

IMPLEMENTATION OF LEGISLATION RELATED TO THE MANAGEMENT OF THE SPREAD OF THE COVID-19 PLAGUE IN INDONESIA

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ABSTRACT

Coronavirus pandemic 2019-2020 or known as the COVID-19 pandemic is a 2019 coronavirus pandemic event. Upon the outbreak of the Covid-19 outbreak in Indonesia, the Ministry of Health of the Republic of Indonesia established the corona virus case as an extraordinary event (KLB) based on the Decree of the Minister of Health Number: HK .01.07 / MENKES / 104/2020 concerning Determination of Corona Virus Infection as Disease Can Cause Plague and Its Mitigation. This study aims to determine "The Implementation of Legislation Related to the Covid-19 Virus Outbreak in Indonesia". Data analysis was carried out qualitatively by collecting primary, secondary and tertiary legal materials related to research. The analysis results obtained are: 1) The Indonesian government's criteria in assessing a disease to become a national outbreak due to the transmission of a disease has been widespread and has spread to almost all provinces in Indonesia, 2) The implementation of legislation related to the covid-19 virus outbreak in Indonesia starts from Law Number: 4 of 1984 concerning infectious disease outbreaks until the issuance of several presidential instructions or government regulations to the issuance of ministerial decisions related to the handling of the covid-19 virus outbreak in Indonesia, 3) Efforts to overcome them include large-scale social restrictions by issuing Government Regulation Number: 21 of 2020 concerning Large-Scale Social Restrictions. Based on the results obtained, it is expected that the government can make strict regulations and the community is at least afraid of the sanctions provided if a regulation is imposed which contains sanctions in handling an outbreak, especially the covid-19 virus outbreak.

Keywords: Implementation of Regulations, Plague, Viruses, Covid-19

INTRODUCTION

The 2019–2020 coronavirus pandemic otherwise known as the COVID-19 pandemic is the 2019 coronavirus pandemic (COVID-19). The disease is caused by a new type of coronavirus named SARS-CoV-2 (Gorbalenya, 2020). The outbreak was first reported from Wuhan, China on December 31, 2019. Even today, corona virus cases continue to surge from day to day to create panic globally. Due to the outbreak of covid-19 in Indonesia, the Ministry of Health of the Republic of Indonesia designated the corona virus case as an extraordinary event (KLB) based on the Decree of the Minister of Health Number: HK.01.07/ MENKES/104/2020 concerning the Determination of Corona Virus Infection as a Disease Can Cause Outbreaks and Countermeasures signed by the Minister of Health on February 4, 2020 (Hafid, 2020).

Then with the outbreak of the covid-19 virus in Indonesia, the Government designated the Corona Virus or Covid-19 outbreak as a national disaster. The status is determined by the President through the Head of the National Disaster Management Agency. The President also formed a Task Force to Accelerate the Handling of Covid-19. The task force was in order to coordinate the central and regional capacity. Central and regional communications to ensure that efforts to prevent the emergence of new spreads are underway (Rokom, 2020).

This refers to Law Number: 4 Year 1984 On Infectious Disease Outbreaks. This law also regulates criminal sanctions for perpetrators of criminal acts as stipulated in Article 14 paragraph (1) and paragraph (2). In Article 1, the threatened parties are those who prevent the prevention of infectious diseases with a prison sentence of 1 (one) year and / or a fine as high as Rp. 1,000,000.- (one million rupiah) while due to its omission resulted in the obstruction of the implementation of outbreak management as stipulated in this Law, threatened with imprisonment for 6 (six) months and /or a fine as high as Rp 500,000.- (five hundred thousand rupiah).

To deal with the covid-19 outbreak, law enforcement is one of the steps chosen by the government. Police officers are deployed in tackling the coronavirus outbreak in the country. Therefore, in handling the covid-19 outbreak, the Police Chief issued a Police Information Number: Mak/2/III/2020 on Compliance with Government Policies in Handling the Spread of Corona Virus (Covid-19). The proclamation states that it does not hold social activities that cause large crowds to gather, both in public places and in their own environments. If there is a stubborn society, which does not heed the orders of personnel who are in charge of the interests of society, nation and country, will be processed by law. They will be ensnared in Article 212 of the Criminal Code, Article 216 of the Criminal Code and Article 218 of the Criminal Code. The threat of punishment is one year and four months in prison. Other forms of crime, namely efforts to impede the ease of access as stipulated in Law Number: 24 Year 2007 on Disaster Management Article 77 juncto Article 50 Paragraph (1) and Article 79 Paragraph (1) and (2). Then, criminal threats to those who do not comply with or violate the implementation of health as stated in Article 93 of Law Number: 6 Year 2018 on Health Quarantine (Halim, 2020).

