

REVIEW ARTICLE

HOW DOES THE LAW SOLVE THE COVID-19 PROBLEM?

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Covid-19 was first discovered in China precisely in Wuhan City, this virus first appeared in 2019 which then this virus spread throughout the world including Indonesia, which until now still struggling against the Covid-19 virus to date, the number continues to grow until many cause death, this has the effect of economic and other pressures and become a global problem. So the government must make new policies to overcome this problem. Activation of corporations both nationally and globally has received a very large impact as a result of the spread of the covid-19 virus, very rapid transmission rates, the risk of death for people who are weak immune to anti-virus that has not been found with certainty makes a number of countries and governments adopt policies that legally implicated because it is not only the main problem. Many problems arise such as the scarcity of APD and a lot of crime because it is related to an increasingly bad economy.

Keywords: *Covid-19; Law and Policy, Economic Impact, Social Problems*

I. INTRODUCTION

Coronavirus is a group of viruses that can cause disease in animals or humans. Some types of coronavirus are known to cause respiratory infections in humans ranging from cold cough to more serious ones such as middle east respiratory syndrome (MERS) and Severe acute respiratory syndrome (SARS), a new type of Corona found to cause

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Covid-19 disease.¹ Rooted from the news circulating among the people today, the Corona Virus Case or known as Covid-19 was first discovered in China precisely in Wuhan City, this virus first appeared in 2019 which then this virus spread throughout the world including Indonesia, which until now still struggling against the Covid-19 virus to date, the number continues to grow until many cause death, this has the effect of economic and other pressures and become a global problem. So the government must make new policies to overcome this problem.

Activation of corporations both nationally and globally has received a very large impact as a result of the spread of the covid-19 virus, very rapid transmission rates, the risk of death for people who are weak immune to anti-virus that has not been found with certainty makes a number of countries and governments adopt policies that legally implicated because it is not only the main problem. Many problems arise such as the scarcity of APD and a lot of crime because it is related to an increasingly bad economy.

Based on the Title and Background above the formulation of the problems that are the focus of this paper are:

- a. How is the government's response related to the existence of this virus pandemic
- b. How is government innovation related to law in overcoming this viral pandemic

The purpose of this paper is to find out how the response and innovation of governments from various sectors can overcome the Covid-19 virus pandemic in Indonesia. Through this paper we can further examine the efforts of the government in overcoming Covid-19 from various policies carried out, and we can assess whether the policy is appropriate to be applied in our country.

II. INITIAL RESPONSE AND EFFORTS MADE BY THE GOVERNMENT

The Indonesian government may be very late in anticipating the spread of Covid-19, where the Indonesian government has only confirmed the first case of Covid-19 on March 2, 2020, since the first case occurred the new government issued policies and strategies in order to prevent transmission and significant deaths due to Covid-19, Many Responses made by various groups such as the general public, the government collected surveys related to the perception of Indonesian people about the crisis situation of the spread of Covid-19 in Indonesia.

Dhenok said "In a crisis situation like this, data and information are needed as material to design strategies to overcome this pandemic

¹ <https://www.who.int/indonesia/news/novel-coronavirus/qa-for-public>.

virus".² The people considered that the government was not fast and effective in handling the spread of Covid-19. To explore further the responsibilities and efforts made by the government, it can be seen if the rules of the Health Act, the rule outlines that the central government together with local governments must implement a form of control and prevention of infectious diseases, the control must also be based on region and if needed can also based on National. The community also has the right to health and this must be upheld by the health law, in this case the central government is also obliged to provide this information. However, in the face of the Covid-19 pandemic, there were irregularities in various information. Even health checks are not done thoroughly. The positive number of Covid-19 cases continues to remain unknown. People only see very little, but there are probably very many cases.

Under the law on public information disclosure, the government is obliged to deliver public information to the public, especially with information that can move the public away from the current situation, if this is neglected, article 52 of the Law on information disclosure imposes criminal sanctions on public bodies that intentionally does not provide, does not provide, and or does not publish public information that must be widely publicized and if it causes harm to others, thus it is appropriate for the government to provide firm policies in the current Covid-19 situation.

