

# Juridical Analysis of The Impact of Covid-19 Pandemic on Export-Import Trade Activities

Tina Amelia<sup>1</sup>  
{tinaamelia3009@gmail.com<sup>1</sup>}

<sup>1</sup>Borobudur University, Indonesia

**Abstract.** The Covid-19 pandemic has a strong impact on the world economy including Indonesia because not only has an impact on the health crisis, but also has implications for broad socio-economic aspects globally, especially in export and import trade activities. The relationship between exporters and importers bound by an agreement. In response to Covid-19 in Indonesia, the President of the Republic of Indonesia, Joko Widodo, has issued Presidential Decree Number 12 of 2020 concerning the Designation of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster. In addition, the issuance of several regulations of the Minister of Trade has implications for export-import activities. The research method used in this research is juridical-normative legal research. The results show that imports and exports, especially in Indonesia, are possible to be postponed in case of force majeure, but this does not mean that the exporters and importers immediately release the obligations of exporters and importers in relation to the agreement between the two, so it is necessary to analyze in depth the legal basis for the imposition of prohibition rules the importing country concerned first.

**Keywords:** Export Import Activities, Covid 19, Agreement.

## 1. Introduction

The Constitution of the State of Indonesia has mandated the direction and vision of the implementation of the economy in Indonesia to achieve social welfare as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI) in the fourth paragraph, which reads as follows: "...Then rather than that to form a government of the State of Indonesia that protects the entire Indonesian nation and the entire homeland of Indonesia and to promote the general welfare, ..." The general welfare referred to is also associated with the 5th (fifth) Pancasila, so that the basis of the general welfare is social justice for all the people of Indonesia. [1]

Indonesia's economic situation as a developing country must be further improved to generate social welfare in the sense of its constitutional obligations. Welfare is one of the criteria for a country as developed, developing, or underdeveloped. So, the better of the economic distribution spreads over the country, the more prosperous the country will be.

The importance of the implementation of public services is because the implementation is related to the rights of both individual rights, as well as the public interest, so that maintaining a balance between the implementation of the public interest and individual rights is one of the characteristics of the rule of law. According to Jimly Asshiddiqie, in general, the law has 3 (three) main objectives, namely justice, certainty or *zekerheid*, and utility. [2]

In the context of Indonesia, Hamid S. Atamimi, explained that since it's founding the State of Indonesia was determined to establish itself as a state based on the law (*Reechtstaat*). In fact, *Reechtstaat* Indonesia is a *Reechtstaat* that promotes public welfare, educates the nation's life, and creates social justice for all Indonesian people. *Reechtstaat* is the material *Reechtstaat*, the social one, which Bung Hatta calls the governing state, a translation of *Verzorgingsstaat*. [3]

According to P. Schnabel as quoted by Philipus M. Hadjon, in the development of the concept of a Social Law State or Welfare State (*verzorgingsstaat/welvaarsstaat* or *sociale rechtsstaat*) the influence of the State manifests itself in 3 (three) ways. First, direct influence as a result of the recognition and protection of social rights, the second is the indirect influence as a result of the formation of a government apparatus equipped with office power and expertise, the third is the hope that society's problems can be solved through the intervention of the authorities. [4]

In general, if a country has four main pillars such as: (1) Social citizenship, (2) Adequate democracy, (3) Modern labor-management relations system, and (4) rights to education and expansion of modern mass

education system—they can be classified as welfare state. These four pillars are possible in a welfare state because the state treats the implementation of social policies as the granting of social rights to its citizens. These social rights are guaranteed like property rights, cannot be violated (inviolable), and are granted based on citizenship (citizenship) and not based on performance or class. [5] Included in the implementation of public services that must be carried out in a targeted manner in line to protect the social interest and individual rights.

Each country has different natural resources from one country to another, so that country will carry out the trade that is not only carried out between humans in one country, but has been more widespread, namely carried out outside the country's borders between one country and another. the other is known as international trade.

