

Indonesia Role on Formulating Association of Southeast Asian Nations Treaty Regarding on Health Protection Toward Global Pandemic

Edward ML Panjaitan¹, Putu George Matthew Simbolon²
{edward.panjaitan@uki.ac.id¹, c.simbolon9@gmail.com²}

¹Faculty of Law Lecturer, Universitas Kristen Indonesia, Jalan Panghegar No.16, Gold Mediterania 1, Sentul City, Bogor, Indonesia

²Faculty of Law Most Outstanding Student 2020, Universitas Kristen Indonesia, Ulun Residen No.20, Jalan Gunung Sopotan, Denpasar, Indonesia

Abstract. The application of public international law is important to response the global pandemic caused by the spread of Covid-19. Therefore, one of the strategies that the Association of Southeast Asian Nations shall apply to continue ASEAN responses on Covid-19 is by formulating an international treaty regarding on health protection toward global pandemic. This strategy or mechanism shall integrate ASEAN Member States legal system diversities to collectively responses the Covid-19 Pandemic or any other epidemic or pandemic. As one of ASEAN Member State, Indonesia needs to initiate the formulation of this treaty to achieve Indonesia Purpose written in Indonesia Constitution. By knowing that Indonesia regulations regarding Covid-19 is overlapping and the number of Covid-19 Mortality Rate is increasing, Indonesia have a strong reason to initiate a summit with other ASEAN Member State. Besides having an initiative, Indonesia shall also conduct this summit by determining the mechanism to formulate this treaty. That mechanism consists of virtual diplomacy according to ASEAN Charter. Besides that, this treaty shall adopt the World Health Organization Protocol and shall also consist of legal norms base on ASEAN Member States consensus, ASEAN Human Rights Body and ASEAN Health Expertise. This summit shall be conducted online or by a virtual diplomacy in order to effectively and efficiently formulate this treaty.

Keywords: ASEAN Treaty, Covid-19

1 Introduction

Mochtar Kusumaatmadja stated that Public International Law is a norms and principles regulate a non-civil cross borders legal relations and legal issues [1]. Not only the validity of National Law, but the validity of Public International Law is also important for Indonesia to achieve Indonesia Purpose as a nation written in Indonesia Constitution Preamble. Meanwhile, Corona Viruses Disease 2019, also known as Covid-19 is a dangerous disease that has globally spread across the world, including Indonesia. This virus was found in Wuhan China and has spread since January 2020. The World Health Organization then stated the spread of this disease as a Global Pandemic [2].

The spread of Covid-19 has indeed threatened the international society, including Southeast Asia States. Therefore, as a community which are bound by geography, common

objectives and shared destiny as it is written in the Charter of Association of Southeast Asian Nations (ASEAN Charter), ASEAN need an international norm regarding on health protection toward global pandemic including the Covid-19 Pandemic.

By knowing the fact that legal instrument formulation is urgent not only to provide health protection for Indonesia Citizen, but also to protect ASEAN Citizen, Indonesia need to initiate an international treaty or convention formulation in Southeast Asia Region. Writer stated that the basis of Indonesia's interest to encourage ASEAN Member States to formulate this norm is due to the fact that Indonesia is a "Rule of Law" Country under the validation of Article 1 section (3) Indonesia Constitution and to integrate ASEAN Diversity in health protection aspects.

There are two urgencies regarding on why Indonesia shall initiate this legal instrument formulation in Southeast Asia Region. The first urgency is caused by the overlapping national regulations regarding on health protection from the spread of Covid-19. This circumstance can be seen by the application of both Law Number 24 Year 2007 concerning Disaster Management (Disaster Management Law) and Law Number 6 Year 2018 regarding on Health Quarantine (Health Quarantine Law). Moreover, the validity of Presidential Decree Number 11 Year 2020 stated that Indonesia is under the Public Health Emergencies (the operational instrument of Health Quarantine Law) meanwhile Presidential Decree Number 12 Year 2020 stated that the Covid-19 Pandemic is a Nonnatural Disaster (a presidential decree under the validation of the Disaster Management Law). These regulations have a differentiation in both legal substances and legal structures.

