

# Information on Corona Virus Disease-19: Between the Public's Right and State's Interests

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## Abstract:

Crossed opinions on information management regarding to COVID-19 has fulfilled the public forum. The society, experts and government have submitted opinions and information on COVID-19's management and control. Main issues of this public article consist of: is the information on COVID-19 considered as public information as stated in Law No, 14/2008 on Public Information Disclosure or *Keterbukaan Informasi Publik* (UU KIP) or is it included as an excluded information due to state's interest that is considered more important. This is a normative research approach. First result of this paper is that COVID-19 is an issue that threatens lots of human lives. Dangerous and deathly virus plague has threatened millions of human lives across the world. Therefore, COVID-19 management concerns the importance and obligation of a state, especially to protect its citizen. Secondly, COVID-19 management requires participation from Indonesian Society. Indonesia has numerous laws to implement policy in tackling COVID-19. Information management and policy on COVID-19 management is a state's authority. Every citizen must obey directions from the government and medical actions to overcome COVID-19. Thirdly, China's experience as a communist state is proved to be effective in resolving COVID-19 plague. The unity of China's society obedience also government and medical authorities' power created a happy ending of freedom from COVID-19.

**Keywords:** Public Information; State's Interest; COVID-19

## Introduction

The start of year 2020 came out somberly. The world was surprised by a contagious and infectious disease plague which is dangerous and deathly. The spreading started in Wuhan City, Hubei Province, China.[1] This plague is called the Corona Virus Disease or popularly known as COVID-19.[2] COVID-19 is a virus assumed to be spread from a bat and consumed by Wuhan City's society. Afterwards, the Government of China performed an emergency action by closing exit and entrance accesses. Wuhan citizen were prohibited from exiting the city and the entrance of Wuhan is also closed. Foreigners including Indonesian society were isolated and have to be taken back home directly by the Indonesian government and observed for 14 days in Natuna Island.

COVID-19 has spread rapidly throughout the world.[3] Numerous countries such as Italy, Iran, and South Korea reported COVID-19 patients' number highest after China. COVID-19 victims have risen significantly. Countries followed to continuously report on the numbers of infected people and deaths. The spread of COVID-19 have overcome the world in less in 2 (months). World Health Organization (WHO) then declared COVID-19 as a pandemic.[1] The world is in admits of fighting and defeating COVID-19, campaigns to overcome this pandemic are echoed across the globe.

## 1. Research Background

Indonesia is one of the most current countries that reported COVID-19 cases. Indonesia did not submit any reports until March 1, 2020, whereas Indonesia is a country of various accesses and has active business relations with China. There are numerous ongoing projects with China's companies using Chinese laborers. Another fact is that Indonesia has not presented any preparation to face and handle COVID-19.[4]

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Subsequently, Indonesia implemented efforts to overcome COVID-19. Information regarding to COVID-19 is not spread evenly which not all categories of society understood the information. Crossed opinions on information management regarding to COVID-19 plague has fulfilled the public forum. Crossed opinions on information management regarding to COVID-19 has fulfilled the public forum. The society, experts and government have submitted opinions and information on COVID-19's management and control. Main issues of this public article consist of: is the information on COVID-19 considered as public information as stated in Law No. 14/2008 on Public Information Disclosure or *Keterbukaan Informasi Publik* (UU KIP) or is it included as an excluded information due to state's interest that is considered more important.

This research provides a basic question; is COVID-19 related information considered as public information? Law No. 14/2008 on Public Information Disclosure or *Undang-Undang Keterbukaan Informasi Publik* (UU KIP) was implemented due to information in correlation with the society. Consideration to enact UU KIP is to obtain information as human rights. Public information disclosure is an important indicator for a democratic country's image that highly respects democratic sovereignty to realize ideal state organization.