In international trade, these buying and selling activities are called import-export transactions. The emergence of foreign trade is partly due to differences between countries, namely differences in natural resources, geographical location, climate, human resources, economic structure, political structure, education level, skill level, and other things. that support a country to be able to produce a certain product. [6]

Export-import is one of the main factors in improving the Indonesian economy in terms of foreign exchange traffic and national income, considering that Indonesia is one of the largest economies in Southeast Asia. [7] Anne O. Krunker argues that free trade does not only create growth in industrialized countries or developed countries but also in developing countries that adopt free trade and integrate with the system. [8]

Exporters and importers make payments using foreign currencies so that international trade activities can later generate foreign exchange for a country. Foreign exchange is the entry of foreign money into our country which can later be used to pay for purchases of imports and services from abroad. [9]

Today, all countries in the world face global health emergencies that threaten all aspects of life caused by deadly viral attacks or outbreaks commonly known as the Covid 19 pandemic, where the symptoms of a person infected with the virus are flu and infection of breathing. The World Health Organization (WHO) declared this virus as Covid-19 disease on February 11, 2020.

WHO has declared the Covid-19 virus outbreak a global health emergency or Public Health Emergency of International Concern (PHEIC). According to WHO, PHEIC is defined as an extraordinary moment that poses a public health risk to other countries through the international spread of disease and requires a system with a highly coordinated global response. As of March 11, 2020, a new statement was released by WHO regarding the change in the status of PHEIC to a pandemic, after a very significant increase in the number of reported cases and the number of deaths from this virus around the world.

The Covid-19 pandemic that has hit almost every country in the world is having a profound impact on people's economies around the world. Approximately 80 countries have taken steps to ban or limit exports for the Covid 19 pandemic, including 46 WTO member states (72 when counted individually in EU member states) and eight non-WTO member states. Most of the products whose exports are banned and restricted by the country are medical products designated by the World Trade Organization (WHO) and the World Customs Organization (WCO) to counter the Covid 19 pandemic.[10]

The spread of Coronavirus Disease 2019 (COVID-19) is becoming a lethal threat to the world, including Indonesia, which is still struggling with the global pandemic. The nature of its rapid and widespread impacts the health crisis and has implications for broad socio-economic aspects. Legal documents in the form of national and international regulations, such as international trade law agreements, are required to support business activities between countries.

This phenomenon will affect Indonesia with its accession as a member of World Trade Organization through ratification of Law Number 7 of 1994 on ratification of the Agreement to establish the World Trade Organization (WTO). As member there is an obligation for harmonization of state laws and regulations in line with the WTO Forum agreement and the outcome of the WTO agreement. [11]

Especially in Indonesia, to respond to the Covid-19 Pandemic, President Joko Widodo stipulates Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), therefore, due to these regulations during the Covid 19 pandemic, the company must be closed due to a business limitation during the restricted period. Large Scale Social (PSBB) can affect general commerce and affect the ability to meet the needs of the community.

PSBB is a restriction on certain activities of residents in an area that has been infected with the coronavirus to reduce the number of its spread. The Ministry of Health imposes this restriction on certain areas, with a bigger goal considering the conditions of each environment. The public hopes that the strategic steps taken by the Government in the form of Large-Scale Social Restrictions can be carried out

as effectively as they should, and that economic growth and financial stability can be maintained so that some economic activities in Indonesia can still be carried out even with more stringent and massive social restrictions.

The government has taken various measures at both central and regional levels to implement large-scale social restrictions, including advising or urging the public to limit activities in certain areas. including urging the community to delay activities that attract large numbers of people already undertaken. concrete action in different areas to make it happen, so the president's call to work from home, study from home, and pray from home has been completed including import and export business export in Indonesia. For this reason, this study will discuss the legal impact of restrictions on export-import activities, as well as a legal analysis of restrictions on import-export activities in Indonesia.

This research is using juridical-normative law research as research methods, with literature review that include primary legal materials, namely the 1945 Constitution of the Republic of Indonesia; Civil Code; Law Number 11 of 2020 concerning Job Creation; Law Number 7 of 2014 concerning Trade; and Presidential Decree Number 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster, then secondary legal materials which include scientific journals, previous legal studies, legal books, and other legal materials. Other laws, then finally tertiary legal materials which include Great Dictionary of the Indonesian Language (KBBI), Black's Law Dictionary, and encyclopedias.

