# International Conference on Covid-19 Studies

June 21-23, 2020 Ankara

## FULL TEXTS BOOK

Edited by Dr.Shaveta THAKUR Dr. AKANKSHA YADAV



FULL TEXTS BOOK

### **Editors**

Dr.Shaveta THAKUR Dr. AKANKSHA YADAV

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### **CONGRESS'S IDENTIFICATION**

International Conference on COVID-19 Studies

### **DATA AND PLACE**

JUNE 21-23, 2020

Ankara/ TURKEY (ZOOM APPLICATION)

### **ORGANIZED** by

IKSAD - Institute of Economic Development and Social Research

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### NUMBER OF ACCEPTED PAPERS

232

### NUMBER OF REJECTED PAPERS

10

#### **EVALUATION PROCESS**

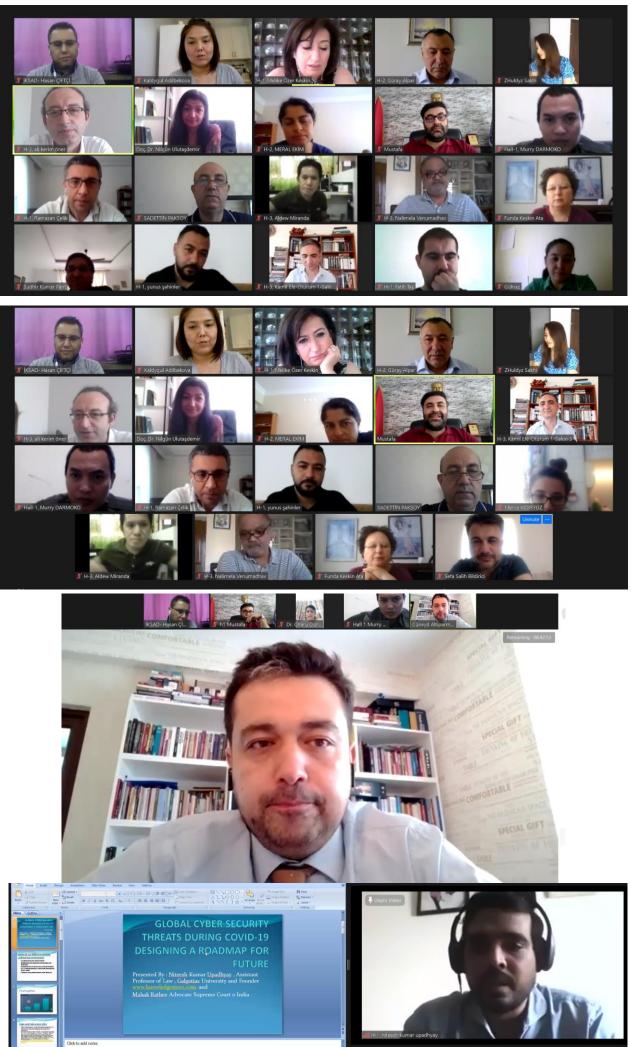
All applications have undergone a double-blind peer review process

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### **CONFERENCE GALLERY**



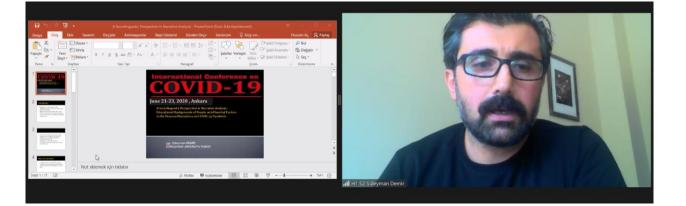
### EPIDEMICS AND SECURITY



Throughout history, outbreaks and natural disasters have changed the balance of power.

For example, outbreaks played a major role in the loss of power of the Roman empire.

