

REVIEW ARTICLE

INFECTIOUS DISEASE OUTBREAKS ACT AND ITS IMPLICATION FOR HANDLING CORONA VIRUS SPREADING IN INDONESIA

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Health is a component of well-being because a healthy body is a key for self development. Health can be interpreted as an important investment to support economic development and has an important role in poverty alleviation efforts. Healthy lifestyle is what will save us for short or long term benefits for ourself, it can reduce the risk of so many disease like cancer and another serious problem. Our body has its own immune to protect us from so many dangerous viruses, once a virus found a body which has a low immunity it will enter our body which will attack our immune system like for example cold and flu viruses. In the beginning of 2020 there is a new virus which first found in China, the virus called corona virus or covid-19 the virus spreads quickly from one person to another from one country to another and this situation becomes more serious as its number goes higher so quickly. This research is aims to analyze the infections disease outbreaks Act and the implication on Covid-19 handling in Indonesia. This research compares some facts concerning Covid-19 policies in Indonesia to highlight the implication of policy and Act.

Keywords: *Infectious Disease Outbreaks Act, Covid-19, Law and Policy*

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I. INTRODUCTION

Health is one of the best gift God gave us, healthy body comes from healthy mind a healthy body can effect our mental health. It is like all connected to one another which we have to keep everything in balance, our body has its own immune system, immune system is very essential for our survival. Without our immune system, our bodies would be open to attack from bacteria, viruses, parasites, and more. Now we are going to talk about virus, virus is not a living organism, virus can not reproduce by their own virus hijacks cells to multiply and then it spreads and cause diseases. In between 2014-2016 there was an outbreak caused by virus named ebola in West Africa, this outbreak shocked the world people were scared because this virus is very dangerous and Ebola symptoms vary but sudden onset of fever, intense weakness, muscle pain, headache and sore throat are commonly experienced at the beginning of the disease, as the disease progresses, people commonly develop vomiting and diarrhoea rash, impaired kidney and liver function, and in some cases, both internal and external bleeding which can cause so many deaths. In 2009 to 2010 there was also an outbreak from a new kind of flu, this flu known as “swine flu” because it is almost the same as the flu that affects pigs. This flu first found and identified in Mexico in April 2009. This swine flu virus spread rapidly from one country to another, it was a new kind pf virus that a lot of people were not immune to it, but most of elderly people were immune to it. The number of the case was not really high and very few that caused death, this virus can also led to serious illness and deaths to children, people who already has health issues and pregnant women. But on August 2010 World Healt Organization officially declared that this pandemic is over.

In the beginning of 2020, the world has been horrified by the outbreak of a new type of corona virus originating from China (more precisely in Wuhan city). Coronavirus (CoV) is a large family of viruses that cause diseases ranging from mild to severe symptoms. There are at least two types of coronavirus that are known to cause diseases that can cause severe symptoms such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). Coronavirus Disease (COVID-19) is a new type of virus that has never been identified before in humans. Corona virus is zoonosis (transmitted between animals and humans). Research says that SARS is transmitted from civet cats to humans and MERS from camels to humans. Some coronaviruses are known to circulate in animals but have not been proven to infect humans, infect humans and transmission is very fast.¹

¹ Kemenkes RI. 2020. *Pedoman Kesiapsiagaan Menghadapi Coronavirus Disease (COVID-19)*. Jakarta: Dirjen Pencegahan dan Pengendalian Penyakit (P2P). Diakses

The spread of this virus is very fast throughout the world which begins in Wuhan City, China and continues to spread. Until two April 2020² there were 827,419 cases with a total of 40,777 deaths worldwide. The large number of fatalities caused by the Corona virus is different from previous outbreaks of viruses such as bird flu, swine flu and others. The difference is due to the rapid spread of the virus throughout the country. So that no country dares to declare clean from the Corona virus case.

