



State Protection Against Corona Virus Disease 2019 Based On Emergency Constitutional Law

Firman Freaddy Busroh^{1*}, Fatria Khairo²

¹²Sekolah Tinggi Ilmu hukum Sumpah Pemuda, Indonesia

ARTICLE INFO

Article history:

Received Aug 28, 2022

Revised Sep 11, 2022

Accepted Oct 02, 2022

Keywords:

Emergency Constitutional
Law,
Covid-19 Pandemic,
State Protection;

ABSTRACT

The purpose of this study is to find out how the development of Covid-19 in Indonesia impacts people's lives and how the steps taken by the government to deal with the Covid-19 Pandemic are based on the Study of Emergency Constitutional Law. This research will be carried out using normative legal research methods. The study results found that according to the Indonesian Emergency Constitutional Law, the Indonesian state recognizes emergency conditions with two terms: Dangerous Conditions & Forced Emergencies. Regarding the Covid-19 Pandemic from the perspective of this emergency constitutional law, as well as looking at the policies and legal instruments set by the President, it can be concluded that the President did not categorize Covid-19 in the dangerous category but entered the second terminology, namely Forced Urgency according to the with Article 22 of the 1945 Constitution.

ABSTRAK

Tujuan dari penelitian ini adalah untuk mengetahui bagaimana perkembangan Covid-19 di Indonesia berdampak pada kehidupan masyarakat dan bagaimana langkah-langkah yang dilakukan pemerintah dalam menghadapi Pandemi Covid-19 berdasarkan Kajian Hukum Tata Negara Darurat. Penelitian ini akan dilakukan dengan menggunakan metode penelitian hukum normatif. Hasil penelitian menemukan bahwa menurut Hukum Tata Negara Darurat Indonesia, negara Indonesia mengenal kondisi darurat dengan dua istilah: Kondisi Berbahaya & Darurat Paksa. Terkait Pandemi Covid-19 dari perspektif hukum tata negara darurat ini, serta melihat kebijakan dan perangkat hukum yang telah ditetapkan oleh Presiden, dapat disimpulkan bahwa Presiden tidak mengkategorikan Covid-19 dalam kategori berbahaya tetapi masuk dalam kategori berbahaya. Terminologi kedua, yaitu Urgensi yang Dipaksa menurut Pasal 22 UUD 1945.

This is an open access article under the [CC BY-NC](#) license.



Corresponding Author:

Firman Freaddy Busroh,

Faculty of Law,

Sekolah Tinggi Ilmu hukum Sumpah Pemuda,

Jl. Sukabangun 2 No.mor 1610, Suka Bangun, Kec. Sukarami, Kota Palembang, Sumatera Selatan, Indonesia

Email: firmanbusroh@gmail.com, fatriakhairo79@gmail.com

I. INTRODUCTION

Since February 14, 2020, patients infected with the coronavirus have danced with Japanese citizens. The initial beginnings that occurred in Indonesia resulted in changes in the application of the law, especially constitutional law, where an emergency has two components, namely a legal framework consisting of a constitution and a legislative basis for emergencies and an operational framework involving organizational structures and strategic plans to deal with emergencies (Memon et al., 2021). Emergencies in Indonesia cause various legal conflicts, namely overlap in public information disclosure, medical equipment supplies, state financial losses, delays in activities that bring in foreign exchange to restrictions on activities (Ayuningtyas et al., 2021).

It is said that corona as a pandemic is characterized by a new disease that has not been recognized and infects many countries at the same time and then has an epidemiological trail. Referring to Article 5 of the Law of the Republic of Indonesia Number 4 of 1984 concerning Outbreaks of Infectious Diseases, the efforts to control the epidemic are epidemiological investigations; examination, treatment, care, and isolation of patients, including quarantine measures; prevention and immunity; the extermination of the cause of the disease; handling of corpses due to epidemics; outreach to the community; and other countermeasures (Ortiz-Prado et al., 2020). When examined through emergency constitutional law, these countermeasures will create differences in the rights of the state written in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and state entities in charge. This study offers a novelty: the emergency status issued by the Indonesian government appropriately (Taufiqurrohman et al., 2021).

Based on the Covid-19 phenomenon that is still developing in Indonesia and even the world, as well as the pros and cons of Government policies in emergencies during the Covid-19 pandemic, so the author is interested in comprehensively reviewing how the state plays a role in protecting its people from Corona Virus Disease 2019, especially from the study of Emergency Constitutional Law.