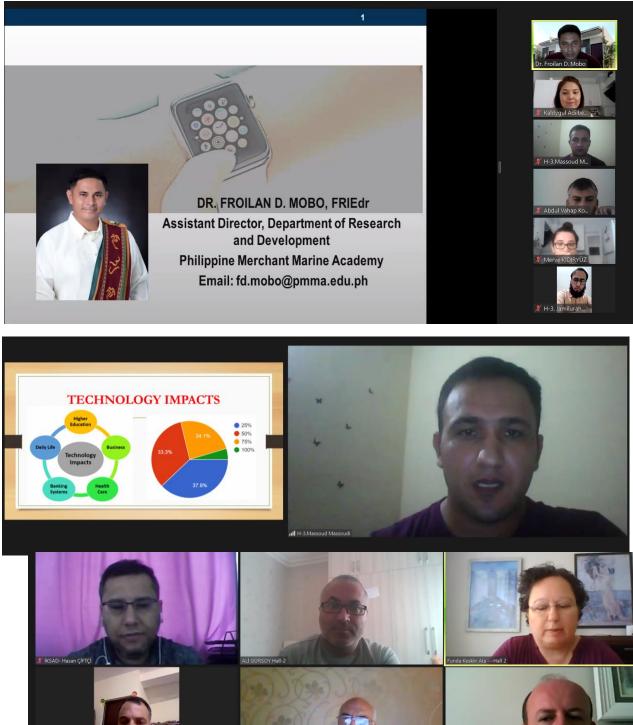


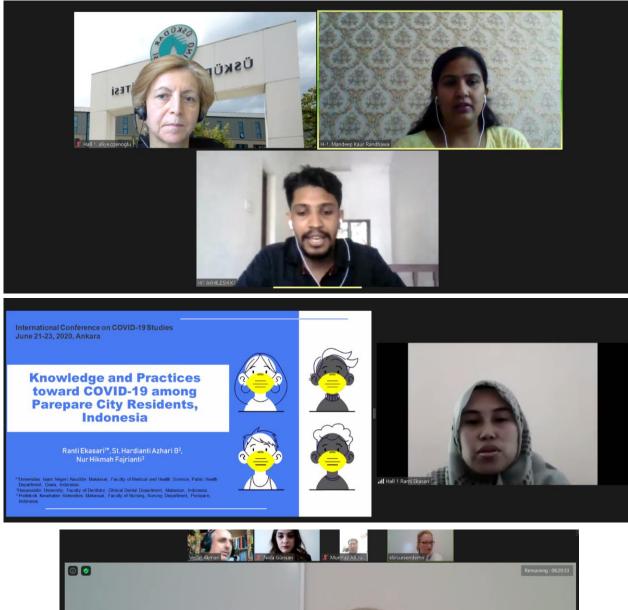


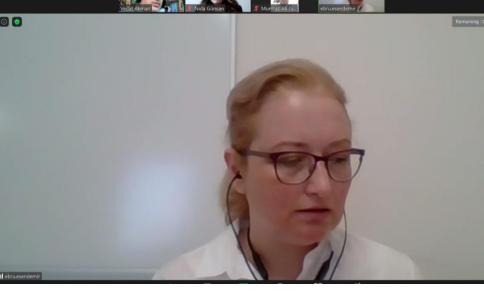










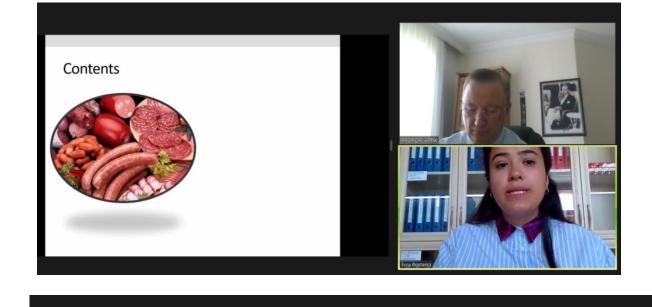


### CONCLUSION

It is not possible to monitor the deep economic contraction caused by the Covid-19 outbreak with partial measures based on the market mechanism, without extensive public intervention to meet the falling demand of the public.
 It seems that the world will experience a troubled process for a long time.
 Measures such as tax and credit facilities, income transfers, debt delays,

guaranteed debt and direct funding may need to be increased.
This study provided the measures applied by CBRT, BRSA, CMB, insurance companies and banks in order to eliminate the adverse effects of the outbreak.







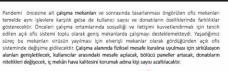


Cinfin Wuhan kentinde 2019 araik ayında ortaya çılan Covid-19 virüsünün dünya çapında hıtla vayılmısı ile Dünya Sağlık Örgötü 11 Mart 2020'de pandemi ilan etmiştir. Resmi olarak pandemi ilan edilmesinden sonra birçok üler sık tedivler alırak virüsünün vayılmasını susurumak çılı kendlerini karantızaya anlanarı çını çoğutil meda merantılandarı çığınar yapılmıştır. Kamual alılarla terk edimiş ve her birey kendi melanınal çerçevesinde tiole yaşamang özen göstemiştir. Usatına gilin, çerviniş olarak edena alıla gili videntinetire zorunla olarar dışındarı terk edimiş ve her birey kendi melanınal çerçevesinde tiole yaşamang özen göstemiştir. Usatına dişim, çerviniş olarak eden çalışına gili videntinetire zorunla olarar dışındarı topluk hayatlarını evlerinde devam ettirmiye başlamşıtır. Hıtla gelişen bu sürçeti insanların fütsikel mesafelerini korumak adına minimum risk alacak şekilde sosyal hayat sınırlanmıştır.



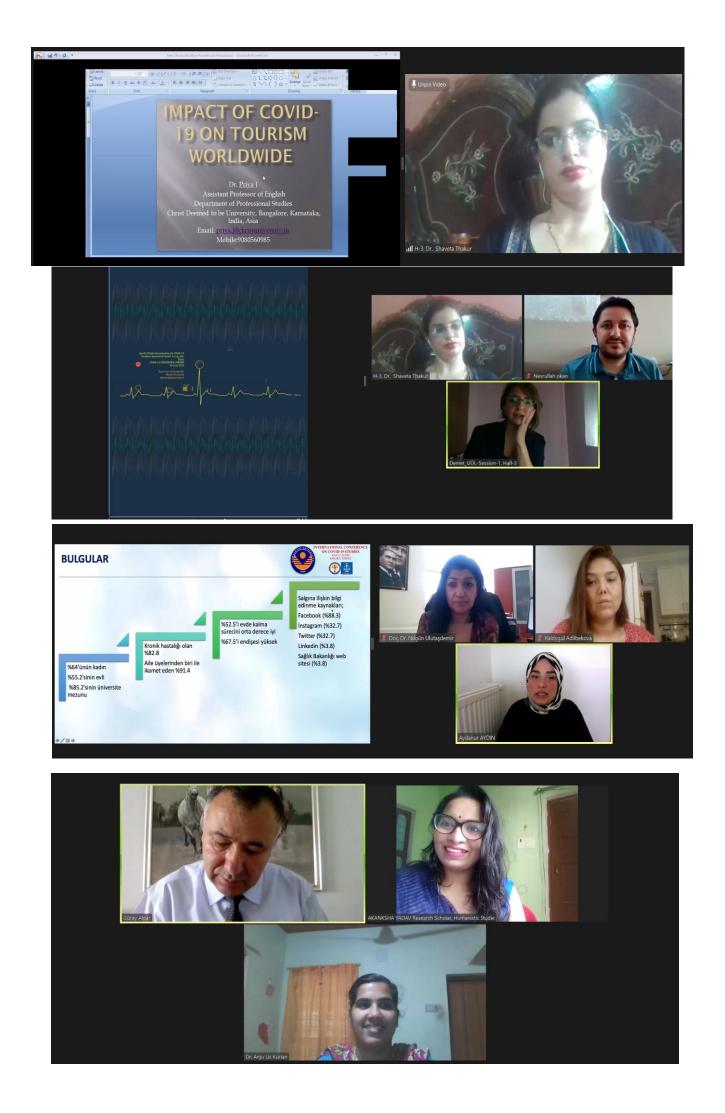


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COMPARATIVE MOLECULAR DOCKING STUDIES OF POTENTIAL DRUGS AGAINST COVID-19 MAIN PROTEASE