The philosopher Suzy Kassem said that "Endangering human life for profit must be a universal crime", the phrase shows that the importance of personal gain at the expense of human lives can be considered a very big crime, if not careful in tackling this Covid-19 plague the government's actions can lead to that. Therefore, the government must very wisely determine its attitude in dealing with this pandemic.³ Then in the Health Quarantine Law which in an emergency situation like this, there are several quarantine mechanisms. The highest level is regional quarantine and large-scale social restrictions. According to the Health Quarantine Act, health quarantine is an effort to prevent the entry or exit of diseases or public health risk factors that have the potential to cause public health emergencies. The law stipulates that the determination of public health emergencies is the authority of the central government. This authority is carried out by conducting various assessment efforts to determine the level of emergency. Regional quarantine is still known in the media by the term "Lockdown" and not only that there is also the term social restrictions, but there is no government decision that states that Indonesia must do so on a large

² <https://www.kompas.com/sains/read/2020/04/02/100200323/berbagai-respons-rakyat-untuk-pemerintah-terkait-penanganan-covid-19>.

³ <https://kolom.tempo.co/read/1325429/tanggung-jawab-hukum-dalam-wabah-corona>.

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scale. It's just that in some areas they have done it alone without any orders from the national scale.

Until now the Government has not used the Health Quarantine Law explicitly, as a result, many private companies, state-owned enterprises and government institutions still do not have strict social restrictions, this has a negative impact on the Spread of Covid-19. Doing social constraints through work from home but no doubt there are still many who have not done so that it causes additional problems such as transportation. In Article 93 the health quarantine law stipulates that people who do not obey or obstruct the implementation of quarantine are sentenced to a maximum of one year imprisonment and / or a maximum fine of Rp 100 million. It can be imposed if national territorial restrictions may be applied like other countries, but this sanction is considered still relatively small compared to other countries that have conducted large-scale lockdowns considering their cases are far more than ours today. In Spain, the sanctions are up to 25 euros or nearly Rp 415 million. This becomes important, considering that social restrictions require positive participation from the community.

The government has disbursed a significant amount of money in tackling this outbreak. It must be noted that these funds must be optimized for the prevention of epidemics. If there is fraud or misuse of the budget, it can qualify as a criminal act of corruption with the threat of capital punishment. This must be applied. Considering that the crime is a Universal crime, it is important for the government and all parties involved that the financial management of this disaster is very important. Anyone who hoard basic goods, such as rice, sugar, and medical devices such as masks, must receive strict sanctions. The Trade Law clearly provides a criminal threat for those who hoard staples or important goods in a certain amount and time. If this is done in a state of disaster, it certainly can become a burdensome consideration for the judge in passing the verdict later. Therefore, strengthening law enforcement is also important to provide assistance in overcoming the Covid-19 outbreak.

III. ANTICIPATORY AND INNOVATIVE POLICIES FOR HANDLING THE COVID- 19 OUTBREAK

The spread of the Covid-19 virus is very, very massive, reaching 17 provinces in Indonesia, perhaps more so until now, the Government is currently still working hard to limit the spread of the virus and deal with people who have been affected by this virus outbreak, these policies resulted Responsive policies related to the devotion of doctors and medical staff are very worthy to be appreciated because they are the

foremost Guard heroes for now. This issue certainly requires further stance because many countries have succeeded in reducing the impact of the virus such as China and Italy, although they have a large impact, but their efforts can be emulated to reduce the impact that is happening in our country today, so from That Indonesia needs to think of Anticipatory and Innovative Policies so that the handling of Covid-19 can be completed as soon as possible.⁴

