



Comparison of Covid-19 Handling Between Timor-Leste and Indonesia in a Responsive Legal Perspective

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Abstract

This research is a normative juridical research using a statutory approach, and a conceptual approach. This research is a normative juridical with a literature approach, namely by studying journals, books, legislation and other documents related to this research. Normative law is directly related to the practice of law which involves two main aspects, namely the formation of law and the application of law. This approach views law as synonymous with written norms made and promulgated by official institutions or officials. In this study there are 3 (three) legal materials: including primary, secondary and tertiary legal materials. The technique of collecting legal materials is by using a literature study model. The legal material analysis technique used is content analysis, after obtaining the necessary data, this paper analyzes the data logically, systematically and juridically. Furthermore, the data were analyzed juridically, namely starting from the existing regulations and related to the positive law that is currently in effect.

Keywords: *Comparative Law; Covid-19, Indonesia; Timor Leste*

Introduction

It has been almost 2 years since the Corona Virus Disease (Covid-19) pandemic has become a disease outbreak that attacks all parts of the world. The emergence of this outbreak initially occurred in Wuhan (one of the regions of China) which occurred at the end of 2019. The spread of this virus was considered very fast so that the rapid spread of it caused several implications which also contributed to some changes in the sustainability of human life. In addition, several countries affected by this disease outbreak stated that they actually did not have sufficient preparation to deal with and deal with it.

It should also be noted that the preparations made as an effort to handle and prevent this outbreak can be realized in the form of external and internal preparations. However, what is essential in dealing with the spread is the preparation that comes from the country itself, or can be called internal preparation. So if the country concerned does not have sufficient internal preparation, then the country will experience culture shock and be overwhelmed in dealing with changes in various fields of life, resulting from a significant increase in the cumulative number of citizens exposed to Corona Virus Disease (Covid-19).

In January 2020 the World Health Organization (WHO) has declared the world to be in a global emergency regarding this virus, which is an extraordinary phenomenon that occurs on earth in the 21st century which can be said to be equivalent to the time of World War II due to the Corona Virus Disease (Covid-19). 19) This movement in the world is all paralyzed starting from restricted community activities. Starting from December 2019 to July 14, 2020, which has reached 13,234,687 cases in the world, of which 575,466 people died and 7, 695,922 patients have recovered, there are 4,963,299 active cases or patients in treatment spread across various countries. (Satjipto Rahardjo, 2021).

This very rapid spread has finally encouraged the government, as the owner of the highest authority, to provide health services to the people who are exposed to it. These services can be realized in the form of handling care through hospitals (RS). So in this case, the government continues to strive to carry out the construction of hospitals (RS) continuously and sustainably. This is because the country is in a state of emergency, especially a health emergency.

Since May 2, 2021, positive cases of infected patients in Indonesia have increased by 4,394 people so that there are 1,677,274 people in Indonesia who are confirmed positive for Corona Virus Disease (Covid-19) every day and there are 144 people who die every day due to Corona Virus Disease (Covid-19). 19) in the country, and based on data from the Ministry of Health (Kemenkes) submitted by the Task Force for handling Corona Virus Disease (Covid-19), East Java recorded the highest number of additional deaths. Meanwhile, in Timor-Leste, the development of confirmed cases of Corona Virus Disease (Covid-19) and the Death Rate due to Corona Virus Disease (Covid-19) for the January-March 2022 period was recorded, namely 2,992 confirmed cases and 8 deaths. (Devira Prastiwi, 2021).

Of course, efforts to reduce the spread of Corona Virus Disease (Covid-19) require comprehensive efforts, including in the legal realm, which indicates that legal products are appropriate and serve the needs and social interests of the community. Such a law called Nonet and Selznick is responsive law, which basically emphasizes the aspect of substantive justice. (Philippe Nonet & Philip Selznick, 2003). From the theoretical aspect it is clear that good law always responds and makes the law for humans, not humans for law. (Satjipto Rahardjo, 2007). In terms of handling the Corona Virus Disease (Covid-19) which is an emergency, it can be obtained an overview of how the law responds to many events, especially between Indonesia and Timor-Leste. Based on this description, the author is interested in studying more deeply related, How is the Handling of Corona Virus Disease (Covid-19) between Indonesia and Timor Leste in a Responsive Legal Perspective?

