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The COVID-19 Pandemic Outbreak Impact And Prevention From Legal Perspective : An Indonesian Experience

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Abstract

The COVID-19 pandemic affected various aspects such as economy, health, environment, and others. The pandemic that occurred in Indonesia gave a huge responsibility to the government as stated in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. Everything that happens in handling this pandemic has a close relationship with the law, including human rights due to the large number of people who have died, regional quarantine, and the protection and guarantee of work safety for health workers who are at the frontline dealing with this pandemic. This research uses normative legal research methods.

Keywords:

Pandemic, COVID-19, Law

Introduction

Currently, almost the entire world is facing the COVID-19 pandemic which has claimed many victims. The first COVID-19 case in Indonesia was found in March 2020, and until now there have been additional positive cases. Many victims died from this disease because of the nature of this virus which is contagious. Based on the latest data related to the development of the COVID-19 case on January, 7th 2021, there were 23.520 people died due to the Covid-19 pandemic in Indonesia. The presence of the COVID-19 virus has had a tremendous domino effect, and affects various aspects such as economy, health, education, environment, industry, and others. The presence of COVID-19 has resulted in new habits and phenomena in society. Since the covid-19 outbreak, people are urged to always keep their distance, wash their hands, adopt a clean life, eat nutritious food, maintain body immunity, cover their nose when they want to sneeze and cough, as well as other habits. This is a basic ethic that should be applied in society, but many people have only realized this since the emergence of the COVID-19 outbreak.

Since March 2020, the entry of the COVID-19 pandemic in Indonesia has resulted in an increase in the poverty rate to 26.42 million people, with the percentage increasing by 9.78%. This shows that COVID-19 has had a huge impact on the economy. Obstacles to economic activity in Indonesia have forced business actors to reduce losses so that many workers have been dismissed or laid off. Based on data from the Ministry of Manpower on April 7th, 2020, it was recorded that 39.977 companies had terminated their employment and laid off their workers, and there were 1.010.579 workers affected by this.

Another impact caused by COVID-19 in the economic sector is a decrease in purchasing power or household consumption which results in a 60% fall in the economy, causing prolonged uncertainty resulting in weak investment and implications for the cessation of business, and a weakening of the global economy which causes a decline in market commodities and cessation of Indonesian exports to several countries. In addition, in the Micro, Small, Medium Enterprise (MSMEs) sector, there are 1.785 cooperatives and 163.713 MSMEs affected by COVID-19, and the food & beverage sector is one of the MSMEs sectors that is most affected due to decreased sales, lack of capital, and distribution constraints. Other sectors most affected are the creative industry and agriculture.

The education sector is also one of the aspects affected by the COVID-19 pandemic. Educational institutions such as schools and campuses were temporarily closed in an effort to prevent the spread of the virus and the emergence of new clusters. This creates a new burden for teachers and lecturers who must prepare an effective strategy in delivering learning material online, also creating a psychological burden for students who have difficulty adapting to the online learning system and cannot interact directly or doing practicum which would support learning activities. There are many obstacles that arise in this online learning system, namely the number of regions in Indonesia that do not have an adequate internet access, as well as financial problems that have resulted in many people who have not been able to buy gadgets.

Apart from the education sector, there are other sectors that have been severely affected by the COVID-19 pandemic, namely the health sector. The very rapid transmission of COVID-19 has resulted in many people being infected so that hospitals are overwhelmed, many health workers are infected, and patients with diseases other than COVID-19 are afraid to go to the hospital, or even don't get the opportunity to be hospitalized because of the hospital filled with COVID-19 patients. The COVID-19 pandemic not only affects physical health but also affects people's mental health. Many people feel anxious, afraid, and even depressed.

Based on data from the COVID-19 Report on December 28th, 2020, there were 507 health workers who died from exposure to the COVID-19 virus. The increasing number of health workers who have died as a result of this pandemic will cause enormous losses for the country. Based on data from the World Bank, Indonesia has the second-lowest number of doctors in Southeast Asia, which is 0.4 doctors per 1.000 population, which means that Indonesia only has 4 doctors to serve every 10.000 inhabitants. This shows the importance of protection for health workers because there are still more than 270 million Indonesian citizens who need good health services.