The first policy might be Strengthening the availability and reliability of Infrastructure Handling this virus, where this infrastructure is very important both for medical personnel who are the frontline heroes and for people who are victims. such as the availability of hospitals and their handling capacity must also be able to deal with the explosion of patients in the area. the alertness of the government and medical personnel Proven to inhibit and localize the spread of the Covid-19 Virus, this effort needs to be balanced with adequate quality personal protective equipment and qualified medical equipment, this is also strengthened by health and safety guarantees both for the detainees and for the general public Then, to do Covid-19 hazard education which must be given to the community, this education is needed for the middle to lower classes. The complexity of social education will tend to thicken because the problems of community life in Indonesia are unique. Although in this case education may be classified as easier, it may be that in the middle class and below there is still a sense of violence and panic. Uncontrolled information about covid-19 and the failure of persuasion breaks the chain of distribution, mirroring the absence of changes in attitudes and behavior. If this continues, functional impacts will also not work for co-19 hazard education. In addition, the communal nature and patterns of livelihood often negate the applied steps of social education. The aim is to prepare the community to face the danger of co-19 intelligently and wisely, as should education on how to deal with natural disasters. Only with this social education policy can co-19 control be carried out, given the largest proportion of potential carriers is in the middle to lower classes of society. national policy to mobilize the participating industry to face covid-19. The involvement of the national industry was done by asking them to temporarily mass-produce co-19 prevention, inspection and handling equipment. Such business efforts are directed to meet the availability of masks, sanitizers, personal protective equipment, and food for those who are vulnerable to these primary needs. Maybe if the initial policies had already taken place, the Covid-19 handler did not take too long and it would be very maximal.

⁴ <https://mediaindonesia.com/read/detail/298499-kebijakan-antisipatif-inovatif-penanganan-covid-19>.

IV. GOVERNMENT EFFORTS TO EVEN STATE FINANCE AND FINANCIAL STABILIZATION

This effort was carried out by establishing Perppu 1 of 2020 concerning state financial policies and financial system stability for handling the Covid-19 pandemic and or in order to face threats that endanger the National economy and financial system stability, a number of policies were adopted such as allocating additional expenditure and financing of the state budget Year 2020 for handling Covid-19. For this purpose, the government disbursed a budget of Rp.450.1 trillion, which will then be allocated to a number of areas ranging from the health side to the economic impact it causes.

The amount of this expenditure is adjusted by the government in Perppu 1 2020 to handle this very dangerous Pandemic Covid-19, which includes.

1. Health budget of 5% (five percent) of the state income and expenditure budget excluding salary, which is regulated in Law Number 36 of 2009 concerning Health
2. The budget for villages originating from the State Budget of 10% (ten percent) from and outside the Regional Transfer fund, which is regulated in Law Number 6 of 2014 concerning Villages; and
3. The amount of the General Allocation Funds to Net Domestic Revenues as regulated in Act Number 33 of 2004 concerning Financial Balance between the Government and Regional Governments.⁵

But there are still many pros and cons to Perppu No. 1 of 2020, its presence brings polemic in the community, especially the existence of alleged impunity from state organization, even there are institutions that want to take this Perppu to the constitutional court because they are considered to provide legal protection that is not in accordance with the Law invite. The assumption that such immunity is related to Article 27 of Perppu 1/2020 Article 1, 2 and 3. Where these articles state that the costs incurred by the government to save the economy from the crisis are not state losses, government officials related to the implementation of the regulation cannot civil or criminal prosecution if carrying out their duties based on good faith, and all decisions based on Perppu are not the object of a lawsuit to the state administration court.⁶

⁵ <https://www.jogloabang.com/ekbis/perppu-1-2020-kebijakan-keuangan-negara-stabilitas-sistem-keuangan-penanganan-pandemi-covid>.

⁶ <https://money.kompas.com/read/2020/04/13/060600326/perppu-nomor-1-tahun-2020-tak-membuat-penyelenggara-negara-kebal-hukum?page=all>.

Apart from that, this Perppu may be needed and indeed must be issued, this Perppu was issued because the government considered a situation that was urgent and forced, resulting in an urgent need to resolve the problem, then other impacts had a very rapid impact such as slowing national economic growth, a decrease in state revenue, while an increase in state spending and financing soared due to the existence of this pandemic, not only that economic recovery including for the business world and affected people also becomes an important aspect, this urgent situation is also needed to grant authority to the government to be able to reallocate and budget refocusing which had previously been allocated in the 2020 APBN. Through immediate reallocation and refocusing, it is hoped that economic recovery will soon be restored. Then this Perppu was created because the government spent money to save the country, namely by making additional expenditures for life safety and public health not only providing medical equipment, providing state incentives but also expanding programs such as the expansion of the nine-basic-necessity card program, increasing pre-employment cards doubling and waiving electricity bills for three months, as well as purchasing groceries logistics and basic necessities for regions experiencing extensive social or quarantine restrictions, and supporting small economic actors to continue to survive amid the outbreaks because this is a shared responsibility.