Despite President Joko Widodo has formed a Covid-19 Task Force under the validity of President Regulation Number 82 Year 2020, the overlapping application of these laws are still unavoidable. The writer firmly stated that this lack of legal instruments application is caused by the lack of a capability of Indonesia as a single state to handle domestic issues caused by a disease that has been spread worldwide and has never been faced before. Therefore, a common will to form a general and abstract norm is needed by ASEAN in order to provide both legal certainties and health protection from the spread of Covid-19 and also to integrate ASEAN Diversities as an international community.

The second urgency is due to Indonesia commitment to encourage international society to obey the international law and encourage international society to solve international issues including the spread of Covid-19. This commitment can be seen by President Joko Widodo speech on September 22nd 2020 during the United Nations General Assembly Open Debate Session. In his speech, there are five points that President Joko Widodo has delivered. Those points were First, a synergy on solving international issues and obeying international law is needed; Second, the spirit of "no one, no country, should be left behind" shall be lit; Third, multilateral in a form of international economy reactivity; Fourth, a collective global leadership to form a better world and Fifth, the consolidation to handle Covid-19 in both health and economy aspects is needed [3].

By reminiscing the five points above, Indonesia shall actualize those commitment by encouraging the other ASEAN Member States to solve this global pandemic known as Covid-19. Hans Kelsen in his book, *The General Theory of Law and State* stated that whoever conduct a function that has been issued by a legal structure is an organ [4]. This statement has indirectly stated that a single state applying The World Organization Health Protocol regarding on Covid-19 (WHO Protocol) shall be sufficient to solve their domestic health issues caused by the Covid-19. But by seeing the fact that ASEAN is committed intensifying community building through enhanced regional cooperation and integration, ASEAN won't

achieve their purpose as an international organization, unless ASEAN Member States unite to continue ASEAN response towards Covid-19 base on normative approach.

J.G Starke stated that an international treaty in a form of protocol is an international treaty that has a less formal form, if it is compared with international treaties or agreement in a form of treaty and convention [5]. By applying this doctrine and seeing the fact that WHO Protocol has no forcing and binding function and by seeing the fact that WHO Protocol is only a persuasive scientific guideline, a legal instrument stronger than protocol shall be formed in ASEAN level.

In Indonesia legal structure, WHO Protocol is enforced under the President Instruction Number 6 Year 2020. Meanwhile a regulation in a form of President Instruction is not a regulation valid under Indonesia Regulations Hierarchy. The scope of this paper consists of the importance of Indonesia role as an initiator of ASEAN Treaty (or Convention) regarding on Health Protection towards Global Pandemic including Covid-19 Pandemic and the mechanism regarding on how Indonesia shall conduct this role play base on legal aspects and non-legal aspects. Therefore, writer will not discuss the economic matter under the pressure of Covid-19 in this paper. This aspired law or *ius constituendum* is expected not only to provide legal and health protection from Covid-19 Pandemic, but it is also expected to protect ASEAN Community from any another upcoming disease that could cause an epidemic or pandemic.

2 Research Methods

2.1 The importance of Indonesia Role as the initiator of ASEAN Treaty regarding on Health Protection toward Global Pandemic

As it is written on the introduction above, the writer believe that this aspired law or *ius constituendum* has a strong potential to bring a fruitful outcome for Indonesia legal structure. Therefore, in this part, the writer will discuss further regarding on “Why Indonesia need to encourage other ASEAN Member States” to unite against this global pandemic by forming a legal instrument despite the existence of ASEAN Diversities in Legal Systems Aspects. There are two reasons why Indonesia shall take this role play. Those reasons consist of the validity of Indonesia Legal Products concerning Covid-19 and the validity of International Law related with a protection from Covid-19.

2.1.1 The importance of Indonesia Role due to the Overlapping Indonesia Legal Products concerning Covid-19.

As a state that applies the Rule of Law Principle (Article 1 section (3) Indonesia Constitution), each action conducted by Indonesia Government to achieve Indonesia Purpose base on Indonesia Constitution Preamble shall be according to the law. Especially in term of providing a protection from a pandemic such as the Covid-19 Pandemic. During this pandemic Indonesia Government has issued The Presidential Decree Number 11 Year 2020 regarding on Stipulation of Public Health Emergencies and Government Regulation on Large Scale Social Limits (also known as Pembatasan Sosial Berskala Besar or PSBB), Presidential Decree Number 12 Year 2020 declared Covid-19 as a Nonnatural Disaster and Presidential Instruction Number 6 Year 2020 regarding The Enforcement of WHO Health Protocol (WHO Protocol).

