



**Original Article**

**CRIMINAL OFFENDERS WHO DO NOT UNDERGOING HEALTH  
QUARANTINE OBLIGATIONS AFTER RETURNING FROM ABROAD DURING  
COVID-19 PANDEMIC: JURIDICAL REVIEW**

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**ABSTRACT**

**Background.** Indonesia is one of the countries affected by COVID-19 virus. The government as the highest policy holder has issued various regulations such as social distancing, work from home (WFH), school from home, closing several public facilities, shopping centers, and health quarantine. The problem with this policy is that many people still do not comply with obligations such as quarantine after traveling abroad. This research purpose was to determine legal offenses for criminal offenders who do not follow health quarantine obligations after returning from abroad during the covid-19 pandemic.

**Research Method.** The research used a normative juridical approach as a literature study and developed also conceptualized as legal research. The legal concept is carried out by reviewing all legal regulations related to the legal issues addressed and based on law no 6 of 2018 concerning health quarantine. This research used descriptive analysis.

**Findings.** The form of accountability for community actors who are not quarantined after returning from a trip abroad is regulated by Article 93 of the 2018 Act 06.

**Conclusion.** The law states that anyone who does not comply with the Health Quarantine Regulations will be sentenced to one year in prison and/or a fine of up to IDR 100 million.

**Keywords:** Covid-19, Criminal, Law, Quarantine.

**BACKGROUND**

Indonesia is one of the countries affected by the Covid-19 disease outbreak. The mortality rate at the end of March 2020 reached 8.9% and is expected to continue to increase given the current situation in Indonesia. There are two patients in Indonesia who are the first patients diagnosed with COVID-19 found in Depok, West Java. This was announced by the President of the Republic of Indonesia, and it is known that the two patients are active in the capital city of Jakarta. The spread of covid-19 in Indonesia has grown stronger and more significant in recent weeks. Based on case data up to October 16, 2020, 349,000 people have been verified to be cured of Covid-19 with the number of recovered patients is 274,000 and 12,268 people died.[1]

The government itself as a policy maker has issued various regulations during this pandemic. These regulations start from social distancing social distancing whose status is raised to Large-Scale Social Restrictions (hereinafter abbreviated as PSBB) in all areas with very rapid transmission of covid-19, the obligation to use school from home (SFH) and work from home (WFH), closing various public facilities and several shopping centers. These regulations have been continuously implemented starting from March 2020 until now. The government even began to change its strategy with the implementation of the new normal era as it is today.[2]

With the issuance of the Presidential Decree, the President declared a Covid-19 public health crisis and determined the steps of Large-Scale Social Restrictions (PSBB) to implement health quarantine to accelerate the handling of the Covid-19 outbreak, in the Law on Health Quarantine Number 6 of 2018 concerning, Article 1 (1) explains that "Health Quarantine is an effort to prevent the migration of disease outbreaks and or public health threats so that they can cause a public health emergency". The Health Quarantine Law contains provisions to restrict access to areas infected with the outbreak. The law also explains the instructions to implement vaccination, isolation, and regional quarantine programs to stop the spread of the Covid-19 outbreak.[3]

An emerging issue is related to the authority to determine public health emergencies. The President emphasized that local governments should not adopt a lock down policy, but if lock down is needed, local governments must do so. If the local government carries out the policy, there may be many parties who view it as odd because it does not comply with the law, but if the reaction of the central government and weak regulations, this action is considered normal in the face of urgent risks such as the Covid-19 outbreak.

The enactment of the Health Quarantine Law is one of the state's efforts in realizing a more prosperous, peaceful and serene society. Following up on this, the Government of the Republic of Indonesia has made all the rules and regulations, including Law Number 6 Article 9 and Article 93 regarding Health Quarantine, as well as rules for enforcing the Health Quarantine Law related to handling Covid-19.