With this Perppu the government does not protect those who carry out their duties in good faith and does not comply with the applicable laws and regulations because in Article 50 of the Criminal Code it is stated that "anyone who commits an act to carry out the provisions of the Law, is not convicted", while in article 51 Paragraph 1 of the Criminal Code states that anyone who commits an act to carry out an office order given by an authorized authority is not convicted. Thus the corridor in the implementation of this regulation is clear that it should not violate the provisions of the legislation, so that it can be read that the provision is not an absolute immunity because in those provisions those who carry out in good faith and are not in accordance with statutory regulations, are not included in the categories that are not can be prosecuted.

There are also other laws governing legal protection whereby legal protection efforts to the competent authorities in making policies are in accordance with the law, the first being Law number 19 of 2016 concerning the prevention and handling of financial system crises (PPSK), In Article 48 paragraph 1 of the Law it is stated that unless there is an element of abuse of authority, members of the KSSK and officials or employees of the Ministry of Finance, BI, OJK, and LPS cannot be prosecuted, either civil or criminal for the implementation of functions, duties, and authorities based on the Law PPSK. This is to protect legally the policies taken in crisis conditions which certainly cannot be equated with normal conditions. Then there is also the Tax Enforcement Act, so that good faith is explained if in carrying out its duties not to seek benefits

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for themselves, families, groups, and / or other actions that indicate corruption, collusion and nepotism. And this Perppu was made in accordance with the principle of legal certainty referred to in article 27 paragraph 3 of the Perppu which states that all actions including decisions taken based on government regulations in place of this law are not objects of a lawsuit that can be submitted to the State Administrative Court.

V. GOVERNMENT EFFORTS AND COERCION BASED ON EXISTING REGULATIONS

In dealing with this global pandemic (Covid-19), the Government has taken several actions, starting from declaring this outbreak as a national disaster, issuing several policies by ministries / agencies in dealing with this outbreak, preparing infrastructure and health facilities to the closure of certain areas by regional governments . Increasing number of people with Covid-19 in Indonesia There are a number of public opinions appearing to strengthen the government's actions to overcome the Covid-19 outbreak, where many people who propose to punish fines or imprisonment for citizens who are still hanging around or carrying out activities in a crowd and there are still many penalties that are according to him must be given by the government.

In the opening of the 1945 Constitution paragraph 4 also requires that the state must be active in "Protecting all Indonesian people and all spilled Indonesian blood, promoting public welfare, and educating the life of the nation", the state must not only remain silent in the efforts to protect and improve the welfare of citizens where the government must be present and actively intervening in people's lives. Surely this intervention must be based on law to avoid abuse of authority by the power, In his book "Why Nations Fail" the author said that the success of a country's development is largely determined by its political institutions. The best political institutions and proven successful welfare of its citizens is an inclusive institution, which is a centralized and diverse political institution. Centralized means centralized and strong, while diverse means a controlled distribution of power to prevent authoritarianism.⁷

A strong and effective government is a prerequisite for success in the administration of the state, in the context of Indonesia against Covid-19, the government must have the courage to use all available means to prevent the Covid-19 pandemic, including using government coercion. The phrase government coercion in handling Covid cases among others

