# 2nd International Conference on Law and Human Rights (ICLHR 2021)

Restructuring Law and Human Rights in New-Normal Society

Advances in Social Science, Education and Humanities Research Volume 592

Online 3 – 6 May 2021

### **Editors:**

Rosewitha Irawaty Metha Ramadita Fitriyani

ISBN: 978-1-7138-4120-3

#### Printed from e-media with permission by:

Curran Associates, Inc. 57 Morehouse Lane Red Hook, NY 12571



Some format issues inherent in the e-media version may also appear in this print version.

Copyright© (2021) by Atlantis Press All rights reserved. Copyright for individual electronic papers remains with the authors.

For permission requests, please contact the publisher:

Atlantis Press Amsterdam / Paris

Email: contact@atlantis-press.com

Conference Website: http://www.atlantis-press.com/php/pub.php?publication=iclhr-21

Printed with permission by Curran Associates, Inc. (2022)

#### Additional copies of this publication are available from:

Curran Associates, Inc. 57 Morehouse Lane Red Hook, NY 12571 USA

Phone: 845-758-0400 Fax: 845-758-2633

Email: curran@proceedings.com Web: www.proceedings.com

## TABLE OF CONTENTS

HUMAN RIGHTS APPROACH IN THE DISPARITY OF TERRORISM COURT DECISIONS	1
PERSONAL DATA PROTECTION IN RELATION WITH DATA EXCHANGE FOR THE PURPOSE OF COLLECTION AND DISTRIBUTION OF ECONOMIC RIGHTS OF THE	
COPYRIGHT OF INDONESIAN SONGS IN DIGITAL WORLDWIDE	9
GOVERNMENT LIABILITY TO ADVERSE EVENT FOLLOWING COVID-19 VACCINE IMMUNIZATION IN INDONESIA: THE RIGHT FORM OF ACCESS TO JUSTICE?	14
THE EFFECT OF PANDEMIC ON LONELINESS IN THE NEW NORMAL LIFE	27
THE HIGHEST ATTAINABLE STANDARD OF HEALTH FOR FEMALE WORKERS IN THE PANDEMIC FROM HUMAN RIGHTS PERSPECTIVE CASE STUDY IN INDONESIA	33
TRAVEL BAN POLICY IN HANDLING COVID-19 OUTBREAK: IMPLEMENTATION UNDER INDONESIAN LAW AND HUMAN RIGHT PERSPECTIVE	41
TELE-COUNSELING SERVICES FOR CLIENTS: DURING COVID-19 PANDEMIC	50
THE ROLE OF INDONESIAN CONSTITUTIONAL COURT IN PROTECTING THE RIGHTS TO HEALTH SECURITY FOR HEALTH WORKERS	57
WHAT CAN BE LEARNED FROM POUND'S THEORY: ANALYZING SEVERAL GOVERNMENTS' POLICY RESPONSE DURING THE OUTBREAKS OF COVID-19	65
INTELLECTUAL PROPERTY AND PUBLIC HEALTH EMERGENCY: BOLAR PROVISION AND PARALLEL IMPORT	78
BAILOUT POLICY IN THE MINERALS AND COAL ACT ECOLOGICAL JUSTICE PERSPECTIVE	84
MISCARRIAGES OF JUSTICE IN INDONESIA: MARGINALIZED GROUPS, STRUCTURAL VICTIMIZATION, AND FORMAL SOCIAL CONTROL	91
VIRTUAL LEGAL AID POST (POSBAKUM) IN THE NEW NORMAL ERA	102
THE DISPARITY OF PSBB'S SANCTIONS IN LOCAL GOVERNMENT REGULATION IN INDONESIA	108