However, in reality, there are still many Indonesians who are reluctant to carry out their obligations, namely quarantine when returning from a trip abroad, one example of a case is the case of RV, a viral on social media Instagram who escaped from the quarantine program at Wisma Atlet and was assisted by her friend who was also a member of the soldier in Indonesia (hereinafter abbreviated as TNI). In the court's decision, the judge found RV guilty of violating the health protocol of Indonesian Law Number 6 article 9 paragraph 1 and article 93 of 2018 related to Health Quarantine, Criminal Code Article 55 paragraph 1 to 1 and was sentenced to 4 months imprisonment as well as a fine of fifty million rupiah. The stipulation of the law is that a convicted person does not need to commit a crime before the expiration of the eight-month probation period and does not need to be punished unless in the future he commits the same criminal act. After the trial, it is known that RV immediately traveled to Bali and NTB with the aim of celebrating her birthday. In this case, it can be seen that in Indonesia there are already rules governing but they are still weak and not firm enough and until now RV has not been sentenced to prison.[4,5]

Based on the reasons that have been explained, several problems can be formulated, namely what are the legal sanctions and how is the form of legal liability for criminal offenders who do not undergo health quarantine obligations after returning from abroad during the Covid-19 pandemic according to regulation Number 6 of 2018 concerning Health Quarantine. Meanwhile, the purpose of writing this article is to find out the answers to these problems.

The author also finds the results of previous studies that are used as references and comparisons to carry out the writing of this article, including Dinata & Akbar (2021) with the title Restrictions on the Right To Move Through Entry Bans and Travel Restrictions During the Spread of the Covid-19 Virus According to International Law and Indonesian Law. Basically, this work concludes that state policies regarding immigration requirements and travel restrictions are permitted under foreign law. This has an impact on reducing the Covid-19 outbreak in each country.[6] However, these provisions can run afoul of human

rights if they are not in accordance with legitimate policies in human rights treaties. This study recommends that policy makers be vigilant and more careful when implementing entry requirements.

Setyanugraha (2021) with the title Criminalization as an Effort to Handle the Covid-19 Pandemic in the Health Quarantine Law: Knowing the Legality, Construction and Consequences of Delict Formulation. The essence of this work is that criminal threats can be fulfilled as long as the Minister determines the PSBB on an area by first fulfilling the provisions related to the Health Law. Government Regulation (PP) regarding PSBB. Order of the Minister of Health PSBB Guidelines. Furthermore, the formulation of punishment is formulated in Article 93 of the Health Quarantine Law, instead of creating legal certainty, it creates the complexity of criminal prosecution due to the legal wording of punishment. The decision to handle Covid-19 should be based on the ultimatum remedium principle, but non-criminal settlements such as increasing public legal awareness are much more efficient.[7]

Firdaus & Pakpahan (2020) with the title Criminal Law Policy as an Effort to Overcome the Covid-19 Emergency.[8] His work concluded that the rationalization steps of criminal justice policies to overcome the Covid-19 pandemic require the role of the community in complying with these legal requirements to stop the Covid-19 outbreak. The conclusion of this study is that the optimization of criminal justice policy to overcome Covid-19 is achieved by blending several programs such as justice policy, judicial culture, and increased law enforcement that are strict, consistent and integrated, meaning you can do it. Researchers purposed to rationalize legal policies through laws related to the outbreak of the Covid-19 pandemic. Legal policy programs require social legal awareness in order to work and prevent the occurrence of the Covid-19 epidemic.

## **RESEARCH METHOD**

The research used a normative juridical approach research type, which is a study by emphasizing norms to process as well as designate secondary data, which can be interpreted as a literature study and developed also conceptualized as legal research. There is one thing that is certain in normative research, namely the application of the legislative method. The legal concept is carried out by reviewing all legal regulations related to the legal issues addressed. his study is descriptive analysis, which describes the events being observed and then analyzed based on facts in the form of second documents obtained from primary, secondary, and tertiary legal bases. While the procedure for approaching the assessment is the statutory approach (Statue Approach). Where the legal approach is to study and analyze all laws and rules that are closely related to Criminal Law and Health Law. While the conceptual approach is to describe the concept of service laws as well as consumer safety laws in the form of doctrines, principles, and legal regulation.[9]

Primary legal documents, namely legal documents marked by the main government and legal organizations used by the author in the form of the Constitution of the Republic of Indonesia in 1945[10], the Criminal Code, Law No. 4 of 1984 concerning Communicable Disease Outbreaks[11], Law No. 24 of 2007 concerning Disaster control and Law No. 6 of 2018 concerning Health Quarantine, and other related ordinances.

Secondary legal documents are legal documents derived from reading books, expert opinions, research results, legal journals, and other legal documents that are not primary legal documents. The secondary legal sources used by the author are various books on decentralization and the concept of shared governance, local government, and so on.