Human Resources (HR) in the health sector plays a very crucial role in the health system. A good health system does not only affect the health sector but also affects many aspects, such as economic aspects. If there is no good health system, it will result in many people getting sick and thus unproductive. An unproductive society will cause the economy to collapse in Indonesia, as well as creating a new burdens on society.

The occurrence of the COVID-19 pandemic reveals that the industrial sector in Indonesia still has many problems and weaknesses, for example, the manufacturing and health industries that are still very shallow and not independent yet. In addition, this affected health sectors has links to the environmental sector. The outbreak of the COVID-19 virus has resulted in the community, especially medical personnel, having to use a set of tools to protect themselves, such as masks, hazmat, gloves, and others. This has resulted in a buildup of medical waste which has an impact on the spread of the virus if not handled properly. Medical waste management requires special protocols, but limited treatment management is an obstacle in Indonesia.

Research Methods

This research uses normative legal research methods. This study emphasizes secondary data in the form of legal materials based on written regulations and other literature that examines the theoretical, structural, and legal explanations related to this research. The data analysis technique used is qualitative analysis techniques. The research approach used is a statutory approach and a conceptual approach.

Literature Review

The COVID-19 pandemic has changed many habits in society, as well as causing new phenomena in the community. At the start of this pandemic, many people were panic buying and this didn't only happen in Indonesia. Panic buying is a situation where people are flocking to buy foodstuffs, basic necessities, logistics, fuel, etc in large quantities because it is triggered by fear and anxiety due to the pandemic. In addition, many individuals stockpiled masks and hand sanitizer then resold them at very high prices. Foodstuffs, basic necessities, fuel, masks, and hand sanitizers are one of the basic needs of people during a pandemic, and this phenomenon can harm many parties and have an impact to the economy.

According to the Executive Director of the Institute for Development of Economics and Finance (INDEF), Enny Sri Hartati, panic buying behavior is triggered by psychological factors that usually occur due to confusion and unclear information received by the public, resulting in worries and massive response to shopping in an effort to save theirself. There are unfounded information or hoaxes about the COVID-19 virus that causing a misinformation and disinformation in the society.

The fundamental difference between misinformation and disinformation lies in the elements of intention. What is meant by misinformation is the dissemination of false and inaccurate data/information without any malicious or unintentional intention, while disinformation is false/hoax information that is made on purpose and aims to cause harm. This infringement has been regulated in Article 28 Paragraph (1) of Law Number 11 of 2008 concerning Elektronik Information and Transactions juncto Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), with the provision of a maximum imprisonment of six years or a maximum fine of IDR 1 billion.

The COVID-19 pandemic that occurred around the world has killed many people, and this is a human rights issue. Article 12 of Law Number 11 of 2005 concerning The Ratification of the International Covenant on Economic, Social and Cultural Rights affirms that everyone has the right to enjoy the highest attainable standard of physical and mental health. Therefore, in a pandemic condition that occurs in Indonesia, the government is obliged to make every effort

to prioritize the health, security and safety of citizens. The pandemic that occurred in Indonesia not only affected the health sector, but also affected the economy and education, as well as other sectors.

Results and Discussion

Handling of COVID-19 in Indonesia

In relation to the increasing poverty rate since the COVID-19 outbreak entered Indonesia, the government has made various efforts to help people in need, which is by providing social assistance to citizens, financing pre-employment cards of IDR 20 trillion, providing 100% electricity subsidies for consumers who use 450 watts of power, provide subsidies for MSMEs, and place government funds in the banking sector as assistance for business actors. In addition, the government also provides subsidized internet quota assistance which is expected to facilitate access to information and support learning for students as well as teachers and lecturers.

