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ANTINOMY: FULFILLMENT OF THE RIGHT TO WORK AND THE RIGHT TO HAVE A GOOD AND HEALTHY ENVIRONMENT DURING THE COVID-19 PANDEMIC

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Abstract: *The spread of Covid-19 can occur through transmission from human to human through droplets, which is why one of the most important preventive measures to be implemented is to carry out restrictions. However, these restrictions have had a devastating impact on the state's economic system. Even so, if restrictions aren't carried out and implemented, the number of people infected by Covid-19 will continuously increase and threaten humankind. The research method used is a normative juridical legal research method, using the statute and conceptual approaches. Primary and secondary legal materials are collected and inventoried, then processed and studied in depth to obtain a complete picture of the legal issues under study. The results show that there are various laws and regulations aimed at the health sector for the prevention or control of Covid-19, and various laws and regulations in the economic recovery sector have also been issued during the Covid-19 pandemic. The government has fulfilled the guarantee of these rights from various regulations that have been formed. This can also be reflected in the institutions formed in Indonesia that specifically focus on Covid-19-related problems contained in the regulations regarding the formation of the Covid-19 Task Force for Handling Covid-19, as well as the National Economic Recovery and Transformation Task Force. The conclusions that can be drawn in this study are guarantees and fulfillment of the right to work and the right to a good and healthy living environment, not an antinomy during the Covid-19 pandemic. The government has tried to fulfill the guarantee for these rights which can be seen from the various laws and regulations issued during the Covid-19 period, both from the health and economic aspects.*

Keywords: Covid 19; Constitutional Right; Human Right; Right to Work

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Introduction

The Covid-19 pandemic is having a devastating impact on employment and livelihoods in Indonesia.¹ Since the end of 2019, the world was shocked by a new virus as a disease that came from China was spread all over the world. This new virus strains causes the Corona Virus Disease 2019, otherwise called Covid-19. Typically, this disease is transmitted from humans to humans via respiratory contact. In this mode of transmission, contaminated respiratory secretions/droplets from an infected person are the vehicle that brings the pathogen to another person². This transmission method is highly

¹ Petra Mahy. (2020). Covid-19 and Labour Law: Indonesia, *Italian Labour Law e-Journal*, Special Issue 1, Vol. 13: 1-10

² Viroj Wiwanitkit, Atypical modes of COVID-19 transmission: how likely are they?, *Epidemiology and Health Journals* Volume: 42, Article ID: e2020059, Published online 2020 Aug 11, p. 1.



dangerous, because when people who are infected travel, germs travel with them; when germs travel, then pandemics become possible. Not long after, on March 11, 2020, WHO Director-General's opening remarks at the media briefing on Covid-19, said that the WHO has assessed that the widespread of Covid-19 can be characterized as a pandemic³. A pandemic is the worldwide spread of a new disease.

The global distribution data in 223 countries/entities, updated as of June 8, 2021, 16.51 GMT, the amount of confirmed Corona Virus cases is 173,331,478, with 3,735,571 deaths. In Indonesia, updated as of June 8, 2021, the total cases are 1,869,325, with 51,992 deaths, and 1,717,370 recoveries.⁴ This number of cases has experienced a sizeable increase since the first case came from Wuhan, China in the end of 2019.

Regarding our situation during this pandemic, we have come to truly realize that medical measures are the most important to treat all the people suffering from Covid-19. On the other hand, Government also has to apply regulations and take action in the face of the Covid-19 impact. The spread of the Covid-19 virus occurs through droplets that can be transmitted from humans to other humans. Therefore, some measures, such as "social distancing" or "physical distancing", temporarily shutting down businesses, prevention of mass gatherings, travel restrictions, etc., can be highly effective to prevent the transmission of this virus. Strategies to manage the spread of Covid-19 have been varied, with many jurisdictions pursuing multiple complementary approaches, often including coordinated sourcing and distribution of protective equipment, reallocation of medical capacity, virus and antibody testing, contact tracing, frequent sanitizing of public facilities, social distancing, mask-wearing, managing congestion in public places by staggering timings and moving activities outdoors, limiting large gatherings, quarantining infected individuals, and minimizing the risk of disease exposure by way of school and business closures and broader stay-at-home orders. Of these strategies, shutdowns and quarantines have been some of the most accessible, widely used, and hotly debated under Covid-19.⁵

