referring to the condition of the spread of the Covid-19 virus that occurred in several regions, and the mobility of the movement of residents, then what should be done is to suppress the spread of the COVID-19 virus by limiting the rate of mobility of citizens to move from one place to another, both residents who are not infected or residents who are infected or at least have had direct contact with people who have contracted the Covid-19 virus. This means that the policy that can be taken as soon as possible by the Government is the issuance of government regulations governing Home Quarantine, Hospital Quarantine, and Regional Quarantine, to then determine the status of quarantine in accordance with their respective conditions in the field.

Indeed, large-scale social restrictions can also be used to minimize the crowd and social interactions that allow the spread of the COVID-19 virus, but it does not necessarily prevent the rate of mobility of residents in one place to another. This means that it is still possible for the spread of the COVID-19 virus from one region to another.

The choice of large-scale limitation by large governments may be done to avoid implementing the obligations of the government to its citizens, where if the action taken is to determine the status of the Regional Quarantine, the Central Government is required to meet and cover the basic needs of its citizens as stated in Article 55 of the Health Quarantine Law (LBH Jakarta, 2020).

⁴Can be seen in the provisions in Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Creation for Handling Corona Virus Disease 2019 (Covid-19).

The legal problem in dealing with the Corona Covid-19 virus outbreak, if viewed from the study of human rights theory, restrictions on citizens' rights related to the handling of the Corona Covid-19 virus outbreak, can still be tolerated, because human rights are of two kinds, there are those that can be reduced and there are those that should not be reduced by anyone even by the state. Restrictions on freedom of movement include reduced human rights, and the reduction of the freedom of movement in the interest of the state and the safety of citizens from epidemics of the infectious virus Corona Covid-19 (Osgar S. Matompo, 2014).

The term derogable rights is defined as rights that can still be suspended or limited (reduced) by the state under certain conditions. The right to work, the right to enjoy fair and good working conditions, the right to form and participate in organizations, the right to education, the right to participate and be cultured. However, just like civil and political rights, the suspension or restriction is also tight, in the case that the limitation must be regulated by law and with the purpose of promoting public welfare in a democratic society (See Article 4 of the Covenant on Economic, Social and Cultural Rights).

Because the two Covenants above are part of The International Bill of Rights which is universal and acts as a law that binds all countries, then a country cannot ignore the rights of its citizens only on the pretext of protecting the public interest, without the existing rules stated earlier in a law that is effective in that country. Moreover, the fulfillment of Political Civil rights, where if only one or two of the conditions described above are met, is still not strong enough to be the basis for the state to impose restrictions and suspensions.

First: as long as there is an urgent situation that is officially declared as an emergency situation that threatens the life of the state.

Second: the suspension or restriction must not be based on discrimination of race, color, sex, language, religion or social origin.

Third: the said restrictions and suspensions must be reported to the United Nations (UN) (Rizki, 2020).

Meanwhile, the term non derogable rights means that there are rights that cannot be suspended or limited (reduced) by the state, even in an emergency. The Covenant on Civil and Political Rights includes rights such as the right to life, the right to be free from slavery and servitude, the right not to be subjected to cruel treatment or punishment, the right to be treated humanely and not degrading as a human being, the right to obtain recovery according to law, the right to be protected from the application of criminal law due to debt, the right to be free from the application of criminal law which is retroactive, the right is recognized as a person before the law, freedom of thought and religious beliefs. (Rizki, 2020).

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Thus it can be said despite the repetition of the Corona Covid-19 Virus epidemic regulated in the No Government Regulation. 21 of 2020 concerning Large Periodic Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19), in which citizens' rights are limited to the movement and movement of citizens, gather in carrying out daily activities for the state to safeguard the transmission of epidemics resulting can threaten the lives of citizens cannot be said to be a violation of Human Rights, the rights of citizens who are restricted can be categorized rights that can still be reduced for the greater benefit of saving the country and people from the Corona Covid-19 virus outbreak.

CONCLUSION

The Government of Indonesia coping with the Corona Covid-19 virus outbreak by issuing Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), there are legal problems with other legal regulations, particularly Law No. 39 of 1999 concerning Human Rights. Social restrictions that are prohibited by these government regulations include school and workplace holidays, restrictions on religious activities, and restrictions on activities in public places or facilities.

Restrictions on the activities mentioned above constitute a violation of human rights, because they reduce the right to freedom of citizens which has been guaranteed by the Constitution and the law. In the view of human rights, the rights that are prohibited by the state are not rights that are absolutely owned by citizens (non derogable rights) so as to enable the state to limit the interests of the nation and the state and even more for the safety of citizens. Thus the limitation can be concluded that the restriction of citizens that has been regulated in Government Regulation No. 21 of 2020 cannot be said to violate human rights.

AUTHOR'S RECOMMENDATION

1. To speed up the handling of the Corona Covid-19 Virus epidemic that hit Indonesia, there needs to be a standard health protocol that must be carried out by all Indonesian people and legal sanctions for violators of the health protocol law.
2. Research Institutions and Indonesian Research Agencies as soon as possible conduct research to combat the Corona Covid-19 Virus outbreak by discovering the Corona Covid 19 Virus and vaccine.

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