From the description above, it appears that the Government is taking measures to combat the Covid-19 virus outbreak based on the prevailing laws and regulations in Indonesia as well as decisions issued due to the impact of the covid-19 virus outbreak in Indonesia and also found resistance from the public to the handling of people exposed to the coronavirus so that researchers want to find out more by raising the issue in a study entitled "Implementation of Legislation Related to The Prevention of The Covid-19 Virus Outbreak in Indonesia".

RESEARCH RESULTS

1. Indonesian Government Criteria In Assessing A Disease To Be A National Outbreak

By spreading and spreading the covid-19 virus throughout Indonesia, the Government of Indonesia stated that the spread of the Covid-19 virus is referred to as an infectious disease outbreak. The spread of the covid-19 virus is increasing sharply and unusually than usual every day and many people who have been exposed to this virus died according to the Government because the public did not follow the advice or advice that has been issued in preventing the spread of the covid-19 virus. The government is taking steps to deal with and tackle this virus by looking at the definition of infectious disease outbreaks such as the covid-19 virus contained in the Indonesian Law Number: 4 Year 1984 on Infectious Disease Outbreaks with the aim to protect the population from the plague caused by the outbreak as early as possible in order to improve people's ability to live healthy, where in the law it is stated that infectious disease outbreaks as an occurrence of infectious diseases in the community whose number of sufferers increases significantly more than the usual circumstances at a certain time and region and can cause havoc. The source of the disease can be from humans, animals, plants and objects containing and/or contaminated seedlings of disease, as well as that can cause outbreaks.

With the spread of the covid-19 virus almost all over Indonesia, a more systematic and coordinated treatment is needed between the Central and Regional Governments so that the virus does not spread more widely so as not to increase the number of human deaths. This law not only regulates how it is handled, but also regulates criminal sanctions for perpetrators of criminal acts. The threatened parties are those who prevent the prevention of infectious diseases. It is explained in this law that measures to combat infectious disease outbreaks are: epidemiological investigations; examination, treatment and isolation of sufferers including quarantine measures; prevention and thickening; extermination of the cause of the disease; handling of bodies due to the outbreak; counseling to the community and other countermeasures. Tackling infectious diseases is done by paying attention to environmental sustainability.

To strengthen in the implementation of treatment for people who are exposed and countermeasures against the spread of the covid-19 virus, the Ministry of Health issued a policy by establishing corona virus cases as extraordinary events (KLB) through the Decree of the Minister of Health Number: HK.01.07/ MENKES/104/2020 on the Determination of Corona Virus Infection as a Disease Can Cause Outbreaks and Its Response by establishing Novel Coronavirus infection (Infection 2019-nCoV) as a disease that can cause outbreaks.

From the description can be known that the criteria of the government in assessing a national outbreak is: 1) Because the spread of the covid-19 virus increased sharply and unusually than usual every day, 2) There have been many citizens exposed to the covid-19 virus, 3) The number of victims who died from exposure to the covid-19 virus.

Therefore, in anticipation of the spread of the covid-19 virus, the Government of Indonesia develops protocols that will be carried out by a number of ministries in accordance with their respective fields, including health protocols. The protocol for handling corona virus has only been completed by the government after two days of announcement of the first case of corona in Indonesia or two months after the first case of covid-19.

2. Implementation of Legislation Related to the Covid-19 Virus as a National Outbreak

To follow up the anticipation of zoonotic disease emergency, a series of regulations governing the protection and prevention of infectious diseases are:

- 1) Article 4 paragraph (1) of the Constitution of the Republic of Indonesia year 1945;
- 2) Law Number: 4 Year 1984 on Infectious Disease Outbreaks;
- 3) Law Number: 24 Year 2007 on Disaster Management;
- 4) Law No. 36/2009 on Health;
- 5) Law Number: 6 Year 2018 on Health Quarantine;
- 6) Presidential Regulation Number: 17 Year 2018 concerning The Implementation of Disaster Emergencies in Certain Conditions.

