



# *The Effectiveness of Social Restriction Policies in Handling COVID-19: A Comparative Study of Timor-Leste and Indonesia*

## **Efektivitas Kebijakan Pembatasan Sosial dalam Penanganan COVID-19: Studi Komparatif Timor-Leste dan Indonesia**

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### **Abstract**

*Pandemi COVID-19 telah menjadi tantangan global yang memaksa setiap negara untuk menerapkan kebijakan hukum yang adaptif dan responsif dalam upaya mitigasi penyebarannya. Penelitian ini bertujuan untuk membandingkan kebijakan penanganan COVID-19 di Timor-Leste dan Indonesia dalam perspektif hukum responsif. Metode yang digunakan adalah penelitian yuridis normatif dengan pendekatan perundang-undangan dan konseptual, yang mengkaji regulasi serta kebijakan hukum kedua negara dalam menangani pandemi. Hasil penelitian menunjukkan bahwa Timor-Leste lebih cepat mengambil langkah dengan menutup akses masuk ke negaranya melalui mekanisme Estadu de Emergencia sebagai strategi pencegahan utama, sementara Indonesia mengimplementasikan Pembatasan Sosial Berskala Besar (PSBB) dan Pemberlakuan Pembatasan Kegiatan Masyarakat (PPKM) yang lebih fleksibel dan menyesuaikan kondisi epidemiologis di setiap daerah. Dari perspektif hukum responsif, kedua negara menunjukkan upaya dalam menyesuaikan kebijakan untuk melindungi masyarakat, meskipun terdapat perbedaan dalam formulasi regulasi, tingkat kesiapan infrastruktur kesehatan, serta efektivitas implementasi kebijakan. Kesimpulannya, keberhasilan penerapan hukum yang responsif dalam penanganan pandemi sangat bergantung pada fleksibilitas regulasi serta kesiapan negara dalam merespons perubahan kondisi darurat secara cepat dan efektif.*

**Keywords:** *Hukum Responsif; Covid-19, Indonesia; Timor Leste; Kebijakan Publik*

### **Abstract**

The COVID-19 pandemic has become a global challenge that forces every country to implement adaptive and responsive legal policies in an effort to mitigate its spread. This research aims to compare the COVID-19 handling policies in Timor-Leste and Indonesia in the perspective of responsive law. The method used is normative juridical research

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with a statutory and conceptual approach, which examines the regulations and legal policies of the two countries in handling the pandemic. The results showed that Timor-Leste was quicker to take steps by closing access to the country through the *Estadu de Emergencia* mechanism as the main prevention strategy, while Indonesia implemented Large-Scale Social Restrictions (PSBB) and the Enforcement of Restrictions on Community Activities (PPKM) which were more flexible and adjusted to the epidemiological conditions in each region. From a responsive law perspective, both countries show efforts in adjusting policies to protect the public, although there are differences in the formulation of regulations, the level of health infrastructure readiness, and the effectiveness of policy implementation. In conclusion, the successful implementation of responsive law in handling a pandemic is highly dependent on the flexibility of regulations and the readiness of the state to respond to changes in emergency conditions quickly and effectively.

**Keywords:** Responsive Law; COVID-19; Indonesia; Timor-Leste; Public Policy

## Introduction

The COVID-19 pandemic has become a global challenge that tests the resilience of legal systems and public health policies in many countries. The rapid spread of the virus and its far-reaching impact require governments to respond quickly and effectively in designing regulations capable of protecting the public. In this context, Timor-Leste and Indonesia have adopted different legal policies to deal with the pandemic, with approaches that reflect the characteristics of their respective legal systems. Timor-Leste relies on the *Estadu de Emergencia* mechanism to restrict entry and reduce the spread of the virus, while Indonesia applies Large-Scale Social Restrictions (PSBB) and the Enforcement of Restrictions on Community Activities (PPKM) with a more dynamic approach according to epidemiological conditions in various regions. These different legal strategies show how responsive the law can be in the face of a health emergency, but also raise questions about the effectiveness and efficiency of each policy in protecting the public and optimally addressing the pandemic.