Literature Review, Constitutional law, Law is a set of rules or rules to behave or behave, and if violated, sanctions are imposed. The types of sanctions are: (1) Political sanctions (loss of trust, loss of support) whose enforcement is carried out through representative bodies (MPR, DPR, DPRD), and the process is political (regulated in the rules of procedure for representative bodies); and (2) Legal sanctions, which are enforced through law enforcement agencies, and the process is a legal process or through courts (starting from the district court as the court of the first instance, the high court as the court of appeal, to the Supreme Court as the court of cassation or review level, or through the Constitutional Court) (Chuasanga & Victoria, 2019). In practice, there are two types of law, namely: (1) Organizational law (binding into the organization), such as constitutional law, the DPR's Rules of Procedure; and (2) the law of conduct (applicable to the public, binding on the state and citizens) (Um, 2021).

State administration is a "state arrangement system, which contains provisions regarding the structure of the state and the substance of state norms". What is meant by the state is an association formed by the community that has a monopoly of power to form laws, implement laws, and, if necessary, impose laws with sanctions. For a state to exist, the following elements must be met: (1) territory; (2) residents; (3) government; and (4) sovereignty (inward and outward) (Farrell & Newman, 2019).

Thus, Constitutional Law is "a branch of law that discusses the structure of the state, the mechanism of the relationship between structures of state organs or structures, as well as the mechanism of the relationship between the structure of the state and citizens" or "a branch of science that studies the principles and legal norms that are contained in writing or that live in the reality of state practice concerning: (i) the constitution which contains the collective agreement of a community of people regarding the aspiration to live together in a country; (ii) state power institutions and their functions; (iii) the inter-institutional relationship mechanism; and (iv) the principles of the relationship between state power institutions and citizens" (Bränström & Pachankis, 2021).

II. RESEARCH METHOD

The type of research in this writing is normative juridical. The data used in this study comes from previous studies, books, and laws regarding state administration in a pandemic condition. Research data that has been successfully collected will be processed by researchers so that later the results of this study can be found.

III. RESULT AND DISCUSSION

The Development Of Covid-19 And Its Impact On The Lives Of Indonesian People

Concerns about Covid-19 occur all over the world, including in Indonesia. Early March 2020, to be exact, on the 2nd was the first time the Indonesian government announced that there were two positive cases of Covid-19 in the country, which were identified as occurring due to local transmission and not the transmission of imported cases. This virus is very likely to enter various parts of Indonesia through the gates. One year after the Indonesian people faced this pandemic, the following are data related to the Covid-19 situation in Indonesia, which the Committee reported for Handling Covid-19 and National Economic Recovery (KPC PEN) as of March 20, 2021. The following are some of the impacts felt by several sectors in Indonesia during the Covid-19 pandemic.

a. Education Sector

The learning process in schools, which is the best public policy tool to increase knowledge and skills, is one of the sectors affected by Covid-19. Even though many students think that school is a fun activity, they can interact with each other. Schools can improve students' social skills and social class awareness. But now, the "learning at school" activity has suddenly stopped because of the Covid-19 disruption. Although currently, the Teaching and Learning Process has entered a period of adaptation to new habits, the difficulties of this pandemic have greatly affected the productivity of the educational sphere. An article written by Carlsson explains that teenagers in Sweden have a different number of days to prepare for an important test. These differences are conditionally random, and the authors try to assume the same conditions in Indonesia. Referring to what Carlsson said, if on the use of a knowledge test, it is assumed that every student who does not attend school for 10 days loses 1 percent of the standard deviation, then in 12 weeks or 60 days of not attending school, they will lose 6% of the standard deviation. This 6% loss condition is not a trivial matter. Students will be distracted by knowledge for the future with more complex knowledge problems (Maldonado & De Witte, 2022).

This matter must be immediately addressed by the government, seen from the similarity of aspects of the Indonesian state with other countries. Under normal circumstances, there are many regional inequalities, especially when this pandemic began. The Ministry of Education and Culture, under Minister Nadiem Makarim, echoes the spirit of increasing productivity for students to increase job opportunities when they graduate from school. However, with the sudden presence of the Covid-19 outbreak, the world of education in Indonesia needs to follow a path that can help schools in an emergency. Schools need to force themselves to use online media. However, the use of technology is not without problems, and there are many variants of problems that hinder the effectiveness of online learning, including:

- 1) Limitations of Mastery of Information Technology by Teachers and Students
- 2) Insufficient Facilities and Infrastructure
- 3) Limited Internet access
- 4) Lack of prepared budget provision (Rasheed et al., 2020)

b. Economic Sector

The COVID-19 pandemic ultimately brings very bad risks to the world economy. The current economic development, especially entering the end of the first quarter of 2020, has become a horror phenomenon for all human beings in the world. International financial organizations, namely the International Monetary Fund and World Bank, predicted that the global economy will enter a recession by the end of the first quarter of 2020, which will be corrected very sharply. Global economic growth could decline to a negative 2.8% or, in other words, be dragged up to 6% of global economic growth in the previous period. The two institutions previously projected that the global economy at the end of the first quarter of 2020 would grow by 3% (Eregba & Mesagan, 2020).

