

Indonesia's Fight against COVID-19: A Battle Over the Meaning of Emergency?

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2020-04-12T09:37:09

Indonesia is a perfect example of how poorly a country can handle the spread of coronavirus (COVID-19). In February, when Indonesia's neighbouring countries such as [Singapore were occupied with the restriction of the entry of foreigners into their territory](#) after the announcement of the coronavirus outbreak in Wuhan, Indonesia's government under the Presidency of Joko Widodo (Jokowi) introduced the opposite policy which made it easier for foreign tourists (including those from the mainland China) [to travel to Indonesia](#). The purpose of this particular policy according to Jokowi's government was to exploit the economic gaps which would arise from foreigners' fears of travelling to Indonesia's neighbours including Singapore and Thailand.

At that time Jokowi's government dismissed any significant risk from coronavirus: the Minister of Health, Dr Terawan, described coronavirus is only a "[small disease](#)" and those infected would heal by themselves. Based on this belief he stressed that Indonesia would not need to worry or take special measures to contain the virus. Not only that, Jokowi's Vice President, a conservative Muslim cleric, Ma'ruf Amin, said that Indonesia will be immune from coronavirus citing that most of Indonesia's clerics had recited the [qunut](#) (an Islamic prayer to prevent diseases). This delayed reaction proved fatal, as not too long afterward by mid-March, it was evidenced that the Indonesian people were no more immune from COVID-19 than any other. In the face of this, Indonesia's government was shown not to be ready to face this pandemic as a result of the [poor state of the health system](#).

#LockDownOrDie

In distinction from other countries in Asia that have been considered as the successful examples in containing the spread of COVID-19, such as [Taiwan or Singapore in adopting a transparent approach to communication with the public](#), in early March when the virus had begun to enter Indonesia, [the Jokowi's government attempted to hide the fact from the public](#). The Minister of Health issued a statement that in Jakarta – the Indonesian capital and also its most populous city – there was not a single case of coronavirus, which was later [contradicted by Jakarta's Governor](#), who stated that cases of coronavirus had already occurred in many areas of Jakarta. As of 6 March, Indonesia's government treatment to coronavirus was minimal: it had only tested [450 individuals](#).

As a consequence of this lack of early intervention, by early April, [2,738](#) people have been confirmed to have been infected with coronavirus in Indonesia, with 221

confirmed deaths: the highest death rate in Southeast Asia, and one of the highest coronavirus mortality rate in the world [with the average of 9.1 percent death rate compared to 5.2 percent worldwide](#). There is [some concern](#) that this number may not be an accurate representation, because overall, the government had only conducted [6,534](#) rapid tests by the end of March, even though Indonesia has a population of 270 million.

This situation has caused [widespread distrust](#) of Jokowi's government's ability to handle the coronavirus. This can be observed from the emergence of a people desperate hashtag #LockDownOrDie on social media, which demands the Jokowi government to immediately performing a lockdown, especially in Jakarta, which is the focal point for the country coronavirus spread.

The demands of the Indonesian people for a lockdown are arguably reasonable in light of the [1,443](#) confirmed cases of coronavirus within the capital. Indonesia also has a comprehensive legal mechanism to support such a lockdown, namely the Indonesian Law No. 6 of 2011 on Health Quarantine ([Health Quarantine law](#)). This law gives Indonesia's central government the power to declare health emergency (*darurat kesehatan*) status if they find any disease that has a risk to spread to the people, this status would allow the government to perform a large-scale social limitation, which enables government to close schools and workplaces as well as restrict any social and religious activities in certain areas. It would also incentivise the government to perform regional quarantine, in which the government can limit the entry and exit of the people in a particular area if they find out the disease was spread among the people in that area, based on laboratory confirmation. The Health Quarantine Law also imposes a duty on government during the quarantine under Article 55, that:

“During the Regional Quarantine, the basic needs of the people and the livestock in the quarantine area are under the responsibility of the central government.”

While the Health Quarantine Law provides a strong legal framework and legal justification to Jokowi's government to accept people's demands for lockdowns, especially through the mechanism of regional quarantine, no such action has been taken. After his cabinet meeting on March 30, instead of declaring the health emergency status, Jokowi considered using the [civilian emergency](#) (*darurat sipil*) status as contained in the Government Regulation in Lieu of Law No. 23 Year 1959 on Emergency Situation ([Emergency Law](#)). At first glance, the civilian emergency status appears to be an answer for people's demands to lockdown, because through this status his government can prohibit people to leave their house or particular area during the emergency, similar with health emergency status in Health Quarantine Law.