Indonesia as a tropical country is also inseparable from the spread of Corona Virus. Until April 2020 there were 1,790 positive people, 170 people died and 112 people recovered.³ Departing from the amount of exposure, the government implemented a variety of policies such as social distancing, where each citizen was asked to reduce activities outside the home. Other policy is that the citizens must work from home and students in Indonesia must do online learning which the students are not allowed to go to school or college. This is considered to be able to reduce the spread of the virus. Policies taken by the government regarding the Corona Virus pandemic have a direct effect on society. Socioeconomic, there is stability which is certainly disturbed related to the policy. Policies taken by the government towards the spread of the Corona virus basically try to minimize the social activities. This activity is considered capable of spreading the Corona virus very quickly. Furthermore, some previous researches stated and confirmed that covid-19 has globally impact to all sectors, including to law enforcement sector.⁴

Related to the fact that the policy taken by the Indonesian government to reduce the spread of the Corona virus certainly has a legal source which is the main foundation of the policy. Reflecting on the facts shown, the Corona virus is included in the category of infectious diseases. In the regulation of the laws of the Republic of Indonesia, rules

dari

https://www.persi.or.id/images/2020/data/pedoman_kesiapsiagaan_covid19.pdf.

² Covid19.go.id. 2020. *Situasi Virus Corona Terkini*. Diakses dari Covid19.Go.Id/Situasi Virus Corona (COVID-19) 02 April 2020.

³ Covid19.go.id. 2020. *Rilis Jumlah Pasien COVID-19 Di Indonesia*. Diakses dari Covid19.Go.Id/Rilis Jumlah Pasien COVID-19 Di Indonesia (COVID-19) 02 April 2020.

⁴ Ivanka, Namira. "Large-scale Social Restrictions: What's Next?." *The Indonesian Journal of International Clinical Legal Education* Vol. 2 No. 2 (2020): 201-214; Kumala, Ratna Desinta Mega. "Legal Analysis of Government Policy on Large Scale Social Restrictions in Handling Covid-19." *The Indonesian Journal of International Clinical Legal Education* Vol. 2 No. 2 (2020): 181-200; Arifin, Ridwan. "Human Rights Interpretation in the Dimension of Pancasila Ideology." *Law Research Review Quarterly* Vol. 2 No. 4 (2016): 641-656; Widyawati, Anis, et al. "Covid-19 and Human Rights: The Capture of the Fulfilment of Rights During the Covid Outbreaks." *Unnes Law Journal* Vol. 6 No. 2 (2020): 259-286.

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regarding infectious disease outbreaks are regulated in Law No.4 of 1984. This paper seeks to see the extent to which the Act regulates government policies regarding the spread of this Corona virus.

II. DISCUSSION

Along with the spread of covid-19, we often hear the term plague, epidemic, and pandemic. Pandemic is an epidemic that has spread to several countries or continents, and generally affects many people. Meanwhile, epidemic is a term used to the increasing number of cases of disease in a population in a certain area. The term pandemic is not used to indicate the severity of a disease, but only the extent of its spread.⁵

Epidemic and pandemic actually have a similar meaning, but not the same as the plague. The word plague itself can be interpreted as a surge in the number of cases of certain diseases in certain places. What makes epidemic and pandemic different is, these two words have references to scale. Because these two words are usually used by institutions that take care of public health, both at the country and world level. Epidemics are used to refer to outbreaks on a large scale. Whereas a pandemic is usually used to refer to outbreaks that have a global scale.

Coronavirus is a collection of viruses that can infect the respiratory system. In many cases, this virus only causes mild respiratory infections, such as flu. However, this virus can also cause severe respiratory infections, such as lung infections (pneumonia), Middle-East Respiratory Syndrome (MERS), and Severe Acute Respiratory

⁵ Pandemic has 6 phases: WHO also has a pandemic phase that might be an illustration of a covid-19 or corona pandemic. Some phases or stages in which a disease can be declared a pandemic are as follows: **Phase 1.** In this phase, no viruses circulating among animals can cause infection in humans. **Phase 2.** Phase 2 is characterized by a virus circulating among animals that is known to cause infection in human so it is considered a potential pandemic threat. **Phase 3.** In phase 3, viruses caused by animals or animal-humans cause several cases sporadically or infect a small group of people. However, it is not enough to set it as the plague. Transmission from human to human is still limited. **Phase 4.** In this phase, the transmission of the virus from humans to humans or from animals to humans is increasing, causing outbreaks. This also shows a significant increase in the risk of a pandemic. **Phase 5.** In this phase, the spread of the virus from human to human has occurred in at least two countries in one WHO region. Most countries will not be affected at this stage, but this is a strong signal that a pandemic is close. **Phase 6.** Phase 6 is a phase marked by outbreaks that spread to various countries in the WHO region. This phase also shows that a global pandemic is taking place.