Unfortunately, some of the measures mentioned above began to impact the daily life of humans as it became disrupted and even stopped, which in turn affects the economic cycle. People are forbidden to conduct activities outside their homes, which has caused a dwindling down of the amount of customers buying in stores. This in turn causes businesses to shut down, which proves that this condition is not balanced enough to support the economy. This proves that the cause of Covid-19 not only threatens the physical wellbeing of humans, but also has a devastating impact on the economy. This has put us into a position where both choices have considerable consequences: if restrictions continue to be carried out, the economic cycle will continue to be thrown off balance and impact the people. However, if restrictions are waived or not implemented well, the Covid-19 pandemic will become more widespread and threaten humankind.

As mentioned above, Covid-19 has become very interspersed with human rights issues, as economy and health are both part of human rights. Economic rights and the right to health must be fulfilled at the same time. However, the question that arises is: with the restrictions implemented due to Covid-19, can economic rights and rights to health be fulfilled at the same time, or is the simultaneous existence of economic rights and rights to health in this situation a paradox?

Human rights are basic rights possessed by every human as a gift of God, which is carried from birth and must be guaranteed in its implementation by the state.⁶ Society has long recognized to respect human rights as it is inherent in our own humanity.⁶ In 1948, The General Assembly of The United Nations has declared The Universal Declaration of Human Rights as a milestone document in the history of human rights, drafted by representatives with different legal and cultural backgrounds from

³ WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020, accessed at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

⁴Chakraborty, T., & Ghosh, I. (2020). Real-time forecasts and risk assessment of novel coronavirus (COVID-19) cases: A data-driven analysis. *Chaos, Solitons & Fractals*, 135, 109850.

⁵Arthi, Vellore., Parman, John., *Disease, downturns, and wellbeing: Economic history and the long-run impacts of COVID-19*, Explorations in Economic History 79, 2021, 101381, p. 8.

⁶Molldrem, S., Hussain, M. I., & McClelland, A. (2021). Alternatives to sharing COVID-19 data with law enforcement: Recommendations for stakeholders. *Health Policy*, 125(2), 135-140.



all regions of the world. The Universal Declaration of Human Rights is regarded as a common standard of achievements for all peoples and nations. It sets out, for the first time³ fundamental human rights to be universally protected. Keeping this Declaration constantly in mind, shall strive by teaching and educating to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction⁷.

Indonesia as a *rechtstaat* puts the concept of human right as one of the most fundamental things.⁸ This is also in line with the theory regarding content of constitution. Generally, the substance/content of the Constitution in each state is different, so that jurists around the world also have different opinions. However, if various opinions on constitutional material are collected, it can be concluded that the material contained in the constitution includes the following: guarantee of human rights and citizens' rights, organizational structure of the state, distribution and/or restriction of state power, the basics of government power, economic, social and political systems, as well as procedures and prohibitions on amending the Constitution.

As explained above, in line with modern constitution, Human Rights has become one of the most essential points to regulated. As Indonesia's constitution itself, human rights are regulated in Chapter XA, Article number 28A-28J about Human Rights, and also stated implicitly in other articles in the constitution. The constitution of Indonesia has stated human rights, are considered a constitutional right, which includes the right to life, the right to gather and express opinions, the right to practice religion, the right to have an occupation, the right to get an education, the right to not be discriminated, the right to a healthy environment, and etc. Ideally, all of these human rights provisions should be guaranteed by the state.⁹

In relation to the Covid-19 issues mentioned above, economic rights and the right to health have already been regulated in the Indonesian constitution. Article 28D paragraph (2) states that "Every person shall be entitled to work as well as to obtain reward as well as just and decent¹⁸ treatment in a work relationship." We see economic rights as the ability to provide and maintain an adequate standard of living in a consistent and dignified manner. One of the most important²³ aspects to reach this goal is the right to work, as stated in Article 28D paragraph (2). Meanwhile in Article 28H paragraph (1) states that "Every person is entitled to live prosperous physically and spiritually, to have a place to live, and to acquire a good and healthy living environment¹⁰ as well as be entitled to obtain health care." This is what we refer to as the right to have a good and healthy living environment. During this pandemic, the fulfillment of these rights has become spotlighted, especially regarding right to work and the right to have a good and healthy living environment. In this case, it is naturally the duty of Government, in whatever situation, to implement these rights simultaneously.¹⁰

