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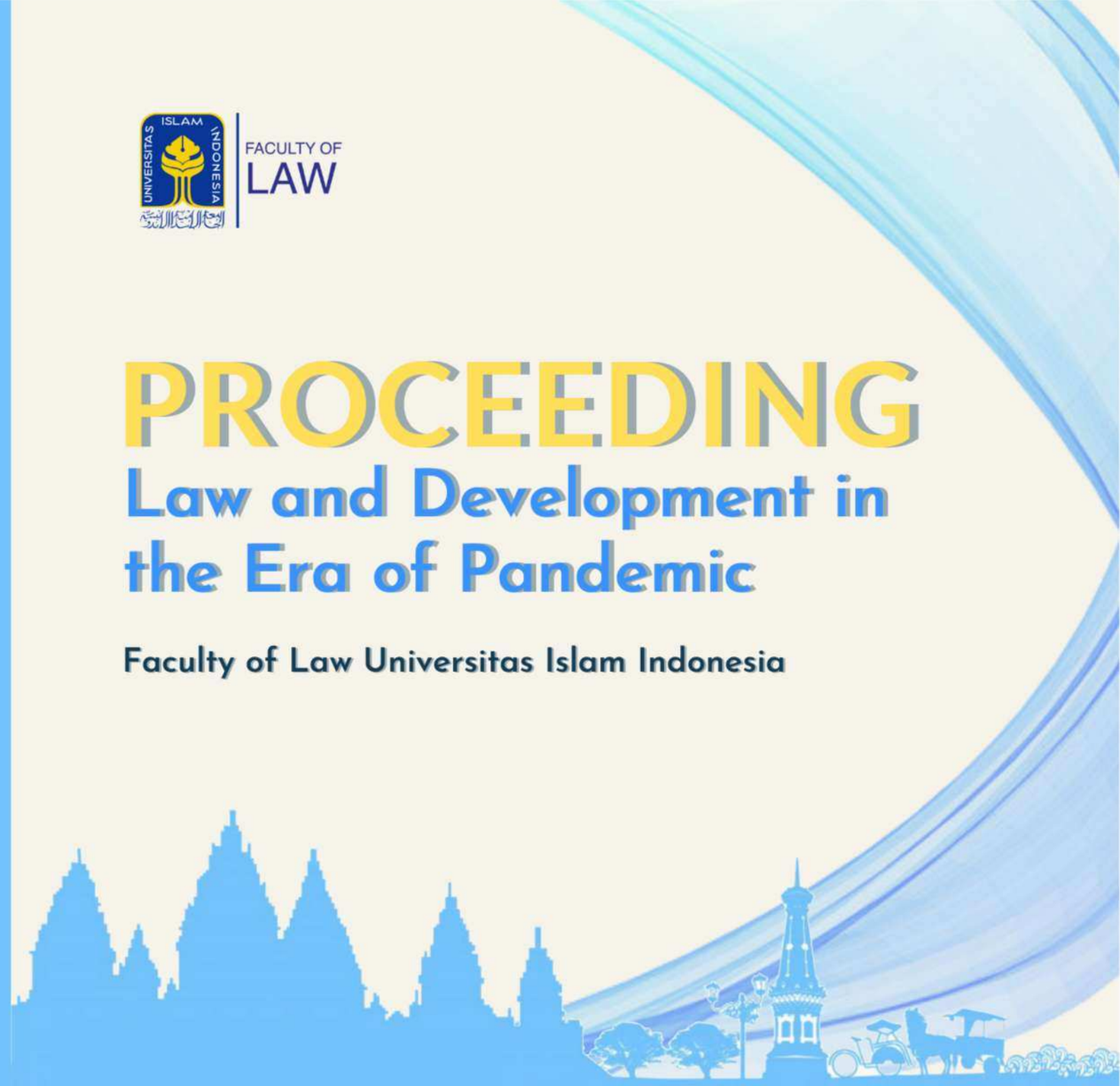
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Foreword

Assalamualaikum, wr., wb.,

In the age of pandemic Covid-19 had impacts toward the humans. In relation with the humans has correlation with the development of law, and thus the committee held the 2020 International Students Colloquium with the topic of "Law and Development During Pandemic Era: Alleviating the Disadvantages to the Law that Affected by Covid-19". The objective of the conference is to acknowledge the participants regarding how the settlement should be the problem and disadvantage that caused by the pandemic; to engage the participants to think critically to the polemic issue of law during pandemic; and as a venue for lecturer, student, and community in respond to poor resolution from each country.

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Wassalamualaikum wr. wb.

