

Potential Violations of the Right to Mobility in Government Policies Related to the Covid-19 Pandemic Outbreak

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ABSTRACT

Article 28E of the 1945 Indonesian Constitution states that everyone has the right to mobility. It means the right to mobility is a part of human rights that the state should protect under any circumstances. The Covid-19 pandemic outbreak in Indonesia forced the Government to carry out several strategic policies to limit mobility rights, including large-scale social and micro-scale social restrictions. This policy essentially has no problems when it is based on health considerations; however, when referring to the statutory regulation system, the form of legal product for implementing the policy, namely Government Regulations, Regional Regulations, or Regional Head Regulations, creates problems in the Indonesian constitutional system. Because, based on Article 28J of the 1945 Constitution, restrictions on human rights in this context can only be exercised through laws, not other statutory regulations. This condition raises the potential for human rights violations to the policies to deal with the Covid-19 pandemic outbreak carried out by the Government. The research question in this scientific paper is whether there has been a violation of the right to mobility in Government policies related to the response to the Covid-19 pandemic outbreak. The research method of this article is normative juridical. This scientific paper hypothesizes that there has been a violation of the right to mobility in Government policies related to the response to the Covid-19 pandemic outbreak.

Keywords: covid-19, human rights, policies, mobility.

1. INTRODUCTION

Article 28E of the 1945 Indonesian Constitution states that everyone has the right to move from one place to another (mobility). This right is fundamentally a constitutional right of citizens which should be protected as a manifestation of the rule of law as stated in Article 1, paragraph (3) of the 1945 Indonesian Constitution. The Covid-19 pandemic outbreak occurring in Indonesia since March 2020 has imposed the Government to take strategic policies by limiting the right of mobility for people living in certain areas. The constitution primarily provides a legal instrument for the Government to limit the rights of citizens. This instrument is regulated in Article 28J of the 1945 Constitution of the Republic of Indonesia, where restrictions can only be made through the Law, not other statutory regulations.

The Covid-19 pandemic outbreak is a new experience for the Indonesian Government. Since the independence era, Indonesia has never faced problems with an infectious disease like Covid-19. However, even though Indonesia has never faced a contagious epidemic, the Indonesian legal system has anticipated it whenever this happens. The anticipation can be found in several regulations, including Government Regulation in Lieu of Law (Perpu) Number 23 of 1959 concerning Emergencies Situation, Law no. 4 of 1984 concerning Outbreaks of Infectious Diseases, Law no. 24 of 2007 concerning Disaster Management, and Law no. 6 of 2018 concerning Health Quarantine.

A number of these regulations have varying coverage. Perpu Number 23 of 1959 concerning emergency give the Government a supreme power to impose a civil emergency status, whereby in the law the Government could impose a curfew and punish parties deemed to have interfered with the course of the epidemic prevention without going through a due process of law. Meanwhile, Law no. 4 of 1984 gave the Government e right to impose sanctions on parties deemed to be obstructing the Government's efforts to contain the outbreak. Meanwhile, Law no. 6 of 2018 concerning Health Quarantine provides a number of policy alternatives that can be taken by the Government, including home quarantine, hospital quarantine, regional quarantine, and large-scale social restrictions (*Pembatasan Sosial Berskala Besar*) or PSBB. A number of these policies are inherent in the rights and obligations of the Government towards the people, for example, e house quarantine policy, when the Government implements a house quarantine, the Government has the right to prohibit people in the house from leaving, and prevent other people from entering the house. On the other hand, there is also an obligation for the Government to ensure that people living in the house have their basic needs. This obligation also applies to other quarantine models.

Referring to historical facts, the Indonesian Government ultimately decided to choose Large-Scale Social Restrictions (PSBB) as a policy to overcome the Covid-19 pandemic outbreak, which was later manifested in The Government Regulation (PP) Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Management of Corona Virus Disease 2019 (Covid-19). This government regulation eventually

became a reference for the central and local governments in forming regulations as an effort to handle the Covid-19 pandemic outbreak, both on a sectoral basis (ministry) and territorial (local government). However, the problem that then arises is there are a number of policies issued by the Government, either in the form of Ministerial Regulations or Regional Head Regulations, at limit the mobility rights of citizens. This hypothesis can be proven by observing a number of statutory regulations issued as derivative regulations from Government Regulation number 21 of 2020, one of which is the Regulation of the Minister of Transportation Number PM 25 of 2020 concerning Control of Transportation during the Eid al-Fitr 1441 H Homecoming Period in the Context of Preventing the Spread of Corona Virus Disease 2019 (Covid-19) which prohibits everyone from entering and leaving certain areas in all modes of transportation.

