

NOTES

LEGAL AID FOR COMMUNITIES AFFECTED BY COVID-19

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At present the world is in an uproar with the advent of a coronavirus. This virus first appeared in Wuhan, China in 2019. On December 31, 2019, Chinese authorities notified the World Health Organization (WHO) of a new corona virus outbreak that caused severe illness. The virus has now spread to all continents, except the Antarctic continent. Until Wednesday, March 18, 2020, there were 201,530 positive cases of the Corona Virus, 8,007 patients died, and 82,034 others recovered. The case is widespread because transmission can occur between humans. One of the countries affected by the corona virus outbreak is Indonesia. In Indonesia it is called the Covid-19 pandemic. With the spread of this virus to Indonesia, it has had several impacts for the Indonesian people themselves. This virus carries ampak which is very dangerous for health, coronavirus attacks the respiratory system. The impact of this virus infection is mild to severe even to cause death in sufferers. The co-19 pandemic outbreak in Indonesia, based on data from the Ministry of Health, recorded a total of positive people affected by the corona virus as of 31 March 2020 reaching 1,528 people, 81 of whom were declared cured, and 136 were declared dead.

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I. INTRODUCTION

The coronavirus pandemic is impacting all sectors, in all countries, in all fields, and in all ages. Right now the world is in an uproar with the emergence of a coronavirus disease epidemic. This virus first appeared in Wuhan, China in 2019. On December 31, 2019, Chinese authorities notified the World Health Organization (WHO) about an outbreak of a new coronavirus that causes severe illness. The virus has now spread to all continents, except for Antarctica. As of Wednesday, March 18, 2020, there were 201,530 positive cases of the Corona Virus, 8,007 patients died, and 82,034 others recovered. Cases are widespread because transmission can occur between humans. One of the countries affected by the corona virus outbreak is Indonesia. In Indonesia, it is called the Covid-19 pandemic. With the spread of this virus to Indonesia, it brings several impacts for the Indonesian people themselves. This virus brings a very dangerous impact on health, the coronavirus attacks the respiratory system. The impact of this viral infection is mild to severe even though it causes death in the sufferer. The COVID-19 pandemic outbreak in Indonesia, based on data from the Ministry of Health, recorded a total of 1,528 people who were positive for the corona virus as of March 31, 2020, 81 of them were declared cured, and 136 people were declared dead. Even in 2021, positive patients continued to grow, and some died, and new virus variants emerged and there was even a spike in deaths from May to July 2021.

In addition to having an impact on health, this also has an impact on the economic sector of countries around the world, including Indonesia. The global economy is certain to slow down, following a decision from the WHO which declared the Corona outbreak a pandemic that affected the business world. The Indonesian government has made various efforts to suppress the impact of the corona virus or what is often called Covid-19. Even President Joko Widodo asked all parties to carry out physical distancing including Work From Home (WFH) and several Regional Heads decided to cancel teaching and learning activities. President Jokowi also asked the Minister of Industry and the Minister of Cooperatives, Small and Medium Enterprises to notify companies not to terminate employment (PHK). Jokowi also said that the most important thing at this time is that Ministers must dare to hold or withhold budgets from existing programs so that they can be directed as much as possible to help the community, people, laborers, farmers, fishermen, workers, micro-enterprises, and small businesses. Meanwhile, the Head of Public Policy of the Indonesian Employers' Association (Apindo), Sutrisno Iwantono, admitted that President Jokowi's appeal not to lay off workers was a bit difficult to implement. Moreover, if the company suffers a loss, layoffs are the most likely thing for business actors to do to suppress

company finances. Although the government has provided economic stimulus to help industries affected by the spread of the Corona virus, Iwantono believes that this cannot help business actors not to lay off workers. Moreover, he continued, the impact of the economic stimulus could not be felt directly by the industry.

The application of economic stimulus is not necessarily all effective. Like the exemption from Article 25 income tax, if it turns out that the company has lost, it is useless because it is indeed a loss, including the exemption of Article 21 income tax, it still does not enter the entrepreneur concept. We will not rule out the possibility of layoffs, and the economic stimulus takes time to transmit, it takes time.

However, Iwantono emphasized that business actors would continue to prioritize humanitarian issues by implementing WFH and implementing protocols to prevent the spread of the Corona virus in accordance with government directives. However, for types of businesses such as the manufacturing industry, workers are still required to come to the factory. Since the Corona virus outbreak began to become epidemic, the tourism sector was the first industry to feel its impact. Iwantono said that based on Apindo's calculations, layoffs from the hotel business sector had occurred 20-35 percent.