Tertiary legal documents are the same as documents that provide guidelines or descriptions related to primary or secondary sources. The tertiary legal elements that the author utilizes are large Indonesian dictionaries or free dictionaries. The material is then arranged coherently, reviewed, compared, and then conclusions are drawn in relation to the problems observed.

Data collection in this study is by collecting techniques, inventorying, exploring, and tracing this literature study related to the problem being investigated. After the data is collected, the data is then examined descriptively qualitatively where reviewing, investigating, and categorizing into specific grains in order to be done in the form of an explanation. The results of the analysis of legal documents are then interpreted with coherent, grammatical, and teleological patterns.

## **FINDINGS**

### **Legal Offenses for Criminal Offenders who Do not Follow Health Quarantine Obligations after Returning from Abroad during the Covid-19 Pandemic**

Covid-19 is a threat to individual survival. Citizens who are diagnosed positive for Covid-19 can feel symptoms of fever, coughing with sputum or bleeding, asthma, chest pain, unable to detect odors, the worse is death. Furthermore, the Covid-19 outbreak against fellow humans is a nightmare because of its relatively significant outbreak. Individuals can be infected with Covid-19 unconsciously, and have infected other individuals without knowing, therefore to accurately recognize individuals who are already positive for Covid-19, a PCR Swab Test is needed to confirm the diagnosis of the Covid-19 virus.[1]

Therefore, the obligation to develop and safeguard the health of citizens as stated by WHO, "Governments hold a commitment to public health which can only be realized by providing appropriate health and social responses." [12]

In the State of Indonesia, the legal responsibility for the right to health has been seen from the establishment of the Constitution of the Republic of Indonesia United (RIS) in 1949. Article 40 of the RIS Constitution stipulates that "Officials always strive to truly advance public hygiene and people's health". After the RIS arrangement was referred to as the Republic of Indonesia and then inaugurated the Temporary Constitution (UUDS) 1950, the provisions of Article 40 of the RIS Constitution were still raised in Article 42 of the Temporary Constitution 1950. agreement on the right to individual health considerations in Indonesia, this was further underlined after the renewal period (reformasi). Provisions related to the right to health appear in Article XA of the 1945 Constitution on human rights, in Article 28 H of the 1945 Constitution on human rights. 1945 on human rights, in Article 28 H paragraph 1 and paragraph 2, and in Article 34 paragraph (2) of the 1945 Constitution, more specifically.[13]

Article 28H (1) of the 1945 Constitution states that every person or individual has the right to physical and mental prosperity, a place to live, a good and healthy environment, as well as the right to health services. Paragraph (2) Every individual has the right to certain discretion and treatment in order to obtain commensurate discretion and utility in order to fulfill equality and equity. Article 34 (2) of the 1945 Constitution states that "The State shall promote a system of social security for all and empower the disadvantaged and underprivileged along with the degree of humanity" while in paragraph (3), it elaborates: "The State is committed to the provision of health services and public services". These provisions are reiterated in the Law on Health No. 36 of 2009, explaining that each

individual, family, and citizen is entitled to health protection and the State is responsible for formulating policies to implement this right to maximize health.

In Law No. 36 of 2009 Article 4 and Article 5 on Health in Article 4 explains "Everyone has the right to health". Article 5 paragraph (1) explains "Everyone has equal rights in accessing resources in the health sector". Paragraph (2) explains "Every individual has the right to guaranteed, quality, and affordable health services". And paragraph (3) explains "Every individual has the right to freely and responsibly choose the health services they need." According to the outline, the various human rights regarding health contained in Law No. 36 in Article 4 to Article 8 of 2009 include easy access to potential in the medical sector, optimal medical services that are guaranteed and affordable. The right to self-determine the type of health services needed, hygiene and environmental health, the right to obtain information and knowledge about health that is rational and committed.[6]

The Covid-19 Pandemic Response Policy is characterized as giving impetus to consumer protection violations. Rizal E Halintang, Chairman of the National Consumer Protection Agency (BPKN), said the COVID-19 pandemic could cause unforeseen circumstances. Rather, regulations in these two divisions have not been changed, and consumers are at risk of losing out, which has huge implications and raises public concerns. The 2020/2023 Consumer Protection Guidelines focus on the fundamental issues of consumer protection synchronization and regulation. This can be an obstacle to the fulfillment of GCPL obligations. Anna Maria Tri Anggraini, Vice Chairperson of the BPKN R&D Committee, said it will issue 19 recommendations to ministries in 2020 to prepare for the new era, given the normal Covid19 virus pandemic situation.[14]

