

## REVIEW OF COVID-19 TASK CIRCULAR LETTER NUMBER 20 YEAR 2021 ON MANDATORY QUARANTINE POLICY AFTER TAKING INTERNATIONAL TRAVEL DURING THE COVID-19 PANDEMIC IN HUMAN RIGHTS PERSPECTIVE (STUDY ON TRAVEL HUB HOTEL)

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### Keywords

Mandatory Quarantine,  
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Human Rights

Abstract. The phenomenon of the spread of the corona virus (Covid-19) which is very fast and uncontrolled has made the World Health Organization (WHO) stipulate that Covid-19 as a pandemic on March 12, 2020. In Indonesia, as one of the countries affected by Covid-19, has tried to make several policies in order to suppress the spread and limit the space for the transmission of Covid-19. One of these policies is the regulation of mandatory quarantine for Indonesian Citizens (WNI) and Foreign Citizens (WNA) who have traveled internationally as stated in the Covid19 Task Force Circular No. 20 of 2021 concerning International Travel Health Protocols During the Covid-19 Pandemic. -19. The policy regarding the obligation to undergo quarantine during the pandemic has the potential for violations in terms of fulfilling human rights. This study examines more specifically the selfquarantine regulations that are placed in hotels with the components of all costs incurred not being borne by the government but by themselves. This type of research uses a normative juridical method with an approach to legislation and concepts related to self-quarantine. This study summarizes that the state policy regarding mandatory quarantine in an emergency situation such as the Covid-19 pandemic is something that is legally allowed, as long as the limitation of human rights is still in the derogable right group (which can be limited in its fulfillment). However, taking such action must be done carefully, and full of wisdom.

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### 1. INTRODUCTION

Corona Virus Disease 2019 or more familiarly called Covid-19 is known to appear in Wuhan and has spread to various parts of the world for the last 2 years since December 2019. Covid-19 is a new type of coronavirus that is transmitted to humans infecting the respiratory system. Early Symptoms Corona virus infection or COVID-19 can resemble flu symptoms, such as fever, runny nose, dry cough, sore throat, and headaches. After that, the symptoms may disappear and heal or even worsen. Patients with severe symptoms may experience high fever, cough with phlegm and even blood, shortness of breath, and chest pain. These symptoms appear when body reacts to Corona virus. In most cases, the coronavirus causes only mild to moderate respiratory infections, however, it can also cause severe respiratory infections, such as pneumonia, Middle-East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS).

The number of cases that have occurred has forced the governments of countries affected by the COVID-19 pandemic to establish lockdown policies, social and physical distancing. The large-scale lockdown policy was first imposed in the Chinese city of Wuhan on January 23, 2020 which was also the city where the corona virus spread for the first time. All office activities, schools, industries, markets, and so on are prohibited from operating. This large-scale lockdown policy has also been followed by several countries in the world.

In Indonesia as one of the countries affected by COVID-19, several policies have been made to limit the space for transmission of Covid 19. One of the policies that have been made by Indonesia is

PSBB (Large-Scale Social Restrictions). Large-Scale Social Restrictions are restrictions on certain activities of residents in an area suspected of being infected with Covid-19 in such a way as to prevent the possible spread of Covid-19. The PSBB was first proposed by the governor of DKI Jakarta, Anies Baswedan, then after some time other regional heads followed. The increasing spread of Covid-19 has clearly created panic among people around the world and in Indonesia. The activities of the community members that were previously fine, became full of panic and unusual,

The Government's various efforts continue to be carried out by considering the spread of Covid-19 in the world which tends to increase from time to time, causing fatalities, greater material losses, and has implications for social, economic and community welfare aspects. In order to accelerate the handling of Covid-19, fast, precise, focused, integrated, and synergistic steps are needed between ministries/agencies and governments both at the center and regions. Based on these considerations, President Joko Widodo issued Presidential Decree (Keppres) Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (COVID-19). A task force was formed by the Indonesian government to coordinate activities between institutions in an effort to prevent and overcome the impact of COVID-19 in Indonesia. In carrying out the task, The Task Force for the Acceleration of Handling Covid-19 is assisted by a Secretariat based in the National Disaster Management Agency (BNPB). The Secretariat, as intended, has the task of providing technical and administrative support to the Task Force for the Acceleration of Handling Covid-19. According to this Presidential Decree, the implementing Task Force for the Acceleration of Handling Covid-19 can involve and/or coordinate with ministries/non-ministerial government institutions, central and regional government agencies, the private sector, and other parties deemed necessary. The private sector, in this case, including hotels that are cooperating with the task force, has a role as a means of accommodation for providing special residences for self-quarantine.