II. LEGAL AID AND ASSISTANCE FOR COMMUNITIES AFFECTED BY COVID19 IN INDONESIA

There are around 86,000 workers in various sectors in Central Java affected by Covid-19, either directly or indirectly. Workers in garment or textile and wood/ furniture companies occupy the largest number affected, which is almost 45 thousand people. Employees in a number of eyelash or wig factories, as well as in the automotive sector were also severely affected, with more than 12 thousand employees for the two types of businesses.

The total number of employees or laborers in Central Java in various types of companies affected by the corona virus outbreak is more than 86,000 people spread over 17 districts/cities. Entrepreneurs who are already members of the Indonesian Employers' Association (Apindo) have tried hard to avoid layoffs. Even as difficult as it is, mass layoffs are a last resort, facing tough conditions during this corona virus outbreak. Indeed, almost all sectors are experiencing severe conditions as a result of the Covid-19 pandemic, including recreational and electronic services. Not only in Central Java or Indonesia but all over the world experience it. The chairman of Apindo for the city of Semarang, Dedi Mulyadi, said that as a result of this corona, people's purchasing power fell sharply. In addition, there are many export delays. This is because the country,

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which is the main export market for Central Java, enforces a lockdown system so that goods cannot enter.

If the condition is not immediately identified, within the next three months, a wave of mass layoffs may be inevitable. Currently, there are no factories in Semarang City that have carried out mass layoffs. However, he admits that there is a direction there because the layoff policy or reduction of employees is a solution as a form of efficiency. His party admitted that they had not calculated how much loss due to corona had for the industrial sector. However, what has been seen is the psychological burden of business, such as delays in exports and investment. The government has been quite helpful by providing the PPH 21 stimulus, but there really needs to be other extra policies to help the industry so that cash flow can continue to rotate and layoffs can be prevented. Such as by providing subsidies to pay employee salaries, bailouts to pay debts, as well as delaying or even covering BPJS costs. So far, no company in Central Java has laid off workers. Because to terminate the employment relationship, the company requires large costs to pay employee severance pay. Even if efficiency is needed, the policy chosen is not to lay off employees but to lay off temporarily or close operations, and when conditions recover, they can return to work. The current conditions are very difficult for entrepreneurs, the wheels of the economy cannot run normally because of Covid-19. The government and OJK have issued a relaxation policy for Financial Services Industry players as regulated in OJK Regulation No.11/POJK.03/2020 issued on March 13, 2020. One of the relaxations provided according to the POJK is in the form of credit restructuring or financing for debtors who affected by the spread of the Covid-19 outbreak, either directly or indirectly. OJK provides credit relaxation leeway for ceilings below Rp 10 billion.

The restructuring can be carried out with several scheme options, namely reducing interest rates, extending time, reducing principal arrears, reducing interest arrears, adding financing credit facilities and or converting financing loans into temporary equity participation. Restructuring is also possible in the form of delaying the scheduling of principal and or interest payments for a certain period of time, especially for small debtors including the informal sector, micro-enterprises and daily income workers who have credit payment obligations to run their productive businesses, which are really affected by the Covid-19 outbreak. 19 and no longer has business activities and the ability to pay anymore.

In order to implement the policy in Central Java, the head of OJK Regional 3 Central Java and DIY Aman Santosa stated that OJK Regional 3 Central Java and DIY along with the Central Java Provincial Government had taken various steps, including conducting dissemination and socialization to the financial services industry, local government, OPD related, Chamber of Commerce and related associations.

The dissemination and socialization will always be carried out by OJK so that the public and other related parties do not misunderstand the implementation of this relaxation.

In addition, OJK together with the Central Java Provincial Government have invited the financial services industry, both commercial banks and rural banks in Central Java, to formulate implementation strategies so that the relaxation policy can run effectively, be on target, and prevent banks from experiencing liquidity problems. Therefore, this policy will prioritize bank debtors and finance companies affected by Covid-19, including debtors engaged in the tourism, transportation, hospitality, trade, processing, agriculture and mining sectors.

In addition to having an impact on the economy, this epidemic also has an impact on the world of law and politics. The reason is to break the chain of the Corona Virus pandemic, the Government of Indonesia made a major policy by implementing Large-Scale Social Restrictions (PSBB) followed by a civil emergency which refers to Government Regulation in Lieu of Law (Perppu) Number 23 of 1959 concerning Dangerous Conditions.

In the Perppu it is explained that "a state of civil emergency" is a state of danger determined by the President/Supreme Commander of the Armed Forces for all or part of the country's territory.