Indonesia also experienced this difficulty directly. We know that China holds the largest export activity in the world. While the country that often imports and exports with China are Indonesia. It can be said that China is also one of Indonesia's largest trading partners. Of course, the emergence of COVID-19 that infects China has brought China's trade activities in a negative direction, so it has an impact on the flow and the world trade system, including Indonesia. The decline in palm oil and coal and imports of other raw materials from China will attack export activities in Indonesia, leading to lower prices for mining goods and other commodities.

The impact of COVID-19 not only disrupted Indonesia's export and import sectors but also attacked the trade sector, namely tax revenues which also experienced a decline. This has a very serious impact because the trade sector's tax revenue contributes to boosting state revenues, to be precise, which is the second largest. The Central Statistics Agency (BPS) released data related to oil and gas and non-oil and gas exports which stated that there was a decline in oil and gas and non-oil exports due to this pandemic.

Several researchers were interested in seeking more in-depth information regarding the impact of the COVID-19 pandemic on the Indonesian economy and stated that COVID-19 caused low investor sentiment towards the market, which in turn led the market to tend to be negative.

The slow pace of Indonesian exports to China also significantly impacts the Indonesian economy. This can be seen in the sensitivity analysis of the Indonesian economy. Based on the sensitivity analysis, it was found that a 1% slowdown in the Chinese economy will affect and impact the rate of economic growth in Indonesia, which is -0.09%. In line with the further sensitivity analysis where, every 1% of economic slowdown in the European Union will have an impact on the rate of economic growth in Indonesia, namely -0.07%, India (-0.02%), Japan (-0.05%), and United States (-0.06%). The same picture also occurs in most commodities, namely, every 10% decline in the price of crude palm oil (CPO) will have an impact on the Indonesian economy by 0.08%, positive oil by 0.02%, and coal by -0.07 %.

c. Tourism Sector

Since implementing the social distancing policy or social distancing or maintaining a distance to PSBB (Large-Scale Social Restrictions) to prevent the spread of Covid-19 in Indonesia, all activities have been paralyzed, including economic activities. One of the economic sectors that have been affected by Covid-19 is the tourism sector. The tourism sector, which was echoed as a major contributor to the country's foreign exchange in 2020, collapsed due to the impact of Covid-19 (Muqsith et al., 2021). The impact of Covid-19 on marine tourism in Indonesia affects:

1) Locally-generated revenue

Tourism is a non-oil and gas sector expected to contribute significantly to the country's economy. This effort to develop the world of tourism is supported by Law No. 10 of 2009, which states that the existence of tourism objects in an area will be very profitable, including increasing Regional Original Income (PAD), increasing people's living standards, and expanding job opportunities considering the increasing number of unemployed at this time, increasing love for the environment and preserving nature and local culture (Ozturk & Al-Kuwari, 2021).

Regional Original Revenue (PAD) in the era of regional autonomy in the tourism sector, with its multi-sectoral nature and multi-effects, has the potential to generate large revenues. The development of the tourism sector will generate regional income from various sides, including entrance fees for tourism objects, hotel, restaurant, and food industry taxes, tourism business licensing, and employment from the formal and informal sectors. However, the tourism sector, which is expected to be the biggest contributor to the country's foreign exchange, has been hampered by the Covid-19

outbreak. Tourist destinations in Indonesia have experienced a drastic decline in visitors. For example, Bali, a tourist destination whose number one source of income is foreign tourists, is feeling the big impact of the Covid-19 outbreak.

Moreover, foreign tourists who are the largest contributor to income are tourists from China. Reporting from the CNBC Indonesia page based on data from the Central Statistics Agency (BPS), Chinese tourists contributed about 12% of the total foreign tourists who came to Indonesia until October 2019. Every year a total of about 2 million Chinese tourists come to Indonesia. However, since the outbreak of Covid-19, the Chinese government has stopped several overseas travel plans, which means it will affect Indonesia's tourism income.