Editor in Chief,

Dodik Setiawan Nur Heriyanto, S.H., M.H., L.LM., Ph.D.

Pandemic Preparedness in Indonesia: The Role of Law and Regulation

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Abstract

COVID-19 19 is an infectious disease caused by an unknown virus called corona virus, before it broke out in Wuhan, China in December 2019. In 2005, the World Health Assembly urged its Member States to develop national pandemic preparedness plans. In response to this call, many countries have formulated their national plans. A developing country like Indonesia, face particular planning and other challenges with pandemic preparedness as there may be a higher death rate in Indonesia compared with more developed countries. Within its checklist of legal issues, WHO includes the need to "Identify the advantages and disadvantages of declaring a state of emergency during a pandemic". The need to ensure that there is a legislative framework for the national plan and that an assessment has been made of the legal basis for public health measures which may need to be implemented during a pandemic, including travel restrictions, school closures, quarantine and isolation, and social distancing measures. That why the role of law and regulation is critical to the capacity of governments to respond to emergencies, lay the groundwork for recovery, and to help communities build resilience against future shock. This study aims to determine the role of law and regulation to face pandemic in Indonesia. This study uses qualitative methods. The results of this study show that there are three main areas which are, strengthening the legal and policy framework for the management of Covid-19 and its consequences, reduce the impact of the crisis on the judicial systems and those seeking justice pay special attention to the most vulnerable groups, especially women and marginalized groups, and advocate the urgent need of life-sustaining law and regulations, to help Indonesia to strengthen its governance and institutions, and to support and invest in a culture of justice to protect the rights and dignity of people everywhere.

Keywords**:** *Covid 19, Pandemic Preparedness, Law and Regulation*

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1. INTRODUCTION

The COVID-19 19 pandemic has an impact on many sectors, especially Indonesia's health sector. COVID-19 19 is an infectious disease caused by an unknown virus called corona virus, before it broke out in Wuhan, China in December 2019. [1] This pandemic continues to plague overtime to all parts of the world, including Indonesia. Based on the latest data, COVID-19 19 has spread to all provinces in Indonesia. COVID-19 19 not only has an impact on health, but also has an impact on behavior changes, economy, society culture, and the laws that apply in each country are no exception.

Health is one of the basic human needs, whose rights have been guaranteed constitutionally.[2] The constitutional guarantee of the right to health has existed in Indonesia since KRIS 1949 "The authorities have always made serious efforts to promote public cleanliness and the health of the people". This is in line with the constitution the World Health Organization (WHO) 1948 already confirms that "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being". The term used is no longer "Human rights" but has become "Fundamental rights", which means that it has become basic rights. This is also regulated in UUD 1945 in Article 28 H Paragraph 1 which states that "Everyone has the right to live in physical and spiritual prosperity, to have a place to live and to have a good and healthy living environment and the right to obtain health services". The health sector is seen as no longer just a personal matter, but rather a legal right guaranteed by the state.[3]

The issuance of legal regulations in the context of dealing with the spread of the COVID-19 19 pandemic is an effort to support UU No. 24/2007 existence which determines disease outbreaks as one of the non-natural disasters whose potential threats need to be managed.[4] Although much of pandemic preparedness mainly focus on the management of resources within health care systems, there is a growing literature on the importance of legal issues in pandemic preparations. A developing country like Indonesia, face ethical challenge of distribution justice between meeting the urgent needs of poverty, social development priorities, and investing in the long-term capacity building of health system and planning to respond to a possible pandemic. Although such "soft-law" measures are vital everywhere and should not be underestimated, they are different in Indonesia.

Based on the above obtained research purposes that examine about Pandemic Preparedness in Indonesia: Role of Laws and Regulations. The results of this study are expected to aid in the development of pandemic preparedness in Indonesia in the eye of law.

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[1] World Health Organization, WHO Director-General's opening remarks at the media briefing on COVID-19 – 11 March 2020, diakses dari https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19—11-march-2020

[2] Iin Karita Sakharina 'Hak atas Pangan di Masa Pandemi Coronavirus Disease Covid-19' 3 LEGISLATIF 2020.

[3] *Ibid.*

[4] Ega Ramadamayanti, 'COVID-19 dalam Perspektif One Health Approach dan Law Enforcement' (*PLEADS*, 25 March 2020) https://fh.unpad.ac.id/covid-19-dalam-perspektif-one-health-approach-dan-law-enforcement/ accessed 6 November 2020.