⁷ Daron Acemoglu dan James A. Robinson, 2017, pp. 85-86

can be found in Law Number 24 of 2007 concerning disaster management, where this Law states the implementation of disaster management during an emergency response in the form of rescue and evacuation of the community, to the granting of authority for easy access to the Management Agency Disaster to rescue. Then PP No. 21/2008 concerning the implementation of disaster management, there are several forms of government coercion, including: during a state of disaster emergency, the Head of the BNPB and the head of the BPBD are authorized to mobilize human resources, equipment, and logistics from agencies / institutions and the public to respond emergency.⁸ The legal basis for the government in implementing government coercion against Covid-19 can also be found in Law Number 6 of 2008 concerning health quarantine which in article 59 authorizes the government to establish Large-Scale Social Restrictions, which include the consolation of schools and workplaces to be discussed later, to restrictions on activities in public places or facilities. This coercion is in the realm of discretion, the government can use coercion and if coercion is used then the government must consider all the interests related to choosing the most effective form of discretion that can be used properly and can be accounted for, one coercion that can be used for example the closure of a areas that have been applied in several areas, the government must mobilize its apparatus to supervise the area, forbid people to enter it, establish health checkpoints, guarantee the security of the area, and guarantee the availability of basic living necessities as intended in Article 53 of Law 24 of 2007 Juncto article 52 PP 21 of 2008 and its implementation must be based on general principles of good governance such as the principle of humanity, the principle of openness, the principle of good faith, the principle of justice, and others. Differing from criminal sanctions and coercive sanctions, coercive sanctions are aimed at the violation not the person, on the contrary criminal sanctions are aimed at the offender by giving a sentence. The government coercion is intended to stop the offender's actions, in the case of this pandemic so that the coercion of Covid-19 through various activities that allow the sharing of the virus to spread can be limited. In state administrative law known as cumulative sanctions, namely sanctions imposed in the form of administrative sanctions together with criminal sanctions, administrative sanctions can be directly imposed unilaterally without the need to wait for a court decision.

⁸ Pasal 25 ayat (1) PP 21 Tahun 2008

VI. MITIGATION EFFORTS THROUGH WORK FROM HOME AND LEARNING FROM HOME

Spread of Covid-19 disease. However, in its implementation, not all sectors of work can be done at home. Other factors, such as the size of the house, the absence of work tools and communication, and the lack of communication and coordination, can also hamper the productivity of working from home. It is a challenge for all of us who work at home during the Covid-19 pandemic. The President appealed to do work from home where then the minister for the use of the state apparatus and bureaucratic reform issued Circular number 19 of 2020 concerning the adjustment of the work system of the state civil apparatus in efforts to prevent Covid-19 in the government environment where the circular was also related to the postponement of face-to-face activities that present many participants, as well as the financial services authority, asked a number of banking companies to make operational service adjustments by reducing interaction between people. The company can issue its own policy if the appeal letter cannot be fully implemented, such as dividing two teams in turn to reduce risk, some work at home and some work at the office, some who work at home are preferred for those who are sick or have just returned from a trip abroad, According to research "Work-life Balance and Working from Home (Crosbie & Moore, 2004)", working from home means paid work done mainly from home (at least 20 hours per week). Working from home will provide flexible time for workers to provide life balance for employees. On the other hand it also provides benefits for the company. This system is good to be implemented to reduce the spread of covid-19 because working from home will keep our distance from others, avoiding yourself from the crowd and reduce the mobility of people, this system has been applied by other countries that have been affected by the covid outbreak since the beginning This 19th. In Indonesia there may be some shortcomings that must be addressed to make these efforts for workers who incidentally do not all have qualified facilities such as the strength of the network and others, this should also be a focus of attention from the government.

On the issue of education, it is also very influential, Covid-19 currently has an impact on the whole community and on the education sector in Indonesia. this was acknowledged by (UNESCO) on Thursday (5/3) that the Corona Virus outbreak had an impact on the education sector. nearly 300 million students are disrupted by their school activities worldwide and threaten their educational rights in the future. Since President Joko widodo announced the first Covid-19 case in Indonesia on (2/3), Jokowi has appealed to the public to reduce activities outside the home in order to reduce the spread of the Covid-19 corona virus in

Indonesia.⁹ In the effort of the concept of learning at home there may still be many shortcomings, problems caused by Covid-19 are felt by the community, especially students and students related to studying at home, students complain that learning at home is filled with home assignments given by each teacher too much, while students complained that online meetings were constrained by web networks, inadequate technology, and also weak networks. And there are still several other obstacles. As a result of the purpose that is not going well, it creates various problems such as many students who abuse learning at home to play online games in internet cafes, then gather in crowded places, which has an impact on the emergence of new problems again. To reduce new problems that arise the government must socialize and take firm action against students who do not make these appeals, another impact that is also caused is the delay of all existing activities both in schools and in universities such as student assignments in community service cannot be done because in order to minimize close meetings.

