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Numbers Don't Lie: COVID-19 Legal Trends in ASEAN

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Abstract

This study compares the COVID-19 legal trends among 10 ASEAN countries during March 2020-September 2021. The study is an explanatory project with quantitative approach in comparing the number of legislations in South East Asia. The study aims to obtain a credible quantitative report from the region. The report would be beneficial to future qualitative reasoning when in-depth individual country's pandemic profile is taken into account. The comparison examines the Covid Law Lab database, a joint collaboration between the World Health Organization (WHO), United Nations Development Programme (UNDP), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the O'Neill Institute for National and Global Health Law and Georgetown University. Globally, among 4,880 Titles adopted in 192 countries, 1493 (31%) Titles are under the topic of 'movement and distancing restriction', followed by 470 (9%) Titles on 'state of emergency'. In ASEAN, 'movement and distancing restriction' remains the most legislated topic. The Philippines is recorded as the most legislating country in the region (150 Titles), followed by Myanmar (139 Titles) and Indonesia (138 Titles), while the least legislating country is Brunei Darussalam (1 Title). This study finds that COVID-19 legal trends in ASEAN is divergent to some extent from the global picture. Nonetheless, 'movement and distancing restrictions' legal topic is prevalent in the region and has led the 10 countries to its current pandemic situation.

Keywords: COVID-19, legislation, ASEAN

1. Introduction

Reports show that countries have been trying to reverse the course of the pandemic by utilizing their police powers. While all jurisdictions accross ASEAN are known to pass new laws to address COVID-19, they are not starting from a level playing field (Djalante et al., 2020; Sadiq et al., 2021; Chong et al., 2021; Zulkarnaen, 2020).

The OECD report on regulatory practices emphasized at least two key points. First, countries in the Southeast Asian region have already been in the path of improving their regulatory processes (Sepulveda et al., 2020; Wildman, 2021). It is not limited only to institutions, but also in terms of institutional strengthening. One of the burdens in regulatory dimension is regarding the administrative barriers that are prevalent throughout decades across all acountries in the region. In this regard, countries are deploying their efforts to put good regulatory practices (GRPs), integrating regulatory impact assessments (RIAs), as well as enhancing stakeholders' participation (Lumpkin and Lim 2020; Ohannessian et al., 2020). These measures are expected to boost countries in addressing administrative barriers, including by simplifying the oversight mechanisms as well as result deliveries.

Furthermore, since the coming of COVID-19 pandemic in the region, countries were aware of the importance of evidence-based and well-commanded regulatory policy to limit the spread of the virus. It is also known that all measure shall be eventually addressing the possible negative impact of the pandemic toward the economy and recovery processes (Gupta et al., 2020; Chaudhary, 2020; Nasution et al., 2020; Boettke and Powel, 2021). These constrains have been pushing countries to shorten process and move in a crisis-mode regulatory practice.

The example of regional-specifc COVID-19 approach is the Reciprocal Green Lane (RGL). It is a Singaporean travel policy where travellers can maintain a short period of stay with some specific conditions, especially during the pandemic. In February 2021, Singaport suspended its RGL scheme with Malaysia, Germany, and South Korea (Gao et al., 2021; Mahadiansar et al., 2021). However, it sustains the RGL scheme with Brunei Darussalam and several regions in Mainland China, namely Chongqing, Guangdong, Jiangsu, Shanghai, Tianjin and Zhejiang). The implementation of RGL is particularly beneficial in keeping the economic and recovery supply-chain in place. In April

2021, Malaysia and Brunei Darussalam were making a significant progress in putting RGL plan between the two countries.

These dynamic regulatory developments intrigue a particular inquiry on how actully this emerging region is tackling the pandemic. Observers like Djalante et al. (2020) has been focusing this area as well. They compares the 10 ASEAN Member States and they suggested that, through policy science approach, that regional response was slow and individuals (period of January-February 2020). Nonetheless, regional collaboration started to gain traction during March and April 2020 (Li et al 2021; Kliem 2021; Papageorgiou, 2020). The main objective of this paper is added of the knowledge regarding the region by providing a quantitative explanatory regarding adopted legislations the 10 ASEAN Member States

2. Methodology

The quantitative approach is preferred in this study for a particular reason. This study hypothesizes that the number and trends of laws adopted by the 10 ASEAN Membes States validate earlier findings by Djalante et al (2020). By portraying the trends in numerical figures, this study will verify whether individual countries were particluarly shared a common trait in legislating the pandemic.

The comparison examines the Covid Law Lab database, a joint collaboration between the World Health Organization (WHO), United Nations Development Programme (UNDP), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the O'Neill Institute for National and Global Health Law and Georgetown University.