The formulation of the problem to be discussed in this study consists of 2 (two) parts, as follows:

- 1) What is the legal impact of restrictions on export-import activities?
- 2) How is the legal analysis regarding restrictions on export-import activities in the State of Indonesia?

## **2. Analysis and Discussion**

### **2.1. The Legal Impact on Restrictions on Export and Import Activities**

Indonesia's economic situation as a developing country must be further improved to generate public interest in the sense of its constitutional obligations. Welfare is one of the criteria for a country to develop and develop, so the more the economy spreads over the country, the more prosperous the country will be.

At the beginning of 2020, the world witnessed a pandemic of coronavirus disease 2019 (abbreviated as Covid 19). In this pandemic, the Covid 19 pandemic poses a public health risk and kills infected people in different parts of the world, including other countries. Indonesia. The Covid 19 pandemic also significantly disrupted economic activity and had a significant impact on the economies of most countries around the world, including Indonesia. Specifically, what is being discussed in this study, the impact of the Covid 19 pandemic on the trade sector.

Based on Law Number 7 of 2014 concerning Trade, there are legal provisions regarding activities classified as foreign trade. Article 1 point 1 of Law Number 7 of 2014 concerning Trade states the definition of Trade, namely the order of activities related to transactions of goods and/or services in the country and beyond the borders of the country with the aim of transferring rights to goods and/or services for receive compensation or compensation.

There are three trade classifications based on the trade area carried out, as regulated in Article 1 points 2, 3, and 4 of Law Number 7 of 2014 concerning Trade, that Domestic Trade is Trade in Goods and/or Services within the territory of Republic of Indonesia—which does not include foreign trade, foreign trade is trade that includes export and/or import activities of goods and/or services trade that extends beyond the country's borders, and border trade is trade carried out by Indonesian citizens residing in Indonesia border areas with residents of neighboring countries to meet their daily needs.

There are terms used in the import-export trade. Export is the activity of removing goods from the Customs Area (Article 1 point 16 of Law Number 7 of 2014 concerning Trade). An Exporter is an individual or institution or business entity, whether in the form of a legal entity or not a legal entity, which carries out the Export (Article 1 number 17 of Law Number 7 of 2014 concerning Trade). Import is the activity of entering Goods into the Customs Area (Article 1 number 18 of Law Number 7 of 2014 concerning Trade). Importer is an individual or institution or business entity, whether in the form of a legal entity or not a legal entity, which carries out the Import (Article 1 number 19 of Law Number 7 of 2014 concerning Trade).

The relationship between exporters and importers in trade is set out in the agreement as defined in Article 1313 of the Civil Code, where the article states that an agreement is an act in which one or more

people bind themselves to one or more other people. The agreement has legal implications between the parties who make the agreement including the rights and obligations of each party.

The Role is a dynamic aspect of position (status). They play a role when people exercise their rights and obligations according to their position. The distinction between position and role is a scientific concern, cannot be separated because one depends on the other and vice versa. There is no position less role or role less position. [12] According to Soerjono Soekanto, the role is a dynamic aspect of the position (status) when someone carries out their rights and obligations, the author carries out a role. [13]

Fair and healthy economic activities cannot be separated from the role of the state as the main subject representing economic actors in the formation of regulations. According to W. Friedman, the state should normally act in three general dimensions, namely: [14]

- a. The state acts as a regulator (*de stuurende*) that controls or steers the economy in which the state acts as a referee (*jury*).
- b. The state acts as a provider (*de presterende*) especially in a country that has a philosophy as a welfare state.
- c. The state acts as an *entrepreneur*.

Conceptually, the government is an institution formed to realize the ideals of the people of a nation, making and implementing decisions to achieve those goals. The government has the legitimacy of coercive power, which Huges calls "*the power of coercion*", while other institutions have a voluntary pattern of interrelation. The "coercive power" arises because of the legitimacy of the laws owned by the government to act on behalf of the State in the context of maintaining and guaranteeing social interests in the process of achieving goals. [15]

Regarding import-export activities during the Covid19 pandemic under Article 41 Paragraph (1) of Law Number 7 of 2014 on Trade, the Minister may postpone import / export in the event of a compulsory major incident. On the other hand, based on Article 1 Number 28 of Law Number 7 of 2014 concerning about Trade, the Minister is a Minister who conducts government affairs in the commercial sector.

