

# What Can Be Learned from Pound's Theory: Analyzing Several Governments' Policy Response During the Outbreaks of COVID-19

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## ABSTRACT

The impact of COVID-19 on all corners of the world has taken country leaders by surprise. Several countries then adopted policies that were undoubtedly different from one another. This article compares several selected state policies, especially the use of government policies that are oriented towards the public interest. This article is constructed using normative legal research. From March 2020 until November 2020, the policies of selected countries were analyzed using four indicators as the fundamental essence of Pound's sociological jurisprudence. This article reveals that Japan, Italy, and New Zealand tend to implement policies to handle the COVID-19 based on community needs. Meanwhile, the US and China can be relatively weak because their policies are not strong in all indicators. Finally, Indonesia can be said to be a country with a policy for handling outbreaks far from society's needs.

**Keywords:** Government Policy Response, COVID-19, Policy-based Society, Sociological Jurisprudence.

## 1. INTRODUCTION

Corona Virus Diseases-19 (hereinafter COVID-19) was first reported in Wuhan, Hubei Province, China [1]. Formally, the virus infection was reported to the World Health Organization (WHO, this point onward) on December 31, 2019 [2]. Huanan Seafood Wholesale Market is believed to be where the novel coronavirus originated, and the Chinese government decided to close it starting January 1, 2020 [3]. As the world-level health organization, WHO designated the outbreak caused by COVID-19 as the global pandemic beginning on March 11, 2020. In general, the disease causes respiratory infection in humans as it does in people who get with Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). The Chinese government's city of Wuhan's lockdown policy aims to break the coronavirus chain to other regions. However, this policy was unable to keep up with the spread of the coronavirus [4]. Until 2020, COVID-19 was recorded to have infected 191 countries with 80,328,544 confirmed cases and killed 1,757,016 people [5].

At the beginning of the spread of the COVID-19, Italy was most affected by this virus. Recorded until April 29, 2020, the death rate in the country has reached 27,359 people, with the number of cases detected as many as 201,505 patients. At the beginning of the spread of the outbreaks, Italy was most affected by this virus. Recorded until April 29, 2020, the death rate in the country has reached 27,359 people, with the number of cases detected as many as 201,505 patients [6]. The Italian government was trying to gradually do the quarantine area to break the chain of COVID-19 locally, but it just worsened. It is different from China, as the country first announced an outbreak caused by the coronavirus. The Chinese government announced that Wuhan was cleared of COVID-19 on April 7, 2020, and officially reopened Wednesday, April 8, 2020. This announcement is related to the efforts to combat COVID-19 carried out by the Chinese government by locking down the city of Wuhan for 76 days. Reopening access to the city of Wuhan is done with consideration of the absence of an increasing number of patients being treated due to coronavirus infection [7].

The decision-making of the authority rests with each head of state. The different approaches used to find alternative solutions for handling the pandemic caused by COVID-19 are also influenced by various factors. Differences in the country's social, economic, geographic, cultural, and media roles can make a difference in implementing a policy. All the papers (previously) focus on studying the successful implementation of policies for handling COVID-19 from various countries. Previous studies directing more alternative solutions are the most effective and efficient, considering that COVID-19 is spreading so fast and infecting new areas that have not been previously infected.

This article will focus on how countries affected by COVID-19 such as Japan, New Zealand, the US, Italy, China, and Indonesia when formulating policies to minimize the impact of the COVID-19 outbreaks. When viewed from the sociology of law, there is a reciprocal relationship between law and social phenomena empirically and analytically [8]. Thus, the success or failure of implementing the policy will depend on contextual aspects in the region. Moreover, the same policy-even can give different outcomes when applied to a different country context. In this situation, the behavioral science approach sees how government-issued laws affect people's lives in general.

As cited by Wong, Donald Black (1976) describes the Behavior of Law as an instrument of social control owned by the government [9]. The spread of COVID-19 affects health, economic, educational, social, and cultural fields. Therefore, it is deemed necessary for the government to immediately issue policies that are right on target and can be implemented to respond to the epidemic (at that time) in Chinese territory. Support from the Government is required to support the health system and workers and protect vulnerable social groups affected by the spread of COVID-19 [10]. In addition, the government needs to think about long-term economic policies related to handling COVID-19, given that experts have warned that this disease may continue to threaten the health of millions of people and potentially cause global economic disruption. Apart from the financial sector, these outbreaks also demand that the government formulate effective and safe learning methods for school-age children [11].

Taking a different outlook, this article uses the theory proposed by Pound's Sociological Jurisprudence to analyze how the relationship between the laws issued by the countries affected COVID-19 with the government's achievements in minimizing the impact caused by the outbreaks in the country. This article chose sociological jurisprudence because this theory is relevant to the diversity of public interest. Furthermore, this theory is based on what the community needs and not merely the state's interests. Observing these issues from several articles, not many articles discuss these outbreaks from the perspective of legal theory, primarily sociological

jurisprudence. Concerning this theory, the comparative of policy options taken by the various countries affected by COVID-19 can show how the effectiveness of each policy in a different context. Based on the four indicators in Pound's theory, the analysis will focus on how governments can create effective policies to accommodate the community's interests.

## 2. RESEARCH METHOD

This article is based on normative legal research through comparative and conceptual approaches. The focus of this article is to correlate Pound's theory with the policies implemented by several countries so that this normative legal research is suitable for this article. The compilation, qualification, and systematization approaches were conducted using secondary legal materials, including relevant books, articles, and applicable domestic and international regulations. The collected data is gathering from several selected government policies from March 2020 until December 2020. Furthermore, the collected data were analyzed using content and comparative analysis.