The obligation of Indonesian citizens is one of them by carrying out Covid-19 vaccinations. The head of the Covid-19 Countermeasure Task Force hopes that the public will not hesitate with the vaccine program. President of the Republic of Indonesia Joko Widodo became the first citizen to be injected with a vaccine to break the Covid-19 chain. Vaccination provides safety and health security to Indonesian citizens and can shorten economic rehabilitation procedures. The vaccination, which was broadcast live to the President, is expected to benefit the community to make the program a success. Vaccines are mandatory, if you object, you will be sentenced as described in Law Number 6 Article 9 paragraph 1 of 2018 Health Quarantine is punishable by a maximum of 1 year in prison and / or a fine of up to one hundred million rupiah. According to Professor Edward OS Hiariej, who is the Deputy Minister of Law and Human Rights, a person who objects to being vaccinated will be sentenced to imprisonment and a fine of up to hundreds of millions of rupiah. With reference to Law No. 6 Article 93 of 2018 concerning Health Quarantine, it states: A maximum sentence of one year in prison or a maximum fine of one hundred million rupiah. Article 9 (1) A maximum imprisonment of one year and/or a fine of up to one hundred million rupiah shall be imposed on any individual who does not comply with the implementation of health quarantine and/or prevents the implementation of health quarantine and causes a public health emergency. Sanctions and fines for refusing vaccination are regulated in Presidential Regulation No. 1 of 2020 concerning Fiscal Policy Stability and Government Financial System in Handling the Covid-2019 Pandemic, which has been based on the Covid-19 prevention program, and there is no regulatory order at the central level that controls criminal penalties for those who object to being vaccinated. Presidential Regulation No. 99 of 2020 concerning the Provision and Implementation of Vaccines does not contain sanctions or fines for those who object to being vaccinated.

Referring to Law Number 6 article 93 of 2018 concerning Health Quarantine, which states that: "Any person who does not comply with the implementation of health quarantine or obstructs the implementation of health quarantine, shall be sentenced to imprisonment for a maximum of one year or a maximum fine of IDR 100 million. Any person who does not comply with the implementation of Health Quarantine Article 9 (1) and / or obstructs the implementation of Health Quarantine so as to cause a Public Health Emergency, shall be sentenced to imprisonment for a maximum of 1 year and / or a maximum fine of Rp 100,000,000.00 (one hundred million rupiah) ". In addition to the regulation of Law Number 6 of 2018 concerning Health Quarantine, Law Number 4 of 1984 concerning Communicable Disease Outbreaks, also regulates public disorder related to handling infectious disease outbreaks in the form of sanctions in the form of imprisonment for up to one year and / or a fine of up to one million rupiah.[15]

In addition to vaccination, as contained in Government Order Number 21 of 2020 related to PSBB related to the rate of completion of Covid-19. PSBB is a certain activity limit for areas affected by Covid-19 or a group of local populations to prevent its spread. With the implementation of PSBB, activities such as teaching and learning and work will be carried out online, religious activities will be fulfilled at home, and activities in public facilities will be limited. Article 3 of the Government Regulation explains that the benchmark for an area that can implement PSBB is that the total incidence and/or total mortality of the impact of the outbreak increases and extends relevantly and quickly to a number of surrounding areas, and there is a series of disease spread with the same cases in other areas. The establishment of regulations related to PSBB, namely Government Regulation (PP) Number 21 of 2020, has become a component since the implementation of Law Number 6 of 2018 concerning Health Quarantine, making a public puzzle because according to the substance of the PP, it is a re-copy based on articles that are still contained in Law Number 6 of 2018 concerning Health Quarantine.

The choice of PSBB as a substitute for regional quarantine as a provision implemented by the government is suspected to be a legitimate step to get out of the way regarding government accountability to the public, where if the chosen provision is Regional Quarantine, the Central Government is obliged to fulfill the basic needs of the people and pets, especially livestock in the quarantine area as stated in Law Number 6 Article 55 of 2018 concerning Health Quarantine. Meanwhile, in the PSBB provision, the government does not have to fulfill the main needs as in the normative provisions of the PP a quo.<sup>30</sup> This is one variable behind the inefficiency of the implementation of the PSBB. On the one hand, people are asked not to leave their residence, but on the other hand, their basic needs are not guaranteed by the government, especially the small and poor, although they are afraid of contracting Covid-19 they have no other possibility but to continue working outside to fulfill their basic needs.[6]

Mass vaccination also manages strong resources between central and local governments, clear rules, extensive resources and coordination, good communication and sourcing of free popular drivers, and the best vaccine supply from production. Supporting vaccines for communities that need to be supported by plants and infrastructure. To ensure accountability of immunization practices, we need to oversee all areas of vaccine immunization, vaccine quality, budgeting, and health risk monitoring. Because everyone benefits from another vaccine.