The state of force majeure referred to is related to the current world conditions that are affected by the Covid-19 pandemic, that on the scale of the State of Indonesia, the state of force majeure is determined by the President of the Republic of Indonesia as regulated in Article 41 paragraph (2) of Law Number 7 of 2014 concerning Trade, that the President determines the state of force majeure as referred to in paragraph (1).

In response to Covid-19, the President of the Republic of Indonesia, Joko Widodo, has issued a legal instrument in the form of determining the status of the Covid-19 pandemic as stated in Presidential Decree Number 12 of 2020 concerning Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster.

In addition to that legal instrument, in order to contain the growth rate of the spread of the Covid-19 pandemic, Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), Presidential Decree Number 11 of 2020 concerning the Determination of Public Health Emergency Corona Virus Disease 2019 (Covid-19) and Government Regulation in Lieu of Law (Perpu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or in Facing Threats That Endanger the National Economy and/or Financial System Stability.

The Ministry of Trade continues to take various strategic steps in the trade sector to fight the Covid-19 pandemic in Indonesia, where since the Covid-19 outbreak Has unfold to diverse nations which includes Indonesia and changed into later exact as a worldwide pandemic, the Ministry of Trade has actively finished diverse effect mitigations and furnished reaction to change guidelines associated with the Covid-19 pandemic. [16]

The first response of the Ministry of Commerce and as a preventive measure of the Ministry of Commerce is to issue a temporary ban on imports of live animals from China because this epidemic originated in that country. The prohibition is regulated in the Regulation of the Minister of Trade Number 10 of 2020 concerning the Temporary Prohibition of Importing Live Animals from the People's Republic of China issued on February 6, 2020, where this policy was issued with consideration of the security and health of the Indonesian people, although at that time there were no positive cases. Covid-19 in Indonesia.

Based on the consideration in the Minister of Trade Regulation Number 10 of 2020 concerning the Temporary Prohibition of Importing Live Animals from the People's Republic of China, that WHO has declared the Corona virus outbreak originating from Wuhan, People's Republic of China as a Public Health Emergency of International Concern (PHEIC) which is of international concern. Therefore, the

government needs to take steps to protect public health and prevent the spread of the coronavirus in the territory of the Republic of Indonesia. To take the protection and prevention measures as referred to in letter a, especially in the field of international trade, on February 3, 2020 in Jakarta, the Government held a Coordinating Meeting for the Minister for Economic Affairs, and based on the results of the Coordinating Meeting for the Minister for Economic Affairs as referred to in letter b and as form of protection of human and animal health in accordance with *Article XX General Agreement on Tariffs and Trade 1994 World Trade Organization*, it is necessary to regulate a temporary ban on imports of live animals from the People's Republic of China.

Based on Article 2 paragraph (1) of the Regulation of the Minister of Trade Number 10 of 2020 concerning the Temporary Prohibition of Importing Live Animals from the People's Republic of China, that with the enactment of this Ministerial Regulation, Importers are prohibited from importing live Animals that: a. comes from the People's Republic of China; or b. transit in the People's Republic of China, and based on Article 3 paragraph (1) of the Regulation of the Minister of Trade Number 10 of 2020 concerning the Temporary Prohibition of Importing Live Animals from the People's Republic of China, that the Importer is obliged to re-export to the country of origin or destroy in accordance with the provisions of the legislation, against live Animals that are prohibited to be imported as intended in Article 2 paragraph (2).

There are several consequences of the COVID-19 pandemic on global trade, one of which is a change in global trade patterns as a result of disrupted supply and demand, a ban on exports and imports of several food and health commodities, as well as changes in global supply chain centers from China, the United States, and Germany. In addition, other impacts are the increase in logistics costs, trade cooperation does not work effectively during the pandemic, and the threat of a global economic recession.

