

# Great Reset of Law and Health System in Indonesia after the Covid-19 Pandemic Towards a Change in the Direction of Positive for the Public

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**Abstract.** The Covid-19 pandemic has spawned a health crisis that has a derivative impact directly related to people's lives such as economic, social, bureaucratic, educational and environmental. This health crisis also puts the country in a dilemma between choosing to handle Covid-19 consistently or choosing to address its derivative impacts. The idea of a great reset is an ideal choice as a concrete step to respond to the changes that occur in the aftermath of this pandemic. This reorganization should be aimed at restoring a just, sustainable, civilized and human order as mandated in Pancasila and the constitution. The pouring of policy through this legal instrument is important to ensure a massive reorganization of the tie-up and practice, long-term and sustainable. The law runs with planning, reset, reform to disruption. There are several legal instruments available and can be used by the current government related to epidemic control in the current crisis time, namely; Law No.4/1984 on Infectious Disease Outbreaks, Law No.24/2007 on Disaster Management, Law No.14/2008 on Public Information Disclosure, Law No.36/2009 on Health, Law No.6/2018 on Health Quarantine, Presidential Regulation No.17/2018 on The Implementation of Disaster Management in Certain Circumstances and Presidential Decree No.7/2020 on Task Force to Accelerate The Handling of Corona Virus Disease 2019. This instrument is essentially a legal basis for the stakeholders responsible for disaster control.

Keywords: Law, Health System, Pandemic Covid-19

## 1 Introduction

Pandemics are epidemics<sup>1</sup> that occur on a global scale. [1] The new Corona virus severe acute respiratory syndrome coronavirus 2 (SARS-COV-2) that causes Corona Virus Disease 19 (Covid-19)<sup>2</sup> has become a serious global problem. World Health Organization (WHO) through The InternationalThe Health Regulations Emergency Committee finally declared the Covid-19 pandemic as a public health emergency and the international community called it the Public Health Emergency of International Concern (PHEIC) on January 30, 2020. [2] Covid-19 is the latest example of a new emerging<sup>3</sup> infectious disease and accompanied by complex threats to human life. Covid-19 comes amid other health threats such as antimicrobial resistance / antibiotics as well as soaring rates of non-communicable diseases which is a very difficult challenge for mankind.

The Covid-19 pandemic disaster was still on going when this article was written and had not yet found it's stopping point. [3] Various projections and versions of expert analysis do not give a sign of when this disaster will end. Many are skeptical that this outbreak will soon pass but more are hoping for great progress soon so that life can return to normal. It is conceivable that many people feel saturated and impatiently awaiting the end of the phase of social restrictions in Indonesia or quarantine (lockdown), isolation, and other equivalent terms in other countries. The fact that the average vaccine discovery for a new virus ranges from 12-18 months forces us to prepare for the worst condition.[4]

When the Covid-19 pandemic began to spread locally in China at the end of January 2020, then spread around the world throughout February to the end of May 2020, not a single institution (government or private) took into account, so the economic outlook for 2020 and the years after is still predicted with normal assumptions.

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<sup>1</sup> The definition of epidemic according to CDC Atlanta and Green, MS (2002) is the spread of a disease that has recently emerged and infects a large number of people in a particular population in a rapid time.

<sup>2</sup> Previously called "acute respiratory disease 2019-nCoV", by WHO was changed to COVID-19 on February 11, 2020.

<sup>3</sup> New emerging diseases are emerging diseases in the population and rapid expansion of hosts (e.g. from animal to human) are associated with an increase in detectable diseases.

The development of the health crisis that impacts the world economy practically makes all countries in the world have to retreat with strategic plans that have been re-established to be replaced by emergency response policies by mobilizing all resources to overcome the Covid-19 outbreak. Think tanks and strategic think tanks corrected their projections, especially in 2020, of a slowdown, recession, and even economic depression. Development in each country is certainly disrupted. Each country revised its state budget and provided a large allocation of funds to overcome the corona outbreak. Given that the disease that comes through coronavirus is quite deadly (on average about 3-5% of deaths from victims who have been exposed to the virus), then patent drugs have not been found, then only preventive solutions are the best way to be pursued so that each country can protect every citizen's life.