The duration of each phase can be different, it may take months or even years. In addition, not all cases can reach phase 6 because it might have been reduced in the previous phases. However, once established as a pandemic, of course it needs to be controlled as soon as possible so that the level of spread and severity of the disease is not getting higher.

Syndrome.⁶ In the worst case it can cause death. Indonesian lung doctor association releases Coronavirus. Coronavirus is a single positive, encapsulated, non-segmented RNA virus. Coronavirus belongs to the order Nidovirales, Coronaviridae family. Coronaviridae is divided into two sub-families divided by serotype and genome characteristics. There are four genera, namely alpha coronavirus, betacoronavirus, deltacoronavirus and gamma coronavirus.⁷

COVID-19 infection can cause mild, moderate or severe symptoms. The main clinical symptoms that appear are fever which temperature more than 38 degree C, cough and difficulty breathing. Moreover, it can be accompanied by heavy tightness, fatigue, myalgia, gastrointestinal symptoms such as diarrhea and other respiratory symptoms. Half of patients develop shortness in one week. In severe cases progressively rapid deterioration, such as ARDS, septic shock, metabolic acidosis that is difficult to correct and bleeding or dysfunction of the coagulation system within a few days. In some patients, symptoms that appear mild, not even accompanied by fever. Most patients have a good prognosis, with a small proportion in critical condition even dying. The following clinical syndromes that can arise if infected.⁸

Some of the efforts to prevent and control infection need to be applied to the principles of hand hygiene, the use of personal protective equipment to prevent direct contact with patients (blood, body fluids, secretions including respiratory secretions, and intact skin), prevention of needling and sharp objects, management medical waste, cleaning and disinfecting equipment in the hospital and cleaning the hospital environment. Cleaning and disinfecting based on Coronavirus characteristics are heat sensitive and can effectively be activated by disinfectants containing chlorine, lipid solvents at a temperature of 56 °C for 30 minutes, ether, alcohol, peroxysiacetic acid and chloroform. Chlorhexidine is not effective in deactivating the virus.⁹

Preventive measures that can be taken by the community against the transmission of the Covid-19 virus can be carried out as follows¹⁰:

- 1) Maintaining health and fitness so that the body's stamina remains excellent and the immune system or immune system is increased.

⁶ Dame. Merry Cristy Pane. 2020. *Virus Corona*. Diakses dari [Http://www.alodokter.co/virus-corona](http://www.alodokter.co/virus-corona)

⁷ Perhimpunan Dokter Paru Indonesia 2020.. *Pneumonia Covid-19 Diagnosis & Penatalaksanaan Di Indonesia*. Jakarta, diakses dari [Http://www.persi.or.id/pneumonia covid-19-persi](http://www.persi.or.id/pneumonia-covid-19-persi). p 3.

⁸ *Ibid*, p. 12.

⁹ *Ibid*, p. 24.

¹⁰ Alfi Yuda, 2020. *10 Langkah Pencegahan Penularan Virus Corona Covid-19 Versi Kemenkes*. Diakses dari <https://www.liputan6.com/bola/read/4210120/10-langkah-pencegahan-penularan-virus-corona-covid-19-versi-kemenkes>, 10 April 2020.

- 2) Wash our hands properly on a regular basis using water and soap or alcohol-based hand rubs. Washing our hands thoroughly in addition to killing viruses that might be in our hands, this action is also one of the measures that are easy and inexpensive. About 98 percent of the spread of the disease comes from the hands. Therefore, maintaining hand hygiene is very important.
- 3) When coughing and sneezing, we are supposed to cover our nose and mouth with a tissue or upper arm (not with our palm).
- 4) Avoid contact with other people or travel to public places.
- 5) Avoid touching the eyes, nose and mouth (facial triangle). Hands touch many things that can be contaminated with viruses. If we touch the eyes, nose and mouth with contaminated hands, the virus can easily enter our body.
- 6) Use the mask properly to cover the mouth and nose when we feel like we are sick or when in public places. This action is gonna help too when we are already infected so that we do not spread the virus to other people around us.
- 7) Dispose of used tissues and masks in the trash can properly, then wash our hands.
- 8) Postpone a trip to the area or country where this virus was found.
- 9) Avoid going outside when we feel unwell, especially if we feel the symptoms such as a fever, cough, and difficulty breathing. Immediately contact the nearest health worker, and ask for their help. Follow the directions of health workers.
- 10) Always monitor the progress of COVID-19 disease from official and accurate sources. Follow the directions and information from the health officer and the local Health Service. Information from the right sources can help you protect against transmission and spread of this disease.