Hotels that cooperate with the Task Force are required to have a CHSE certificate, Guidelines for the Implementation of Cleanliness, Health, Safety and Environmental Sustainability (CHSE), especially in welcoming guests who undergo self-quarantine after traveling internationally. Guidelines for the Implementation of Hygiene, Health, Safety, and Environmental Sustainability in Hotels are operational guidelines from the Decree of the Minister of Health Number HK.01.07/Menkes/382/2020 concerning Health Protocols for Communities in Public Places and Facilities in the Context of Prevention and Control of Corona Virus Disease 2019 ( Covid-19). Since the Corona virus pandemic broke out and entered Indonesia, the Government has several times used a number of different terms in handling and preventing Covid-19. After the government used large-scale social restrictions (PSBB), which came into effect April 17, 2020. Then the government imposed the Java-Bali Community Activity Restrictions (PPKM), then changed again to PPKM Micro since February 2021. After being extended, the President decided to take a tightening or thickening of PPKM Micro in June 2021. However , Covid19 cases continue to rise. Finally, President Jokowi decided to establish an Emergency PPKM. Technically, PPKM is carried out by reducing community movement and crowd activities during the pandemic. Barriers and curfews are enforced as an integral part of the PPKM. Broadly speaking, it regulates the restrictions on activities that aim to reduce the potential for crowds in a place. Crowds of people become a situation that allows the transmission of the Corona virus. Therefore,

Regulations related to international travel are harmonized with Emergency PPKM regulations. During the Emergency PPKM, international travel mobility is carried out but with very strict restrictions, the government has made additional rules for tightening conditions for international travelers entering Indonesian territory. The rules are contained in the Addendum to the Circular Letter of the Covid-19 Task Force Number 8 of 2021 concerning International Travel Health Protocols during the Covid-19 Pandemic, which was then evaluated and reissued by the Covid-19 Task Force through Circular Letter Number 20 of 2021 concerning Health Protocols. International Travel During the Covid19 Pandemic.

One of the contents of the circular letter requires foreign citizens (WNA) and Indonesian citizens (WNI) to show a letter or certificate of having received a complete Covid-19 vaccine when entering Indonesia, except for diplomatic visa holders and foreigners with a travel corridor arrangement scheme. In addition, international travelers are required to undergo a quarantine period of 5 x 24 hours after

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arriving in Indonesia. All the rules in the circular have been communicated and socialized to foreign countries through Indonesian representatives abroad and representatives of foreign countries and international organizations in Indonesia to be anticipated and implemented.

In relation to basic rights, which are rights that become absolute priorities in the national and international community, which are needed to fulfill human needs in both material and non-material terms. These rights include the right to life, the right to minimum security, the right not to be disturbed, to be free from slavery and slavery, to be free from torture, unlawful reduction of freedom, discrimination and other actions that reduce human dignity.