There have been a number of previous research related to potential human rights violations during the Covid-19 pandemic, the first being an article written by Carlos Valerio entitled Human Rights and the Covid-19 pandemic. According to Carlos, restrictions on human rights are needed during a pandemic, and these restrictions are not derogations, they are suspension of guarantees. However, Carlos did not convey the exact form of the product of the restriction law [1].

The second article relating the pandemic outbreak and the protection of human rights was written by Alesandra Spadaro. According to Spadaro, there are potential human rights violations during the pandemic, namely the right to health and the right to life. However, Spadaro's article does not describe the potential for violations of mobility rights [2].

Patrick Mendes wrote the article linking the COVID-19 pandemic and the right to mobility. According to Mendes, considerations for limiting the right to mobility must be based on scientific considerations. However, Mendes' articles written based on research sites in Canada do not offer a normative solution to ensure that there are no human rights violations [3].

This condition then raises questions regarding the legal basis used by the Government in carrying out the prohibition because it is part of the limitation of human rights, especially the right to mobility, which is based on Article 28J of the 1945 Constitution of the Republic of Indonesia, such restrictions can indeed be carried out by the Government as long as the legal instrument used is law, not other statutory regulations.

2. RESEARCH METHOD

Based on the background and problem formulations above, the type of research used in scientific writing is normative juridical based on library research. The normative legal research is very appropriate to be used in this research cause the object of research is mostly laws and regulations at the national and international levels. The writing method used in this paper is to identify problems,

study literature, and juridical analysis. The technique used in data collection begins with collecting relevant and appropriate references. The data collection method used was literature study method. The data that has been collected will then be parsed and processed using substantive juridical analysis. The juridical analysis method is a technique used to draw conclusions through an effort to find the characteristics of a substance and is carried out objectively and systematically.

The data used in compiling this paper consists of two, namely primary data and secondary data many legal materials come to the Indonesia's ailing laws and regulations including the 1945 Indonesian Constitution, Law no. 6 of 2018 concerning Health Quarantine, Law no. 12 of 2011 concerning the Formation of Legislation and other relevant laws and regulations. Meanwhile, secondary data comes from references from credible parties such as books, national and international standardized journals, and official government websites. The methodology in this research uses descriptive method by describing objective factual data.

3. FINDINGS AND DISCUSSION

1. Government Policies in Handling the Covid-19 Pandemic Outbreak

Although the Covid-19 pandemic outbreak has occurred in Indonesia for the first time, the Indonesian legal system has essentially anticipated when outbreak of an infectious disease like Covid-19 occurring Indonesia. This can be proven when observing a number of laws and regulations in Indonesia that regulate infectious disease outbreaks, including:

- (1) Government Regulation in Lieu of Law Number 23 Year 1959 concerning Emergency Situation
- (2) Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases
- (3) Law Number 24 of 2007 concerning Disaster Management
- (4) Law Number 6 of 2018 concerning Health Quarantine

Based on the variations of the aforementioned regulations, basically, Government has the discretion to make policies when an infectious epidemic occurs. This is because there is no legal vacuum in the Indonesian legal system. A number of the list of Laws above also contain a variety of actions that can be chosen by the Government, including:

1. Civil Emergency, this is stated in Article 1 paragraph (1) which states that

The President / Supreme Commander of the Armed Forces declares that all or part of the territory of the Republic of Indonesia is in a state of danger with the level of a civil emergency or a military emergency or a state of war, if:

- (1) *The security or legal order in all regions or parts of the Republic of Indonesia is threatened by rebellion, rioting, natural disasters, so it is feared that they cannot be overcome by normal equipment*

2. National Disasters, it based on Article 1 paragraph (3) of the Law on Disaster Management which categorizes epidemics and epidemics in the category of non-natural disasters,

Non-natural disasters are disasters caused by non-natural events or series of events, which including technological failure, modernization failure, epidemics, and disease outbreaks.

3. Regional Quarantine, this epidemic control model is regulated in Article 1 paragraph (10) of the Health Quarantine Law, which means the following:

Regional Quarantine is a restriction on the population in an area including the area of entry point and its contents suspected of being infected with a disease and / or contamination in such a way as to prevent the possibility of spreading disease or contamination.