To implement the provisions from constitution, of course, other regulations are needed. The government function is a function in carrying out government administration which includes the functions of regulation, service, development, empowerment, and protection¹¹. Regulatory function is very much needed to put law in the form of legislations and regulations as a legal instrument to act. In a broad sense, the government has implemented the guarantee of right to work and the right to have a good and healthy living environment into the legislation and regulation due to the Covid-19 pandemic situation. The legislation and regulations should be able to accommodate these rights in a situation such as this pandemic and solidify that both rights are equally important in their respective contexts. However, there's a catch: regulations maintaining restrictions due to pandemic may cause harm for the economic situation of the nation, but without restrictions the right to have a good and healthy living

⁷ Preamble of Universal Declaration of Human Rights, 1949, Adopted and Proclaims by General Assembly resolution 217 A (III) on 10 December 1948.

⁸Butt, S., &Murharjanti, P. (2021). The Constitutional Right to a Healthy Environment in Indonesia. *Journal of Environmental Law*, 33(1), 33-56.

¹¹ Daud, Aidir Amin. "Human Rights, Islamophobia, and the War on Terrorism." *Hasanuddin Law Review* 7, no. 3 (2021): 169-182.

¹⁰Ramadhan, D. A., Rahayu, R., &Hananto, P. W. H. (2020). The Protection of The Worker's Right During The Covid-19 In Central Java-Indonesia: Legality V. Reality. *ICETLAWBE* 2020, 61.

¹¹ Article 1 number (2) of Law Number 30 of 2014 concerning Government Administration.

environment will be threatened. Therefore, the focus of this research is to analyse the guarantee of the rights to work and the rights to have a good and healthy environment based on the regulation and legislation published due to the Covid-19 pandemic in Indonesia.

1. Research Method

The research method used is a normative juridical legal research method, namely examining legislation, legal theories, and jurisprudence related to the issues discussed. For this reason, this study uses a statutory approach and a conceptual approach. The legal materials used are primary legal materials consisting of laws and regulations related to research issues, while secondary legal materials are obtained from literature, magazines, and information, both from print and electronic media that support this research. The collection of legal materials is carried out through a literature search that begins with an inventory, classification, and systematization of legal materials. Legal materials that have been collected and inventoried are then processed and studied in depth in order to obtain a complete picture of the legal issues under study. The primary and secondary legal materials that have been systematized are then studied further based on existing legal theories in order to obtain a scientific formulation to answer the legal issues discussed in this study.

2. Solving Antinomies between the Right to Work and the Right to Have a Good and Healthy Environment

The legal basis used in making various policies during the pandemic in Indonesia started with Law Number 6 of 2018 concerning Health Quarantine (abbreviated as Health Quarantine Law). Health Quarantine is an effort to prevent and stop the entry or exit of diseases and/or public health risk factors that have the potential to cause a public health emergency. Health Quarantine can be implemented after a public health emergency occurs, namely an extraordinary public health incident marked by the spread of infectious diseases and/or events caused by nuclear radiation, biological pollution, chemical contamination, bioterrorism, and food that pose a health hazard and have the potential to spread across regions or countries.

When a health emergency occurs, both the central and local governments are responsible for protecting the public from diseases and/or public health factors that have the potential to cause public health emergencies through the implementation of health quarantine. Based on the Health Quarantine Law, the implementation of health quarantine can be carried out at the entrance and in the area, or the implementation of health quarantine at the entrance, or the implementation of health quarantine in the region. The selection of the implementation of health quarantine is adjusted to the suitability of the criteria with the conditions experienced.

On March 13, 2020, the President of Indonesia issued Presidential Decree No. 11 of 2020 concerning the Determination of a Public Health Emergency of Corona Virus Disease 2019 (Covid-19). This is so that the form of response to this situation can be carried out by implementing a health quarantine as described above. As an effort to prevent the spread of Covid-19, one of the provisions implemented is the implementation of health quarantine in the various regions of Indonesia.¹² In order to take action to mitigate risk factors in the regions during a public health emergency situation, home quarantine, regional quarantine, hospital quarantine, or large-scale social restrictions are carried out by health quarantine officials. Large-Scale Social Restrictions are restrictions on certain activities of residents in an area suspected of being infected with a disease and/or contaminated in such a way as to prevent the possibility of spreading the disease or contamination.

