

# Health Law Review About Not Being Obligated to Show Negative Results of RT-PCR / PCR OR Rapid Antigen Tests on The Provisions of Domestic Travelers (PPDN) Who Have Been Vaccinated Three Times / Boosters in Indonesia

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**Abstract.** Cases of sars-Cov-2/corona virus disease 2019 (Covid-19) began in December 2019 in the Chinese city of Wuhan. The spread occurred rapidly throughout the world and caused emergencies in various countries. Indonesia, together with all elements in the government (Ministry of Health, Covid-19 Control Task Force, local government, and others), strive to make efforts to handlers in the form of actions (promotive, prevention, handling, and rehabilitative) on an ongoing basis to overcome the transmission of Covid-19. Various efforts were made, starting with making regulatory devices as a legal basis for handling Covid-19. This legal basis, if concluded, begins with Presidential Decree No. 11 of 2020 concerning the Status of Corona Virus Disease Public Health Emergency 2019, refocusing activities. It bans the export of medical equipment, restrictions on foreigners entering, Guidelines for Large-Scale Social Restrictions (PSBB), quarantine implementation, determination of Infection Hospitals, Laboratory for Covid-19 examiners (PCR/Antigen Swab), vaccinations, travel provisions of domestic people during the period Covid-19 pandemic. The latest is the SE Task Force handling Covid-19 No11 of 2022 concerning PPDN. Provisions during the Covid-19 pandemic. One of the points is the about Not Required to Show Negative Results of RT-PCR / PCR or Rapid Antigen Tests on the Provisions of Domestic Travelers (PPDN) who have been vaccinated three times/ boosters in Indonesia. So, what about the legal review?

**Keywords:** SARS-CoC-2; Covid-19; PCR/Antigen Swab; vaccination

## 1 Introduction

Being healthy is the human right of every human being. Article 28H Paragraph (1) of the 1945 Constitution states that everybody has the option to carry on with a prosperous life conceived and inward, live, and get a decent and sound living climate and qualified for wellbeing administrations. The WHO sequence is a perfect state physically, mentally, and socially and not only free from disease and disability. Health is the most fundamental right of any human being, without discriminating between race, religion, politics, and socioeconomic conditions. Kemenkes RI has its definition of healthy and fit. According to Article 1 number 1

of Law No. 36 of 2009 on health. Solid is a condition of wellbeing both truly, intellectually, and profoundly, permitting everybody to live beneficially, socially, and economically. [1]

On December 31, 2019, the WHO China Country Office revealed an exceptional occasion of pneumonia of beginning in Wuhan City, Hubei Province, China. On January 7, 2020, China distinguished the case as another sort of Covid. On January 30, 2020, WHO has assigned the occurrence as a World Troubling Public Health Emergency (PHEIC) and on March 11, 2020, WHO has assigned COVID-19 as a pandemic. This considerably impacts the increasing number of Covid-19 pain, even on the many fatalities who died due to Covid-19. The Indonesian government is working on handling Covid-19 properly. The efforts of its handlers are to establish the legal basis for establishing the outbreak. [2]

President Joko Widodo initiated the legal basis for determining the outbreak through the handling of Covid-19 to establish the state of the Corona Virus Public Health Department 2019, through Official Decree no. 11 of 2020, dated March 31, 2020. Then, at that point, poured back through Permenkes No. 104/2020 concerning the Determination of Novel Coronavirus (Covid-19) Infection as a Disease That Can Cause Outbreaks and Its Relief Efforts dated February 14, 2020. To forestall the fast transmission of Covid-19, the government provided PP No. 21 of 2020 concerning Large-Scale Social Restrictions to Accelerate Covid-19 Handlers.

To circle back to the improvement of the circumstance of the spread of the SARS-CoC-2/Corona Virus Disease 2019 (Covid-19) infection in different nations on the planet, acclimations to control of unfamiliar travel are required, the Covid-19 Countermeasures Task Force No. 4 of 2022 concerning Foreign Travel Health Protocols during the Corona Virus Disease 2019 (Covid-19) Pandemic proceeds to the SE Task Force on Covid-19 Countermeasures No. 11 of 2022 concerning Provisions for People's Travel during the Corona Virus Disease 2019 (Covid-19) Pandemic proceeds to the SE Task Force on Covid-19 Countermeasures No. 11 of 2022 concerning People's Travel Provisions.