Tourism destinations that are supposed to improve the economic life of the people in the regions have become paralyzed due to the Covid-19 pandemic. Revenue from various sides, including levies on tourism objects, hotels, restaurants, food industry taxes, and tourism business licenses, was paralyzed due to the absence of visitors or tourists, both foreign and domestic. Several hotels and restaurants that are part of the tourism sector have felt the impact of this Covid-19. Not even a few restaurants and hotels are forced to lay off their workers because they have to calculate the risks they bear. Covid-19 has had a major impact on the reduction of local revenue due to the absence of visitors in the tourism sector.

2) MSME Economy & Tourism Sector

Development in the national and regional tourism sector aims to drive economic activity while simultaneously creating field opportunities and employment and business opportunities for the local community. Tourism is a new industry that can accelerate economic growth, provide employment, increase income and standard of living, and stimulate other productive sectors. As a complex sector, tourism also realizes local industries such as handicrafts and souvenirs, lodging, and transportation (Jeyacheya & Hampton, 2020).

Local economic development is a concept based on utilizing local resources that exist in a community, human resources, natural resources, and institutional resources. These resources are utilized by the community, the local government, and existing community-based institutional groups. With a promising tourism sector, it is necessary to have a supporting facility to facilitate tourists. One of the supporters of the tourism sector is the existence of micro, small and medium enterprises, which are growing rapidly. MSMEs play a very important role in tourism development. The characteristics of an area are usually often sought after by tourists, and not infrequently, those who can provide the unique needs of an area are started from SMEs.

MSMEs are an informal sector with production activities of goods and services, small scale, production units are owned individually or in families, use a lot of labor (labor intensive), and the technology used is relatively simple. MSMEs play an important role in creating markets, developing trade, managing natural resources, reducing poverty, creating jobs, building communities, and supporting their families. MSMEs in the tourism sector provides the needs of tourists who are growing daily.

This Covid-19 directly impacts the decline in the MSME economy, especially for MSME actors who depend on tourists in tourism destinations in an area. There are no visitors, and even no tourist destinations at all cripple the MSME economy. These SMEs consist of entrepreneurs of handicrafts, making souvenirs, sellers of souvenirs or souvenirs, money exchange service providers, tour guides, and all supporting elements of tourism services which are forced to lose their livelihoods and income.

Therefore, the author can conclude that MSMEs, as a sector that survived the 1998 economic crisis, could not escape the impact of the Covid-19 outbreak. Many MSMEs

can no longer operate due to increasingly compliant demands due to Large-Scale Social Restrictions (PSBB). The decreasing demand for a good or service will automatically impact the income of MSME actors

d. Employment Sector

The issuance of PP Number 21 of 2020 regarding the PSBB (Large-Scale Social Restrictions) policy, which is the government's strategy to break the COVID-19 chain, also ultimately impacts the employment sector. Not a few companies reduce the number of workers or employees so that layoffs occur for employees as an effort to prevent the spread of disease or the company's lack of ability to pay for labor services.

According to the ILO (International Labor Organization) due to the full or partial quarantine measures currently impact almost 2.7 billion workers, which already represents about 81 percent of the world's workforce. Quarantine and disruption to the business world, travel bans, school closures, and other closure measures automatically have a sudden and drastic impact on workers and companies. Often the first to lose their jobs are those with vulnerable jobs, such as shop workers, servers, kitchen workers, baggage handlers, and cleaners. This is unfortunate because termination of employment (PHK) is a disaster for millions of families (Yu et al., 2021).

In addition, informal workers, who account for around 61 percent of the global workforce, are particularly vulnerable during the pandemic as they face higher OSH risks and a lack of adequate protection. Working with no protection, no sick leave, or unemployment benefits, these workers may need to choose between health and income, putting their health, the health of others, and their economic well-being at risk.

The following are most of the groups of workers who are categorized as vulnerable to being affected by Covid-19, such as: Workers who already have problems with health conditions, Youth who already face higher rates of unemployment and underemployment, Older workers who may be at higher risk of developing serious health problems and possibly suffering from economic vulnerability, Over-represented women in jobs that are at the forefront of dealing with the pandemic and who will bear a disproportionate burden of care responsibilities related to school closures or the nursing system, Unprotected workers, including self-employed, casual, and gig workers who do not have access to paid or sick leave mechanisms, Migrant workers may not be able to access their workplace in the state of destination or return home to their families.