In addition to Indonesian citizens who are obliged to vaccinate, PSBB, people who travel abroad are also as stated in Circular Letter (abbreviated as SE) Number 2 of 2022 Regarding Health Protocols (abbreviated as ProKes) for Foreign Travel during the Covid-

19 Pandemic, citizens who travel abroad who are Indonesian Citizens (abbreviated as WNI) after returning from abroad are allowed to enter the country of Indonesia with the obligation to carry out applicable health protocols as determined by the Government, namely by quarantining after returning from a foreign trip.

## **DISCUSSION**

### **Forms of Legal Liability of Actors who do not undergo quarantine obligations after returning from abroad during the Covid-19 epidemic**

The Indonesian people should help the government in order to fulfill the obligations of citizens during the Covid-19 pandemic by orderly conducting PSBB, carrying out vaccination programs and quarantining when they have traveled abroad so that the chain of spreading the covid-19 virus can be immediately interrupted and ended.

Covid-19 transmission has the ability to increase health emergencies, therefore in order to counteract the spread of the impact of this outbreak, a set of regulations is needed. Quarantine measures are one of the deterrence efforts. This condition is more specifically stipulated in Law No. 6 of 2018 concerning Health Quarantine, which reveals that "Health Quarantine is an effort to prevent the entry and exit of viruses and / or causes of citizen health effects that can cause citizen health emergencies.

The government has declared a public health emergency related to the outbreak of the Corona 2019 (Covid-19) virus in Indonesia. With this, the efforts that have been made for recovery are based on the provisions of the law. As a unitary state, both the central government and local governments in handling Covid-19 must be united in responding to the pandemic. Therefore, the implementation of health quarantine laws is very important to prevent the spread of Covid19. Realizing a healthy society to ensure national development, in its policy the government is obliged to strive to overcome endemic diseases. In carrying out the prevention of the covid-19 virus, the government must take the following steps:

- 1) Conduct epidemiological surveys;
- 2) Carry out examination, care, treatment, and quarantine of patients, including quarantine activities;
- 3) Prevention and immunity; fourth, eradication of disease triggers;
- 4) Funeral arrangements during the outbreak;
- 5) Socialization with the community; and seventh, other measures deemed effective in combating infectious diseases.

The government should not hesitate to carry out quarantine to prevent and prevent the spread of Covid-19. Quarantine is a limitation of activities in the sense of separating individuals infected or affected by infectious diseases specified in laws and regulations even though there are no characteristics or at the time of incubation either seclusion of containers, goods or goods suspected of being infected due to a person causing disease or other sources of infection spreading to other people or goods around them.

If there are Indonesian people traveling abroad, even after returning to Indonesia, they are required to quarantine during the covid-19 pandemic even though the PCR test results are positive or negative. As stipulated in the Circular Letter regarding the Health Promotion of Foreign Travel during the Covid-19 Pandemic, namely Number 2 of 2022, the perpetrators of foreign travel who are Indonesian citizens (WNI) after returning from foreign trips are allowed to enter Indonesia on condition that they comply with health regulations as stipulated by the Government.

All travelers, both local and foreign, are required to fulfill the following regulations:

- 1) Comply with the health protocol regulations that have been implemented by the Government;
- 2) Proof that the card or certificate (physical or digital) has received a maximum dose of COVID19 vaccine 14 (fourteen) days before leaving as a condition of entry into Indonesia with the condition that Indonesian citizens must include a card or certificate (physical or digital) since the receipt of a full dose of COVID19 vaccine as a condition of entry into Indonesia and in the case of Indonesian citizens who have not vaccinated abroad, vaccination will be given, not quarantined after arriving in Indonesia after one second. RTPCR test with negative results;
- 3) Foreign travelers who are less than 18 years old;
- 4) Foreign travelers who have special health problems or comorbidities and should not be vaccinated. A health certificate from the hospital of the country of departure stating that the person has not been vaccinated and/or cannot be vaccinated must be attached. We will conduct COVID19 vaccination.