In the description of the database, it is intended to collect legal instruments related to COVID-19 from 190 countries globally. With this directory, the founders expect to contribute in the development of stronger legal frameworc around the globe to address the COVID-19 pandemic. With that in mind, this paper proceeds the goal of this database, whereas, follow-ups to this paper could help building a better understanding how we use law.

This extracts the information from the database and processes the analysis using spreadsheets and available in-app analytical tools. This paper limits the instruments adopted throughout March 2020-September 2021 by the 10 ASEAN Member States.

3. Results and Discussion

This paper divides the focus into several aspects, according to the following supporting questions:

a) What are the most regulated areas in general? This question will be answered by looking at the overall, global, top topics regulated by running a Boolean search in the database and put them in a spreadsheet.
b) Specific to the 10 ASEAN Member States, how many legislations were adopted by each country throughout the period? The answer to this question will provide the general idea of the legal environment. This step is beneficial, especially when we are going to see a more in-depth examination relatve to the COVID-19 situation.
c) Taking the most regulated topic in the region, where is the trend has more weigh? This will be answered by crossing the finding (a) and (b) or in the expression of a x b.
d) Taking into account the time (t), how the legislating trend among the 10 ASEAN Member States? How the aggregate number of legislation (l and Σl) in each point of time? This timeline will suggest the argument to support Djalante et. al.'s findings.
e) Lastly, given the existing pandemic chart, what is the relative position of the timeline against the ongoing pandemic in the region?

3.1. Most Regulated Topics

Globally, among 4,880 Titles adopted in 192 countries, 1493 (31%). Titles are under the topic of 'movement and distancing restriction', followed by 470 (9%) Titles on 'state of emergency'. Table 1 and also emphasized by Figure 1, shows the top ten most legislated topics in the world. Out of the ten topics, six of them are actually fall under a more generic theme of movement restriction.

Provided that the COVID-19 nature, it is a clear indicator that these laws were already informed by scientific advances around the virus. Phyisical distancing, among other procedures, is agreed by at least 31% state rulers around the world as a promising feat to contain the virus. This also suggests that these governments do listen to public health experts.

Table 1. Topics of Legislation-Global

Topics of Legislation	N
Movement & Distancing Restrictions	1493
State of emergency/public health emergency	470
Isolation, Quarantine Measures, Movement & Distancing Restrictions	442
Access to medicines and intellectual property	319
Isolation, Quarantine Measures	220
Disease Surveillance and Technology, Isolation, Quarantine Measures, Movement & Distancing Restrictions	207
Disease Surveillance and Technology	183
Disease Surveillance and Technology, Movement & Distancing Restrictions	178
Movement & Distancing Restrictions, State of emergency/public health emergency	157
Vaccine	157