This article compares selected state policies (Japan, New Zealand, US, Italy, China, and Indonesia), especially government policies oriented towards the public interest. The reason for selecting six countries is based on two arguments; the first is that the data for six countries is accessible and easy to find. The second reason is that the six-country policy represents how modern and developing states react to the pandemic during March - December 2020. The policies of selected countries are then analyzed using four indicators as the fundamental essence of Pound's sociological jurisprudence. Then, deductive reasoning is used to answer the issues raised.

## 3. RESEARCH AND DISCUSSION

### 3.1. Policy Design in Sociological Jurisprudence's Perspective

In essence, every policy-based legal theory will be refuted by another theory and the existence of sociological jurisprudence. Pound's thesis is often criticized, but the criticism comes from other legal ideas, so there is not enough term to discuss this debate. Based on Pound's sociological jurisprudence, the law should be interpreted as a will-based solution or the community's desire to the facts of existing social realities so that the law can be appropriately implemented to the public [12]. The laws in Pound's conception are not merely mechanistic [13], where the execution of policies, including legal products on social inequality, is only based on the will and assessment from the state's perspective alone [14]. Sociological jurisprudence considers that social problems must be resolved under the requirements sourced from the aspirations of the people as a whole and not individual persons per person [15], where the collaboration of

beautiful legal constructions is needed like a "teamwork" between jurisprudence and the other social science [12].

Observing the policies for addressing critics COVID 19 in sociological jurisprudence, the measures taken by the government at least be based on four fundamental points. First, the previously formulated laws want to be based on an in-depth review or targeted research related to the potential social impact of the public's response. The second point, the sociological jurisprudence, requires that the formulation of regulations or legal products related to COVID-19 handling policies be aligned with other scientific aspects, such as psychological, social, health, and economic aspects. The third point is that the sociological jurisprudence eager for the implementation phase of laws as the basis for handling COVID-19 should operate effectively. Finally, the last point, sociological jurisprudence, strongly recommends that the policy for handling COVID-19 must be aimed at the fundamental nature of the problem to be resolved [16].

### ***3.2. Government Policy Response Toward the Pandemic of COVID-19: Fact and Overview***

China is the first country that declared that new infections are similar to pneumonia reported to the WHO to be wary of. Within days of the first findings of the case were announced, similar incidents have also been reported in other countries such as Japan, Thailand, South Korea, Taiwan, Hong Kong, the United States, and other countries massively. The ability of this virus to spread through the air and spread from human to human, causing more trouble than the country's leaders anticipated.

Some global pandemics had occurred before COVID-19 began to spread and infect almost entirely in all countries. Previously, the Ebola, Spanish Flu, H5N1, H1N1, MERS, and SARS pandemics caught world attention. However, COVID-19 became one of the outbreaks that significantly impacted almost all aspects of society. Moreover, since the announcement of an outbreak of a disease caused by a new type of coronavirus in Wuhan, several countries have begun to restrict access to other countries. This policy is certainly a contrast to globalization and the 'borderless country' trend in all fields.

The policy of closing access in and out of the region, disabling access to international flights, and closing retail shops is one of the initial preventive steps that the government must take. Of course, this is a difficult decision because it can affect the stability of the national economy. However, there is no other choice for the government than to break the chain of the outbreaks in its region. Several countries also urge their citizens to carry out social distancing and self-quarantine to have no local transmission.

In this case, the president has the authority and responsibility to issue policies and consider the decision-

making process. As a result, various concerns become the basis for selecting policies that are finally implemented nationally. To see how the countries affected by COVID-19 seek to minimize the impact borne by the government, we can see that the policy implementation practices carried out by Italy, Japan, New Zealand, the US, China, and Indonesia are as follows.

#### ***3.2.1. Italy***

The limited information related to COVID-19 has influenced the government's and the public's choices regarding the response to policies for handling the global pandemic. It is the same as what the Italian government did when it got an early warning regarding the dangers that might arise due to COVID-19. The government ignored advice given by health experts and continued to hold business meetings in Milan. From the first point in the Pound theory, where the law formulated should be based on in-depth study, the Italian government's weakness stems from the government's lack of research to respond to the initial outbreak. In the end, this condition had caused a crisis in handling COVID-19 nationally.

The spreading of COVID-19 in Italy and Europe was caused by the government's decision to prioritize business interests [17]. The same thing happened when the government gradually issued a lockdown policy, and these rules were known in advance by the public. The Lombardy Region was then declared a 'red zone'[18]. Implementation of the red zone and then extended to other areas in northern Italy and the spread of the virus COVID-19 [19]. The government took the lockdown policy on sites infected with COVID-19 in stages. First, the lockdown status to the red zone area, then extending to the northern Italy region, and finally, the government decided to do a nationwide lockdown on March 9, 2020 [20]. However, this policy has failed to prevent the coronavirus from spreading in Italy [17].

The government's plan to conduct a lockdown on the region of northern Italy seems to have been known by the public. This plan has increased the number of citizens about to leave the north Italian area [21]. As a result, the policy does not positively impact but instead provides a space for increasing COVID-19 positive cases. Residents who had come out from the epicenter of the COVID-19 pandemic were excellent carriers for the virus to spread to areas previously not infected. The government's failure to exert social control through the lockdown policies aggravates the situation by allowing the local transmission of COVID-19 into areas that previously were clean of coronavirus.

The government is considered too late to predict the spread of the virus, despite, to prevent transmission of the virus locally, the government shut down all existing stores and venues nationwide. This policy includes dismissing the entire civil aviation, worship service at churches, and teaching-learning activities in schools. Operational clearance is given only to the economic

activities and the production of introductory courses' goods and services [19].