These workers are not only vulnerable in terms of economy but also in terms of health. They tend to have a greater potential for contracting the coronavirus because they are still active amid an increasingly widespread outbreak. Even though they are still working, these vulnerable workers experience a drastic decrease in their income; some are even without income. Seeing the economic impact of the Covid-19 pandemic above shows us that the conditions of vulnerable workers are different. Differences in residence between villages and cities, property ownership, and types of business or work also differ in how they survive during a crisis.

In a crisis such as the Covid-19 pandemic, the categories of vulnerable groups are not only self-employed, unpaid family workers, and casual workers, but there is a new vulnerable group, namely those who are thrown out of decent work. This new vulnerable group is formal workers laid off or furloughed due to the crisis. This makes their living conditions uncertain as other vulnerable workers, even though they tend to have more savings or better skills than other vulnerable workers

Steps To Take Based On The Study Of Emergency Constitutional Law In Preventing The Spread Of Covid-19

a. Health Quarantine

Because the Covid-19 outbreak is a pandemic that spreads by human-to-human transmission, optimal and responsive handling efforts are needed to stop its spread. In this case, WHO recommends handling and controlling the COVID-19 disease. According to WHO, one of the actions for handling and protecting world public health is for the state to handle through quarantine, including individual quarantine measures. By definition, Article 1 of the International Health Regulation 2005 explains that quarantine is “Restriction of activities and separation of a suspect (suspect) who is not sick or goods, containers, transportation means, or goods that the suspect (suspect) is from other people or goods, in such a way as to prevent the possibility of spreading disease or contamination. Comprehensively, the implementation of quarantine is a step that must be implemented wisely by prioritizing human rights. This follows article 3 of the International Health Regulation 2005: “IHR implementation must fully respect human dignity, human rights, and fundamental freedoms” (Lee et al., 2021).

In implementing these arrangements, the state must make and determine public policy regulations in the health sector which must be born and presented as a tangible form of the state’s role in providing protection. The state is essentially present to guarantee protection and certainty. Public policy is “anything a government chooses to do or not to do”. If you look in the mirror in several countries by looking at the phenomenon of this pandemic, in practice, various countries take their policies to protect their people. Just as China, precisely Wuhan City, which was the first to contract this virus, implemented a policy in the form of a lockdown in Wuhan City and after this virus subsided in Wuhan, a lockdown was also implemented in Jia City to break the chain of its spread. The Italian state carried out the same handling, where the country set a total lockdown policy (Ketter & Avraham, 2021).

In this regard, Indonesia as a unitary state must play an active role in protecting the entire nation under any circumstances firmly and straightforwardly following the Preamble to the 1945 Constitution of the Republic of Indonesia Article 28H paragraph (1) that: “Everyone has the right to live in prosperity physically and mentally, have a place to live and have a good and healthy living environment and are entitled to health services”. So, based on the constitution’s mandate, Indonesia should protect the people as a legal and sovereign state.

b. Large-Scale Social Restrictions (PSBB)

Seeing the urgency, the government then took a large-scale social restriction policy to deal with the arrangement described in Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Coronavirus disease 2019 (Covid-19). The Government Regulation explains several actions that must be taken at a minimum, such as holidays from schools and workplaces, restrictions on religious activities, and restrictions on activities in public places or facilities. Seeing the urgency, the government then took a large-scale social restriction policy to deal with the arrangement described in Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Coronavirus disease 2019 (Covid-19). The Government Regulation explains several actions that must be taken at a minimum, such as holidays from schools and workplaces, restrictions on religious activities, and restrictions on activities in public places or facilities (Muhyiddin & Nugroho, 2021).

Several ministries then followed up on the notification of the handling arrangement. Just as the Ministry of Health issued Regulation of the Minister of Health of the Republic of

Indonesia Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of Coronavirus disease 2019 (Covid19), it explicitly regulates the technical rules for implementing large-scale social restriction policies. Jakarta is the first city to implement PSBB regulations through Governor Regulation Number 33 of 2020 regarding the implementation of “Large-Scale Social Restrictions in Handling Coronavirus disease 2019 (COVID-19) in the Special Capital Region of Jakarta Province. The policy came into effect from April 10, 2020, to April 23, 2010. This emphasizes that the Large-Scale Social Restriction policy will be implemented for two weeks, this policy includes restrictions on public facilities such as restrictions on public transportation with a capacity of only 50 percent and operating hours only from 06.00 to 18.00 WIB.