4. Hospital quarantine, prevention of outbreaks with this model is regulated in Article 1 paragraph (9) of the Health Quarantine Law, which means the following:

Hospital quarantine is the restriction of a person in the hospital who is suspected of being infected with the disease and / or contaminated in such a way as to prevent the possibility of spreading the disease or contamination.

5. Home Quarantine, is related in Article 1 paragraph (8) of the Health Quarantine Law which is defined as follows:

Home Quarantine is a restriction for occupants in a house and its contents suspected of being infected with a disease and / or contamination in such a way as to prevent the possibility of spreading disease or contamination.

6. Large-scale Social Restrictions (PSBB), this action is based on Article 1 pa1, graph (11) of the Health Quarantine Law which is defined in the Act as follows;

Large-scale social restrictions are restrictions on certain activities of residents in an area suspected of being infected with a disease and / or contamination in such a way as to prevent the possibility of disease spreading or contamination.

As seen above, there are many variations in policies that can the Government be carry out referring to Thomas Dye's theory of the definition of public policy, namely what governments choose to do or not to do [4], policymaking in an effort to tackle the Covid-19 pandemic is essentially a policy choice taken by the Government.

In the end, the Government took a number of policies in handling the epidemic, which were realized through a number of legal products, such as:

1. Health Emergency, through Presidential Decree Number 11 of 2020 concerning the Determination of the Public Health Emergency of Corona Virus Disease 2019 (Covid-19) which is based on Law Number 6 of 2018 concerning Health Quarantine.
2. National Disaster, through Presidential Decree Number 12 of 2020 concerning the Determination of Non-Natural Disaster for the Spread of Corona Virus

Disease 2019 (Covid-19) as a National Disaster based on Law Number 24 of 2007 concerning Disaster Management.

However, the Presidential Decree has yet to regulate technical matters related to outbreak management. In practice, the Government only implements one of the policies regulated in the Health Quarantine Law, namely Large-Scale Social Restrictions (PSBB) which is based on PP Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Management of Corona Virus Disease 2019 (Covid-19). This Government Regulation authorizes Regional Governments to propose the status of their respective regions. This policy then developed into a number of other policies that were not materially different from the PSBB, including Micro-Scale Social Restrictions (PSBM) and the Imposition of Restrictions on Community Activities (PPKM).

2. *Potential Violations of the Right to Mobility in Covid-19 Countermeasures Policy*

As stated in the previous sub-chapter, the Government decided to choose one of the options for overcoming the epidemic in the Health Quarantine Law, namely Large-Scale Social Restrictions (PSBB). However, PP Number 21 of 2020 has not provided a clear interpretation regarding the technicalities of the PSBB, this is the reason implementation of the PSBB is different in each region. In addition, there are a number of other terms that regulate the response to the Covid-19 pandemic outbreak, including Micro-Scale Social Restrictions (PSBM) and Enforcement of Restrictions on Community Activities (PPKM).

Basically, any policy is not an issue if it is carried out based on statutory regulations. Referring to Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation, the hierarchy of statutory regulations in Indonesia is as follows:

- (1) The 1945 Indonesian Constitution
- (2) Congress (MPR) decree
- (3) Law / Government Regulation In lieu of Law
- (4) Government Regulations
- (5) Presidential Regulation
- (6) Provincial Regulations
- (7) Regency / City Regional Regulations

According to this hierarchy, it can be understood that the supreme law in Indonesia is the 1945 Indonesian Constitution which is known as the constitution (*staat gerundgesetz*). In that sense, laws (*formell gesetz*) and other statutory regulations must not contradict the constitution.

However, if look carefully at the policies carried out by the Government in dealing with the Covid-19 pandemic outbreak. This policy has the potential to violate one of the human rights listed in the constitution, namely Article 28E

paragraph (1) of the 1945 Indonesian Constitution, which states:

Every person shall be free to choose worship practice the religion of his/her choice choose education's choose a job's employment choose citizenship's, and to choose a place to live in the residence within state territory, leave it, and subsequently return to it.

Based on the provisions contained in the 1945 Indonesian Constitution, basically everyone has the right to choose a place to live in any region in Indonesia and leave it. This is in line with the article 13 and 14 UN Declaration of Human Rights, which states something similar to Article 28E paragraph (1) of the 1945 Indonesian Constitution [2],

UN declaration, mobility is recognized as an important aspect for the realizing of life, individuals are in their right to move within, leave and re-enter their home countries.