In controlling the spread of the Covid-19 virus, many countries have implemented policies that limit rights, such as orders to just stay at home which of course limits the right to move. This policy is considered to be able to reduce the spread of the virus and reduce the risk of a wider spread of the virus. However, if this policy is implemented for a long time, it can have a disruptive impact on various fields such as jobs, livelihoods, access to services, including health services, food, water and education. And it is possible that it can cause bigger problems than the Covid-19 virus itself. Likewise, the Government in establishing mandatory quarantine policies and regulations for Indonesian citizens (WNI) and foreign citizens (WNA) after international travel and entering Indonesia as stated in the Circular of the Covid19 Handling Task Force Number 20 of 2021. these regulations without having to ignore the fulfillment of human rights related to derogable rights, which consist of the right to express opinions, the right to move, the right to assemble, and the right to speak. related to government policy on Circular Letter No. 20 of 2021, several problems can be formulated which are the subject of discussion, namely: What are the quarantine regulations for Indonesian Citizens (WNI) and Foreign Citizens (WNA) who have traveled internationally and entered Indonesia during the Covid-19 pandemic. How is the review of regulatory policies required to undergo quarantine in the perspective of human rights. How is the application of criminal sanctions to cases of violations of the Circular of the Covid-19 Task Force Number 20 of 2021 concerning International Travel Health Protocols during the Covid-19 Pandemic (Example of the case of Rahel Vannya). The objectives to be achieved from writing this thesis are as follows: To provide knowledge and understanding of quarantine regulations that must be carried out during the Covid-19 pandemic for Indonesian Citizens (WNI) and Foreign Citizens (WNA) after traveling internationally and entering Indonesia. . Find out more about the mandatory quarantine policy during the Covid-19 pandemic from a human rights perspective. To find out the application of criminal sanctions for violations of the Circular Letter of the Covid-19 Task Force Number 20 of 2021 concerning International Travel Health Protocols during the Covid-19 Pandemic. As a form and effort to complete college final assignments to fulfill obligations in obtaining graduation and obtaining a Law Degree.

## 2. METHOD

The research method is an element that must exist in every research which contains about how to obtain data that will later be able to answer a problem that arises in a study. Therefore, it is important for the author to describe the research methods used in this study.

The writing in this study uses a normative writing method with an approach to legislation and concepts related to the theme raised. The research location is a place or area where the research will be carried out. The location of the research carried out by researchers in taking data is at: Travel Hub Hotel, Location: Jalan Arterial Kualanamu No.09, Tumpatan Nibung, Kec. Trunk Quiz, Kab. Deli Serdang. The analysis in this research paper is descriptive-analytic which describes the international legal instruments related to the rules when entering Indonesia after international travel and describes the steps or legal policies that have been carried out by Indonesia. Furthermore,

This study seeks to provide information through a quantitative descriptive approach used in research by measuring the indicators of research variables so as to obtain an overview of the variables of the Government's policy on the Covid-19 SATGAS Circular Letter Number 20 of 2021 which requires quarantine after international travel in Indonesia. The Covid-19 pandemic is viewed from the perspective of Human Rights. One of the initial steps taken by the author in compiling this research is to collect data from the agency to be studied, because data is one of the most important elements as

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input in conducting data management and discussion in this study.

Data collection activities in this research is by collecting secondary data in the form of laws and regulations, articles and other documents needed to be then categorized according to the appropriate grouping. In this research, the writer uses library research and field research to collect and compile the required data. Data analysis used with a qualitative approach can answer and solve as well as thoroughly and completely deepen the object being studied in order to produce descriptive conclusions.

### **3. RESULTS AND DISCUSSION**

Travel Hub Hotel is a 3-star hotel located at Jalan Arterial Kualanamu No.09 Tumpatan Nibung, Batang Kuis, Deli Serdang. The distance between this hotel to Kualanamu International Airport is only about 7 km or 10 minutes using a motorized vehicle. Travel Hub Hotel started operating in April 2019 by providing 3 types of rooms, namely Superior, Deluxe Business, and Junior Suite. The facilities provided at this hotel are a large parking area, cafe, elevator, 24-hour room service, restaurant, fitness and wifi in public areas to airport shuttle service at no additional cost. Travel Hub Hotel is still under the same management as Wing Hotel Kualanamu.

When the hotel was almost 1 year old operating, the hotel experienced a decline in sales, an undeniable pandemic situation and a real big impact on economic activities at all levels of society. Based on the interview that the author conducted with Mr. Ahda, the Front Office staff revealed that before the pandemic the capacity of the hotel occupied by visitors reached 60-70 percent of the total number of rooms owned. Where the number of rooms owned by Tarvel Hub Hotel is as many as 140 rooms. And the average room occupied is about 2,500 (two thousand five hundred) rooms every month. However, after the pandemic, the number of hotel room capacities continued to decline and peaked after the airport was closed, resulting in a lack of visitors and travel agents. and restrictions on community activities. The peak was in March 2020 the hotel stopped operating completely and temporarily closed the hotel. Most of the employees were transferred to the Wing Hotel, and several other employees who were approaching the work contract period were not extended and were temporarily laid off. After a year of not operating due to the impact of the COVID-19 pandemic, in early 2021 this hotel was reenabled to accommodate international travelers to undergo independent quarantine for both Indonesian Citizens (WNI) and Foreign Citizens (WNA). and several other employees who are approaching the term of the work contract not being extended and being temporarily laid off. After a year of not operating due to the impact of the COVID-19 pandemic, in early 2021 this hotel was re-enabled to accommodate international travelers to undergo independent quarantine for both Indonesian Citizens (WNI) and Foreign Citizens (WNA). and several other employees who are approaching the term of the work contract not being extended and being temporarily laid off. After a year of not operating due to the impact of the COVID-19 pandemic, in early 2021 this hotel was re-enabled to accommodate international travelers to undergo independent quarantine for both Indonesian Citizens (WNI) and Foreign Citizens (WNA).