On the local scale, mortality and the spread of COVID-19 in the Lombardy Region were pretty high. At least there are more than 5,000 deaths in 35,000 positive cases COVID-19. It is different from the Veneto Region, which has successfully reduced the spread of COVID-19 in its region. Of the 7,000 positive cases of COVID-19, only 287 deaths were recorded [17]. This difference allegedly occurred because the existing health policy in Italy adopted a decentralized system. Although both comply with the rules issued by the central government to do social distancing and closure of retail stores, they followed policies that significantly affect the effectiveness of efforts to prevent the impact of coronavirus. The success of the Veneto Region government in preventing the spread of COVID-19 was later adopted nationally by the Italian government.

The government of Lombardy still adheres to a conservative health care system, providing services to patients centrally in hospitals, and as a result, there is an accumulation of positive COVID-19 patients. Moreover, the government does not track the environment and people who may contact positive patients COVID-19. Testing is only carried out on people showing symptoms, and there is no special treatment for medical personnel or employees who are in direct contact with the general public [17].

Social control is starting to be carried out by the government nationally when identifying best practice policies adopted from the regions tested to cope with local transmission. The success of the Veneto Region in formulating ideal legal guidelines related to handling patients affected by COVID-19 shows the success of social control carried out by the government. As mentioned in the first Pound indicator, the Italian government has succeeded in correcting its mistakes by adopting best practice models that have been successfully applied at the local level.

Reflecting on the second indicator related to the need for a policy to pay attention to cross-sectoral factors, the Italian government also points out that dynamics strengthen this policy. If at the beginning of the spread of the pandemic, the government only focused on the economy, now the strength of this policy is shown through considerations of health aspects, actual conditions in the field, government economy, and social aspects of society. In contrast to the initial policy taken by the Central Government, which ignored the psychological factors of society, causing a more massive spread, the Veneto Region seems to provide another socially-based approach. Special attention is given to paramedics in charge, tracking COVID-19 tests on neighbors and families, home care services can support policies in the health sector. Although perhaps if calculated from an economic perspective, this policy certainly adds to the government's burden in addition to caring for sick patients.

Based on the third point regarding the effectiveness of policy implementation, the policy can be implemented effectively and clearly to fulfill the fourth point of the Sociological Jurisprudence indicator, which requires achieving the government's initial goal of minimizing the spread of the COVID-19 virus in its region. The government can anticipate clarity of operational health standards that consider the details of possible things that can be catalysts for the spread of COVID-19 through its legal policies.

In Pound's theory, this article argues that the Italian government does experience dynamics in the policy-making process. This article realizes that the government shows weaknesses in the first point regarding policy formulation based on focused research and its impact on public response and the second point about the alignment of policies with other scientific aspects at the beginning of discovering the spread of COVID-19 in Italian territory. Nevertheless, on the other hand, the government consciously corrected these mistakes when the decentralization of policies for handling COVID-19 in the regions showed significant developments in areas that became red zones. The breakdown of the inhibiting factors in the policy implementation process, which is considered to arise a lot if implementing conventional health service methods, has made the Veneto Regional Government design policies that focus on adjusting to conditions in the field. Given that the techniques for handling COVID-19 are still not widely known, the government is cautious in providing treatment for infected citizens and those who have direct contact with patients who test positive for COVID-19.

At the endpoint, this article concludes that the Italian government is an example of a country with substantial fulfillment of Sociological Jurisprudence indicators. This fact can be seen in the completion of point (1) that the adoption of national policies is carried out based on research conducted on regions that have successfully implemented policies for handling COVID-19 based on anticipation of facts in the field. (2) the government no longer pays attention to policies based solely on health management and social, psychological, and economic aspects that may influence the policy implementation. (3) the effectiveness of policy implementation is relatively high when the government decides to change the decision-making pattern, which is then based on facts in the field and fulfills the community's needs. Finally, (4) the basic policies taken by the government are entirely focused on resolving and minimizing the spread of COVID-19.

### *3.2.2. Japan*

The first cases of patients infected by COVID-19 in Japan were reported on January 15, 2020 [22]. This situation led the Japanese government to issue a policy to evacuate Japanese citizens in Wuhan. Three special flights were provided by the Government of Japan on January 29-31, 2020, to repatriate 565 Citizens of Japan

[23]. The presence of the Diamond Princess Cruise Ship that is anchored is also the Japanese government's focus. The cruise ship carrying 3711 passengers must go through a quarantine process under the Japan Quarantine Act 1951 [24]. An increasing number of cases of infection COVID-19 with a wide-ranging distribution made the Prime Minister of Japan, Shinzo Abe declared a national emergency on April 7, 2020, and will end on May 6, 2020. The national emergency is mainly applied to the seven prefectures with the highest number of infections. The prefectures include Saitama, Chiba, Tokyo, Kanagawa, Osaka, Hyogo, and Fukuoka [25].

Prime Minister Abe's declaration of national emergency is constituted by Article 32, paragraph (1) of Law Number 31 of 2012 on Special Measures for Pandemic Influenza and New Infection Diseases Preparedness and Response [26]. The provision states that the declaration of a national emergency will be 29 days long, and according to Article 32, paragraph (5) if an emergency is no longer necessary, the national emergency status must be immediately revoked. To minimize the impact caused by the spread of the pandemic and this national emergency, the Japanese government continues to work and emphasizes that it will not carry out a lockdown.

Specifically, to deal with the problem of the spread of COVID-19, the government created Basic Policies on Novel Coronavirus Diseases Control by The Government of Japan, which can be easily accessed from the official government webpage so that it can serve as a guide for the central and local governments and the public to understand the situation which is happened fully. The process used by the Japanese government to formulate policies to deal with COVID-19 reflects the dynamic space on the first point of sociological jurisprudence that allows experts to participate and provide input to the government. Related to this point, the tranquillity of public response to the global pandemic becomes one of the government's goals in formulating policies.