Related to every policy present in the matter of handling the Corona virus by the government comes from Law No.4 of 1984. The principles that form the basis for establishing norms in replacing the Outbreak Law of 1984, are as formulated in Law No. 12 of 2011 concerning Formation of Regulations and Regulations¹¹, among others:

1. Humanity; manifested in the handling of infectious diseases so that this law provides protection and respect for the human rights, dignity and dignity of every citizen and population of Indonesia proportionally.

¹¹ Prof. Dr. Dr. Bambang Sutrisna, M.Hsc 2013. *Naskah Akademik Ruu Tentang Perubahan Atas Undang-Undang Nomor 4 Tahun 1984 Tentang Wabah Penyakit Menular*. Pusat Perencanaan Pembangunan Hukum Nasional Badan Pembinaan Hukum Nasional Kementerian Hukum Dan Hak Asasi Manusia 2013. pp. 22-25.

2. Justice; that every material content of the provisions in handling infectious disease outbreaks must reflect proportional justice for every citizen without exception.
3. Equality in law and government; that the content of provisions in the handling of infectious diseases must not contain matters that distinguish backgrounds, such as religion, ethnicity, race, class, gender, or social status.
4. Balance, and harmony; balance means that the material content of the provisions in handling infectious diseases reflects the balance of social and environmental life. The alignment of material content provisions in the handling of infectious diseases reflects the harmony of life and environment. Harmony that the content of the provisions in the handling of infectious diseases reflects the harmony of the environment and social life of the community.
5. Order and legal certainty; that the material content of the provisions in handling infectious diseases must be able to cause order in the community through the guarantee of legal certainty.
6. Togetherness; that the handling of infectious diseases is basically a shared duty and responsibility of the Government and the community which is carried out cooperatively.
7. Environmental preservation; and that the material content of the provisions in handling infectious diseases reflects environmental sustainability for the present generation and for future generations in the interest of the nation and state.
8. Science and technology, that in controlling infectious diseases must utilize science and technology optimally so as to simplify and speed up the process of communicating infectious diseases, both at the prevention stage, when a disease spreads, and at the post-spread or post-healing stage.

Some principles in preparing the Bill on Plague, namely:

1. Quick and precise; that in handling infectious diseases must be carried out quickly and precisely in accordance with the demands of the situation.
2. Priority; that if an infectious disease occurs, prevention activities must receive priority and prioritize rescue activities of the human beings.
3. Coordination and integration; that prevention of infectious diseases is based on good coordination and mutual support. Integration that combating infectious disease outbreaks is carried out by various sectors in an integrated manner based on good cooperation and mutual support.
4. Efficient and effective; that in overcoming community difficulties, do not waste excessive time, energy and costs. It is effective that prevention of outbreaks of infectious diseases must

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be effective, especially in overcoming the difficulties of the community by not wasting excessive time, energy and costs.

5. Transparency and accountability; transparency that the handling of infectious disease outbreaks is carried out in an open and accountable manner. Accountability is that prevention of infectious diseases is carried out openly and ethically and legally accountable.
6. Partnership; that related to disease outbreaks, collaboration is needed in terms of information sources, prevention, and eradication / handling. Cooperation is carried out by various parties including health, education, religious, NGO, military, police, professional, social, scout, companies, embassies, as well as print and electronic media.
7. Empowerment; efforts to increase the capacity of human resources and health institutions in the prevention, prevention and eradication / handling of epidemics.
8. Non-discriminatory that the country in handling infectious disease outbreaks does not provide different treatment for gender, ethnicity, religion, race, and any political flow.
9. Non-proletariat that is prohibited from spreading religion or belief during an emergency outbreak, especially through providing assistance and emergency services for victims' assistance.