A number of previous studies have discussed legal policies in dealing with the pandemic, including studies that highlight the effectiveness of health regulations in emergency situations. research Zahra, et al (2020) Efficiency of COVID-19 Lockdown Policies in Developing and Developed Countries: A Narrative Review,<sup>2</sup> while Harniati, H. (2024), Analysis of the Impact of Public Health Policy on the Level of Public Health

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<sup>2</sup> Anandalia Athaya Zahra dkk., "Efisiensi Kebijakan Lockdown COVID-19 Di Negara Berkembang Dan Negara Maju : Sebuah Tinjauan Naratif," *Berkala Ilmiah Kedokteran Dan Kesehatan Masyarakat (Scientific Periodical Journal Of Medicine And Public Health)* 2, no. 1 (31 Januari 2024): 89, <https://doi.org/10.20885/bikkm.vol2.iss1.art11>.

in the Pandemic Era.<sup>3</sup> However, previous studies tend to focus more on epidemiological aspects and less on how responsive law is applied in different contexts, especially in comparison between developing countries such as Timor-Leste and Indonesia. Thus, there is a gap in the literature related to responsive legal analysis of pandemic policies in these two countries. This research aims to fill this gap by examining how responsive law works in COVID-19 response policies in Timor-Leste and Indonesia and identifying factors that influence its effectiveness.

The urgency of this research lies in the need to evaluate legal policies implemented in pandemic situations to identify their strengths and weaknesses. Given that the COVID-19 pandemic has caused widespread social and economic impacts, it is important to understand how legal policies can be structured to be more responsive and effective in dealing with similar crises in the future. More specifically, this research can also contribute to providing policy recommendations for regulators in Timor-Leste and Indonesia in designing legal instruments that are more adaptive to public health emergencies. The responsive law approach in this context is not only relevant in the *ius constitutum* aspect, but also plays a role in designing a better *ius constituendum* in the legal systems of both countries.

In the context of legal policies for handling the COVID-19 pandemic, there are fundamental differences between the strategies implemented by Timor-Leste and Indonesia, both in terms of regulation and policy implementation. Since the beginning of the pandemic, Timor-Leste has implemented *Estadu de Emergencia*, a policy that closes access to the country to prevent the spread of the virus, while Indonesia implemented Large-Scale Social Restrictions (PSBB) and then switched to a more flexible Community Activity Restriction (PPKM) based on the level of case spread in each region. Therefore, this study compares the effectiveness of the legal approaches used by the two countries, including the extent to which the regulations implemented reflect the principles of responsive law in addressing health emergencies. Responsive law, as proposed by Nonet and Selznick, emphasizes that regulations must be able to adapt to the needs of society and evolving circumstances, especially in crisis situations.<sup>4</sup> Therefore, this study seeks to assess whether the legal policies implemented by Timor-

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<sup>3</sup> Harniati Harniati, "Analisis Dampak Kebijakan Kesehatan Masyarakat Terhadap Tingkat Kesehatan Masyarakat Di Era Pandemi," *Jurnal Review Pendidikan Dan Pengajaran (JRPP)* 7, no. 2 (17 Maret 2024): 3704, <https://doi.org/10.31004/jrpp.v7i2.26709>.

<sup>4</sup> Philippe Nonet dan Philippe Selznick, *Hukum Responsif* (Bandung: Nusa Media, 2019), 32.

Leste and Indonesia have accommodated this principle or are more repressive and inflexible. In addition, this study also examines the factors that influence the effectiveness of legal policies in pandemic mitigation, such as the readiness of health infrastructure, coordination between government agencies, and community compliance with the regulations enacted. Thus, analyzing these factors is important to assess the extent to which the policies implemented by both countries are able to achieve the main goal of responsive legal regulation, namely effective protection of the public in a global health emergency situation.

The objectives of this study are to analyze the comparative legal policies implemented by Timor-Leste and Indonesia in dealing with the COVID-19 pandemic, explore how responsive law plays a role in responding to health crises, and identify factors that determine the effectiveness of these policies in practice. The results of this study are expected to provide academic and practical contributions in the formulation of legal policies that are more adaptive and responsive to health emergencies in the future.

By considering various aspects of legal policies that have been implemented in dealing with the COVID-19 pandemic, this research is expected to contribute to the development of more responsive and effective regulations, especially in dealing with future health crises. The policy comparison between Timor-Leste and Indonesia will not only clarify the strengths and weaknesses of each approach, but also provide recommendations for policy designers in drafting regulations that are more adaptive to emergencies. In addition, this research seeks to strengthen the understanding of how responsive law can function as a dynamic and flexible instrument of community protection, so that it can answer legal challenges in emergency situations more optimally. Thus, the results of this research are expected to be an important reference for academics, legal practitioners, and policy makers in developing a legal system that is more responsive to public health crises in the future.