Although the central government controls making and making policies related to handling COVID-19 at the national level, each region can formulate technical policies. Basic Policies on Novel Coronavirus Disease Control by the Government of Japan made by the Central Government at least contain: (a) strong points of fact; (b) the explanation of the general policy; (c) the key to be able to implement the policy properly; and (d) a description of activities that must go on so that economic activity and fulfillment of daily needs do not become new problems

In line with the second point by Pound, the Japanese government also pays attention and accepts cross-sectoral considerations to formulate strategic policies into three main pillars based on WHO recommendations, namely: (1) early detection of and early response to clusters, (2) Early patient diagnosis and enhancement of intensive care and the securing of a medical service system for the severely ill, (3) behavior modification of

citizens. The government strives to provide accurate information on high-risk areas of contracting the COVID-19 outbreak [27]. The results of the Expert Meeting on Control of the Novel Coronavirus Disease Control recommend a regional classification division concerning: (1) newly confirmed patients, (2) the number of newly confirmed patients whose transmission chain is unknown, (3) the number of patients who return to access outpatient services, and the people who have contact with them, (4) the number of items on the Call Center consultation form for returning Japanese people and potential contact with them, and (5) the number of PCR and similar tests that have been performed. The analysis carried out on these indicators then resulted in 3 types of regional classifications: (1) Region under alert for spread of infection; (2) Region where the infection is confirmed; and (3) Region with no confirmed infections. This classification then becomes a reference for experts to provide behavior modification recommendations for the community to continue being active amid a pandemic.

In the health sector, the Japanese government continues to encourage the manufacture of simple test kits to carry out rapid tests and ensure the availability of personal protective equipment for medical personnel, inpatients, and outpatients. In addition, the government also collaborates with local and private institutions to conduct medical tests by coordinating procedures for conducting PCR [28]. Health testing is mainly carried out on a person at the doctor's discretion, and if a positive condition is found, the standard of medical services required to bring the person to the hospital will be applied. Meanwhile, for patients showing mild symptoms, treatment should be done as much as possible through home care [29]. This policy was taken to minimize the accumulation of the number of sick people being treated in the hospital. Special attention is also paid to the elderly as a group that is vulnerable to COVID-19 infection.

Prevention of transmission of infection is also done by providing guidelines on measures to keep running the business and security for employees. The central and prefectural governments provide a helpdesk for entrepreneurs, secure logistics, and ensure a sustainable business climate to maintain economic stability. However, businesses engaged in providing services and goods for daily necessities are still expected to operate as usual by taking into account the safety of workers. To avoid the 3C's at work can be done using telework, shift work, delayed work across prefectures, and recommendations for citizens to travel by bicycle.

The reference for behavior modification that the central government has given becomes a reference for the prefectural government to issue policies in line with these references to increase public awareness and help people change their habits of life. Delivering messages appropriately to the public is intended to prevent panic in the face of the current pandemic. The government has also issued guidelines on visiting health facilities, calling for distance from infected people and medical personnel.

This appeal was followed by the closure of schools, reducing the number of childcare centers, imposing curfews for bars and restaurants, and closing public places, which may include causing 3C's (Close Space, Crowded place, Close Contact settings). The government targets a reduction in the possibility of social contact by up to 70% and even 80% with this policy [30].

Furthermore, the third point from the aspect in sociological jurisprudence can be seen from the authority possessed by each prefecture to issue policies so that the basic guidelines from the government can be implemented. The policy is based on the characteristics of each region is expected to be more effective and efficient. The government response headquarters will continue to coordinate with prefectures that are in an emergency if deemed necessary. If the policies issued by the prefectures require a statutory basis, it must be consulted with the central government and listening to input from experts. Thus, Japan succeeded in showing an example of applying the ideal legal drafting process to deal with a pandemic.

The last point was that the government issued a statement stating a national emergency in the face of a pandemic caused by COVID-19. Still, the government also issued details regarding prohibitions, recommendations, and operational standards for sectors and activities that continue as usual [31]. The public can access all detailed policy information easily through the official website of the Japanese government. The government predicts that providing precise and thorough information to its citizens can minimize panic due to the COVID-19 pandemic. As outlined by Roscoe Pound, strong points can be met by the Government of Japan, both national and regional. This policy makes the community more responsive in following the recommendations and regulations issued by the government.

Summary of the previous explanation: This article argues that the Japanese government can be an example of a country that can firmly fulfill the essence of applying Sociological Jurisprudence, which focuses on policy-making based on people's will and social facts. The good fulfillment of points indicates this conclusion: First, policy formulation based on in-depth research on COVID-19 and submission of policy proposals carried out by regions must go through a consultation mechanism with experts. Second, in issuing a policy for handling COVID-19, the government fulfills aspects of the health sector and eliminates local and national lockdowns. By doing so, the government shows its concern for its citizens' psychological, economic, and social aspects. Third, the government emphasizes that the effectiveness of the policy implementation process will be better when citizens get every detail of information related to risks, treatments, what must be done, and the policies taken by the government. Lastly, the government has consistently prioritized breaking the chain of the spread of COVID-19 with its cross-sectoral policies.

### 3.2.3. New Zealand

The Sociological Jurisprudence indicator indicates the influence of each of the points by Pound in determining New Zealand's success in reducing the number of COVID-19 spread in its region. Since the first cases of COVID-19 infection were found on February 28, 2020 [2], The New Zealand government, through its cabinet, then announced border restrictions to prevent the entry of people who may be the source of transmission of the virus from abroad. The closure of access to and from a country is an initial policy trend taken by countries affected by COVID-19. From now to June 2020, the number of cases indicated COVID-19 stood at 1528 cases that caused the death of 22 people [32]. This figure shows that the New Zealand government can effectively suppress the spread of COVID-19 in the country.