2. ANALISYS

a. COVID-19 19

COVID-19 19 is an infectious disease caused by an unknown virus called corona virus, before it broke out in Wuhan, China in December 2019.[5] On March 2 2020, Indonesia for the first time confirmed the Covid 19 cases.[6] As of May 28 2020, there were already 31.024 Covid 19 cases that have spread in 34 Provinces in Indonesia.[7] The conditions of the Covid 19 pandemic that occurred have had a serious impact on the health, economy, and social order in Indonesia. Four months after the government officially acknowledged the Covid 19 case, the pandemic situation in Indonesia has not improved. It is even getting out of control. Today, the official number of confirmed cases in Indonesia has surpassed the number of cases in China, which has a population five times of Indonesia. While other countries in the region have succeeded in suppressing the controlling of the pandemic curve and slowly bouncing back, the number of cases in Indonesia continues to rise. The death rate continues to break the record and every day more and more health workers and doctors in Indonesia die from their duties. Based on the explanation above, it can be concluded that with the COVID-19 19 pandemic, all countries in the world have had a negative impact, especially on the health sector in Indonesia.

b. Pandemic Preparedness

In 2005, the World Health Assembly urged its Member States to develop national pandemic preparedness plans.[8] In response to this call, many countries have formulated national plans. A developing country like Indonesia, face special plans and other challenges in pandemic preparedness, because Indonesia's mortality rate may be higher compared to more developed countries. Developing countries often also face major constraints on the technical and financial resources needed to prepare for disasters and respond to a pandemic. As part of supporting global pandemic preparedness, WHO has released a checklist to assist countries in planning (World Health Organization, 2011). The checklist distinguishes between basic and desirable elements to help countries prioritize their planning activities. The WHO checklists include the need to "Determine the pros and cons of declaring a state of emergency during a pandemic" and in its list of legal issues. It is necessary to ensure that the national plans have a legislative framework and has assessed the legal basis for public health measures that may be implemented during a pandemic, including travel restrictions, quarantine, school closures and isolation, and social distancing measures. When necessary, the existing

[5] WHO, 'Novel Coronavirus (2019-nCoV) Situation Report' (*WHO Institute*, 21 January 2020) https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200121-sitrep-1-2019-ncov.pdf accessed 6 November 2020.

[6] No Author, 'Grafik Data Kasus Baru Corona Per Hari di RI, Data 2 Maret – 13 April 2020' (*detikcom*, 13 April 2020) < https://news.detik.com/infografis/d-4975606/grafik-data-kasus-baru-corona-per-hari-di-ri-data-2-maret-13-april-2020> accessed 6 November 2020.

[7] Ikfina Chairani, 'Dampak Pandemi Covid-19 dalam Perspektif Gender di Indonesia' (2020) Jurnal Kependudukan Indonesia 39

[8] World Health Organization, 'WHO global influenza preparedness plan: the role of WHO and recommendations for national measures before and during pandemics (No. WHO/CDS/CSR/GIP/2005.5)' (2005) World Health Organization 1.

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law and regulation related to the vaccination of medical personnel, basic service personnel, and high-risk personnel should also be evaluated and improved. In addition, the list also includes related to the responsibilities and permits of retired medical workers and volunteers who may provide assistance during the pandemic, issues related to the production and use of antiviral drugs and vaccines, and the need to consider whether they should be adopted, the Covid-19 is included in the legislation on the prevention of occupational diseases. Finally, the legislative framework should ensure that the country complies with its obligations under the International Health Regulations (World Health Organization, 2011). The need for an effective legal framework for the pandemic plans and possible measures for other public health emergencies have led many countries (including Indonesia) to review their public health laws. Based in the explanation above, it can be concluded that WHO already published a checklist to assist countries in their planning of the Pandemic since 2005, so Indonesia should be able to prepare more for the Covid-19 pandemic. But turned-out Indonesia still not ready to face the Covid-19 pandemic.

c. The Role of Law and Regulation

As an intergovernmental organization dedicated to promoting the role of law and regulation in advancing justice in all region of the world, The International Development Law Organization (IDLO) firmly believes that good governance and the role of law are essential for dealing with the Covid-19 crisis and promoting the recovery of all countries (Beagle, 2020). The role of law and regulation is to be specific promoter to the response to Covid-19 in at least three important areas. First, as an effective legal framework, including public health laws consistent with the WHO's International Health Regulation, it can enable the Government's carefully formulated actions to issue emergency measures to protect people from infections and diseases while still respect their civil, political, economic, and social rights (World Health Organization, 2020). Second, the role of law and regulations can become the lifeline of the most vulnerable people in society in times of crisis. When freedom of movement is restricted and resources are scarce, one will feel pressure, anxiety, discrimination, and social rifts, and will have a disproportionate impact on people living in extreme poverty, women, the elderly, children, and all people in conflict situations. Third, the role of law and regulation provides specific ways for post-event recovery. The recovery phase must provide remedial measures to deal with the continuing health and socio-economic consequences of the pandemic and the strength conditions must be established to support the community's ability to resist crises. Based on the explanation above, it can be concluded that for these reasons the role of law and regulation is critical to the capacity of governments to respond to emergencies, lay the groundwork for recovery, and to help communities build resilience against future shock.