The regulations regarding PSBB are further managed in Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19). Based on Article 3 of this regulation, the implementation of Large-Scale Social Restrictions have the following criteria: a. the number of cases and or the number of deaths due to the disease increases and spreads significantly and rapidly to several areas; and b. there is an epidemiological link with similar events in other regions or countries. If an area has met the criteria,

¹²Olivia, S., Gibson, J., & Nasrudin, R. A. (2020). Indonesia in the Time of Covid-19. *Bulletin of Indonesian Economic Studies*, 56(2), 143-174.

the PSBB can be enforced with the approval of the Minister. The implementation of these restrictions had a devastating impact on the economy. People certainly avoid crowds, don't leave their homes, and have very limited activities. Moreover, with the enactment of Large-Scale Social Restrictions, restrictions are no longer a matter of public awareness but an obligation.

Most global pandemics substantially lower global economic production and increase unemployment. In the case of COVID-19, government measures to stem the spread of this disease and mortality from it significantly reduced worldwide employment and economic activity. Given that unemployment rises and aggregate economic activity falls when social restrictions to reduce the occurrence of COVID-19 are more stringent, governments have been faced with a difficult trade-off problem; namely how much reduction in employment and economic activity to accept as a result of allowing more liberal opportunities for social interaction. This type of choice involves an opportunity cost and a trade-off problem and conceptually can be subjected to economic analysis. However, solving such a problem is difficult because of the uncertainty about many of the dimensions of a new pandemic.¹³ School and office activities are carried out online, other types of gatherings are limited, religious activities are limited, and public facilities are limited or even closed. Shopping centers, business sectors that are not related to basic needs, are limited and some are not allowed to operate. So, of course, this condition results in a very weak economic state. Many people have lost their jobs, even though under these restrictions, the government is not in an obligated status to provide food to each household. In essence, PSBB is a means to prevent the spread of the Covid 19 pandemic in Indonesia. However, the enactment of PSBB in one area will cause various problems, one of which is the slowdown of economic activity. Regardless of this, however, the Government has an obligation to maintain the safety of the lives of its people. This results in a dilemma for freelancers because with the conditions of the restrictions, there are no job opportunities so there is no income that can be used to support their daily needs. Thus the guarantee of the right to work in this condition cannot be fulfilled properly.

In addition to Large-Scale Social Restrictions, there are still many other policies implemented in order to prevent the spread of Covid-19, for example the Regulation of the Minister of Transportation Number PM 41 of 2020 concerning Amendments to the Regulation of the Minister of Transportation Number PM 18 of 2020 concerning Transportation Control in the context of Preventing the Spread of Corona Virus Disease 2019 (Covid-19). Even during the mudik (homecoming) period for Muslims, there is also a temporary ban on the use of transportation in 2020 and in 2021 a ban on the use of transportation facilities in the Eid homecoming process. This can be seen based on the Regulation of the Minister of Transportation Number PM 13 of 2021 concerning Transportation Control During the Period of Eid Al-Fitr in 1442 Hijri in the Context of Preventing the Spread of Corona Virus Disease 2019 (Covid-19).

From a human rights perspective, it is appropriate to consider the provisions of the ICCPR and ICESCR as human rights legal instruments that have been ratified by Indonesia.¹⁴ As such, these restrictions are certainly an effort to reduce and prevent the transmission of Covid-19. The goal is of course to have an influence on the realization of the right to health for public. Restrictions can be seen as a form of preventive measure against virus transmission in order to obtain the right to a good and healthy living environment.

However, the regulation during the Covid-19 pandemic does not always look at the interests of the health aspect. In addition to the danger to health, the economic aspect is a separate problem which is also a source of people's suffering and is a danger that can threaten the national economy. Therefore, the government is trying to make several arrangements starting with state financial policies in handling Covid-19 based on Law Number 2 of 2020 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2020 concerning State Financial Policies and Financial System

¹³Tisdell, Clement A., *Economic, Social and Political Issues Raised by the Covid-19 pandemic, Economic Analysis and Policy* 68, 2020, p. 22.