Improvement of people's health is done through efforts to improve, prevent, cure and recover by bringing closer and equitable health services to the people. Health development is aimed at increasing the stopping of infectious diseases, improving people's nutritional conditions, increasing drinking water supply, improving hygiene and environmental health, protecting people against the dangers of narcotics and using drugs that do not meet the requirements, and counseling public health to promote healthy living behaviors which started as early as possible.

Law No.4 of 1984 is a law that regulates outbreaks of infectious diseases. This law has 17 articles divided into 8 chapters. The chapters regulate among other things about general provisions, intentions and objectives, types of diseases that can cause epidemics, areas of epidemics, mitigation efforts, rights and obligations, criminal provisions, and transitional rules.

Plague problem¹² and its handling does not stand alone, but is part of a national health effort that has links to other sectors outside of health, and is inseparable from the integration of national development. The plague that caused the catastrophe that befell mankind from the past to

¹² Law No.4 of 1984, Accessed from www.hukumonline.com/uu.no.4 1984

the present and the future remains a threat to survival and life. In addition to an outbreak endangering public health, because it can cause illness, disability and death, it will also cause obstacles in the implementation of national development. Health is a component of well-being, because healthy people are able to carry out development. So this Law also involves efforts to explore or improve human resources in development and increase national resilience.

In addition, Law No.44 1984¹³ has binding power in the form of sanctions if intentionally obstructing the implementation of epidemics as stipulated in this Law, threatened with imprisonment for a maximum of 1 (one) year and / or fines of a maximum of Rp 1,000,000 (one million) rupiah). Or anyone who for his negligence results in obstruction of the implementation of epidemic prevention as regulated in this Law, is threatened with imprisonment for a maximum period of 6 (six) months and / or a maximum fine of Rp. 500,000.- (five hundred thousand rupiah).

The sanctions that are intended are sanctions against epidemic prevention efforts, namely:

- a. Epidemiological investigation;
- b. Examination, treatment, care and isolation of patients, including quarantine measures;
- c. Prevention and thickening;
- d. Obliteration of causes of disease;
- e. Handling of corpses due to outbreaks;
- f. Public education;
- g. Others.

The Plague Act of 1984, did not specifically regulate and determine the legal object. Based on an analysis of the situation, the development of science and technology (science and technology), changes in the environment, environmental conditions, and changes in social and cultural life including social behavior, there is a development trend regarding the pattern, spread, and types of diseases. In the last decade there have been several new infectious diseases, infectious diseases and certain types of re-emerging diseases as well as changes in the level of endemicity as well as an increased threat of outbreaks.¹⁴ Reflecting on the above view, the spread of the Corona virus is a new form of infectious disease that is legally not regulated in Law no.4 of 1984. This can be seen from the rapid spread that has caused many deaths. But based on the impact caused, the spread of the Corona virus can be said to be a disease outbreak.

The Plague Act of 1984 does not regulate investigation. In addition, the formulation of criminal sanctions did not pay much attention to the development of the theory of punishment, especially regarding the sanction system. It is feared that it has no effectiveness in

¹³ *Ibid.*, p. 5.

¹⁴ *Op. cit.*, Prof. Dr. dr. Bambang Sutrisna, M.HSc., p. 55.

the application and purpose of the sanction itself or the deterrent effect for related parties which intentionally or reasonably suspected can cause an outbreak. In terms of countermeasures, stakeholders, both between networks and partnerships and international donor agencies, are still relatively poorly coordinated. There is no strict regulation in terms of guidance and supervision in the context of preventing, overcoming, and eradicating / handling outbreaks.¹⁵

Reflecting on the above view related to the crime regulated in article 14, it appears that criminal sanctions that are caused by blocking the Corona virus prevention efforts have not been implemented properly. The regional government is still limited to banning out of the house and implementing social distancing, but the efforts made have not yet touched criminal sanctions. The 1984 Plague Act only regulates epidemics against infectious diseases. Along with the development of science and technology, legal politics, changes in the environment and changes in socio-cultural life, there have been developments in types of diseases (especially infectious diseases), transmission media and also the complexity of the threat or danger of disease transmission. This has an impact on determining the parameters for determining "epidemics" in certain regions. Determination of this outbreak will certainly affect the determination of the mitigation efforts and prevention efforts so that similar cases do not recur. Therefore, caution and accuracy are needed in determining the "*plague*" considering that it will affect the social, economic and political conditions of the nation¹⁶.