Conceptually, information is form of human rights. Therefore, access towards it must be transparent. Public information is inevitable in a democratic country. Article 1 and Article 2 Law No. 14/2008 [5] on Public Information Disclosure stated the definition of public information:

*Public information is an received, saved, managed, sent and/or received information by a public agency related to a public organizer with other public organizers in accordance with the law and information that is correlated with the public's interest.*

Public information has a correlation with public agencies. Public agencies are agencies that executes a country's organizer. Every information under the management of a public agency is defined as public information which contain the society's right for access. To limit the mentioned public agency, Article 1 and Article 3 of Law 14/2008 on Public Information Disclosure stated:

*Public agency is an executive, legislative, judiciary, and other agencies that functions and main tasks are related to the state's and local government's budget or a non governmental organization that funds from state's and local government's budget, society's contributin, and or foreign donation.*

Public information mentioned in Article 14 of Law No. 14/2008 on Public Information Disclosure is associated with State Owned Enterprises or *Badan Usaha Milik Negara* (BUMN), Region Owned Enterprises or *Badan Usaha Milik Daerah* (BUMD), or other enterprises owned by the country. The mentioned public information here is in scope of commercial sectors. BUMN and BUMD are business entities own by national government and local government. Compulsory information provided by BUMN, BUMD, or other enterprises according to Article 14 of Law No. 14/2008 on Public Information are in follows:

1. Name and regency, purpose and objectives as well as type of business activity, period of establishment, and capital, as stated in the articles of association;
2. Complete name of shareholders, members of the board of directors, and members of the board of commissioners of the company;
3. Annual reports, financial statements, income statement balances, and audited corporate social responsibility reports;
4. Assessment results by external auditors, credit rating agencies and other rating agencies;
5. System and allocation of remuneration funds for members of the board of commissioners/supervisory board and directors;
6. Mechanism for the determination of directors and commissioners / supervisory boards;
7. Legal cases based on Law as Public Information;
8. Guidelines for implementing good corporate governance based on the principles of transparency, accountability, responsibility, independence, and fairness;
9. Announcement of debt types of stocks;
10. Replacement of the accountant who audits the company;
11. Changes in the company's fiscal year;
12. Government assignment activities and/or public service obligations or subsidies;
13. Procurement Mechanism of goods and services
14. Other information determined by the Law relating to State-Owned Enterprises/ Regional-Owned Enterprises.

Other information regarding to the public information is political party. Article 15 of Law No. 14/2008 on Public Information Disclosure stated compulsory information provided by political parties such as:

1. Principles and objectives;
2. General program and activities of political parties;
3. Name, address and composition of management and existing alteration;
4. Management and use of funds sourced from the State Budget and/or Local Government Budget;
5. Party's decision making mechanism;
6. Party's decisions originating from the results of a conference/congress/general conference and/or other decisions which according to the articles of association and by-laws of the party are open to the public;
7. Other information stipulated under the Law relating to political parties.

Other institutions under the regulation of Law No. 14/2008 on Public Information Disclosure is Non Governmental Organization (NGO) that handles and uses funding from State's Budget and/or local government's budget. Article 16 of Law 14/2008 on Public Information Disclosure stated on compulsory information by NGOs:

1. Principles and objectives;
2. General program and activities of the organization
3. Name, address and composition of management and existing alteration;
4. Management and use of funds sourced from the State Budget and/or Local Government Budget and/or contribution from the society or other entities from overseas.
5. Organization's decision making mechanism;
6. Organization's decisions originating from the results of a conference/congress/general conference and/or other decisions which according to the articles of association and by-laws of the party are open to the public;
7. Other information under the Law.

Referring to provisions and explanation's above, it can be concluded that information about COVID-19 is not included as commercial or political information. It is information that has specific characteristics and emerges in a specific situation. Therefore, the approach and management should also be certain.

## 2. Methodology

Regarding to the condition or situation in Indonesia these past few days, the public forum has come to a discussion about weather COVID-19 related information is considered as public information. Recalling the ministry and agency has authorities on COVID-19.

If COVID-19 is a public information, then as stated in Article 2 Section (1) of Law No. 14/2008 on Public Information Disclosure, then it could accessed freely and transparently by every public information users. This is a judiciary status from information that proceeds to imply society's access towards it. Public agencies that organize information shall provide these accesses to the society for them to obtain public information. In another perspective are details on COVID-19 considered as excluded public information that is guarded strictly and limited as stated in Article 2 Section (2) of Law No. 14/2008 on Public Information Disclosure.

