

Implementation of Emergency Public Activity Restrictions (PPKM) in Accordance With Human Rights and Pancasila Principles

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Abstract

Since the beginning of 2021, the Indonesian government's policy has been to enforce public activity restrictions (abbreviated as PPKM) in order to deal with Covid-19 pandemics in Indonesia. Public activity restrictions (PPKM) are in place in various places that are hotspots for Covid-19 infection, most notably on the Indonesian island of Java and Bali. The government took this effort to slow the spread of Corona Virus, or Covid-19. Prior to the implementation of this public activity restriction (PPKM) program, the government imposed large-scale social restrictions (PSBB) or lockdown zones in a number of places throughout Indonesia. The government was fully supported in implementing these public activity restrictions (PPKM) by the Indonesian National Armed Forces (TNI), Police, and municipal police units (Satpol PP) as part of the Covid-19 Task Force. How effective these public activity restrictions (PPKM) are remains an open question for all stakeholders. However, the reality is that there are still numerous singers between the community and the Task Force on public activity restrictions (PPKM), resulting in damage to the community and a negative influence on society. Numerous human rights breaches and actions that contradict the nation's ideology, specifically Pancasila, result in a fall in community faith in the government.

Keywords

public activity restriction (PPKM); government; community; human rights; pancasila



I. Introduction

From July 3 to July 20, 2021, the government began implementing emergency public activity restrictions (PPKM) in the Java and Bali regions. This policy is based on Minister of Home Affairs Instruction 15 of 2021 on the implementation of limits on Corona emergency community activities in the Java and Bali regions due to the Corona Virus Disease 2019 signed the day before by the Interior Minister Tito Karnavian and Public Relations of the Interior Ministry through his official statement revealed that the instructions of the Minister of Home Affairs were issued to follow up on the president's direction that instructed the Emergency PPKM in the Java and Bali regions according to the criteria for the level of the Pandemic situation based on the assessment.

Provisions contained in Minister of Home Affairs Instruction No. 15 of 2021 relating to the implementation of restrictions on community activities, with particular reference to the governors of Java and Bali, as well as the Regent and Mayor, as well as the the Level 4 assesment and situation on Java and Bali. The Minister of Home Affairs directed the

mechanism for defining the region as defined in the indicators for adjusting public health efforts and social constraints in the Covid-19 pandemic prevention set by the Health Minister. Additionally, the Minister of Home Affairs' directives govern various issues, including the strengthening of testing, tracing, and treatment (3T) implementation in each region.

According to the National Task Force Press Statement Covid-19 issued on July 1, 2021, the Emergency PPKM was implemented in accordance with World Health Organization zoning management. The PPKM framework specifies specific specifics for regulating movement and activity, hence restricting numerous sectors of community activity. This raises a number of issues and elicits a range of positive and negative responses from the community. Certain sections of existing community activities are even temporarily closed due to their insignificance to constraints. A highly sensitive area of society is the place of worship, as places of worship are community activities that facilitate communication with the creator. Every citizen's right to the Creator of God Almighty is included in the category of human rights known as civil and political rights, which must be protected by the state.

The PPKM Implementation Rules lack clarity and are viewed as disruptive to the community. They appear haughty, with a bit anarchist and inhuman treatment, and create a schism between the state apparatus acting as a PPKM Task Force Team and the community. The Indonesian National Armed Forces, the Indonesian Police, and the Municipal Police units that comprise the PPKM Task Force Team should function as a protective society, not as a source of anxiety and oppression for the populace. PPKM is a similar activity with activities such as new normal activities and PSBB implemented by the government some time ago was to minimize the spread of Covid-19 disease which increases the number of cases of spread by conducting regional quarantine. The government took a policy with the enactment of restrictions on community activities (PPKM) in handling the Corona virus (Covid-19) pandemic. In the PPKM Procedure Quarantine activity is part of its implementation so that the government is responsible by providing basic life, namely eating to society and livestock, this is regulated in Law 6/2018. However, due to the circumstances that occurred, Public Policy Observer Agus Pambagio criticized the handling of Covid-19, which was not in accordance with Law 6/2018 concerning the Charity of Health, implying that the PPKM that was currently being carried out lacked legal force, rendering it ineffective for field implementation.