So how do we learn from the legal dimension and decision-making mechanisms above against non-natural disasters, especially pandemics like this? Furthermore how do legal instruments guarantee people's rights and needs during the pandemic, so as not to sacrifice society? Indeed, through the experiences we have experienced in the past, Indonesia should have been able to draw lessons, how an epidemic is controlled and overcome, so that when a pandemic occurs, the government is better prepared to deal with it.

With the high and deadly spread of COVID-19, Indonesia can basically combine three approach models of Singapore, South Korea, and Taiwan. However, from the legal dimension, as the software that moves the authority whether it is the President, Ministry, Institution, or Region (K/L/D), observation is required as to whether the existing legal instruments operate or not. This is necessary to answer why Indonesia is not moving faster in responding to the spread of COVID-19, so that there is an impact of scarcity of masks, disinfectants, basic needs, readiness of hospitals, doctors, and medical personnel. Nevertheless the existing law has given guidance.

The welfare of the people is the ideal of every country is not separated also the State of Indonesia, where the ideals are set forth in the 1945 constitution paragraph IV which is the written basic law or what we often call a state constitution that reads " Pursuant to which, in order to form a Government of the State of Indonesia that shall protect the whole people of Indonesia and the entire homeland of Indonesia, and in order to advance general prosperity, to develop the nation's intellectual life, and to contribute to the implementation of a world order based on freedom, lasting peace and social justice, Indonesia's National Independence shall be laid down in a Constitution of the State of Indonesia, which is to be established as the State of the Republic of Indonesia with sovereignty of the people and based on the belief in the One and Only God, on just and civilized humanity, on the unity of Indonesia and on democratic rule that is guided by the strength of wisdom resulting from deliberation / representation, so as to realize social justice for all the people of Indonesia." [5] As well as guarantees on the welfare of the community is also contained in the provisions of article 33 and article 34 of the 1945 Constitution that explains that the government guarantees the highest prosperity of the people and maintains the poor, and displaced children. [6] The sound of paragraph IV and articles 33 and 34 of the 1945 Constitution is the benchmark that Indonesia adheres to the principles of the State of welfare state law (Welfare State). Because in the ideals of the State and in the article stored the explicit meaning that the State is obliged to guarantee social welfare (society).

There needs to be action that encourages the creation of community welfare, both from the government and the community. Such action must be based on law, considering Indonesia is a country of law. In the concept of welfare, the government has a leading role in realizing the welfare of the community, therefore the government needs to establish a legislation as a guideline in acting as a form of effort to prosper the community. [7]

The law is required to adjust the situation, but the situation in the community is not always the same given the current condition where almost 210 countries or regions are infected with covid-19, including indonesia. Pandemic gives a bad impact felt by the community, one of which some people feel the loss of welfare, therefore to ensure the welfare of the community in the midst of this pandemic as a manifestation of welfare certainty given by the government to the community, then a law in the form of rules and regulations related to impact management and anticipation as a form of welfare certainty and re-emergence of the welfare of the community that is felt lost due to the pandemic covid-19.

The Covid-19 pandemic ultimately prompted the birth of the idea of "Great Reset" as a reflection to build a fairer, more sustainable and resilient economic and social system. Great reset requires a new social contract instrument where justice and human dignity are the basis. The massive reset during the pandemic does have relevance and urgency as a form of response to the social order that has changed completely during the pandemic.

Policy pouring through legal instruments is important to ensure a massive reorganization with binding and selling power, long-term and sustainable (sustainable). The law runs with planning, reset, reform to disruption.

This paper purpose to give the idea of "Great Reset" in the form of reorganization of the field of Law and Health System after the Covid-19 Pandemic towards a positive change of direction for the people of Indonesia.

## **2 Method**

The method used in this study is the problem approach using the sociological juridical approach of law, namely conducting a study by reviewing the prevailing legal norms as well as fact facts in society obtained from a study. Where socio-legal research is formed when a law as an empirical social trait is considered as an independent variable that has an effect and impacts on various aspects of social life.

