

**CONSTITUTIONAL OBLIGATIONS OF INDONESIAN GOVERNMENT  
IN PROTECTING ITS CITIZENS FROM COVID-19**

**Undergraduate Thesis**



**Written by:  
Sonya Whisler Refisyanti  
NIM. 20170610368**

**Faculty of Law  
International Program for Law and Sharia  
Constitutional Law  
2021**

**CONSTITUTIONAL OBLIGATIONS OF INDONESIAN GOVERNMENT  
IN PROTECTING ITS CITIZENS FROM COVID-19**

**Undergraduate Thesis**



**Written by:  
Sonya Whisler Refisyanti  
NIM. 20170610368**

**Faculty of Law  
International Program for Law and Sharia  
Constitutional Law  
2021**

## DECLARATION

I am, the undersigned:

Name : Sonya Whisler Refisyanti  
Student Number : 20170610368  
Title of Thesis : **CONSTITUTIONAL OBLIGATIONS OF  
INDONESIAN GOVERNMENT IN PROTECTING  
ITS CITIZENS FROM COVID-19**

I, at this moment, declare that this Undergraduate Thesis is truly the work of my own, and I did not do plagiarize or quotation in ways that are inconsistent with the prevailing ethics in the scientific community. On this statement, I am ready to bear the risk/any sanction imposed on me following the applicable regulations. If a breach of scientific ethics is found in the future, I am willing to accept the sanctions.

UNIVERSITAS  
MUHAMMADIYAH  
YOGYAKARTA

Yogyakarta, March 1, 2021



Sonya Whisler Refisyanti  
NIM. 20170610368

## MOTTO

“So, surely with hardship comes ease.

Indeed, with ‘that’ difficulty comes ‘more’ relief.”

(Ash-Sharh 5-6)



## **DEDICATION**

**Almighty God, Allah SWT**

**Prophet Muhammad SAW**

**My beloved Parents**

Syamsuardi

Wiwid Dyah Purwanti

Hadijah

**My beloved siblings**

Waldi Epriliam Faisal

Belly Anpasema Rahmat

Abdir Rahman Syafi'i

## FOREWORDS

*Assalamualaikum Warahmatullahi Wabarakatuh,*

*Alhamdulillahirobbil'alamin.* Praise to Allah SWT, the most merciful and the most gracious, who has given me His blessing and opportunity to accomplish my Undergraduate Thesis entitled CONSTITUTIONAL OBLIGATIONS OF INDONESIAN GOVERNMENT IN PROTECTING ITS CITIZENS FROM COVID-19 at International Program for Law and Sharia (IPOLS), Faculty of Law, Universitas Muhammadiyah Yogyakarta.

*Shalawat* and greeting, I addressed our Prophet Muhammad SAW, my inspiration in practicing and conducting good deeds. This Undergraduate Thesis is motivated by his struggle to spread Islamic teachings to all humankind.

I realize that in writing this thesis, many parties have helped and guided me, thus on this occasion, I would like to say thanks to:

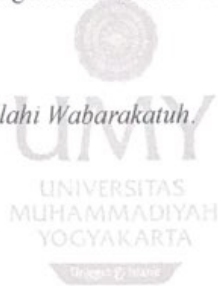
1. My family, Papa Syamsuardi, Mama Wiwid, Bunda Tija, Mamas Waldy, Adek Belly, Adek Abdir, and Eyang Uti, for their never-ending prayers and love.
2. Bapak Iwan Satriawan, S.H., MCL., Ph.D., as my supervisor, has guided me with patience and wisdom.
3. Bapak Nasrullah, S.H., S.Ag., MCL., Ibu Dr. Nanik Prasetyoningsih, S.H., M.H., Bapak Yordan Gunawan, S.H., MBA., M.H., Bapak Endriyo Susila, S.H., MCL., Ph.D., Assoc. Prof. Iqbal Abdul Wahab, Dr. Zaid bin Mohammad, Ibu Dr. Fadia Firtiyanti, S.H., M.Hum., M.Kn., Ibu Dewi Nurul

Mustjari, S.H., M.Hum., and all the lecturers of Faculty of Law for all the lessons and help that guided me during my study.