In an effort to combat the covid-19 virus outbreak by referring to the laws and regulations outlined above, the government issued several regulations for its implementation, namely:

- 1) Presidential Instruction Number: 4 Year 2020 on Refocussing Activities, Budget Reallocation and Procurement of Goods and Services in order to Accelerate the Handling of Corona Virus Disease 2019 (Covid-19);
- 2) Presidential Decree Number: 11 of 2020 concerning the Determination of Covid-19 Public Health Emergency;
- 3) Presidential Decree Number: 12 Year 2020 on Determination of Non-natural Disasters spreading Corona Virus Disease 2019 (Covid-19) as a National Disaster;
- 4) Government Regulation Number: 21 of 2020 concerning Large-Scale Social Restrictions in order to Accelerate the Handling of Corona Virus Disease (Covid-19) was established in Jakarta on March 31, 2020 by President Joko Widodo,

- 5) Presidential Decree Number: 7 Of 2020 concerning the Task Force to Accelerate the Handling of Corona Virus Disease 2019;
- 6) Presidential Decree Number: 9 Year 2020 on Amendments to Presidential Decree Number: 7 Year 2020 Concerning Task Force to Accelerate The Handling of Corona Virus Disease 2019 (Covid-19)

Based on regulations such as Presidential Instruction, Presidential Decrees and Government Regulations that have been stated above in tackling the covid-19 virus as a national outbreak, the efforts made by the Government of Indonesia are:

- a) **Social Distancing Policy**
The existence of social distancing so far is very effective in inhibiting the spread of viruses / diseases, namely preventing sick people from making close contact with people to prevent transmission. Seeing the phenomenon that occurs, social distancing is still in the form of an appeal that if not helped virtualized on social media will be less people who know it so that social distancing policy should be contained in government regulations in lieu of legislation on efforts to handle the Covid-19 virus outbreak, one of which regulates social distancing is an obligation for all Indonesians and if it is considered necessary to contain affirmations in the form of sanctions in accordance with positive laws in Indonesia so that the public is not only aware of the importance of social distancing but also apply its practice. It is considered necessary to restrict the rights of individuals in conducting social distancing because the condition that occurs is a crunch that threatens the health of the people of Indonesia.
- b) **Protection for health workers as the vanguard**
Health workers stand in the vanguard to prevent the increasing number of transmissions or infections so that the government needs to ensure the protection and safety of workers for medical personnel against handling covid-19. Protection of health workers rolling after there are seven doctors died from positive infection, fatigue to heart attack so that the arrangement of working hours, the addition of the number of referral hospitals, the fulfillment of the primary needs of each health worker, the provision of Personal Protective Equipment (PPE), then the determination of the priority scale of PPE administration. Legal certainty is an important instrument in ensuring the safety of health workers so that the government can not take arbitrary action against the assignment of health workers. Moreover, if you look at the legislation on health workers, there seems to be no one who regulates the guarantee of legal certainty for health workers even though there is already Law Number: 36 Year 2014 on Health Workers. However, there are currently no implementation regulations and technical guidance on health workers and other laws governing legal protection and occupational safety for health workers.
- c) **Large-Scale Social Restrictions** where the authority of large-scale social restrictions based on Law Number: 6 Year 2018 on Health Quarantine (Law No. 5/2018) is the full authority of the Central Government. In Article 1 number 1 of Law No. 5/2018 stated that "health quarantine is done to prevent and ward off the exit or entry of diseases and / or risk factors of public health that have the potential to cause public health emergencies". Therefore, if there is a local 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 consultation from the regional head with the central government before taking the relevant policy. Then on the emergency of the spread of covid 19, the government then established Government Regulation Number: 21 Year 2020 on Large-Scale Social Restrictions in order to Accelerate the Handling of Corona Virus Disease (Covid-19) (PP No. 21/2020).
- d) **Government transparency in handling the Covid-19 virus pandemic**
Disclosure of information about the Covid 19 virus is a must at this time. Information disclosure basically refers to Law No.14 of 2008 on Public Information demanding the Government as a public body to open transparently this case from the beginning. At first, information about patients and data on viral infections were not open even the patient's name was kept secret. The reason the government does not open all information related to the handling of the covid-19 virus is due to concerns causing panic and unrest but then along with the development of the condition of the spread of this virus, data disclosure began to be done because the government needs to convey it to the public positive patient data or die to be able to know the chain of spread of the virus.
- e) **Validity of Examination Result Data.**
Health checks related to the Covid-19 virus are conducted in two ways, namely rapid test and swap test and from these two ways, the way of swap test is the most appropriate way. But the reality that later emerged was the results of the swap test method examination turned out to cause a lot of problems because the timing of determining the results of the examination took a long time so that some patients who died in odp status then after the funeral with the protocol covid-19 turned out after the results of the examination was negative. Limitations in the examination of swap test methods are currently a major obstacle in handling covid 19.

Based on the above conditions, it can be said that reviewed from the legal aspect, various regulations have been issued to prevent the spread of the covid-19 virus. But the reality to date shows that there has been no significant change in the handling of cases of the covid 19 virus in Indonesia where the number of patients is increasing, the death rate is increasing. The existence of existing regulations will not be effective if it is not supported by more assertive but polite efforts in the community. The existence and attention of all parties concerned becomes very important to provide understanding to the public about the spread of the covid-19 virus.