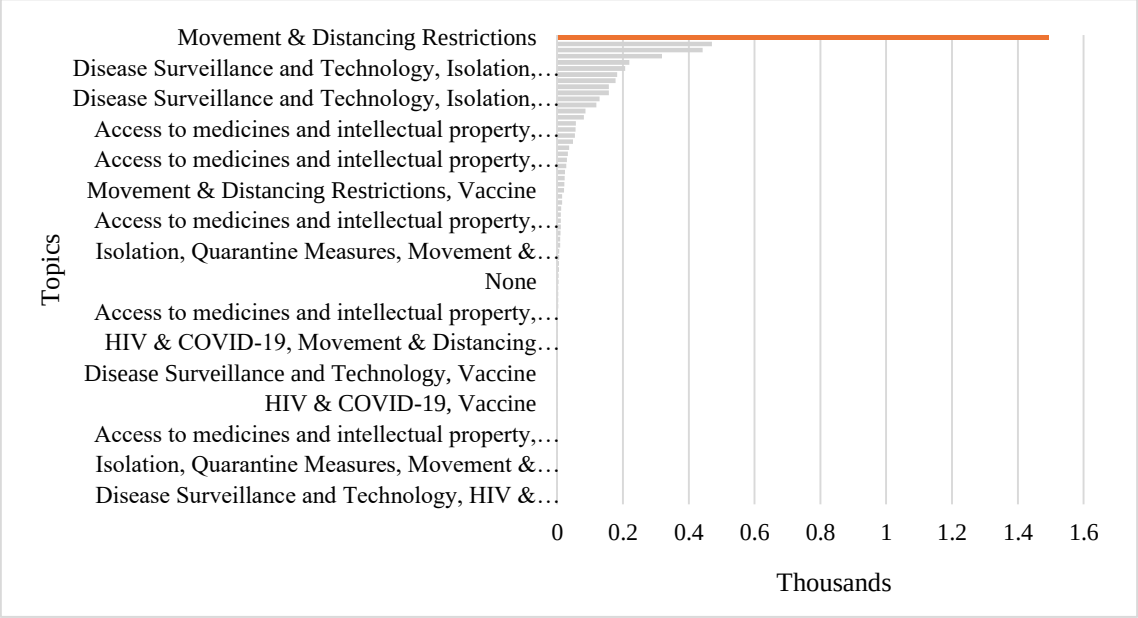

Figure 1. Topics of Legislation-Global

3.2. The Number of Legislations in Southeast Asia

In ASEAN, 'movement and distancing restriction' remains the most legislated topic. The Philippines is recorded as the most legislating country in the region (150 Titles), followed by Myanmar (139 Titles) and Indonesia (138 Titles), while the least legislating country is Brunei Darussalam (1 Title). In total, we could see at least 877 legislations were adopted in the region throughout 19-month period. If we look at the average, that number would compute to 46 legislations permonth in the region. However, looking only at the average would possibly lead us to a rather vague understanding. It is more helpful if we look what does this number say when we try to contrast it with the top legislated topic: Movement Restriction. The COVID-19 legislations in 10 ASEAN member states can be seen in Table 2.

Table 2. COVID-19 Legislations in 10 ASEAN Member States

Member States *(s)*	legislations *(l)*
Philippines	150
Myanmar	139
Indonesia	138

Malaysia	136
Cambodia	119
Thailand	101
Viet Nam	57
Singapore	33
Lao People's Democratic Republic	3
Brunei Darussalam	1
Grand Total (*Σl*)	**877**

3.3. Top Topic in the Region

Table 3 explicates the previous finding on the number of legislations in each individual country in the region against the Movement Restriction topic. The third column (Movement Restriction) indicates the number of legislations on Movement Restriction out of the total legislation (l) in each country. We could see that Cambodia has the most movement restriction legislations both in absolute number and percentage. It is also an invitation for further examination, why the database does not indentify such laws in Lao People's Democratic Republic and Brunei Darussalam. Overall, the region has 27% representation of Movement Restriction which a little less than the global portion oof 31%.

Table 3. Top Topic in the Region

Member States	*l*	Movement Restrictions	Percentage
Philippines	150	24	16%
Myanmar	139	42	28%
Indonesia	138	43	29%
Malaysia	136	5	3%
Cambodia	119	65	43%
Thailand	101	28	19%
Viet Nam	57	8	5%
Singapore	33	18	12%
Lao People's Democratic Republic	3	0	0%
Brunei Darussalam	1	0	0%
Grand Total	**877**	**233**	**27%**

3.4 Timeline

The temporal dimension, again, is going to be useful in understanding the overall trend of the previous number. Previously, we got the numbers of COVID-19 legislations in ASEAN. Putting it in a timeline would be beneficial to see if there is seasonal pattern indicating the legislating behavior among countries.

Figure 2 shows that there were spikes in the period of March-June 2020. It was the beginning of the pandemic in the region. There was also a spike around February 2021. To put in some context, the first vaccine in the region was shot to Indonesian President Joko Widodo in January 2021, while the Delta variant was announced in May 2021.

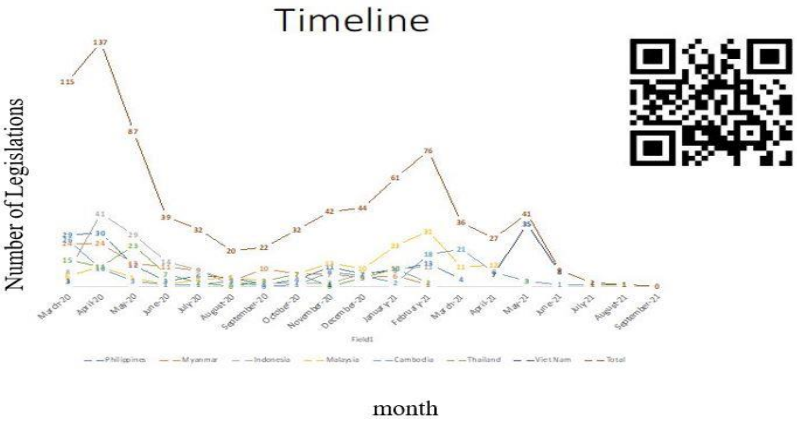

Figure 2. Timeline

Figure 4 shows the daily confirmed COVID-19 cases per million people as released by Our World in Data. It shows that cases were spikinh in all countries in ASEAN starting the second semester, which Delta variant was widespreading and vaccine program was still in the initial phase. Stepping into the end of 2021 where vaccination has been rolled out, cases declined. Therefore, if we layer both the timeline and the daily confirmed COVID-19 cases as in Figure 5, we could see that legislation line was spiking in the beginning, but then slopes down when programs have been implemented.There was a parallel spike during the beginning of Delta variant, which confirmed the idea that countries tend to legislate in the beginning of a pandemic.