Under current PPKM conditions, the government is expected to protect the community's interests, particularly numerous basic requirements. This requirement is a necessary component of the work of forming the state into a legal entity that is more than a night watchman (*nachtwachterstaat*) to maintain order and peace, but the demands for the fulfillment of the welfare of the community must be carried out by the government as a result of the economic crisis of Covid-19 pandemic. In the legal approach of *soziale rechtsstaat* (community law), the government has 2 (two) positions that are more directed at the main function of the government. First, the government is domiciled as a authorized ruler to make rules that must be obeyed by the community to create order and peace of society. Second, the government domiciled as a public servant was required to carry out public service. In this stance, *Soziale Rechtsstaat* strengthens legal protection for the community, as the *Soziale Rechtsstaat* government's core mandate is to prioritize "The Right to Receive." This is where the government's role as a servant and the community's role as a party are served. According to the preceding explanation, the government should be and must maintain the community in a positive and conducive manner. Legal protection for the community is the primary focus of government coverage since it is inextricably linked to people' rights in a government.

The author concludes that the PPKM's current state as a result of the pandemic outbreak is not deserving of legal action to maintain a decent livelihood in the face of the difficulty of

struggling to survive in a pandemic, which actually prospers the people in conditioning, as today is the country's duty. There have been documented instances of the government committing human rights violations, even appearing to be the apparatus and the community deliberately putting themselves in a situation where they had no choice. The law no longer protects the community precisely because the law distributes the community; the community must continue to fulfill its life via employment and economic activity. Remmellink cites Blackstone's position, stating that anyone who violates public rights and obligations, or who acts against the community's (interests), is deemed to be committing a crime.

At the moment, the community is being dictated by the economy, the welfare issue, and the ministry crisis. If it is true that rules are meant to be broken, perhaps this is the time because the community has begun to develop doubts about the government as a result of the current crisis. And speaking of ham, it is quite obvious that the PPKM's implementation violated human rights and ran counter to the nation's Pancasila ideology.

The author attempted to analyze the result of the PPKM's implementation, which was not consistent with the rules and facts that occurred, specifically the first few PPKM policy regulations that resulted in human rights violations that harmed the community, resulting in a decline in community trust in the government, and the second arrogance of the Covid-19 Task Force in implementing the PPKM against peasants.

II. Review of Literature

2.1. PPKM Implementation

Social problem according to Soekanto in Wardani, A et al. (2021). is a discrepancy that occurs between elements of culture or society, where the discrepancy can endanger the lives of social groups in society or hinder the fulfillment of the basic desires of the members of the social group, causing a lame social ties. Social problems arise from deficiencies in humans or social groups originating from economic, biological, biopsychological and cultural factors.

Since the beginning of 2021, the Indonesian government's policy has been to implement public activity restrictions (PPKM) in order to deal with Covid-19 pandemics in Indonesia. The PPKM implementation is divided into many stages, including volume I and volume II, micro PPKM, and emergency PPKM.

PPKM volume I started from January 11, 2021 to January 25, 2021, in accordance with the instructions of the Minister of Home Affairs No. 1 Year 2021 on the Application Restrictions to Control Spread of Corona Virus Disease 2019 (Covid-19) and the region consisting of 7 provinces (DKI Jakarta, West Java, Banten, Central Java, Yogyakarta, East Java, Bali). Volume II PPKM started from January 26, 2021 to February 8, 2021, in accordance with the Minister of Home Affairs Instruction No. 2 of 2021 consisting of 7 provinces (DKI Jakarta, West Java, Banten, Central Java, Yogyakarta, East Java, Bali). PPKM was held for two volumes and it turned out that the results were ineffective, the PPKM was converted into micro-based PPKM.