3. Efforts to Combat the Covid-19 Virus Outbreak Related to Indonesian Laws and Regulations

Efforts to combat the outbreak have been regulated in Law Number: 4 Year 1984 On Disease Outbreaks which includes epidemiological investigation, examination, treatment, treatment and isolation of sufferers, including quarantine measures, prevention and thickening, destruction of disease causes, handling of bodies due to outbreaks, counseling to the community by paying attention to environmental sustainability and actively involving the community. Epidemiological investigations are meant to investigate the spread carried out in a certain community, ranging from small scopes to larger scopes such as residential environments, schools, regions, countries to the world. Epidemics occur when a disease has spread rapidly to a particular region or

country and begins to affect the population of the region or country. After the epidemiological investigation is carried out further examination to the people affected by the disease outbreak until continued the destruction of the disease in various ways such as making vaccines to victims of the virus in terms of handling the body as well as providing counseling to the public to be careful and alert so as not to be exposed to the virus outbreak.

Specifically handling people who have been exposed to coronavirus, the Government issued a policy by charging all costs to the state from handling up to if there are victims who died and appointing several existing hospitals to handle treatment to the people exposed to the coronavirus coordinated by the Task Force on Handling the Covid-19 Virus. In addition, in order to prevent this outbreak from spreading, the Government considers the spread of the covid-19 virus with the number of cases and/or the number of deaths has increased and spread across regions and across countries and has an impact on the political aspect, economic, social, cultural, defense and security as well as the welfare of the people in Indonesia and the impact of the spread of the Covid-19 virus has resulted in certain circumstances so that efforts need to be made to counter one of them with large-scale social restriction measures, the Government issued Government Regulation Number: 21 Year 2020 on Large-Scale Social Restrictions (PP No. 21/2020).

Based on PP No. 21/2020, the Minister of Health made Large Scale Social Restrictions guidelines by tightening the movement of people through the Regulation of the Minister of Health of the Republic of Indonesia Number: 9 of 2020 on Guidelines for Large-Scale Social Restrictions (PSBB) in order to accelerate the handling of Corona Virus Disease 2019 (Covid-19). This regulation was issued taking into account that the spread of Covid-19 with the number of cases and/or the number of deaths has increased and expanded across regions and cross-border and has an impact on the political, economic, social, cultural, defense and security aspects and welfare of the people in Indonesia with reference to several existing laws and regulations.

This large-scale social restriction is defined as a restriction on certain activities of residents in an area suspected of being infected with covid-19 in such a way as to prevent the possibility of its spread. In order to be determined by PSBB, a province/district/city must meet the criteria for the number of cases and/or the number of deaths due to disease to increase and spread significantly and rapidly to some regions and there is an epidemiological association with similar events in other regions or countries. Determination of , in an area based on the request of the governor / regent / mayor that must be accompanied by data on increasing the number of cases by time, the spread of cases by time and local transmission events. In addition, the request of PSBB to the minister also conveyed information about regional readiness about aspects of the availability of basic living needs of the people, health facilities and infrastructure, budget and operationalization of the social safety net and security aspects. After the issuance of the ministerial regulation, some regions submitted PSBB based on criteria determined by the central government and the results were obtained by the slowdown in the spread of the covid-19 virus although there is still an increase in people exposed every day.

CONCLUSION

From the results of the analysis of the Implementation of Laws and Regulations Related to the Covid-19 Virus Outbreak in Indonesia can be concluded as follows:

- 1) The criteria of the Indonesian government in assessing a disease to be a national outbreak due to the transmission of a disease has been widespread and has been transmitted to almost all provinces in Indonesia. By spreading and spreading the covid-19 virus throughout Indonesia, the Government of Indonesia stated that the spread of the Covid-19 virus is referred to as an infectious disease outbreak. The spread of the covid-19 virus is increasing sharply and unusually than usual every day and many people who have been exposed to this virus died according to the Government because the public did not follow the advice or advice that has been issued in preventing the spread of the covid-19 virus.
- 2) Application of legislation related to the covid-19 virus outbreak in Indonesia starting from Law Number: 4 of 1984 on Infectious Disease Outbreaks in Article 5 related to efforts to combat the outbreak until the issuance of several Presidential Instructions or Government Regulations until the issuance of the relevant ministerial decree in handling the covid-19 virus outbreak in Indonesia.
- 3) Countermeasures include large-scale social restriction measures by issuing Government Regulation Number: 21 Year 2020 on Large-Scale Social Restrictions and for violators subject to sanctions or fines to provide deterrent effect to the community so as to comply with the prevention of the spread of coronavirus.

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