This is also confirmed by the article 12 ICCPR as a legally binding international and national human rights law instrument considering that it has been ratified through Law 12 of 2005, which states that

Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Therefore, the formation of regulations related to government efforts in overcoming the Covid-19 pandemic outbreak should not violate the right to mobility.

In fact, the constitution has regulated restrictions on human rights. This is stated in Article 28J of the 1945 Indonesia Constitution, which states that:

In exercising their rights and freedoms, everyone is obliged to comply with the restrictions established by law with the sole purpose of ensuring recognition and respect for the rights and freedoms of others, and to fulfill fair demands in following moral considerations, religious values, security, and public order in a democratic society.

Referring to the above provisions, basically, the Government can conduct human rights restrictions as long as the regulatory instrument is carried out through law. This is because the Law is a product made with the approval of the people represented by members of the parliament are elected democratically through the Election.

Looking at a number of norms in Law no. 6 of 2018 concerning Health Quarantine, basically limiting the right to mobility can be carried out by the Government as long as the policies taken are relevant and appropriate. The limitations on the right to mobility are listed in a number of policies, including:

1. Regional Quarantine

The limitation on the right to mobility is stated in Article 54 of the Health Quarantine Law

(1) The Health Quarantine Official is obliged to provide an explanation to the community in the local area before implementing the Regional Quarantine.

(2)

*(3) Members of the community who are quarantined **are not allowed to enter the quarantine area.***

2. Hospital quarantine

The limitation of the right to mobility is stated in Article 57 of the Health Quarantine Law

(1) The Health Quarantine Officer is obliged to provide an explanation to the visiting person, the person on duty at the hospital, and the patient before implementing the Hospital Quarantine.

(2)

*(3) All people, goods, and animals in the quarantined hospital as intended in paragraph (2) **may not go out and enter the hospital.***

3. Home Quarantine

Limitation of the right to mobility can also be done through home quarantine, stated in Article 51 of the Health Quarantine Law.

(1) The Health Quarantine Officer is obliged to provide an explanation to the occupants of the house before carrying out the House Quarantine action.

*(2) Residents of a house that is quarantined, other than the case of positive infection **prohibited from leaving the house** during the time determined by the Health Quarantine Official.*

Apart from these three options, there are other options, namely the imposition of a civil emergency, but according to Ahmad Gelora Mahardika, Perpu Number 23 of 1959, he legal basis for the imposition of civil emergency is not contextual with a democratic climate that emphasizes human rights principles. [6] Therefore, this option should not be used as a policy in dealing with a pandemic outbreak.

On the other hand, the Government's policy to implement the PSBB cannot limit the mobility rights of citizens. This is because the PSBB only gives the state the right to restrict activities in the public area, including:

- a. school and work vacations;
- b. restrictions on religious activities; and and/. restrictions on activities in public places or facilities.

However, regulations issued by the Government both at the central and regional levels are based on PP Number 21 of 2020 imposes restrictions on the right to mobility which can be proven based on the inventory of regulations carried out by the author, namely regulations at the central level (Regulation of the Minister of Transportation) and at the regional level (Governor Regulations, Regent Regulations, Mayor Regulations);

Table 1
Laws and Regulations Violating the Right to Mobility

Legal Basis	Article	Limiting Right to Mobility
Minister of Transportation Regulation Number PM 25 of 2020 concerning Control of Transportation during the Eid al-Fitr Homecoming Period of 1441 H. In the Context of Prevention of Covid-19.	2	The temporary prohibition on the use of land transportation facilities as referred to in Article 1 applies to transportation facilities destined for leaving and entering the following areas: a. large-scale social restrictions; b. red zone spread of coronavirus disease 2019 (covid19)
West Java Governor Regulation Number 48 of 2020 concerning Guidelines for the Implementation of PSBM in the Prevention of the Covid-19 Pandemic Outbreak.	11	(1) Residents who are at the PSBM location who wanting travel obliged to request a letter of introduction to and from the PSBM implementing team in the PSBM area concerned. (2) The PSBM implementation team, referred to in paragraph (1), identifies citizens who have activities with the excluded category, which is regulated in the Protocol to Out-Enter PSBM Areas. (4) Citizens who are not included in the excluded category as referred to in paragraph (2), a) prohibited from entering the PSBM area.
Kuningan Regent Regulation Number 37 Yearof	11	1) Residents who are at the PSBM location who and wanting travel required to ask for a letter of introduction to and

		from the PSBM implementing team in the PSBM area concerned. (2) The PSBM implementation team, referred to in paragraph (1), identifies citizens who have activities with the excluded category, which is regulated in the Protocol to Out-Enter PSBM Areas. (4) Citizens who are not included in the excluded category as referred to in paragraph (2), a) prohibited from entering the PSBM area. (5) Outsiders are prohibited from entering the PSBM area.
Makassar Mayor Regulation Number 36 of 2020	6	(1) Every person who enters and leaves the Makassar City area must complete himself with a Covid-19 recommendation certificate from the Task Force and /or hospital in the area of origin and is valid for 14 (fourteen) days from the date of issuance.