The application of Presidential Decree No. 11/2020 is under the validation of Health Quarantine Law. Meanwhile the application of Presidential Decree No. 12/2020 is under the validation of the Disaster Management Law along with Government Regulation on Lieu of

Law Number 23 Year 1959 regarding on Civil Emergency (Civil Emergency Law). This legal application has caused a collision since Article 1 Civil Emergency Law has given an authorization for the Government to derogate human rights meanwhile Article 2 Health Quarantine Law stated that the application of PSBB shall be applied under the humanity principle. Beside those overlapping regulations, by seeing the fact that the WHO Protocol is applied under the validity of Presidential Instruction, it can be seen that the application of sanction towards everyone who violate the WHO Protocol is less consistent. This can be seen by knowing the fact that stipulation regarding on sanction is mandated to the Local Government.

Maria Farida stated that legal norms base on the validation of time is divided into two types. The first type is an *Einmalig* Legal Norm that only applicable during the time that norm is issued (e.g Decree). The second type is called the *Dauefhaftig* Legal Norm or the norm that non retroactively applied after that norm is issued, and this norm will only invalid if the legislator or government decided to invalidate that norm (e.g Regulations) [6]. By seeing the fact that the legal norms mentioned above is an *Einmalig* Legal Norm, the writer stated that Indonesia need a stronger legal norm to harmonize Indonesia legal norms and to protect Indonesia from this Global Pandemic by formulating a *Dauerhaftig* Legal Norm.

Beside the application of the doctrine mentioned above, numbers of cases are increasing every day, even though the Covid-19 Vaccine is going to be distributed around this year. According to covid19.go.id, the total cases confirmed in Indonesia is 989.262, meanwhile the total confirmed death caused by Covid-19 is 27.835 in January 24th 2021[7]. The vaccine distribution shall not be considered as an excuse to not applying norms that provides protection from the spread of Covid-19. Therefore, despite the vaccine distribution, it is still important for Indonesia to initiate the formulation of international legal instrument in ASEAN Region. So that ASEAN will have a legal instrument that protects ASEAN Citizen from the spread of Covid-19 or any other Epidemic or Pandemic.

2.1.2 The importance of Indonesia Role base on Indonesia Purpose and National Law regarding on International Agreement Formulation.

Covid-19 Pandemic is a global health issues that requires states collective action as an international law society. Therefore, the writer will apply the Monism Theory: International Law Primacy by Hans Kelsen in this sub section. This legal theory stated that both international law and national law have the same purpose to create and regulates the societies in a purpose to create order and peace [8]. Kelsen also stated that national law is the delegation of international law [9]. It has been a common sense that Indonesia as a state, does not purely apply the Monism Theory with the International Law Primacy in Indonesia Constitution. But in this case, Indonesia shall apply this theory to achieve one of Indonesia Goals written on Indonesia Constitution.

This theory is basically applicable for Indonesia to achieve Indonesia Purpose to establish the world order (“*ikut melaksanakan ketertiban dunia yang berdasarkan kemerdekaan, perdamaian abadi dan keadilan sosial*”). Therefore, in order to achieve the world order that is protected from the spread of Covid-19, Indonesia need to initiate an international law formulation. So that Indonesia will have an international legal norm that will give a delegation to Indonesia Government to provide a certainty that will protect Indonesia Citizens from this dangerous pandemic.

3 Results and Discussion

The reason why this aspired law or *ius constituendum* shall be formed in a form of treaty or convention, is due to fact that this form of treaty or convention is more certain compare to an international agreement in a form of protocol. Despite the inconsistency regarding on the nomenclature and substances pairing in international law practice, writer will describe international treaties nomenclature and its substance base on the International Law Doctrine that will be explained below. I Wayan Parthiana classified International Treaties base on its nomenclatures and its substance. In this paper, writer will only describe classifications of an international treaties related to this paper.