## **Method**

This research uses a normative juridical method, which focuses on analyzing laws and regulations and legal concepts related to policies for handling the COVID-19 pandemic in Timor-Leste and Indonesia from a responsive legal perspective. The approaches used in this research include a statute approach and a conceptual approach. The statutory approach is used to analyze regulations enacted in both countries related

to social restriction policies and pandemic mitigation, while the conceptual approach is used to examine how responsive legal theory plays a role in the formation of policies that are adaptive to health emergencies.<sup>5</sup>

In this research, the legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations in Indonesia and Timor-Leste that regulate pandemic handling policies, such as *Estadu de Emergencia*, Large-Scale Social Restrictions (PSBB), Enforcement of Restrictions on Community Activities (PPKM), as well as government regulations and presidential decrees relating to public health policies. Secondary legal materials include scientific publications, legal journals, and books that discuss responsive law as well as comparative studies of pandemic policies in various countries. Meanwhile, tertiary legal materials consist of legal encyclopedias, legal dictionaries, and other references that provide a conceptual understanding of the legal terms used in this research.<sup>6</sup>

The technique of collecting legal materials was carried out through library research, by examining various relevant legal sources<sup>7</sup> to obtain a comprehensive understanding of the comparison of policies for handling the COVID-19 pandemic in Timor-Leste and Indonesia. Data analysis in this research uses the content analysis method, which allows this research to identify, interpret, and evaluate the extent to which the policies implemented by the two countries reflect the principles of responsive law.<sup>8</sup>

This research is relevant to efforts to develop responsive law in dealing with public health emergencies, as it aims to explore the extent to which regulations in Timor-Leste and Indonesia can adapt to the needs of the community during a pandemic. By analyzing the factors that influence the effectiveness of legal policies in pandemic mitigation, this

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<sup>5</sup> Chant S. R. Ponglabba, "Tinjauan Yuridis Penyertaan Dalam Tindak Pidana Menurut Kuhp," *LEX CRIMEN* 6, no. 6 (8 Agustus 2017): 37, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/16951>.

<sup>6</sup> Yukiko Nishikawa, "The Reality of Protecting the Rohingya: An Inherent Limitation of the Responsibility to Protect," *Asian Security* 16, no. 1 (2 Januari 2020): 92, <https://doi.org/10.1080/14799855.2018.1547709>.

<sup>7</sup> Peter Mathieu Kruyen dkk., "Homeworking during the COVID-19 pandemic: Lessons for research and practice for sustainable (home)working in government," SocArXiv (Center for Open Science, 26 November 2021), 17, <https://econpapers.repec.org/paper/osfsocarx/dshfp.htm>.

<sup>8</sup> Mingming Cheng dkk., "A Tri-Method Approach to a Review of Adventure Tourism Literature: Bibliometric Analysis, Content Analysis, and a Quantitative Systematic Literature Review," *Journal of Hospitality & Tourism Research* 42, no. 6 (Agustus 2018): 1005, <https://doi.org/10.1177/1096348016640588>.

research is expected to contribute to the formulation of more flexible and public interest-based regulations in the face of future health crises.

## **Result and Discussion**

### **Corona Virus Disease (Covid-19) Management System in Timor-Leste and Indonesia**

The COVID-19 pandemic has forced countries around the world to develop effective response strategies to curb the spread of the virus. Timor-Leste and Indonesia, as neighboring countries with different social and economic characteristics, have adopted different approaches in dealing with the pandemic.

Timor-Leste adopted the *Estado de Emergencia* (State of Emergency) policy which allows the government to close entry to the country and impose strict restrictions on the movement of people. This policy aims to prevent the entry of the virus from abroad and limit its spread within the country. According to Hartati et al. (2020), this step is in line with efforts to strengthen human security strategies at the border between Indonesia and Timor-Leste.<sup>9</sup>

On the other hand, Indonesia implemented the Large-Scale Social Restrictions (PSBB) and later the Community Activity Restrictions (PPKM) policies that are more flexible and tailored to the epidemiological conditions in each region. This policy allows local governments to adjust the level of restrictions based on the level of virus transmission in their area. Rumiarta (2021) highlighted that in the implementation of COVID-19 vaccination in Indonesia, good governance principles are essential to ensure fair and effective distribution.<sup>10</sup>

This difference in approach between the two countries reflects a legal response tailored to their respective conditions and capacities. Timor-Leste, with more limited health resources, opted for a strict preventive approach to prevent the introduction of the virus. Meanwhile, Indonesia, with a larger territory and larger population, applies a more adaptive and dynamic approach according to the situation on the ground. An analysis of these policies is important to understand how the law can function responsively in the face of a global health crisis. Evaluating the effectiveness and

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<sup>9</sup> Anna Yulia Hartati, Ali Martin, dan Mario P. Rebelo Soares, "Penguatan Strategi Keamanan Manusia Di Perbatasan Mota Ain (Indonesia) Dengan Batugade (Timor Leste)," *KEMUDI: Jurnal Ilmu Pemerintahan* 6, no. 02 (18 April 2022): 98, <https://doi.org/10.31629/kemudi.v6i02.3220>.