d. Pandemic Preparedness in Indonesia: The Role of Law and Regulation

COVID-19 19 is an infectious disease caused by an unknown virus called corona virus, before it broke out in Wuhan, China in December 2019.[9] On March 2nd, 2020,

[9] WHO, *Op.cit.*

Indonesia for the first time confirmed the Covid 19 case.[10] In terms of law and regulations, according to UU No. 36/2009 concerning Health, the Government of Indonesia is obliged to announce the areas that are the source of the disease to the public. This means that the government is obliged to disclose the type and spread of diseases that have the potential to be contagious or spread in a short time. However, the fact that the government was slow in disseminating information related to the first case of COVID-19 19 (namely the official announcement was only made after a week since two patients were confirmed as positive for COVID-19 19. This proves that the government seems hesitant in facing the global pandemic. Meanwhile, the debate regarding legal certainty in the practice of safety protection for health and non-health workers in hospitals and other health facilities in Indonesia seems to be ongoing confusedly regarding faced the COVID-19 19 pandemic.

That's why to follow up on anticipation of COVID-19 19 pandemic, apart from a series of law and regulations that regulate the protection and prevention of infectious diseases such as UUD 1945 in Article 4 Paragraph 1, UU No. 4/1984 about Infectious Disease Outbreaks, UU No. 24/2007 about Disaster Management, UU No. 36/2009 about Health, UU No. 6/2018 about Health Quarantine, and PERPU No. 17/2018 about Implementation of Disaster Emergency in Certain Conditions. Referring to the law and regulation above, then in an effort to contain COVID-19 19 pandemic, the government has issued several law and regulations too, namely Presidential Instruction No. 4/2020 about Refocusing Activities, Budget Reallocation, and Procurement of Goods and Services in Order to Accelerate Handling COVID-19 19, Presidential Decree No. 11/2020 about Determination of the COVID-19 19 Public Health Emergency, Presidential Decree No. 12/2020 about Determination of The Non-Natural Disaster for The Spread of COVID-19 19 as a National Disaster, PERPU No. 21/2020 about Large-Scale Social Restrictions in The Context of Accelerating Handling of COVID-19 19, and much more. Legal protection for health and non-health workers can also be provided through criminal action charges against people who are still not elderly to implement protocols for handling infectious disease outbreaks that have an impact on the infection of health works or even result in the death of health and non-health workers as well as other people who was exposed. The disorderly implementation of standard health protocols to handle COVID-19 19 can be said to meet the elements of deliberately blocking the implementation of the prevention of the COVID-19 19 pandemic.

Law and regulation are an important instrument in ensuring the safety of health and non-health workers so that the government cannot take arbitrary actions against the assignment of health and non-health workers. Therefore, the government needs to issue implementing law and regulations including technical guidelines for the Health Workers Act and other laws that regulate legal protection and work safety for health and non-health workers in hospitals that handle COVID-19 19.

The COVID-19 19 case is a global pandemic case, that has raised concerns from various groups. So, with that, the public demands that the government be able to

[10] No Author, *Op.cit.*

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provide legal certainty for protection, in accordance with the UUD 1945. One form of protection that can be provide by the Central Government and Regional Governments is a policy to respond to the COVID-19 19 Pandemic. That's why role of law and regulations is very needed during this pandemic.

3. CONCLUSIONS

Based on the analysis and discussion of the data in this study can be concluded that the role of law and regulation to prepare pandemic must focused on three main areas which are, strengthening the legal and policy framework for the management of Covid-19 and its consequences, reduce the impact of the crisis on the judicial systems and those seeking justice pay special attention to the most vulnerable groups, especially women and marginalized groups, and advocate the urgent need of life-sustaining law and regulations, to help Indonesia to strengthen its governance and institutions, and to support and invest in a culture of justice to protect the rights and dignity of people everywhere. In an era like this, when the ability to access services and the fair distribution of public resources can have an impact between life and death, the judiciary must be used to protect the rights of the most vulnerable among us. For these reasons, the rule of law and regulation is essential for the governments to respond to emergencies, to lay the foundation for post-pandemic recovery, and help communities build the ability to withstand future shock.

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