Social restrictions and lockdowns imposed in almost all countries have made efforts to establish trade cooperation ineffective. However, the target of encouraging exports is still carried out to take advantage of the potential demand that exists during this pandemic, such as food products and medical devices if domestic needs have been met. [17]

Meanwhile, several impacts of the pandemic on national trade include the potential for inflation of basic and essential goods due to disruption of logistics and distribution, disrupted inter-island trade, changes in people's consumption patterns, and weakening public purchasing power, including trade transactions and small traders' turnover. The government through the Ministry of Trade will ensure that basic goods needs are met, and trade will continue to support Indonesia's economic growth in the midst of the global pandemic.

In line with the development of the domestic situation, the Ministry of Trade has gradually taken various strategic steps based on the Government Regulation in Lieu of Law (Perpu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and/or in Facing Threats That Endanger the National Economy and/or Financial System Stability, Presidential Decree Number 11 of 2020 concerning the Determination of Public Health Emergency Corona Virus Disease 2019 (Covid-19), and other related regulations. One of them is by securing the provision of medical equipment, including through relaxation of imports of personal protective equipment (PPE) and masks.

Securing the provision of medical equipment is carried out by stipulating the Regulation of the Minister of Trade Number 57 of 2020 concerning Provisions for the Export of Raw Materials for Masks, Masks, and Personal Protective Equipment, by providing special regulations related to the export and import of personal protective equipment (PPE) and masks. Based on Article 2 paragraph (1) of the Regulation of the Minister of Trade Number 57 of 2020 concerning Provisions on Exports of Raw Materials for Masks, Masks, and Personal Protective Equipment, that the Export of Raw Materials for Masks, Masks, and PPE is carried out in accordance with the provisions in this Ministerial Regulation.

Based on Article 1 point 6 of the Regulation of the Minister of Trade Number 57 of 2020 concerning Export Provisions for Mask Raw Materials, Masks, and Personal Protective Equipment, that the Export Approval of Mask Raw Materials is a permit for the export of Mask raw materials. Based on Article 1 point 7 of the Regulation of the Minister of Trade Number 57 of 2020 concerning Export Provisions for Mask Raw Materials, Masks, and Personal Protective Equipment, that the Export Approval of Masks permits the export of masks. Then according to Article 1 point 6 of the Regulation of the Minister of Trade Number 57 of 2020 concerning Provisions for Export of Raw Materials for Masks, Masks, and Personal Protective Equipment, that the Export Approval of Personal Protective Equipment is a permit for the export of Personal Protective Equipment.

Restrictions that are regulated on Article 3 paragraph (1) of the Regulation of the Minister of Trade Number 57 of 2020 concerning Provisions on Exports of Raw Materials for Masks, Masks, and Personal

Protective Equipment, that the Export of Raw Materials for Masks, Masks, and PPE as referred to in Article 2 paragraph (2) can only be carried out by the Exporter after obtaining an Export Approval for Mask Raw Materials, Approval for Export of Masks, and/or Export Approval for Personal Protective Equipment. Then based on Article 3 paragraph (2) of the regulation, the Minister is authorized to discharge Export Approval for Mask Raw Materials, an Export Approval for Masks, and/or an Export Approval for Personal Protective Equipment as referred to in paragraph (1).

These restrictions are carried out by considering the availability of raw materials for masks, masks, and/or PPE in Indonesia. Therefore, the Ministry of Trade can regulate the availability of such medical devices based on Article 7 paragraph (1) of the Regulation of the Minister of Trade Number 57 of 2020 concerning Export Provisions for Mask Raw Materials, Masks, and Personal Protective Equipment, that in terms of the need for Mask Raw Materials, Masks, and / or increasing PPE in the country, the Minister:

- a. coagulate PE Mask Raw Materials, PE Masks, and/or PE PPE that have been issued; and/or
- b. reject the application for PE Mask Raw Material, PE Mask, and/or PE PPE submitted by the Exporter.

Based on the discussion that has been stated previously that imports and exports, especially in Indonesia, are possible to be postponed in the event of a force majeure situation, but this does not mean that the exporter and importer are immediately released from the obligations of the exporter and importer in connection with the agreement between the two, so it is necessary to analyze in-depth the legal basis. the enactment of the prohibition rules in the importing country concerned first.