Those classification consist of:

- a. Treaty (also known as “Traktat” according to Bahasa Indonesia) is a nomenclature used for international treaties between states which has a significant substance for the contracting parties. E.g : Treaty Establishing the European Economic Community of March 25,1957 and Treaty on Extradition Between United States of America and Japan of March 3,1978[8].
- b. Convention is a multilateral treaties nomenclature regulates an important issue and adhered to validate as an international legal norm that regionally or universally valid. But beside it’s usage as a multilateral treaty nomenclature, some bilateral treaties are also using this nomenclature. e.g.: Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1498 and United Nations Convention on the Law of the Sea of December 10, 1982[9].
- c. Protocol is an informal international treaty, compared to treaty and convention [10]. J.G Starke also classifies the usage of this nomenclature which consists of [11]:
 - Protocol as an additional instrument from a convention that has an equal hierarchy with that convention (also known as Protocol of Signature).
 - Protocol as a complementary instrument of a convention bind by the ratification of the related convention but separately applied from the related convention.
 - Protocol that equals to a convention.
 - Protocol as a process verbal or records regarding on understanding between negotiating parties in certain issues.

Beside those classifications, Parthiana also classified international treaties base on its substance which consist of [12]:

- a. International treaties that fully re-formulates unwritten international law or international convention. In this modern international era and the coming era, this type of international treaty is rare.
- b. International treaties consist of the reformulation of unwritten international law or international convention and a new international law norm. This type of international treaty is often found in legal aspects that has developed for centuries and still valid until present day and it needs to be adjusted with new adhered with new legal substance that will grow and developed in the coming time.
- c. International treaties that fully consist of new international law norms. This type of international treaty is often related with a norm related to science and technology development. This treaty regulates a matter that has never been existed before.

Beside the theory and doctrines mentioned above, reasons why Indonesia shall take this role to initiate the formulation of international legal norm in ASEAN level is because international treaties and convention is one of Indonesia positive law sources. Article 10 Law

Number 24 Year 2000 regarding on International Treaties (International Treaties Law) stated that an international treaty related to “a political, peace and national securities issues” and “new legal norms formulation” is ratified in a form of Law (Undang-Undang), which has a higher position and more certain compare to Presidential Decree. The International Treaties Law also regulates terms regarding on Indonesia Government authority to formulate an international treaty (Article 4 section (1) International Treaties Law).

According to section (2) of this article, Indonesia government shall formulate an international treaty under the principle of equality and reciprocity and also by considering both the national and the international law that currently valid or the positive national law and positive international law. This law has of coursed given Indonesia Government an authority to initiate international treaty or convention formulation that shall be adhered as one of Indonesia Law that provides more certainties and as an instrument to integrate ASEAN Diversity to solve this current global pandemic and any other epidemic or pandemic.

By mentioning those doctrines and Indonesia International Treaty Law, writer would like to conclude that Indonesia needs to prioritize the application of International Law to slower down the spread of Covid-19, since it is also one of Indonesia purpose which is to establish the world securities and order. Besides, by looking at the chart below, it can be seen that numbers of Covid-19 Mortality Rate in Southeast Asia are increasing, and it needs to be solved with a legal approach.

Therefore, to provide both legal protection and health protection. Indonesia shall apply The Monism Theory with the International Law Primacy, by encouraging ASEAN Member States to create an international treaty in a form of treaty or convention with a legal substance that contains the formulation of international customs and a new legal norm based on the consensus of the whole ASEAN Member States. This consensus shall be achieved in order to unite ASEAN Diversities as a community with a *One Vision, One Identity and One Community* (base on ASEAN Motto written on Article 36 ASEAN Charter).