Following the first point of the Sociological Jurisprudence theory, guided by the depth of research carried out to produce targeted policies and legitimacy from the community, the government has implemented an emergency protocol and extended it six times a transition period [33]. Based on the Civil Defense Management Act of 2002, emergencies apply for seven days after being declared unless the matter is terminated or extended [34]. This national emergency was first declared on March 25, 2020, by Hon Peeni Henare as Minister of Civil Defense, and on the same day, it was also conveyed about the country's condition included in the level 4 alert system category.

To minimize the impact of the spread of COVID-19, the New Zealand government has implemented four types of alert systems [35] and the tightening policy of isolation and quarantine for those who come from abroad [36]. The COVID-19 alert system introduced by Jacinda Ardern as a solution can be applied in various contexts, whether it covers the town, city, region, territory, and local authorities on a national scale [37]. The system is designed to know the risk level of spreading COVID-19 and the limitation of rules that must be obeyed. Furthermore, through the official website <https://uniteforrecovery.govt.nz>, the government provides the latest updates on the development of COVID-19 and an established alert system to be accessed easily by every citizen so that together they can have the awareness to comply with these rules.

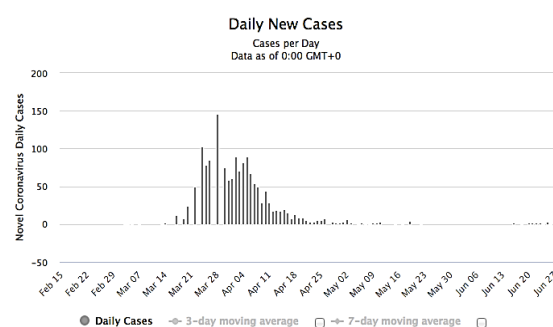


Fig.1. Daily New Cases in New Zealand

On March 25, 2020, the New Zealand government implemented and enforced protocol-level alerts system 4. At this level, the government imposed a national and local Lockdown due to infection COVID-19 looks unmanageable. The presence of local transmission characterizes it, and new cases are spread in various regions. Thus, people are asked to comply with rules that include: (1) an appeal for people to remain at home and not go out unless there is an urgent need, (2) Recreational secure allowed addresses in the local environment, (3) travel is severely restricted, (4) all meetings are prohibited, and public venues are closed, (5) businesses are closed, except for service providers related to basic needs such as supermarkets, pharmacies, clinics, gas stations and utilities for essential life fulfillment, (6) educational facilities are closed, (7) there are restrictions on supply and demand for facilities, (8) Prioritization of health services [34]. Therefore, the record of the most COVID-19 cases on March 28, 2020, will not be repeated with the implementation of this alert status. Although the number of positive cases of corona infection is still volatile, as shown in figure 1, the number never exceeded 100 cases per day and gradually decreased.

The government began to reduce the implementation of the alert system on April 27, 2020, when positive cases of COVID-19 continued to decline [38]. Level 3, which means the restrictions imposed when a high risk of the disease is found, is not controlled [34]. Although this level indicates a more open situation for public activities, this is also commensurate with the need for a higher level of public awareness and vigilance. This lenient contact with the broader community can increase the risk of transmitting COVID-19 infection. Under the health protocol, which is not much different from the level 4 alert system, the public can engage in several activities with restrictions imposed by the government.

The implementation of the level 3 alert system allows people to return to work and open their businesses. However, the implementation of Work from Home (WFH) remains the primary reference. Businesses that do not require direct contact with people, such as building and construction workers, can be re-run with stringent health protocols to comply with the rules. Malls and supermarkets remained closed at this level, but the activity can still run the business online. Not much different, the restaurant also has a license to reopen its business, but by minimizing contact through the delivery order service. This policy is expected to minimize the impact of a pandemic on the community's economy while complying with health protocols [37].

Although people are still prohibited from traveling long distances, they can start recreation and exercise in the open, provided that people are encouraged to travel (limited) to places within their respective regions and still comply with health protocols. Schools are also starting to reopen with limited capacity and continuing to prioritize learning from home. Meanwhile, public venues remain closed, including cinemas, museums, food courts, gyms, swimming pools, playgrounds, and markets. Jacinda

Ardern emphasized that even though the alert system level has been lowered, it does not mean that this is a decision taken to return to normal immediately. People still asked to increase vigilance, just like when the alert system level 4 was still in effect.

The second point of Jurisprudence Sociological indicators look at the New Zealand Government policy that does not only rely on science to deal with the infection COVID-19, but clearly, the government is also trying to foster a sense of empathy and togetherness so that every citizen can provide mutual support for the success of efforts to address the pandemic [39]. The New Zealand government firmly believes that the psychological factor of public optimism through this pandemic will positively affect the successful implementation of COVID-19 countermeasures policies. By fostering public optimism and trust in the government, the third point regarding the effectiveness of the policy implementation process can be seen from the high level of the community's enthusiasm to follow government recommendations and regulations.

The obedience shown by the citizens of New Zealand to the rules issued by the government has yielded the expected results. May 13, 2020, the Government of New Zealand has again lowered the alert system level by considering the number of additional cases no longer more than 10 cases per day [40]. Thus, the last point of the Sociological Jurisprudence indicator can be fulfilled because the policy-making objectives have been achieved. The government's success in addressing and minimizing the risks posed by COVID-19 was announced by the Prime Minister of New Zealand, Jacinda Ardern. In her speech, it was announced that the Government of New Zealand would move the status of handling COVID-19 to the level 1 alert system from Monday, June 8, 2020, at 11.59 PM. This decision is based on consideration during the last 17 days. The government has conducted nearly 40,000 COVID tests, and the results were all negative. In addition, the last local transmission case that occurred was more than 40 days, and the last person had gone through a period of self-isolation.