c. Formation of the Acceleration Task Force

To speed up the handling, the President also issued a policy in the form of Presidential Decree No. 9 of 2020 concerning Amendments to Presidential Decree No. 7 of 2020 concerning the Task Force for the Acceleration of Handling Coronavirus disease 2019 (COVID-19). This is aimed at optimizing the handling of this pandemic both at the central and regional levels. The Task Force is technically tasked with increasing national resilience in the health sector, which includes ministries, non-ministerial, TNI, Polri, and Regional Heads (Kumala, 2020).

d. Policies in the Economic Sector

a) Issuance of Perppu on State Financial Policy

Considering that Covid-19 does not only have an impact on health but also has an impact on national economic growth, as an effort to maintain financial sector stability and save health and recovery for affected communities, the state has made a policy in the form of Government Regulation in place of Law of the Republic of Indonesia Number 1 the Year 2020 concerning State Financial Policy and Financial System Stability for Handling the 2019 Coronavirus disease (Covid-19) Pandemic and in Facing Threats That Endanger the National Economy and Financial System Stability. The Perppu contains policies to maintain national economic stability and recovery of affected communities through increased spending to mitigate health risks, protect the public and maintain business activities (Busroh & Khairo, 2022).

b) Issuance of Debt Instruments by the Ministry of Finance & Allocation of Electricity Procurement Subsidies. In addition to issuing Government Regulation in place of Law of the Republic of Indonesia Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the 2019 Coronavirus disease (Covid-19) Pandemic and in Facing Threats That Endanger the National Economy and Stability of the Financial System, through the Ministry of Finance, issued a Government Securities policy which is referred to in Law Number 24 of 2002 concerning Government Securities. To meet the state budget's financing needs and deal with this pandemic outbreak, the Ministry of Finance issued 3 series of Government Securities, namely the RI1030 series, RI1050, and RI0470. The Government Bonds have a total nominal value of USD 4.3 billion, consisting of USD 1.65 billion for a tenor of 10.5 years, USD 1.65 billion for a tenor of 30.5 years, and USD 1 billion for a tenor of 50 years, respectively (Hasbullah, 2022).

Technically, this policy is the government's effort to continue implementing a credible, sustainable, and disciplined fiscal policy amid the turbulent global economic conditions, especially during the COVID-19 pandemic. On the other hand, it is responsive and effective

that this fiscal policy is profitable to support three priority and fundamental programs in handling COVID-19, in this case including handling health problems, support for the business world such as MSMEs, and providers of social safety nets (Suparman, 2021). In addition to macro policies, the government also issued a policy in the form of the allocation of electricity procurement subsidies. Where the government makes a policy in the form of waiving electricity costs for 450 VA electricity customers and providing discounts or discounts of 50 percent for subsidized 900 VA electricity users. However, in practice, this policy has resulted in conflicts because it does not distribute aid to the affected people, which causes injustice. In this outbreak, all the people are victims affected by the outbreak, on that basis, the government should also try to help evenly in the use of electricity optimally. Because the highest law is a law that can provide justice and prosperity.

e. Government transparency in handling the Covid-19 pandemic

Disclosure of information regarding COVID-19 is a must at this time. Information disclosure regarding COVID-19 spurs Law no. 14 of 2008 concerning public information requires the government as a public body to open this case transparently from the start. At first, information about the patient and data on this virus infection was not disclosed, and the patient's name was kept secret. The reason is related to the handling of COVID-19, which was caused by fears of causing panic and anxiety, but in the end, the government made data disclosure because it needed to convey to the public the data of patients who died or who were positive to be able to know the chain of the spread of the virus (Rhodes et al., 2022).

f. Validation of Examination Result Data

Health checks related to Covid-19 are carried out in 2 ways: rapid and swap tests, and from these two methods, a swap test is considered the most valid. However, in reality, this method causes many problems because the time for determining the results is considered to take quite a long time, so some patients who die are in ODP (Insider Monitoring) status. Then after the funeral was carried out with the Covid-19 protocol, it turned out that the examination results were negative for the virus (Brinati et al., 2020).

g. Vaccination

According to the Regulation of the Minister of Health of the Republic of Indonesia Number 28 of 2020 regarding the implementation of the procurement of vaccines in the context of controlling the Corona Virus Disease 2019 pandemic, Article 1 paragraphs 1 & 2 that: "Vaccines are biological products containing antigens in the form of dead or alive microorganisms, which are attenuated, still intact or parts thereof, or in the form of microorganism toxins that have been processed into toxoids or recombinant proteins, which are added with other substances, which when given to a person will active specific immunity against certain diseases. At the same time, vaccination is administering a vaccine specifically given to actively cause or increase a person's immune system against disease. The challenge in its implementation is the rejection of several community groups on the grounds of Law Number 36 of 2009 Article 5, which reads, "Everyone has the right to be independent and responsible for determining the health services needed for themselves".

