

Immigration Policy Application in the Covid-19 Pandemic

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Abstract

Corona Virus Disease 2019 (Covid-19) was discovered in Wuhan, Hubei Province, China, at the end of 2019. Expansion into Indonesia. To combat the spread of Covid-19 in Indonesia, the Indonesian government, through the Directorate General of Immigration, has implemented a number of measures aimed at preserving fundamental freedoms. Concerning the extent to which mobility tactics are compatible with Covid-19 from the standpoint of fundamental freedom. Subjective and deductive reasoning are employed in the analysis. Thus, it was determined that the Indonesian government used many measures to address immigration issues during the Pandemic Covid-19 period, including limitations on outsiders entering Indonesia's territory and administrative restrictions. The research was used to evaluate how immigration policies were implemented during the Covid-19 pandemic era.

Keywords

covid-19 pandemic;
immigration; immigration
policy



I. Introduction

The Chinese city of Wuhan is attracting global attention as a result of epidemics of respiratory sickness and fever caused by Coronavirus COV-2019. In December 2019, a pneumonia outbreak with an unknown source was reported in Wuhan, Hubei Province, China, with an epidemiological link to the wholesale huanan market seafood, which also sold live animals. The Chinese health authority's notification to the WHO on 31 December 2019 has prompted health authorities in Hong Kong, Macau, and Taiwan to beef up border surveillance, raising concerns and fears that this could herald the development of significant public health dangers (Kengar et al., 2020).

On March 2, 2020, President Jokowi and the Minister of Health in Indonesia declared the first positive case of Covid-19. To begin, we'll look at two positive cases in Depok, West Java (Nuraini, 2020). The number of victims immediately doubled and continued to rise. In Indonesia, it has spread to 34 provinces. As of September 24, 2021, there were 4.2 million persons in Indonesia who had been declared positive for Covid-19, 3.9 million people who had been recovered, and 141 thousand people who had died. To protect the tremors that occur in this country (Fanani, 2020). In Indonesia, the government can develop strategies for individual traffic and external management. Immigration authorities have the authority to deny entry to outsiders seeking to enter the Indonesian territory. If a person is pronounced Covid-19 positive, this can jeopardize public health. Migration is always obligated to conduct its operations in accordance with and respect for human rights. Sihombing (2020) state that Covid-19 pandemic caused everyone to behave beyond normal limits as usual. The outbreak of this virus has an impact especially on the economy of a nation and Globally (Ningrum, 2020). The problems posed by the Covid-19 pandemic which have become a global problem have the potential to trigger a new social order or reconstruction (Bara, 2021).

The Indonesian government appears to be quite circumspect in its decision-making regarding limits on foreigners entering the country. It was evident when the government, via

the Ministry of Law and Human Rights, revoked and replaced several rules, including the revocation of Permenkumham number 7 of 2020 concerning VISA and residence permits in an effort to prevent the entry of the Corona virus, and Permenkumham number 8 of 2020 concerning Temporary Termination. Visas and visas on arrival are imposed, which are then superseded by regulation 11 of 2020 prohibiting foreigners from entering the Republic of Indonesia's territory. This circumspect approach is tied to the loss in state earnings, particularly in the tourist sector, as a result of the government's restrictions on foreign visitors (Norita, 2020).

On the basis of these considerations, the topic of immigration policy implementation during the Covid-19 pandemic period is critical and intriguing to investigate. As such, this study will investigate the application of immigration policies in Indonesia in light of the Covid-19 epidemic in terms of human rights and the hurdles that may arise when implementing the policy.

II. Research Methods

This study makes use of research techniques. This research approach employs normative research, more precisely, normative legal research, which is a type of legal study that is undertaken through the use of library or secondary sources. The research is descriptive analytical in nature, i.e. it describes, analyzes, and concludes on the problems that are the subject of the study.

III. Discussion

3.1 Human Rights from an Immigration Perspective

According to Human Rights Law No. 39 of 1999, Human Rights are the rights that humans acquire and bring with their births and presence in the community's life (Nurkumalawati, 2018). This right is inherent in humans regardless of nation, race, religion, group, or gender, as it is inherent and universal. In other words, human rights are a collection of inherent rights inherent in humans' nature and existence as God's Supreme Lord beings and themselves, which must be supported, maintained, and guaranteed by the state, law, government, and everyone else for the sake of human dignity and tranquillity.