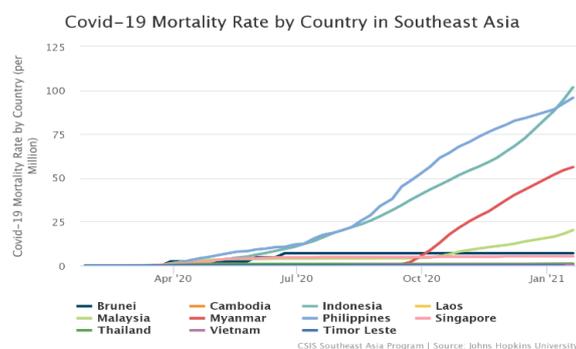


Fig 1. Graphic shows that number of Mortality Rate in Southeast Asia is increasing from April 2020 until January 2021

2.2 Mechanism regarding on How Indonesia and other ASEAN Member States will formulate ASEAN Treaty regarding on Health Protection toward Global Pandemic.

In this sub section, writer is going to explain the mechanism regarding on Indonesia involvement to encourage ASEAN Member States both base on legal perspective and base on a non-legal perspective. These mechanisms shall be applied in order to efficiently and

effectively formulate the ASEAN Treaty so each ASEAN Member State can apply this instrument once the formulation is done.

Mechanism regarding on How Indonesia and other ASEAN Member States will formulate ASEAN Treaty base on Indonesia National Law and International Law.

Base on Article 4 Law Number 37 Year 1999 regarding Indonesia Foreign Affairs (Indonesia Foreign Affairs Law) stated that “*Politik Luar Negeri dilaksanakan melalui diplomasi yang kreatif, aktif, dan antisipatif, tidak sekedar rutin dan reaktif, teguh dalam prinsip dan pendirian, serta rasional dan luwes dalam pendekatan.*” (Indonesia foreign affairs is conducted by a creative, active and anticipative diplomacy, that not only routine and reactive, strong in term of principle, and also rational and flexible in approach). Therefore, Indonesia needs to be active and creative in Southeast Asia Region to solve the spread of Covid-19. That creativity can be shown by encouraging other ASEAN Member State to formulate an international treaty that will provide protection from a Covid-19 Pandemic or any other epidemic and pandemic.

This opinion is based on The Common Will Theory/*Vereinbarungstheorie* stated by Hedrich Triepel. This theory stated that International Law binding power has always been based on the collective will of states as a part of an international societies that has a higher hierarchy compare to a will of a single state [16]. This theory also covers the weakness of The State Will Theory unable to give an explanation regarding how a single state has a will to be bind to an international law[17].

By seeing the fact that Covid-19 Cases and Confirmed Death caused by Covid-19 in Southeast Asia are increasing, and by having a notion in a form of “the distribution of the vaccine shall not be interpreted as a reason to be ignorance from the spread Covid-19”, ASEAN shall integrate despite the existence of legal system diversities of each ASEAN Member State to solve this global pandemic base on an integrative legal approach. The writer notice that ASEAN has conducted several actions to respond the spread of the viruses that writer will describe base on these chronological times [18]:

On February 2nd 2020, a meeting in minister level was conducted in Lao PDR issues a statement focusing on stepping up regional cooperation, strengthening policy dialogue and reducing impact of the economic on the economic and social development in all effected countries. ASEAN EOC and Chinese Health Experts held special video conference on technical protocols or guidelines on the clinical management of cases based on the experiences of China and Singapore. March 11th 2020, The World Health Organization declared the Covid-19 Outbreak as a Global Pandemic. March 13th 2020, The ASEAN SOMHD conducted a follow-up video conference to discuss updates, capacity needs and gaps related to national response and reaffirm need to sustain and enhance regional cooperation.

March 31st 2020, Members of ASEAN Coordinating Council Working Group on Public Health Emergencies held their first meeting and agreed to cooperate in consolidating a collective response to COVID-19. The Ministry of Foreign Affairs of China and ASEAN Secretariat organized a follow-up special video conference with ASEAN-China health experts and officials on enhancing cooperation on COVID-19 Pandemic Response. April 7th 2020, ASEAN Health Minister Meeting (AHMM) adopted the Joint Statement of the Special Video Conference of the ASEAN Health Minister in Enhancing Cooperation on COVID-19 Response.