<sup>10</sup> I. Nyoman Prabu Buana Rumiarta, "Makna Hukum Pada Prinsip Tata Kelola Perspektif Pengadaan Vaksin Dan Pelaksanaan Vaksinasi Covid-19," *Jurnal Ilmiah Raad Kertha* 4, no. 1 (28 Februari 2021): 4, <https://doi.org/10.47532/jirk.v4i1.262>.

efficiency of each approach can provide valuable lessons for future public health policy development.

#### **A. Corona Virus Disease (Covid-19) Management System in Timor-Leste**

In handling Corona Virus Disease (Covid-19) in Timor Leste, in addition to following the recommendations of the World Health Organization (WHO), the government of Timor Leste seeks 3 (three) ways in handling it, namely by declaring a Covid emergency situation or called *Estadu de emergencia* (EE), *Estadu de-emergencia* (EE) is a mechanism for closing all access to Timor-Leste's national territory such as airports, ports and Timor-Leste's land border with the Republic of Indonesia, and the determination of *Estadu de-emergencia* (EE) can be determined through a decision that is the authority of the President of the Democratic Republic of Timor Leste (RDTL), which in Timor Leste terms is called a *Decreto Presidente* or Presidential Decree after getting a proposal from the government, in this case the Prime Minister (PM), then the President of the Republic of Timor Leste forwards the government's proposal to the Timor Leste National Parliament (PN) to obtain approval from Maio regarding the number of members of the Timor Leste National Parliament, approval from the Council of State (DN), and approval from the Timor Leste High Commission for National Defense and Security (KTPKNTL).

The next mechanism for handling Corona Virus Disease (Covid-19) is to carry out Large-Scale Social Restrictions (PSBB) or what is known as *Serka Sanitaria* (SS), *Serka Sanitaria* (SS) is a kind of defense fence made by the government to close access to certain areas (certain districts) after a confirmed positive case of Covid-19 in the area or after a Community Transmission or Communitarian Transmission reported from *Sentru Integradu Jestaun Krize* (SIJK) or Integrated Crisis Management Center (PMKT), then the designation of *Serka Sanitaria* (SS) in an area can be done by enacting a *Resolucao do Governo* or Government Decree issued by the Prime Minister of Timor Leste. The *Resolucao do Governo* or Government Resolution is issued through a meeting of the Council of Ministers (DM) under the chairmanship of the Prime Minister of Timor-Leste.

The next mechanism for handling Corona Virus Disease (Covid-19) in Timor Leste is by implementing the Application of Restrictions on Community Activities (PPKM) or known as *Confinamento Obrigatorio* (CO). *Confinamento Obrigatorio* (CO) is enforced in certain areas that have cases of Local Transmission. *Confinamento Obrigatorio* (CO)

is also determined through a Government Decree or Resolucao do Governo issued by the Prime Minister (PM) after a meeting with the Council of Ministers. The Resolucao do Governo or Government Decree aims to restrict the movement of people in certain areas at certain times according to the needs and development of cases that occur in the area.

Some of the legal products used by the Timor-Leste government in dealing with the Corona Virus Disease (Covid-19) pandemic are:

- a. Article 6(e) of the Constitution of the Republic of Timor Leste states that the government shall strive for social welfare justice for all the people and provide a decent life for the people, both physically and mentally (Harii sosiedade ida-ne'ebé hatuur iha justisa social, hodi hakiak sidadaun sira-nia moris di'ak ba isin no ba klamar). Based on this article, the government of Timor Leste is obliged to protect all of its citizens from various threats, both security threats from abroad and threats to health and safety.
- b. Resolucao Parlamento Nacional or Resolution of the National Parliament of Timor Leste No. 2/2010 article 29 on the Centro Integrado Gestao de Crize (CIGC) or Integrated Crisis Management Center (ICMC), the purpose and objective of which is to establish an Integrated Crisis Management Center (ICMC) consisting of several ministries that are cross-ministerial in nature and work together synergistically in dealing with security threats, disease outbreaks and natural disasters that occur at any time and threaten the security, safety and health of the people of Timor Leste.
- c. Decreto Presidete da Republica de Timor-Leste or Decree of the President of the Democratic Republic of Timor-Leste no 29/2020/III concerning Estado de-emergencia or Covid Emergency which contains the implementation of the Covid Emergency by closing all access to the national territory of Timor-Leste for all foreign nationals. This Decreto Presidente da Republica aims to prevent the spread of Corona Virus Disease (Covid-19) into the national territory of Timor-Leste.
- d. Ministerial Diploma No. 14/2020 on the establishment of the Sentra Integrasi Jestaun Krize (SIJK) or the Integrated Crisis Management Center (ICMC). This Ministerial Diploma regulates the establishment of the structure of the Sentra Integrasi Jestaun Krize (SIJK) or the Integrated Crisis Management Center