As a result, human rights can be curtailed, but only within the context of a given system. This is as stated in 1945 Article 28J Paragraph 2 of the Constitution of the Republic of Indonesia, which states, "In exercising his rights and freedoms, everyone is bound by legal restrictions whose sole purpose is to ensure recognition and respect for the rights and freedoms of others and to meet just demands consistent with moral considerations, religious values, security, and public order in a democratic society." However, from 2019, the world has been plagued by a Pandemic Covid-19. External factors include social, economic, and government policies. While internal factors such as facilities, facilities and infrastructure (Merdiani, 2021). Some countries, particularly Indonesia, suffered the impact of the Covid-19 pandemic, and as a result, the Indonesian government responded by designating it a welfare problem rather than a disaster (Indarti, 2021). The certainty of the welfare crisis's status is spelled out in Presidential Regulation No. 11 of 2020 on the Declaration of a Public Health Emergency for Corona 2019 Virus Disease (Covid-19) and Presidential Regulation No. 12 of 2020 on the Declaration of a National Disaster Status Nationally. In times of crisis, the government may suspend or restrict certain human rights. Such restrictions must be transitory, presented in response to emergencies, and should not be excessively judged.

To control the spread of Covid-19, which has entered Indonesia, the government has enacted policies affecting both Indonesian nationals and foreign visitors. Regarding certain policies, such as the perpu number 3 of 2020, which calls for the temporary suspension of visa-free travel, visas, and permits to live in a state for Chinese citizens. The regulation was effective from February 6, 2020 through February 28, 2020. (actually ended on 29 February 2020). Second, on February 28, 2020, the Minister of Law and Human Rights adopted (actually ended on 29 February 2020). Second, on February 28, 2020, the Minister of Law and Human Rights adopted Regulation No. 7 of 2020 on Visas and Resident Permits in an effort to prevent Covid-19 entrance (Jazuli, 2018).

As a human rights-abiding country, Indonesia's government is obligated to give legal clarity to its residents at home and abroad, as well as to foreigners in the country. Regarding the condition of Covid-19, immigration specialists have the authority to deny foreigners entry into Indonesian territory if they suspect the outsiders are positive for Covid-19. To strengthen movement collaboration with the ultimate goal of respecting and preserving human rights, at the very least there are immigration factors. These include organizers of special movements, legal requirements, state security, and work with expanded Human Government aid.

3.2 Immigration Policy at the Period of the Covid-19 Pandemic

To prevent the introduction of Covid-19, the Indonesian government employs a variety of methods, particularly in the immigration sector, where authorities have the capacity to carry out anti-foreigner strategies while respecting human rights. Not only that, as Covid-19 began to expand over Indonesia's territory, public authorities made many arrangements in the sphere of mobility. The following provides further context for the strategy.

a. Indonesian Strategy for Enforcing Limits on Foreign Nationals on the Country's Territory

Surprisingly, Covid-19 expanded easily into Indonesia, overwhelming the government's efforts to contain the outbreak. The Indonesian government has disseminated some of the settings, most notably those associated with outsiders, in light of the transmission source being external to the country. The government's primary strategy for deciding on the Covid-19 deployment chain was to distribute the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 3 of 2020 concerning the Termination of Visit Visas, the Provision of Visas, and the Provision of Permits for Forced Stay for the people of the People's Republic of China.

The approach was given begins with the coinciding on February 5, 2020 with the aim of stopping a free visa visa (BVK) and a visa for outsiders from the People's Republic of China, such as outsiders who have backgrounds who have the return on the transfer to the People's Republic of China within 14 (14 days) before entering the Indonesian region. Having an outsiders of the Chinese People's Republic of Indonesia which has been efficiently located in Indonesia and cannot return to its country because of the shortcomings of transportation facilities, until the public authority has distributed forced residence permits (ITKT) (Arjaya et al., 2020).

Human Rights Regulations No. 7 of 2020 on Visas and Residence Permits in an attempt to facilitate the spread of the Corona virus. Visa applications to official representatives of the Republic of Indonesia in the People's Republic of China may be made with the provision of bringing a free message from a welfare expert for 14 days. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 7 of 2020 also confirmed that outside the Chinese party was permitted to resurface under restricted conditions, extending the validity period and allowing outside parties to return to Indonesia following the Pandemic Covid-19. To create this atmosphere, the Underwriter may apply to the Head of Immigration Office

without the participation of the Head of Immigration Office for an accumulated house grant for outsiders with a limited stay permit or for long-term house grants in China by exploring proposals or warnings from the authorized position (Taufiq Hatta Wibowo & Afriyani, 2021).