Domestically during the Corona Virus Disease 2019 (Covid-19) Pandemic. The two Circulars aim to monitor, control, and evaluate to prevent an increase in the transmission of the Covid-19 virus to the general public who travel abroad and within the country. [3,4,5]

At the beginning of the Covid-19 period that began entering Indonesia, the problem was the difficulty of Covid-19 inspection facilities in the laboratory. This impacts the length of the examination results to determine the diagnosis of Covid-19. This is due to the limited health facilities that hold these examinations. Meanwhile, at that time, cases of being infected with Covid-19 were increasing every day. In the next step, the government is doing away so that the spread of the Covid-19 virus is not massive, so the government seeks countermeasure strategies, conducts epidemiological surveys, carries out laboratory diagnoses. [2]

The amount of COVID-19 transmission until now is still not known with certainty. The incubation period of COVID-19 is 5 to 6 days, ranging between 1 and 14 days. The highest risk of transmission obtained on the first day of incubation is the high number of viruses in patients. An infected person can transmit directly up to 48 hours before presymptomatic (onset of symptoms) and 14 days after symptoms. According to Du Z et al. (2020), A study reported that 12.6% showed transmission of the onset of symptoms. It is essential to know the period of onset of symptoms because it allows the virus to spread through droplets or contact with contaminated objects. In addition, there are cases of asymptomatic confirmation.

Although the risk of transmission is shallow, there is still a slight possibility of transmission. In view of current epidemiological and virological investigations, it is demonstrated that COVID-19 is fundamentally communicated from suggestive individuals to other people who are close by through drops. Beads are water-filled particles with a measurement of >5-10 µm. Dab transmission happens when an individual is at short vicinity

(inside 1 meter) with someone who makes respiratory side impacts (e.g., hacking or sniffing) so drops are in danger of hitting the patient's mucosa (mouth and nose) or conjunctiva (eyes). Transmission can likewise happen through drop defiled articles and surfaces around a tainted person. Thusly, the transmission of the COVID-19 contamination can occur through direct contact with a tainted individual and roundabout contact with surfaces or articles utilized by a contaminated individual (for instance, stethoscope or thermometer).

It is not yet sure how long the virus that causes COVID-19 survives above the surface, but the behavior of this virus resembles other types of coronaviruses. The length of time the coronavirus survives may be affected by different conditions (such as surface type, time, temperature, or humidity of the environment). Research (Doremalen et al., 2020) demonstrates the way that SARS-CoV-2 can get by for 72 hours on plastic and hardened steel surfaces, under 4 hours on copper, and under 24 hours on cardboard. Like other Covid, SARS-COV-2 is touchy to bright light and intensity. The down to earth case can be deactivated with greasy solvents (lipids - 12 - solvents, for example, ether, 75% ethanol, ethanol, chlorine-containing sanitizers, peroxyacetic corrosive, and chlorine (aside from chlorine).

With regards to COVID-19, airborne transmission can be conceivable specifically conditions were steady methodology or medicines that produce vapor sprayers, for example, endotracheal intubation, bronchoscopy, open attractions, nebulization treatment, manual ventilation before intubation, transforming the patient into an inclined position, disengaging ventilators, harmless positive strain ventilation, cardio ostomy, and cardiopulmonary revival. More exploration is required on airborne transmission. [2,6,7]

WHO suggests sub-atomic assessments for all patients associated with being contaminated with COVID-19? The suggested atomic location strategy/NAAT (Nucleic Acid Amplification Test) incorporates RT-PCR assessment. Therefore, the diagnosis examination is specific to rt-PCR examination or the like. [8]

Other government regulations that support the focus on handling Covid-19:

1. INPRES No. 4 of 202 about refocusing activities, budget relocation, and procurement of goods and services in the Context of Accelerating COVID-19 Handling. The government seeks to focus on handling Covid-19 so that some budgets from other parts are used for handling Covid-19 management.
  2. PERMENDAG No. 23 of 2020 about the temporary ban on exporting antiseptics, raw materials for masks, PPE, and masks. The government focuses that consumables are focused on their use in the country for the handling of Covid-19.
  3. PERMENKUMHAM No 11/2020 about the distribution of Foreigners Entering NKRI Territory
  4. KEPMENKES No. 612/2010 about the Implementation of Health Quarantine on The Handling of Public Health Emergencies that Disturb the World
  5. KEPMENKES No. 169 / 2020 about The Determination of Certain Emerging Infection Hospitals
  6. KEPMENKES No. 182 / 2020 about COVID-19 Examination Laboratory Network
  7. Decree of the Head of BNPPB No. 9A / 2020 about Alleviation of The Status of Certain Emergency Emergencies due to COVID-29 Disease Outbreaks.
  8. Decree of the Head of BNPB No. 13 A/ 2020 about The Extension of The Status of Certain Emergency Emergencies due to COVID-29 Disease Outbreaks.
  9. SE MENDAGRI No 440/2622/SJ about the Establishment of a Regional COVID-29 Handler Acceleration Task Force
- MUI FATWA No. 4 of 2020 about the implementation of Worship in the event of the COVID-119 outbreak. 2-5When the vaccination program has started, COVID-19 vaccination

programs need to be pushed further and followed by the entire community if they want to control the COVID-19 pandemic immediately. One of the efforts to encourage vaccination rates is to provide travel requirements without the need for PCR tests or special Antigen swabs for those who have completed two-dose vaccinations or boosters. [9].