Dr. Mustafa Çeşme

Department of Chemistry, Faculty of Art and Sciences, Kabramanmaras Sutcu Imam University, 46040, Kabramanmaras, Turkey





#### IMPACT OF COVID-19 ON ELDERLY PEOPLE IN INDIA: CHALLENGES AND COPING STRATEGIES



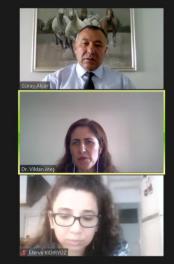
Dr. Kumar Amit Assistant Professor Department of Geography D.A-V. PG College, Kanpur, UP, India Email ID: <u>amit.13august@gmail.com</u>



#### 

- The COVID-19 outbreak affected societies in economic, social and technical aspects. One of these effects is seen in the field of business.
- Business models have been reversed and the needs for different products and services have changed rapidly. Today, consumers do not want to wait a long time for their orders, and they especially do not prefer to go to traditional stores.
- Consumers who could not go to stores because of the pandemic also turned to online shopping. For this reason, the COVID-19 outbreak accelerated the transition of consumers from traditional shopping to electronic commerce (ecommerce) (Hasanat, Hoque, and et all., 2020: 86)

Ateş, V. and Kiliç, Z. International Conference on COVID-19 Studies, June 21-23, 2020, Ankara, Turkey



### **OPENING SPEECH**

### **EPIDEMICS AND SECURITY**

### PhD Güray ALPAR Major General (R) Historian and Anthropologist

Dear academics, I greet you all respectfully before I start speaking. Welcome to the International COVID-19 Conference. Being with you during this study and sharing the effects of this outbreak with you will undoubtedly shed light on academic measures to be taken for the future.

Throughout history, outbreaks and natural disasters have changed the balance of power. For example, outbreaks played a major role in the loss of power of the Romans. Sometimes these outbreaks were consciously created to harm the other party. For example, blankets of diseased people distributed by the white man as a gift were used to capture the American continent. It could not be determined exactly how many people died. The population of the Inca Empire fell from 11 million to 1 million in a short time. The total population on the American continent has dropped from 70 million to 8 million in 100 years. Over 4 million in the next 50 years.

The outbreaks continued from now on. It was thought that a new and peaceful period for humanity had started after the collapse of the Soviet Union. Unfortunately, humanity spent 30 years in vain after the Cold War.

While the phenomenon we call globalization is rich in a certain segment, the income distribution has gradually deteriorated. Globalization created new areas of conflict instead of solving problems. Fake enemies have been created to protect somebody's privileged environment. The current system is late to see and solve problems with the power poisoning situation it has fallen on. The fake enemy created was deliberately differentiated and cruel actions were innocent.

Unlimited liberalism has brought disaster to mankind. Diseased thoughts and theories brought destruction. The threats were misinterpreted and the sources were seen with the COVID-19 outbreak that occurred in the environment where it was spent for nothing, and the threats reached the center directly without being subject to the borders. In such an environment nobody is safe anymore. However, outbreaks before COVID-19 were the harbinger of this kind of disaster.

The current international system was already experiencing a jam problem. In such an environment, systems that cannot realize that the security area is getting deeper have fallen into incapable situations. The values system of the current international system has collapsed.

Being global; It was expressed as "increasing communication and interaction between individuals, societies and states living in different parts of the world in the process of mutual integration and inclusion in the world" and becoming mutually dependent. Those who are most exposed to the effect of the virus are those who interact most with others.

The problem is that developments in the security field fall behind globalization and the security area is not deepened. For this reason, the administrations that transfer billions of dollars to the military aspect of security are unfortunately late in producing a simple mask against a virus, and the developed countries of the world have been incredibly incapacitated to confiscate health materials belonging to other countries.

It is seen that the systems and associations established at the point reached are questioned again. It turned out that the current injustice systems were inadequate with the crisis and did not work. While investments in completely different and less unnecessary places create an inert capacity, people are

left desperate in the required areas. It was also seen that European Union countries, which were founded on the philosophy of coming together, closed their borders to each other. The West destroyed the values it created with its own hands. Everyone fell into their own trouble. Nobody could help anyone. So what was needed for such organizations. It seems certain that nothing will be the same after the crisis and that international organizations established with alliances will be questioned again.

Security is defined as the state of feeling safe by the fact that man and his belongings are free from all kinds of dangers. Here, perception of feeling safe is as important as security. The danger of the virus affects everyone in the world and such an environment cannot be said to be safe.

So where did the current system fail? Creating both foresight and permanent values is essential for a permanent security environment. You can persuade people for a while by creating perceptions that will create false enemies, but the truth will come to you when the time comes. Then you realize that perception operations don't work. The West, supposedly providing security against the created false enemy, could not predict the real threat. The values created by the system now seem to be against itself. It is necessary to review the concepts and values. We need to rethink globalization.

Transformation and change are essential. Because the existing systems are built on wrong values, There are problems in every field. In such a difficult environment, societies that have correctly determined their values remain stronger. Determining the values correctly and transferring them to new generations is important in establishing a healthy social order.

There are some arguments made by the current international system as a rule. What are the values to convert? What should change first? For examle; eterrence should change to justice. Threatening to sincere cooperation, power to merciful actions and interest should change to sharing fairly.

The main factor in providing security is human. The main element in the creation of all systems must be human. This is the biggest mistake of the current system. Man has been neglected. Today, a new understanding of security is needed that is based on human and human values. While unfair and selfish systems will disappear in a crisis environment, those who maintain their values will win.