In light of the high number of Covid-19 victims, Menkumham rejected RI No. 7 of 2020 and issued RI Permenkumham No. 8 of 2020 concerning Temporary Termination Visa Visit and Visa. Visits are free upon arrival, and representatives of the Republic of Indonesia are granted resident permits. Outdoor Abadi House Owners may approach the movement officers at the Republic of Indonesia's Representative Office to request a letter of proposal to enter Indonesia. Status restricted. The strategy was established on March 18, 2020. Through this strategy, the public authority temporarily halted the issuance of visas for visits and free visits to foreigners. Meanwhile, foreign nationals whose nations are impacted by Lockdown's approach are granted forced residence permits, limited residence permits, permanent residence permits, re-section permissions, and signage. This arrangement is deemed appropriate in light of the fact that other countries have implemented Lockdowns concurrently with Malaysia on March 18, 2020. Public authorities declined the Minister of State for the Republic of Indonesia's request to extend Covid-19 prevention efforts.

However, beneath the arrangements made by public bodies, there remain gaps that must be addressed collaboratively. For the majority of foreigners in Indonesia who have an underwriter, life will be rather easy. During the Covid-19 epidemic, this will be a member who is not generally wealthy, particularly BVK holders. The majority of them start with small sums of money and subsequently travel financially or are sometimes referred to as climbers. When their money runs out before their order is completed, they subsist by asking, amassing possessions, performing music, or in any other way. Seeing this miracle, public authorities must exercise caution and employ specific ways to select outsiders who enter more rigorously.

COVID-19 pandemic has changed all aspects of human life (Dharmawati, 2021). By limiting outsiders to Indonesia by the government during the Covid-19 pandemic period is basically an effort to maintain the health of its citizens. This limitation is a system that is often used by public authorities of a country to limit individual privileges without being said to be abusing human rights. Limitations of outsiders to Indonesia are identified with the choice of the World Health Organization (WHO) to build Covid as a pandemic.

b. Restrictions Passport Services

Every Indonesian citizen who wishes to travel abroad is required to submit a move report. This was mentioned in Law No. 6 of the Republic of Indonesia of 2011: "Everyone entering or leaving the Indonesian region must possess a lawful and valid travel document." This report could be a form of identification or a travel document, such as a visa. Essentially, the release of movement records is one of the public authority's efforts to secure the populace when they are abroad. Establishing procedures for the mobility report is one sort of public support. As defined by Law No. 25 of 2009 on Public Service Standards, community help is a movement or exercise setting that aims to address administrative demands in accordance with legal guidelines for each citizen and population in terms of products and public administration. After resolving a series of cycles, an Indonesian population qualified to obtain goods from the regulating agency as a movement record (Indarti, 2021).

First, in the circular number SEK-02.OT.02.02 of 2020 issued by the Ministry of Law and Human Rights regarding the prevention and management of Corona virus (Covid-19). All employees are urged to take steps to halt the spread of Covid-19. That is accomplished by ensuring office accessibility, hand cleaning, using a hand cleanser, keeping the workplace nice, restricting authority's journey, leading the temperature check, avoiding direct contact with candidates, utilizing the cover, and continuing to explain the word and word covid-19.

Not disseminating false information associated with Covid-19. At the moment, the benefit to the community of contributing movement records remains relatively significant, even though its objective may be considered less valid in light of the pandemic's current situation. The majority of them submitted a trip letter in order to take advantage of the large number of incomplete apapo.

Due to the massive proliferation of Covid-19, governmental authorities have implemented additional tactics to control migration. First Tama, the limit imposed by the governmental authorities was included in Acting's round. IMI-GR.01.01-2114 Year 2020 about limits on immigration services to avoid the introduction of the Corona virus (Covid-19). Second, temporary deactivation of the online passport queue registration application (APAPO). Apapo Application is an online visa online visa application that contains data on application requirements, individual prospective information, and appearance plans. In addition, the general public can also access it through the web <https://antrian.imigration.go.id/>. Apapo deactivation is an important key because registration for visa applications must be done through this application. Third, Regulation of the Minister of Law and Human Rights No. 8/2014 about ordinary passports and passport trips. Identification candidates can collect visas after the pandemic time frame is closed. Fourth, there is no fines for visa holders who are late in making a change of identity on the grounds that they have passed the legitimacy period.