This outbreak also has an impact on the implementation of the 2020 National Examination. President Jokowi in a Limited Meeting held on Tuesday (3/24) along with relevant ministers, has been hammered. As a result the government announced the National Examination this year was officially abolished. Starting from elementary school level up to senior high school level. The step was taken as part of the Covid-19 pandemic response system, namely in order to prioritize people's safety and health. according to the community the cancellation in the implementation of the 2020 National Examination is not a problem because 2019 indeed the government is planning to abolish the National Examination so that the public responds well in the abolition of the 2020 National Examination. Then another option arises, namely the national standard school exams which also have constraints because the network at each home is different and technology is not adequate as not all students have laptop to internet quota. Online National Standardized School Exams are also felt to be very confusing to the public especially students in their implementation, because they do not get guidance on how to carry out online National Standardized School Exams by teachers. The teacher also feels confused about how to guide students in implementing the National Badar Online School Exams, the teacher cannot supervise their students directly. however, the teacher is working on ways to solve this problem. The second option is to apply the graduation method to weigh cumulative grades during school. It is not considered to be a graduation test for students during school if only using the graduation method uses cumulative grades only.

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<https://www.kompasiana.com/rezzawidiautami3362/5e7ded93097f36393028cec2/dampak-virus-corona-berimbas-bagi-pendidikan-saat-ini-di-indonesia>.

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From the point of view of the internal compliance unit Working from home and learning from home according to him has the advantage of decreasing operational costs where the office does not need to provide computers, workplaces, internet, electricity and lunch for workers then more flexible, especially when bored working, can move from work desk to the living room, terrace, garden, room or other room in the house that is comfortable for work. In addition to flexible workplace issues, in terms of time work from home is also flexible can be adjusted. The most important thing when working from home, employees can be responsible for their work, according to him also increased productivity which is explained that the statistics of workers working from home work productivity increases. This happens because the level of work stress decreases so that work productivity increases. Some things that can cause stress such as traffic jams on the road, work piling up, problems of colleagues and other problems that are often encountered in the office that cause a lack of morale. Then job satisfaction increases. Decreased stress levels make work satisfaction increasing. When able to get the job done better and faster, this certainly will increase job satisfaction so that employees become loyal to the company. And avoid the disruption of the work environment where office people often interfere with work that affects his mood so that when done at home workers get a more comfortable, calm and conducive atmosphere, and become closer to the family.

VII. CONCLUSION

From the emergence of the Covid-19 Pandemic outbreak problem that affected not only our country but many other countries, not even the developed and developing countries. From this epidemic I am sure the government is working very hard by implementing various policies based on the law to overcome them, there may be many pros and cons that still exist today, but apart from that we as humans can only try and pray that this epidemic is usually overcome not only by the government but by all the elements that are no exception from the bottom to the top, this plague may bring various adverse effects but also can not be denied many positive impacts that have occurred today are like the air on earth to be healthier because of reduced urban mobility - big cities that are very high up to the operation of big factories that existed in the world before this mabah appeared. From the legal sector, there are also many policies to determine new regulations by the government apart from the pros and cons of whether such a lockdown will be implemented, in my opinion lockdown itself may be very effective in reducing the spread of the virus in a big way but it cannot be denied that our country's concern about the economy is still lacking and also the high mobility of people in Indonesia if lockdown efforts will continue to emerge, new problems will arise,

therefore we as a community who are also concerned about this outbreak should also support the government in overcoming this problem and our task only follow the appeal made by the government. As with the efforts discussed in Chapter II, I think these efforts are already good if they are used. It means that our government is already good in carrying out existing efforts and innovations, maybe our country is quite late in its response but apart from that the government is good enough answer the demands of the community.

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