Article 1 states that the President/Supreme Commander of the Armed Forces declares all or part of the territory of the Republic of Indonesia in a state of danger with the level of a civil emergency or a state of military emergency or a state of war, if

First, security or law and order in the entire territory or in part of the territory of the Republic of Indonesia is threatened by rebellion, riots or due to natural disasters, so that it is feared that it cannot be overcome by ordinary equipment.

Second, there is war or danger of war or fear of raping the territory of the Republic of Indonesia in any way; Third, the life of the State is in danger or from special circumstances it turns out that there are or is feared that there are symptoms that can endanger the life of the State.

Refly explained that the implementation of the Civil emergency policy should aim to restore social order in the community, which previously had a chaotic situation in terms of security and defense, as has been done in Aceh and Maluku. The chaos also had an impact on the administration of a paralyzed government. The policy is deemed unnecessary and inappropriate, because the current situation in Indonesia is not in such a state. Because what is happening and being experienced by all of Indonesia right now is a health problem, not a problem of rebellion or chaos.

The government in the construction of the constitution or constitution is the instrument that is most responsible for "fulfilling the

rights of citizens" because in the constitution it says that every citizen and even everyone has the right to a good and healthy life.

Every citizen has the right to health services and facilities and then the state is given responsibility, especially the Government in protecting, promoting, upholding and fulfilling these rights, this is regulated in the constitution/Basic Laws.

Article 28H paragraph 1 of the 1945 Constitution, *"Everyone has the right to live in physical and spiritual prosperity, to live and to have a good and healthy living environment and to have the right to health services."* Article 34 Paragraph 3 of the 1945 Constitution, *"The state is responsible for providing adequate health care facilities and public service facilities"*. Article 7 of Law Number 36 Year 2009 concerning Health, *"Everyone has the right to get information and education about balanced and responsible health"*.

The government should use other policy instruments that are in accordance with Indonesia's current conditions, such as putting forward the option of regional quarantine or lockdown which refers to Law Number 24 of 2007 concerning Disaster Management and Law Number 6 of 2018 concerning Health Quarantine.

In Article 11 of Law Number 6 of 2018 concerning Health Quarantine, it is explained that regional quarantine is a limitation of the population in an area including the entrance area and its contents suspected of being infected with disease and or contaminated in such a way as to prevent the possibility of spreading disease or contamination.

Another quarantine arrangement is that members of the community who are quarantined are not allowed to enter and leave the quarantine area. The law also regulates the obligations and responsibilities of the state for the necessities of life for many people, including the need for food for livestock, during the regional quarantine.

The corona virus itself is a dangerous and contagious disease that can trigger a public health emergency in Indonesia which has also been stipulated in Presidential Decree No. 11 of 2020 concerning the Determination of the Corona Virus Disease 2019 (Covid-19) Public Health Emergency. The Government then enforces a regional quarantine in Indonesia that has been designated as a red zone and at the entrance to an area by conducting surveillance activities for diseases and public health risk factors for transportation means, people, goods and/or the environment. Measures taken in health quarantine include:

- a) Quarantine, isolation, vaccination or prophylaxis, referral, disinfection, and/or decontamination of people as indicated.
- b) Large-scale social restrictions.
- c) Disinfection, decontamination, disinsection and/or deratization of transportation means and goods.
- d) Health, security, and control of environmental media.

As explained above, this virus also has an impact on the Indonesian economy, coupled with the implementation of the lockdown system which will certainly hamper the pace of the economy in the short term. The area that is currently very vulnerable is the DKI Jakarta area. Initially, the implementation of this lockdown was only for the Jakarta area, but later on there was news that in other areas there were also those who had tested positive for the corona virus, so the Central Government took a policy to lock down all regions. Then followed by the instructions of the Regional Head asking to close schools and universities to be replaced with an online learning system. Likewise with Civil Servants and company employees to work from home. For Civil Servants this is a natural thing and they obey the order well, but for some other members of the community this is difficult, because they have to leave work just to stay at home, while those who are heads of families have to support their families. So there are still people in some areas who continue to carry out their daily activities, because they have to survive.

This will not happen if the Government provides assistance to all Indonesian people in the form of guarantees to meet their daily needs. The government has tried to reduce the burden on the community by eliminating monthly electricity costs for people whose electricity voltage is 450kwh, while those above 450kwh are reduced to paying half. But this is not enough to help the community because the community needs not only electricity, but also food to survive. So that people ignore the dangers of the corona virus itself, because for them the most important thing is to be able to meet the needs of their family life.

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