Research Methods

This research is a normative juridical research using a statutory approach, and a conceptual approach. This research is a normative juridical with a literature approach, namely by studying journals, books, legislation and other documents related to this research. Normative law is directly related to the practice of law which involves two main aspects, namely the formation of law and the application of law. This approach views law as synonymous with written norms made and promulgated by official institutions or officials. (Ponglabba, 2017)

In this study there are 3 (three) legal materials: including primary, secondary and tertiary legal materials. Primary legal materials which are provisions relating to the handling of Corona Virus Disease (Covid-19) between Indonesia and Timor Leste as well as other relevant legal materials. (Nishikawa. Y, 2020) Secondary legal materials are all publications on law that are not official documents (books, dictionaries, journals), while tertiary legal materials are: Big Indonesian Dictionary, dictionary law, encyclopedias and others. The technique of collecting legal materials is by using a literature study model.

The legal material analysis technique used is content analysis (content analysis technique). Analysis is any systematic procedure that is encouraged to examine the content of the information obtained.(Cheng, 2018) This analysis focuses on all the secondary data obtained, after obtaining the necessary data, this paper analyzes the data logically, systematically and juridically. Logical means that the data collected is analyzed in accordance with the principles of deductive logic, namely drawing conclusions from a general problem to the concrete problems faced.. (Lisdiono, 2017) Systematic means analyzing data with one another that are interconnected and dependent. Furthermore, the data were analyzed juridically, namely starting from the existing regulations and related to the positive law that is currently in effect.(Kruyen, 2017)

Results and Discussion

1) Corona Virus Disease (Covid-19) Handling System in Timor-Leste and Indonesia

a) The Corona Virus Disease (Covid-19) handling system in Timor-Leste

In handling the Corona Virus Disease (Covid-19) in Timor-Leste, in addition to following the recommendations of the World Health Organization (WHO), the government of Timor-Leste is seeking 3 (three) ways of handling it, namely by announcing the Covid emergency situation or referred to as Estado de-emergencia. emergencia (EE), this Estado de-emergencia (EE) is a mechanism for closing all access to the national territory of Timor-Leste such as airports, ports and land borders of Timor-Leste with the Republic of Indonesia, and the establishment of the Estado de-emergencia (EE). can be determined through a decision that falls under the authority of the President of the Democratic Republic of Timor-Leste (RDTL) which in Timor-Leste's terms is called the Decreto Presidente or Presidential Decree after obtaining a proposal from the government which in this case is the Prime Minister (PM), then the President of the Republic of Timor. -Leste forwards the government's proposal to the National Parliament (PN) of Timor-Leste for approval from the Maio the number of members of the National Parliament of Timor-Leste, the approval of the Council of State (DN), and the approval of the High Commission for National Defense and Security of Timor-Leste (KTPKNTL).

The next mechanism for handling the Corona Virus Disease (Covid-19) is by carrying out Large-Scale Social Restrictions (PSBB) or known as Serka Sanitaria (SS), Serka Sanitaria (SS) is a kind of defense fence created by the government to close entry access. to certain territories (certain regencies) after a positive confirmed case of Covid-19 in the area or after a Community Transmission or Communitarian Transmisaun was reported from the Sentru Integradu Jestaun Krize (SIJK) or the Integrated Crisis Management Center (PMKT), the determination of the Sanitary Sergeant (SS) in an area can be done by enacting a Resolucao do Governo or Government Resolution issued by the Prime Minister (PM) of Timor-Leste. This Resolucao do Governo or Government Resolution was issued through a meeting of the Council of Ministers (DM) under the leadership of the Prime Minister of Timor-Leste.