## **3 Discussion**

### **3.1. Policy Modifications in the face of Covid-19**

Various countries carry out lockdown policies (in the Great Dictionary of Indonesian translated as regional quarantine) to limit the total spread of the virus. However, changing people's social behavior is not an easy job. Various countries with all limitations experience unassuming constraints, even in developed countries in Europe and the United States are very overwhelmed. The general policy that requires people to do social and physical distancing (keeping a safe distance between individuals and avoiding crowds) is not an easy thing for humanity on earth that is already accustomed to its social behavior. The lockdown policy was later modified in such a way by various countries. Some apply in full, partially, or locally and to a minimum.

Indonesia itself modifies it under the name of Large-Scale Social Restrictions (PSBB) imposed per region, either provinces or districts / cities based on the severity of the outbreak whose assessment is determined by the central government through the Ministry of Health. The rules of implementation of the PSBB are regulated through Government Regulation (PP) Number 21 of 2020 concerning Large-Scale Social Restrictions. In addition, the rules on PSBB are also stipulated in Presidential Decree (Keppres) No. 11 of 2020 concerning the Determination of Public Health Emergencies. The Government Regulation and the Presidential Decree were signed by President Joko Widodo on March 31, 2020.

In the Government Regulation and the Presidential Decree it is set about the government's strategy in handling the spread of the Covid-19 virus in Indonesia. In principle, these restrictions only apply to certain activities in an area that is suspected of being infected with COVID-19. The goal is to prevent the possible spread of Covid-19. People can still carry out daily activities with certain restrictions.

Technically, the types of community activities stipulated in Regulation of the Minister of Health (PMK) No.9 of 2020 concerning Large-Scale Social Restrictions Guidelines for the Acceleration of Handling of COVID-19 include covering schools and workplaces, restrictions on religious activities, restrictions on activities in public places, restrictions on socio-cultural activities, restrictions on transportation modes, and restrictions on other activities specifically related to aspects of security defense. The government also confirmed the difference between Large-Scale Social Restrictions and quarantine areas where people are not allowed to do activities outside the home.

### **3.2. Law Reset After Covid-19 Pandemic**

In the context of the Covid-19 pandemic, the reality has changed the pattern of interacting, socializing even in state-based interactions. At this point, the change in the law is couched by the system from the outside. New habits in the pandemic period are then poured in the form of legislation. This is approaching the second type of law change. This change is only on an external level that ratifies the actions that have been taken before. That pattern of change is certainly not enough. The derivative impact of the Covid-19 pandemic has had a serious impact in various fields.

In that context, the condition of the Covid-19 pandemic and massive digital development can be planning and disruption in parallel. The two ways were taken to ensure a massive reorganization but still make the objective sociological condition of society as a foothold in decision making. Systemically it can be classified as follows; changes due to the Covid-19 pandemic should be the driving force behind the birth of legal changes designed to reorganize new governance in various areas on a planning basis.

A massive reset through the mechanism of changing legal norms should pay attention to morals and the constitution as the basis for its formulation and discussion. Constitutional values such as humanity, justice,

civility should be used as a guiding compass in the reorganization. Another dimension, the formulation of the law in the framework of this reorganization must also ensure by the constitution.

In short, this massive reorganization should be based on a constitution with both material and formal significance. This affirmation is important to ensure a great reset should bring about a change in a positive direction for the public. Reorganization in various sectors through this law change must be based on the spirit of justice, humanity, and sustainability. The implementation of this great reset should also make public space a vehicle of articulation for citizens to convey their aspirations. Great reset should still ensure it is compatible with the two-way dialectics between the state and citizens.

However, if you look at the dynamics in the preparation of legislation during the pandemic, it actually displays a paradoxical face. In addition to the resulting legislation products out of the context of a massive reorganization in response to the Covid-19 pandemic, it also has the potential to deviate from the procedure of establishing legislation. If there is a product of legislation aimed at responding to the Covid-19 pandemic, for example Perppu No. 1 year 2020 which has been determined to be Law No. 2 of 2020, it will create controversy in public. As the norm is strongly suspected to reduce the position of the legislature as stated in Article 12 paragraph (1) Perppu No. 1 year 2020 which mentions changes in the posture of the State Budget is done through the Presidential Regulation (Perpres).