Subsidies and social assistance provided by the government are one of the realization steps taken by the government based on Government Regulation in Lieu of Law Number 1 of 2020 which was inaugurated by the People's Representative Council as Law Number 2 of 2020. This law regulates Financial Policy and Financial System Stability for Handling the 2019 coronavirus disease pandemic. The law was made with the aim of saving the national economy, with a focus on budgeting the national expenditure budget (APBN) and regional expenditure budget (APBD) on spending on health, as well as restoring the economy including the business society that is affected by this pandemic.

Regulations Regarding Regional Quarantine in Indonesia

Several countries have implemented lockdowns or regional quarantines in an effort to prevent the spread of COVID-19 virus. Several countries such as Britain, China, Lebanon, Thailand, Germany, and others, are strictly locking down their country, but there are also countries that haven't carried out a strict and massive lockdown. The implementation of lockdown in Indonesia hasn't applied to all areas, but only in certain areas such as Java Island. The lockdown in Indonesian is known as Large-Scale Social Restrictions or usually called as PSBB.

Based on Law Number 6 of 2018 concerning Health Quarantine (Health Quarantine Law), the pandemic situation in Indonesia has met the criteria as a public health emergency situation. Referring to the Health Quarantine Law, public health emergencies are health events of an extraordinary nature and are characterized by the spread of infectious diseases. Based on Article 1 of the Health Quarantine Law, health quarantine is an effort to prevent the exit or entry of diseases and/or public health risk factors that have the potential to cause public health emergencies.

The Government's Responsibility to Society during the COVID-19 Pandemic

The COVID-19 pandemic that occurred in Indonesia, of course, gave the government enormous responsibility in terms of order, security, health and public welfare. The responsibility of the government can be seen in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic Indonesia (UUD NRI 1945), namely protecting the entire Indonesian nation and all Indonesian bloodshed, advancing public welfare, educating the nation's life, and participating in implementing world order based on freedom, lasting peace, and social justice.

The implementation of PSBB in Indonesia must be based on legal instruments, given that Indonesia is a state of law (*rechtstaat*) as stated in Article 1 paragraph 3 of the UUD NRI 1945.

The Health Quarantine Law also regulates the responsibilities of the central and regional governments if quarantine is implemented. Article 4 of the Health Quarantine Law states that the central government and local governments are responsible for protecting public health from diseases and/or Public Health Risk Factors that have the potential to cause Public Health Emergencies through the implementation of Health Quarantine. The central and local governments are also responsible for the availability of resources needed in the implementation of Health Quarantine, this is stated in Article 6 of the Health Quarantine Law. Regarding funding for health quarantine activities, it comes from the national expenditure budget (APBN) and regional expenditure budget (APBD), and/or the community. Furthermore, the central and local governments are also responsible for providing information on health quarantine. This is a preventive effort to prevent the spread of hoaxes or misinformation in the society.

During the regional quarantine, the citizens also get rights that must be fulfilled by the government. This has been regulated in the Health Quarantine Law, Law Number 4 of 1984 concerning Outbreaks and Infectious Disease, and also refers to the standards of the World Health Organization (WHO). Article 7 of the Health Quarantine Law states that everyone has the right to receive equal treatment in the implementation of Health Quarantine, which means that people must be treated equally and fairly regardless of gender, age, race, ethnicity and religion.

Furthermore, Article 8 of the Health Quarantine Law states that everyone has the right to basic health services according to medical needs, foods needs and other daily needs during quarantine. However, it is difficult to implement considering the large number of COVID-19 positive patients and resulting in excess capacity in the hospital. This phenomenon raises several problems and obstacles that occur in the society, especially after visits to hospitals are still limited, considering that hospitals are not only a need for COVID-19 patients but also for patients with other needs such as childbirth, chemotherapy, medical examinations, dentists, surgery, accidents, and more.