If information on COVID-19 is excluded public information, then public agencies have the right to reject disclosing information in accordance with provisions of regulation in Article 6 Section (1) on Public Information Disclosure. Or, public agencies could decide which information to deliver towards the society and which information is kept for some time. Authorities regarding to Information management are fully under this particular public agency.

Limits of excluded information by Law No. 14/2008 on Public Information Disclosure are regulated in Article 6 Section (3). This provision stated :

Information that cannot be given by a public agency as mentioned in Section (1) is:

1. Information that threatens the country;
2. Information in regards with business protection and unfair competition importance;
3. Information in regards with personal rights;
4. Information in regards with a position's secrecy;
5. Required information is not under management or no supporting documentary.

Information about COVID-19 must be included in one of these categories to be excluded as Public Information. State interest is the most relevant aspect for the management of COVID-19 public information. The COVID-19 outbreak is complex. There are many aspects that follow in this COVID-19 problem.

COVID-19 is a virus that has become a pandemic and is growing and spreading quickly and deadly. Panic and worries are spreading amongst people every time production of information about COVID-19 occurs. Ideally, information provides clarity about something rather than the other way around. This means, if there is information dissemination about COVID-19, then the information should calm and give clarity for the people. Hypothetically, if

information dissemination is then unable to provide clarity and calm in the community, then national leadership must be raised and continuously become an authoritative institution in the management and delivery of COVID-19 information to the public through all available communication channels. National leadership is intended as a manager and distributor of information from one source which guarantees the public with valid information from an authoritative institution.

The government has appointed the Ministry of Health of the Republic of Indonesia as a leading agency in dealing COVID-19 issue and also *Badan Nasional Penanggulangan Bencana* (BNPB) or Indonesian National Board for Disaster Management as leading agency from aspects of non medical effects management. Information on COVID-19 from the Ministry of Health is given by dr. Achmad Yanto, General Director of Disease Prevention and Control of Indonesia's Ministry of Health as the government's spokesman.

The COVID-19 outbreak which had become a pandemic had a negative impact on other sectors that became the government's interests. There are many indicators available in the market regarding to COVID-19's impact towards the economic sector. The exchange rate of 1 US Dollar against Indonesian Rupiah (IDR) reached 16.500 IDR. Indonesia Stock Exchange has stopped its stock trading activities for several times, because the market reacts very negatively. The stock price index plunged up to 5% from the opening. Food prices have skyrocketed. Masks and hand sanitizers are hard to find on the market. If the products are available, then the prices have multiplied. In this perspective, the Government views the COVID-19 issue as information relating to the interests of the state. With this view, all information related to data updating and handling is in the domain of the Government, in this case the Ministry of Health of the Republic of Indonesia. All information regarding COVID-19 is a pledge for the society. The government is a trusted source of information for the public in relation to the danger of COVID-19.

But issues did not stop at that point. Numbers of victims rose in various places after the Government announced the first case of the COVID-19 virus patients on March 2, 2020. The numbers continue to increase, both positive patients, carriers and the deceased from this dangerous virus. The numbers of COVID-19 cases are growing by daily. In just a few weeks, Indonesia came as the third highest mortality rate after China and Italy, reaching 8%. The government does not have much time and choices, other than fighting to break the chain of distribution and deal with COVID-19 patients in hospitals. Continuous and strategic immediate action is needed to break the chain of distribution of COVID-19 among the community (local transmission).

Furthermore, the Government launched information relating to the handling of COVID-19. The government established measures to counter COVID-19. One of them is limiting people's activities in public spaces, activities that gather a lot of people, and handling patients in care, people in surveillance, suspect of COVID-19 and positive for COVID-19. Each of these statuses implies the actions received by the person concerned. All of these terms are contained in the third edition of the COVID-19 Prevention and Control Handbook of the Ministry of Health of the Republic of Indonesia or *Buku Pedoman Pencegahan dan Pengendalian COVID-19* published on March 16, 2020. The book is a form of public information dissemination related to COVID-19.