RETHINKING INDONESIAN VISA POLICY: AN ONSHORE VISA AS A TOOL TO ANTICIPATE NON-TRADITIONAL SECURITY THREATS	115
THE VACCINATION POLICY DILEMMA: BETWEEN GOVERNMENT RESPONSIBILITY AND THE RIGHTS OF CITIZENS	123
THE URGENCY OF THE TRUTH AND RECONCILIATION COMMISSION (KKR): A PROBLEM SOLVING OF HUMAN RIGHTS AND LEGAL STAGNATION IN INDONESIA	129
THE URGENCY OF FORMULATING NEW GOVERNMENT REGULATION ON THE MENTAL REHABILITATION OF CHILD VICTIMS OF SEXUAL CRIMES AFTER THE ADAPTION TO THE NEW-NORMAL Laurenzia Luna, Serlly Waileruny	137
RATIO LEGIS OF THE IMPLEMENTATION OF OBSTRUCTION OF JUSTICE REGULATIONS IN CORRUPTION TOWARDS ADVOCATES IN INDONESIA	146
THE EFFECT OF RELIGIOSITY ON SOCIETY'S LAW AWARENESS IN COMPLYING WITH HEALTH PROTOCOL IN DKI JAKARTA PROVINCE	154
INDONESIAN PERSPECTIVE ON THE PROTECTION OF THE RIGHT TO HEALTH FOR MIGRANT DOMESTIC WORKERS DURING THE COVID-19 PANDEMIC	161
CRIMINALIZATION OF COVID-19 VACCINE OBJECTOR ASSOCIATED WITH SIRACUSA PRINCIPLES: STUDY ON PROVINCIAL REGULATION OF DKI JAKARTA NUMBER 2 OF 2020 ON CORONA VIRUS DISEASE PREVENTION 2019	169
MANAGING CYBERBULLYING IMPACTS IN TIME OF DIGITAL ECOSYSTEM (LESSON LEARNED FROM TEENSVICTIMS-ACTORS EVIDENCE FROM JAKARTA)	178
THE ROLE OF THE INDONESIAN CONSTITUTIONAL COURT IN DEVELOPING INCLUSIVE LEGAL SYSTEM THROUGH A JUDICIAL REVIEW IN THE ECONOMIC SECTOR	188
DEBATE EMERGENCY LAW TO HANDLE COVID-19 PANDEMIC: HOW STATES REGULATE IN TIME OF CRISIS	194
PRIVACY ON PERSONAL DATA COLLECTION: SURVEILLANCE DURING THE NEW NORMAL IN INDONESIA	201
THE STATE'S RESPONSIBILITY IN FULFILLING HUMAN RIGHTS DURING THE COVID-19 PANDEMIC	210

THE ADAPTATION OF PUBLIC SERVICE DURING THE COVID-19 PANDEMIC: CASE STUDY OF "OBROLAN PENELITI" AT THE RESEARCH AND DEVELOPMENT AGENCY FOR LAW AND HUMAN RIGHTS	218
THE ELIMINATION OF SEXUAL VIOLENCE BILL: PREVENTION EFFORT AND ACCESS TO JUSTICE FOR VICTIM	224
THE EFFECTIVENESS OF ONLINE TRIALS AND ONLINE VISITS FOR PRISONERS WITH DISABILITIES IN CLASS IIB SANGGAU DETENTION CENTER	229
PARADOXICAL PERSONAL SPACE DURING THE PANDEMIC: STUDY IN ADOLESCENCE GROUP WITH LAW VIOLATION RISK IN A SMALL REGION IN INDONESIA	238
JUSTICE VALUE FOR SOCIETY ON IMPLEMENTATION OF VISA AND STAY PERMIT POLICY IN THE NEW NORMAL	243
LEGAL POLICY AND CONSTITUTIONALITY IN CONTROLLING THE COVID-19 PANDEMIC IN INDONESIA	249
FEMINIST PARADIGM FOR WOMEN CHILD REFUGEE ON INDONESIA RECENTLY IN NEW-NORMAL ERA	259
STUDY ON THE APPLICATION OF THE CONCEPT OF SUBSTANTIAL SIMILARITY FOR THE PROTECTION OF ARCHITECTURAL WORKS TOWARDS RENEWAL OF THE COPYRIGHT LAW IN INDONESIA	265
FACTORS INFLUENCING ABUSE/CIRCULATION OF NARCOTICS IN THE CORRECTIONAL INSTITUTION AND DETENTION CENTERS IN INDONESIA	270
LEGAL DEVELOPMENT THROUGH THE IMPLEMENTATION OF NON-CONVICTION BASED CONCEPTS IN MONEY LAUNDERING ASSET RECOVERY PRACTICES IN INDONESIA	275
STRICT LIABILITY FOR THE PRODUCT OF COVID-19 VACCINE AS A FORM OF HUMAN RIGHTS PROTECTION FROM THE STATE TO THE CONSUMER	283
THE UNIVERSALITY OF HUMAN RIGHTS AND PEOPLE MANDATE IN INDONESIA	291
LEGAL POLITICS OF REPLACING THE REGIONAL HEAD CANDIDATES WITH STATUS AS CRIMINAL SUSPECT	302
200. 7 7 7 200. 7 200. 7 200. 7 200. 7 200. 7	