The next mechanism for handling Corona Virus Disease (Covid-19) in Timor-Leste is to implement the Implementation of Community Activity Restrictions (PPKM), known as the Confinamento Obrigatorio (CO). This Confinamento Obrigatorio (CO) is enforced in certain areas with the case of Local

Transmission. This Confinamento Obrigatorio (CO) is also determined through a Government Decree or Resolucao do Governo issued by the Prime Minister (PM) after holding a meeting with the Council of Ministers. This Resolucao do Governo or Government Resolution aims to limit the movement of people in certain areas at certain times according to the needs and developments of cases that occur in that area.

Some of the legal products used by the Timor-Leste government in dealing with the Corona Virus Disease (Covid-19) pandemic are:

- a. *Constituicao da Republica de Timor-Leste* article 6 letter e concerning the goals of the state or Objectivu Estadu nian which reads: the government seeks social welfare justice for all people, provides a decent community life, both physically and mentally or Harii sosiedade ida-ne'ebé hatuur iha justisa social , hodi hakiak sidadaun sira-nia moris di'ak ba isin no ba klamar). Based on this article, the government of Timor-Leste is obliged to protect all its citizens from various threats, both security threats from abroad and threats to health and safety.
- b. *Resolucao Parlamento Nacional* or Timor-Leste National Parliament Resolution No. 2/2010 article 29 concerning the Centro Integrado Gestao de Crize (CIGC) or the Integrated Crisis Management Center (PMKT) whose purpose and objective is to establish an Integrated Crisis Management Center (PKMT) consisting of several cross-ministerial and synergistically work together to deal with security threats, disease outbreaks and natural disasters that occur from time to time and threaten the security, safety and health of the people of Timor-Leste.
- c. *Decreto Presidete da Republica de Timor-Leste* or Presidential Decree of the Democratic Republic of Timor-Leste no 29/2020/III concerning Estado de-emergencia or Covid Emergency which contains the implementation of the Covid Emergency by closing all access to the national territory of Timor-Leste for all foreign nationals (foreigners). This Decreto Presidente da Republica aims to prevent the spread of Corona Virus Disease (Covid-19) from entering the national territory of Timor-Leste.
- d. *Diploma Ministerial N.º 14/2020 concerning the establishment of the Jestaun Krize Integrated Center (SIJK) or the Integrated Crisis Management Center (PMKT). This Ministerial Diploma regulates the formation of the structure of the Jestaun Krize Integrated Center (SIJK) or the Integrated Crisis Management Center (PMKT) and the appointment of the chairman of the Integrated Crisis Management Center (PMKT) as well as the structure and members of the Jestaun Krize Integrated Center (SIJK) or the Integrated Crisis Management Center (PMKT).). This Ministerial Diploma aims to provide the authority, duties and functions of each member so that they can work optimally and effectively in carrying out their duties.*
- e. *Despacho N. 015 /PM/III/2020 concerning Nomeia a estrutura da sala de situação do Centro Integrado de Gestão de Crises or appointing and inaugurating the head of the Situation Room within the Center for Integrated Crisis Management (PMKT).*

b) Corona Virus Disease (Covid-19) Handling System in Indonesia

Slightly different from the mechanism for handling Corona Virus Disease (Covid-19) in the Democratic Republic of Timor-Leste, Indonesia has its own way of handling and controlling the Corona Virus Disease (Covid-19) pandemic. The problem of Corona Virus Disease (Covid-19) is a very serious public health problem today, besides being a national health problem, Corona Virus Disease (Covid-19) has also become a global health problem, with such problems of course requiring serious handling. and responsive action.