(ICMC) and the appointment of the chairperson of the ICMC as well as the structure and members of the Sentra Integrasi Jestaun Krize (SIJK) or the Integrated Crisis Management Center (ICMC). ). This Ministerial Regulation aims to provide the authority, duties and functions of each member so that they can work optimally and effectively in carrying out their duties.

- e. Despacho N. 015 /PM/III/2020 on Nomeia a estrutura da sala de sala de situação do Centro Integrado de Gestão de Crises or the appointment and inauguration of the head of the Situation Room within the Integrated Crisis Management Center (ICMC).

## **B. Corona Virus Disease (Covid-19) Handling System in Indonesia**

Slightly different from the Corona Virus Disease (Covid-19) handling mechanism in the Democratic Republic of Timor Leste, Indonesia has its own way of handling and controlling the Corona Virus Disease (Covid-19) pandemic. The problem of Corona Virus Disease (Covid-19) is a very serious public health problem today, in addition to being a national health problem, Corona Virus Disease (Covid-19) has also become a global health problem, with this problem of course requiring serious handling and responsive action.

The Indonesian government is very responsive in dealing with the spread of Corona Virus Disease (Covid-19) in the country. Various efforts to handle and control Corona Virus Disease (Covid-19) were carried out to prevent the spread and reduce the death rate due to Corona Virus Disease (Covid-19). The mechanism for handling and controlling Corona Virus Disease (Covid-19) carried out by the Government of the Republic of Indonesia in the face of the Corona Virus Disease (Covid-19) pandemic in the country is as follows:

### **1) Large-scale Social Restrictions (PSBB)**

The central government has announced a homecoming ban to suppress the spread of the Covid-19 pandemic. However, the policy taken regarding the homecoming ban already resembles a lockdown policy. For example, transportation restrictions as well as restrictions on the use of toll roads and other access to enter and exit an area (in this case, especially Jabodetabek) as stated in the Minister of Transportation Regulation Number 25 of 2020 which

regulates the restrictions and control of public transportation during the Eid al-Fitr 1441 H homecoming period.<sup>11</sup>

2) Enforcement of Restrictions on Community Activities (PPKM)

The implementation of Restrictions on Community Activities (PPKM) in the context of handling and controlling Covid-19 in Indonesia is one way of handling and controlling Covid-19 which is applied in certain areas with the aim of limiting community activities in certain areas with different levels according to the threat level of the case.

This PPKM regulation is contained in the Minister of Home Affairs Regulation Number 29 of 2022 concerning COVID-19 Level 1 PPKM in the Java-Bali Region and Minister of Home Affairs Regulation Number 30 of 2022 concerning COVID-19 Level 1 and 2 PPKM outside Java-Bali.<sup>12</sup>

Legal products that are used as the basis and basis for consideration by the government of the Republic of Indonesia in implementing the prevention and control of the Covid-19 pandemic throughout Indonesia include the following:

1) The 1945 Constitution of the Republic of Indonesia (UUDNRI 1945).

In the preamble of the 1945 Constitution of the Republic of Indonesia, it is clearly stated that: The Government of the Republic of Indonesia shall protect the entire Indonesian nation and the entire Indonesian homeland and to promote the general welfare, educate the nation's life, and participate in the implementation of world order based on independence, lasting peace and social justice.

2) Law No. 6/2018 on Health.

Health quarantine is an effort to prevent and ward off the entry or exit of diseases and/or public health risk factors that have the potential to cause public health emergencies.<sup>13</sup>

3) Presidential Decree of the Republic of Indonesia Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19).

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<sup>11</sup> Rio Christiawan, *Politik hukum kontemporer : Covid dan normal baru hukum - Rajawali Pers* (Jakarta: PT. RajaGrafindo Persada, 2020), 61.