Everyone rich or poor from danger will be affected or will be affected. Nobody is safe in an environment where many high-level politicians and leaders are also infected. Moreover, as before, we will face similar dangers at certain times in the coming period. We need to come together with the awareness of this and develop measures for the future. This crisis seems to be the beginning of a new era. There is no doubt that the crisis will eventually decline and eventually lose its effect. However, in this crisis environment; While selfish, unfair and contrary to the values it possesses are disappearing, the opposite is not surprised by the principle of justice; Sharer will lead a new era, supporting society and systems that support each other and maintain their values.

### AÇILIŞ KONUŞMASI

### SALGINLAR VE GÜVENLİK

### Dr. Güray ALPAR

### Emekli Tümgeneral, Antropolog

Değerli akademisyenler, konuşmama başlamadan önce hepinizi saygıyla selamlıyorum. Uluslararası COVİD-19 Konferansına hoş geldiniz. Bu çalışma süresince sizlerle birlikte olmak ve bu salgının yarattığı etkileri sizlerle paylaşmak şüphesiz ileriye yönelik alınacak tedbirlere akademik yönden ışık tutacaktır.

Tarih boyunca salgınlar ve doğal afetler güç dengelerini değiştirmiştir. Örneğin Romalıların güç kaybetmelerinde de salgınların büyük rolü vardır. Bazen de bu salgınlar karşı tarafa zarar verdirmek maksadıyla bilinçli olarak oluşturuldu. Örneğin Amerika kıtasının ele geçirilmesinde beyaz adamın hediye olarak dağıttığı hastalıklı insanların battaniyeleri kullanıldı. Gerçekten kaç kişinin öldüğü tam olarak tespit edilemedi. İnka İmparatorluğunun nüfusu kısa sürede 11 milyondan 1 milyona düştü. Amerika kıtasındaki toplam nüfus ise 100 yılda 70 milyondan 8 milyona düştü. Sonraki 50 yılda ise 4 milyonun altına.

Salgınlar bundan sonra da devam etti. Sovyetler Birliğinin dağılmasının ardından insanlık için yeni ve barış dolu bir dönemin başladığı düşünüldü. Ancak maalesef insanlık Soğuk Savaş Dönemi ertesinde 30 yılını boşuna harcadı.

Adına küreselleşme dediğimiz olgu belirli bir kesimi zengin ederken gelir dağılımı giderek bozuldu. Küreselleşme, sorunları çözmek yerine yeni çatışma alanları yarattı. Birilerinin imtiyazlı ortamını korumak için sahte düşmanlar yaratıldı. Mevcut sistem düştüğü güç zehirlenmesi durumu ile sorunları görmekte ve çözmekte geç kaldı. Yaratılan sahte düşman bilinçli olarak farklılaştırılıp zalim eylemler masumlaştırıldı.

Sınırsız liberalizm insanlığa felaket getirdi. Hastalıklı düşünceler ve teoriler ise yıkım getirdi. Tehditler yanlış değerlendirilip kaynaklar bunun için boşuna harcandığı ortamda ortaya çıkan COVİD-19 salgını ile görüldü ki tehditler sınırlara tabi olmadan doğrudan merkeze ulaştı. Böyle bir ortamda artık kimse güvende değil. Halbuki COVID-19 öncesi meydana gelen salgınlar bu tür bir felaketin habercileriydi.

Mevcut uluslararası sistem zaten bir sıkışma sorunu yaşıyordu. Böyle bir ortamda güvenlik alanının derinleştiğinin farkına varamayan sistemler aciz durumlara düşmüşlerdir. Mevcut uluslararası sistemin değerler sistemi ise çökmüştür.

Küresel olma; "Karşılıklı bütünleşme ve dünyaya dahil olma sürecinde dünyanın farklı bölgelerinde yaşayan bireylerin, toplumların ve devletlerin arasındaki iletişimin ve etkileşimin artması ve karşılıklı bağımlı hale gelinmesi" olarak ifade ediliyordu. Virüsün etkisine en fazla maruz kalanlar diğerleriyle en fazla etkileşime girenler.

Sorun güvenlik alanındaki gelişmelerin, küreselleşmenin gerisinde kalması ve güvenlik alanının derinleştiğinin farkına varılamamasıdır. Bu nedenle de güvenliğin askeri yönüne milyarlarca dolar aktaran yönetimler, ne yazık ki bir virüse karşı basit bir maskeyi üretmekte geç kalmış, dünyanın gelişmiş ülkeleri inanılmaz bir şekilde başka ülkelere ait sağlık malzemelerine el koyacak kadar aciz durumlara düşmüşlerdir.

Gelinen noktada kurulan sistemlerin ve birlikteliklerin yeniden sorgulandığı görülüyor. Mevcut adaletsiz sistemlerin krizle birlikte yetersizlikleri ve bir işe yaramadıkları ortaya çıktı. Tamamen farklı ve daha az gereksiz yerlere yapılan yatırımlar âtıl bir kapasite yaratırken, ihtiyaç duyulan alanlarda insanlar çaresiz bırakıldı. Bir araya gelme felsefesi üzerine kurulan Avrupa Birliği ülkelerinin birbirine sınırlarını kapattığı da görüldü. Batı kendi yarattığı değerleri kendi eliyle yok etti. Herkes kendi derdine düştü. Kimse kimseye yardım edemedi. Öyleyse bu tür organizasyonlara ne gerek vardı. Kriz sonrası hiçbir şeyin eskisi gibi olmayacağı ve ittifaklar ile kurulan uluslararası organizasyonların yeniden sorgulanacağı kesin görülüyor.

Güvenlik, insanın kendisinin ve mal ve eşyalarının her türlü tehlikeden uzak olması ile kendini güvende hissetme hali olarak tanımlanıyor. Burada güvenlik kadar güvende hissetme algısı da önemli. Virüs tehlikesi dünya üzerinde herkesi etkiliyor ve böyle bir ortamın güvenlik içinde olduğu söylenemez.