### 3. Case studies

Two decades ago, an Indonesian philosopher, F. Budi Hardiman re-wrote Jurgen Habermas' (another philosopher) perspective regarding health issues (crisis):

*In the medical world, what is referred to by this term (crisis) is the stage where a disease sufferer is decided if the healing powers of the body alone are sufficient to cure itself or not. In this situation, the illness is seen as something objective, because the infection is thought to originate from the outside and the state of the patient's body can be measured by empirical parameters. Besides the objective nature of the crisis, also appears in the fact that the patient's consciousness cannot influence his illness. Understanding this kind of crisis is inadequate, according to Habermas, because the crisis is seen "from the outside". A new crisis is called a crisis, if the patient is also involved in the crisis, then the crisis cannot be separated from the perspective of the person experiencing it. The disease is "objective" because the patient faces it with helplessness, so he is passive and does not act as a subject that does not fully own his strengths.*

*... Habermas also sees a normative aspect in terms of crisis. Interpretation of a reality as a crisis contains hope to overcome it and the handling of the crisis contains liberation.[6]*

In accordance with the above explanation and Indonesia's current situation, the government ensures that sufferers of COVID-19 need their own body endurance and at the same time require medical treatment to overcome the disease.

The pandemic threat from COVID-19 requires the participation of sufferers, contact persons, governments and general public to work and fight together to defeat it. National leadership is a unifying factor of the breaker movement and resistance to the spread of COVID-19. This is a special situation that requires national leadership to unite all efforts to overcome the problem of the COVID-19 outbreak.

One of the views on national leadership is the leader-situational match.[7] There are special situations that fit a typical leader. National leadership deals with the steps in handling COVID-19 problems and managing information. Politically, national leadership unites all components of the state and nation to jointly and collaboratively fight COVID-19 and overcome it.

Technically medical, the Ministry of Health has declared a health protocol on COVID-19 management that is divided into two models, for people that are unwell and people who are healthy. These medical treatments are implemented differently for each category.

Afterwards, the government launched steps to prevent and/or break the chain of COVID-19 which is:

1. Prohibitions of travelling;
2. Avoiding crowded or social meeting;
3. Social distancing;
4. Independent quarantine;
5. Masks usage;
6. Wash hands often with soap and running water for at least 20 seconds;
7. Avoid touching face, nose, eyes and mouth.

The government's policy is the standard in mitigating of dangerous virus outbreaks impacts such as COVID-19 on exposed populations. The government and state agencies or institutions implement globally proven approaches to combat viruses that attack respiratory system by highlighting sanitation; especially hands, cough ethics and social distancing as ways to deal with the COVID-19 virus.[8] Government actions are in line with international protocols to deal with the problem of dangerous epidemics such as COVID-19. To make it effective, Jurgen Habermas suggested a general policy to address the problem of health crisis confirmed through normative provisions. The government can use the legal provisions and instruments of state violence to carry out prevention and fight against COVID-19. Prohibition of travel, especially to countries with a COVID-19 pandemic is the first response against malignant infectious diseases such as COVID-19.[9] This is a way to avoid the imported COVID-19 case.

The mass policy to break the chain of distribution of COVID-19 is to quarantine. The quarantine policy has a legal basis. Law Number 6 of 2018 concerning Health Quarantine states regulation on house quarantine in Article 52, area quarantine is regulated in Article 55 and Hospital quarantine is stated in Article 58. The national government is responsible for the implementation of house quarantine, area quarantine and hospital quarantine by involving the local government. Indonesian health law provisions recognize quarantine as an effective way for society to stop the spread of COVID-19.

Then the policy is supported by others. The work from home (WFH) policy has been strongly echoed in recent days to limit the mobility of citizens to break the chain of the spread of COVID-19. The United States has employment provisions relating to the prevention of contagious diseases by giving employees off days or leaves.

*If you or your employees are out with the flu or are caring for ill family members, check with the Department of Labor (DOL) for information on whether such leave is covered under the Family and Medical Leave Act (FMLA). Under the FMLA, covered employers must provide employees job-protected, unpaid leave for specified family and medical reasons, which may include the flu where complications arise. Employees on FMLA leave are entitled to the continuation of group health insurance coverage under the same terms as existed before they took FMLA leave.[10]*

The stages mentioned by Habermas have also been implemented by the Government. Public campaigns regarding the use of masks, washing hands and avoiding touching the face are actions socialized to the society as a healthy lifestyle and disease prevention. The lockdown policy or closing area is stated as the national government's authority. There are no leaders allowed to issue a lockdown policy except for the President of the Republic of Indonesia or in authorization to do so.