<sup>12</sup> Yunita Rahmayanti, "PPKM Se-Indonesia Berlaku 7 Juni hingga 4 Juli 2022, 1 Daerah Masih Berstatus Level 2," *Tribunnews.com*, 2022, <https://www.tribunnews.com/corona/2022/06/07/ppkm-se-indonesia-berlaku-7-juni-hingga-4-juli-2022-1-daerah-masih-berstatus-level-2>.

<sup>13</sup> Christiawan, *Politik hukum kontemporer*, 69.

The establishment of the Task Force for the Acceleration of Handling COVID-19 aims to: increase national resilience in the health sector, accelerate the handling of COVID-19 through synergy between ministries/institutions and local governments, increase anticipation of developments in the escalation of the spread of COVID-19, increase synergy in operational policy making, and increase readiness and ability to prevent, detect, and respond to COVID-19.<sup>14</sup>

- 4) Minister of Transportation Regulation Number 25 of 2020 concerning Restrictions and Control of Public Transportation During the Mudik Idul Fitri 1441 Season.

Transportation control during the Eid al-Fitr 1441 Hijri homecoming period in order to prevent the spread of Corona Virus Disease 2019 (Covid-19) is carried out through a temporary ban on the use of transportation facilities such as: land transportation, rail transportation, sea transportation, and air transportation.<sup>15</sup>

- 5) PP Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease (Covid-19).

In this Government Regulation, what is meant by Large-Scale Social Restrictions is the restriction of certain activities of residents in an area suspected of having Corona Virus Disease 2019 (COVID-19) in such a way as to prevent the possibility of spreading Corona Virus Disease 2019 (COVID-19).<sup>16</sup>

- 6) Permenkes Number 9 of 2020 concerning PSBB guidelines in the context of accelerating the handling of Covid-19.

This is a regulation that regulates the implementation of PSBB as an effort to mitigate the spread of the virus in Indonesia. This regulation provides a legal framework for local governments in implementing restrictions on community activities, including school and workplace holidays, restrictions on religious activities, as well as restrictions on transportation modes and the operation of public facilities. This Permenkes emphasizes that the implementation of PSBB must be based on epidemiological studies and the effectiveness of preventive

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<sup>14</sup> Indonesia, Pemerintah Pusat, “Keputusan Presiden (Keppres) Nomor 7 Tahun 2020 tentang Gugus Tugas Percepatan Penanganan Corona Virus Disease 2019 (COVID-19),” 2020.

<sup>15</sup> Indonesia, Kementerian Perhubungan, “Peraturan Menteri Perhubungan Nomor 25 Tahun 2020 tentang Pengendalian Transportasi Selama Masa Mudik Idul Fitri Tahun 1441 Hijriah dalam Rangka Pencegahan Penyebaran Corona Virus Disease 2019 (Covid-19),” 2019.

<sup>16</sup> Indonesia, Pemerintah Pusat, “Peraturan Pemerintah (PP) Nomor 21 Tahun 2020 tentang Pembatasan Sosial Berskala Besar dalam Rangka Percepatan Penanganan Corona Virus Disease 2019 (COVID-19),” 2020.

measures that have been taken previously. In addition, this regulation provides technical guidelines related to coordination between the central and regional governments in implementing the restriction policy to ensure its effectiveness in suppressing the spread of COVID-19.

- 7) Large-Scale Social Restrictions (PSBB) are restrictions on certain activities for residents in an area suspected of being infected with Corona Virus Disease 2019 (COVID-19) in such a way as to prevent the possibility of widespread spread of Corona Virus Disease 2019 (COVID-19) with the following criteria: the number of cases and/or the number of deaths due to the disease increases and spreads significantly and quickly to several regions, and there is an epidemiological link to similar events in other regions or countries.<sup>17</sup>
- 8) Minister of Home Affairs Instruction Number 29 of 2022 on COVID-19 Level 1 PPKM in the Java-Bali Region and Inmendagri Number 30 of 2022 on COVID-19 Level 1 and 2 PPKM outside Java-Bali.<sup>18</sup>

The government's consideration is based on data regarding the condition of Covid-19 in the country which is getting better after an assessment from the local government with indicators of transmission in the community.

### **C. Comparison of Corona Virus Disease 2019 (COVID-19) Handling in Timor Leste and Indonesia**

The handling of the COVID-19 pandemic in Timor-Leste and Indonesia shows significant differences in legal policies, mitigation strategies, and the effectiveness of regulation implementation in each country. Timor-Leste, as a country with more limited health resources, has since the beginning of the pandemic implemented an *Estado de Emergencia* policy that strictly limits entry and mobility of the community to prevent the spread of the virus. Meanwhile, Indonesia opted for a more flexible approach by implementing Large-Scale Social Restrictions (PSBB) and then switching to a dynamic Community Activity Restriction (PPKM) based on the level of case spread in each region. This difference in approach reflects a responsive legal strategy tailored to the social, economic and health infrastructure capacity of each country. This comparative analysis

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<sup>17</sup> Indonesia, Kementerian Kesehatan, "Peraturan Menteri Kesehatan Nomor 9 Tahun 2020 tentang Pedoman Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Corona Virus Disease 2019," 2020.