Öyleyse mevcut sistem nerede hata yaptı. Kalıcı bir güvenlik ortamı için hem öngörü hem de kalıcı değerler oluşturmak şarttır. Sahte düşmanlar yaratacak algılar yaratarak bir süre insanları buna ikna edebilirsiniz ancak zamanı gelince gerçek karşınıza çıkar. İşte o zaman algı operasyonlarının bir işe yaramadığını anlarsınız. Yaratılan sahte düşmana karşı sözde güvenlik sağlayan Batı, gerçek tehdidi öngöremedi. Sistemin yarattığı değerler artık kendi aleyhine dönmüş görünüyor. Kavram ve değerleri tekrar gözden geçirmek gerekiyor. Küreselleşmeyi yeniden düşünmemiz gerekiyor.

Dönüşüm ve değişim şarttır. Mevcut sistemler yanlış değerler üzerine kurgulanması nedeniyle her alanda sorunlar yaşanıyor. Böylesi zor bir ortamda değerlerini doğru olarak belirlemiş toplumlar daha güçlü duruyor. Sağlıklı bir toplum düzeninin oluşturulmasında değerlerin doğru belirlenmesi ve yeni kuşaklara aktarılması önemli.

Güvenlik sağlamada esas unsur insandır. Bütün sistemlerin oluşturulmasında esas unsur insan olmak zorundadır. Mevcut sistemin en büyük hatası budur. İnsan ihmal edilmiştir. Günümüzde insanı ve insani değerleri esas alan yeni bir güvenlik anlayışına ihtiyaç vardır. Kriz ortamında adaletsiz ve bencil sistemler yok olurken, değerlerini koruyanlar kazanacak.

Tehlikeden zengin veya fakir herkes etkileniyor veya etkilenecek. Birçok üst düzey politikacı ve liderin de virüs etkisinde kaldığı bir ortamda kimse güvende değil. Dahası, önceden olduğu gibi önümüzdeki dönemde de belirli zamanlarda benzer tehlikelerle karşılaşacağız. Bunun bilinci ile bir araya gelip, bundan sonrası için tedbirler geliştirmemiz gerekiyor. Bu kriz yeni bir dönemin başlangıcı olacak gibi görünüyor. Hiç şüphe yok ki, kriz eninde sonunda düşüşe geçecek ve zamanla etkisini kaybedecek. Ancak bu kriz ortamında; bencil, adaletsiz ve sahip olduğu değerlere ters düşen sistemler yok olup giderken, tam tersi adalet prensibinden şaşmayarak; paylaşımcı, birbirine destek olan, değerlerini korumuş toplum ve sistemler ayakta kalmış olarak yeni bir döneme önderlik edecek.

### INTERNATIONAL CONFERENCE ON COVID-19 STUDIES

### JUNE 21-23,2020 ANKARA, TURKEY



### CONFERENCE PROGRAM Online (ZOOM Conference) Presentation

Meeting ID: 729 064 4418 Password: 252525

### **Participating Countries:**

Turkey, Azerbaijan, India, China, Pakistan, Philippines, Indonesia, Libya, Nigeria, Japan, Malaysia, Saudi Arabia, Afghanistan, Georgia

### IMPORTANT, PLEASE READ CAREFULLY

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### Points to Take into Consideration - TECHNICAL INFORMATION

Make sure your computer has a microphone and is working. You should be able to use screen sharing feature in Zoom. Attendance certificates will be sent to you as pdf at the end of the congress. Requests such as change of place and time will not be taken into consideration in the congress program.

### OPENING CEREMONY Date: 21.06.2020 Time: 12.00-13.00 (Local Time Ankara)

Welcome Message from Mustafa Latif EMEK

Head of IKSAD (Institute of Economic Development and Social Researches)

Welcome message from Dr. Güray ALPAR

Institute of Strategic Thinking, (Major General of Turkish Army)

Welcome message from Assoc. Prof. Melike Özer KESKİN

(Gazi University, Ankara)

### SESSION-1, HALL-1

(All speakers required to be connected to the session 10 min before the session starts)

Moderator is responsible for ensuring the smooth running of the presentation, managing the group discussion and dynamics.

Before you login to Zoom please indicate your name\_surname and session number,

### exp. – Hall 1



### Meeting ID: 729 064 4418 Password: 252525

21.06.2020	09:00 -12.00 (local time Ankara)	MODERATORS- Dr. Öğr. Üyesi Enes KÖKEN & Dr. Charu DUREJA
Authors	Affiliation	<b>Topic title</b>
Ar. GörHasan Ali GÜÇLÜ Prof. Dr. Yaşar BİLGE	Ufuk Üniversitesi Ankara Üniversitesi	COVID-19 VİRÜSÜNÜN SEBEP OLDUĞU PANDEMİNİN BORÇLAR HUKUKUNA, AİLE HUKUKUNA VE SAĞLIK HUKUKUNA ETKİLERİ
PhD Research Scholar Grishma SONI Dr. Prachi MOTIYANI	Gujarat University	THE IMPACT OF COVID-19 ON HUMAN RIGHT TO HEALTH AND FOOD SECURITY
Dr. Prachi MOTIYANI	University School of Law, Gujarat University	RIGHT TO HEALTH: LEVERAGING PATENT REGIME TO FIGHT COVID-19
Shadika Haque MONIA	Britannia University	THE PERCEIVED THREAT AND LEGAL RESPONSE TO COVID-19 PANDEMIC IN BANGLADESH
Cüneyd ALTIPARMAK	Türkiye Kent Konseyleri Birliği	HUKUKİ AÇIDAN COVID-19 SÜRECİ VE ETKİLERİ HAKKINDA GENEL BİR DEĞERLENDİRME
Dr. Charu DUREJA	Rayat College of Law	INCREASE IN DOMESTIC VIOLENCE AND NO ACCESS TO JUSTICE DURING COVID-19
Assist. Prof. Niteesh Kumar UPADYAY Mahak RATHEE	Galgotias University Supreme Court of India	GLOBAL CYBER SECURITY THREATS DURING COVID-19 DESIGNING A ROADMAP FOR FUTURE
Murry DARMOKO	University of Surabaya Bhayangkara	COVID-19 IMPACTS ON HEALTH, ECONOMIC, TOURISM AND LAW ORDER (PSBB IN INDONESIA, NEW NORMAL AND MOVEMENT OF STARTING A CLAIM ON CHINESE GOVERNMENT)
Assist. Prof. Swati KAUSHAL	Amity University	PRIVACY UNDERCURRENTS OF CONTACT TRACING APPS IN THE BID TO SAFEGUARD AGAINST COVID-19 PANDEMIC: A GLOBAL ANALYSIS
Dr. Öğr. Üyesi Enes KÖKEN	Kırıkkale Üniversitesi	MAL VEYA HİZMET SATIMINDAN KAÇINMA SUÇU-TCK m. 240