State's interest is to stop the spread of COVID-19 among citizens throughout Indonesia with this policy, and treat COVID-19 patients as soon as possible. Victims are increasing daily. What is concerning is the

explosion of sufferers in the coming days. Certainly, health workers, hospitals, medicines and equipment will be inversely proportional to the number of patients who must be in care.

Presently, the state takes control of handling the COVID-19 issue with the head of Indonesia's National Board of Disaster Management as the head of the task force assisted by the Ministry of Health and other relevant government agencies. Information management has been controlled by the Ministry of Health. The spokesperson for the COVID-19 issue was carried out by the Director General of Disease Prevention and Control. Head of Indonesia's National Board of Disaster Management as Chair of COVID-19 Handling Task Force. The government has assigned certain officials in the prevention and management of the COVID-19 problem. "Information is power today and we see it all over the globe". Sen. Rob Portman, R-Ohio, at the start of the Senate Foreign Relations Subcommittee on State Department and USAID Management Hearing on March 5 stated, "When it's used improperly, it's used as a weapon. ... If left unchecked, it can be devastatingly effective". The country is the source of information production and dissemination to avoid confusing and incorrect information. Society must be protected from incorrect news relating to COVID-19 which in turn can increase the number of sufferers and outbreak obviously; this is meant to reach the truth claim as intended by Habermas, namely agreement on the natural and objective world.[6] The agreement among citizen acts as components to overcome COVID-19 that clearly threatens the lives of millions of Indonesians. The agreement led citizens to obey Government's direction that had been announced as a way to face the COVID-19 outbreak.

This shows that the interests of the country take precedence in an emergency outbreak of the COVID-19 pandemic. This is a normal thing to do by the state as it was once implemented in Tennessee, United States.

*The seriousness with which our General Assembly views a potential outbreak of influenza was evidenced by the amendment of Tennessee Code Annotated § 68-1-201 in 2006 to specifically empower the Commissioner of Health to promulgate and put into effect appropriate rules and regulations should that disease present a threat of escalating to an epidemic level. In fact, that provision empowers the commissioner to prepare "such rules and regulations" as he feels necessary to prevent the introduction of any epidemic disease into Tennessee and to order quarantines if he concludes such measures are necessary. Should the commissioner become aware that an epidemic disease has already appeared in Tennessee, he is mandatorily required to implement rules and regulations he feels are necessary and which will, "with the least inconvenience to commerce and travel, prevent the spread of the disease.[11]"*

Mobility limitation as a personal right has a legal basis based on the emergency aspects that occur. For emergencies, the State of Colorado enforces provisions regarding paid leave for conducting COVID-19 tests. Based on emergency rules, employees who experience certain symptoms are entitled to leave and paid for COVID-19 check tests are employees who work in sectors of:

1. Public entertainment venues;
2. Food services;
3. Childcare services;
4. Education at all levels;
5. Orphanage;
6. Public facilities

Employee leave ends if the employee is declared negative COVID-19 based on test results. But emergency rules do not cover reimbursement of employee benefits that are positive and require quarantine which results in lost work hours and benefits.[12]

Not much different from Colorado's policy, Indonesia conducted rapid tests in a number of COVID-19 pandemic areas on a number of people who were declared as people under monitoring and people who were in the same environment as COVID-19 sufferers. The cost is borne by the Government. If it is later stated positive, then medical costs are covered through and Indonesian health insurance, *BPJS Kesehatan*. Success in overcoming the COVID-19 problem depends on the cooperation and participation of all citizens to limit activities outside their houses to support medical professionals, government officials and security forces for the next few days.

China is s with COVID-19. The country is able to overcome COVID-19. Two things were noted from China's success. First, the World Health Organization (WHO) report is very good news for the people in Hubei province and all health care workers involved. Second, the success of the interventions demonstrates that the strict and rapid response to an emerging epidemic can halt the spread of a new virus.[13] In addition, China's Government and the characteristics of China's political and social system are advantageous for conducting mass policies. Communist China has power in the leadership structure of Chinese Communist Party which survived for

many years. Chinese people obey the Chinese Government's policy regarding to COVID-19 outbreak management in Wuhan city and Hubei Province.