## 2 Research Methods

This exploration is lawful. This examination is remembered for the doctrinal exploration type research. This examination is a review that deliberately makes sense of the principles of regulation administering explicit legitimate guidelines, investigates the connection among rules, and conceivably predicts future turns of events (research which gives an efficient article of the standard overseeing a specific lawful classification, investigations the connection between rule, makes sense of areas of trouble and, maybe, foresee future turns of events). The methodology in this examination is a reasonable methodology (calculated approach) and a legal methodology (resolution approach) connected with taking care of Covid-19 in Indonesia.

These legitimate materials are gathered from essential legitimate materials (regulations and guidelines alongside compositions) and auxiliary book materials (books, diaries, articles, and so forth) acquired through literature studies. All these materials are selected, elaborated, analyzed, and then connected with the subsequent legislation formulated systematically under each subject. All legal materials are organized, classified, and interpreted methods or interpretations.

## 3 Results and Discussion

The right to wellbeing for residents, as a common liberty, has been perceived and managed in different instruments of global regulation. The assurance of acknowledgment of the right to wellbeing can be explicitly seen from several international instruments, including:

1. Article 25 of the Universal Declaration of Human rights (UDHR) states that " Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services and right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of live hood in circumstances beyond his control "
2. Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR)
3. Article 12 International Covenant centers around financial, social, and Cultural Rights (ICESCR).
4. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
5. Articles 11, 12, and 14 of the Convention on the Elimination of All Forms of Discrimination against Women
6. In Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention, or CAT)
7. Article 24 of the Convention on the Rights of the Child (Children's Convention, or CRC.

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In the 1945 State Constitution in, Article 28H passage (1) expresses that "everybody has the privilege to carry on with a prosperous life conceived inward, live and get a decent and sound living climate and qualified for wellbeing administrations. Article 34 area (3) communicates that "the state is obligated for the plan of clinical consideration workplaces and suitable public

assistance workplaces. This shows that the constitution protects the right to prosperity. considering the setting considered, the state is obliged to fulfill this right. [1]

In this case, the state tries its best to maintain the health of its citizens. If it is connected with conditions based on the latest Covid-19 situation report, the confirmation case trend until March 9, 2022, continues to show a downward trend nationally. The latest data from the Ministry of Health (Kemenkes) shows that there are now 25 provinces, from the last 24 provinces, with a trend of decreasing daily confirmation cases, while nine other provinces still show an increase in daily cases. The decrease in confirmed cases was also followed by a decrease in active cases from 422,892 to 417,219. A decrease also followed this downward trend in cases in hospital availability in 27 provinces and waiting for seven provinces consistently showed a decrease in hospital availability like other regions. The hospital availability rate still stands at 27%. Daily data on handling the pandemic nationally does show improvement. One thing that needs to be pursued is accelerating and expanding the full vaccination coverage of two doses and boosters. [9]

The COVID-19 vaccination program needs to be pushed even further and followed by the entire community if it wants to control the COVID-19 pandemic immediately. One of the efforts to encourage vaccination rates is to provide travel requirements without the need for PCR tests or special Antigen swabs for those who have completed two-dose vaccinations or boosters. One of the most critical conditions for easing community activities during the pandemic is to fulfill the vaccination program. This is not only a government rule that should be followed but also defends us from the severe risk of being infected with COVID-19. [10]

The government hopes that by relaxing community activities during the pandemic, the community is also enthusiastic about participating in vaccination programs to defend themselves from the COVID-19 virus. Access to vaccinations, both primary and booster, has also been facilitated by the government. Likewise, the time distance for administering booster vaccines is now shortened to three months after the primary vaccination is completed. 9 In the development of handling Covid-19 in various worlds, countries flocked to start making Covid-19 vaccines with various brands. In Indonesia, the arrival of the vaccine consists of:

1. 3 million doses of Sinovac vaccine (as of January 6, 2021)
2. 122.5 million doses of Sinovac
3. 50 million doses of Novovax
4. 54 million doses of COVAX/Gavi
5. 50 million doses of AstraZeneca
6. 50 million doses of Pfizer

The total vaccine that has come is 329.5 million doses 10. The first arrival of the Covid-19 vaccine in Indonesia was in early 2022, January 2022: 999,180 million doses of Pfizer vaccine supported by the Italian government. With the arrival of this vaccine, the total vaccine received by the Indonesian government reached 470 million doses. [11]

In the community, there are pros and cons to PPDN policies that have received a second dose of vaccination or a third dose vaccination (booster) that is not required to show negative results of RT-PCR or Rapid antigen tests. Nevertheless, information from the Ministry of Health noted that at least 35 residents who had received the third dose of vaccination or booster died after being infected with the Covid-19 virus during a spike in cases due to the omicron variant. This finding is based on an analysis of 17,871 Covid-19 patients hospitalized during January 21-February 19, 2022. [12].

## 4 Conclusion

Based on the data above, the Indonesian government, through the Ministry of Health, finally did not impose a mandatory swab examination for RT-PCR or Rapid antigen test for PPDN. Because based on data shows the low transmission of Covid-19, decreased pain rates, decreased patient care rates, and decreased the number of patients who died due to Covid-19.

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