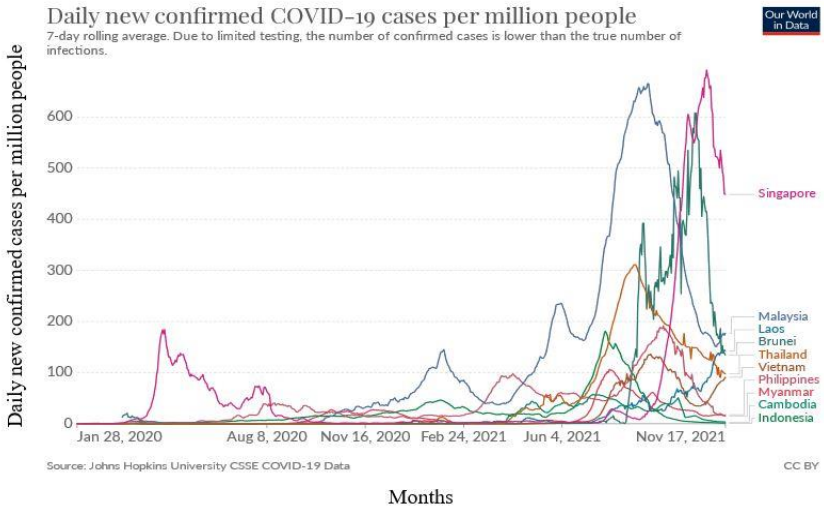

Figure 3. Pandemic Chart-Our World in Data

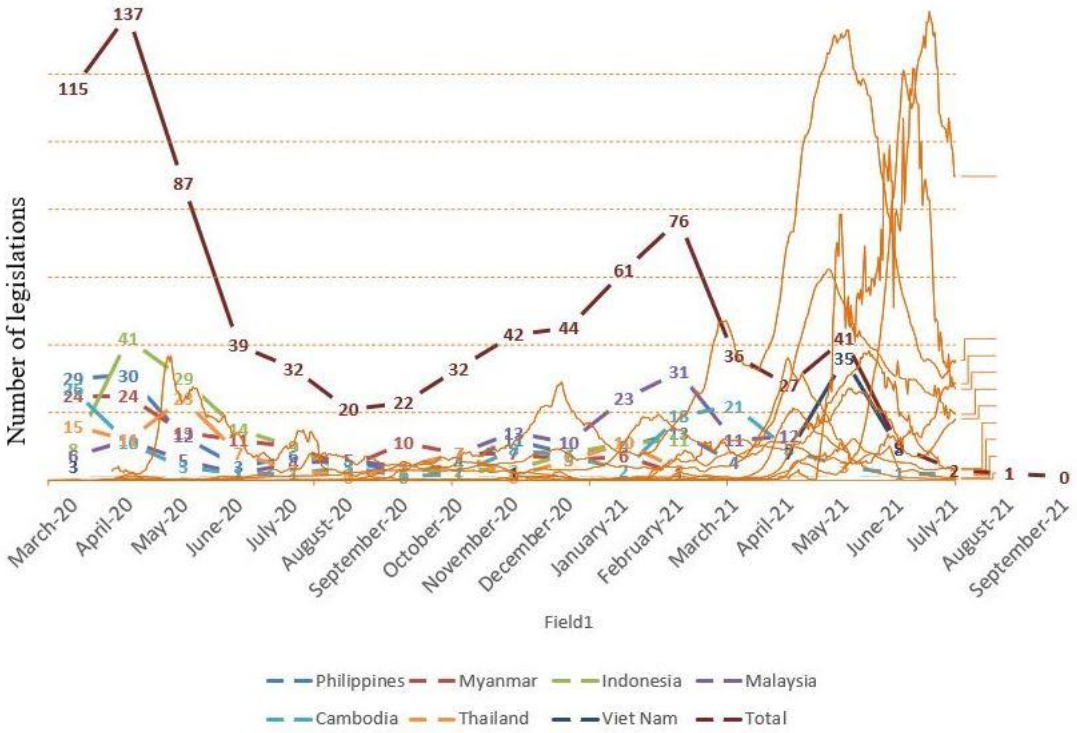

Figure 4. Legislation Timeline on the Pandemic Chart

4. Conclusion

This study strengthens the idea that, as proven in ASEAN, countries were legislating the most during March-April 2021. This is in line with Djalante et. al.'s findings. This study however, strengthen the idea by finding a confirmation durng the second legislating season when Delta variant hit in mid-2021. Therefore, this paper validates those countries tend to legislate in the beginning of a pandemic.

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