Source: compiled from various sources

It can be seen from the table above, the response to the Covid-19 pandemic outbreak carried out by the Government limits the mobility rights of citizens. Essentially, this limitation does not become a problem as long as the legal instrument used is a law in line with Article 12 paragraph (3) of the ICCPR which states that the right to mobility can basically be limited by the Government to considerations to protect national security, public order, public health or morals, or the rights and freedoms of others. However, these restrictions must still be based on laws, not minister regulations or regional head regulations. However, in practice, the legal instruments used are Ministerial Regulations and Regional Head Regulations (*Pergub, Perbup, Perwali*), which, based on

the 1945 Indonesian Constitution, cannot limit a person's right to mobility.

3. *The Legal Politics of Limiting the Right to Mobility of Citizens Right in the Indonesian Constitutional Law System*

The right to mobility is basically a constitutional right that can be limited by the state as long as the legal instruments used are appropriate and relevant. However, referring to table 1, the legal instruments used by the Government in imposing restrictions are Ministerial Regulations and Regional Head Regulations. This regulation is juridically contradicts article 28J of the 1945 Constitution of the Republic of Indonesia, which clearly states that the limitation of human rights can only be carried out through law.

Basically, the Health Quarantine Law has provided allowed Government to limit the right to mobility if the epidemic control measures implemented are home quarantine, hospital quarantine, regional quarantine. This can be explained in the following table:

Table 2
Restrictions on the Right to Mobility in the Territorial Quarantine Act

Health Emergency Status	Restrictions or the ability of the people to move
Home Quarantine	Able
Hospital Quarantine	Able
Regional Quarantine	Able
PSBB	Unable

Source: compiled from various sources

Based on table 2 above, it can be seen that restrictions on the right to mobility cannot be implemented when the Government implements the PSBB, which is based on Government Regulation no. 21 of 2020.

Apart from being unconstitutional, the legal instruments used by the Central and Local Governments to limit the mobility rights of citizens are contrary to Law no. 6 of 2018 concerning Health Quarantine. This formulation is based on the hierarchy theory of statutory norms where lower regulations should not conflict with higher regulations (*lex supesuperior gat lex inferiori*). Therefore, it can be concluded that the application of the right to mobility regulated in the form of a Ministerial Regulation and a Regional Head Regulation has the potential to violate two things, including:

1. Article 28J of the 1945 Indonesian Constitution, in which restrictions on the right to mobility can only be carried out through a Law
2. Law Number 6 of 2018 concerning Health Quarantine, in which PSBB does not have the authority to limit mobility rights

The author realizes that the problem of the Covid-19 pandemic outbreak is an urgent issue that must be resolved through an emergency mechanism. However, as a law state (*rechstaat*) which is every government action must be based on regulations, efforts to handle the Covid-19

pandemic outbreak should also be based on statutory regulations.

In essence, if the Government has desires limit the mobility rights of citizens, this can be done by implementing regional quarantine as stated in the Health Quarantine Law. However, the problem is that the determination of regional quarantine status has legal consequences, namely the fulfillment of the Government's obligation to cover the residents needs of the quarantine area. Financially this is burdensome for the Indonesian Government

Therefore, the President, his subjective rights as stated in 22 paragraph (1) of the 1945 Indonesian Constitution, issue a Perpu to cancel Article 55 of the Health Quarantine Law which reads:

(1) While in the Regional Quarantine, the basic necessities of life for people and food for livestock in the quarantine area are the responsibility of the Government.

The elimination of this article will automatically nullify the Government's obligation to cover the basic needs of people living in the quarantine area. Determination of quarantine status basically does not stop economic activities in the area, it just that activities in and out of the area are prohibited, except for basic needs. The nullification of the article will not conflict with Article 28A of the Indonesian Constitution, which states that everyone has the right to live and has the right to defend his life, Article 28I, which states that everyone is free from discriminatory treatment. This is because the prohibition on mobility does not stop economic activity in the agglomeration area. The prohibition on mobility is only implemented people need to travel to certain areas. Regarding technical regulation, it can be regulated in a Government Regulation.