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### COVID-19 IMPACTS ON HEALTH, ECONOMIC, TOURISM AND LAW ORDER (PSBB IN INDONESIA, NEW NORMAL AND MOVEMENT OF STARTING A CLAIM ON CHINESE GOVERNMENT)

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### ABSTRACT

Covid-19 changes the pattern of human life in health, economy, tourism and law. The change resulted from a large number of deaths, losses in the financial sector and the tourism sector as well as the establishment of special regulations. In Indonesia, the government passed the Corona Law, implementing Large-Scale Social Restrictions and New Normal as an effort to make peace with Covid-19. At present, Indonesia does not demand China to compensate for the negligence of the spread of this pandemic virus. Research measures the dominance and influence of the law on people's behavior towards changes in healthy lifestyles (the application of hand washing, masks and keeping a distance, the release of company labor and the minus tourist income) through the paradigm of social behavior theory and the rules of ushul fiqh "al-hukmu yadur ma'a al-'illah wujudan wa 'adaman". Research Questions: (1) Is the rules of ushul figh "al-hukmu yadur ma'a al-'illah wujudan wa 'adaman" relevant to be applied in dealing with the Covid-19 pandemic from the aspects of health, economics, tourism and legal justice? (2) Can the country of origin of the virus be prosecuted internationally and be sanctioned by the United Nations? Legal sociology is the approach in this research. I used the Qualitative Method with the type of Research Review because of the flexibility in managing and analyzing the data. I got the material from (1) Law regulation regarding PSBB - New Normal and (2) News media. Results: (1) yes, it is relevant because the principle of legality is unable to answer the emergency phenomenon. Claims of legal vacuum or delay are additional issues that do not need to be addressed as Covid-19 is handled. (2) Yes, it can be prosecuted. The prosecution process took place even though Indonesia did not participate, because it did not consider China negligent in handling the virus. The discussion in this research is about the pros and cons as an indicator of the impact of Covid-19 on the PSBB and New Normal and the Corona 2020 Law. Conclusions: first, the readiness of the government can be done by applying this rule. Second, the application of Indonesian legal politics is free actively realize solutions to national and international problems.

Keywords: Corona Law, PSBB, New Normal, *al-hukmu yadur ma'a al-'illah wujudan wa 'adaman*, start a claim

### INTRODUCTION

Background of this research is legal anxiety. The legal anxiety I mean here is twofold. First anxiety, there is an action that is claimed as an offense or a crime but cannot be punished because there are no written rules. Second, there are written regulations but they are violated. This second anxiety is my background to research about Covid 19 Impact on health, economy, tourism and law is measured by the increasing number of positive sufferers of Covid 19 due to violations committed by citizens in ignoring health protocols such as distance protection, wearing masks and washing hands and worship at home as well as work from home both during the PSBB period and when the implementation of New Normal.

I classify why the violation occurred, is this violation based on the character and culture of the community, or is it due to an indictment of punishment, or a coercive economic crush? These questions then provide the initial logical conclusion, that every country that faces Covid 19 is considered unprepared, including Indonesia, because it adheres to the principle of legality. That the rules are written first and then there are penalties later.

Delay in making regulations and then the regulation was criticized by political opponents of the government, making Covid 19 handling not optimal, so that the application of regulations also took place a lot. The principle of legality adopted by Indonesia makes the Covid 2020 law get pressure and criticism from political opponents of the authorities even though it did not get a significant response from the government. I submit a research gap that covers the delay of the government in issuing regulations, especially during the Covid 19 pandemic, which is the rule of *ushul fiqh "al-hukmu yadur ma'a al-'illah wujudan wa 'adaman"*, which means that a regulation is applied in accordance the reason is either when it is passed or destroyed, in other words, the law is flexible in accordance with the reason for its emergence or reason for its removal, there are no laws that are late or there are no laws that are too fast, all regulations are adjusted to the exact location and time especially when it impacts on health, economy, tourism and law.

The domestic handling aspects of Covid 19 do not silence a number of countries in the world, even forty countries that claim compensation from Covid 19's home country, China. China is sued for negligence, causing the virus to spread throughout the world. This negligence is considered detrimental in the aspects of health, economy, tourism and certainly in law. This prosecution is legally international, legitimate, but so far there has been no ending. And I see that Indonesia is not one of those who sue China. Is this based on special bilateral reasons? or because China is one of the countries that provide debt loans to Indonesia? or because Indonesia adheres to a free and active foreign policy? or is it because Indonesia has a different Civil Law group than the claimant countries of China? or does the United Nations hold a general meeting of this pandemic and impose sanctions on China based on the demands of 40 countries? or is there another reason why Indonesia is not one of the countries that sued China in the Covid 19 case?

