



Large-Scale Social Restriction Legal Policy According to the Health Law During the Covid-19 Pandemic

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Abstract. Contains some government policies regarding the health law and some steps on how the law can be implemented properly. In the concept of health rules include roles, functions, and responsibilities in it. Therefore, the core aspects that are the focus of research considering that the health sector is a diverse field and will continue to develop. In accordance with the global problems related to Covid-19 that are troubling the Indonesian people, this context has a big role and responsibility in creating laws that are useful as guidelines for the community in dealing with the pandemic. This of course underlies law number 9 of 2020. That way the scope of problems and problem solving will be related to the law as a new life during the covid-19 pandemic.

Keywords: health · law · pandemic

1 Introduction

The range of early 2020, the world was intense with a disaster that harmed many aspects of the parties and the state administration. As a result of the emergence of this disaster, the whole world had marked it as a pandemic, which was named covid-19. The impact of COVID-19 is very large and detrimental to many parties, including Indonesia. All cross-border aspects ranging from political, economic, social, cultural, defense and security aspects, as well as the welfare of the people in Indonesia are hampered and do not work as before. News of the arrival and development of COVID-19 has made the world community more anxious and afraid, due to information stating that the COVID-19 pandemic is a virus that is contagious to humans and animals. Covid-19 is included in the category of a large family of dangerous viruses. When COVID-19 is transmitted to humans, it usually causes infections in the respiratory tract, ranging from the flu to serious illnesses such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). The new type of covid-19 discovered by the world's citizens was later given another name, namely Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV2), and caused Coronavirus Disease-2019 (COVID-19).

The covid-19 virus which originally infected Chinese citizens, in March 2020 which was the first time Covid-19 entered Indonesia which certainly made Indonesian citizens worried and the situation became increasingly unfavorable. Seeing the news of covid-19 that has been rampant in Indonesia, the government as the mover and regulator of the state administration does not remain silent and swiftly responds and minimizes the situation that is starting to become less conducive to being calmer as before. Through its policies and stipulations, the government has begun to make policies that are outlined through laws and regulations which can be called an emergency law which of course has been designed and approved by the DPR and the president. Law number 9 of 2020 which contains the approved policy discusses “guidelines for large-scale social restrictions in the context of accelerating the handling of the 2019 corona virus disease”. It is hoped that this law will mostly be able to quickly stabilize the situation and eliminate worries due to the Covid-19 that already exists in Indonesia. According to data information that has been studied, Indonesian citizens who have been affected by COVID-19 have reached 6.1 million people and around the world who have been affected by COVID-19 have reached 554 million.

So with so many victims who fell due to covid-19, the government made strict rules regarding wearing masks when leaving the house, wearing hand sanitizer and washing hands frequently. Since the issuance of Law No. 21 of 2020 which contains in it that all schools and work are carried out at home, besides that the public is prohibited from activities outside the home in order to stop the spread of Covid-19. The government has also provided basic needs for the Indonesian people to make life easier in the midst of the covid-19 pandemic. Those who are infected will be quarantined for 2 weeks. Other efforts in handling Covid-19 can be through swab tests, rapid tests and also vaccines, so that Covid-19 will not be easily transmitted. That way the creation of the law is useful in order and public order in stopping the spread.

1.1 Problem Formulation

With the description above, in this case a detail can be taken in the problems that will be discussed, namely how the problem of covid 19 according to the health law and legal policy in law number 21 of 2020.

1.2 Method

This research is a normative legal research. Which in this case uses laws and regulations, as well as opinions from experts as a guide. In addition, there are secondary data which are other library materials related to the Health Service Act to the Health Act.

2 Result and Discussion

2.1 Policies on Theories and Principles for the Formation of Laws and Regulations

In the formation of a law, it is important that there are guidelines and principles for the formation of laws in a good, correct, and orderly manner. In addition, there is a principle of a good statutory regulation which is divided into 2 types, formil principles and materiil principles.