In addition to the abolition of Article 55, the Perpu can also be used to add provisions to Article 59 of the Health Quarantine Law in which the Government can limit the mobility rights of citizens in areas that have been assigned the status of PSBB. The additions can be stated in paragraph (5) which reads as follows:

(5) The large-scale social restrictions, stated in paragraph (1) can be prohibit people entering and leaving the large-scale social restrictions area.

With the addition of this paragraph, the Government's action to limit the right to mobility have been transformed from unconstitutional to constitutional.

The second legal policy that can Government can carry out is propose to the DPR to make amend Law no. 6 of 2018 concerning Health Quarantine. Although these changes are basically not included in the National Legislation Program, they can still be done because in Article 23 paragraph (2) of Law no. 12 of 2011 concerning the Establishment of Laws and Regulations states that:

(2) In certain circumstances, the DPR or the President may propose a Draft Law outside of the National Legislation Program, including:

a. to cope with extraordinary circumstances, situations of conflict, or natural disasters; and

b. other circumstances which ensure the existence of national urgency on a Draft Law that can be jointly approved by the DPR apparatus, which specifically handles the field of legislation and the minister who administers government affairs in the field of law.

Based on the above provisions, the President can submit a limited Amendment Bill to Law no. 6 of 2018 concerning Health Quarantine by making similar changes to Article 55 or Article 59. Thus, the Government's politics essentially a solution for the Government to limit the mobility rights of citizens without violating the constitution or laws.

4. CONCLUSION

Article 28J of the 1945 Indonesian Constitution explicitly states that the limitation of human rights can be carried out through legal instruments in the form of laws. Therefore, if the Government has desires limit a person's right to mobility, then the restriction must be regulated in a la Law Number 6 of 2018 concerning Health Quarantine has essentially regulated restrictions on mobility rights. However, these restrictions are carried out through a regional quarantine mechanism which is financially burdensome to the Government. This is because the law provides an obligation for the Government over the basic needs of all residents in quarantine areas. Given the geographic conditions and large population, the application of this article has a bad impact on the country's economy. Therefore, the Government then chose to apply the status of Large-Scale Social Restrictions.

However, the PSBB concept, stated in PP Number 21 of 2020, not regulate in detail and clear technical implementation. In the end, certain sector Ministries as well as the governments interpreted the PSBB in different models. This situation then has the potential to create a regulation that contradicts to the higher regulations. This hypothesis is proven by looking at a number of regulations which implementing regulation number 21 of 2020, which then materially violates the right to mobility of citizens, which should only be done through law.

A number of laws and regulations mentioned in the discussion violating the constitutional rights of citizens and materially also contradict Law Number 6 of 2018 because in this Law, restrictions on the right to mobility can only be carried out if the Government has determined the status of regional quarantine, hospital quarantine or home quarantine.

One of the problems with not implementing regional quarantine is the existence of financial obligations, stated in Article 55 of the Health Quarantine Law. Therefore, the authors recommend the Government to issue a Perpu or amend Law Number 6 of 2018 concerning Health Quarantine with indefinite. This change can be made with two options, first to cancel Article 55 of the Health Quarantine Law. The elimination of this article will automatically nullify the Government's obligation to cover the basic needs of people living in the quarantine area. Determination of quarantine status basically does not stop

activities in the area, it just that activities in and out of the area are prohibited except for basic needs. Regarding technical implementation, it can be regulated in a Government Regulation. Basically, policy is no more effective than the regional quarantine in the Law of Health Quarantine. However, this policy ensures that restrictions imposed by the Government in line with the rule of law principle, namely that government policy based on regulations and human rights restrictions can only be carried out through law.

The second option can be done by adding provisions to Article 59 of the Health Quarantine Law in which the Government can limit the mobility rights of citizens in areas that have been determined the status of PSBB. The additions can be stated in paragraph (5) which reads as follows:

(5) The large-scale social restrictions stipulated in the area, stated in paragraph (1) may be prohibited from entering and leaving the large-scale social restrictions.

By making limited changes to one of these articles, the Government constitutionally has the right to limit the mobility of citizens as stated in Article 28J of the 1945 Constitution of the Republic of Indonesia.

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