The Research Questions that I put forward based on the background in this study are as follows: first, Is the rules of ushul fiqh "al-hukmu yadur ma'a al-'illah manifestation wa 'adaman" relevant to being applied in dealing with the Covid- 19 pandemics from the aspects of health, economics, tourism and legal justice in perfecting the principle of legality (which seems slow in handling a problem, especially in an emergency)? Second, Can the country of origin of the virus be prosecuted internationally and be sanctioned by the United Nations?

Approach in this research is a sociolgy of law approach, by applying three key words in each science. Sociology has three keywords, namely: domination, influence and dependence on individual and group elements. The law also has three keywords: rules, binding and sanctions. When combined, it can be concluded simply in three terms: Does law dominate individuals and groups or vice versa? Does the law affect individuals and groups or vice versa? Does the law have dependence on individuals and groups or is it the opposite? Legal sociology approach is focused through the paradigm of social behavior theory. This paradigm provides three important points, namely: (1) each individual and group has a tendency to benefit themselves (2) Empirical Objectives (observable and can be studied) and (3) Responses and responses to a number of stimuli in social interaction. This paradigm is then clarified in social exchange theory and rational choice which outlines the determination of attitudes and behavior derived from exchange and choosing rationally in the perspective of individual or group benefits (Darmoko, 2017).

In theory, it can be measured that disobedience to individual and group health protocols is caused by a tendency to benefit himself or his group, by applying the logic of the opposite, ie as long as it does not cause harm then does not need to be obeyed, or while committing an offense is not punished then it doesn't matter. This shows the law does not have dominance and influence on individuals and groups, because Covid transmission continues to increase when the transition PSBB to New Normal and broke the record 1,043 cases per day dated June 9, 2020 (Eka Nugraheny, Galih and Kompas.com, 2020) and increased to 1,241 cases dated June 10, 2020 (Perdana P and Liputan6.com, 2020) And there is an Integrity Pact in entering New Normal for the cities of Surabaya, Sidoarjo and Gresik (Fachri Audhia Hafiez, 2020). This Integrity Pact, in my opinion, is the application of the rule of *ushul fiqh "al-hukmu yadur ma'a al-'illah wujudan wa 'adaman"*, because Khofifah is a member of Nahdlatul Ulama [one of the major Muslim organizations in Indonesia] who understands the rules of Usul Fiqh.

### MATERIALS AND METHODS

I obtained materials of research from two sources. First, documents in the form of laws and regulations and second, news media. The regulation issued by the Indonesian government is Law Number 2 of 2020 concerning the Stipulation of the Government Regulation to Replace the Law No. 1 Year 2 / 20 on CORPORATE VOCUSES OF 2019 / COVERSEAS 19/19/19/19/2015 ON COUNTRY POLICIES AND STABILITY FRAMEWORK AGAINST THREATS THAT DANGER THE NATIONAL ECONOMY AND / OR STABILITY OF FINANCIAL SYSTEMS TO BECOME LAW, promulgated on 31 March 2020, contains 5 chapters with 28 articles, which provide access to the government in the management of state finances with certain exceptions due to this virus, especially in easing the LAW, which was promulgated on 31 March 2020 containing 5 chapters with 28 articles, which provide access to the government in the management of state finances with certain exceptions due to this virus, especially in easing credit for certain class of workers (JDIH BPK RI, 2020) in addition to being criticized by the MAKI (Indonesian Anti-Corruption Society) on the elements: the immunity rights of state officials in the management of state finances and if given they are afraid of the BLBI and Century cases being repeated (Fahriyadi and Kontan.co.id, 2020). The provisions of sanctions are contained in chapter IV article 26 with sanctions of imprisonment of 4-12 years and fines of ten billion rupiah to three hundred billion rupiah, and up to one trillion rupiah if carried out by corporations as follows:

### BAB IV KETENTUAN SANKSI Pasal 26

(1) Setiap orang yang dengan sengaja mengabaikan, tidak memenuhi, tidak melaksanakan atau menghambat pelaksanaan kewenangan Otoritas Jasa Keuangan sebagaimana dimaksud dalam Pasal 23 ayat (1) huruf a, dipidana dengan pidana penjara paling singkat 4 (empat) tahun dan pidana denda paling sedikit Rp10.000.000,000 (sepuluh miliar rupiah) atau pidana penjara paling lama 12 (dua belas) tahun dan pidana denda paling banyak Rp300.000.000,000 (tiga ratus miliar rupiah).

(21 Apabila pelanggaran sebagaimana dimaksud pada ayat (1) dilakukan oleh korporasi, dipidana dengan pidana denda paling sedikit Rp1.000.000.000,000 (satu triliun rupiah).

Then, the PSBB regulation was published in East Java Governor Regulation No. 18 of 2020 concerning BIG SCALE SOCIAL LIMITATION GUIDELINES FOR HANDLING CORONA VIRUS DISEASE 2019 (COVID-19) IN THE EAST JAVA PROVINCE enacted dated April 22, 2020. This Governor Regulation contains 9 chapter containing 33 Articles (Gubernur Jawa Timur, 2020). Interesting to discuss is chapter 8 which contains sanctions, from article 29 to article 31. In these articles those who are punished with administrative sanctions who commit violations are: (1) Every person and / or person in charge of activities and (2) each driver motor vehicle. With administrative sanctions it can be measured low levels of obedience, because this type of punishment does not cause a deterrent effect, coupled with law enforcement authority that is not explained in detail. Below I describe articles 29-31:

### BAB VIII SANKSI Pasal 29

(1) Pemerintah Provinsi dan/atau Pemerintah Kabupaten/Kota menerapkan sanksi administratif kepada setiap orang dan/atau penanggung jawab kegiatan yang melakukan pelanggaran terhadap ketentuan Pasal 5 ayat (3), Pasal 8 ayat (1), Pasal 10 ayat (2), Pasal 10 ayat (3), Pasal 10 ayat (4), Pasal 10 ayat (5), Pasal 13 ayat (2), dan/atau Pasal 14 ayat (3).