The Indonesian government is very responsive in dealing with the spread of Corona Virus Disease (Covid-19) in the country. Various efforts to handle and control Corona Virus Disease (Covid-19) were also carried out to prevent the spread and reduce the number of deaths due to Corona Virus Disease (Covid-19). The mechanisms for handling and controlling Corona Virus Disease (Covid-19) carried out by the Government of the Republic of Indonesia in dealing with the Corona Virus Disease (Covid-19) pandemic in the country are as follows:

1) Pembatasan Sosial Berskala Besar (PSBB)

The central government has announced a ban on going home to suppress the spread of the Covid-19 pandemic. However, the policy taken regarding the homecoming ban has resembled a regional quarantine policy (lock down). For example, restrictions on transportation as well as restrictions on the use of toll roads and other access to enter and exit an area (in this case, especially Jabodetabek) as stated in the Minister of Transportation Regulation Number 25 of 2020 which regulates restrictions and controls on public transportation during the Eid homecoming season 1441 H.. (Rio Christiawan, 2020)

2) Pemberlakuan Pembatasan Kegiatan Masyarakat (PPKM)

The implementation of Community Activity Restrictions (PPKM) in the context of handling and controlling Covid-19 in Indonesia is one of the ways to handle and control Covid-19 which is applied in certain areas with the aim of limiting community activities in certain areas with different levels according to the level of the community. case threat.

The PPKM rules are stated in the Ministry of Home Affairs Regulation Number 29 of 2022 concerning PPKM Level 1 COVID-19 in the Java-Bali Region and Minister of Home Affairs Number 30 of 2022 concerning PPKM Level 1 and 2 COVID-19 outside Java-Bali. (Yunita Rahmayanti, 2022)

Legal products that are used as the basis and basis for consideration by the government of the Republic of Indonesia in implementing the prevention and control of the Covid-19 pandemic throughout Indonesia include the following:

1) Undang-Undang Dasar Negara Republik Indonesia 1945 (UUDNRI 1945).

In the preamble of the 1945 Constitution of the Republic of Indonesia, it is clearly stated that: The Government of the State of Indonesia protects the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace and social justice. (*UUD NRI*, 1945)

2) Undang-undang Nomor 6 Tahun 2018 tentang Kejarantina Kesehatan.

Health quarantine is an effort to prevent and prevent the entry or exit of diseases and/or public health risk factors that have the potential to cause public health emergencies. (Rio Christiawan, 2020)

3) Keputusan Presiden Republik Indonesia Nomor 7 Tahun 2020 tentang Gugus Tugas Percepatan Penanganan Corona Virus Disease 2019 (Covid-19).

The establishment of the Task Force for the Acceleration of Handling Covid-19 aims to: increase national resilience in the health sector, accelerate the handling of COVID-19 through synergies between ministries/agencies and local governments, increase anticipation of developments in the escalation of the spread of COVID-19, increase synergy in operational policy making, and improve readiness and ability to prevent, detect and respond to COVID19. (*Keputusan Presiden Republik Indonesia Tentang Gugus Tugas Percepatan Penanganan Corona Virus Disease 2019 (Covid-19)*, 2019)

- 4) Peraturan Menteri Perhubungan Nomor 25 Tahun 2020 tentang Pembatasan dan Pengendalian Transportasi Umum Selama Musim Mudik Idul Fitri 1441.

Transportation control during the Eid al-Fitr homecoming period in 1441 Hijri in the context of preventing the spread of Corona Virus Disease 2019 (Covid-19) is carried out through a temporary ban on the use of means of transportation such as: land transportation, rail transportation, sea transportation, and air transportation. (*Peraturan Menteri Perhubungan Nomor 25 Tahun 2020 Tentang Pembatasan Dan Pengendalian Transportasi Umum Selama Musim Mudik Idul Fitri 1441*, 2020)

- 5) PP Nomor 21 Tahun 2020 tentang Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan *Corona Virus Disease (Covid-19)*.