Micro-based PPKM begins on 9 July 2021 and ends on 5 July 2021, as per Minister of Home Affairs Instruction No. 2-14.17 and 23 of 2021. As previously stated, Micro PPKM is applicable in a number of places throughout seven provinces. Unlike the PPKM, however, the micro PPKM includes a setting for the establishment of the Covid-19 handling post at the village and village level. Shopping centers / malls operate on a more flexible schedule, which is until 21.00 WIB, and on a more flexible schedule, which is 50 percent work from the office and 50 percent work from home. Micro PPKM was extended numerous times by the government after being held for two weeks. On June 7, 2021, in response to a high increase of Covid-19 cases in Kudus, the authorities maintained this PPKM effort as an emergency

PPKM. Micro PPKM enforcement is "confusing and unhelpful." The government that continues to impose restrictions on the RT and RW scales notwithstanding their ineffectiveness.

The emergency PPKM was in effect from July 3 to 25, 2021, and aims to reduce daily confirmation instances to less than 10,000 per day. The program is executed in 136 districts / cities throughout Indonesia by classifying the degree of handling based on the assessment's value, which is determined by the relationship between transmission rate indicators and response capacity, which includes the level of hospital bed availability.

As mentioned in the Minister of Home Affairs' instructions number 15 of 2021, the determination of the regional level as referred to in the first dictum is guided by the indicators for adjusting public health efforts and social restrictions in the Covid-19 pandemic prevention set by the Minister of Health.

Covid-19 Emergency PPKM in districts and cities in the Java and Bali regions with level 3 (three) criteria and level 4 (four) as referred to in the dictum of the first by implementing the following activities: a) The implementation of teaching and learning activities (schools, colleges, academies, places of education / training are carried out online / online; b) the implementation of activities in the non-essential sector is 100% (one hundred percent) work from home (WFH); c) Implementation of activities in sectors: 1. Essential such as banking 50% (fifty percent) maximum staff work from office (WFO) with a strict health protocol; 2. Essential in the government sector 25% (twenty five percent) maximum staff work from office (WFO) with a strict health protocol; 3. Critics such as energy, health, security, logistics and transportation, food and beverage industry and supporting, petrochemical, cement, national vital objects, disaster management, national strategic projects, construction, basic utilities (electricity and water), as well as the fulfillment industry The daily public subject applies 100% (one hundred percent) maximum staff work from office (WFO) with a strict health protocol; 4. For supermarkets, traditional markets, grocery stores and supermarkets that sell daily needs are limited by operating hours until 20:00 local time with 50% visitor capacity (fifty percent); and 5. For pharmacies and drug stores can be opened 24 hours; d) places of worship (mosques, mosques, churches, temples, temples and temples and other public places that are functioned as places of worship) closed temporarily; etc.

Inconsistent government policies also complicate pandemic response. Changes from the New Normal that lack a legal basis for its policies, such as PSBB and PPKM, are one evidence of the government's inconsistent policy execution. According to Article 4 of Kekang Deley Health Law Number 6 of 2018, the government is responsible for protecting the public from "diseases and any public health risk factors that have the potential to create public health emergencies through the organization of health relations." And the government may use restrictions such as PSBB and PPKM to avoid meeting essential necessities such as those controlled by the Kakan Dice Act.

2.2 PPKM Policy Regulation Violates Human Rights

Several types of emergencies are defined in law, including public health emergencies, which are governed by Law Number 6 of 2018 concerning Kekaran Health; civil and criminal arrest emergencies, which are governed by Government Regulations Substitute Law Number 23 of 1959; and disaster emergencies, which are governed by Law Number 24 of 2007 concerning Disaster Management.

In the restriction of mobility and activity in PPKM, the government chooses what they believe is the best current policy, although many parties suffer injury, both from civilians and their own official apparatus. From the sectors of the activity of the community which enacted

its mobility regulation related to PPKM, there are several sectors, there are public attention, namely the closure of the purchase center at 20:00 WIB / WITA / WIT (Mall, grocery store and traditional market) and make a maximum visitor capacity of 50%, Wedding receptions attended a maximum of 30 people and should not provide food at the reception venue and places of worship temporarily.