(2) Sanksi administratif sebagaimana dimaksud pada ayat (1) berupa:

- a. teguran lisan;
- b. teguran tertulis;

c. tindakan pemerintahan yang bertujuan menghentikan pelanggaran dan/atau pemulihan; dan/atau

d. pencabutan izin sesuai dengan kewenangannya.

### Pasal 30

Setiap pengendara kendaraan bermotor yang melakukan pelanggaran ketentuan Pasal 18 ayat (4), ayat (5), ayat (6), dan/atau ayat (7) dikenakan sanksi administratif sebagaimana dimaksud dalam Pasal 29 ayat (2).

### Pasal 31

Selain penerapan sanksi administratif sebagaimana dimaksud dalam Pasal 29 ayat (1) dan Pasal 30, Penegak Hukum dapat menerapkan kewenangannya sesuai dengan ketentuan peraturan perundangundangan.

The second source is the news media which regularly provides direct information about Covid 19 that impacts on health, economy, tourism and the law. Media coverage of the impact of Covid 19 can be categorized as follows: (1) health impact with the discovery of the first Corona positive patient (Ihsanuddin and Kompas.com, 2020), evacuation of Indonesian citizens from the Chinese city of Wuhan according to the WHO health protocol (Santoso and detikNews, 2020) and the application of hand washing behavior to keep the distance from wearing masks (Budiansyah and CNBC Indonesia, 2020) to the first patients who died due to Corona (Prabowo and Kompas.com, 2020), (2) the impact of tourism with the closure of many tourist attractions (Mutiah and Liputan6.com, 2020), (3) economic impact with many cases of employees being fired on the grounds that the company is no longer able to provide salaries and THR (Khalisotussurur and Vivanews.com, 2020) (4) the emergence of regulations that are directly related to prevention and dissemination extent with Law No. 2 of 2020 concerning Corona, Governor's Regulation on the CBDR and Integrity Pact in East Java over three regional heads during the transition to new normal while maintaining strict health protocols (Bahrul Marzuki and Jatimtimes.com, 2020), as already discussed above and (5) pros and cons of the slow government in dealing with Corona, so it is necessary to apply the rule of ushul figh "al-hukmu yadur ma'a al-'illah wujudan wa 'adaman" (6) responded to phenomena in the post-Corona international world with the need for the Indonesian government, like other countries, to demand China with compensation (Miranti, Verdiana and Liputan6, 2020) for the spread of Corona throughout the world through the United Nations (Putri Bramasti and Tribunnews.com, 2020). There are reasons why Indonesia did not participate in suing China as follows: (1) China ensures that the country agrees to be sued (2) Lawsuits based on evidence will not be permitted to be obtained from China (3) execution of ICJ decisions in sentencing China will be difficult to implement (4) Indonesia implements a free and active foreign policy (Welianto and Kompas.com, 2020)

Qualitative review is the method that I used in this research. The selection of qualitative methods is based on the flexibility of data analysis and the process of producing results of research with diverse interpretations that make research develop and provide diverse solutions to one problem (Darmoko, 2018). Research review is a type of processing of data sources from various sources which I then summarize by generating novelty ideas from the concoction of existing sources, so that in this study will cover each other gaps in research, so that the body of knowledge from Covid 19 in the world, especially handling in Indonesia can provide perfection of new information in its development that can be used as a reference in handling Covid 19 in the future.

### RESULTS

Results of this research are: first, the application of the rule of ushul fiqh " *al-hukmu yadur ma'a al-'illah wujudan wa 'adaman* 's manifestation of the impact covid 19 is a necessity in countering the opinions which state that the government is slow in dealing with problems, especially again by still using the principle of legality which will be slow in providing procedures for solutions to problems that occur, especially in pandemic emergencies. This application is a fast alternative in providing quick answers in accordance with the needs that occur.

Second, after Covid 19, the filing of an international lawsuit against China could still be carried out in other ways, if efforts through the ICJ could not be done. The effort is to complicate working relations between countries in the Chinese economy, in other words, an economic embargo on China can be done together, namely by not buying Chinese goods or by pressing China to ratify trademark rights regulations that will make China not can plow freely. It can also be done by terminating work relations

with various Chinese companies and closing it in compensation claiming countries. In a legal context that cannot be carried out on a court table, then socio-economic penalties can be applied.

### DISCUSSION

The discussion in this study was divided into those who were Pro and Contra. First, the application of the rule of ushul fiqh " *al-hukmu yadur ma'a al-'illah wujudan wa 'adaman* ", for groups who agree on the application states that the law was formed to determine certainty and justice. Justice is putting things in their place, the law according to the reason. As for the contra stated enough with certainty. The certainty here is that a regulation must go through formal legal procedures without regard to effectiveness and efficiency, because the law is seen as a product of the deal between the executive and legislative.

Secondly, it is important whether or not Indonesia sues China. For those who agree Indonesia to take part in suing using the logic of law that in every violation and crime that is written or claimed as a violation and crime, then there must be a person who is punished and responsible for his actions, intentionally or not, with the intent and has planned or due to negligence. And for the cons that Indonesia does not need to sue China because of two things: (a) the application of an active free politics implemented by the government is appropriate because in international law, the lawsuit for compensation against China does not have strong evidence (b) focus on state recovery itself due to Covid is more important than suing other countries.

### CONCLUSSION

There are two conclusions, first, the impact of Covid 19 on health, economics, tourism and law has completely changed human behavior in making regulations that protect all parties through the application of the rule of *ushul fiqh* "*al-hukmu yadur ma'a al-'illah wujudan wa 'adaman*". Second, the claim for compensation to China does not need to be done because it focuses on the recovery of one's own country. Researcher's suggestion on two things, first, for every head of government in Indonesia to always apply the rule of *ushul fiqh* "*al-hukmu yadur ma'a al-'illah wujud wa 'adaman*", not because of religious factors but on the substance of flexibility that can applied. Second, for researchers after me, to examine from the perspective of the impact of Covid 19 from the educational and cultural aspects.

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