Based on the explanation above, this article believes that New Zealand is a country that can be an example of a good application of Sociological Jurisprudence. This policy is reflected in the fulfillment of Roscoe Pound's indicators. This article's argumentation is based on the fulfillment of point (1) the government swiftly applies health protocols as is generally done to break the chain of the spread of COVID-19 based on the study of handling the virus that has been carried out; (2) the policies taken by the government are not only based on research on health, but the government clearly and firmly asks the public also to increase their social awareness to provide support to others in order to increase community optimism in passing this pandemic; (3) the government's decision to actively involve the community through



policies that are appealing and provide detailed information makes policy implementation effective; and (4) the government has consistently shown its seriousness in tackling COVID-19 by inviting the public to focus only on breaking the chain of the spread of COVID-19 above other aspects such as improving the economy, tourism, education, and others.

### 3.2.4. *The United States of America*

Even though it is not the first country to have contracted COVID-19, the US has become one of the countries seriously affected by the presence of COVID-19. Figure's outbreak and spread of this virus are pretty high in every state. As it is released through the pages of John Hopkins, Los Angeles (California), Cooke (Montana), and Maricopa (Arizona) became a hot spot highest spread in the US [5]. The federal government sets rules as the basis for each department to carry out countermeasures against the spread of COVID-19 [41], but for the technical implementation of prevention and treatment delivered to each state.

The United States' failure to cope with the global spread of the pandemic in its region has not resulted from its reluctance to follow the trend of implementing health protocols practiced worldwide. While almost all countries in the world are aggressively closing the access came and out of the area, using a mask when on the move, do social distancing, and give more attention to the efforts of the termination of the chain of COVID-19, but the United States still choose to undergo regular activities. This situation is evident from the events that persist in some states, such as the annual biker rally in South Dakota and New York are preparing to open the school by the method of face-to-face despite the spread of COVID-19 [42].

The failure experienced by the United States government in overcoming the outbreak of the spread of COVID-19 is the leading cause of the national pandemic response crisis. Implementing preventive policies is greatly influenced by the speed with which the government issues policies in line with the targets. Even though COVID-19 is an infectious disease that has never been found before, the experiences passed by other infected countries sometime before the virus arrived in America should be a source of study for the government to design policies based on evidence. The federal government's choice to ignore the experience of other countries and the advice given by the experts has made a virus that can spread in a short time it becomes unmanageable. Political agendas related to electoral interests are still the primary consideration in decision-making at the national scale [43].

In many other countries that have adopted a decentralized system to deal with COVID-19, America is also implementing the same thing. However, in the context of the national crisis that America is currently experiencing, this has never happened before. The

decision taken by Donald Trump as president to hand over the authority to handle COVID-19 to the state has turned out to be a boomerang. Inequality in terms of availability of health facilities, area size, the readiness of medical personnel, the ability of local authorities to regulate providers of public facilities such as schools and industry are the causes of failure to implement this policy [42].

With the increasing number of citizens infected by COVID-19, the government has taken many approaches to increase citizens' compliance with health protocols. This policy is supported by providing detailed information to the public regarding the conditions of the spread, prevention, and handling of COVID-19 that the government is carrying out. In addition, the federal, state, and city governments have provided online-based services to centralize up-to-date data on policy developments being taken by the government [44]. One of the federal government's efforts is intensively carrying out is to distribute vaccines to all regions.

The vice president, Mike Pence, recently held a meeting with several state heads to discuss best practices for vaccine delivery in their region. With this meeting, it is expected that other states may soon be to increase the effectiveness of the distribution of vaccines so that all citizens could soon undergo the vaccination process provided by the government [45]. In addition, the government has also provided protocols and procedures for regions and states that wish to reopen access to carry out activities as before. Finally, the federal government has provided information regarding the preparation steps, criteria, and guidance phases in the process.

If explored using Pound's Sociological Jurisprudence, this article perceives that the measures taken by the US government showed many weaknesses on the main indicator points. Moreover, the main functions of Sociological Jurisprudence are that the laws should be based on the people's will and social evidence, but the US Government indicates otherwise. The steps to deal with COVID-19 at the start of the pandemic were not based on social facts in other countries, but the political agenda was still a significant consideration for the government to determine policy direction.

Furthermore, from the first point of Sociological Jurisprudence related to policy formulation, which is based on in-depth research to predict social impacts as a public response, this article states that the policies taken by the United States Government are fragile. The government has ignored studies conducted by other countries that have faced the spread of COVID-19. In addition, the federal government does not heed the advice given by experts not to promote anti-malaria drugs as treatments for patients COVID-19. The federal government has also ignored warnings that many hospitals are short on PPE and hand sanitizers and ignored reports from states complaining of a lack of medical tests being carried out on their citizens [43].



Related to the second point, the government has aligned with other scientific aspects by issuing detailed policies commanded by each department nationally. In reality, the technicalities for implementing the policy are still left to each state and region. At least, the federal government has been providing open access for everyone who wants to know the guidelines for implementing the government policy through the official website [www.usa.gov](http://www.usa.gov). In addition, the government also provides guidelines for supporting activities through the CDC (Centers for Disease Control and Prevention) to keep starting activities during a pandemic.

The third point, related to the policy implementation process's effectiveness, states that the government's weakness in detecting and anticipating the possibility of a crisis caused by the spread of COVID-19 dramatically affects the effectiveness of implementing the policies taken by the government. It is confirmed that the spread of COVID-19 is much faster than policies taken by the government, causing the government to fail to cope with the crisis that occurred. The implementation of government policies subsequently became less effective when faced with COVID-19, which had already spread widely.