Quarantine is an effort to temporarily separate healthy people or people who have been exposed to Covid-19 (either from a history of contact or a history of traveling to areas where community transmission has occurred) even though they have not shown any symptoms or are in the incubation period, which aims to ensure that there are no symptoms and prevent infection. possible spread to nearby people. Isolation is an effort to temporarily separate someone who is sick and requires Covid-19 treatment or someone confirmed to have Covid-19 based on diagnostic results, from healthy people with the aim of reducing the risk of transmission, while centralized quarantine is a quarantine activity for Overseas Travelers (PPLN) that is concentrated. in one place of quarantine accommodation, either in a government-owned quarantine location or a hotel.

#### **1. Country Compliance with International Health Regulations**

International Health Regulation (IHR) is an international legal instrument that binds countries in the world, including members of the World Health Organization (WHO). This IHR has the aim of assisting the international community in dealing with diseases that threaten the world community, including the Covid-19 Virus. The provisions in IHR 2005 provide protection for citizens of member

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countries from the spread of transnational diseases. Based on the provisions of Article 2 IHR 2005 above, it aims to provide guidance in dealing with the spread of transnational disease, but the last phrase of the a quo provision implies that the policy of handling the spread of transboundary disease as much as possible avoids the use of restrictions on the right to move and restrictions on the distribution of cross-border trade.

## **2. Regulations Undergoing Self-Quarantine**

Not only for Indonesian citizens, this rule also applies to foreigners. Referring to the Kasatgas Circular Number 20 of 2021, the following summarizes several regulations for Indonesian citizens and foreigners who have traveled internationally who will undergo self-quarantine in hotels, especially at Hotel Travel Hubs, including:

1. Overseas Travel Actors (PPLN) are required to carry out an RT-PCR test before departure with the hnegative result. The test is carried out at the starting place of the trip no later than 72 hours when it will start the trip.
2. The seventh day of quarantine, RT-PCR will be carried out again. If the result is negative, the traveler can wait for the quarantine period to finish and continue the journey. Nevertheless, the government recommends continuing to self-quarantine for 14 days by implementing health protocols.

Quarantine regulations carried out by PPLN either in hotels independently or in shelters determined by the local government must refer to the applicable circular. Regarding the complete contents of the Kasatgas Circular No. 20 of 2021 regarding international travel health protocols during the COVID-19 pandemic, this thesis has been attached.

## **Mandatory Quarantine Policy During the Covid-19 Pandemic In The Perspective Of Human Rights.**

One of the theories that discusses assessing justice in public policy is John Rawls's idea of the Maximin (Maximum Minimorum) concept, namely that every policy made should consider how much benefit can be generated and the harm that will be caused. If the policy made produces a profit that is greater than the loss incurred, the policy can be said to be good. And vice versa if the policies made cause significant losses massive and large compared to the benefits, then the policy should not be chosen.

Indonesia recognizes the human right to travel and move (freedom of movement), but on the other hand, Indonesia also has a human obligation to ensure the right to health for its citizens in making policies to deal with the pandemic. This provision can be found in Article 27 paragraph (1) of Law Number 39 of 1999 concerning Human Rights in conjunction with Article 28 letter A of the 1945 Constitution of the Republic of Indonesia. Every country including Indonesia must be able to assess and measure each of its policies towards potential violations. human rights that may occur.