Health Quarantine Law vs. Emergency Law

There is, however, a fundamental difference between the civilian emergency status in the Emergency Law and the health emergency status in the Health Quarantine

Law. The difference lies in the purpose of these two mechanisms: the Health Quarantine Law aims to overcome an emergency that comes from the spread of diseases, that is why this Law is based on Article 28H of the [Indonesian 1945 Constitution](#), which guarantees the right to health. Meanwhile, the Emergency Law was formed to overcome the danger that threatens the unity of the state such as the war and conflict situation, and so relies on Article 12 of the 1945 Constitution which regulates the President's exclusive power to declare the state of emergency as the basis of its formation.

Evidence that the objectives of Emergency Law were intended to handle a conflict or war rather than pandemic crisis, can be seen in the substance of this law, which distinguishes emergency into three levels, namely a civilian emergency; a military emergency; and a martial emergency. The Emergency Law explains that the civilian emergency is a condition when some or even large parts of Indonesia's legal order are threatened by armed rebellion or civilian conflicts so it cannot be handled through ordinary measures, whereas if such conditions lead to war or endanger the existence of the state, then the President can replace it with military emergency or martial emergency.

The Emergency Law also states that, when the President declares any of these three forms of emergency, he is then acting in his position as the commander in chief of the army. The activities of the Indonesian Parliament and other state institutions such as the Court would also be suspended during this emergency status. During a civilian emergency, the President would perform his governmental duties with the assistance of a single body only, consisting of several ministers, the chief of police, and the commanders of each military branch. The President would also have a representative in every Indonesian province during the civilian emergency, the "regional ruler" (*Penguasa Darurat Sipil Daerah*), a position which was held by the governor of each Indonesia's province. The regional ruler would be assisted by the police chief and military commander in their area. The strong involvement of the military certainly shows that the status of civilian emergency is more appropriate to be applied in a conflict situation rather than a pandemic crisis as Indonesia is facing today.

As its primary objective is to maintain the unity of the state in a situation of conflict, the civilian emergency is also driven by different basic principle than the status of health emergency. The health emergency status gives the government full responsibility to provide the needs of the peoples during the (regional or national) quarantine, and the activation of this status will also not cause the suspension to the work of Parliament and other state institutions. On the other side, since the main goal of the Emergency Law was to maintain the integrity of the state, it is the citizens who are given the responsibility to serve the governments. This can be seen from the provisions in Emergency Law that allow the President to limit the flow of information, to seize private properties, and to use of public facilities during the civilian emergency. The declaration of civilian emergency also does not create any responsibility for the government to provide the basic needs of the people when they restrict people's movement in a particular area.

A Military Interest?

It is clear that Jokowi's government's desire to establish a civilian emergency status is not compatible with popular calls for lockdown as a medical measure. Shortly after this discourse rolled out, public criticism arose and called upon President Jokowi to declare [a health emergency rather than a civilian emergency](#). The public pressure was successful, and on March 31 [Jokowi declared a health emergency status instead of a civilian emergency](#), which was followed by his government's decision [to impose large-scale social limitations in Jakarta](#) on April 7.

However, despite this development, it does not mean that the idea to perform civilian emergency is completely gone, because shortly after declaring health emergency status, [Jokowi warned that his government is still ready to activate the civilian emergency status if he found the health emergency status doesn't work well](#). The government's determination to establish a civilian emergency status raises concerns of a strong influence from [military figures](#) within the Jokowi administration to take this step, as it would strengthen the position of military in Indonesian politics. It is an open secret that the military is one of the strongest forces in Indonesia's political landscape, even though Indonesia has been transitioned from [military dictatorship to democracy](#) in 1998.

This context is likely the reason for Jokowi, a President [without a military background](#) to maintain their support, to consider steps to keep his power. That is also why he appointed many military figures to his government including his Minister of Health, Terawan, a former military doctor. It possibly made Jokowi prefer to use a militaristic approach rather than medical in dealing with the coronavirus plague that hit Indonesia, and it is demonstrated not only by his government's desire to activate civilian emergency but also by his appointment of Doni Monardo – a former leader of Military's elite unit – as the Chairman of COVID-19 Rapid Response Task Force. Whatever the reason, this idea is not appropriate, because the establishment of a civilian emergency and the involvement of the military in the fights against coronavirus has the potential to endanger Indonesian democracy, which in recent years has experienced a [significant setback](#).

Of course, every lockdown has implications for individual freedoms and possibly for democracy. However, adopting a lockdown in combination with a civilian emergency status will make the restriction to people's rights more excessive than necessary since it will allow to limit the flow of information and to bring back the role of the military into Indonesia's public life. Besides that, it also will not help the effort to contain the coronavirus because one of the main reasons for Indonesia's poor handling of coronavirus is the government's attitude which is not transparent to its people.