## **2.2. Legal Analysis Regarding Restrictions on Export-Import Activities in the State of Indonesia**

To combat the Corona Virus pandemic, various countries in the world have taken a series of policies to protect their countries. So far, the most extreme policy taken is the lockdown. Lockdown policy means locking all access in and out of the country or region to mitigating the spread of the Covid-19 Pandemic. Some countries that have implemented lockdown policies are China, Italy, France, the United States, and Thailand. [18] The implementation of this policy certainly has no small impact and risk, where many sectors in people's lives stop operating to comply with social distancing and self-quarantine orders.

Regarding the lockdown policy, based on the rule of law in Indonesia, it has been regulated in Law Number 6 of 2018 concerning Health Quarantine, that Quarantine is the restriction of activities or separation of a person exposed to an infectious disease as stipulated in the legislation, even though they have not shown any or moderate symptoms. are in the incubation period, or the separation of containers, transportation means, or any goods suspected of being contaminated from people or goods that contain the cause of the disease or other sources of contamination to prevent possible spread to people or goods in the vicinity.

Article 9 of Law Number 6 of 2018 concerning Health Quarantine states that the implementation of quarantine aims to protect the public from diseases and/or public health risk factors that have the potential to cause public health emergencies, prevent and ward off diseases and/or public health risk factors that have the potential to cause public health emergencies. Public Health Emergencies in this context including increasing national resilience in the field of public health, providing legal protection, and certainty for the community and officers.

This policy was carried out with the aim of breaking the chain of the corona virus. However, Indonesia itself has not implemented a lockdown policy until now because the impact of this policy is very broad, so that the Indonesian government has only implemented a Social Distancing and Work from Home system with the enactment of Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19).

The spread of the Covid-19 pandemic, with its increasing number of cases and/or deaths, and its spread across regions and between countries, and its impact on political, economic, and social aspects, culture, defense, and safety, as well as the well-being of people in Indonesia. The impact of the spread of the Covid-19 pandemic has caused certain conditions so work should be done to remedy them, one of which is through large-scale social restrictions with the stipulation of Minister of Health Regulation Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). ), Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), and Decree of the Head of the National Disaster Management Agency

Number 13 A of 2020 concerning Extension of the Emergency Status of Certain Disasters Due to Corona Virus Disease in Indonesia.

Large-scale social restrictions are restrictions on certain activities by residents in areas suspected of being infected with Coronavirus 2019 (Covid-19) to prevent the potential spread of the Corona virus 2019 (Covid-19) (article 1 point 1 Health Minister's Regulation Number 9 of 2020 on Guidelines for Large-Scale Social Restrictions in The Context of Accelerating the Management of Corona Virus Disease 2019 (Covid-19).

With the issuance of the Minister of Health Regulation Number 9 of 2020 regarding Guidelines for Large-Scale Social Restrictions within the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), there are numerous activities which might be limited through the Government, the implementation of that is regulated primarily based totally on Article 12 of the regulation, that during In the occasion that Large-Scale Social Restrictions were stipulated through the Minister, the Regional Government is obliged to put in force and be aware of the provisions of legal guidelines and regulations, along with continually encouraging and socializing a healthy and wide-awake lifestyle to the community.

The implementation of Large-Scale Social Restrictions based on Article 13 paragraph (1) of the Regulation of the Minister of Health Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), includes:

- a. school and workplace holidays;
- b. restrictions on religious activities;
- c. restrictions on activities in public places or facilities;
- d. restrictions on social and cultural activities;
- e. restrictions on transportation modes; and
- f. restrictions on other activities specifically related to defense and security aspects.

Based on the regulations, large-scale social restrictions must not be imposed on the import and export business so that the import and export business can operate as normal. The provisions are in Article 13 paragraph (3) of the Health Minister's Regulation Number 9 of 2020 on Guidelines For Large-Scale Social Restrictions In The Context Of Accelerating The Management Of The Corona Virus Disease 2019 (Covid19). For certain activities such as school and professional holidays as mentioned in paragraph (1) letter "a" are excluded for strategic offices or agencies providing services related to national defense and security, public order demand, food needs, oil and gas, medical services, economic, financial, media, industrial, export and import, distribution, logistics and other basic needs.