The pandemic has become a justification (reason for consideration) for the government to limit certain human rights. These restrictions usually take the form of isolation, quarantine, and restrictions on movement. In general, this has the potential to violate the right to freedom. Supposedly, emergency regulations during a pandemic, should not be a cover for carrying out repressive actions (restricting) the government on human rights possessed by someone. The policy regarding the obligation to undergo quarantine during the pandemic for Foreign Travel Actors (PPLN) has the potential to cause violations in terms of fulfilling human rights.

## **Criminal Sanctions Against Violations of the Circular Letter of the Covid-19 Task Force Number 20 of 2021 concerning International Travel Health Protocols During the Covid-19 Pandemic.**

In the Criminal Code (KUHP) there are no legal rules governing rules regarding health quarantine violations. But on the other hand, the legal regulations regarding health quarantine have been regulated in Law Number 6 of 2018 concerning Health Quarantine. The form of criminal law enforcement against someone who violates Health Quarantine is expressly regulated and charged with Article 93 of Law

Number 6 of 2018 concerning Health Quarantine. In addition, in other regulations, there are also rules regarding law enforcement or criminal sanctions against violations of Health quarantine which have been regulated in Article 14 paragraph (1) and paragraph (2) of Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases.

Criminal law in a subjective sense (*Ius Poeniendi*) is a number of regulations that regulate the state's right to punish someone who commits a prohibited act. The right of the state to punish:

- a. The right to threaten actions with punishment belongs to the state.
- b. The right to drop (*Oplegging Straf*) is placed on state equipment.
- c. The right to carry out punishment (*Strafuit Veering*) is placed on state equipment, namely carrying out the execution of punishment.

The relationship between *Ius Poenale* and *Ius Poenandi* is that *Ius Poeniendi* or subjective criminal law must be based on *Ius Poenale* or objective criminal law, so that the right to convict only arises after the objective criminal law has determined a number of acts that can be threatened with punishment.

### **Rachel Vennya's Case Trial Decision**

Based on the letter from the Tangerang District Court Number 21/Pid.S/2021/PN Tng, the trial of the Rachel Vennya celebgram case who escaped from the quarantine center was held at the Tangerang City District Court (PN), on Friday, December 10, 2021. The trial was chaired by the chairman of the assembly. judge Arief Budi, member judge I Fathul, and member judge II Ari. They were legally proven and guilty of committing a criminal act by violating the regulations, namely not doing the quarantine that should have been carried out after returning from abroad and the act of obstructing the health quarantine rules. The panel of judges sentenced him to four months in prison, with the provision of eight months of probation. That way, Rachel wouldn't have to serve a prison sentence, as long as eight months of probation, he did not commit a crime. The same sentence was handed down to Salim, Maulida, and a Soekarno-Hatta airport protocol officer named Ovelina. This is in accordance with the regulations in force in Indonesia and the facts obtained by the investigative team during the trial and case proceedings. The trial that Rachel Vennya and other friends underwent was a brief criminal trial, where the reading of the indictment, the demands, and the verdict was held in the same trial.

## **4. CONCLUSION**

The Indonesian government continues to try to suppress the rate of COVID-19 by implementing very strict health protocols. The government through the Covid-19 Handling Task Force has issued the rules and provisions in SE Number 20 of 2021 concerning International Travel Health Protocols during the 2019 Corona Virus Disease (Covid-19) Pandemic. As the legal basis is Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases and Law Number 6 of 2018 concerning Health Quarantine. In an emergency situation such as the Covid-19 pandemic, restrictions on human rights can still be legally allowed, but human rights that can be restricted, namely human rights that are included in the derogable rights group, are not allowed to limit human rights. Humans are included in the non-derogable rights group (rights that cannot be limited in their fulfillment under any circumstances), so that in taking these actions they must be carried out carefully, and full of wisdom. An example is the case of Rachel Vennya, who as a celebgram should exemplify good deeds to the community through her social media. However, Rachel Vennya's lack of legal awareness actually prompted her to violate quarantine rules after traveling abroad by bribing officers who were also unaware of law enforcement. Rachel Vennya's escape from quarantine obligations after traveling from abroad has violated two articles, namely Article 14 of Law Number 4 of 1984 concerning Infectious Disease Outbreaks and Article 93 of Law Number 6 of 2018 concerning Health Quarantine. The sanction for Rachel Vennya is imprisonment for 4 months with a probationary period of 8 months.

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