¹⁴Widyawati, A., Rasdi, R., Arifin, R., & Adiyatma, S. E. (2020). Covid-19 and Human Rights: The Capture of the Fulfilment of Rights During the Covid Outbreaks. *Unnes Law Journal*, 6(2).

Stability for Handling The Corona Virus Disease 2019 (Covid-19) pandemic and/or in the context of Facing Threats That Endanger the National Economy and/or Financial System Stability Becomes Law.

One of the regulations in Law Number 2 of 2020 stipulates the implementation of the national economic recovery program which aims to protect, maintain and improve the economic capacity of business actors from the real sector and the financial sector in carrying out their business, which can be done through state capital participation, placement of funds and/or government investment, and/or guarantee activities with a scheme predetermined by the government. Furthermore, based on Article 12 regarding the implementation of state financial policies, it is necessary to change the posture and/or details of the State Revenue and Expenditure Budget. Therefore, Presidential Regulation Number 54 of 2020 concerning Changes in Posture and Details of the State Revenue and Expenditure Budget for Fiscal Year 2020 was issued. This regulation is stipulated to implement the policies and steps needed in the context of handling the Corona Virus Disease 2019 (Covid-19) pandemic and/or facing threats that endanger the national economy and/or financial system stability so that it is necessary to make changes to the Posture and Details of the State Revenue and Expenditure Budget for Fiscal Year 2020.

Furthermore, there are also real policies, for example regarding the Pre-Employment Card based on Presidential Regulation Number 36 of 2020 concerning Development of Work Competence Through the Pre-Employment Card Program, where the government provides job training and incentives for workers affected by the COVID-19 pandemic. In addition, various policies were also issued in order to stimulate national economic recovery, for example with the issuance of the Decree of the Minister of Tourism and Creative Economy Number KM/704/PL.07.02/MK/2020 concerning Amendments to the Decree of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economics Agency Number KM/694/PL.07.02/MK/2020 concerning Technical Guidelines for Tourism Grants in the context of National Economic Recovery for Fiscal Year 2020. The provision of various policies is carried out in order to help the community's economy to fulfill the right to work and receive fair and equitable rewards and fair treatment. There are many other policies as a form of assistance to people affected by Covid-19, which are not exclusive to Indonesia. Governments all over the world implemented fiscal stimulus initiatives to counteract multi-sector effects of the Covid-19 pandemic. Shortly after COVID-19 was declared a pandemic, the Governments of Japan, the United States (US), Canada, India, and South Africa all initiated massive fiscal stimulus programs, far exceeding the amount of stimulus implemented during the 2008 financial crisis. Likewise, Western European countries have already set aside up to four trillion USD for fiscal stimulus measures.¹⁵

In addition, with regard to restriction policies that are considered to affect the fulfillment of people's economic rights, then does the problem only stop at the legitimacy of restrictions on people's independence solely to save human rights, as guaranteed by Article 12 paragraph (3) of the ICCPR which states that the above should not be subject to any restrictions except those prescribed by law to protect national security and public order, public health or morals, or the rights and freedoms of others? Of course not, but these restrictions have consequences that may threaten the existence of human life, so it must also be accompanied by arrangements for meeting basic needs to support the individuals. Getting to the analysis of civil and political rights, Restrictions (PSBB) are a legal thing to do apart from the consideration that it has previously been stipulated by Law Number 6 of 2018 concerning Health Quarantine if it is seen as a constitutional limitation of rights. Article 2 of the Covenant on Economic, Social and Cultural Rights (ICESCR) states that each State party to this Agreement shall endeavor to take steps independently and through international assistance and cooperation, especially economic and technical, to the maximum extent of its resources, in order to achieve the smooth realization of the recognized rights in this Agreement by all appropriate means. This provision basically stipulates the obligations of participating countries in the realization of the fulfillment of the economic, social and cultural rights of their people gradually, considering the

¹⁵Safitri, Yulida, et al., *Covid-19 Impact on SDGs and the Fiscal Measures: Case of Indonesia*, International Journal of Environmental Research and Public Health, 2021, 18, 2911, p.4.

conditions of each country (otherwise known as progressive obligation).¹⁶ Thus, the fulfillment of rights in this category, one of which is economic rights, becomes an obligation that may be postponed, and has a position where it cannot be rushed or its distribution given in stages depending on the capacity of the state.