Submit a negative result from the RTPCR test in the country/region of origin where the sample was obtained up to 3 x 24 hours before departure and attach the results of the health check or eHAC International Indonesia.

In the case of self-funding centralized quarantine foreign travelers, they must show proof of payment confirmation for isolation accommodation reservation with the accommodation provider during their stay in Indonesia. Upon arrival, a new RT-PCR test is conducted on the foreign visitor and they must perform centralized quarantine for 7 x 24 hours.

Quarantine obligations are also stipulated in the point that states:

- 1) For Indonesian citizens, namely Indonesian Migrant Workers (PMI). Students obtaining degrees in foreign countries. A civil servant returning from a business trip abroad. Alternatively, Indonesian representatives of international conferences and festivals are subject to centralized quarantine at the government's disposal under the COVID19 Working Group Leaders Act. COVID19;
- 2) For Indonesian citizens who do not meet the criteria referred to in point i, will be quarantined in a centralized isolation holding area at their own expense; and
- 3) For foreigners, foreign diplomats, heads of foreign missions and families of heads of foreign missions are isolated in concentrated isolation accommodation at their own expense.

Related to the Foreign Travel Health Protocol during the Covid-19 Pandemic according to Circular Letter (SE) Number 1 of 2022. The Circular Letter is effective from January 7, 2022 until a certain date thereafter. With the issuance of the Circular Letter, Circular Letter (SE) Number 26 of 2021 regarding Foreign Travel Procedures during the Covid-19 pandemic is revoked and no longer applies. It is explained in the Circular, that in order to respond to the sequence of situations of the Covid-19 outbreak in various countries and the results of cross-sectoral considerations, it is hereby necessary to adjust the supervision mechanism for foreign travel. In order to prevent the expansion of the new and upcoming Covid-19 virus, citizens who travel abroad are required to obey health regulations and comply with government regulations or guidelines.

According to Law Number 24 Article 1 paragraph 3 of 2007 concerning disaster management raises non-natural disasters as disasters that arise with a series of events such as technical failures, modernization failures, pandemics, epidemics, disease outbreaks. In issuing Decree (SK) of the Head of the National Disaster Management Agency Number



13A of 2020 concerning the Expansion of Certain Disaster Emergency Situations Due to Corona Virus Disease in Indonesia, the Government considers the Corona virus to be a form of disease outbreak.

Regulation of Law Number 6 Article 1 of 2018 concerning Health Quarantine regarding social restrictions and quarantine, Quarantine is the isolation of activities and / or separating individuals infected with infectious diseases as specified in laws and regulations even though they have not shown characteristics or during incubation, and / or isolation of goods suspected of being contaminated from containers, means of transportation, or humans, and / or goods containing pathogens or other sources of pollution, and / or transmitting humans and / or goods nearby.

In addition, Article 9 (1) of the KK Law states that "Every individual must comply with the implementation of Health Quarantine". Observing the conclusion of the Article, the most basic factor as an act of legal resistance is to violate the implementation of health quarantine and/or prevent the implementation of health quarantine so as to make a public health emergency. Therefore, the Government stipulates PSBB as a reaction to overcome Covid-19. Furthermore, the unlawful factor in Article 93 of the KK Law regulates the actions of every individual who violates the implementation of PSBB and prevents the implementation of PSBB which results in a public health emergency. Criminal responsibility means that every individual who violates the regulations stipulated in the law is responsible for their behavior based on the wrongdoing that has been committed. In other terms, people who violate the law will bear criminal actions if they are guilty, and if at the time of carrying out the action in terms of citizens showing a normative picture of the mistakes that have been made by the person.[16]

The government in preventing the spread of Covid 19 does not need to worry about implementing quarantine. Quarantine is the restriction of activities that legally separate a person who is infected or exposed to a contagious disease even though he does not show indications or is undergoing an incubation period, by separating containers, tools, or property. suspected contamination by one person as a trigger for disease or another source of contamination for the purpose of counteracting potential transmission to other people or nearby property.[12]