The ASEAN Plus Three Health Ministers Meeting (APTHMM) held a video conference and issues the Joint Statement of the Special Video Conference of ASEAN Plus Three Health Ministers in Enhancing Cooperation on COVID-19 Response. April 14th 2020, ASEAN

Leaders chaired by the Prime Minister of Vietnam adopt the Declaration of the Special ASEAN Plus Three Summit on COVID-19. ASEAN Plus Three Leaders held the Special ASEAN Plus Three Summit on COVID-19 and adopted the Joint Statement of the Special ASEAN Plus Three Summit on COVID 19.

By concluding activities conducted by ASEAN above, writer do notice that ASEAN has of course collected their common will to unite against the Covid-19 Pandemic. But since this global pandemic shall also be solve based on legal approach to provide a health protection, writer strongly believe that ASEAN shall formulate an international legal instrument that will provide legal certainties. Article 7 section 2. ASEAN Charter regarding on ASEAN Summit stated “that The ASEAN Summit shall be a supreme policy-making body of ASEAN, deliberate, provide policy guidance and take decisions on key issues pertaining to the realization of the objectives of ASEAN, important matters of interest to Member States and all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies and address emergency situations affecting ASEAN by taking appropriate actions”.

The mechanism mentioned on the article above has been applied during the mentioned summit and shall also be applied to formulate ASEAN Treaties regarding on Health Protection Towards Global Pandemic. By applying Article 7 section 2 ASEAN Charter, writer found that the reason why Indonesia shall encourage ASEAN Member States to conduct a summit as a law-making mechanism is to provide policy guidance to protect ASEAN Citizens from Covid-19 and address this global pandemic as an emergency by taking appropriate actions in a form of law-making action. This summit shall also involve ASEAN Health Expertise and ASEAN Human Rights Body (Article 14 ASEAN Charter), so this treaty or convention formulation shall also reconsider human rights aspects and so that ASEAN Member State will not arbitrarily derogate their citizens human rights to enforce this legal instrument and its operational stipulations.

Therefore, once this legal instrument is established, ASEAN will be able to achieve their goal which is “To respond effectively, in accordance with the principle of comprehensive security to all forms of threats, transnational crime and transboundary challenges (including the global pandemic)” and “To promote a people-oriented ASEAN in which all sectors of society are encourage to participate in, and benefit from, the process of ASEAN integration and community building (to solve this global pandemic)” written in Article 1 section 8 and section 13 ASEAN Charter.

Writer strongly suggest that this treaty or convention substance shall consist of adopted legal norms from the WHO Protocol and a new legal norm based on ASEAN Member States Consensus and base on considerations from ASEAN Human Rights Body and ASEAN Health Experts. Writer would also like to state that this treaty or convention substance shall consist general stipulations regarding on health protection base on both legal certainties and humanity principle that each ASEAN Member State could adopt base on their legal systems. What makes the writer believe that this legal instrument shall only consist of general stipulations, is due to legal systems diversities exist in each ASEAN Member State as it is shown in the table below [19]:

Table 1. ASEAN Member States Legal System

	Member State	Legal System
1.	Indonesia	Civil Law
2.	Vietnam	Socialist Law
3.	Philippine	Civil and Common Law
4.	Brunei	Kanun/Islamic Law

5.	Singapore	Common Law
6.	Malaysia	Common Law

This table 1. shows six out of ten legal systems applied by ASEAN Member States as a sample regarding on ASEAN Diversity in Legal System.

Mechanism regarding on How Indonesia and other ASEAN Member States will formulate ASEAN Treaty base on a Non -Legal Aspects.

By seeing the fact that several actions to respond the spread of the viruses is conducted via online or by using video conference technology, writer strongly suggest that this ASEAN Treaty shall be formulated online by conducting a virtual diplomacy. By conducting a virtual diplomacy, each delegation from every ASEAN Member States will be able to formulate this treaty or convention effectively and efficiently. Since the formulation will be conducted online, formalities regarding on international treaty formulation such as conducting a full powers exchange won't be necessary.

Beside simplification regarding on formal procedure, virtual diplomacy shall also conduct to avoid a Covid-19 Cluster caused by an international summit. By initiating this virtual diplomacy, Indonesia Government will be able to conduct a foreign affair with a creative, active, and anticipative diplomacy with a flexible approach to achieve Indonesia Purpose to establish world security and order.