### **3.3. Health System After Covid-19 Pandemic from the Epidemiological Side**

A country needs a powerful legal instrument in order to be able to control pandemics in its territory and at the same time ensure the fulfillment of the basic needs of citizens. Why is legal instrument required? First, in a crisis like this, the rule of law must continue to run to prevent potential social disruption. Second, public authorities have a definite basis for action to prevent abuse of power. Third, in order for the restrictions to be controlled, legal certainty is required as a guarantee of basic rights not completely ignored. Lastly, determine the rights and obligations of the authorities and citizens.

What is the readiness of our current legal instruments? There are several legal instruments available and can be used by the current government related to epidemic control in the current crisis time, namely; Law No.4/1984 on Infectious Disease Outbreaks, Law No.24/2007 on Disaster Management, Law No.14/2008 on Public Information Disclosure, Law No.36/2009 on Health, Law No.6/2018 on Health Quarantine, Presidential Regulation No.17/2018 on The Implementation of Disaster Management in Certain Circumstances and Presidential Decree No.7/2020 on Task Force to Accelerate The Handling of Corona Virus Disease 2019. This instrument is essentially a legal basis for the stakeholders responsible for disaster control.

Issues related to regional lockdown or lockdown have filled the public discourse. There are two exponents of people who want lockdown or otherwise reject the lockdown policy. In Law No.6/2018 on Health Quarantine, two kinds of restrictions related to lockdown discourse, namely regional quarantine and large-scale social restrictions<sup>4</sup>. Regional quarantine basically consists of three main elements, namely; (i) the existence of restrictions on residents in an area including the entrance and its contents; (ii) the presence of suspected infection and/or contamination in such a way; (iii) the purpose of these restrictions is to prevent the possible spread of disease or contamination. Thus, regional quarantine is a protocol to isolate the population and all its contents in an area that is suspected to be infected or contaminated so that it is not allowed to leave the area. But on the other hand, regional quarantine still allows residents to do certain activities or activities within the designated area.

Regional quarantine emphasizes the absence of inflows of residents in a region, so the central government, regions, and related parties as organizers are responsible for the basic needs of the community including the food of livestock. While large-scale social restrictions basically consist of three main elements, namely; (i) restrictions on the activities of certain residents in one region; (ii) there is a suspicion that the area is infected with disease and/or contaminated; (iii) as an effort to prevent the possible spread of disease or contamination. Thus, large-scale social restrictions are protocols emphasizing restrictions on certain activities of residents in an area as a preventive measure. With restrictions on these activities there are two potential restriction policies, namely partial or overall restrictions that depend on the degree of spread or contamination of the disease.

The restriction of large-scale activities is fundamentally an emergency response to public health. Restrictions on such activities according to Law No.6/2018 shall include at least the disbursement of schools and workplaces, restrictions on religious activities, and restrictions on activities in public places/facilities.

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<sup>4</sup> Large-scale social restrictions are defined as restrictions on the activities of certain residents in an area suspected of being infected with disease and/or contaminated in such a way as to prevent the possible spread of disease or contamination.

So for example, what about the three Calls of the Governor of DKI Jakarta related to preventing the spread of COVID-19 such as; The Call of the Governor of DKI No.4/2020 on Maintaining Safe Distance Between Citizens in the Community (Social Distancing), The Call of the Governor of DKI No.5/2020 on The Temporary Elimination of Religious Activities in Houses of Worship in order to Prevent Coronavirus Outbreaks, and the Call of the Governor of DKI No.6/2020 on The Temporary Suspension of Office Activities in order to Prevent Coronavirus Outbreak? Basically this call is good as an active role of local government. However, hierarchically, the Governor's appeal does not include legislation. Basically this is a modification of the Governor's instructions and discretion that has no major legal consequences.

#### **4 Conclusion**

Based on the above discussion, in this paper it can be concluded that the Great Reset in the field of Law and Health (from the Epidemiological side) can be implemented in order to reorganize policies so that it can have a positive impact on the order of Indonesian people's lives towards positive change as well.

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