Efforts to Prevent COVID-19 in Indonesia and Its Relation to Environmental Issues

Efforts to control this pandemic have been regulated in Article 5 of the Law on Outbreaks and Infectious Diseases. These efforts include: (a) epidemiological investigations, (b) examination, treatment, care and isolation of sufferers, including quarantine, (c) prevention and immunization, (d) eradication of disease causes, (e) handling of corpses due to outbreaks, (f) outreach to the community, (g) other countermeasures. This efforts must be carried out by actively involving the society, and must be carried out with due regard to environmental preservation.

The existence of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) has placed a good and healthy environment as a guarantee for the human rights for citizens. This has been regulated in Article 28H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia which stated:

“Every person has the right to live in physical and mental well-being, to have a place to live, and to have a good and healthy living environment and the right to obtain health services.”

Along with the COVID-19 pandemic in Indonesia, it has had an impact on the environment, both positive and negative impacts. The positive impact is that the

implementation of PSBB in big cities such as Jakarta makes a significant change, namely the reduction of traffic jam, which is directly proportional to the reduction in air pollution caused by vehicle fumes. This phenomenon does not only occur in Indonesia, but also in other countries implementing lockdowns, this can be seen from research data conducted by the European Space Agency (ESA) which shows a decrease in nitrogen dioxide (air pollutant gas) in a number of big cities in various countries such as Paris, Madrid, Rome on March 14-15, 2020, compared to 2019 research data. Based on data released by the Center for Research on Energy and Clean Air (CREA), Indonesia itself has experienced a 40% decrease in NO^2 pollutant gases compared to 2019.

Another environmental issue that occurred in Indonesia related to the COVID-19 pandemic is the accumulation of medical waste. Masks, gloves, hazmat, hand sanitizers, wet wipes, and disinfectants are some of the main needs to protect people during a pandemic, especially for medical personnel. Medical masks made of fiber or paper are one of the biggest contributors to non-recycled medical waste because of the nature of the material that must be thrown away after use, as well as the hazmat and gloves used by medical personnel.

The nature of the COVID-19 virus which is easy to spread requires special protocol that must be adhered to in managing medical waste. An incinerator is needed to process non-recycled medical waste. But in reality, there are still many hospitals that do not have the technology for managing hazardous and toxic medical waste. Based on data from the Indonesian Environmental Scientist Association (IESA), of 2.852 hospitals in Indonesia, only 96 hospitals have incinerators, and not all of them function properly. In its implementation, the use of incinerator must follow a special procedure so as not to have a bad impact on the environment considering that the incinerator itself is a device that generates gas emissions that can pollute the environment. Therefore, a tool called an autoclave is needed, which is a sterilizing tool in the form of an airtight room to minimize pollution caused by the incinerator. However, until now there are only 3 (three) hospitals in Indonesia that use autoclaves.

The processing of medical waste itself has been regulated in the Regulation of the Minister of Environment and Forestry Number: P.56/Menlhk-Setjen/2015 concerning Procedures and Technical Requirements for Management of Hazardous and Toxic Waste from Health Service Facilities. This regulation also regulates the reduction and sorting of hazardous and toxic substances (B3), storage of B3 waste, transportation of B3 waste, processing of B3 waste, burying B3 waste, and landfilling B3 waste.

Medical mask waste is categorized as medical waste that requires special handling based on PerMenlhk P.56/2015. If it's not managed properly, the presence of medical masks in the environment poses a health risk due to bacteria and viruses carried in the mask waste. In addition, there are other factors that can affect the spread of the virus through medical waste, such as rain, which causes bacteria and viruses from these masks to enter water bodies and become source of drinking water consumed by the citizens.

Apart from masks, the use of disinfectants has also increased greatly along with the prevention of the spread of the COVID-19 virus. Spraying of disinfectants is often carried out routinely in public facilities such as roads, places of worship, housing, office buildings, and others. The act of cleaning the environment using a disinfectant is a very appropriate measure to prevent the spread of the COVID-19 virus, however, excessive use of disinfectants, especially in the rainy season, has the potential to cause environmental problems because the disinfectant will be washed away by rainwater.