Some community groups consider it their right to choose to receive or not receive vaccinations provided by the government. In response to this, Professor Asep Warlan Yusuf, an expert in constitutional law from Parahyangan University, emphasized that regarding the law, originally, the community had the right to take treatment and healing efforts, but now

in the pandemic era, due to the effect it has on other people, then every citizen are required to take precautions, including through vaccination (Lazarus et al., 2021).

More fully, here are several regulations issued by President Jokowi to deal with the coronavirus in the country:

- a) Presidential Decree Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Covid-19.
- b) Presidential Regulation Number 52 of 2020 concerning Construction of Observation and Shelter Facilities in Combating COVID-19 or Infectious Diseases.
- c) Presidential Instruction Number 4 of 2020 concerning Refocussing of Activities, Reallocation of Budgets, and Procurement of Goods and Services in the Context of Accelerating Handling of Covid-19.
- d) Presidential Decree Number 11 of 2020 concerning Determination of Public Health Emergency Status.
- e) PP Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Covid19.
- f) Perppu Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Covid-19.
- g) Presidential Regulation Number 54 of 2020 concerning Changes in Posture and Details of the State Budget for Fiscal Year 2020.
- h) Presidential Decree Number 12 of 2020 concerning the Spread of Covid-19 as a non-natural National Disaster.
- i) Indonesian Presidential Decree Number 99 of 2020 concerning the Procurement of Vaccinations in the Context of Combating the Covid-19 Pandemic.

IV. CONCLUSION

According to the Indonesian Emergency Constitutional Law, the Indonesian state recognizes emergency conditions with two terms: Danger and Forced Critical Matters. Regarding the Covid-19 Pandemic from the perspective of this emergency constitutional law, as well as looking at the policies and legal instruments set by the President, it can be concluded that the President did not categorize Covid-19 in the danger category but entered the second terminology, namely Forced Urgency according to the with Article 22 of the 1945 Constitution.

Indonesia is now in a state of emergency, as stated in Presidential Decree No. 11 of 2020. This difficult condition requires appropriate policies as a progressive and responsive effort following the provisions of the legislation. In these difficult times, every policy must reap a variety of responses, both in the form of support and rejection. However, to minimize problems that can occur and even complicate the life of this nation, in the decision-making process related to policies, the government should consider 3 important things in dealing with the Covid-19 Pandemic. These three things are always taking into account aspects of the protection of human rights, implementing state emergency law with the principle of proportionality, and whatever policies are taken must be based on the ideals of the state, namely ensuring the protection and welfare of the community as the highest law. The soul of every Indonesian citizen is the main one (*Solus Populi Suprema Lex adage*).

References

Ayuningtyas, D., Haq, H. U., Utami, R. R. M., & Susilia, S. (2021). Requestioning the Indonesia Government's Public Policy Response to the COVID-19 Pandemic: Black Box Analysis for the Period of January–July 2020. *Frontiers in Public Health*, 9, 612994.