Of the three sectors mentioned above, we need to revisit the temporary place of worship. It is apparent that our country's state ideals are inextricably linked to the value of the first sila, which is the primary precept Pancasila. That is, he admitted that the principle of the law supremacy did not ignore the belief in the Almighty of the Almighty God who was in the Pancasila. With all the beliefs of the nation's citizens regarding the principles and values of the Almighty of God Almighty, the regulatory sector this mobility clearly intersects with the rights of citizens in the Supreme Godhead phrases listed in the Pancasila. So it is not properly this sector compared to the closing sector of shopping centers and wedding receptions. The application of health protocols where worshipers is more stringent and more accurate than the two sectors. So the closing of places of worship does not need to be one of the mobility settings in the PPKM and must still be opened for the people of worship because they are the right of citizens in worship.

Emergency PPKM, which began on Saturday, July 3, 2021 and continues to this day in Java and Bali, was implemented by the government to satisfy the country's legal commitment to safeguard all of its residents. Therefore, it is not excessive if the rules and regulations also include the possibility of criminal sanctions for individuals who violate the PPKM. While the author does not agree on criminal sanctions for infractions that occur, it must be emphasized that the violation is virtually always related to meeting basic human requirements. As stipulated in Law 6/2018, the government is responsible for quarantine by supplying food to the community and cattle, while adhering to the PPKM policy in dealing with Corona virus (Covid-19). However, this is not proper; if criminal law can be applied to all citizens, as provided for in Law No. 6 of 2018 on Health Quarantine, people can apply the same to the country. However, this is not proper; if criminal law can be applied to all citizens, as provided for in Law No. 6 of 2018 on Health Quarantine, people can apply the same to the country.

The following are the characteristics of the Pancasila law state: First, It is a patriarchal state. Individual rights (including property rights) and human rights are recognized under a family state, but national interests (shared interests) take precedence over individual interests. It is consistent with the inept social value of Indonesian society on the one hand, but also with the Indonesian people's changes toward the Patembayan contemporary society on the other. This is in direct opposition to the notion of Western law, which promotes individual liberty to the maximum extent feasible, and to the concept of legal state socialism-communism, which emphasizes communal or shared interests. It is attempted in the Pancasila legislation by establishing a harmony and balance between the interests of people and national interests (society) by providing that the state is likely to intervene for as long as necessary to create a life governance and state that adhere to Pancasila principles. Second, It is a court of law and equitable justice. Due to its prismatic nature, the concept of the Law of Pancasila is used to minimize costs associated with its formation and implementation by combining various positive elements contained in the concept of *rechtsstaat* and the Rule of Law, as well as the principles of legal certainty and justice, and the concept and system. Another legislation, for example, the customary and religious legal systems that exist in this archipelago, established the precondition that legal certainty be maintained in order to uphold justice in society in accordance with Pancasila's principles. Third, This is an example of a Religious Nation State. By examining the link between the state and religion, the Pancasila Law State notion

does not adhere to secularism but neither is it a religious state in the sense of theocracy or Islamic nomocracy. Pancasila Law State Concept, which is a false state concept. The eightenity is in the sense that the nation and state of Indonesia are founded on the belief in the Godhead, and so inhabitants have the freedom to embrace religion and trust in accordance with their unique beliefs. As a result of this prismatic option, atheism and communism are prohibited, as they deny confidence in God Almighty. Forth, It incorporates the law as a tool for social transformation and the law as a reflection of communal culture. By integrating these two notions of Pancasila law, we hope to preserve and reflect the values inherent in the community (living law), as well as to promote and steer the community toward development and advancement in accordance with Pancasila principles. I take issue with Indonesia's implementation of the pluralism / multiculturalism premise. My belief is that Indonesia should adhere to the premise of Single Bhinneka Ika when developing a national legal system. Thus, while we must adhere to the idea of legal unity, the unification of the law that we embrace and develop should not emphasize the universal aspect of each distinction, as the principle of Unity in Diversity requires. Fifth, The basis for developing and enacting national law must be neutral and universal legal principles, in the sense that they must satisfy the primary requirements of Pancasila as adhesive and unifying; be based on a value that is acceptable to all interests and does not favor any particular group or group; prioritize the principle of mutual cooperation and tolerance; and share a common vision.