4. My 24/7, who always listens and supports me, Muhammad Ichsan Al Fatur.
5. My partners in crime aka my best friends in my hometown, Zahra Zakiyatus Soliha, Chintia Ariesta Violanda, Hervidya Nurul Lathifah, Dwi Retno MS, Canggih Abiyyu Ali'in Saputri, and Ryan Maulana.
6. My Skripsweet Gank, Devi Seviyana and Lathifah Yuli Kurniasih.
7. My IPOLianS brothers and sisters.
8. My Genesia #5 brothers and sisters.

Finally, I hope this Undergraduate Thesis will give benefits to all human beings. *Aamiin. Insyaa Allah.*

*Walaikumsalam Warahmatullahi Wabarakatuh.*



Yogyakarta, March 1, 2021

*Sonya Whisler*

Sonya Whisler Refisyanti  
NIM. 20170610368

## TABLE OF CONTENT

<b>APPROVAL .....</b>	<b>ii</b>
<b>ENDORSEMENT .....</b>	<b>iii</b>
<b>DECLARATION.....</b>	<b>iv</b>
<b>MOTTO .....</b>	<b>v</b>
<b>DEDICATION.....</b>	<b>vi</b>
<b>FOREWORDS .....</b>	<b>vii</b>
<b>LIST OF STATUTES .....</b>	<b>xi</b>
<b>LIST OF ABBREVIATION.....</b>	<b>xiii</b>
<b>ABSTRACT.....</b>	<b>xv</b>
<b>CHAPTER ONE - INTRODUCTION .....</b>	<b>1</b>
A. Background of Research .....	1
B. Research Problems .....	4
C. Objectives of Research.....	4
D. Benefits of Research .....	5
<b>CHAPTER TWO - LITERATURE REVIEW.....</b>	<b>6</b>
A. COVID-19 (Corona Virus Disease 2019).....	6
B. Constitutional Obligation.....	8
<b>CHAPTER THREE - RESEARCH METHOD .....</b>	<b>11</b>
A. Type of Research.....	11
B. Types of Data .....	12
C. Method of Collecting Data.....	14
D. Method of Data Analysis .....	15
<b>CHAPTER FOUR - FINDING AND ANALYSIS .....</b>	<b>16</b>
A. The Constitutional Obligations of Indonesian Government based on Constitution and Laws.....	16
B. Analysis of the Response of the Government to Covid-19 Pandemic in Protecting the Citizens.....	26
1. Indonesian Government Response to Covid-19 Pandemic.....	27
2. Lessons Learned from Other Countries.....	48
a. Malaysia.....	48
b. South Korea .....	50
c. Taiwan .....	54
C. Problems Facing the Protection of Citizens during the Pandemic Period .	58
1. Legal Substance .....	59
2. Legal Structure.....	61
3. Legal Culture .....	63



<b>CHAPTER FIVE - CLOSING</b> .....	<b>65</b>
A. Conclusion .....	65
B. Recommendation.....	67
<b>BIBLIOGRAPHY</b> .....	<b>69</b>



## LIST OF STATUTES

The 1945 Constitution of the Republic of Indonesia

Law No. 2 of 2020 on Stipulation of Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang* or PERPPU) No. 1 of 2020 on State Financial Policy and Stability of Financial Systems for the Management of Corona Virus Disease 2019 (Covid-19) and/or Encounter the Threat to National Economy and/or Stability of Financial Systems become Law

Law No. 6 of 2018 on Health Quarantine

Indonesian Constitutional Court's Decision No. 111/PUU-X/2012

Law No. 12 of 2011 on Establishment of Laws and Regulations

Law No. 36 of 2009 on Health

Law No. 24 of 2007 on Disaster Management

Law No. 11 of 2005 on the Ratification of International Covenant on Economic, Social and Cultural Rights

Law No. 24 of 2003 on the Constitutional Court

Law No. 39 of 1999 on Human Rights

Law No. 4 of 1984 on Outbreaks of Infectious Diseases

Government Regulation (*Peraturan Pemerintah* or PP) No. 21 of 2020 on Large-Scale Social Restrictions