<sup>18</sup> Indonesia, Kementerian Dalam Negeri, "Instruksi Menteri Dalam Negeri Nomor 29 Tahun 2022 tentang Pemberlakuan Pembatasan Kegiatan Masyarakat Level 1 Corona Virus Disease 2019 di Wilayah Jawa dan Bali," 2022.

aims to assess the effectiveness of the policies implemented by the two countries in dealing with the pandemic and the extent to which responsive legal principles are adopted in the formulation of regulations for handling COVID-19.

From the mechanism for handling Corona Virus Disease 2019 (COVID-19) from the two neighboring countries above, it can be described as follows:

a) Comparison in terms of Systems or Ways of Handling

In terms of the Corona Virus Disease 2019 (COVID-19) handling system of the two countries, there are differences in the application of closing access to enter the country, namely in Timor Leste since the first time the case was reported, the government tried to close access to all areas of Timor Leste because in addition to threats to public health which is a new experience, and health workers are still limited and inadequate to accommodate people with Corona Virus Disease 2019 (COVID-19), while in Indonesia, PSBB and PPKM efforts are carried out in areas where transmission has occurred in the community. and did not declare a state of emergency or regional quarantine with some balance. After a limited meeting on March 30, 2020, President Joko Widodo conveyed to the public that the government is implementing large-scale social restrictions in handling Covid-19, even the President referred to Perppu Number 23 of 1959 concerning the State of Danger Related to Civil Emergencies. The Indonesian government did not take the option of regional quarantine, considering that geographically with the shape of a vast archipelago, it would require a long preparation for the preparation of regional quarantine. In addition, the riots in India are a lesson for Indonesia, considering that riots can trigger the spread of Covid quickly, making it difficult for medical workers to deal with Covid-19. Regional quarantine without careful preparation will lead to various aspects of vulnerability.<sup>19</sup>

b) Comparison in Terms of Legal Products

In terms of legal products produced to deal with and control the spread of Corona Virus Disease 2019 (COVID-19), the Indonesian government has had a quarantine law since 2018, while the government of Timor Leste even during the Covid-19 pandemic did not yet have a quarantine law even though it had Resolucao Parlamentu Nacional or Timor Leste National Parliament Resolution

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<sup>19</sup> Christiawan, *Politik hukum kontemporer*, 81.

No. 2/2010 article 29 concerning Centro Integrado Gestao de Crize (CIGC) or Integrated Crisis Management Center (ICCM) since 2010.

c) The Corona Virus Disease 2019 (COVID-19) Handling System in Timor-Leste and Indonesia in a Responsive Legal Perspective

Seen from the perspective of responsive law, both the government of Timor Leste and the government of Indonesia are trying various ways with all the potential they have to fight the Covid-19 pandemic in their respective countries. That is, the two governments have carried out the constitutional mandate based on their authority by implementing ways to handle and control Covid-19 through closing access to the region to the Application of Restrictions on Community Activities (PPKM) with clear intentions and objectives in order to overcome and respond quickly and appropriately to the spread of Corona Virus Disease 2019 (COVID-19) in the midst of society which by WHO has become a global pandemic. The government's efforts must certainly characterize responsive law, which includes the following:

Responsive law types have prominent characteristics, namely:

1. Shift the emphasis from rules to principles and goals;
2. The importance of populist character both as a legal goal and a means to achieve it.<sup>20</sup>

Table 1: Comparison of COVID-19 Handling in Timor-Leste and Indonesia

No.	Comparison Aspect	Timor-Leste	Indonesia
1	<b>Handling System</b>	<i>Estado de Emergencia</i> by closing entry to the country and strictly limiting people's mobility.	PSBB and PPKM are more flexible, adjusting the level of distribution in each region.
2	<b>Legal Basis</b>	It has no quarantine law, but uses <i>Resolucao Parlamento Nacional No. 2/2010</i> and a presidential <i>decree (Decreto Presidente No. 29/2020/III)</i> .	Using legal bases such as <b>Law No. 6/2018 on Health Quarantine, PP No. 21/2020, and Permenkes No. 9/2020.</b>

<sup>20</sup> Sulaiman Sulaiman, "Hukum Responsif Hukum Sebagai Institusi Sosial Melayani Kebutuhan Sosial Dalam Masa Transisi (Responsive Law: Law as a Social Institutions to Service of Social Need in Transition)," *Jurnal Hukum Samudera Keadilan* 9, no. 2 (Juli 2014): 202, <https://repository.unimal.ac.id/1744/>.