- Bränström, R., & Pachankis, J. E. (2021). Country-level structural stigma, identity concealment, and day-to-day discrimination as determinants of transgender people's life satisfaction. *Social psychiatry and psychiatric epidemiology*, 56(9), 1537-1545.
- Brinati, D., Campagner, A., Ferrari, D., Locatelli, M., Banfi, G., & Cabitza, F. (2020). Detection of COVID-19 infection from routine blood exams with machine learning: a feasibility study. *Journal of medical systems*, 44(8), 1-12.
- Busroh, F. F., & Khairo, F. (2022). Optimization Of The State's Role In Facing The 2019 Coronavirus Disease Pandemic From The Perspective Of Emergency Constitutional Law. *LEGAL BRIEF*, 11(3), 1747-1753.
- Chuasanga, A., & Victoria, O. A. (2019). Legal Principles Under Criminal Law in Indonesia Dan Thailand. *Jurnal Daulat Hukum*, 2(1), 131-138.
- Eregha, P. B., & Mesagan, E. P. (2020). Oil resources, deficit financing and per capita GDP growth in selected oil-rich African nations: a dynamic heterogeneous panel approach. *Resources Policy*, 66, 101615.
- Farrell, H., & Newman, A. L. (2019). Weaponized interdependence: How global economic networks shape state coercion. *International Security*, 44(1), 42-79.
- Hasbullah, M. A. (2022). Legal Policies for Handling the Covid-19 Pandemic in the Perspective of Emergency Law and Human Rights. *ITALIENISCH*, 12(2), 338-345.
- Jeyacheya, J., & Hampton, M. P. (2020). Wishful thinking or wise policy? Theorising tourism-led inclusive growth: Supply chains and host communities. *World Development*, 131, 104960.
- Ketter, E., & Avraham, E. (2021). # StayHome today so we can# TravelTomorrow: tourism destinations' digital marketing strategies during the Covid-19 pandemic. *Journal of Travel & Tourism Marketing*, 38(8), 819-832.
- Kumala, R. D. M. (2020). Legal Analysis of Government Policy on Large Scale Social Restrictions in Handling Covid-19. *The Indonesian Journal of International Clinical Legal Education*, 2(2), 181-200.
- Lazarus, J. V., Ratzan, S. C., Palayew, A., Gostin, L. O., Larson, H. J., Rabin, K., ... & El-Mohandes, A. (2021). A global survey of potential acceptance of a COVID-19 vaccine. *Nature medicine*, 27(2), 225-228.
- Lee, K., Grépin, K. A., Worsnop, C., Marion, S., Piper, J., & Song, M. (2021). Managing borders during public health emergencies of international concern: a proposed typology of cross-border health measures. *Globalization and Health*, 17(1), 1-19.
- Maldonado, J. E., & De Witte, K. (2022). The effect of school closures on standardised student test outcomes. *British Educational Research Journal*, 48(1), 49-94.
- Memon, S. U. R., Pawase, V. R., Pavase, T. R., & Soomro, M. A. (2021). Investigation of COVID-19 impact on the food and beverages industry: China and India perspective. *Foods*, 10(5), 1069.

- Muhyiddin, M., & Nugroho, H. (2021). A year of Covid-19: A long road to recovery and acceleration of Indonesia's development. *Jurnal Perencanaan Pembangunan: The Indonesian Journal of Development Planning*, 5(1), 1-19.
- Muqsith, M. A., Pratomo, R. R., Kuswanti, A., & Muzykant, V. L. (2021). Social solidarity movement to prevent the spread of COVID-19 pandemic in Indonesia. *Masyarakat, Kebudayaan dan Politik*, 34(2), 147.
- Ortiz-Prado, E., Simbaña-Rivera, K., Gomez-Barreno, L., Rubio-Neira, M., Guaman, L. P., Kyriakidis, N. C., ... & Lopez-Cortes, A. (2020). Clinical, molecular, and epidemiological characterization of the SARS-CoV-2 virus and the Coronavirus Disease 2019 (COVID-19), a comprehensive literature review. *Diagnostic microbiology and infectious disease*, 98(1), 115094.
- Ozturk, O., & Al-Kuwari, M. (2021). The Contribution of Tourism to Economic Growth: The Case of Qatar. *Journal of Environmental Management & Tourism*, 12(2), 598-607.
- Rasheed, R. A., Kamsin, A., & Abdullah, N. A. (2020). Challenges in the online component of blended learning: A systematic review. *Computers & Education*, 144, 103701.
- Rhodes, W. R., Lipsky, J., Checki, T. J., Cooper, R. J., Dudley, W. C., Jin, K., ... & Walker, M. (2022). Debt transparency: the essential starting point for successful reform. *Capital Markets Law Journal*.
- Suparman, N. (2021). Strategic priorities and accountability for allocating the state budget amid Covid-19 pandemic in Indonesia. *Jurnal Perspektif Pembiayaan Dan Pembangunan Daerah*, 9(1), 61-72.
- Taufiqurrohman, M. M., Fahri, M. T., Wijaya, R. K., & Wiranata, I. G. P. (2021). The Use of Necessitas Non Habet Legem and Wederspanningheid in Law Enforcement for Covid-19 Vaccination in Indonesia. *Nature medicine*, 27(2), 19.
- Um, D. B. (2021). Assigning a grass-root NGO role to legitimate organizations as resident watch-dogs in negotiating carbon benefits derived from multilateral funding. *International Environmental Agreements: Politics, Law and Economics*, 21(4), 631-646.
- Yu, Z., Razzaq, A., Rehman, A., Shah, A., Jameel, K., & Mor, R. S. (2021). Disruption in global supply chain and socio-economic shocks: a lesson from COVID-19 for sustainable production and consumption. *Operations Management Research*, 1-16.