The fourth point, the policies taken by the government should focus on solving problems arising from the newly discovered virus in China. However, in reality, the electoral political agenda has made the government neglect to prioritize the community's interests to carry out activities safely from the attack of COVID-19. From the analysis, this article concludes that the United States is one of the countries that does not make policies based on the interests of its people. This conclusion can be seen from the points of Sociological Jurisprudence that the US government cannot fulfill in dealing with COVID-19.

### 3.2.5. China

Believed to be the origin of the spread of COVID-19, the Chinese government then implemented a policy to close all access to information related to the existence of the virus [46]. The strict policies adopted by the government affect those who try to disclose information regarding the spread of the disease, the mortality rate, and the challenges faced by the medical team. Some reports mention cases of the disappearance of people who tried to disclose information related to the emergence of COVID-19 to the public. In addition, the government prohibits its citizens from helping each other, including donations for drug supplies.

The closure of access to information and forms of interaction with the spread of COVID-19 does not only apply to the general public. The government has also firmly refused assistance from NGOs, international & domestic organizations, religious and non-religious organizations. To do this, the Chinese Communist Party (CCP) has stressed the legality requirements of activities

covered by international organizations so that even international humanitarian assistance cannot reach the community's needs. In handling COVID-19, the government emphasizes the success in exercising social control and the strength that CCP has.

In addressing the pandemic caused by COVID-19, the government acted based on the Law of Charity (2016), Regulations on Religious Affairs (2017), and the Law of Foreign NGO (2016) [47]. In the Charity Law, it is emphasized that organizations with charitable purposes are not allowed to carry out activities related to public health. Even these organizations are not allowed to interfere at all. The regulation also makes it difficult for organizations to officially receive financial support from the government to register their organizational institutions. A legally registered organization is usually included in the category of *Gongong*. Government-organized non-governmental organizations (*Gongong*) are organizations that officially get permission from the government to organize and carry out activities with the help of funding from the government [47].

After the urgency of this pandemic was genuinely felt by the Chinese government, the local government authorities of Wuhan adopted a strict policy to tackle the spread of COVID-19 in its region. All citizens who are indicated to be infected by COVID-19 are isolated and treated by the government. The government also took responsibility to bring in medical personnel from all over China to help treat all patients. Epidemiologists help the government to design treatments for COVID-19 patients. From this study, the government found that COVID-19 can spread through droplets, aerosols, close contact. The government research results are then used to design various rules and guidelines related to the efforts to prevent the transmission of COVID-19 more widely [48].

Furthermore, the government monitored anyone in close contact with patients or people perceived as suspected patients COVID-19. This effort is supported by the use of the application Alipay Health Code and WeChat [49]. By providing the label in the form of a green, yellow or red flag, the application determines whether a person is allowed to travel or not. Thus, tracking is done to minimize the possibility of every citizen establishing contact with those exposed by COVID-19. The system not only allows the government to look at the possibility of a person being exposed to the virus, but the system also makes it possible to report to the police if they violate government regulations automatically.

If explored using Sociological Jurisprudence, this article argues that the four points raised by the pound can have advantages and disadvantages in its application in China. The first point is related to the formulation of laws requiring an in-depth study of the social impacts of a public response. This article considers that this aspect is relatively weak in the practice of policy formulation in

China. As noted earlier, the government is trying to take over all the assistance given to the public. The government also shut down the access of non-governmental organizations that want to help victims affected by COVID-19. Policies issued by the government to exert social control centrally do not provide space for people to be involved, including determining and disseminating detailed information about the spread of COVID-19 in China.

The second point, related to the alignment of policies with other disciplines, the Chinese government pays close attention to aspects of other scholarships that may affect the success of policy implementation. For example, the pandemic spread occurred because the government ignored the findings of new diseases that might be contagious. After all, they coincided with the New Year's party (economic considerations). However, the government does not do the same when dealing with a pandemic that has spread. The government's decision to close the veterinary market in Wuhan and do a total lockdown in Wuhan city would significantly impact the economy, but this policy should break the chain of infection to other regions. Although the government opens up the possibility for citizens who want to enter and exit the Wuhan area, administratively, this is impossible.

The third point, the effectiveness of the policies issued by the Chinese government, certainly has a high level of effectiveness. However, it needs to be underlined that the high effectiveness of implementing Chinese government policies is not accompanied by high public participation. The policies issued tend to be binding and coercive, with strict rules and penalties awaiting anyone who does not comply with government decisions. Even applications used to provide a 'sign' for their citizens also automatically report them to the police when there are indications of violations.

The fourth point, when analyzed through the conformity indicator with policy issues to resolve, the Chinese government is particular in making decisions, primarily when the Chinese government decided to lockdown the city of Wuhan. The policy will inevitably have an impact on other aspects of human life. These policies can have a significant impact on the economic aspect, which has been a significant concern for the government, but it must be sacrificed to achieve the goal of breaking the chain of COVID-19. From the Sociological Jurisprudence lens, this article found that China is weak in fulfilling the leading indicators associated with Pound's theory.

### 3.2.6. Indonesia

Regarding the widespread symptoms of the pandemic, the state eventually took various countermeasures. The government's choice of handling is the Large-scale Social Restrictions (Pembatasan Sosial Berskala Besar, PSBB). PSBB restricts certain society's

activities in an area or region suspected of being infected with diseases, including contaminated, to prevent the possible spread of the disease or contamination. The main points of the restrictions in this PSBB are related to restricting public activities. That is, physical activities or socio-economic activities are still possible with their limitations.