Chemical content contained in disinfectants is generally consist of belzalkomium chloride, hypochlorite, phenol, and hydrogen peroxide (H₂O₂). This chemical content is easily found on the market in the form of cleaning fluids for house floors, bathrooms, and others. The use of this disinfectant is carried out in several ways, namely by wiping the disinfectant liquid on the contaminated parts such as walls, floors, surface objects, or by spraying or fogging techniques. In certain difficult-to-reach room conditions, the use of disinfectants is done by utilizing UV light with a certain wavelength.

Improper use of disinfectants will have a direct or indirect negative impact on humans and the environment. Spraying disinfectants on the human body either directly or through the disinfection chamber will cause side effects on the skin, eyes, and respiration due to uncontrolling the amount of exposure. In addition, chemicals contained in disinfectants will have a negative impact on the environment if they are spilled or accidentally disposed of into the environment. Disinfectants sprayed into the air will fall to the ground when it washed by the rain and absorbed by the soil, so that it is not only dangerous for humans, but can also kill other microorganisms that play an important role in soil and plant fertility. This will affect the environmental balance and give a long-term impact.

Regarding environmental problems, the use of plastic bags is also a global issue that must be dealt with together. The occurrence of the COVID-19 pandemic which limits access to leaving the house has resulted in changes to the pattern of consumers who prefer transactions using cellphone services, for example in ordering foods, drinks, and even online shopping. Based on research data from telunjuk.com, which is an e-commerce hub in Indonesia, the estimated total transactions of 3 (three) e-commerce sites, including Tokopedia, Shopee, and Bukalapak, have increased by 400% as of March 2-5, 2020. This of course increases the use of plastic bags in the society and has a bad impact on the environment.

Work Safety and Legal Protection for Health Workers

Apart from environmental aspects, currently legal protection for the safety of health workers is also an issue that must be considered by the government. Based on Law Number 36 of 2014 concerning Health Workers, health workers are any person who devotes himself to the health sector and has knowledge and/or skills through education in the health sector which for certain types requires the authority to make health efforts. Health workers play a very important role in improving the quality of maximum health services to the society so that people are able to increase awareness, willingness and ability to live healthy so that the highest degree of health will be realized as an investment for the development of human resources that are socially and economically productive as well as one on the elements of the general welfare as referred to in the Preamble to the 1945 Constitution of the Republic of Indonesia.

During the COVID-19 pandemic, health workers were a group of people who were vulnerable to infection because they were at the forefront of handling the COVID-19 virus. Article 28D Paragraph 1 of the 1945 Constitution of the Republic of Indonesia has stated that everyone has the right to recognition, guarantee, protection, and legal certainty that is just and equal treatment before the law. Article 57 Letter (a) of the Law on Health Workers also states that in carrying out their practice, health workers are entitled to legal protection as long as they carry out their duties in accordance with the Professional Standards, Professional Service Standards, and Standards Operating Procedures.

Based on the quotation from the laws and regulations above, it can be concluded that the government has an obligation to provide guarantess for legal protection to health workers. In

Article 11 of the Health Workers Law, included in the category of health workers are medical personnel such as doctors, dentists, specialist doctors, and specialist dentist, there are also psychological health workers such as clinical psychologists. In addition, nurses, midwives, pharmacists, and other professions related to medical matters are also included in the category of health workers.

Legal protection are divided into 2 (two) types, such as preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent an incident that has legal consequences, while repressive is a step that will be taken if an event that has legal consequences occurs. Preventive legal protection measures taken by the government related to the COVID-19 pandemic in Indonesia are to issue policies and regulations regarding the handling of COVID-19, namely Presidential Decree Number 2 of 2020 Regarding the Task Force for the Acceleration of Handling COVID-19 and Minister of Health Regulations Number 9 of 2020 concerning PSBB Guidelines for the Acceleration of Handling Covid-19.

Repressive legal protection can be seen through policies and regulations issued by the government in the form of Minister of Health Decree No.HK.01.07/MENKES/278/2020 concerning Providing Incentives and Death Compensation for Health Workers Handling COVID-19, and Minister of Health Decree No.HK.01.07/MENKES/215/2020 concerning the Utilization of the Special Allocation Fund for the Health Sector for the Prevention and Management of COVID-19 for the 2020 Fiscal Year.