IV. Conclusion

To combat the spread of Covid-19, the Indonesian government has established at least two immigration settings. The parameters include visitors from outside Indonesia and constraints on visa administration, however several impediments were discovered. Pandemic Covid-19 has resulted in numerous reforms to various government sectors in Indonesia, most notably in the subject of immigration. The adjustment was made to adapt the country's state to the threat posed by the Corona virus, which is still endemic. The government has made numerous steps to ensure that immigration policies are socially acceptable.

References

- Arjaya, I. B. A., Susrawan, I. N. A., Kumara, D. G. A. G., & Erawan, D. G. B. (2020). Letak Edukasi Masyarakat Dalam Strategi Penanganan Pandemi Covid-19 Berbasis Adat Di Bali. Prosiding Seminar Nasional Webinar Nasional Universitas Mahasarakswati Denpasar.
- Bara, A., et.al. (2021). The Effectiveness of Advertising Marketing in Print Media during the Covid 19 Pandemic in the Mandailing Natal Region. Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 4 (1): 879-886.
- Dharmawati. (2021). An Analysis of Students' Learning Independence in Learning English for Computer Using Google Classroom. Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 4 (2): 1635-1642.
- Fanani, F. (2020). Data Terkini Jumlah Korban Virus Corona di Indonesia. Merdeka.Com.
- Indarti, S. T. (2021). Kebijakan Keimigrasian di Masa Covid-19: dalam Perspektif Hak Asasi Manusia. Jurnal HAM. <https://doi.org/10.30641/ham.2021.12.19-36>
- Jazuli, A. (2018). Eksistensi Tenaga Kerja Asing di Indonesia dalam Perspektif Hukum Keimigrasian. Jurnal Ilmiah Kebijakan Hukum. <https://doi.org/10.30641/kebijakan.2018.v12.89-105>

- Kengar, M. D., Patil, A. A., Navale, S. S., Kandgave, R. R., Waghmare, S. A., Mane, S. A., & Niramale, D. M. (2020). Introduction to Corona Virus and Diagnosis, Symptoms and Management. In Shodhshauryam, International Scientific Refereed Research Journal © 2020 SHISRRJ |.
- Merdiani, W., Narimawati, U., and Jusuf, D.I. (2021). The Role of Competitive Advantage and Customer Relationship Management in Increasing Interest in Staying Back at Non-Star Hotels in Covid 19 Era. Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 4 (3): 5060-5065.
- Ningrum, P.A., Hukom, A., and Adiwijaya, S. (2020). The Potential of Poverty in the City of Palangka Raya: Study SMIs Affected Pandemic Covid 19. Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 3 (3): 1626-1634.
- Norita, E. (2020). Hubungan pengetahuan dan sikap dengan kepatuhan untuk menjaga jarak dan menggunakan masker pada masyarakat dikota barabai kabupaten hulu sungai tengah tahun 2020. Arsyad Al Banjari.
- Nuraini, T. (2020). Kronologi Munculnya Covid-19 di Indonesia Hingga Terbit Keppres Darurat Kesehatan. In Merdeka.com.
- Nurkumalawati, I. (2018). Kajian Implementasi Peraturan Menteri Hukum dan Ham tentang Pendaftaran dan Pemberian Fasilitas Keimigrasian bagi Anak Berkewarganegaraan Ganda. Jurnal Ilmiah Kajian Keimigrasian.
- Sihombing, E.H., and Nasib. (2020). The Decision of Choosing Course in the Era of Covid 19 through the Telemarketing Program, Personal Selling and College Image. Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 3 (4): 2843-2850.
- Taufiq Hatta Wibowo, M., & Afriyani, A. (2021). Strategi kebijakan, tata kelola pemerintahan dalam penanganan covid 19 di kabupaten sumedang policy strategic, the role governance handling covid 19 in sumedang. Kebijakan: Jurnal Ilmu Administrasi. <https://doi.org/10.23969/kebijakan.v12i1.2739>