Reflecting on the above view, the Corona virus is not specifically included in the category of infectious diseases. However, the complexity, threat and danger of transmission are far greater than this law assumes. This condition is certainly a matter of concern, where the efforts made by the government related to the policy taken are constrained because of the still unclear definition related to the spread of the Corona virus. And because the law was made long time ago before the corona virus first found so that the law number 4 of 1984 can not fully used to solve the coronavirus situation. Indonesian goverment did make a new regulations about coronavirus situation "Government Regulation Number 21 of 2020" this regulation is basically about *PSBB (Pembatasan sosial Berskala Besar)*¹⁷ to stop the spread of coronavirus because in Indonesia the number keeps increasing every minutes and this is very awful just to

¹⁵ *Loc.cit*, p. 56.

¹⁶ *Loc.cit*, p. 70.

¹⁷ Yunus, Nur Rohim, and Annissa Rezki. "Kebijakan pemberlakuan lock down sebagai antisipasi penyebaran corona virus Covid-19." *Salam: Jurnal Sosial dan Budaya Syar-i* Vol. 7 No. 3 (2020): 227-238. *See also* Tuwu, Darmin. "Kebijakan Pemerintah Dalam Penanganan Pandemi Covid-19." *Journal Publichuo* Vol. 3 No.2 (2020): 267-278; Saraswati, Putu Sekarwangi. "Kebijakan Hukum Terhadap Penanganan Pandemi Covid-19 Di Indonesia." *Kertha Wicaksana* Vol. 14 No.2 (2020): 147-152.

imagine if this pandemic does not stop for months or might be a year or years, it is going to be very hard to restore the situation, people lose their jobs, people lose their income, their business, fathers and mothers die in this pandemic and how are the children going to survive their life after this pandemic, children die, old people die.¹⁸

III. CONCLUSION

Few years back, there were several plague or pandemic happened all around the world such as ebola virus, swine flu, and others, in 2020 a new virus was found it is called corona virus or covid-19 the virus was first found in Wuhan China, later covid-19 spreads all over the globe from one country to another very quickly and later it becomes globe outbreak with hundreds of thousand of the case and deaths all over the world. Every leaders on every country are making their own policy and still trying to find a solution to this situation.

Coronavirus is a collection of viruses that can infect the respiratory system. In many cases, this virus only causes mild respiratory infections, such as flu. However, this virus can also cause severe respiratory infections, such as lung infections (pneumonia), Middle-East Respiratory Syndrome (MERS), and Severe Acute Respiratory Syndrome. In the worst case it can cause death. This virus was first found in Wuhan, China on the beginning of 2020 which quickly spread all around the world including Indonesia and this outbreak becomes a global outbreak. This virus causes a big chaos in every country, from the high number of deaths issues and the social issues. The social issues really going to be the government's biggest duty, how the society will recover from the pandemic is going to be the hardest part of the pandemic.

The urgency of using the 1984 law as a law defining the spread of the Corona virus needs to be reexamined. This is related to articles which are basically not explained in accordance with the current conditions, so that defining the Corona virus as an outbreak of infectious disease is slow. This can be seen from the lockdown policy that has not been taken by the government as a preventive measure, because the law has not specifically regulated. And the government requires a legal basis for the policy to be taken. Moving from the above view, the review of laws related to infectious disease outbreaks must be immediately revised and carried out quickly. This is in view of the increasingly widespread Corona virus spread. And this certainly will give power to the government in this case the president to determine the policy and strategic steps. But beside that, Indonesian government itself already made

¹⁸ Pradana, Anung Ahadi, and Casman Casman. "Pengaruh Kebijakan Social Distancing pada Wabah COVID-19 terhadap Kelompok Rentan di Indonesia." *Jurnal Kebijakan Kesehatan Indonesia: JKKI* Vol. 9 No. 2 (2020): 61-67.

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a ner regulation to this virus outbreak which “Government Regulation Number 21 of 2020”. Even the government was not quickly giving response to the coronavirus ourbreak when it first found in China, and the virus now already infected a lot of Indonesians citizens. The government still trying to do their best to solve this problem because this pandemic is a very serious problem and the government needs everybody participate to minimize the spread by staying home and not going to public places.

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