Isolation due to the presence of a communicable disease, from one person or from nearby property to another. The objectives of quarantine are a)It protects the public from diseases that may cause a public health emergency; b)Deterrence and prevention of diseases, public health risk factors can cause a public health emergency; c)Improving people's health immunity, and e)Providing guarantees and legal provisions for the people and health workers. For the purposes of implementing health quarantine, it can be concluded that health quarantine is carried out because there are diseases or risks that can endanger public health and cause a public health emergency.[11]

Normatively, with the determination of the position of danger to people's health, the Government can then establish and carry out the implementation of the health quarantine program. This is as stated in Article 11 paragraph (1) of the KK Law, which reads: "the implementation of health quarantine in the event of a public health emergency is carried out appropriately and quickly by the central government in line with the magnitude of the danger, support, resources, effectiveness, and dissemination technology with considerations of security, sovereignty, social, economic and national culture".

Medical service facilities or other designated places as stated in Government Regulation (PP) Number 40 Article 12 of 1991 concerning the Reduction of Communicable Diseases is where quarantine is carried out. Quarantine is carried out on people with epidemic

diseases or healthy individuals. Reactions to sufferers are made not only with the aim of recovery, but also to prevent the individual from being diagnosed as a source of plague transmission to residents. Meanwhile, reactions to healthy individuals are carried out with the aim that these individuals are not infected and carry the disease. Furthermore, regarding large-scale social restrictions, it refers to the isolation of people's special activities in areas diagnosed as infected and/or contagious in order to inhibit the possibility of expansion and transmission of disease or contamination. Preventive measures are taken for those who are susceptible to the disease. However, it should be noted that large-scale social restrictions are imposed solely by the Minister of Health.[17]

If there are parties who do not want quarantine or do not obey the social restriction warning, it can be suspected of preventing efforts to tackle the expansion of the Covid-19 outbreak.[18] So that it can be included in the act of violation of health quarantine that causes a public health emergency in Law number 6 of 2018 concerning health quarantine.

Factors of criminal acts for violations of health quarantine that trigger public health emergencies, where one of these elements is participation in relation to violating public health quarantine which causes public health emergencies, criminal acts have been stated in CHAPTER V participation in criminal acts in Article 56 of the Criminal Code regarding punishment as an accomplice to crime.

Law No. 6 Article 93 of 2018 concerning Health Quarantine states "Any individual or person who does not fulfill the implementation of health quarantine as referred to in Article 9 paragraph (1) and/or obstructs the implementation of health quarantine so as to cause a public health emergency shall be sentenced to a maximum imprisonment of one year and/or a maximum compensation of Rp. 100,000,000 (one hundred million rupiah)".[3]

## **CONCLUSION**

One of the obligations for Indonesian citizens is to carry out the Covid-19 vaccination. The Head of the Covid-19 Handling Task Force hopes that the public will not hesitate in implementing the vaccine program. Vaccines are suspected to be mandatory, if you refuse, you will be charged with a penalty which is stated in Law Number 6 Article 9 paragraph 1 of 2018 concerning Health Quarantine, which can be punished with a maximum penalty of one year and or compensation of a maximum of Rp.100,000,000. In addition to carrying out vaccinations, citizens are also urged to comply with Government Regulation (PP) No. 21 of 2020 regarding PSBB. In addition to Indonesian citizens who are required to vaccinate, PSBB, people who travel abroad are also as written in Circular Letter No. 2 of 2022 regarding Foreign Travel Health Protocols during the Covid-19 epidemic, travelers returning from abroad and an Indonesian citizen (WNI) are allowed to enter Indonesia by complying with health protocols to the maximum as well as Government regulations, namely by quarantining after returning from the foreign trip.[19]

If there are Indonesian people who are traveling abroad and then return to Indonesia, they are required to quarantine during the covid-19 pandemic even though the PCR test results are positive or negative. If there are parties who deliberately do not carry out quarantine or social restrictions, it is certain that they have not participated in controlling the Covid-19 outbreak. The form of legal liability for perpetrators who do not undergo quarantine obligations after returning from abroad during the Covid-19 pandemic according to Law on Health Quarantine No. 6 Article 93 of 2018 reads "Every individual who does not fulfill the implementation of health quarantine as referred to in Article 9 paragraph (1) and / or obstructs the implementation of health quarantine so that it can cause public health

emergencies, the perpetrator receives a maximum imprisonment of 1 (one) year and / or a maximum compensation penalty of Rp.100,000,000 (one hundred million rupiah)".

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