Government Regulation No. 2 of 2018 on Minimum Service Standard

Presidential Decree (*Keputusan Presiden* or KEPPRES) No. 11 of 2020 on the Declaration of National Public Health Emergency Corona Virus Disease 2019 (Covid-19)

Presidential Decree No. 9 of 2020 on the Covid-19 Task Force

Presidential Decree No. 11 of 2020 on the Covid-19 Task Force

Indonesian Minister of Health Regulation No. 4 of 2019 on Technical Standard in the Fulfillment of Basic Service Quality in the Minimum of Health Service Standard

Presidential Decree No. 7 of 2020 on the Covid-19 Task Force Indonesian Minister of Health Decree No. HK.01.07/MENKES/104/2020 on the Determination of Novel Coronavirus Infection (2019-nCoV Infection) as a Disease that can Create the Plague and its Management Efforts

Indonesian National Disaster Management Agency Decree No. 13 A of 2020 on the Extension of the Status of Certain Disaster Conditions due to Corona Virus in Indonesia

Indonesian National Disaster Management Agency Decree No. 9 A of 2020 on the Status of Certain Disaster Conditions due to Corona Virus in Indonesia



## LIST OF ABBREVIATION

2019-nCoV	: 2019 Novel Coronavirus
APBN	: <i>Anggaran Pendapatan dan Belanja Negara</i>
APD	: <i>Alat Pelindung Diri</i>
ARDS	: Acute Respiratory Distress Syndrome
BNPB	: <i>Badan Nasional Penanggulangan Bencana</i>
CECC	: Central Epidemic Command Center
Covid-19	: Corona Virus Disease 2019
GIS	: Geographic Information Systems
HIV	: Human Immunodeficiency Virus
ITIS	: Infrared Thermal Imaging Scans
KBBI	: <i>Kamus Besar Bahasa Indonesia</i>
KCDCP	: Korea Centers for Disease Control and Prevention
KEMAKI	: <i>Lembaga Kerukunan Masyarakat Abdi Keadilan Indonesia</i>
Keppres	: <i>Keputusan Presiden</i>
KIE	: <i>Komunikasi Informasi dan Edukasi</i>
KKMMD	: <i>Kedaruratan Kesehatan Masyarakat yang Meresahkan Dunia</i>
KLB	: <i>Kejadian Luar Biasa</i>
KSSK	: <i>Komite Stabilitas Sistem Keuangan</i>
KTP	: <i>Kartu Tanda Penduduk</i>
LP3HI	: <i>Lembaga Pengawasan, Pengawalan, dan Penegakan</i>

*Hukum Indonesia*

MAKI	: <i>Masyarakat Anti Korupsi Indonesia (MAKI)</i>
MCO	: <i>Movement Control Order</i>
MERS-CoV	: <i>Middle East Respiratory Syndrome Coronavirus</i>
MoH	: <i>Ministry of Health</i>
MOHW	: <i>Ministry of Health and Welfare</i>
NIK	: <i>Nomor Induk Kependudukan</i>
PEKA	: <i>Perkumpulan Bantuan Hukum Peduli Keadilan</i>
Perppu	: <i>Peraturan Pemerintah Pengganti Undang-Undang</i>
PHEIC	: <i>Public Health Emergency of International Concern (PHEIC)</i>
POLRI	: <i>Kepolisian Negara Republik Indonesia</i>
PP	: <i>Peraturan Pemerintah</i>
PSBB	: <i>Pembatasan Sosial Berskala Besar</i>
SARS	: <i>Severe Acute Respiratory Syndrome</i>
SARS-CoV	: <i>Severe Acute Respiratory Syndrome Coronavirus</i>
SARS-CoV-2	: <i>Severe Acute Respiratory Syndrome Coronavirus 2</i>
SPM	: <i>Standar Pelayanan Minimal</i>
TNI	: <i>Tentara Nasional Indonesia</i>
WFH	: <i>Work from Home</i>
WHO	: <i>World Health Organization</i>