As a result of the above discussion, it is abundantly evident that the PPKM's implementation should be conducted humanely and without violating human rights. Communities are a subset of residents who are assets to this country; do not abandon these people and citizens.

III. Research Methods

This study employs normative legal research methods. The method of normative juridical research is to conduct research on the positive law principles embodied in legislation. Normative legal study is a branch of law that views law as a Kaedah. According to Soerjono Soekanto, legal research is conducted by reviewing library or secondary data. This is referred to as normative legal research or literary legal research. Normative legal research can be defined as a study that tries to investigate and collect documented data. This data collection strategy utilizes a variety of secondary data sources, including journals, books, scientific papers, organizational reports, official organizational websites, and internet news.

IV. Results and Discussions

4.1 Covid-19 Task Force Arrogance against People Who Do Not Show the Best Values of the Nation's Ideology That Contain Local Wisdom Values Contained In Pancasila

Another point worth noting is that the country's apartur, who is in charge of implementing the PPKM or better known as the Covid-19 Task Force, appears haughty, while it should be more adaptable to contemporary realities without resorting to anarchism by destroying community property. There are even those that cross paths with other governmental apparatuses in control, resulting in sanctions in their profession. According to the author, this should not occur because various parties are not the end of this nation's nation. As if we were a gathering to be rejoined at the point of no return, and the evident violations of human rights were caused by citizens' welfare being seized.

At the moment, a nation must demonstrate the highest principles of its national ideology in order to face the obstacles posed by Pandemic Covid-19. This situation embodies

all of the values of indigenous wisdom contained in the Pancasila, namely the effectiveness of governments that combine with folk compliance with all of the government's provisions, and assist the community's awareness in connecting individual interests with the community's interests, specifically by avoiding the egocentric attitude Just think of yourself. This can be accomplished by choosing to stay at home, avoid travel, and avoid crowds.

The process of eradicating Covid-19 pandemics is not straightforward, necessitating the government's present implementation of policies such as large-scale social restrictions (PSBB), local isolation, travel prohibition, and PPKM. The government's efforts this time elicited a barrage of negative reactions from the people, with officials being arrogant and concealing problems in the practice of implementation. As previously stated, there are numerous behaviors that should not be performed in a state apartment. Finally, whether a Covid-19 epidemic is overcome or not will depend on the government's attempts to give clear regulations in the implementation regulations.

4.2 Decreasing Public Matter about the Government

Government's primary task and service is to meet public needs. This is consistent with the government's role as a servant of community needs fulfillment. The process of addressing public requirements is unique in that it is guided by regulations, which are carefully regulated, and by the power and authority to implement the laws. As a result, public services are either government monopolies or unique practical entities.

The country as the highest form of community organizations functioned and obliged to carry out all the needs of the community through a system of government supporting the creation of the implementation of public services in order to meet basic needs and civil rights of every citizen of public goods, public services, administrative services and good health services as stated in article 28H paragraph (1) of the 1945 Constitution. This obligation is based on the assumption that the people in the country of democracy are the holders of the highest sovereignty of the country, and then the appropriate independent people get the services of the country and government.

Supriatna stated that public services are founded on people's fundamental rights and human rights in general. Protected security and peacekeeping rights through a method to usage, control, empowerment, oversight, and transparency in motion and actions that benefit the public interest through "public service" or community services.

Public services refer to the activities conducted by the government in order to meet the community's needs appropriately and qualitatively as a result of the obligations and functions of the service performed, based on the community's rights in order to achieve government goals and development. There are numerous forms of public services in the life of government. According to Saefullah, public services come in a variety of forms, including those that address community necessities such as food, clothes, housing, health, transportation, and education. Whereas, when seen through the lens of government operations that are required to deliver services, they can be separated depending on certain characteristics, resulting in variations in the type of service given.

Rasyid added that services relating to the government's efforts are focused at establishing conditions that enable residents or communities to live decently and at establishing and maintaining social justice.