### **3. Conclusion**

From the explanation above, the conclusion of this research can be described as follows:

- 1) The relationship between exporters and importers in trade is bound by an agreement based on Article 1313 of the Civil Code. Based on Article 41 paragraphs (1) and (2) of Law Number 7 of 2014 concerning Trade, the Minister who carries out government affairs in the field of trade may delay the Import or Export in the event of a force majeure event. A preventive measure from the Ministry of Commerce is to issue a temporary ban on importing live animals from China because this outbreak originated in that country. The prohibition is regulated in the Regulation of the Minister of Trade Number 10 of 2020 concerning the Temporary Prohibition of Importing Live Animals from the People's Republic of China and the Regulation of the Minister of Trade Number 57 of 2020 concerning Provisions on Export of Raw Materials for Masks, Masks, and Personal Protective Equipment. Imports and exports, especially in Indonesia, are possible to be postponed in case of force majeure, but this does not mean that the exporters and importers immediately release the obligations of exporters and importers concerning the agreement between the two, so it is necessary to analyze in-depth the legal basis for the imposition of prohibition rules the importing country concerned first.

The spread of the Covid-19 pandemic, with its increasing number of cases and deaths, spread across regions and between countries, and its impact on the Indonesian people's politics, economy, society, culture, national defense, security, and well-being. In combating the Corona Virus pandemic, many countries have taken a series of policies to protect their countries; With the issuance of Health's Minister Regulation Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19), there are several

activities that the Government restricts. However, based on Article 13 paragraph (3) of the regulation, Large-Scale Social Restrictions are not applied to export-import activities to run as they should.

## References

- [1] Fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia.
- [2] Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, Jilid 1, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi Republik Indonesia, pp. 149-150 (2006).
- [3] Prajudi Atmosudirjo, *Hukum Administrasi Negara*, Jakarta: Ghalia Indonesia, pp. 18 (1994).
- [4] Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Pengadilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*, Surabaya: PT Bina Ilmu, pp. 79 (1985).
- [5] *Ibid.*, pp. 107.
- [6] Amir M.S, *Seluk-beluk dan Teknik Perdagangan Luar Negeri*, Jakarta: PPM, pp. 1 (2000).
- [7] [viglobalchain.com/bagaimana-peran-ekspor-impor-dalam-perdagangan-internasional-di-era-mile-nial](http://viglobalchain.com/bagaimana-peran-ekspor-impor-dalam-perdagangan-internasional-di-era-mile-nial), accessed on 10 June 2021 at 2.00 PM (GMT +7).
- [8] Nita Anggraeni, "Perang Dagang Dalam Hukum Perdagangan Internasional", *Jurnal UIN Banten Al-Ahkam*, Vol. 15 Number1, pp. 1 (Juni 2019).
- [9] Amir M.S, *Korespondensi Bisnis Ekspor Impor*, Jakarta: PPM, pp.1 (2001).
- [10] World Customs Organization, *Joint WCO/WHO HS Classification List for COVID-19 Medical Supplies Issued*, 2020, [www.wcoomd.org](http://www.wcoomd.org), accessed on 10 June 2021 at 3.00 PM (GMT +7).
- [11] Muhammad Sood, *Hukum Perdagangan Internasional*, Jakarta: Rajawali Pers, pp. 1 (2012).
- [12] Soerjono Soekanto, *Sosiologi Suatu Pengantar*, Jakarta: Raja Grafindo Persada, pp. 220 (1990).
- [13] Soerjono Soekanto, *Teori Peranan*, Jakarta: Bumi Aksara, pp. 243 (2002).
- [14] Gunarto Suhardi, *Revitalisasi BUMN*, Yogyakarta: Universitas Atma Jaya Yogyakarta, pp. 1 (2007).
- [15] Budi Setiyono, *Pemerintahan Dan Manajemen Sektor Publik*, Jakarta: CAPS, pp. 11-12 (2014).
- [16] <https://pressrelease.kontan.co.id/release/mendag-jalankan-langkah-strategis-bidang-perdagangan-di-masa-pandemi-covid-19?page=all>, accessed on 12 June 2021 at 4.30 PM (GMT +7).
- [17] *Ibid.*
- [18] <https://news.detik.com/berita/d-4956298/daftar-negara-yang-lockdown-karena-corona>, accessed on 12 June 2021 at 5.00 PM (GMT +7).