In this Government Regulation, what is meant by Large-Scale Social Restrictions are restrictions on certain activities of residents in an area suspected of being infected with Corona Virus Disease 2019 (COVID-19) in such a way as to prevent the possible spread of Corona Virus Disease 2019 (COVID-19).(*Peraturan Pemerintah Nomor 21 Tahun 2020 Tentang Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Corona Virus Disease (Covid-19)*., 2020)

- 6) Permenkes Nomor 9 Tahun 2020 tentang pedoman PSBB dalam rangka Percepatan Penanganan Covid-19.

- 7) Large-Scale Social Restrictions are restrictions on certain activities of residents in an area suspected of being infected with Corona Virus Disease 2019 (COVID-19) in such a way as to prevent the possible spread of Corona Virus Disease 2019 (COVID-19) with the following criteria: number of cases and/or number of cases Deaths due to disease are increasing and spreading significantly and rapidly to several regions, and there is an epidemiological link with similar occurrences in other regions or countries.(*Permenkes Nomor 9 Tahun 2020 Tentang Pedoman PSBB Dalam Rangka Percepatan Penanganan Covid-19*, 2020)

- 7). Instruksi Menteri Dalam Negeri Nomor 29 tahun 2022 tentang PPKM Level 1 COVID-19 di Wilayah Jawa-Bali dan Inmendagri Nomor 30 tahun 2022 tentang PPKM Level 1 dan 2 COVID-19 di Luar Jawa-Bali. (*Inmendagri Nomor 29 Tahun 2022 Tentang PPKM Level 1 COVID-19 Di Wilayah Jawa-Bali Dan Inmendagri Nomor 30 Tahun 2022 Tentang PPKM Level 1 Dan 2 COVID-19 Di Luar Jawa-Bali*., 2022)

The government's consideration is based on data about the Covid-19 condition in the country, which is getting better after an assessment from the local government with community transmission indicators.

2) Comparison of Handling Corona Virus Disease 2019 (COVID-19) in Timor-Leste and Indonesia

From the mechanism for handling Corona Virus Disease 2019 (COVID-19) from the two neighboring countries above, it can be described as follows:

- a) Comparison in Terms of the System or How to Handle It

In terms of the Corona Virus Disease 2019 (COVID-19) handling system from the two countries, there are differences in the application of closing access to the country, namely in Timor-Leste since the first case was reported, the government attempted to close access to the entire territory of Timor-Leste because In addition to the threat to public health which is a new experience, the availability of facilities and health personnel is still limited and inadequate to accommodate Corona Virus Disease 2019 (COVID-19) sufferers, while in Indonesia, PSBB and PPKM efforts are carried out at areas where community transmission has occurred. and does not stipulate an emergency situation or regional quarantine with

several balances. After a limited meeting on March 30, 2020, President Joko Widodo conveyed to the public that the government implemented large-scale social restrictions in handling Covid-19, even the President referred to Perppu Number 23 of 1959 concerning Dangerous Conditions related to Civil Emergency Conditions. (Rio Christiawan, 2020). The Indonesian government does not take the option of regional quarantine, considering that geographically with the shape of a vast archipelagic country, it will require long preparations for regional quarantine preparations. (Rio Christiawan, 2020) Besides that, the riots in India are a lesson for Indonesia, considering that riots can trigger the rapid spread of Covid, making it difficult for medical officers to deal with Covid-19. Regional quarantine without proper preparation will cause various aspects of vulnerability. (Rio Christiawan, 2020)

b) Comparison in Terms of Legal Products Produced

In terms of legal products produced to handle and control the spread of Corona Virus Disease 2019 (COVID-19), the Indonesian government has had a quarantine law since 2018, while the Timor-Leste government even during the Covid-19 pandemic did not yet have a quarantine law. despite having the Resolucao Parlamentu Nacional or Timor-Leste National Parliament Resolution No. 2/2010 article 29 concerning Centro Integrado Gestao de Crize (CIGC) or Center for Integrated Crisis Management (PMKT) since 2010.