PSBB as a form of health quarantine is an effort to prevent and prevent the exit or entry of diseases and/or public health risk factors that can cause public health emergencies. Health quarantine measures can be in the form of quarantine, isolation, vaccination or prophylaxis, referral, disinfection, and/or decontamination of people as indicated, as well as PSBB. The place or location for implementing health quarantine in an area can be in a house, area, and hospital. Of course, this PSBB policy choice will give rise to a legal relationship between the government as a powerful organization and the citizen community or business entity, both legal and non-legal entities, in an atmosphere of war against COVID-19. This PSBB can be distinguished from quarantine because, in quarantine, the central government is obliged to provide the necessities of life for people and livestock food in the quarantine area by involving the local government, including related parties.

According to the first indicator of Sociological Jurisprudence, the policy for handling the COVID-19 pandemic taken by the Government of Indonesia through the PSBB does not appear to be based on thorough research studies. Instead, it provides a loose and non-rigid policy, but through economic activity restriction policies such as closing plants, restrictions on operating hours office/supermarket/mall, and restrictions on public transport will result in massive layoffs, and on the same side did not rule out increasing the number of people infected with the virus COVID-19. In sociological jurisprudence, the law is a means (tool) to control society [50], so that the ideal legal product is based on the public's willingness to maintain the rhythm of life through economic activities that are in line with the larger goal of preventing the transmission of COVID-19. In this regard, products for which the law is available should contain actual steps taken based on community activities, among others, by providing sufficient literacy and updates related to the COVID-19 virus. This policy can be done by optimizing the empowerment of RT and RW (neighborhood units). This empowerment could be done by providing a place to wash hands in front of houses, the continuity of independent spraying disinfectants, and strengthening the supervisory mechanism by heads of RT and RW in their respective neighborhoods. Furthermore, through incentives of giving data quota to ensure data acquisition from the district budget, heads of RT and RW in stages can provide periodic reports to be submitted to the COVID-19 task force in each sub-district. Then COVID-19 can be appropriately monitored.

Concerning the second point of Sociological Jurisprudence, a strong statement can be given that the formation of the new handling support regulations established by the Indonesian government has been drafted without considering other related aspects, considering that the duration of the Presidential Decree, Government Regulation in-lieu of law, and Government Regulation until enactment was only formed in a short time. In handling COVID-19, the government has made Government Regulation in lieu of Law Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (COVID-19) Pandemic and / or in the context of Facing Threats Endangering the National Economy and / or Financial System Stability, March 31, 2020, Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (COVID-19), March 31, 2020, Presidential Decree Number 7 of 2020 concerning Clusters Task to Accelerate Handling of Corona Virus Disease 2019 (COVID-19), March 13, 2020 (Decree Number 010737 A), Presidential Decree Number 9 of 2020 concerning Amendments to Presidential Decree Number 7 of 2020 concerning Task Force for the Acceleration of Corona Virus Disease 2019 (COVID-19), dated March 20, 2020, Presidential Decree Number 11 of 2020 concerning Stipulation of Emergency Kes Public Health Corona Virus Disease 2019 (COVID-19), March 31, 2020, and Presidential Decree Number 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (COVID-19), April 13, 2020. Even so, the emergency condition for the spread of the COVID-19 virus cannot be used as a reason to eliminate considerations of psychological aspects, social aspects, aspects of available health workers, and aspects of education in constructing legal products considering that the preparation of short legal products will not necessarily work. Effective when applied to society.

Furthermore, related to the third point of Sociological Jurisprudence's point of view, which deals with the effectiveness of policy implementation, the meaning of effectiveness here can then be interpreted that the government does not need to make new Perppu, PP, and Presidential Decree, but use available legal products. As previously explained, the policy for handling COVID-19 has been formulated clearly in Law Number 6 of 2018 concerning Health Quarantine. The choice of quarantine, which becomes a heavy burden on the government budget, can be communicated honestly to the public. The Indonesian people known for their respect and cooperation will undoubtedly accept it gracefully if the government is honest about the inability to provide logistics due to implementing the articles in Law Number 6 of 2018. For the policy to handle COVID-19 to run well, it is hoped that policy support from each ministry is mutually reinforcing and well-coordinated. One example of a counterproductive policy is releasing 37 thousand prisoners throughout Indonesia on the pretext of

humanitarian values and preventing the spread of COVID-19 through the Regulation of the Minister of Law and Human Rights Number 10 of 2020 concerning Assimilation. From the perspective of sociological jurisprudence, this policy is highly unwanted by the public in a pandemic. Even the police's duties in the framework of supporting the PSBB policy will be confiscated by the actions of prisoners who have committed crimes again shortly after being released. If it was based on rational policy reasoning, assimilation policies during a pandemic should be diverted to effective policies to prevent the spread of the COVID-19 virus, among others, by empowering prisoners to make masks or personal protective equipment for medical personnel.

The fourth point, realizing that the primary purpose of laws is to overcome the fundamental problems that exist in the community, in the context of limiting the spread of virus COVID-19, the government's handling of the policy should be focused on the restriction of the space for the COVID-19 virus itself and not any other policy. Not denying the possibility that policy formulation will intersect with other aspects, the preparation of government legal products in the view of sociological jurisprudence must be prepared carefully and with great care, careful consideration, and rationally based on public aspirations. By ideal policy, the main problem in the community can be appropriately resolved by minimizing the potential negative impacts that will befall the public [15], [16].

## 4. CONCLUSION

Based on the analysis of data obtained from March 2020 until December 2020. The article presumes that Pound's Sociological Jurisprudence has guided policies that can be run more effectively. Nevertheless, in reality, several selected state policies do not comply. Although the results are different, the principles of sociological jurisprudence guide each country on how to make effective policies to combat these outbreaks. Therefore, this article suggests that governments should adopt Pound's Sociological Jurisprudence to implement policies that suit the needs of society.

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