But the quality of the policy that has been issued by the government as an effort to handle Covid-19 turned out to have not been able to protect the people. Say it is the House of Representatives (DPR) carrying out its supervisory function as a form of participating in addressing Covid-19. Plus health is a basic right that needs to be protected by the government, this is guaranteed in the constitution. Policy implementation needs to be

directed at the public interest and the public interest, Ndraha said that the government holds accountability for the interests of the people. However, it appears as though the government has not gone to great lengths to ensure the protection of all citizens. If these policies are actually the government's choice for reviving the economy, protection of the populace must remain a priority. One method of protection is through the publication of legal instruments as collateral for the protection of the people. These things like that should be used as a concentration for the House of Representatives (DPR) to undergo their functions to the community. Educational related Covid-19 needs to be voiced to all people, to be embedded with awareness to break the spread of Covid-19.

A balanced collaboration between the people and the government is critical under these circumstances, as the government will be unable to achieve the optimal point without the community's participation. Collaboration through effective communication is possible without jeopardizing people's rights, and the government abides by the established regulations.

Because some of the rules enacted reflect an undemocratic and otoliter government that disregards the community's need for protection and welfare, it's normal for the community to lose faith in the existing government, because trust begins with healthy interactions between government and society. Indeed, as mentioned earlier, an emergency requires the degradation of democratic values in the government. However, it is feared that the government's immunity to law is an excessive thing. It is feared that this emergency is even an opportunity for the authorities to fight for his political interests, instead of returning the situation to the normal situation at the expense of the people, which the government should function as a social control tool to maintain public order, and the law is the main means to present the welfare of the community and the community Public in state and nation.

The Indonesian government has stated the status of health emergencies on March 31, 2020 through Presidential Decree Number 11 of 2020 concerning Determination of Covid-19 Public Health Emergency and continues with several policies to date. But this kind of emergency crisis cannot be seen as simple. Because the state of emergency provides extraordinary power to the country that is not owned when the situation is normal, this is commonly referred to as emergency power which tends to be a misappropriation of power.

The danger is that the authority will be used to silence critics, violate private rights, obstruct transparency, erode the system of checks and balances, or infiltrate political interests.

Additionally, the terms of the existing Home Affair Minister's instructions are not being implemented, and there are no standards governing the provision of community services. At the implementation level, citizens' rights should be granted without regard for a person's situation, which is still deemed insufficient in attaining all of its rights. This includes legislation that lacks clear limits or indicators for delivering service and fulfillment in protecting the community's rights.

V. Conclusion

A country's emergency condition is a necessity. Nobody, including the government, is capable of accurately forecasting the emergency situations that will affect him. As a result, it is only logical that the law, as a rule, which serves as a barricade in the country's daily existence, cannot always resolve the issue, particularly during times of great difficulty. At times, it is important to disregard legal standards in the interest of larger good, especially the state's and its people's protection.

It is anticipated that in the future, the constitution and all legislation will contain more sufficient provisions, particularly regarding the conditions for determining emergencies and defining which factors are prohibited even during an emergency, in order to safeguard human rights and democratic principles. The House of Representatives' (DPR) participation in the supervisory function must also be enhanced, because the House of Representatives (DPR) develops into an institution that enables citizens to express their ambitions and protect their rights when endangered by government policies.

And as a result of various transgressions that occur as a result of the community becoming an object of PPKM rules / policies in this country, they must endure sanctions that prevent them from living. Trust in the government gradually eroded as a result of the administration's arbitrariness, which campaigned for the sake of the people yet failed to implement any of its plans. According to the author, this situation is extremely unjust to the people because their rights are violated and the government blatantly breaks the regulations they created. We do not fight invaders, but rather against ourselves. Allow these people and citizens to continue to exist without a country.

The authors are hoping that in the future, the country can act as a guardian of its residents' safety, rather than as a threat to their safety. As Italian philosopher Marcus Tullius Cicero put it, "Populi Salus Suprema Lex Esto" (the safety of the people is the highest law for a country).

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