c) The Corona Virus Disease 2019 (COVID-19) handling system in Timor-Leste and Indonesia in a Responsive Legal Perspective

Viewed from a responsive legal perspective, both the Timor-Leste government and the Indonesian government are seeking various ways with all their potential to fight the Covid-19 pandemic in their respective countries, which means that both governments have carried out the constitutional mandate based on their authority by implementing methods of handling and controlling Covid-19 through closing access to enter areas until the Implementation of Community Activity Restrictions (PPKM) with clear aims and objectives in order to be able to overcome and respond quickly and precisely to the spread of Corona Virus Disease 2019 (COVID-19) in the community which WHO has become a global pandemic. The government's efforts must of course characterize responsive laws, which include the following:

Responsive legal types have prominent characteristics, namely:

1. Shifting emphasis from rules to principles and goals;
2. The importance of Populist Character (Populist) both as a legal goal and a way to achieve it. (Sulaiman, 2017)

Based on the efforts to overcome and control the Corona Virus Disease 2019 (COVID-19) that have been carried out by the two governments, both in terms of the mechanism or method of dealing with it and in terms of legal products, it is deemed sufficient to reflect aspects of substantive justice. Therefore, when the Covid-19 pandemic was reported, the first cases of the two governments were quickly, decisively, and very responsive in carrying out the constitutional mandate by implementing the Covid emergency situation, Large-Scale Social Restrictions (PSBB) and Enforcement of Community Activity Restrictions (PPKM) through several umbrellas. laws such as Decreto Presidente Number 29/2020/III, Diploma Ministerial N.º 14/2020 concerning the establishment of SIJK in Timor-Leste and Presidential Decree of the Republic of Indonesia Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19), PP Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease (Covid-19), Minister of Health Regulation Number 9 of 2020 concerning PSBB guidelines in the context of Accelerating Handling of Covid-19, and Instruction of the Minister of Home Affairs Number 29 of 2022 concerning

PPKM Level 1 COVID-19 in the Java-Bali Region and Ministry of Home Affairs Number 30 of 2022 regarding PPKM Level 1 and 2 COVID-19 di Outside Java-Bali in the Republic of Indonesia.

Although the law is not the only instrument in solving the problem of handling Covid-19, without law the government will not be able to act in all efforts to handle Covid-19. The law is needed so that state and government policies can obtain an official form that is binding and can be enforced for the public. Because a good law is needed in the context of policy making, which is required to engineer, dynamize, encourage, and even direct in order to achieve the goal of living together within the unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. In addition, in the context of implementing policies with these policies (executing policies), the law must also function as a means of controlling and as a binding reference source in carrying out all the wheels of government and state administration activities. (Marhendra Wija Atmaja, 2013)

Conclusion

The two governments implement PSBB and PPKM only in places where cases occur, this can be seen from the implementation of PSBB and PPKM so that there is still leeway to continue activities for people who are not affected by the Corona virus. responsive law can respond to emergency situations in certain areas. The Indonesian government did not take the regional quarantine option, considering that geographically with the shape of a vast archipelagic country, it would require long preparations for regional quarantine preparations and the riots in India were a lesson for Indonesia, considering that riots could trigger the rapid spread of Covid, making it difficult for medical staff to deal with Covid. -19.

Regional quarantine without proper preparation will cause various aspects of vulnerability. The legal products produced by the two countries in tackling and controlling the spread of Corona Virus Disease 2019 (COVID-19) during the Covid-19 pandemic are sufficient to meet the aspect of substantive justice as intended by Nonet and Selznick because this can be seen from the substance of regulations or regulations. -Regulations related to the implementation of PSBB and PPKM during the Covid-19 pandemic where the substance of the regulation contains the rights and obligations of citizens which in the sense not only emphasizes the obligation to obey these regulations but there are still citizens' rights that are given to carry on their lives.

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