BALE MEDIATION AS A MEDIATION IMPLEMENTATION INSTITUTION BASED ON LOCAL WISDOM IN DISPUTE RESOLUTION IN WEST NUSA TENGGARA	309
Lelisari Lelisari	
OPTIMIZATION OF TECHNOLOGY USE IN THE NEW NORMAL PAROLE PROGRAM: A COMPARATIVE STUDY OF INDONESIA, THE UNITED STATES AND THE UNITED	
KINGDOM	317
CONSISTENCY OF THE CONSTITUTIONAL COURT'S DECISIONS IN RESOLVING	
DISPUTES OVER THE AUTHORITY OF STATE INSTITUTIONS	328
LAW ENFORCEMENT AND HEALTH PROTOCOLS TOWARDS COVID-19 PATIENTS DURING SELF-ISOLATION	335
Yuliyanto Yuliyanto, Suharyo Suharyo, Ulang Mangun Sosiawan, Hilmi Ardani Nasution, Jody Imam Rafsanjani	
LEGAL ASPECT OF INDIVIDUAL COMPANY FOR MICRO AND SMALL BUSINESS IN OMNIBUS LAW ON JOB CREATION	343
Nevey Varida Ariani, Maria Lamria, Fuzi Narindrani	5 15
FULFILLMENT OF THE RIGHT TO HEALTH THROUGH VACCINATION SERVICES COVID-19 IN PALU CITY - CENTRAL SULAWESI, INDONESIA	350
Aminuddin Kasim, Ketut Suarayasa, Andi Purnamasari, Supriyadi Supriyadi	330
THE IMPLEMENTATION OF ONLINE VISITS IN PRISON	358
LEGAL BREAKTHROUGH STEPS AS AN EFFORT TO IMPROVE COMPETITIVENESS CLIMATE AND GUARANTEE LEGAL CERTAINTY FOR INVESTMENT IN INDONESIA	363
THE EFFECTIVENESS OF A TASK FORCE FOR PREVENTING SEXUAL EXPLOITATION: EVIDENCE FROM HUMAN TRAFFICKING (WOMEN AND CHILDREN) IN EAST NUSA	
TENGGARA, INDONESIA	376
ASSURING MARGINALIZED GROUPS FOR JUSTICE DURING AND AFTER THE COVID-	20.4
19 PANDEMIC Erza Lasoturia Anansih Mendrofa	384
INTEGRATIVE NEGOTIATION APPROACH BY THE INDONESIAN CONSTITUTIONAL COURT IN CONCURRENT GENERAL ELECTIONS POLICY	399
ACCESS TO JUSTICE FOR TRANSGENDER PEOPLE IN THE PERSPECTIVE OF THE STATE LAW OF PANCASILA THROUGH LEGAL EMPOWERMENT	410
THE ROLE OF INTELLECTUAL PROPERTY IN THE DEVELOPMENT OF DIGITAL HEALTH SYSTEM: LESSON LEARNED FROM THE PANDEMIC	416
IMPROVING ACCESS TO LEGAL ASSISTANCE SERVICES FOR PRISONERS	425