In the context of Restrictions (PSBB), the safety of citizens and the right to life are things that cannot be separated from each other; the government establishes Restrictions (PSBB) solely to protect the right to life of citizens, but on the other hand the right to life of citizens can only take place with the guarantee of the fulfillment of the most basic needs to support life. (Interdependence between Limitation of Freedom and Fulfillment of Economic Rights). Protecting people's right to life must be interpreted not only to keep people away from the Covid 19 pandemic, but also to support the continuation of people's lives.¹⁷ Hence, there is an interdependence between civil rights in which there are rights to life and freedom of movement and economic rights as life support. (Interdependence between Limitation of Freedom and Fulfillment of Basic Needs).

Therefore, based on the explanation above, guaranteeing and fulfilling the right to work and the right to a good and healthy living environment is not a paradox during the Covid-19 pandemic. The government has tried to fulfill the guarantee of these rights. Concretely this can also be reflected in the institutions formed in Indonesia that specifically focus on the Covid-19 problem contained in the regulations regarding the formation of the Covid-19 task force. Initially, Presidential Decree Number 9 of 2020 concerning Amendments to Presidential Decree Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease (Covid-19) was issued. Based on this Presidential Decree, the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (Covid-19) was formed. However, the Covid-19 Handling Acceleration Task Force has since been disbanded and replaced with the Covid-19 Handling Committee. This can be seen based on Presidential Regulation Number 82 of 2020 concerning the Committee for Handling Corona Virus Disease (Covid-19) and National Economic Recovery. The Committee for handling Covid-19 and national economic recovery, consists of:

- a. Policy Committee;
- b. Covid-19 Handling Task Force; and
- c. National Economic Recovery and Transformation Task Force.

The Policy Committee is chaired by the Coordinating Minister for Economic Affairs. Meanwhile, the Task Force consists of the Covid-19 Handling Task Force as well the National Economic Recovery and Transformation Task Force. The Covid-19 Handling Task Force is chaired by the Head of the National Disaster Management Agency. The task force has the following tasks:

- a. implement and control the implementation of strategic policies related to the handling of Covid-19;
- b. resolve the problem of implementing strategic policies related to the handling of Covid-19 quickly and accurately;
- c. supervise the implementation of strategic policies related to the handling of Covid-19; and
- d. establish and implement policies as well other necessary steps in the context of accelerating the handling of Covid-19.

Meanwhile, the National Economic Recovery and Transformation Task Force is chaired by the Deputy Minister of State-Owned Enterprises I. The Task Force has the following duties:

- a. implement and control the implementation of strategic policies related to the recovery and transformation of the national economy;
- b. resolve problems in implementing strategic policies related to the recovery and transformation of the national economy, including problems faced by the real business sectors quickly and accurately;

¹⁶Arthanti, B. D., & Pramudhita, N. D. E. (2020). Law and Human Rights in Addressing Labor Problems during the Pandemic to Achieve Sustainable Development Goals. *Lex Scientia Law Review*, 4(2), 39-54.

¹⁷Thalib, P., Winarsi, S., Kurniawan, F., & Aliansa, W. (2020, December). Company Policy on Termination of Employment at Pandemic Covid-19 From a Fair and Justice Perspective. In *The 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)* (pp. 741-747). Atlantis Press.



- c. supervise the implementation of strategic policies related to the recovery and transformation of the national economy; and
- d. determine and implement policies and other necessary measures in the context of accelerating the recovery and transformation of the national economy.

In carrying out the duties of each of the task forces mentioned above, they are given the authority to make binding decisions on ministries/agencies, regional governments and other government agencies, as well communicate and coordinate with relevant ministries/agencies and local governments. Therefore, the role of the institution formed in dealing with Covid-19 is certainly very strategic.

The establishment of the Covid-19 Handling Task Force and the National Economic Recovery and Transformation Task Force as part of the Covid-19 Handling and National Economic Recovery Task Force is a form of maximum effort made by the Government in fulfilling the government's obligations to guarantee the right to work and the right to a good and healthy environment as part of the Ecosob Rights. The Covid-19 handling group represents the efforts that will be taken in the field of handling Covid-19, which of course is carried out for the fulfillment of the right to a good and healthy environment. At the same time, the national economic recovery task force represents the efforts to be taken in the field of national economic recovery; this is, of course, carried out for the fulfillment of the right to work, which is part of the general economic right.