Iran and Italy are still struggling to overcome the COVID-19 outbreak. After China, Italy is the most COVID-19 affected European country with the death toll reaching more than 5.000 people. Iran is next. Indonesia is still struggling to stop the spreading by implementing all policies that limit the crowd and mobility of citizens.

Pakistan is country between Iran as a country that has many victims and China, the initial center of this outbreak was discovered. In dealing with COVID-19, Iran experience limited medical capabilities, infrastructure and health facilities. Therefore they plead cooperation to prevent the spread of COVID-19 to all countries.[14] Indonesia at least has a better aspect, especially in the geographical view that is far apart from the two countries. Indonesian medical professionals, infrastructure and health facilities are available, but must be controlled by the number of treated patients. Therefore, preventive measures must be implemented and affirmed through state authorities.

Is it more difficult in a democratic country to conduct mass policies, because the people have loose limitation to express their opinions? Surely, this plague is something not to be debated of. Italy is not a communist country, but sociologically, Italian society is known for its kinship. Italian society is a warm community with one another, socially active and gatherings is a common thing to do. The nature of Italian society is apparently not profitable to deal with and fight outbreaks like COVID-19. Spread occurs rapidly. As a result, Italy is the country with the biggest victims of COVID-19 after China.

Apart from the political system and its characteristics, surely China's success shows that COVID-19 can be defeated and inspires other countries like Indonesia to defeat the COVID-19 outbreak. Standard policies to mitigate the spread of the COVID-19 outbreak were confirmed through legal provisions. National and local governments unite in implementing policies. The tools of state violence are used to optimize and make policies effective in eradicating COVID-19. Information has been managed by the state through a single source, the spokesperson. The actions and efforts to handle and eradicate COVID-19 are in the hands of the Head of Indonesia's National Board of Disaster Management. The local government with all its instruments descends on the community to appeal, socialize, clean up the environment and carry out mass tests on a number of people who are people under monitoring and patient in care. Disagreements about policy and its implementation among the political elite and society in general must be ended in order to use the valuable time to defeat the COVID-19 outbreak.

It cannot be denied that the problem of the COVID-19 outbreak also had a profound impact on the economy and consumption of Indonesians. Community needs related to the prevention of the spread of COVID-19 such as masks, hand washing liquids, disinfectant are hard to find and with multiplied prices. Market mechanisms still occur naturally. Surely, majority are increasingly vulnerable to the spread of the COVID-19 outbreak in this condition. The impoverished, informal workers, online drivers, daily laborers, small traders are among those who are very economically affected. Their income depends on daily work.

In addition, one natural asset to defeat the COVID-19 outbreak is endurance. To strengthen the immune system, people need a nutritious, fresh and balanced food supply. The problem is the increase in prices for food. The legal supply and demand mechanism produces these high rate prices. The government must ensure the availability of food per usual, so that prices do not surge. The market reaction was poorly and exchange rate of the Indonesian Rupiah against the US dollar reached 16.500 IDR. Combined Stock Price Index immediately fell 5% since trading activity on the stock exchange had opened. The situation will be very complex and dangerous for the country if the resolution of the COVID-19 problem is protracted.

## Conclusions

The above description requires several things that can be submitted as conclusions. First result of this paper is that COVID-19 is an issue that threatens lots of human lives. Dangerous and deathly virus plague has threatened millions of human lives across the world. Therefore, COVID-19 management concerns the importance and obligation of a state, especially to protect its citizen. Secondly, COVID-19 management requires participation from Indonesian Society. Indonesia has numerous laws to implement policy in tackling COVID-19. Information management and policy on COVID-19 management is a state's authority. Every citizen must obey directions from the government and medical actions to overcome COVID-19. Thirdly, China's experience as a communist state is proved to be effective in resolving COVID-19 plague. The unity of China's society obedience also government and medical authorities' power created a happy ending of freedom from COVID-19.

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