No.	Comparison Aspect	Timor-Leste	Indonesia
3	<b>Legal Approach</b>	Regulations are more preventive and repressive in closing the border.	Responsive legal approach by adjusting regulations based on epidemiological conditions.
4	<b>Policy Effectiveness</b>	Successfully suppressing the spread with strict restrictions but impacting the economy and access to public health.	Flexible in adjusting policies, but faces challenges in implementation due to varying community compliance.
5	<b>Weaknesses and Challenges</b>	Limited medical personnel and health facilities are the main obstacles.	Infrastructure readiness is better but central-regional coordination and community compliance are challenges.

Sources: Analyzed from primary sources and relevant regulations, including *Resoluc o Parlamento Nacional No. 2/2010, Decreto Presidente No. 29/2020/III, Law No. 6/2018, PP No. 21/2020, and MOH No. 9/2020.*

Based on the efforts to overcome and control Corona Virus Disease 2019 (Covid-19) that have been carried out by the two governments, both in terms of mechanisms or ways of handling and in terms of legal products, it is felt that they have sufficiently reflected aspects of substantive justice. Therefore, when the Covid-19 pandemic was reported, the first case of the two governments quickly, decisively, and very responsively carried out the constitutional mandate by implementing the Covid emergency situation, Large-Scale Social Restrictions (PSBB) and the Imposition of Restrictions on Community Activities (PPKM) through several legal umbrellas such as Decreto Presidente No. 29/2020/III, Ministerial Regulation No.14 /2020 on the establishment of SIJK in Timor-Leste./2020 on the establishment of SIJK in Timor-Leste and Presidential Decree of the Republic of Indonesia Number 7 of 2020 on the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19), PP Number 21 of 2020 on Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease (Covid-19), Permenkes Number 9 of 2020 on PSBB guidelines in the context of Accelerating Covid-19 Handling, and Minister of Home Affairs Instruction Number 29 of 2022 on PPKM Level 1 COVID-19 in the Java-Bali Region and Permendagri Number 30 of 2022 on PPKM Level 1 and 2 COVID-19 outside Java-Bali in the territory of the Republic of Indonesia.

Although the law is not the only instrument in solving the problem of handling Covid-19, without the law the government will not be able to act in all efforts to handle

Covid-19. Law is needed so that state and government policies can obtain an official form that is binding and enforceable for the community. Because good law is needed in the context of policy making, which is needed to engineer, dynamize, encourage, and even direct in order to achieve the goals of living together in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. In addition, in order to implement these policies (executing policies), the law must also function as a controlling tool and as a source of binding reference in carrying out all government activities and state administration.<sup>21</sup>

## **Conclusion**

This study found that there are significant differences in the COVID-19 pandemic response policies between Timor-Leste and Indonesia, especially in the legal approach adopted by each country. Timor-Leste chose a strict prevention strategy by closing entry through the *Estado de Emergencia* policy, while Indonesia implemented a more flexible policy with the Large-Scale Social Restrictions (PSBB) and Community Activity Restrictions (PPKM) schemes that were adjusted to the level of case spread in each region. In the perspective of responsive law, both countries show efforts in adjusting policies to developing conditions, but with different approaches. Timor-Leste prioritizes preventive and repressive laws, while Indonesia tends to apply responsive laws that are more flexible based on epidemiological conditions and community needs. In a comparative analysis that highlights the effectiveness of responsive laws in dealing with public health emergencies in two countries that have different legal backgrounds and health infrastructure. The urgency of this research lies in the importance of evaluating more adaptive legal policies to deal with future pandemics, to ensure a balance between public health protection and economic stability. Overall, this study confirms that the success of responsive law in handling a pandemic is highly dependent on regulatory flexibility, health infrastructure capacity, and the effectiveness of government coordination in policy implementation. These findings can serve as a reference in designing more adaptive regulations in the face of future global health crises.

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<sup>21</sup> Marhendra Wija Atmaja, "Hukum Kebijakan Publik," ResearchGate, 2022, 27, [https://www.researchgate.net/publication/360362504\\_Hukum\\_Kebijakan\\_Publik](https://www.researchgate.net/publication/360362504_Hukum_Kebijakan_Publik).



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