Conclusion

The guarantee and fulfillment of the right to work and the right to a good and healthy living environment as part of the Ecosob Rights are not a paradox during the Covid-19 pandemic. The government has tried to fulfill the guarantee for these rights which can be seen from the various laws and regulations issued during the Covid-19 period, both from the health and economic aspects. In addition, the point of contact that becomes the spearhead in efforts to deal with the Covid-19 pandemic can be seen in the formation of the Covid-19 Handling Task Force and the National Economic Recovery and Transformation Task Force as part of the Covid-19 Handling and National Economic Recovery Committee. The formation of the 2 task forces is a form of the maximum effort made by the Government in fulfilling the government's obligations to guarantee the right to work and the right to a good and healthy living environment. The Covid-19 Handling Unit represents the efforts that will be taken in the field of handling Covid-19, which of course is carried out for the fulfillment of the right to a good and healthy environment. Meanwhile, the national economic recovery task force represents the efforts to be taken in the field of national economic recovery, which is carried out for the fulfillment of the right to work which is part of the general economic right of the public.

References

- Arthanti, B. D., & Pramudhita, N. D. E. (2020). *Law and Human Rights in Addressing Labor Problems during the Pandemic to Achieve Sustainable Development Goals*. *Lex Scientia Law Review*, 4(2), 39-54.
- Arthi, Vellore., Parman, John., *Disease, downturns, and wellbeing: Economic history and the long-run impacts of COVID-19*, *Explorations in Economic History* 79, 2021, 101381, p. 8.
- Based on the 1945 Constitution of the Republic of Indonesia) please refer to Article 28I paragraph 4 stated that "The protection, advancement, enforcement and fulfillment of human rights shall be the responsibility of the state, particularly the government."*
- Butt, S., & Murharjanti, P. (2021). *The Constitutional Right to a Healthy Environment in Indonesia*. *Journal of Environmental Law*, 33(1), 33-56.
- Chakraborty, T., & Ghosh, I. (2020). *Real-time forecasts and risk assessment of novel coronavirus (COVID-19) cases: A data-driven analysis*. *Chaos, Solitons & Fractals*, 135, 109850.
- Daud, Aidir Amin. "Human Rights, Islamophobia, and the War on Terrorism." *Hasanuddin Law Review* 7, no. 3 (2021): 169-182.
- Moldrem, S., Hussain, M. I., & McClelland, A. (2021). *Alternatives to sharing COVID-19 data with law enforcement: Recommendations for stakeholders*. *Health Policy*, 125(2), 135-140.



Olivia, S., Gibson, J., & Nasrudin, R. A. (2020). *Indonesia in the Time of Covid-19*. *Bulletin of Indonesian Economic Studies*, 56(2), 143-174.

Petra Mahy. (2020). *Covid-19 and Labour Law: Indonesia, Italian Labour Law e-Journal, Special Issue 1, Vol. 13: 1-10*

Ramadhan, D. A., Rahayu, R., & Hananto, P. W. H. (2020). *The Protection of The Worker's Right During The Covid-19 In Central Java-Indonesia: Legality V. Reality*. *ICETLAWBE 2020*, 61.

Safitri, Yulida, et.al., *Covid-19 Impact on SDGs and the Fiscal Measures: Case of Indonesia*, *International Journal of Environmental Research and Public Health*, 2021, 18, 2911, p.4.

Thalib, P., Winarsi, S., Kurniawan, F., & Aliansa, W. (2020, December). *Company Policy on Termination of Employment at Pandemic Covid-19 From a Fair and Justice Perspective*. In *The 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)* (pp. 741-747). Atlantis Press.

Tisdell, Clement A., *Economic, Social and Political Issues Raised by the Covid-19 pandemic*, *Economic Analysis and Policy* 68, 2020, p. 22.

VirojWiwanitkit, *Atypical modes of COVID-19 transmission: how likely are they?*, *Epidemiology and Health Journals* Volume: 42, Article ID: e2020059, Published online 2020 Aug 11.

WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020, accessed at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--11-march-2020>.

Widyawati, A., Rasdi, R., Arifin, R., & Adiyatma, S. E. (2020). *Covid-19 and Human Rights: The Capture of the Fulfilment of Rights During the Covid Outbreaks*. *Unnes Law Journal*, 6(2).

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