2.2 Health Law Policy Process According to Law Number 21 of 2020

Legislation is a written regulation that contains legally binding norms in general and is determined or determined by state institutions or authorized officials through the procedures regulated in the laws and regulations [1]. While the formation of laws and regulations is a means of making regulations which includes several stages, namely the planning stage, preparation stage, discussion stage, ratification/stipulation stage, and also the promulgation stage. Basically, this stage must start from the planning stage, namely by preparing a draft law, then there is a discussion stage in the legislative body until it becomes the promulgation stage which is finally passed into public property and is open and binding for the public [2]. That way, all stages that have been planned will go through an inauguration by the president as a plenary determination. That way the final and inviolable regulations can become regularities and guidelines in a problem in the covid-19 pandemic so that it can be expected and will be useful in designing this law to be useful for the homeland and nation.

Policy on the legal system in Indonesia. Basically, the system comes from the Greek “systema” which means that the total consists of various parts. According to experts from Prof. Subekti has stated that the notion of the system is an arrangement or order that has been ordered, an overall unit consisting of parts that are related to each other, arranged according to a plan or pattern, and the results of a writing in order to achieve a goal. The legal system can be interpreted as the existence of a unified whole order consisting of parts or elements with each other that are interconnected and also closely related. In the desire to achieve a unitary goal, it is necessary to cooperate with these parts or elements according to certain plans and patterns [3]. Many experts argue that Indonesia adheres to the continental European system. Because according to experts, Indonesia has been a Dutch colony for centuries which incidentally is a country with a continental European system. However, the Indonesian system also has its own characteristics, namely the Pancasila legal system. The meaning here is that Pancasila is a fusion of several legal systems, namely continental Europe, Anglo Saxon, Islamic law and also customary law [4].

Indonesian law enforcement. Law enforcement efforts are aimed at increasing order and legal certainty in the community. This is done, among others, in order to bring order to the functions, duties and authorities of the institutions tasked with enforcing the law which of course is in accordance with the proportion of the scope that has become their responsibility, and is also based on a good cooperation system and supports the goals to be achieved. At the level of community development, the existence of a place where the law is enforced can affect the pattern of law enforcement, because basically in modern society which has a rational nature and also has a high level of specialization and differentiation, the organization of law enforcement is also increasingly complex and very bureaucratic [5].

2.3 Failure to Establish Large-Scale Social Restrictions According to Law Number 21 of 2020

In essence, the indicators in Law Number 21 of 2020 are not sufficient in regulating things which are actually the main discussion of the implementation of the PSBB. The law only contains 7 articles so that some people have considered that the 7 articles in the law still have not explained in detail the mechanism for Large-Scale Social Restrictions. According to the Constitutional Law expert from Gadjah Mada University, Zainal Arifin Mochtar, he has stated that there are things that have not been regulated in detail in the law. There are several examples, one of which is the discussion of the concept of work from home. According to his statement in a teleconference, he asked the community to carry out social activities which include work, study and worship at home. Article 4 of the law states that Large-Scale Social Restrictions cover at least:

- a) school holidays and working days;
- b) provide restrictions on religious activities; and/or
- c) activities in public places or facilities.

In this case related to the workplace vacation, consider aspects of work productivity. However, the concept of working from home is not regulated by law. The law also does not regulate the existence of a job or line of business that may and may not carry out activities as usual. So that in its implementation in areas that implement PSBB, it has actually been regulated in the stipulation of a Governor Regulation or the stipulation of a Mayor Regulation or Regent Regulation. Another example in Surabaya is through the Mayor of Surabaya Regulation Number 16 of 2020 concerning Guidelines for Large-Scale Social Restrictions in Handling Coronavirus Disease 2019 (COVID-19) in the City of Surabaya. The concept of work from home should have been regulated in the law on PSBB itself [6].

3 Conclusion

Basically, the imposition of large-scale social restrictions can have a good purpose, namely reducing the spread of COVID-19. Covid-19 which is considered a pandemic and makes people around the world worry about its existence which is very detrimental. Not only daily life has been hampered, but the entire government structure has also been temporarily suspended due to the outbreak of COVID-19. In Indonesia, all the government's efforts to strengthen the state aspect have been carried out until finally Law Number 21 Number 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 concerning COVID-19 has been enacted. With this law, it is possible to control and maintain order in preventing the spread of COVID-19. However, there are also shortcomings in the law, namely: In this case related to the workplace vacation, consider aspects of work productivity. However, the concept of working from home is not regulated by law. The law also does not regulate the existence of a job or line of business that may and may not carry out activities as usual.

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