REVITALIZATION OF THE APPLICATION OF ISLAMIC PRINCIPLES AND THE ITE LAW IN BUSINESS DEVELOPMENT IN THE ERA OF DIGITAL TRANSFORMATION	435
Aristoni Aristoni, Moh. Nurul Qomar, Eni Kusrini	
VIOLATIONS OF HUMAN RIGHTS BY CRIMINAL ACTS OF MISAPPROPRIATION OF SOCIAL ASSISTANCE FUNDS	442
THE UNDERSTANDING OF INDONESIAN PASSPORT HOLDERS IN TACKLING EMERGENCY SITUATIONS WHILE OVERSEAS: CASE STUDY: SAFE TRAVEL APPLICATION	453
Sri Mawarni	
MANDATORY COVID-19 VACCINATION PROGRAM IN INDONESIA UNDER INTERNATIONAL HUMAN RIGHTS LAW: A LEGITIMATE LIMITATION?	459
REVITALIZATION OF LOCAL WISDOM IN PREVENTING INTOLERANCE AND RADICALISM IN INDONESIA	470
Oksimana Darmawan, Firdaus Firdaus, Okky Chahyo Nugroho, Oki Wahju Budijanto, Donny Michael, Penny Naluria Utami, Yuliana Primawardani, Tony Yuri Rahmanto, Marwandianto Marwandianto, Abi Marutama	
IMPLEMENTING PROHIBITION OF HATE SPEECH UNDER ARTICLE 28(2) OF INDONESIAN ELECTRONIC INFORMATION AND TRANSACTION LAW	476
THE IMPACT OF VIRTUAL CRIMINAL TRIAL IMPLEMENTATION TOWARDS JUDGE'S SENTENCING DECISION IN WEST JAKARTA DISTRICT COURT	485
INVOKING COMPULSORY LICENSING AMIDST THE COVID-19 PANDEMIC: INCREASING ACCESSIBILITY OF VACCINES IN INDONESIA  Dyah Ayu Saraswati, Ghina Raihanah, Amanda Normanita Siregar	491
SYRACUSE PRINCIPLES AND PUBLIC HEALTH RIGHTS DURING THE COVID-19 PANDEMICS IN A HUMAN RIGHTS PERSPECTIVE	500
HUMAN RIGHT PROTECTION IN ONLINE COURT PROCEEDINGS	509
POTENTIAL VIOLATIONS OF THE RIGHT TO MOBILITY IN GOVERNMENT POLICIES RELATED TO THE COVID-19 PANDEMIC OUTBREAK	515
ACCESS TO JUSTICE FOR MARGINALIZED DALIT PEOPLE IN INDIA: ANALYZING THE CHALLENGES IN ATTAINING THE SUSTAINABLE DEVELOPMENT GOALS	522
THE PATTERN OF LAW ENFORCEMENT VIOLATIONS OF HEALTH PROTOCOLS IN THE TIME OF COVID-19 IN INDONESIA	527
THE DISCREPANCY OF LEGAL PROVISIONS REGARDING THE ELECTRONIC IDENTIFICATION CARD (E-KTP) FOR FOREIGNERS: IMMIGRATION PERSPECTIVE	535

LAWSUITS AT THE ISLAMIC COURTS DURING THE PANDEMIC IN INDONESIA	542
TACKLING INTELLECTUAL PROPERTY RIGHTS INFRINGEMENTS IN E-COMMERCE THROUGH DIGITAL NON-FORMAL COMMUNITY-BASED EDUCATION	547
THE URGENCY OF LEGAL PROTECTION FOR ONLINE LOAN SERVICE USERS	553
HEALTH SERVICES CONTROVERSY IN EMERGENCY CONDITIONS SEEN THROUGH THE ZAAKWAARNEMING APPROACH	560
THE RIGHT TO HEALTH ASSESSMENT ON INDONESIAN POLICY ON RELEASING INCARCERATED PEOPLE	567
STATES RESPONSIBILITY VS DOMESTIC CONTROL MEASURES OF THE COVID-19 PANDEMIC: AN ANALYSIS OF THE CURRENT INTERNATIONAL HEALTH REGULATION (IHR) REGIME Erna Dyah Kusumawati	574
LEGAL PROTECTIONS FOR LECTURERS	583

**Author Index**