By having a commitment to encourage international law society to be bind by International Law and to solve Covid-19 which has been an emergency global issue, Indonesia shall apply this mechanism to actualized President Joko Widodo Speech in the United Nations General Assembly Open Debate Session. Beside for being loyal with our commitment, this action will integrate ASEAN Diversity in responding Covid-19 according to *Pacta Sunt Servanda* Principles (the sanctity of an agreement), since this action will achieve ASEAN Purpose in ASEAN Charter to enhance stability (Article 1 ASEAN Charter) and ASEAN Principle to shared commitment and collective responsibility (Article 2 ASEAN Charter). Indonesia shall also harmonize Indonesia Regulations base on this treaty once it is established to provide a certain health protection from Covid-19 (or any other national epidemic or global pandemic).

4 Conclusion

By seeing the fact that Indonesia Regulations concerning Covid-19 are overlapping and the application of WHO Protocol has a less legal certainty, Indonesia shall take this circumstance as Indonesia interest to initiate the formulation of ASEAN Treaty regarding on Health Protection towards Global Pandemic. And to response this global pandemic and any other national epidemic or global pandemic, Indonesia as ASEAN Member State, shall prioritize the application of international law to response the increasing mortal rate due to Covid-19 in Southeast Asia Region.

Mechanism that Indonesia can apply to initiate the formulation of ASEAN Treaty regarding on Health Protection toward Global Pandemic is by conducting a virtual summit under the written stipulation in ASEAN Charter. This summit shall also involve ASEAN Human Rights Body and ASEAN Health Experts to establish an international norm that will provide legal certainties, health protection and human rights protection, in a form of international treaty with a substance consist of WHO Protocol Adoption and a new legal

norms base on ASEAN Member State Consensus. To effectively and efficiently conduct this summit, this summit shall be conducted online.

References

- [1] Diantha, I Made Pasek, Ida Bagus Wyasa Putra and I Dewa Gede Palguna., 2017, Buku Ajar Hukum Internasional, Faculty of Law Universitas Udayana. Denpasar.
- [2] Government Regulation on Lieu of Law Number 23 Year 1959 regarding on Civil Emergency.
- [3] <https://www.aseanlawassociation.org/category/legalsystem/>
- [4] <https://asean.org/storage/2017/09/The-ASEAN-Magazine-Issue-1-May-2020.pdf>.
- [5] <https://covid19.go.id>.
- [6] <https://www.csis.org/programs/southeast-asia-program/southeast-asia-covid-19-tracker-0>.
- [7] https://www.kompas.com/tren/read/2020/09/23/1604344_5/5_poin-penting-pidato-jokowi-di-sidang-umum_pbb?page=3.
- [8] Jurdi, Fajlurahman., 2016. Teori Negara Hukum, Setara Press. Malang.
- [9] Kusumaatmadja, Mochtar and Etty R. Agoes., 2012. Pengantar Hukum Internasional, PT Alumni. Bandung.
- [10] Law Number 6 Year 2018 regarding on Public Health Quarantine.
- [11] Law Number 24 Year 2000 regarding International Treaties.
- [12] Law Number 24 Year 2007 regarding on Disaster Management.
- [13] Law Number 37 Year 1999 regarding on Foreign Affairs.
- [14] Parhiana, I Wayan., 2018. Hukum Perjanjian Internasional Bagian 1, CV Bandar Maju. Bandung, Edisi Revisi.
- [15] Parhiana, I Wayan., 2019. Perjanjian Internasional di dalam Hukum Nasional Indonesia, Yrama Widya. Bandung.
- [16] Situmeang, Tomson., 2020. Keberadaan Denda Administratif Terkait Peraturan Gubernur DKI Jakarta Nomor 33 Tahun 2020 tentang Pelaksanaan PSBB dalam Penanganan Covid-19 di Provinsi DKI Jakarta, Jurnal Hukum: To-Ra Vol 6. Universitas Kristen Indonesia. Jakarta.
- [17] Silalahi, Fernando., 2020. Ilmu dan Kemahiran Membuat Undang-Undang, Constitutional Law Module Faculty of Law Universitas Kristen Indonesia. Jakarta.
- [18] The Charter of Association of Southeast Asia Nation (ASEAN Charter).