In principle, legal protection for citizens has the aim of guaranteeing the fulfillment of citizen's rights, preventing actions that are detrimental to citizen's rights, providing access for citizens to stop acts of violations, obtaining compensation or remedies for violations of their rights, as well as ensuring the availability of compensation or remedial measures for the rights of citizens who have been harmed.

The COVID-19 pandemic that occurred throughout the world can be categorized as a global disaster. Based on Article 6 Letter (a) Law Number 24 of 2017 concerning Disaster Management, the government is responsible for protecting the citizen from the impact of disasters. The occurrence of this global disaster resulted in health workers becoming one of the frontline given the task of dealing with the pandemic. Therefore, health workers deserve to be guaranteed health and safety in order to achieve health development. The government must ensure the availability of resources, facilities, availability of tools that support occupational safety and health, as well as the implementation of health services based on Article 82 Paragraph 1 of Law Number 36 of 2009 concerning Health.

Legal protection for health workers has almost gone unnoticed, even though as the front guard, health workers have the risk of being exposed to the virus and even the risk of death. Health workers often do not get the rights that should be fulfilled. Occupational safety and health is the right of every worker. However, in practice, there are several obstacles encountered in fulfilling work safety guarantees and legal protection for health workers. Many people are apathetic and think that it is the duty and responsibility of health workers, so that people ignore the protection and safety assurance for health workers. In addition, the complexity of the local government bureaucracy is also an obstacle.

It is often found that COVID-19 patients, both People Under Monitoring and Patients Under Monitoring, do not provide honest information to doctors regarding their condition. This happens because many people have an understanding that COVID-19 is a disgrace that must be covered up and patients suffering from COVID-19 must be shunned. This phenomenon gave a bad impact in handling the COVID-19 pandemic, such as the more prone to transmission of

the COVID-19 virus, complicates tracing, and has a domino effects on doctors, paramedics, other patients, and even their families. This violation is contrary to the provisions of Article 50 Letter (c) Law Number 29 of 2004 concerning Medical Practice, that doctors have the right to obtain complete and honest information from patients or their families.

The COVID-19 pandemic, which is now a disaster based on the Decree of the Head of National Board for Disaster Management Number 13A of 2020, has resulted in all levels of government being obliged to carry out their obligations as stipulated in the prevailing laws and regulations. These obligations include:

- 1.) Support the availability of medical equipment in the field;
- 2.) Ensuring the fulfillment of the rights of the community and medical personnel;
- 3.) Transparency of information to the public; and
- 4.) Making policies that pay attention to human rights values and democracy.

The disorderly implementation of the standard COVID-19 control protocol can be said to meet the elements of deliberately blocking the implementation of the prevention of the COVID-19 contagious disease outbreak. This is stated in Article 14 of the Law on Outbreaks and Infectious Diseases. Certain parties who deliberately or negligently do not properly manage materials used for epidemic control, such as processing materials that contain germs or can be declared as causing an epidemic can be charged under Article 15 of the Outbreak and Infectious Disease Law.

Conclusions

The COVID-19 virus pandemic currently occurring has claimed many victims. In addition, the presence of the COVID-19 virus has had a tremendous effect, and has affected various aspects such as economy, health, education, environment, industry, and others. The presence of COVID-19 has also resulted in the emergence of new habits and phenomena in society. Talking about the law is inseparable from rights and obligations. The central and local government have an obligation to be responsible for the community during a pandemic, as well as the community has rights that must be fulfilled by the government.

Everything that happens in handling this pandemic has a very close relationship with the law, including misinformation that occurs in society, the phenomenon of panic buying, human rights due to the large number of people who have died, social assistance provided by the government, regional quarantine or PSBB, as well as other aspects such as health, the environment, and no less important is the protection and guarantee of work safety for health workers who are at the forefront of dealing with a pandemic.

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